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SUPREME COURT OF THE STATE OF CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA,)
)
Plaintiff-Respondent,)
) CR 72787
vs.)
) Supreme Court
KEVIN COOPER,) No. CRIM
) 24552
Defendant-Appellant.)
_____)

APPEAL FROM THE SUPERIOR COURT OF SAN DIEGO COUNTY

HONORABLE RICHARD C. GARNER, JUDGE PRESIDING

REPORTERS' TRANSCRIPT ON APPEAL

APPEARANCES:

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54
VOLUME ~~44~~ volumes.
Pages 4574 to 4713, incl.

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Official Reporters

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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

VOLUME 44
Pgs. 4574 thru 4713, incl.

REPORTERS' DAILY TRANSCRIPT
BEFORE HONORABLE RICHARD C. GARNER, JUDGE
DEPARTMENT 3 - ONTARIO, CALIFORNIA
Monday, July 9, 1984

APPEARANCES:

For the People:	DENNIS KOTTMEIER District Attorney
	DENNIS KOTTMEIER District Attorney By: JOHN P. KOCHIS Deputy District Attorney
For the Defendant:	DAVID MCKENNA Public Defender By: DAVID NEGUS Deputy Public Defender

Reported by:	JILL D. McKIMMEY Official Reporter C.S.R. No. 2314 and BRIAN RATEKIN Official Reporter C.S.R. No. 3715
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1 ONTARIO, CALIFORNIA; MONDAY, JULY 9, 1984; 9:40 A.M.
2 DEPARTMENT NO. 3 HON. RICHARD C. GARNER, JUDGE
3 APPEARANCES:
4 The Defendant with his Counsel, DAVID
5 NEGUS, Deputy Public Defender of San
6 Bernardino County; JOHN P. KOCHIS,
7 Deputy District Attorney of San
8 Bernardino County, representing the
9 People of the State of California.
10 (Jill D. McKimney, C.S.R., Official Reporter, C-2314,
11 Brian Ratekin, C.S.R., Official Reporter, C-3715)
12
13 THE COURT: Good morning.
14 Mr. Negus. Mr. Kochis, Mr. Cooper are all present.
15 We are ready for your next witness.
16 MR. NEGUS: Dan Gregonis.
17 THE CLERK: Do you want him resworn?
18 THE COURT: It's been so long. He's testified
19 before, but let him be sworn again.
20
21 D A N I E L J. G R E G O N I S, called as a witness by
22 the defense, was examined and testified as follows:
23 THE CLERK: You do solemnly swear the testimony
24 you are about to give in the action now pending before
25 this court shall be the truth, the whole truth, and
26 nothing but the truth, so help you God?

011-996

1 THE WITNESS: I do.

2 THE CLERK: Please be seated.

3 State your name, please, for the record, and spell
4 your last name.

5 THE WITNESS: Daniel J. Gregonis, G-r-e-g-o-n-i-s.

6

7 DIRECT EXAMINATION

8 BY MR. NEGUS:

9 Q Mr. Gregonis, on June 6, 1983, did you go to
10 2943 English Road in the Chino Hills?

11 A Yes, I did.

12 Q What was your purpose in going there?

13 A The basic purpose is me and Mr. Ogino went there was
14 to observe the crime scene and also to see if we can
15 do something with the blood spatter that was out
16 there.

17 Q What do you mean do something with the blood spatter?

18 A As to any possibility for placing the victims or
19 such as far as the patterns of the blood spatter.

20 Q You mean interpreting the blood spatter patterns to
21 try and reconstruct what had happened during the
22 crime?

23 A Essentially, yes.

24 Q Did you also go out there to seek additional evidence?

25 A That was not our primary purpose, but it was a
26 possibility, yes.

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1 Q What do you mean by that?

2 A Well, we did not -- I mean our primary purpose was
3 for the blood spatter evidence, and then our secondary
4 purpose, if we found any, was to collect additional
5 evidence.

6 Q When you went out with the purpose of doing the blood
7 spatter interpretation, what -- what -- what actually
8 were you going to do, just look or photograph and
9 document or what?

10 A Basically, at that point just look at it and see if --
11 see what could be done at that point, if anything.

12 Q Were there interpretable patterns in the Ryen house
13 when you got there?

14 MR. KOCHIS: Objection, no foundation on his part.

15 THE COURT: He laid a foundation before, did he
16 not, Mr. Kochis?

17 MR. KOCHIS: Not with this witness, not for blood
18 splatter patterns.

19 THE COURT: All right, some sort of foundation,
20 Mr. Negus.

21 Q BY MR. NEGUS: Mr. Gregonis, in the field -- you are
22 a criminalist; right?

23 A Yes, I am.

24 Q And you received your degree in criminalistics from
25 the Metropolitan University of Denver; is that correct?

26 A Metropolitan State College, yes.

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- 1 Q Excuse me. Metropolitan State College of Denver.
2 And the particular course of curriculum was one
3 where your major was in fact the study of the science
4 as it applies to studying crime; is that correct?
- 5 A Essentially, yes.
- 6 Q In the field of criminalistics, is there a sub-specialty
7 which deals with the study of the patterns made by --
8 by blood when it's deposited through flying through
9 the air, through dropping, through a variety of
10 means?
- 11 A That's a sub-field, yes.
- 12 Q Within that sub-field, is there one particular -- is
13 there one particular person who -- who has done the
14 most publishing in that particular field?
- 15 A To my knowledge, yes.
- 16 Q Who is that?
- 17 A That would be Herb MacDonell.
- 18 Q And he teaches somewhere in upstate New York and has
19 been doing this for many, many years?
- 20 A I'm not sure where he teaches, but he has been doing
21 it for many years.
- 22 Q And he has a book entitled Flight Characteristics
23 and Stain Patterns of Human Blood; is that right?
- 24 A Yes, he does.
- 25 Q And that is the major text in the field; is that
26 correct?

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1 A It is a major text, yes.

2 Q It's one of the -- it or like reeditions of it are
3 the only actual books on bloodstain pattern interpre-
4 tation; is that right?

5 A I can't say it's the only book, but it is a book. I
6 believe it is the only book that I know of that is
7 only on blood spatter.

8 Q And you have read and studied that book; is that
9 correct?

10 A I have read it, yes.

11 Q Have you also read in criminalistics textbooks where
12 blood spatter interpretation is mentioned?

13 A Yes, I have.

14 Q For example, have you read a book by Paul Kirk
15 entitled Crime Investigation?

16 A No, I have not.

17 Q What books have you read where blood spatter
18 interpretations --

19 THE COURT: Counsel, you needn't go into it. I
20 will permit his opinion on the subject. The further
21 objection on foundational grounds is overruled.

22 MR. NEGUS: Can I have the last question that we
23 had the objection to?

24 (Whereupon, the last question was read
25 by the reporter.)

26 MR. NEGUS: What I was talking about --

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1 THE COURT: Counsel, I believe -- can't you pick
2 it up? He went there primarily to interpret blood patterns,
3 but also to collect other evidence.

4 MR. NEGUS: I know what it was.

5 Q Were there interpretable blood patterns in the Ryen
6 residence?

7 A Yes, there were.

8 Q In what areas?

9 A The major areas were what would be the -- I believe
10 the south wall, which is above the headboard on the
11 bed.

12 Q You're talking in the master bedroom now?

13 A Yes. There were some on the east wall, basically all
14 the walls.

15 Q Any other areas?

16 A There were some patterns potentially on the door
17 leading to the hallway from the master bedroom, and
18 also in the bathroom.

19 Q What about on the furniture?

20 A There were definitely blood spatter on the furniture
21 also.

22 Q And were those patterns interpretable?

23 A Yes, they were.

24 Q Was there blood spatter on the carpet?

25 A I remember blood being on the carpet, but I don't
26 know whether they were blood spatter or not.

1 Q Were the patterns of blood on the carpet, be they
2 pooled blood or dripped blood or spattered blood or
3 whatever, interpretable?
4 A Okay. I'm unclear as to what you mean by interpretable.
5 (No omissions.)
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- 1 Q As you were using them before, that is,
2 you could get, by examining them through the study
3 of criminalistics, get some idea of how they were
4 deposited, from where they were deposited, that sort
5 of thing?
- 6 A I believe there was some information that could have
7 been gained out of that, yes.
- 8 Q What?
- 9 A Basically, just the ones that I remember are basically
10 just where the victims were lying.
- 11 Q The victims weren't there when you were in the room;
12 is that right?
- 13 A No, sir, they were not.
- 14 Q But because of the patterns on the rug, you could make
15 inferences about where they were -- the victims had
16 been lying?
- 17 A Plus the fact that I had been told by one of the
18 detectives that who was lying where.
- 19 Q But just from looking at the blood alone, could you
20 make inferences that somebody had been lying in certain
21 positions on the -- on the carpet?
- 22 A I couldn't tell you the positions. I could tell you
23 that somebody was -- what was at that point bleeding.
- 24 Q What I meant by "positions" was positions on the carpet,
25 not the position the body was in; locations on the
26 carpet.

011203

- 1 A Locations. Basically, yes.
- 2 Q Was there also blood on the ceiling?
- 3 A I don't remember at this point.
- 4 Q How long did you and Mr. Ogino spend analyzing the
- 5 patterns that were in the master bathroom, hall and
- 6 master bedroom of the Ryen house?
- 7 A Are you asking just the bathroom and the hall?
- 8 Q And bedrooms.
- 9 A I would say, at the most, a couple of hours.
- 10 Q You arrived at approximately 1:53?
- 11 A That sounds about right, yes.
- 12 Q Is that what you have in your notes?
- 13 A Yes, it is.
- 14 Q And before you began attempting to analyze the patterns,
- 15 were you taken on a tour through the house by one or
- 16 the other of the detectives?
- 17 A Yes, we were.
- 18 Q How long did that take?
- 19 A I don't remember specifically how long it took.
- 20 Fifteen minutes, maybe.
- 21 Q And, after that, you also toured the outside of the
- 22 house?
- 23 A Yes, we did.
- 24 Q How long did that take?
- 25 A Again, possibly 15 minutes. I don't know.
- 26 Q After you did your two tours, is that when you began

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1 to try and -- and interpret the patterns?

2 A As I recall, yes.

3 Q At some point in time, were you interrupted in that

4 work?

5 A I don't remember.

6 Q Well, at some point in time, did you stop doing it?

7 A Yes, we did.

8 Q Okay. Why did you stop?

9 A Okay. Again, I don't remember at that point. I --

10 it seems to me that we had already walked around the

11 entire bedroom and done -- looked at all the blood

12 spatters at that point and got an idea what -- what

13 they were and what could be done with them at that

14 point.

15 Q What do you mean, what they were and what they --

16 could be done with them? Would you elaborate on

17 that? What were they and what could be done?

18 A Basically, the reason why we stopped is that we had

19 already gone around the room looking at them. What

20 they were is it looked to me consistent with coming

21 from the victims, various types of blood spatter,

22 including arterial blood, cast-off type patterns.

23 Q What was the significance of their coming from the

24 victim?

25 A As far as the location of the victims, the type of

26 patterns that they were, my knowledge at that point

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1 as to the wounds inflicted upon the victims, it was
2 pretty much consistent with what we saw at the crime
3 scene.

4 Q Okay. What -- what could -- what could those patterns
5 tell you about what had happened to the victim?

6 A Okay. Basically, it's going to tell us possibly, at
7 least, what type of blows were inflicted, whether there
8 was arterial bleeding, some inference as to what type
9 of weapon that was used, as to whether it was a blunt
10 instrument or whether it was, whatever, gunshot, for
11 instance. That's basically it.

12 Q Well, would -- would the patterns that you saw in
13 your opinion have been -- enabled you to determine
14 the location of victims in the room when they were
15 attacked?

16 A When they were bleeding, yes, to some extent.

17 Q Given what you knew about the nature of the wounds
18 that had been inflicted on the victims and the general
19 history, it was a fair inference to make that they
20 were bleeding at the time that they were attacked;
21 is that correct?

22 A I assume, or shortly afterwards, yes.

23 Q Would the patterns you saw have enabled you to make
24 inferences as to the number of people who were
25 assailants?

26 A Not to my knowledge, no.

1 Q Would the patterns that you saw have enabled you to
2 make inferences as to the order in which the victims
3 were attacked?
4 A That is a possibility, yes.
5 Q You didn't carry your analysis far enough to determine
6 whether or not that could be done?
7 A No, sir.
8 Q Why didn't you?
9 A Basically because we were stopped at that point from
10 doing any further analysis.
11 Q By whom?
12 A By the sergeant -- detective that was in charge at
13 that point.
14 Q That was Mr. Swanlund?
15 A Yes, sir.
16 Q How did Mr. Swanlund stop you from doing what you
17 were doing?
18 A After we had done some analysis on the scene and gone
19 around and looked at all the -- the blood spatter
20 patterns, we talked to -- or, Mr. Ogino talked to
21 Mr. Swanlund requesting, or, asking for more time to
22 do any further analysis and was denied at that point.
23 Q Was there any reason given for denying it?
24 A I don't remember.
25 Q Who denied Mr. Ogino more time? Was that Mr. --
26 Mr. Swanlund as well?

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1 A Mr. Swanlund talked -- or, Mr. Ogino talked to
2 Sergeant Swanlund, yes.

3 Q And Sergeant Swanlund said no as far as his request
4 for more time?

5 A I don't -- I don't remember his specific words, but
6 the end point was no.

7 Q Okay. Did you and Mr. Ogino believe that having more
8 time was important?

9 A To reconstruct the blood spatter patterns, yes, it was.

10 Q How many people did you and Mr. Ogino together contact
11 to try and get Sergeant Swanlund's decision reversed?

12 A I believe at that point we contacted Mr. Bill Baird
13 concerning the reversal of the decision.

14 Q And did that conversation take place by telephone?

15 A Yes, it did.

16 Q And do you remember approximately what time that was?

17 A No, I don't.

18 Q Let -- as far as -- as far as -- as -- as the sequence
19 of -- of times during the day is concerned, you have
20 notes of your arrival. Do you have notes of any
21 other times during the day?

22 A I have notes of when we collected two pieces of
23 evidence, a piece of bloody gauze and some dirt from
24 the roadway.

25 Q When was that?

26 A Those times are at 4:38 and 4:41 in the afternoon.

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1 Q What about -- did you ever have any conversations with
2 Mr. Kochis?
3 A We did have a conversation with Mr. Kottmeier.
4 Q Was Mr. Kochis present?
5 A I believe so, yes.
6 Q And did the conversation that you had with Mr. Kottmeier
7 take place before or after your conversation with
8 Mr. Baird?
9 A That was before.
10 Q And did that likewise concern asking for more time?
11 A Yes, it did. Again, Mr. Ogino did the talking in that
12 conversation.
13 Q But you were present?
14 A Yes, I was.
15 Q At some point in time, do you recall doing some testing
16 using ortho-tolidine on some suspected bloodstains in
17 a refrigerator?
18 A Not specifically in a refrigerator. I remember doing
19 tests on a can, I believe it was, Olympia Gold beer can.
20 Q Did you sequence that in terms of these events? Did
21 that occur after you had talked to Mr. Baird and
22 Mr. Kottmeier?
23 A I believe it was before, but I'm not sure.
24 Q As far as doing -- completing the work of analysis
25 that you set out to do, that is analyzing the blood
26 spatter patterns alone, how much additional time would

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1 that have taken you?

2 A At that point, I believe, using two criminalists, it
3 would have taken two, possibly three days.

4 Q Why would it take that long?

5 A Because of the complexity of the scene. There was a
6 lot of blood spatter to analyze, also dependent on
7 how much we were going to do with it.

8 Q Well, at a minimum, in order to document the -- the
9 blood spatter patterns, you needed to take perpendicular
10 photographs of the blood spatter patterns with a
11 ruler showing in the photograph so you'd have some
12 idea of the distance; is that correct?

13 A In order to document them, yes.

14 Q And that process could have been done in an hour or
15 two?

16 A Not in that room, no. That would have taken, I believe,
17 a full day to do it properly.

18 THE COURT: Just to photograph?

19 THE WITNESS: Yes, sir. There was a lot of blood
20 spatter.

21 Q BY MR. NEGUS: Well, how small an area do you have to --
22 did you have to photograph in order to properly
23 document it?

24 A It depends on the blood spatter that's there.

25 Q In the Ryen bedroom.

26 A Okay. Again, it depends on which blood spatter you're

- 1 talking about. There were several that varied in
2 size and complexity.
- 3 Q Okay. Let's take -- take the -- start with the east
4 wall between the dresser and the -- and the glass
5 doors.
- 6 A As to how small an area?
- 7 Q Yeah. How many photographs would you have to take
8 of that east wall to be able to document it?
- 9 A Okay. Just between the dresser and the glass door,
10 I would have taken probably three.
- 11 Q Okay, and using a tape recorder to dictate what you're
12 taking photographs of, one criminalist could have done
13 that in three minutes; correct?
- 14 A I would say it depends on how you do it. The way I
15 would have done it is gotten a tripod and a larger
16 camera in there to document it with a scale, and our
17 normal procedure isn't using a tape recorder, so it
18 would have been taking notes. I would have said three
19 pictures probably would have taken approximately 10,
20 15 minutes to set up properly.
- 21 Q The work that's involved in setting up properly is
22 basically to make -- to visually observe that you have
23 a 90-degree angle from lens to wall; is that correct?
- 24 A Or measure it with a protractor, preferably the latter.
- 25 Q And then to focus the camera?
- 26 A Yes.

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- 1 Q Take the picture and make notes?
- 2 A Yes.
- 3 Q How many pictures would you have needed taken of the
4 glass doors?
- 5 A I don't recall the glass doors at this time, so I
6 don't -- I can't tell you how much blood spatter was
7 on there as to whether it would have been three shots,
8 four shots or one shot.
- 9 Q Basically, could you have done the whole room with
10 60 shots?
- 11 A That sounds reasonable, but it is hard to say at this
12 point.
- 13 Q So if it were 60 shots, even at your speed of 10 minutes
14 for three shots, that would take you three and a half
15 hours, approximately?
- 16 A If you are assuming 60 shots, but I'm also assuming
17 that it's going to take longer to set up some of those
18 shots too because some were obviously at different
19 angles. Some were on pieces of furniture that were
20 harder to see, so you'd have to use different lighting
21 to document that properly, which would have taken
22 additional time to set it up.
- 23 Q Could you have taken perfectly adequate photographs
24 using -- well, you don't need to do color photographs
25 in order to do this; right?
- 26 A Not necessarily, no. I would prefer color photographs.

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1 Q Just using a 35 millimeter camera, can you take perfectly
2 adequate photographs just --

3 MR. KOCHIS: Objection, vague, perfectly adequate
4 for what?

5 MR. NEGUS: For the purposes of crime scene
6 reconstruction.

7 THE COURT: Overruled.

8 THE WITNESS: Okay. Again, I -- you know, what
9 I am basing it on is that if you want to reconstruct
10 the blood spatter, you are going to want to blow up the
11 pictures as large as possible. In order to do that
12 properly, you are going to need a larger camera. The
13 one that I would have used is one we have in our lab,
14 which is a Mamiya 645.

15 Q BY MR. NEGUS: Other than -- other than taking
16 photographs at 90-degree angles with a ruler and
17 documentation of what you're taking photographs of,
18 what other work would you have had to have done at
19 the scene?

20 A Okay. At the scene itself, if we are going to do,
21 you know, total blood spatter reconstruction, we would
22 have also measured the angles at which the blood spatter
23 was deposited --

24 Q Okay.

25 A -- which it would have involved taking a number of
26 strings, a number of measurements, some calculations,

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- 1 and see where various patterns came from.
- 2 Q And have you ever done that?
- 3 A Yes, I have.
- 4 Q How long does that take?
- 5 A Again, it depends on the blood spatter. The one that
- 6 I've done it on is rather simple. I did that with
- 7 Mr. Ogino. That took -- I think it took us about
- 8 35, 40 minutes, somewhere around there.
- 9 Q Would it have been possible for one criminalist to
- 10 set up the strings while the other was documenting?
- 11 A That's why I said two criminalists, a minimum of two
- 12 to three days.
- 13 Q Well, how long do you think it would have taken to set
- 14 up just to try and locate the areas in which action
- 15 occurred using the string method in the Ryen master
- 16 bedroom?
- 17 A Again, a minimum of two to three days. It was a very
- 18 complex scene.
- 19 Q That's the kind of work that can't be done back in
- 20 the laboratory or using photos; is that correct?
- 21 A That is correct, yes.
- 22 Q Once you've done that work, then depending upon what
- 23 information you get in a scene like the Ryen bedroom,
- 24 it's possible that there would be additional work
- 25 that would need to be done; is that -- is that correct?
- 26 A That is correct, yes. It is a possibility.

0-1-2-5

- 1 Q For example, collecting evidence?
- 2 A That is a possibility, yes.
- 3 Q How would that work? I mean why would that --
- 4 A Basically, if there was something inconsistent with
- 5 the blood spatters after doing that work that we had
- 6 not seen by visual observation before, then whatever
- 7 it may be may clue us in to doing additional work.
- 8 Q One example might be -- would one example be that if
- 9 you traced the majority of blood back to the positions
- 10 where the victims had been lying and you found some
- 11 blood that went to other places, that that might
- 12 suggest to you several possibilities, one of which
- 13 that that might be the blood of an assailant?
- 14 A Or that the victims were moving around the room.
- 15 Q It might suggest to you then that in order to test
- 16 that hypothesis, you'd want to take additional samples
- 17 of blood?
- 18 A That is a possibility, yes.
- 19 Q Getting back to the conversation that was held with
- 20 Mr. Baird, did you talk to Mr. Baird at all?
- 21 A No, sir, I did not.
- 22 (No omissions.)
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- 1 Q Did you talk to Mr. Longhetti?
- 2 A Not that I can recall, no.
- 3 Q Well, you -- you're positive you didn't talk to
- 4 Mr. Baird, but you're not sure about Mr. Longhetti;
- 5 is that right?
- 6 A That's basically correct, yes.
- 7 Q Not absolutely sure about Mr. Baird, either?
- 8 A At this point, I don't believe that I talked to him.
- 9 Q But you're not sure about that, either, then?
- 10 A Not absolutely, no.
- 11 Q At the point in time that you were stopped in your
- 12 work by Sergeant Swanlund, did you likewise wish to
- 13 collect more blood samples?
- 14 A Not at that point, no.
- 15 Q At some point in time, did you?
- 16 A Afterwards, yes.
- 17 Q How long afterwards?
- 18 A One was the preliminary hearing. I would say I can't
- 19 really give you a date. I believe it was after June
- 20 16th, June 14th, when I discovered the sample that
- 21 essentially did not belong to any of the victims.
- 22 Q June 13th, if -- would be the date that you discovered
- 23 that there were six different types of blood in the
- 24 house; is that right?
- 25 A If that was the date, yes.
- 26 Q Would you look at your PGM results for June 13th.

- 1 A (Witness complies.) Yes, it was.
- 2 Q And why did that change your mind about wanting more
3 samples?
- 4 A Basically because it indicated to me that there was
5 a sixth person bleeding in that house and that it was
6 a good likelihood that, or, a possible likelihood that
7 that could have been the assailant. And that I wanted
8 to go back and see if we could find any more. That
9 would be the value of collecting more.
- 10 Q Did you have any suspicions that an assailant or
11 assailants might be bleeding when you were out there
12 on the 6th?
- 13 A No, sir.
- 14 Q Why not?
- 15 A Basically because all the things that we saw were
16 consistent with the victims.
- 17 Q Did Mr. Baird come out to the scene on the 6th?
- 18 A I don't believe so, no.
- 19 Q Do you remember -- you were only there at the Ryen
20 house on the 6th; is that right?
- 21 A Yes, I was.
- 22 Q Do you -- you remember a spot where the A-41 blood
23 drop was collected being pointed out?
- 24 A Yes, I do.
- 25 Q And was that by Mr. Baird?
- 26 A I believe it had been pointed out earlier to me by one

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1 of the detectives.

2 Q That was pointed out to you as a blood drop that was
3 somehow removed from the -- from the action of the
4 crime and just by itself; is that right?

5 A I don't know as it was pointed out to me as -- as
6 stated -- as you stated, but it was obvious that it
7 was different or it was away from the action of the
8 crime.

9 Q Did you suspect that might be an assailant's blood?

10 A That was one possibility that had crossed my mind.
11 The -- the later possibility that crossed my mind at
12 that point was that it was a blood drop that somehow
13 the assailant had gotten on himself and dropped at
14 that point from one of the victims.

4b 15 Q What -- what training did you have in your -- in your
16 particular career as a criminalist with San Bernardino
17 County as far as teaching you, you know, what -- what
18 procedures were to be used as far as collecting and
19 preserving physical evidence is concerned?

20 A Could you restate the question. I'm not sure --

21 Q You've worked for San Bernardino County for about
22 five years?

23 A Yes, sir.

24 Q When you -- when you came to work, was this your first
25 job as a criminalist?

26 A Yes, it is.

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1 Q What training were you given as far as procedures at
2 the San Bernardino County Sheriff's Office for
3 collecting and preserving evidence?

4 A Basically my instruction was based on going to crime
5 scenes with another or several other experienced
6 criminalists and learning from them how they collect
7 evidence.

8 Q Was there ever any -- any written materials that you
9 were furnished?

10 A Myself, no.

11 Q Did you receive any instructions from Mr. Longhetti?

12 A Not specifically, no, not from him.

13 Q Did you ever receive any instructions that in any
14 crime scene you should never overlook the possibility
15 of finding the assailant's blood along with that of
16 the victims'?

17 A I can't say that I have ever received instructions
18 like that, no.

19 Q Was the content of the conversation with -- between
20 Mr. Ogino and Mr. Baird -- did you hear both sides
21 of that?

22 A No, I did not.

23 Q Did you hear Mr. Ogino's side?

24 A Not really, no.

25 Q Did you hear parts of it?

26 A Yes, I did.

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1 Q Did you hear -- did you hear Mr. Ogino request more
2 time?
3 A Again, I don't remember specific words at this time.
4 In gist, that was what the conversation was about,
5 I believe. You can --
6 Q Did you -- okay. Excuse me.
7 A -- ask Mr. Ogino, simply.
8 Q Did you hear Mr. Ogino articulate reasons why he
9 wanted more time?
10 A I don't recall at this point.
11 Q Was Mr. Ogino raising his voice or getting excited
12 during the conversation?
13 A Again, I don't recall at this point.
14 Q In general, Mr. Ogino is not the kind of person that
15 normally raises his voice or gets excited about
16 things; is that correct?
17 A I would say in general, no.
18 Q Were you -- did you believe at that point in time
19 that the urgency with which a request to your
20 superiors for more time would be treated would depend
21 on how loudly and vociferously the request was made?
22 A Did I believe at that time? No.
23 Q Do you believe that now?
24 A No.
25 Q When you -- when you had -- when Mr. Ogino, with you
26 present had talked to Sergeant Swanlund, had Sergeant

1 Swanlund communicated to you that it was Mr. Kottmeier
2 who wanted the evidence taken out of the bedroom?

3 A I don't recall at this point.

4 Q Do you recall why he went to Mr. Kottmeier?

5 A Basically I believe it was kind of a coincidence, that
6 we were talking up at the crime scene again after
7 Mr. Kottmeier was leaving. We asked him at that point.

8 Q This was after you had been told by Sergeant Swanlund
9 but before you contacted Mr. Baird?

10 A We contacted Mr. -- or, Sergeant Swanlund after we
11 contacted Mr. Kottmeier.

12 Q Well, did you -- when you -- when you talked to
13 Mr. Kottmeier, did you know that the -- that you were
14 not going to have more time at that -- to analyze
15 the scene?

16 A I don't recall at this point. We were -- Mr. Kottmeier
17 indicated to us to talk to somebody in charge with
18 the Sheriff's Department to -- in order to find out
19 whether we did or did not.

20 Q Where did the meeting with Mr. Kottmeier take place?

21 A It was out on the lawn, to the -- I would say the
22 northeast lawn portion of the house.

23 (No omissions.)
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1 Q Showing you photograph H-49 which shows, amongst
2 other things, yourself, Mr. Kochis and Mr. Ogino,
3 is that the approximate location where you had your
4 conversation with Mr. Kottmeier?

5 A I would say yes, possibly a little bit further north
6 of that.

7 Q North on that photograph would be to the left of it?

8 A To the right.

9 Oh, excuse me. I believe it's further north,
10 to the right, if that's looking at the east side of
11 the house.

12 Q When you talked to Mr. Kottmeier, from where had you
13 been coming?

14 A I believe we were coming from the road, but I'm not
15 sure.

16 Q What had you been doing at the road?

17 A It's possible at that time that we were collecting the
18 piece of gauze and the possible bloodstain in dirt
19 from the roadway.

20 Q When -- at that point in time, had the truck arrived
21 in which the stuff was being packed?

22 A I don't believe so, no.

23 Q Had -- people from the CCD were there in the bedroom
24 with you; is that right?

25 A They were in the bedroom, yes.

26 Q Were they taking things apart?

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1 MR. KOCHIS: Objection, vague as to what point in
2 time are we talking about?

3 THE COURT: Clarify it, please.

4 Q BY MR. NEGUS: When you were doing your -- when you
5 and Mr. Ogino were going around the room doing your
6 analysis, were they in there starting to take things
7 apart?

8 A While Mr. Ogino and myself were in the room taking a
9 look at the blood spatter, I don't believe they were,
10 no, at that point.

11 Q Well, when you met Mr. Kottmeier, had they begun to
12 take things apart?

13 A Again, I don't recall.

14 Q Did you and Mr. Ogino tell Mr. Kottmeier that you
15 wanted more time at the crime scene?

16 A Okay. Again, Mr. Ogino did the talking. I believe
17 that was the gist of the conversation.

18 Q How long did that conversation last?

19 A A couple of minutes at the most.

20 Q What did Mr. Kottmeier respond?

21 A Essentially his end result was to ask the person in
22 charge of the Sheriff's Office personnel at that
23 point for additional time or request.

24 Q Did Mr. Kottmeier indicate that he was the person that
25 had decided to have the stuff removed?

26 A I know that he indicated at least the wall or the south

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1 wall of the master bedroom was to be removed, and I
2 believe that it was from his request. I don't recall
3 what the -- who requested the additional stuff to be
4 removed.

5 Q How did he communicate to you that it was his request
6 that the south wall be removed?

7 A I don't specifically recall.

8 Q Was it -- did he appear defensive in communicating
9 that to you?

10 MR. KOCHIS: Objection. That would call for
11 speculation.

12 THE COURT: Perhaps. Sustained.

13 Q BY MR. NEGUS: Did he communicate to you a -- his
14 belief that you were questioning his decision?

15 A Again, I don't recall whether he was or was not.

16 Q Did he give you any reason why he was referring you
17 to the sheriffs?

18 A No, he did not.

19 Q Did he give you any reason why he wanted to remove the
20 south wall?

21 A He gave reasons based on previous case history, I
22 guess.

23 Q What was that?

24 A He mentioned something about the lack of bloodstain
25 evidence in the Manson case, very quickly something
26 about that, and that that was misplaced or lost

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A Something like that, yes.

A I believe his answer was no right away, but I'm not sure at this point.

A Or in the process of departing, yes.

A No, sir, I do not.

A Okay. Again, I don't recall the specific wording of what Mr. Ogino said.

A I don't know whether he said the blood spatter patterns alone. I'm not sure.

- 1 Q But that was part of what he said?
- 2 A Again, I'm not sure.
- 3 Q Did he also indicate that he wanted time to collect
4 additional evidence?
- 5 A Again, I'm not sure exactly what Mr. Ogino said, but
6 it was requesting additional time.
- 7 Q It was your belief at that point in time -- was it
8 your belief at that point in time that if you were
9 given more time, you and Mr. Ogino, you would be able
10 to find more evidence?
- 11 A It was my belief at that time that it was a possibility
12 that we may have found more evidence. Whether we
13 would have or would not have, I don't know at this
14 point.
- 15 Q But that possibility was based upon the need to do
16 additional work in processing the bedroom?
- 17 A Yes, sir.
- 18 Q After your conversation with Mr. Baird, no additional
19 scientific work was done at the scene; is that correct?
- 20 A That is correct, yes.
- 21 Q On December 27 last year, did you talk to Mr. Forbush
22 about these issues?
- 23 A I don't recall the specific date.
- 24 Q You did talk to Mr. Forbush?
- 25 A Yes, I did.
- 26 Q And it was about -- it was about the -- it was about

1 your testimony at the preliminary hearing where you
2 said you had not been given enough time; is that
3 correct?

4 A Yes, it is.

5 Q At that point in time, did you tell Mr. Forbush that --
6 that the question of extra time had been broached by
7 Mr. Ogino to Mr. Longhetti?

8 A I may have, yes. I was unclear on that. I believe
9 it was Mr. Baird rather than Mr. Longhetti that we
10 talked about extra time.

11 Q Is your belief now -- is that based on your own memory
12 or something other people have told you?

13 A Basically, talking with Mr. Ogino as to who he talked
14 to requesting further time.

15 (No omissions.)

1 Q After you got off the phone on that conversation in
2 the stables things were being boxed up; is that
3 correct?

4 A Or shortly afterwards, yes.

5 Q And you and Mr. Ogino essentially participated in the
6 work of dismantling the bedroom?

7 | A Yes, sir.

8 Q When the -- amongst the items in the master bedroom
9 from which you might -- might be able to get evidence,
10 was the carpet one of them?

11 A That was one of those, yes.

12 Q In order to assure that evidence would be obtained from
13 the carpet, was it necessary to take any particular
14 precautions in handling it?

15 A As it was being collected, you mean, or --

16 Q Just handling the carpet from the -- from the -- just
17 in general.

18 A Okay. As far as if you're going to take it for the
19 physical evidence that was on it, it would have
20 preferably been processed at the scene, first of all.

21 Q Why is that?

22 A Basically to eliminate contamination from other
23 sources. And then other things that -- well, that --
24 that basically is my -- what I would have done, is
25 I would have processed it at the scene for the evidence.

26 Q What do you mean by "processed"?

- 1 A To look over it, possibly vacuum it for any trace
2 evidence in connection with the blood spatter to see
3 if there's any -- anything unusual on the carpet that
4 we may want. That's basically it.
- 5 Q Would you also want to take blood samples from various
6 areas on the carpet?
- 7 A It depends. And that would be connected, again, with
8 the blood spatter patterns. I believe there were a
9 number of samples taken from where the victims were
10 reported to have been lying.
- 11 Q Okay. Were there four samples in fact from the carpet,
12 is that correct, of blood?
- 13 A I'm not sure exactly the exact number. Four sounds
14 about right.
- 15 Q They were -- you have your -- your summary there of
16 the evidence collected; is that correct?
- 17 A Yes, I do.
- 18 Q And A-26, A-27, A-28 and A-30 are the only samples of
19 blood that were taken from the carpets in the master
20 bedroom and the hallway; is that correct?
- 21 A Yes, sir, it is.
- 22 Excuse me. I believe A-43.
- 23 Q That's the bathroom, is it not?
- 24 A Yeah. I'm not -- I'm not sure where that's from. And
25 then A-44, A-45.
- 26 Q A-43, 44 and 45 are all taken from the master bathroom;

1 is that correct?

2 A Okay. From Mr. Stockwell's evidence report, that is
3 what it says, from the bathroom.

4 Q So the -- the only samples that were taken from the --
5 from the carpet in the -- in the -- in the master
6 bedroom would have been those which were directly
7 underneath the victim; is that right?

8 A Yes, sir.

9 Q And in order to do the work that you wanted to do,
10 it would have been necessary to take additional
11 samples than just those known samples; is that correct?

12 A It all depends on what we would have found out from
13 the blood spatter evidence. Possibly yes, possibly no.

14 THE COURT: Are you about to conclude?

15 MR. NEGUS: Conclude? I'm -- we can take a break,
16 if you want.

17 THE COURT: I thought you might be about finished
18 with the witness. You're not?

19 MR. NEGUS: No.

20 THE COURT: Okay. All right. Let's take the
21 morning recess.

22 (Recess.)

23 THE COURT: Mr. Negus.

24 Mr. Kottmeier, good morning.

25 Q BY MR. NEGUS: When the -- why was it important to --
26 to take the trace evidence from the carpet at the

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1 scene rather than after, say, the carpet is collected?

2 A As I said before, to minimize the contamination from
3 other sources.

4 Q In this particular case, did you see the carpet
5 actually being taken away from the scene?

6 A Yes, I did.

7 Q Were adequate precautions taken during that work to
8 preserve the carpet as best as could be for trace
9 analysis, given the decision to take it away?

10 THE COURT: Counsel, I'm getting so bored with
11 this same evidence. We've gone through it with every
12 witness now. I know what's happened to that carpet from
13 the word go.

14 MR. NEGUS: I'm sorry, Judge.

15 THE COURT: As there has been no contrary evidence
16 to speak of, why do you belabor it?

17 MR. NEGUS: That's not true. If there had been no
18 contrary evidence, Your Honor, I wouldn't be doing it.

19 Mr. Kochis has brought in evidence that -- that --
20 that it was done correctly. I mean, that's been his -- I
21 certainly don't think he's conceding that it was done wrong.

22 THE COURT: Well, that's argument, sir. That's
23 not changing the facts.

24 MR. NEGUS: Well, but I'm trying to bring out the
25 facts that are -- he has -- he has produced -- he has
26 produced, Judge, testimony from his witnesses that this is

1 the way it was done correctly, and I think I'm entitled
2 to bring out testimony from prosecution witnesses that
3 it wasn't.

4 THE COURT: I urge you, but I'm not cutting you
5 off, Mr. Negus. Belabor it. Go ahead.

6 MR. NEGUS: I'm sorry, Judge. But belabor it,
7 I'm going -- I'm afraid I'm going to do.

8 THE COURT: Proceed.

9 Q BY MR. NEGUS: Were adequate precautions -- well, take
10 it back. Start again.

11 Given the decision to take the carpet away before
12 trace evidence was collected, were adequate precautions
13 taken in the removal of it?

14 A In the idea of taking the carpet for specifically trace
15 evidence, no.

16 Q What was not done?

17 A Well, again, the preferable thing to do here was to
18 collect the trace evidence before it was moved.

19 Q Okay.

20 A The next thing that should have been done, if it was
21 collected for trace evidence, is to isolate the carpet
22 from other objects and things, plus isolating different
23 parts of the carpet from different parts of itself.

24 Q And that wasn't done in -- in transporting it out?

25 A No, sir, it was not.

26 Q And in fact was the carpet left in the room while the

1 south wall was being removed?

2 A I believe the carpet was pulled back from the south
3 wall at the point when it was being removed. I'm
4 not sure if it was up against the wall. I don't
5 believe it was.

6 Q Was it back a couple of feet?

7 A Sounds reasonable, but I'm not -- I don't remember.

8 Q Showing you H-65 and H-66, did that depict the approximate
9 location of the carpet?

10 A When the wall was being removed, yes.

11 Q Yes.

12 A Yes, it does.

13 Q And was the debris from the wall being transferred
14 onto the carpet during that process of removal?

15 A Okay. I don't recall specifically, but there is
16 obviously some debris on the carpet, as in the
17 photograph.

18 Q What sort of information can you get from collecting
19 trace evidence off the carpet?

20 MR. KOCHIS: Objection. Irrelevant, unless it's
21 this case.

22 Q BY MR. NEGUS: In this case.

23 A Okay. That --

24 THE COURT: Overruled.

25 Go ahead.

26 THE WITNESS: That depends on, basically, you know,

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1 the evidence itself. Possibly nothing. Possibly you could
2 find hairs or fibers of anyone who was in the room previous
3 to the collection.

4 Q BY MR. NEGUS: Given the way that the carpet was
5 treated in this particular case, would the existence
6 of hairs and fibers collected after the removal of
7 the carpet from the -- from the Ryen master bedroom
8 have any remaining relevance?

9 A They could, yes.

10 Q How?

11 A Basically if you found a large number of hairs or
12 fibers, something like that, that indicates that it
13 is not simply something that was deposited from
14 transportation or such.

15 Q Just isolated fiber and hairs which might have been
16 significant before the -- before the -- the carpet
17 was treated the way it was would no longer have
18 significance?

19 A Okay. Given the basis on this case and the way the
20 carpet -- the condition of the carpet in the first
21 place, I don't think that hairs or fibers would have
22 had much significance, anyway.

23 Q Why not?

24 A Because it was a very unclean carpet. It was obviously
25 not a well-kept house.

26 Q What difference does that make?

- 1 A That would tell me that any fibers or hairs could have
2 been very historic. They could have been there for,
3 you know, as far as I know, two or three months.
- 4 Q Is there any way to determine from looking at some
5 kinds of hairs as to whether or not they had been
6 there for any length of time?
- 7 A There is a possibility that you could look, if a hair
8 was removed forcibly, you could possibly look at it
9 at the root end for the presence of isozymes or enzymes
10 which were still fresh in the hairs.
- 11 Q Wouldn't just the presence of -- having a -- an
12 unshriveled root on the hair be indication that it's
13 fresh?
- 14 A Okay. I don't know enough about hairs to tell you
15 whether it would or would not.
- 16 Q Was the carpet still damp while it was in there?
- 17 A There were portions of the carpet that were damp,
18 yes.
- 19 Q Was there anything done that you saw to dry the carpet
20 before it was transported away?
- 21 A It was laid out on the lawn for a short period of
22 time, yes.
- 23 Q Was that sufficient to dry it?
- 24 A I do not know. I didn't test any of the spots to see
25 if they were dry.
- 26 Q Did you see anybody else doing that?

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2 Q Did you make any protest to anybody about the way the
3 carpet was being treated?

5 (No omissions.)

1 Q Why not?

2 A Basically, because it was obvious to me that any
3 analysis at the scene was complete, and the analysis --
4 any analysis that we would do would be at the Sheriff's
5 loft or wherever it was being taken.

6 Q Would it have been futile to try and have the carpet
7 handled better at the scene than it was?

8 MR. KOCHIS: Objection. That calls for speculation
9 on his part.

10 THE COURT: Yes, sustained.

11 Q BY MR. NEGUS: Did you feel it would be futile to
12 attempt to have it handled better at the scene?

13 MR. KOCHIS: Same objection. His feelings are
14 going to call for speculation.

15 THE COURT: Yes. Without better foundation, it is
16 a good objection. Sustained.

17 Q BY MR. NEGUS: Given the fact that the carpet was being
18 taken to the loft, why didn't you try and ensure that
19 it was handled as well as it could be under the
20 circumstances?

21 A Okay, for what purposes, the purposes of collecting
22 trace evidence?

23 Q For preserving it for all its various evidentiary
24 value.

25 A Basically, because at that time we did not have the
26 proper tools or things to do it with.

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- 1 Q What would have been necessary?
- 2 A To preserve all the trace evidence, I would say you
- 3 would have to wrap it in a brown paper before it was
- 4 removed from the room.
- 5 Q So for lack of brown paper, you didn't make that
- 6 request?
- 7 A Essentially, yes.
- 8 Q Why didn't you try and get brown paper?
- 9 A Because it was obvious at the time, that the carpet
- 10 was going to be removed at that time.
- 11 Q What do you mean it was obvious? How was it obvious?
- 12 A Well, it was being pulled up and removed.
- 13 Q Well, was the situation that the people that were
- 14 pulling it up and removing it weren't paying any
- 15 attention to advice from criminalists?
- 16 A No, it was not. We did not give them advice as to how
- 17 they were collecting the carpet.
- 18 Q Isn't that your job?
- 19 A In some aspects, yes.
- 20 Q Why didn't you do it?
- 21 A At this point I don't recall.
- 22 Q Did you specifically ask that the carpet not be
- 23 treated the way it was, that you be given more time
- 24 to do it properly?
- 25 A No, sir.
- 26 Q Did you ask -- did you ask that you be given more time

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1 to analyze the carpet?

2 A Well, given the context of the previous statements
3 about Mr. Ogino asking Mr. Swanlund, the carpet would
4 have been included in that, any analysis that we would
5 have done of the room.

6 Q After the carpet was taken -- you knew it was going to
7 be taken to the ID loft; is that right?

8 A I believe at that point I knew that it was going to be
9 taken to Property. I have never been in the Property
10 Division, so I don't know whether it was a loft or
11 whatever.

12 Q Why didn't you go down the next day to try and collect
13 blood samples from it?

14 A At this point, I don't know.

15 Q Had you gone down the next day, would it have been
16 likely that any blood samples that you would have
17 collected would have still been able to be typed for --
18 for various genetic markers?

19 A I believe so, yes.

20 Q Had there been any hairs with sheaths on them, would
21 they have been still able to be typed for genetic
22 markers, had they been deposited during the crime?

23 MR. KOCHIS: Objection. That would call for
24 speculation.

25 THE COURT: Sustained.

26 Q BY MR. NEGUS: Mr. Gregonis, your basic specialty is

1 serology; correct?

2 A Yes, it is.

3 Q And amongst the things that serologists do is they
4 type hairs for isoenzymes; is that right?

5 A That would be one thing that can be done, yes.

6 Q And proteins?

7 A Yes. Well, as far as proteins I'm not sure, but
8 enzymes, yes.

9 Q How long can a hair remain deposited on a scene before
10 it loses its ability to be typed for isoenzymes?

11 A Okay. As far as my experience in hairs, it would be --
12 I've typed them three or four days old.

13 Q So if you'd gone down on June 7, it's possible you
14 could still have been able to type the hairs that were
15 on the carpet?

16 A If we could have found any, yes.

17 MR. KOCHIS: Well, Your Honor, that assumes facts
18 that are not in evidence, and I would object on that
19 ground. It assumes that there were such hairs.

20 THE COURT: No. For our purposes, overruled.

21 MR. NEGUS: I didn't hear --

22 THE COURT: Overruled.

23 MR. NEGUS: I didn't hear whether I got an answer
24 or not.

25 THE WITNESS: Excuse me. If we could have found
26 any hairs like that, yes.

1 Q BY MR. NEGUS: When you were at the -- in the Ryen
2 master bedroom, was it possible for you to tell where
3 Mr. Stockwell collected his samples from, his blood
4 samples?

5 A No, sir, not -- I can't say that at this point,
6 because I don't recall ever looking at exactly where
7 he did collect his samples from.

8 Q Could you see any places in the Ryen master bedroom
9 with patterns of blood from which it was obvious that
10 no sample had been taken?

11 A Okay. Again, because I did not look specifically for
12 patterns or places where blood had not been taken,
13 I don't know. I can't answer that question.

14 Q Did you study any rooms of the house other than the
15 hallway, the master bathroom and master bedroom?

16 A We walked through various parts of the house, yes.

17 Q Did you go into the non-master bathroom?

18 A Yes, we did.

19 Q Did you do any analyses in there?

20 A I did an ortho-tolidine test for blood on a very small
21 quantity of blood.

22 Q Where was that small quantity of blood?

23 A It was around the sink area.

24 Q Was it like -- was it a drop or a smear or a dilute
25 stain or --

26 A I would say it was fly speck size. Possibly it was

Q-11-2-2

- 1 a fly speck.
- 2 Q Was that positive?
- 3 A Yes, it was.
- 4 Q After you got that positive result, did you attempt
- 5 to do any further exploration for possible blood in
- 6 that bathroom?
- 7 A I looked around the bathroom. I did not see any
- 8 further suspected blood spots.
- 9 Q How long were you in there?
- 10 A Two to five minutes, possibly.
- 11 Q If a bloody person washes in the basin, is it possible
- 12 to get water out of a sink trap from which one can
- 13 type the blood that was washed off?
- 14 A I would say it is possible in the realm of possibilities,
- 15 yes, given you'd have some way of concentrating the
- 16 blood.
- 17 Q Is that something which is recommended in criminalistic
- 18 literature as a place to look for evidence if there is
- 19 some reason to believe that a suspect has washed
- 20 himself?
- 21 A I don't recall ever seeing anything like that. It's
- 22 a possibility, yes.
- 23 Q Did -- and when you found the evidence of blood on
- 24 the -- on the sink, did you attempt to do that?
- 25 A No, sir.
- 26 Q Why not?

1 A To collect water out of the sink trap?

2 Q Yeah.

3 A That's what you're asking? I don't know at this point.

4 I don't believe I would have thought of it.

5 (No omissions.)

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1 Q Were -- were Sheriff's personnel using that second
2 bathroom as a bathroom on June the 6th?
3 A I don't know.
4 Q Did you also find a stain on the hallway wall across
5 from that bathroom?
6 A Yes, I did.
7 Q How big was that stain?
8 A Again, it was fly speck size.
9 Q Did you test that?
10 A Yes.
11 Q Was that positive?
12 A Yes, it was.
13 Q Was there anything left over of either the stain in
14 the bathroom or the stain on the wall after you
15 tested it with ortho-tolidine?
16 A There wasn't really a significant amount there to
17 collect, no.
18 Q And you didn't collect any?
19 A No, sir.
20 Q Other than the -- other than the gauze and the blood
21 and the dirt outside, those were the only two items
22 of evidence that you and Mr. Ogino collected on that
23 particular day; is that right?
24 A That is right, yes.
25 Q Was that because you were not -- you didn't see anything
26 else of evidentiary significance or that you weren't

1 given enough time to analyze the scene?

2 A Okay. At that point, I believe it was because we
3 didn't really see anything more of evidentiary
4 significance.

5 Q Did you do -- well, was Mr. Duffy there at the scene?

6 A Yes, he was.

7 Q Did Mr. Duffy point out to you some stains in the
8 refrigerator?

9 A Pointed out to me, as I recall, stains on a beer can
10 in the refrigerator.

11 Q Okay. Did you look at the beer can in the refrigerator?

12 A Yes, I did.

13 Q Showing you photograph H-184, do those appear to be
14 beer cans?

15 A Yes, they do.

16 Q And do you recall which beer cans it was that was
17 pointed out to you?

18 A No, sir, I do not.

19 Q Directing your attention to the -- to the stains on
20 the wall of the refrigerator next to the beer cans,
21 were those pointed out to you?

22 A Not that I recall, no.

23 Q If they were pointed out to you and you tested them
24 with ortho-tolidine and the result was positive, would
25 it have been your duty to collect those stains?

26 MR. KOCHIS: I'm going to object. Assumes facts

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1 that aren't in evidence.

2 MR. NEGUS: They are in evidence.

3 MR. KOCHIS: And assumes that there would have
4 been enough left to collect.

5 THE COURT: You can bring that out. Overruled.

6 Q BY MR. NEGUS: Would that have been your job?

7 A It would have been an item of evidence that I would
8 have wanted, yes.

9 Q And it would have been your duty at this point in time
10 to --

11 A If it was blood, yes, or gave a positive ortho-tolidine.

12 Q Okay. And the amount of blood on the refrigerator,
13 assuming that that were blood, would be enough to do
14 a complete genetic profile of; is that correct?

15 A That -- well, I can't tell you from the photograph.
16 Depends on what kind of condition the blood's in.
17 Obviously, it's in a moist environment, which, you
18 know, is degradative or just doesn't enhance the
19 blood at all.

20 Q Well --

21 A If it is blood.

22 Q Okay. Let's -- assuming that you did an ortho-tolidine
23 test on it and it was positive and that -- and so it
24 turns out that it is blood, is there -- is the
25 quantity there just the quantity -- sufficient to do
26 a complete genetic workup?

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- 1 A There appears that there may be, yes, if it is blood.
- 2 Q Now, you said that the refrigerator is a moist
3 environment?
- 4 A Yes, it is.
- 5 Q How -- what do you mean by that?
- 6 A It's got water condensing from the cold of the
7 refrigerator.
- 8 Q Did you see any signs of moisture on the side of
9 that refrigerator?
- 10 A I don't recall at this point.
- 11 Q The condensation that you're talking about only doesn't
12 occur naturally within a refrigerator unless it's
13 opened and -- and moist air comes in from the outside;
14 isn't that correct?
- 15 A I would suppose it depends on the refrigerator.
- 16 Q Assuming it doesn't leak.
- 17 A Or depending on what -- whether it's frost-free or
18 whatever. I don't -- I would assume that it's going
19 to depend on the particular model.
- 20 Q But just because a blood sample is in a refrigerator
21 doesn't mean that it's going to be -- it's going to
22 be useless for serological typing, does it?
- 23 A No, sir.
- 24 Q In the master bathroom, did you see a drop of blood
25 near a light switch?
- 26 A Yes, I did.

- 1 Q That obviously hadn't been collected; is that correct?
- 2 A I can't tell you whether it was obviously not
3 collected or not at this point.
- 4 Q Well, it was still there when you saw it on the 6th?
- 5 A Yes, it was.
- 6 Q And there was no sign around it of any -- of any
7 scraping?
- 8 A I don't recall.
- 9 Q You didn't collect that drop of blood, correct?
- 10 A No, sir, I did not.
- 11 Q Any reason?
- 12 A I believe that I thought it might -- may have been
13 collected by Mr. Stockwell on the previous night.
- 14 Q What -- what led you to that belief?
- 15 A Just that Mr. Stockwell had processed the crime scene
16 previously.
- 17 Q You had no knowledge whatsoever of what Mr. Stockwell
18 had taken or not taken; is that right?
- 19 A I knew that he had taken some blood samples. I don't
20 recall exactly or remember -- well, I know I didn't
21 know exactly where he had taken them.
- 22 Q Did you know how many?
- 23 A No, sir.
- 24 Q Did you make any attempt to find out what Mr. Stockwell
25 had taken and what he hadn't?
- 26 A No, sir.

0-1-1-2-3-4-5-6-7-8-9

1 Q Was -- were you, in talking to Mr. Swanlund and
2 Mr. Kottmeier about getting your time, was there
3 anything communicated to you about having to get
4 the house back to the victims quickly?
5 A I don't recall at this point.
6 Q On the 6th, did you know how long the Sheriff's
7 Department would have access to that particular house?
8 A No, sir.
9 Q I mean, did you have any reason to believe that --
10 that you would have an opportunity to go back in
11 there two days or a week later?
12 A That I wouldn't?
13 Q You would.
14 A That I would have an opportunity?
15 Q Yes.
16 A No, I did not.
17 Q Given your uncertainty as to whether or not, for example,
18 just the drop of blood on the -- near the light switch
19 had had a sample collected from it or not, would it
20 have been better scientific practice for you to have
21 found out?
22 A Yes, it would have.
23 Q Why didn't you?
24 A I don't know at this point.
25 Q Were you in fact denied permission to take more blood
26 out of the house?

0-1-1-2-5-0

- 1 A No.
- 2 Q Have -- have you seen the photographs taken by
- 3 Mr. Duffy of the Ryen master bedroom?
- 4 A I have seen some photographs of the Ryen master
- 5 bedroom, yes.
- 6 Q Taken by the Sheriff's Department?
- 7 A I assume so, yes.
- 8 Q Were any of those photographs that were taken by the
- 9 Sheriff's Department the type that you wanted to take
- 10 in order to do a crime scene reconstruction?
- 11 A Obviously -- well, I haven't seen all the photographs,
- 12 so I can't tell you that.
- 13 Q I said any of the ones that you have seen.
- 14 A Some of them could be used. However, they aren't
- 15 taken the way that I would have taken them.
- 16 Q How did they differ?
- 17 A Well, again, they are -- most of them are not taken
- 18 with -- on the perpendicular, and most of them, if
- 19 not all of them, do not include a scale.
- 20 Q Why is it important to take it on the perpendicular?
- 21 A The reason for that, for blood spatters, in particular,
- 22 is to get the angles proper. Otherwise, you get a
- 23 distortion of the angles of the blood and the size of
- 24 the blood drops.
- 25 Q And so it's impossible to accurately, or, as accurately
- 26 as you can with a perpendicular photograph, determine

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(No omissions.)

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- 1 Q Why is that?
- 2 A To basically see whose blood is whose around the room,
- 3 whose blood is on which pattern of the wall or whatever
- 4 you're looking at.
- 5 Q Is it necessary to -- to take a representative sample
- 6 from each of the blood pattern left by each individual
- 7 action that is made during the course of a struggle
- 8 as you can determine?
- 9 A In order to absolutely know whose blood that is, yes,
- 10 if that was your object, and that -- well, at least
- 11 compared to the victims.
- 12 Q How long does it take to collect, say, 50 samples of
- 13 blood?
- 14 A Fifteen?
- 15 Q 5-0.
- 16 A It depends on the samples.
- 17 Q Well, basically, what's involved for the most part
- 18 is -- is scraping, putting in pillboxes and labeling;
- 19 is that right?
- 20 A Again, it depends on the samples. If it's just a
- 21 crust of blood, yes. If it's something like a smear
- 22 or something, you're using threads moistened and
- 23 then swabbing it up with the threads.
- 24 Q The scraping, does that take more than a minute or
- 25 two per sample?
- 26 A Okay. Again, it depends on the sample. Your normal,

1 if there is a normal, blood drop I guess would take
2 a couple minutes to collect.

3 Q The portion of the south wall that is preserved in
4 your crime lab, at some point in time you took 13
5 blood samples and one control sample from that; is
6 that right?

7 A Yes, I did.

8 Q And you did some rather -- you did a rather complete
9 photographic documentation of the areas that you took
10 the samples from; is that right?

11 A I tried, yes.

12 Q And you wrote on the board itself the -- the location
13 by number of the 13 different samples of blood that
14 you took?

15 A I wrote on stickers which I placed on the board.

16 Q I'm showing you a xerox photograph of -- a xerox of
17 a photograph of the wall board with some numbers
18 written on it. Do the numbers indicate by laboratory
19 number, the SSS 1 through 13, of the locations from
20 which you took the blood from that wall?

21 A They appear to, yes.

22 Q And you've also typed some of those; is that correct?

23 A Yes, I have.

24 Q Some of those that have the ABO typings, some of the
25 typing has come back A?

26 A I believe so, yes.

Q-11-1-255-4

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- 1 it was, victims in particular, which of the victims
2 it was, and I collected a series to see if there's
3 anything different from the original sample that was
4 collected, which was consistent with Mr. Ryen.
- 5 Q Well, three of them you weren't able to tell anything;
6 right?
- 7 A So far. My testing is not complete at this point.
8 I would like to go back and test that again.
- 9 Q But on all of those, you did the ABO testing using
10 both the absorption-elution method and the Lattes
11 method?
- 12 A I believe that -- I believe I only did the elution on
13 this.
- 14 Q Is that because you don't expect the Lattes to give
15 you any results?
- 16 A Yes, it is.
- 17 Q You've also run those various enzymes for the Group III
18 analysis, which is transferrin and group specific
19 component; is that right?
- 20 A I did some of those, yes. I don't have the particular
21 records of those in court today.
- 22 Q Well, they're all inconclusive; is that correct?
- 23 A I believe so, yes. I don't recall any that were of
24 any particular information.
- 25 Q The most probable reason that they are inconclusive is
26 because the serum protein transferrin and Gsc have

- 1 disintegrated with time; is that correct?
- 2 A That's the most likely answer, yes.
- 3 Q And of the various -- well, transferrin wouldn't help
- 4 you distinguish between any of the victims in this
- 5 particular case, would it?
- 6 A Okay, not to my knowledge at this point. I haven't
- 7 completed my studies on the transferrin for the
- 8 victims.
- 9 Q As far as you know, they are all C's?
- 10 A As far as I know, yes.
- 11 Q So is the purpose of running that test for transferrin
- 12 to determine -- well, transferrin's the hardest of all
- 13 the enzymes and serum proteins that you type for your
- 14 laboratory; is that correct?
- 15 A I would say no. The ones I would say that are harder,
- 16 if you will, are AK and ADA.
- 17 Q They won't distinguish, either of them, 90 percent --
- 18 over 90 percent of the population: is that correct?
- 19 A That is true, yes.
- 20 Q They don't tell you very much?
- 21 A No, they don't.
- 22 Q In this particular case, they wouldn't distinguish
- 23 between any of the victims or Mr. Cooper or anybody
- 24 else you've tested in this particular case?
- 25 A No, sir; that is correct, yes.
- 26 Q So of the ones which have a potential for giving some

1 information, transferrin is the most hardy?

2 A I'd say so, yes.

3 Q Is that why you did the tests on the transferrin to
4 see whether or not any enzyme which has a potential
5 for giving information in this case would be likely
6 to come out?

7 A That, and to try to distinguish as to whether any of
8 the A's blood type on this are consistent with
9 Mr. Cooper.

10 Q Or A-41?

11 A Or A-41, yes.

12 Q And if the transferrin doesn't give you a result,
13 none of the other enzymes which are capable of telling
14 that are likely to, either; is that correct?

15 A I'd say so, yes. That is likely.

16 Q When did you take these samples?

17 A I took these samples on February the 25th, 1984.

18 Q And at that point in time after you took them, you
19 put them in the serology freezer for preservation?

20 A Yes, I did.

21 Q And that's where they remain, that which is left of
22 them, till today?

23 A Yes.

24 Q Why did you wait until February to take the samples?

25 A Okay. Basically, it was after questions at the
26 preliminary hearing that I took them, and as to the

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1 time delay between that and when I took them, I don't
2 know why.

3 Q Your first testimony at the preliminary hearing was
4 in the month of November; right?

5 A I don't recall specifically, no. I believe so, yes.

6 Q Had you taken the samples in June, is it likely you
7 would have gotten the same inconclusive results?

8 A No, sir.

9 (No omissions.)

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1 Q Why didn't you take them in June?

2 A Basically because a sample had been taken from that
3 area, and it was felt at the time that that was
4 sufficient.

5 Q Well, in June, you didn't know where in the whole
6 thing that the sample had been taken from, did you?

7 A That is correct, yes. Plus, again, it appeared that
8 from the patterns and what I saw at the crime scene
9 that it was all consistent with one of the -- one or
10 more of the victims.

11 Q The -- two of the inconclusive results that you got
12 were on the periphery of the pattern; is that -- is
13 that correct?

14 A Yes, they are.

15 Q Do you feel that there's the same probability of them
16 being the same as the other blood on the pattern as
17 those which are in the center?

18 MR. KOCHIS: Objection. That would call for
19 speculation.

20 THE COURT: Well, he's done enough work in the
21 area of sample interpretation. I'll permit it. Overruled.

22 THE WITNESS: I think it's a good likelihood that
23 it is from the same source as the others.

24 Q BY MR. NEGUS: The mere fact that you have an ABO
25 result of an A would be consistent with that blood
26 having been deposited with approximately 35 percent of

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- 1 the population of the United States; is that correct?
- 2 A It's approximately that, yes.
- 3 Q The 13 different samples that you took, did you
- 4 believe that those were representative of the
- 5 different patterns caused by individual actions on
- 6 the wall?
- 7 A Yes, I did.
- 8 Q And did that wall appear to you to -- to include
- 9 blood that had got there by arterial spraying?
- 10 A Yes, it did.
- 11 Q By what's called medium velocity impact blood?
- 12 A Yes.
- 13 Q And by blood that had been cast off some object?
- 14 A Yes.
- 15 Q And the blood that was cast off an object would have
- 16 been larger drops of blood that were traveling slower
- 17 than the medium velocity impact was, right?
- 18 A Okay. I don't recall at this time whether they --
- 19 they probably would be larger as a cast-off.
- 20 Q Basically medium velocity impact blood is blood that
- 21 is traveling at a -- that's traveling, at least
- 22 initially, at a speed which is greater than 25 feet
- 23 per second; is that right?
- 24 A I don't recall specific numbers. I don't know.
- 25 Q Greater than the -- than the -- than what's called
- 26 terminal velocity of blood falling by gravitation?

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- 1 A Okay. Again, I don't -- I don't recall specifically.
- 2 Q The medium velocity impact blood is -- is blood which
- 3 is broken up into smaller -- to smaller fragments
- 4 because it's going faster than a particular speed;
- 5 is that correct?
- 6 A Yes, it is.
- 7 Q And that's the kind of blood that would be consistent
- 8 with, for example, some sort of weapon striking tissue
- 9 in a -- in a human head that's already bleeding?
- 10 A I would say, yes.
- 11 Q Showing you photograph H-284, the medium impact blood
- 12 would be the smaller dots of blood that are like a
- 13 spray throughout the pattern; is that right?
- 14 A That is true, yes.
- 15 Q And, basically, because of air resistance, that kind
- 16 of blood can't travel more than approximately three
- 17 feet; is that right?
- 18 A I don't know.
- 19 Q It can't travel -- it can't travel very far because
- 20 of air resistance, whatever the distance; is that
- 21 correct?
- 22 A Basically, yes.
- 23 Q Whereas cast-off blood, because it's larger, can travel
- 24 much longer distances; is that right?
- 25 A I would say so, yes.
- 26 Q Perhaps even all the way across the room?

0-1-1-2-3-4-5-6-7-8-9-0

- 1 A That I do not know.
- 2 Q On the photograph, would the drop of blood that has
3 the letter 9 around it be consistent with one of those
4 larger drops of blood that can travel much longer
5 distances?
- 6 A I would say it's more consistent with arterial blood.
- 7 Q Could it also be consistent with the larger drop of
8 blood that traveled across the room?
- 9 A No, I don't -- I don't believe so, no.
- 10 Q Why not?
- 11 A Because it's -- basically, it looks like it's coming
12 on a mostly a head -- head-on type of spray, and it's
13 just a drop, large drop that got there from, it looks
14 like, an arterial blood drop rather than a cast-off
15 blood drop. But there's nothing around it to indicate
16 any further blood from cast-off.
- 17 Q Is it -- is it your feeling that -- that in order for
18 the -- for it to be cast-off blood there has to be
19 other blood around it?
- 20 A Not necessarily. But that's -- that's the general
21 rule.
- 22 Q Whether that blood drop, number 9, is arterial or
23 cast-off, it has the potential of having traveled a
24 much greater distance than the -- than the medium
25 impact blood; is that right?
- 26 A Of course, it has a potential, yes.

0-1-2-3-4-5-6-7-8-9-10-11-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100-101-102-103-104-105-106-107-108-109-110-111-112-113-114-115-116-117-118-119-120-121-122-123-124-125-126-127-128-129-130-131-132-133-134-135-136-137-138-139-140-141-142-143-144-145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-450-451-452-453-454-455-456-457-458-459-460-461-462-463-464-465-466-467-468-469-470-471-472-473-474-475-476-477-478-479-480-481-482-483-484-485-486-487-488-489-490-491-492-493-494-495-496-497-498-499-500-501-502-503-504-505-506-507-508-509-510-511-512-513-514-515-516-517-518-519-520-521-522-523-524-525-526-527-528-529-530-531-532-533-534-535-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579-580-581-582-583-584-585-586-587-588-589-590-591-592-593-594-595-596-597-598-599-600-601-602-603-604-605-606-607-608-609-610-611-612-613-614-615-616-617-618-619-620-621-622-623-624-625-626-627-628-629-630-631-632-633-634-635-636-637-638-639-640-641-642-643-644-645-646-647-648-649-650-651-652-653-654-655-656-657-658-659-660-661-662-663-664-665-666-667-668-669-670-671-672-673-674-675-676-677-678-679-680-681-682-683-684-685-686-687-688-689-690-691-692-693-694-695-696-697-698-699-700-701-702-703-704-705-706-707-708-709-710-711-712-713-714-715-716-717-718-719-720-721-722-723-724-725-726-727-728-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-965-966-967-968-969-970-971-972-973-974-975-976-977-978-979-980-981-982-983-984-985-986-987-988-989-990-991-992-993-994-995-996-997-998-999-1000-1001-1002-1003-1004-1005-1006-1007-1008-1009-1010-1011-1012-1013-1014-1015-1016-1017-1018-1019-1020-1021-1022-1023-1024-1025-1026-1027-1028-1029-1030-1031-1032-1033-1034-1035-1036-1037-1038-1039-1040-1041-1042-1043-1044-1045-1046-1047-1048-1049-1050-1051-1052-1053-1054-1055-1056-1057-1058-1059-1060-1061-1062-1063-1064-1065-1066-1067-1068-1069-1070-1071-1072-1073-1074-1075-1076-1077-1078-1079-1080-1081-1082-1083-1084-1085-1086-1087-1088-1089-1090-1091-1092-1093-1094-1095-1096-1097-1098-1099-1100-1101-1102-1103-1104-1105-1106-1107-1108-1109-1110-1111-1112-1113-1114-1115-1116-1117-1118-1119-1120-1121-1122-1123-1124-1125-1126-1127-1128-1129-1130-1131-1132-1133-1134-1135-1136-1137-1138-1139-1140-1141-1142-1143-1144-1145-1146-1147-1148-1149-1150-1151-1152-1153-1154-1155-1156-1157-1158-1159-1160-1161-1162-1163-1164-1165-1166-1167-1168-1169-1170-1171-1172-1173-1174-1175-1176-1177-1178-1179-1180-1181-1182-1183-1184-1185-1186-1187-1188-1189-1190-1191-1192-1193-1194-1195-1196-1197-1198-1199-1200-1201-1202-1203-1204-1205-1206-1207-1208-1209-1210-1211-1212-1213-1214-1215-1216-1217-1218-1219-1220-1221-1222-1223-1224-1225-1226-1227-1228-1229-1230-1231-1232-1233-1234-1235-1236-1237-1238-1239-1240-1241-1242-1243-1244-1245-1246-1247-1248-1249-1250-1251-1252-1253-1254-1255-1256-1257-1258-1259-1260-1261-1262-1263-1264-1265-1266-1267-1268-1269-1270-1271-1272-1273-1274-1275-1276-1277-1278-1279-1280-1281-1282-1283-1284-1285-1286-1287-1288-1289-1290-1291-1292-1293-1294-1295-1296-1297-1298-1299-1300-1301-1302-1303-1304-1305-1306-1307-1308-1309-1310-1311-1312-1313-1314-1315-1316-1317-1318-1319-1320-1321-1322-1323-1324-1325-1326-1327-1328-1329-1330-1331-1332-1333-1334-1335-1336-1337-1338-1339-1340-1341-1342-1343-1344-1345-1346-1347-1348-1349-1350-1351-1352-1353-1354-1355-1356-1357-1358-1359-1360-1361-1362-1363-1364-1365-1366-1367-1368-1369-1370-1371-1372-1373-1374-1375-1376-1377-1378-1379-1380-1381-1382-1383-1384-1385-1386-1387-1388-1389-1390-1391-1392-1393-1394-1395-1396-1397-1398-1399-1400-1401-1402-1403-1404-1405-1406-1407-1408-1409-1410-1411-1412-1413-1414-1415-1416-1417-1418-1419-1420-1421-1422-1423-1424-1425-1426-1427-1428-1429-1430-1431-1432-1433-1434-1435-1436-1437-1438-1439-1440-1441-1442-1443-1444-1445-1446-1447-1448-1449-1450-1451-1452-1453-1454-1455-1456-1457-1458-1459-1460-1461-1462-1463-1464-1465-1466-1467-1468-1469-1470-1471-1472-1473-1474-1475-1476-1477-1478-1479-1480-1481-1482-1483-1484-1485-1486-1487-1488-1489-1490-1491-1492-1493-1494-1495-1496-1497-1498-1499-1500-1501-1502-1503-1504-1505-1506-1507-1508-1509-1510-1511-1512-1513-1514-1515-1516-1517-1518-1519-1520-1521-1522-1523-1524-1525-1526-1527-1528-1529-1530-1531-1532-1533-1534-1535-1536-1537-1538-1539-1540-1541-1542-1543-1544-1545-1546-1547-1548-1549-1550-1551-1552-1553-1554-1555-1556-1557-1558-1559-1560-1561-1562-1563-1564-1565-1566-1567-1568-1569-1570-1571-1572-1573-1574-1575-1576-1577-1578-1579-1580-1581-1582-1583-1584-1585-1586-1587-1588-1589-1590-1591-1592-1593-1594-1595-1596-1597-1598-1599-1600-1601-1602-1603-1604-1605-1606-1607-1608-1609-1610-1611-1612-1613-1614-1615-1616-1617-1618-1619-1620-1621-1622-1623-1624-1625-1626-1627-1628-1629-1630-1631-1632-1633-1634-1635-1636-1637-1638-1639-1640-1641-1642-1643-1644-1645-1646-1647-1648-1649-1650-1651-1652-1653-1654-1655-1656-1657-1658-1659-1660-1661-1662-1663-1664-1665-1666-1667-1668-1669-1670-1671-1672-1673-1674-1675-1676-1677-1678-1679-1680-1681-1682-1683-1684-1685-1686-1687-1688-1689-1690-1691-1692-1693-1694-1695-1696-1697-1698-1699-1700-1701-1702-1703-1704-1705-1706-1707-1708-1709-1710-1711-1712-1713-1714-1715-1716-1717-1718-1719-1720-1721-1722-1723-1724-1725-1726-1727-1728-1729-1730-1731-1732-1733-1734-1735-1736-1737-1738-1739-1740-1741-1742-1743-1744-1745-1746-1747-1748-1749-1750-1751-1752-1753-1754-1755-1756-1757-1758-1759-1760-1761-1762-1763-1764-1765-1766-1767-1768-1769-1770-1771-1772-1773-1774-1775-1776-1777-1778-1779-1780-1781-1782-1783-1784-1785-1786-1787-1788-1789-1790-1791-1792-1793-1794-1795-1796-1797-1798-1799-1800-1801-1802-1803-1804-1805-1806-1807-1808-1809-1810-1811-1812-1813-1814-1815-1816-1817-1818-1819-1820-1821-1822-1823-1824-1825-1826-1827-1828-1829-1830-1831-1832-1833-1834-1835-1836-1837-1838-1839-1840-1841-1842-1843-1844-1845-1846-1847-1848-1849-1850-1851-1852-1853-1854-1855-1856-1857-1858-1859-1860-1861-1862-1863-1864-1865-1866-1867-1868-1869-1870-1871-1872-1873-1874-1875-1876-1877-1878-1879-1880-1881-1882-1883-1884-1885-1886-1887-1888-1889-1890-1891-1892-1893-1894-1895-1896-1897-1898-1899-1900-1901-1902-1903-1904-1905-1906-1907-1908-1909-1910-1911-1912-1913-1914-1915-1916-1917-1918-1919-1920-1921-1922-1923-1924-1925-1926-1927-1928-1929-1930-1931-1932-1933-1934-1935-1936-1937-1938-1939-1940-1941-1942-1943-1944-1945-1946-1947-1948-1949-1950-1951-1952-1953-1954-1955-1956-1957-1958-1959-1960-1961-1962-1963-1964-1965-1966-1967-1968-1969-1970-1971-1972-1973-1974-1975-1976-1977-1978-1979-1980-1981-1982-1983-1984-1985-1986-1987-1988-1989-1990-1991-1992-1993-1994-1995-1996-1997-1998-1999-2000-2001-2002-2003-2004-2005-2006-2007-2008-2009-2010-2011-2012-2013-2014-2015-2016-2017-2018-2019-2020-2021-2022-2023-2024-2025-2026-2027-2028-2029-2030-2031-2032-2033-2034-2035-2036-2037-2038-2039-2040-2041-2042-2043-2044-2045-2046-2047-2048-2049-2050-2051-2052-2053-2054-2055-2056-2057-2058-2059-2060-2061-2062-2063-2064-2065-2066-2067-2068-2069-2070-2071-2072-2073-2074-2075-2076-2077-2078-2079-2080-2081-2082-2083-2084-2085-2086-2087-2088-2089-2090-2091-2092-2093-2094-2095-2096-2097-2098-2099-2100-2101-2102-2103-2104-2105-2106-2107-2108-2109-2110-2111-2112-2113-2114-2115-2116-2117-2118-2119-2120-2121-2122-2123-2124-2125-2126-2127-2128-2129-2130-2131-2132-2133-2134-2135-2136-2137-2138-2139-2140-2141-2142-2143-2144-2145-2146-2147-2148-2149-2150-2151-2152-2153-2154-2155-2156-2157-2158-2159-2160-2161-2162-2163-2164-2165-2166-2167-2168-2169-2170-2171-2172-2173-2174-2175-2176-2177-2178-2179-2180-2181-2182-2183-2184-2185-2186-2187-2188-2189-2190-2191-2192-2193-2194-2195-2196-2197-2198-2199-2200-2201-2202-2203-2204-2205-2206-2207-2208-2209-2210-2211-2212-2213-2214-2215-2216-2217-2218-2219-2220-2221-2222-2223-2224-2225-2226-2227-2228-2229-2230-2231-2232-2233-2234-2235-2236-2237-2238-2239-2240-2241-2242-2243-2244-2245-2246-2247-2248-2249-2250-2251-2252-2253-2254-2255-2256-2257-2258-2259-2260-2261-2262-2263-2264-2265-2266-2267-2268-2269-2270-2271-2272-2273-2274-2275-2276-2277-2278-2279-2280-2281-2282-2283-2284-2285-2286-2287-2288-2289-2290-2291-2292-2293-2294-2295-2296-2297-2298-2299-2300-2301-2302-2303-2304-2305-2306-2307-2308-2309-2310-2311-2312-2313-2314-2315-2316-2317-2318-2319-2320-2321-2322-2323-2324-2325-2326-2327-2328-2329-2330-2331-2332-2333-2334-2335-2336-2337-2338-2339-2340-2341-2342-2343-2344-2345-2346-2347-2348-2349-2350-2351-2352-2353-2354-2355-2356-2357-2358-2359-2360-2361-2362-2363-2364-2365-2366-2367-2368-2369-2370-2371-2372-2373-2374-2375-2376-2377-2378-2379-2380-2381-2382-2383-2384-2385-2386-2387-2388-2389-2390-2391-2392-2393-2394-2395-2396-2397-2398-2399-2400-2401-2402-2403-2404-2405-2406-2407-2408-2409-2410-2411-2412-2413-2414-2415-2416-2417-2418-2419-2420-2421-2422-2423-2424-2425-2426-2427-2428-2429-2430-2431-2432-2433-2434-2435-2436-2437-2438-2439-2440-2441-2442-2443-2444-2445-2446-2447-2448-2449-2450-2451-2452-2453-2454-2455-2456-2457-2458-2459-2460-2461-2462-2463-2464-2465-2466-2467-2468-2469-2470-2471-2472-2473-2474-2475-2476-2477-2478-2479-2480-2481-2482-2483-2484-2485-2486-2487-2488-2489-2490-2491-2492-2493-2494-2495-2496-2497-2498-2499-2500-2501-2502-2503-2504-2505-2506-2507-2508-2509-2510-2511-2512-2513-2514-2515-2516-2517-2518-2519-2520-2521-2522-2523-2524-2525-2526-2527-2528-2529-2530-2531-2532-2533-2534-2535-2536-2537-2538-2539-2540-2541-2542-2543-2544-2545-2546-2547-2548-2549-2550-2551-2552-2553-2554-2555-2556-2557-2558-2559-2560-2561-2562-2563-2564-2565-2566-2567-2568-2569-2570-2571-2572-2573-2574-2575-2576-2577-2578-2579-2580-2581-2582-2583-2584-2585-2586-2587-2588-2589-2590-2591-2592-2593-2594-2595-2596-2597-2598-2599-2600-2601-2602-2603-2604-260

- 1 Q And just looking at it, you can't tell whether it
2 did or didn't, right?
- 3 A No, I can't.
- 4 Q Whereas just with the logistics of the room, the
5 medium impact blood would have had to come from the
6 area of the bed; is that right?
- 7 A I would say so, yes.
- 8 Q Showing you Exhibit H-333, the chart of your -- the
9 samples you took, and Exhibit H-285, the photograph
10 from which that chart is taken, the drop of blood
11 that you had labeled as number 10 would have been one
12 of those larger drops that could have traveled a much
13 longer distance; is that correct?
- 14 A Yes, it is. Or -- or arterial.
- 15 Q Larger -- whatever. I mean, it could have traveled a
16 much larger distance as arterial blood, or, as cast-off
17 blood, however it got there?
- 18 A Yes.
- 19 Q The pattern that you have that is number one, that
20 would be the typical type of cast-off blood that you
21 would be looking for; is that right?
- 22 A That is a possible cast-off blood, yes.
- 23 Q And from the spacing of the pattern of those drops on
24 the wall, you can make a determination that the object
25 that was swinging, if that is cast-off blood, was,
26 again, relatively close to the wall; is that correct?

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1 A Okay. I don't know. That is a possibility, but I'm
2 not sure how I would do that.

3 Q Have you done any experiments along those lines, trying
4 to determine what kind of patterns you get when you
5 fling blood off of an instrument?

6 A No, I have not.

7 THE COURT: Would this be a convenient spot,
8 Mr. Negus?

9 MR. NEGUS: Sure.

10 THE COURT: Let's resume at 1:30, then.

11 (Whereupon, at 11:59 a.m. the noon
12 recess was taken until 1:30 p.m. of
13 the same day.)

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1 ONTARIO, CALIFORNIA; MONDAY, JULY 9, 1984; 1:32 P.M.

2 DEPARTMENT NO. 3

HON. RICHARD C. GARNER, JUDGE

3 APPEARANCES:

4 (Appearances as heretofore noted.)

5
6 THE COURT: Pick it up, Counsel.

7 MR. NEGUS: I believe Mr. Kochis has a request
8 first.

9 MR. KOCHIS: Your Honor, I did. I have a request
10 that the Court order Mr. Cooper to provide a whole saliva
11 sample so that we may analyze that to compare it to some
12 testing that was conducted last week. I believe Mr. Negus
13 wishes me to question Mr. Gregonis briefly as to the
14 analysis that he did last week, and the reason for his
15 request is so the Court can make a decision as to whether
16 or not my request should be granted.

17 THE COURT: I'll hear you.

18
19 DIRECT EXAMINATION ON LIMITED ISSUES

20 BY MR. KOCHIS:

21 Q Mr. Gregonis, last week did you go to Emeryville,
22 California?

23 A Yes, I did.

24 Q And did you take with you several items of evidence
25 that were seized in this particular case?

26 A Yes, I did.

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1 Q Were among those items items V-12 and items V-17, two
2 cigarette butts, which were removed at some point
3 earlier in time from the Ryen Buick station wagon?
4 A Yes, sir.
5 Q And were you present when those items were tested by
6 a Brian Wraxall?
7 A Yes, I was.
8 Q Was Dr. Ed Blake, Mr. Negus' expert, also present
9 during that testing?
10 A Yes, he was.
11 Q And was a test conducted on those two cigarette
12 butts to determine the Lewis secretor status of the
13 person who may have deposited any stain on those butts?
14 A Basically to determine the Lewis types.
15 Q Was there in fact an indication that there was saliva
16 on the cigarette butts?
17 A Yes, sir.
18 Q Did you find some amylase?
19 A Yes, sir.
20 Q And did the tests give any type of Lewis reaction?
21 A Yes, they did.
22 Q Are you desirous of comparing that reaction to
23 Mr. Cooper's Lewis type in his saliva?
24 A Yes, I am.
25 Q Does your laboratory have a sample VV-3 which is a
26 saliva sample of Mr. Cooper?

1 A Yes, we do.

2 Q What type of saliva sample is it?

3 A That is a saliva swab.

4 Q And is that swab used in any fashion which causes
5 the saliva sample to be diluted?

6 A Just the simple mechanical taking of the swab and then
7 diluting it, once you're trying to get an extract out
8 of it, will dilute the saliva.

9 Q Is that a whole saliva sample?

10 A No, it is not.

11 Q Is it necessary for you to have a whole saliva sample
12 so that you can compare the Lewis secretor type of
13 Mr. Cooper with the results of V-12 and V-17?

14 A Yes, it is.

15 Q Would that test have the potential to exclude
16 Mr. Cooper as being the person who deposited the
17 saliva on those two cigarette butts?

18 A Yes, it would.

19 Q Does it also have the potential to include him in
20 that classification?

21 A Yes, it does.

22 MR. KOCHIS: I have no further questions.

23 THE COURT: Anything, Mr. Negus?

24

25 DIRECT EXAMINATION (Resumed)

26 BY MR. NEGUS:

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1 Q Mr. Gregonis, your laboratory had a search warrant on
2 August 1st, 1983, for a saliva sample from Mr. Cooper;
3 is that correct?

4 MR. KOCHIS: I would stipulate that my office --
5 the Sheriff's Office prepared such a search warrant and
6 it was executed at the jail in San Bernardino on August 1st.

7 Q BY MR. NEGUS: Why were not adequate saliva samples
8 collected at that time?

9 A The saliva samples taken at that time were taken for
10 the type of test that I normally run in the laboratory,
11 meaning the ABO test called absorption-inhibition.

12 Q Why weren't they taken for other reasons?

13 A Basically because that's all the tests that I thought
14 that were going to be done.

15 Q Why are additional tests necessary?

16 A The cigarette butts in question, which are from, I
17 believe, the Ryen Buick station wagon, by my testing
18 so far or by the absorption-inhibition test, show
19 the saliva there to be consistent with a non-secretor,
20 which Mr. Cooper is. Mr. Cooper is also what is called
21 by my testing a Lewis a negative b negative, meaning
22 that he does not have the Lewis substance present in
23 his blood. The testing that we conducted last week
24 was for the Lewis substance in the saliva.

25 Q And your results that you got last week were for --
26 were consistent with Mr. Cooper being a Lewis a negative

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1 b negative again; isn't that correct?

2 A The results that we got are, until we get a sample
3 of his saliva to analyze -- are kind of ambiguous.
4 We do have a very low level of Lewis substance showing
5 up; however, it may be consistent with -- it may be
6 consistent with Mr. Cooper. It may not be.

7 Q But when you got Mr. Cooper's saliva sample in August,
8 you did Lewis typing on it; correct?

9 A I did it -- I did the typing on his whole blood. I
10 did not do it on his saliva sample.

11 Q What additional information will you get from typing
12 his whole saliva that you don't already have?

13 A What we will have from that is that there's a possibility
14 that although Mr. Cooper does not have the Lewis
15 substance present in his blood, he may have secreted
16 Lewis substance present in his saliva or he may have
17 other substances in his saliva which will lead to an
18 extremely low level of Lewis substance that we found.

19 Q You've already tested his saliva, though, and you found
20 that; is that correct?

21 A That is correct; however, the reason why we want more
22 Lewis substance -- or not more Lewis substance, but
23 more saliva, is that the levels of amylase in the
24 saliva swab that we tested are lower than the levels
25 of amylase in the cigarette butts; therefore, it is
26 possible, since we did find Lewis substance in the

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- 1 cigarette butts, that looking at-- the Lewis substance
2 that we detected there may be secreted by Mr. Cooper,
3 but at a very low level.
- 4 Q One of the cigarette butts you already determined could
5 not have come from a non-secretor; is that correct?
- 6 A Okay. I do not remember exactly the results on all
7 the cigarette butts.
- 8 Q The V-12 butt had a Lewis b antigen in it and no Lewis a;
9 is that correct?
- 10 A Okay. That was what I'm referring to. We're looking
11 at extremely low levels of Lewis substance there. In
12 a secretor of any sort, I would expect to find a much
13 larger level of Lewis substance present.
- 14 Q The Lewis b, then, is -- if you have Lewis b and no
15 Lewis a, you're going to be a secretor; right?
- 16 A Generally, yes.
- 17 Q So you can already eliminate one cigarette as coming
18 from Mr. Cooper; is that correct?
- 19 A No, sir, we cannot. As I explained, I think, previously,
20 is that it is possible that Mr. Cooper may be secreting
21 something in his saliva which is showing as a Lewis b
22 substance.
- 23 Q One of the cigarette butts, you found a low level of
24 Lewis a with no Lewis b; correct?
- 25 A That is I believe correct, yes.
- 26 Q The other one, you found Lewis b, no Lewis a; right?

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3 I may be mistaken because I do not have the
4 original test results right now.

8 A If you are referring to item V-12 --

10 A -- I believe that's the one that we had a large
11 amount of amylase present. We had more amylase present
12 there than we did in the saliva swabs.

15 | **A. Yes.**

17 A I don't know the origin of it, but it was apparently a
18 marijuana cigarette, yes.

20 | **A** Yes.

22 A Yes.

26 A I'm not sure at this point. I don't have the original

1 results.

2 Q The roll-your-own cigarette butt had Lewis b and a lower
3 level of saliva than -- excuse me -- a lower level of
4 amylase than Mr. Cooper's saliva swab; correct?

5 A I don't believe that's the case. I believe it had a
6 higher level, but, again, I'm not totally sure on
7 that, since I don't have the original result.

8 (No omissions.)
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1 MR. NEGUS: Nothing further.

2 THE COURT: Anything else?

3 MR. KOCHIS: No.

4 THE COURT: You wish to be heard, Mr. Negus?

5 MR. NEGUS: No, I don't.

6 THE COURT: Counsel, this seems to me like a
7 reasonable request, and the evidence might well be helpful
8 to determine the issues in the case. It could help either
9 side. Good cause is shown. The defendant is ordered to
10 permit a whole saliva sample to be taken.

11 Who will do that? Mr. Gregonis?

12 THE WITNESS: I believe I will myself.

13 MR. KOCHIS: And perhaps I could do that at the
14 recess, when Mr. Negus is present.

15 THE COURT: Sure.

16 MR. NEGUS: I would request that, if a whole
17 saliva sample is taken and has to be processed within an
18 hour, it would have to be boiled within an hour in order
19 to preserve it, in order to make it any better than the
20 thing that they have. I would request that when that is
21 done, that it be divided 50-50, half going to Mr. Wraxall
22 and half going to Dr. Blake.

23 THE COURT: Okay. I find nothing wrong with that,
24 if Dr. Blake is available.

25 MR. NEGUS: Well, Mr. Gregonis is going to do all
26 the collecting. What I'm asking is that he divide the

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1 sample, when he -- when he divvies it up, give half of it
2 to Dr. Blake and half of it to Dr. --

3 THE COURT: Is Dr. Blake located here?

4 MR. NEGUS: He's located ten feet from Mr. Wraxall,
5 where the other one's going to go.

6 MR. KOCHIS: They're both in Emeryville. I have
7 no problem with dividing the sample. I'll talk to
8 Mr. Gregonis about the mechanics.

9 THE COURT: How would you get it from here to
10 Emeryville within an hour?

11 MR. NEGUS: No. Mr. -- Mr. Gregonis is going to
12 take it back to the -- to the laboratory, I hope, and
13 boil it here in San Bernardino County.

14 THE COURT: I --

15 MR. NEGUS: Once it's boiled, then the things that
16 cause the deteriorations, which cause the problems, don't
17 take place, presumably, and it can then be taken to
18 Emeryville at our pleasure, but, hopefully, soon.

19 THE COURT: All right. That seems fair enough.

20 So take an adequate sample to later divide up into
21 two fairly equal proportions, 50 percent of it to give to
22 Dr. Blake.

23 THE WITNESS: Yes, Your Honor.

24 THE COURT: All right. So ordered.

25 Your witness, Mr. Negus.

26 DIRECT EXAMINATION (Resumed)

27 BY MR. NEGUS:

28 Q Directing your attention back to the

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1 blood on the carpet, let me show you H-122, H-126,
2 H-140, H-70, H-100, H-59, those photographs. Do all
3 of those appear to be photographs of the carpet in
4 the Ryen master bedroom and hall?

5 A Yes, they do.

6 Q Providing you letters, for reference. And all of
7 those are photographs which do not show the -- the
8 victims there; is that correct?

9 A That's correct, yes.

10 Q Showing you H-212 and H-213 as reference, those are --
11 show the location of the -- the victims?

12 A Yes.

13 Q Okay. First of all, directing your attention to H-140,
14 there appears to be a series of bloodstains at the
15 foot of the bed there which are not connected with any
16 of the victims that remain in place. Do you see those
17 on H-140?

18 MR. KOCHIS: Your Honor, I think I'm going to
19 object as no foundation as to what area of the room A --
20 H-140 depicts.

21 MR. NEGUS: Mr. Duffy, I think, testified that he
22 took it. You can tell it comes from the foot of the bed
23 just by looking at it.

24 THE COURT: Looks like it's close by the bed.
25 That's sufficient.

26 THE WITNESS: I can't really tell as to what part

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1 of the bed it comes from, unless it's right here.

2 Q BY MR. NEGUS: Let me just ask you to -- if you'll note,
3 there is -- be right back.

4 Showing you, in addition, H-211, another picture
5 of the -- of the bed, you will note on the bed that
6 there is a tourniquet over the comforter, right?

7 A Yes.

8 Q That there is also a portion of a blue bathrobe showing
9 underneath another portion of the comforter, correct?

10 A If that's what it is.

11 Q Something blue?

12 A Something blue.

13 Q And then there's another -- there is another portion
14 of the comforter which has the same -- same patterns
15 of stains on it as are shown on the portion of the
16 comforter where the 9 is written in Exhibit H-211,
17 correct?

18 A Yes.

19 Q Okay. So does that help you to locate where it is?

20 A Yes, it does.

21 Q Okay. Now, that was not where any of the victims
22 are depicted in the -- in the photographs of the
23 crime scene, correct?

24 A That's correct, yes.

25 Q How many samples of blood do you believe should have
26 been collected from that particular location?

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1 A. Okay. First of all, as I understand it, there's
2 another victim that was not present in these
3 photographs. And it was my understanding that this
4 other victim, Joshua Ryen, in particular, was laying
5 at the -- at the foot of the bed. So that may be his
6 blood; I'm not really sure.

7 Q All right. But -- well, first of all, let me just
8 ask you -- let me back up a minute.

9 Do you think that adequate samples were taken by
10 Mr. Stockwell in order to do a reconstruction of the
11 crime of the type that criminalists do?

12 A I --

13 MR. KOCHIS: Again I'm going to object. The use of
14 the term "reconstruction" is vague. What specifically is
15 he talking about? Did someone die in the room?

16 THE COURT: We better define the term.

17 MR. NEGUS: If we could have Exhibit H-16 once again.

18 (A discussion was held between Mr. Negus
19 and the clerk.)

20 Q BY MR. NEGUS: Well, just to handle the next -- you
21 have -- you have studied Mr. -- the samples that
22 Mr. Stockwell took from the crime scene; is that right?

23 A Yes.

24 Q And you're also familiar with the documentation or
25 lack thereof that he provided where he took those
26 particular samples?

1 A Somewhat, yes.

2 Q Well, you have looked at the photographs that show the
3 general area from which he took the samples?

4 A Some of the photographs, yes.

5 Q And you have read the pillboxes in which he -- in
6 which he wrote his most precise descriptions?

7 A I don't know about his most precise descriptions, but
8 I have read his pillboxes, yes.

9 Q And you took notes of what he wrote on those pillboxes
10 and your own summary of the serological work he did?

11 A Yes, I did.

12 Q And you have also had an opportunity to view the notes
13 that he provided in the file as to where the general
14 locations are?

15 A Yes, sir.

16 Q And you have also seen the sketch that he provided in
17 the file of the general locations from which he --
18 he took the blood samples that he took?

19 A Yes, sir.

20 Q Now, the -- directing your attention to H-16, the
21 exhibit behind you on the board, it lists seven different
22 things that -- that may or may not be able to be
23 determined by analysis of physical -- physical evidence.
24 And through the use -- through the analysis of physical
25 evidence, it is sometimes possible to determine the
26 information or inferences about the number of assailants,

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1 correct?

2 A I suppose it is possible. I don't see how it would
3 be in this case.

4 Q Well, for example, if you were to find -- if you were
5 to find, in analyzing the -- the -- the sheets, two
6 different types of blood that didn't come from the
7 victims, it would be possible to make an inference
8 that there was at least two assailants; is that
9 correct?

10 A That is a possibility, yes.

11 Q Okay. It is also possible, using physical evidence,
12 to determine, in some cases, the position of victims
13 when they're attacked?

14 A Or at least when they're bleeding, yes.

15 Q Okay. And in this particular case, the -- the nature
16 of the attack is likely to cause bleeding almost
17 instantly, correct?

18 A It's likely to cause bleeding.

19 Q You also are able sometimes to use physical evidence
20 to tell you the sequence in which the victims were
21 attacked, correct?

22 A It's a possibility.

23 Q Okay. And it's also -- it's also possible to use
24 physical evidence to determine the number and type
25 of weapons that were used in the attack?

26 A In general terms, yes.

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1 Q And it's also possible to use physical evidence to
2 determine whether any victims moved from room to room?

3 A Sometimes, yes.

4 Q And it's also possible to use physical evidence to
5 obtain clues as to the identity of the assailant or
6 assailants?

7 A That is a possibility, yes.

8 Q And it's also possible to use physical evidence to
9 determine sometimes the nature, if any, of any victims'
10 resistance to their assailants?

11 A That is a possibility, yes.

12 Q Okay. Now, taking in mind, just for -- for sake of --
13 those are all processes which are sometimes referred
14 to as a crime reconstruction; is that correct?

15 A I would say so, yes.

16 Q Can you think of anything that -- that you normally
17 refer to as a -- as part of a crime scene reconstruction
18 which would not be included in that list?

19 A Not right now, no.

20 Q So taking that as an operative definition of a crime
21 scene reconstruction, was -- did Mr. Stockwell collect
22 sufficient blood samples to enable that to be done?

23 MR. KOCHIS: Objection. That assumes a fact that's
24 not in evidence, that it can be done in this case. In fact,
25 he's answered to the contrary on some of those.

26 MR. NEGUS: I don't think he actually stuck with his

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1 answer to the contrary.

2 MR. KOCHIS: The reason for my objection is
3 Mr. Gregonis testified that in some cases, perhaps certain
4 of those questions could be answered. He didn't testify
5 that in this case they could.

6 THE COURT: That's certainly true. Sustained.

7 Q BY MR. NEGUS: Given the physical evidence in this case,
8 could all those questions have been answered under some
9 circumstances if a proper analysis and collecting of
10 evidence at the crime scene had been done?

11 A I can't say that the number of assailants can be given.
12 Some of the positions of the victims can be answered.
13 I do not believe, because of the -- the complexity of
14 the scene, that the sequence of the attacks can really
15 be nailed down for sure. As to the number and types
16 of weapons, I think you can say whether it was a -- a
17 gun or a bludgeon or something like -- the -- the
18 difference between a gun and a bludgeon or a, in this
19 case, ax-type of wounds, that type of thing. You can
20 answer whether victims moved from room to room or, to
21 some extent, around the room.

22 (No omissions.)
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1 Q You say can't?

2 A Can.

3 THE COURT: I didn't understand. Can or cannot?

4 THE WITNESS: Can, can.

5 THE COURT: C-a-n?

6 THE WITNESS: Yes. As to clues as to the identity
7 of the assailant, yes, you can. As to the nature of the
8 victims' resistance, I think the best example there is to
9 look at the bodies, rather than the physical evidences in
10 the room. It is possible to -- you know, some of the
11 things in the room could be shown as to where they moved
12 possibly in their resistance.

13 Q BY MR. NEGUS: You can -- for example, there was -- in
14 one of the photographs have you seen a pillow that was
15 depicted, showed in photograph H-102?

16 A Yes.

17 Q You may be able to make inferences as to the use of
18 that pillow, for example, in resistance by the victim,
19 if you were to have done a more complete job?

20 A I can't say it was used in resistance. I would say
21 that it was possibly thrown across the room.

22 Q And -- all right. So which -- you would say that in
23 your belief number one and number three could not be
24 shown by the physical evidence in this particular case?

25 A I don't believe so, no.

26 Q As to number one, at least you'd be able to -- you would

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1 be able to make -- you might be able to make, had you
2 analyzed and preserved the evidence more completely,
3 some minimum number of assailants; is that correct?

4 A That is one possibility, yes.

5 Q The example I gave before, two types of blood which
6 don't come back to the victim on the bed, two different
7 types would give you the inference, given the nature
8 of that particular crime scene, that there had been
9 at least two assailants?

10 A Yes, it would.

11 Q And with respect to -- to sequence, is it possible
12 to make some inferences about the sequence in which
13 the victims were attacked, even if you couldn't do --
14 reconstruct the exact order of all 150 blows?

15 A Again, due to the complexity of the scene, I think it
16 would be extremely hard to do, if possible at all.

17 Q Part of the examination that's done by physical evidence
18 does involve the examination of the -- of the bodies
19 of the victims; is that correct?

20 A Yes, it does.

21 Q And in looking at the photograph which shows -- that
22 shows Peggy's feet, if there were blood splatters on
23 those -- on her feet which had a certain directionality
24 to them that you could tell that they flew through the
25 air and hit her on the foot, and you were able to type
26 that blood on Peggy and it turned out to be, for example,

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1 from Chris Hughes, would that enable you to make
2 inferences that Peggy was lying down on the ground
3 before Chris Hughes was attacked?

4 MR. KOCHIS: I would object. That assumes several
5 facts which aren't in evidence.

6 MR. NEGUS: Well, if you look at Dr. Root's
7 testimony, I believe that there were blood spatters on
8 Peggy's feet, which we don't have pictures of, but which
9 he, nonetheless, described in his autopsy protocol, and we
10 don't know whether the "victims" are her blood or not,
11 because it wasn't preserved, but certainly that's something
12 that could have been done.

13 THE COURT: All right. Based upon that repre-
14 sentation, I will permit the question.

15 MR. KOCHIS: But there was no evidence of any
16 directionality; just that there was blood on her feet.

17 THE COURT: For purposes -- overruled, Mr. Kochis.
18 This is the whole point of his -- of his inquiry. Had
19 they taken samples, they might have been able to tell.

20 Q BY MR. NEGUS: Would that kind of inference be possible?

21 A I don't think you could say that she was lying there
22 when blood spatters were placed on there. You might
23 be able to give a directionality as to which direction
24 she was in relation to Chris Hughes in your scenario
25 when those blood spatters were deposited.

26 Q Well, let's take a different -- let's indicate -- let's

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1 say that on the sole of her feet there was blood
2 splatters that, if you trace back, came from the area
3 in which it was Doug Ryen -- a different hypothetical --
4 and that the directionality lying in that position was
5 consistent with the spot where Doug Ryen was found and
6 the blood came back to be Doug Ryen's. Would that
7 enable you to make a sequencing as to -- as to who
8 died first between Peggy or Doug Ryen?

13b

9 A It would only tell me where she was, that she may have
10 been in -- or stepped in the puddle of blood, whatever,
11 from Mr. Ryen.

12 Q Let's assume that these were not smear marks, but they
13 were splatters. They were described as blood splatters
14 having a directionality to them.

15 A Okay. Again, it would only tell me what position she
16 was in relation to Mr. Ryen.

17 Q Right. At a time in which blood was being splattered
18 off Mr. Ryen; correct?

19 A Yes.

20 Q So if it turns out that she's in the position that
21 she's found, you can just look at the blood dripping
22 down her stomach there and determine at one point in
23 time she was in a vertical position when she was
24 bleeding; right?

25 A Yes.

26 Q So if she -- the blood shows that she's -- that she is

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1 in the position that she's found and it traces back
2 to Doug Ryen, one can make an inference that she's
3 lying there, having been attacked and disabled prior
4 to him being attacked; correct?

5 A You can make that inferences, but I believe there's
6 several other things that you can draw from it also.
7 I don't think that the one thing I'm looking at here
8 is the only -- The only inference I would make is
9 the relative position is at the time the blood got
10 there that she was lying or in such a position at
11 one time at such an angle or whatever, if you're
12 able to do those in relation to Mr. Ryen. I can't
13 say whether she was there when the blood got deposited.

14 Q Obviously, she could have fallen down, laid in that
15 position, got up, fallen down again, but when you're
16 doing reconstructions, you have to at some time make
17 assumptions based on common sense; is that correct?

18 A Yes, you do.

19 Q And so if you made the assumption that if she received
20 the blood in the position that she's finally lying in,
21 she probably didn't get up and get back down again to
22 the same position in the interim, then that would help
23 you sequence the attacks, would it not?

24 A Well, again, if you're assuming that she received
25 that blood at that time, yes.

26 Q One of the things that criminalists do when they're

1 looking at a scene which has bodies in them is to
2 look at the feet of the -- the bottoms of the feet
3 of the victims; right?

4 A Yes.

5 Q And the purpose for that is to determine whether or
6 not it appears that the victim has been running
7 through blood or not?

8 A Blood or whatever else you may find.

9 Q In this particular scene the most likely thing would
10 be blood; right?

11 A I would say so, yes.

12 Q And that in itself gives you certain inferences as to
13 the -- as to the movement of the victims during an
14 attack; correct?

15 A It could, yes.

16 Q And if you find blood splatter patterns on the bottom
17 of a person's foot, you can at least make the inference
18 that the blood arrived there after the person was
19 running on carpet; correct?

20 A That's an inference you can draw, yes.

21 Q Let me just ask you to look again, to look at another
22 photograph H-132, and the left ankle area of
23 Christopher Hughes. Do you see a dark crop there?

24 A I do.

25 Q Does it appear to be a drop of blood?

26 A I can't tell from this picture.

- 1 Q Can you --
- 2 A I still can't tell from this picture.
- 3 Q It's at least consistent with the shape of a drop of
- 4 blood?
- 5 A It could be blood. It could be a mole. I don't really
- 6 know.
- 7 Q Assuming that it were blood that had been dripped into
- 8 that position, would that enable you to draw any
- 9 inference about the sequence of events?
- 10 A It's a possibility, yes.
- 11 Q If you knew whose blood it was, it would at least
- 12 allow the possibility that the -- some person was alive
- 13 and bleeding after Chris had fallen in the position
- 14 in which ~~she~~ is found; is that correct?
- 15 A Basically, what I can say from that is that somehow if
- 16 there were blood on there and dropped, say, from a
- 17 vertical position, that somehow blood got onto something
- 18 and dropped down from that vertical position, I still
- 19 don't think that I could say anything about the sequence
- 20 as to whether one person -- the blood that got there
- 21 was from a person who was attacked after Christopher
- 22 Hughes.
- 23 Q Let's -- if you -- are you aware if, for example, you
- 24 have a bloody knife or a bloody hatchet, carrying that,
- 25 does blood adhere to that hatchet for very long and
- 26 will keep dripping for an extended period of time?

13c

- 1 A I would say it all depends how much is on there.
- 2 Q Let's say there's a whole lot.
- 3 A I'd say that, you know, again, depending on how much
- 4 is there, it may keep on dripping for some time.
- 5 Q If that were the case, would you expect to find other
- 6 drips in the general area of -- if that were how the
- 7 blood got onto Christopher's ankle, would you expect
- 8 to find other blood drops in that general area?
- 9 A Okay. First of all, if that is blood, it's a possi-
- 10 bility that you could find blood drops from a knife
- 11 or a hatchet in that area.
- 12 Q You'd certainly want to look to find out; is that
- 13 correct?
- 14 A If you needed to answer the question as to whose blood
- 15 it was, yes, as to which of the victims or whatever,
- 16 whose blood it was, yes, you would.
- 17 Q I assume that there's no way, given all the facts that
- 18 you know about this particular case, that you would be
- 19 able to tell, assuming that that's blood, whose blood
- 20 it was; is that correct?
- 21 A Could you ask your question again?
- 22 Q Assuming everything you know about this particular
- 23 case, without analyzing the drop of blood on his
- 24 ankle, there's no way you could tell; correct?
- 25 A Okay. First, assuming it's blood, without analyzing
- 26 it, no.

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1 Q I mean there's no -- it's not like the pattern on the
2 south wall where you see a bunch of arterial sprays
3 together and you analyze two of them and there's
4 another one that's just like it, you can assume it's
5 probably the same? There's nothing from which you can
6 draw a rational inference as to whose blood that is?

7 A I would say no.

8 Q The fact that there's just one drop there in isolation
9 falling, a falling drop, would that suggest the
10 possibility that maybe it came from an assailant?

11 A Okay. First of all, assuming that it's blood, I don't
12 see that it would necessarily say that it was from an
13 assailant, no.

14 Q I'm not asking you --

15 A It could be.

16 Q Obviously, unless you analyze it, you're not going to
17 know for sure, and maybe then you wouldn't know for
18 sure, but is that a reasonable possibility?

19 A That's a possibility, yes.

20 Q That's one of the -- if you were -- if you were pro-
21 cessing that crime scene and you saw that -- saw a
22 drop of blood such as I've described in that position,
23 that's one hypothesis which you would attempt to either
24 prove or disprove; is that correct?

25 A If that was a question, yes.

26 (No omissions.)

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1 Q Getting back to having -- back to the definition of
2 crime scene reconstruction which we're using, do you
3 think that Mr. Stockwell collected adequate samples
4 of blood to answer those questions, if it was possible
5 under the evidence to answer them in this particular
6 case? Did he give enough evidence to determine whether
7 the questions are answered or not?

8 A Okay. As far as questions, I do not believe that he
9 collected enough to answer probably one through three.
10 The other types -- the other questions, I believe,
11 can be answered to some extent.

12 Q Can number 6 be answered completely?

13 A Not completely, no.

14 Q There may well be assailants, given the work that he
15 did, whose identity could have been determined by the
16 physical evidence but which we no longer can do?

17 A If there were more assailants and if the other
18 assailants were bleeding or depositing other sorts of
19 physical evidence, yes.

20 Q He didn't collect adequate samples in order to
21 determine that?

22 A Not absolutely, no.

23 Q What do you mean by that?

24 A Well, I think in order to ultimately answer that
25 question you would have to analyze all the blood
26 samples in the room.

0112900

- 1 Q Just taking the idea of a representative sample, using
2 the same way that you did on the -- on the -- well,
3 when you took your samples off of the -- of the south
4 wall, the "SSS" series of samples, did you feel
5 confident that you took enough samples to determine
6 all the different types of blood that were on that
7 wall?
- 8 A Yes, I did.
- 9 Q And you didn't need to take every single drop of blood
10 on the wall in order to do that, right?
- 11 A Okay. If I may clarify what I mean about every drop
12 or every sample of blood in the room, I'm talking about
13 a sample out of each pattern in the room.
- 14 Q Okay. So how many patterns do you think there were in
15 the room?
- 16 A I would say there had to be a couple of hundred.
- 17 Q So in order to do that particular work, approximately
18 200 samples should have been taken?
- 19 A I believe so, yes.
- 20 Q Similarly, was Mr. Stockwell's documentation of where
21 he took the blood from adequate to do a crime scene
22 reconstruction as we defined it?
- 23 A From what I have seen of Mr. Stockwell's documentation,
24 no.
- 25 Q From Mr. Stockwell's documentation, have you talked to
26 Mr. Stockwell about where he got the blood from?

- 1 A Not specifically, no. Basically, just looking at his
2 drawings and stuff as to the general areas where he
3 got the blood.
- 4 Q From his documentation, there is no -- none of his
5 samples can you tell -- tell where he got them from?
- 6 A You can tell the general area. I believe you can also
7 say that certain samples, for instance, those on the
8 carpet came from beneath the victims, for instance.
- 9 Q Okay. But, aside from those known, what -- what he's
10 labeled as known samples from victims, there's no
11 evidence that you can -- that you can even, you know,
12 point to a six-square-inch area and say, "It came
13 from that particular area"; is that correct?
- 14 A That I can't, no.
- 15 Q And the only way that anybody could ask is if
16 Mr. Stockwell, based on the documentation you had,
17 as Mr. Stockwell happens to remember; is that correct?
- 18 A I think so, yes.
- 19 Q How long would it have taken you to collect and
20 adequately document 200 blood samples?
- 21 A Given the collected and adequately documented, I would
22 say it would take at least a week using two criminalists,
23 plus --
- 24 Q Well --
- 25 A -- the two or three days that I would spend with the
26 bloodstain reconstruction.

1 Q Let's -- let's -- let's think about that for a minute.
2 First of all, is there any particular reason why, when
3 you're collecting the samples, you couldn't just
4 dictate into a tape recorder item A-25 as "being taken
5 25 inches from here and 27 inches from there," and just
6 describe it as you're collecting it?

7 A Except that that's not our normal procedure, for one.
8 I suppose there's nothing inhibiting us from doing
9 that except for the fact of getting the tape recorder.

10 Q So basically if somehow the crime lab could locate
11 and procure a tape recorder, there would be nothing
12 preventing you from doing that?

13 A Ideally, no.

14 Q Isn't that a perfectly rationable and sensible method
15 used by many criminalists in order to document evidence?

16 A I don't really know of any criminalists that do it that
17 way. Plus, another thing, I would want to document
18 it on paper also, in case there was something wrong
19 with the tape recorder.

20 Q Basically, in order to document location, you can
21 sometimes just write on the thing itself you're
22 collecting, like, in this particular case, furniture's
23 being collected, all you have to do is just make a
24 little mark where you collected it right on the furniture,
25 right?

26 A Well, that's a possibility. But I also want another

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1 record keeping in case the furniture is destroyed or
2 distorted in some way.

3 Q Okay. So even -- even doing it that way, basically
4 in order to pinpoint the location from which you're
5 taking a sample of blood, two measurements are necessary
6 from a fixed point; is that correct?

7 A Yes, sir.

8 Q And that takes a couple seconds?

9 A I wouldn't say it takes a couple of seconds. You're
10 going to -- again, it depends on the location of the
11 stain itself and your fixed points. It may take half
12 a minute or a minute to do.

13 Q And then the actual collecting of the stain takes
14 less than a half a minute to get it to the pillbox?

15 A As I stated before, a couple of minutes. And it also
16 depends on the stain.

17 Q Okay. Well, even taking thread samples, that doesn't
18 take that long, does it?

19 A It will take at least two, three minutes, yes.

20 Q And if you just have -- basically, the way you collect
21 the stains is you take a piece of paper and you have
22 a pillbox and you go up and take your Xacto knife
23 and just scrape and catch it and put it in the box,
24 right?

25 A Okay. Again, it depends on the stain. If it's a
26 smeared stain, I'm going to be a lot more careful.

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1 If it's a smaller stain, where there's not as much
2 there, I'm going to be a lot more careful and take
3 more time. If it's a large stain that, you know, I
4 can just cut out, that's obviously going to take a
5 shorter amount of time.

6 Q Okay. Most of the samples that you would have needed,
7 over half the samples you would have needed to take
8 from the Ryen master bedroom, could have been done
9 just by -- by that simple scraping method, right?

10 A I can't really tell you, because I'm not sure which
11 samples I would have taken.

12 Q All the ones you took from the south wall were done
13 that way, were they not?

14 A By scraping, yes.

15 Q And any reason that basically the 13 samples that you
16 collected in 30 or 40 minutes would have been any more
17 quicker than the other samples in the room if you'd
18 gone through and taken all the samples out of it?

19 A Some of the smeared stains in the -- in the room would
20 have taken a longer period of time to collect.

21 Q At the most, twice as long?

22 A Twice, maybe three times as long.

23 Q Well, if you were working at the rate at which you
24 removed and documented from the -- from the south wall,
25 you could have had the whole job done, one person, in,
26 say, eight to sixteen hours; is that correct?

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- 1 A No, sir. I believe you're leaving out a couple of
2 things. One is the measurements, which I do not do,
3 on your -- on the south wall.
- 4 Q That's because you wrote -- you put the little letters
5 there and wrote them in and took pictures instead?
- 6 A Basically, yes.
- 7 Q That's just as time consuming as taking measurements,
8 is it not?
- 9 A When I answered 30 to 40 minutes, I was answering the
10 amount of time from beginning to start (sic) that I
11 would actually take with the samples, not the amount
12 of time that it took setting up the photographs and
13 putting the stickers on them and drawing the numbers
14 on it.
- 15 Q Have you ever processed a crime scene in which it --
16 you took 200 samples?
- 17 A No, sir.
- 18 Q Have you ever done one in which you took 50 samples?
- 19 A No, sir.
- 20 Q Once the bodies were -- all that work of collecting
21 the samples, with the possible exception of any
22 samples you might want to take from the bodies of
23 the victims themselves, could have been done when you
24 and Mr. Ogino returned to the crime scene on the 6th;
25 is that correct?
- 26 A No, sir. I believe that that would have had to have

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1 been taken originally with the sheets and bedding in
2 place.

3 Q So the 200 includes the sheets and the bedding?

4 A I would say it would, yes.

5 Q Why -- why would you need to have the sheets and
6 bedding in place in order to do that?

7 A Because the sheets and bedding may be able to tell
8 us a little bit more as to the information about the
9 blood spatters surrounding the sheets and bedding.

10 Q How many samples do you think should be taken from
11 the wall?

12 A The south wall?

13 Q No, from all the walls of the master bedroom?

14 A I would say perhaps 70, 80, somewhere in there, if
15 you're going to want to answer those questions.

16 Q All my questions are geared with that assumption in
17 mind.

18 Okay. So how long would that have taken?

19 A Like I said before, including the reconstruction, or,
20 blood spatter reconstruction, the photography of that,
21 the collection of the stains and everything, it's
22 going to take you at least a week.

23 Q One person?

24 A I would say one person, yes.

25 Q Two persons could do it twice -- in half the time?

26 A No.

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- 1 Q The -- once you analyzed the room with the sheets in
2 place, assuming that you've done that, would there
3 be any reason that you couldn't just collect your
4 samples from the bedding once you got the bedding
5 back to the lab, assuming that you packaged it in a
6 way which you didn't -- didn't destroy it or cause
7 contamination?
- 8 A Well, the best sample would have been taken as it
9 lied there, because you're not -- you can analyze the
10 sheets in their original position.
- 11 Q But you're not going to -- during your process of
12 doing your crime scene reconstruction, you're not
13 going to take your samples of blood, run back to the
14 lab, run a serological type on it, and then come back
15 again, are you, or is that what you had in mind?
- 16 A Not at all. What I had in mind is basically to relate
17 the blood spatters and such on the sheets with the
18 blood spatters around the room.
- 19 Q Okay. I understand. So that's essentially a work
20 of analysis? That is, you don't have to -- that
21 particular part of the thing, you don't normally at
22 the scene type the blood? You type the blood later;
23 right?
- 24 A Exactly.
- 25 Q So what I'm asking you is after you have done the work
26 of analysis and documentation, that is, taking the

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1 pictures of the sheets in place, and analyzing their
2 relationships to various items in the room, presumably
3 then your documentation is going to be adequate that
4 you can be able to find any particular drop of blood
5 that you're interested in by just going back and
6 referring to the sheets; is that correct?

7 A You should be able to, yes.

8 Q So as far as the actual collecting of stains is
9 concerned, that can be done back at the laboratory?
10 This collecting for typing, that can be done back at
11 the laboratory as well as anyplace else; is that
12 correct?

13 A As far as the sheets are concerned, yes.

14 Q Right, and the other bedding items; is that correct?

15 A Yes.

16 Q So the only thing that you have to make sure you collect
17 the samples at the scene are those things which are not
18 easily portable?

19 A Essentially, yes.

20 Q Given the wide variety of types of blood that were
21 on the bedding, in your opinion, is it best practice
22 for a criminalist to preserve the whole sheets for
23 possible future serological analysis?

24 A As to what you've -- if you're assuming that there's
25 more than one blood type on there, I would say, you
26 know, ultimately, yes.

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1 Q Well, there are, is there not?

2 A I believe there's at least two.

3 Q At least; is that correct?

4 A Yes.

5 Q Okay. So in this particular case then, they should
6 have been frozen in their entirety?

7 A If possible, yes.

8 Q In your laboratory, are there any constraints put on
9 you in terms of freezing an item like a sheet? Do
10 you have any policies thou shalt not freeze sheets
11 because they're too big?

12 A Basically, it's the size. We cannot physically handle
13 the size of the sheets or other items such as bedding
14 because of the limited space in our freezer.

15 Q Did you -- have you ever requested to get an additional
16 freezer if you needed it in a case?

17 A In a particular case, no.

18 Q Do you know if that would have been available to you
19 in this particular case?

20 A No, I do not, not at that time, anyhow.

21 Q Since then, you learned that you could have?

22 A I probably could have, yes.

23 Q Pursuant to an agreement between prosecution and the
24 defense in this particular case, from the sheet, the
25 top sheet, laboratory number A-8, last spring you cut
26 out a portion of that sheet and sent it up to Ed Blake

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- 1 in Emeryville; is that right?
- 2 A Okay. I don't -- I believe so, yes. I believe that's
- 3 the date, the item number.
- 4 Q I don't remember the exact date, but I believe it
- 5 was some time in the spring, was it not, the last
- 6 time you were in court?
- 7 A That was done, I believe, on March 21.
- 8 Q And when you did that, you photographed the sheet
- 9 before and after the portion was cut out?
- 10 A Yes, I did.
- 11 Q Also, there was a particular stain, item A-5t, that
- 12 came from a comforter, and you likewise photographed
- 13 it both cut, uncut, in place, and separate before you
- 14 sent it off; is that right?
- 15 A Yes, sir.
- 16 Q Was the same procedure followed before testing on the
- 17 other 38 stains from the bedding?
- 18 A No, sir.
- 19 Q Why not?
- 20 A As to where they came from and such, you can pretty
- 21 much match as to where they came from just by looking
- 22 at the sheets.
- 23 Q But can you tell what shape they were in?
- 24 A By looking at the exact shape of the blood spot?
- 25 Q I mean is there any -- have you consumed part of those
- 26 blood spots from -- the 39 blood spots?

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- 1 A Yes, I have.
- 2 Q Can you still tell from looking at them the shape of
3 the different stains?
- 4 A Some I suppose you could. Some I don't believe you
5 could.
- 6 Q Why didn't you photograph them before you used them
7 up?
- 8 A Basically, that's not my normal procedure.
- 9 Q There is a stain, I think it's A-8c, that you've
10 analyzed that did not come from Douglas Ryen; is that
11 correct?
- 12 A No, it did not.
- 13 Q And that was found on the top sheet in the area which
14 you can't see that's over on the side of the bed next
15 to Douglas Ryen; is that correct?
- 16 A Okay. As far as it relates to where it was in relation
17 to this picture, I can't tell you.
- 18 Q You don't know where the different things on the
19 sheets came from?
- 20 A I have a location from Mr. Stockwell's drawing, but
21 I don't know how that sheet was laid out on the bed.
- 22 Q I am showing you photograph H-226. Let me just circle
23 something for you. I'm circling in black and drawing
24 in the letter "C." There appears to be a hole cut
25 out in sheet A-8 at that particular spot. Does that
26 appear to be the spot in which item A-8c was taken?

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1 A I can't really tell you at this point.

2 Q You can't use Mr. Stockwell's diagram to determine
3 where on the -- this is flip. It's mirror image.

4 A There's a possibility it came from there, but I can't
5 tell you.

6 Q Leaving aside that particular issue, by comparing the
7 patterns on the bed with the pattern on the sheet and
8 just looking at the way the sheet curves, one can tell,
9 can one not, that the spot that I circled with a little
10 "C" would be around on the side of the bed closest to
11 Douglas Ryen?

12 A I would say it's more -- it's closer to the corner of
13 the bed from -- if that's accurate.

14 (No omissions.)
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1 Q Right. But it doesn't put the area where it -- where
2 it -- where it -- the area where it -- where that
3 C does not show in photograph H-211, correct?

4 A That's correct.

5 Q And at least thus far that drop of blood could have
6 come from Peggy Ryen; is that correct?

7 A That is correct, yes.

8 Q In trying to determine the significance of that drop
9 as far as the position of Peggy Ryen, if that's whose
10 blood it is, when she bled, or when that drop was
11 deposited, one has to know both the shape and the
12 direction it's going; is that correct?

13 A If that's possible to tell in the first place, yes.

14 Q Well, on the -- on the sheet, you can see different
15 directionalities off of some of the drops of blood,
16 can you not?

17 A To some extent, yes.

18 Q And you can tell smears from spray?

19 A To some extent, yes.

20 Q So in order to get the most information from the fact
21 that there was -- the fact that Peggy Ryen's blood was
22 found in that spot, C, could be consistent with it
23 having fell there by gravity, having flown all the way
24 across the room cast off, having been all kinds of
25 different things, right?

26 A There's a number of things you could say about it.

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1 Q And in order to -- in order to properly assess that,
2 you would have to know something -- the more information
3 you had about its shape and directionality, the better
4 you would be able to assess that, right?

5 A Okay. If -- first of all, if you're assuming that
6 the -- that the blood was deposited there when the
7 sheets were in the shape that they're in, that's your
8 first assumption. Then if you -- if you had any kind
9 of pattern to that blood drop at all, then you may
10 be able to say something.

11 Q Well, one of the things you're trying to do when you're
12 doing a crime scene analysis is to try and do just
13 that, is it not, to try and determine, first of all,
14 the shapes in that particular location and then to
15 take whatever information you have to see whether it's
16 consistent with other known facts and to try and make
17 as many inferences as you can?

18 A If you can tell that, yes.

19 Q And without documenting what those -- all those different
20 blood drops look like, a lot of their significance,
21 as far as the reconstruction, is lost; is that correct?

22 A Except for the fact that you can still type them as
23 far as their --

24 Q Assuming -- we know we can type them. But now we're
25 going into the -- the significance of being able to
26 type without knowing what it looks like.

011306

1 A If you're referring as to how it got onto the sheet,
2 then without knowing what it looks like, no, you can't
3 really tell.

4 Q Okay. And, obviously, for the different types of
5 questions in which we're interested in this particular
6 crime scene reconstruction, the question of how it got
7 on the sheet can be just as important as whose blood
8 it was, right?

9 A That is -- well, I can't say it's just as important,
10 but it could be of potential importance if you're
11 going to do that, yes.

12 MR. NEGUS: Can we take our break?

13 THE COURT: Sure. Fifteen minutes.

14 (Recess.)

15 THE COURT: Go ahead.

16 Q BY MR. NEGUS: What did you do with the beer cans which
17 are shown in Exhibit H-184 after you did the presumptive
18 test on them?

19 A Okay. I believe the presumptive test was done on one
20 beer can, and that beer can was taken, I believe, by
21 Mr. Duffy to Identification Bureau for fingerprints.

22 Q Did you attempt to -- to get the -- whatever blood was
23 on it off before it went?

24 A Not at that point, no.

25 Q Why not?

26 A Basically because the evidence of fingerprints might

1 have been more important at that time.

2 Q So you were willing to risk whatever might have --
3 whatever damage might have happened on the -- to the
4 blood in order to get -- try and get fingerprints?

5 MR. KOCHIS: Well, I am going to object. That
6 assumes that there was a risk in giving it to ID.

7 THE COURT: All right. Lay a better foundation.

8 Q BY MR. NEGUS: Do you know how that the ID people were
9 going to -- were going to process the beer cans?

10 A Not specifically, no.

11 Q Some forms of processing for fingerprints can be
12 harmful to blood as far as typing?

13 A Yes, it can.

14 Q So you were -- were you willing to risk whatever
15 damage might occur to the blood so that they could
16 develop -- try and develop fingerprints?

17 A I don't recall my specific thinking at that time.

18 Q You -- do you know whether you considered that issue
19 at all?

20 A I believe I would have, but I don't remember whether
21 I did or did not.

22 Q Is it possible to remove blood from beer cans without
23 destroying any fingerprints that might be on them, at
24 least the blood that was on that particular beer can?

25 A That's hard to say. I, not knowing where the finger-
26 prints were, can't answer that question.

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1 Q Did you see anything that looked like fingerprints in
2 the area of -- of the particular blood on that beer
3 can?

4 A No, sir. They weren't developed at that point.

5 Q Did there appear to be any ridge patterns in the
6 blood itself?

7 A No, sir, not that I can remember.

8 Q When items are seized as evidence, these whole items
9 which you're going to take back to the lab for possible
10 serological testing, is there any procedures which
11 should be followed as far as packaging in order to
12 preserve them?

13 A In general, yes.

14 Q What are those?

15 A Okay. What type of evidence are you talking about?

16 Q An object with blood on it, a small portable object.

17 A The way I would package a small portable object with
18 blood on it is first of all make sure that the blood
19 on it is dry, and then package it separately into a
20 paper bag or paper object of some sort, Manila
21 envelope or a bag or whatever.

22 Q Why do you see that the blood is dry?

23 A The reason why I want the blood dry is to inhibit
24 the degradative-type changes that can occur when
25 blood is wet for an extended period of time.

26 Q Why do you want to put it in a paper bag as opposed

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- 1 to a plastic bag?
- 2 A To keep it from maintaining, if you will, any
3 residual moisture that may be in the blood.
- 4 Q What deleterious effect can you have on blood if it --
5 if that -- if you do put it in a plastic bag and that
6 moisture is retained?
- 7 A Essentially, depending on how much moisture is there,
8 it will essentially mildew, and it will break down the
9 blood a lot quicker than it would if it was dry.
- 10 Q Did, in this particular case, you receive some items
11 with suspected blood on them that were packaged in
12 plastic? Let me be more -- you don't remember offhand?
- 13 A I can't recall any, no.
- 14 Q Well, let -- let me direct your attention to item J-5.
- 15 A I do have it in my notes that it was packaged in a
16 plastic bag.
- 17 Q Showing you Exhibit H-323, does that, first of all,
18 that contain -- that being a plastic bag with an
19 ax sheath in it, does that appear to contain the ax
20 sheath which is item number J-5?
- 21 A Yes, it does.
- 22 Q And is that the plastic bag that it came in?
- 23 A From my initials and the case number and item number
24 that I put on this item, I believe it is, yes.
- 25 Q And I notice that there's a tape on it which has been
26 at one point in time, looks like taken off and then

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1 put back on again. Was it -- when you got it, was it
2 in that particular condition?

3 A That I do not know. It appears as though I may have
4 put the tape on myself.

5 Q You're not sure?

6 A No, I'm not.

7 Q Do you remember whether it was originally taped and
8 you removed the tape and then put on new tape?

9 A No, sir, I do not remember.

10 Q Did you also -- did you also receive item J-9?

11 A Yes, we did.

12 Q And was that a hunk of rope?

13 A Yes, it is. It's a bundle of rope.

14 Q And showing you photograph S-28, with item number 26
15 next to a bundle of rope, does that appear to be the
16 bundle of rope that was item J-9?

17 A Yes, it does.

18 Q Do you remember whether the plastic bag which item J-9
19 came in was taped or not?

20 A I have nothing in my notes as to whether it was or
21 was not.

22 Q When -- when items degrade, that is -- excuse me,
23 when blood degrades, does -- do -- in a condition
24 where you still have some dampness in the -- in the
25 item and it's sealed in a plastic bag, do some
26 particular enzymes tend to go -- get disintegrated

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- 1 before others?
- 2 A I would say yes.
- 3 Q Of those that last the longest, would they include
- 4 ADA and AK?
- 5 A Yes, they would.
- 6 Q And would the ADA and AK, for example, likewise be
- 7 more stable than the ABO antibodies that you detect
- 8 using the Lattes test?
- 9 A I would say they would be more stable than the antibodies,
- 10 yes.
- 11 Q The antigens, however, which you detect by using the
- 12 absorption-elution test, would be more stable than
- 13 the AKA and ADA; is that correct?
- 14 A Yes, they would.
- 15 Q Is CA II likewise one of the more stable enzymes?
- 16 A Yes, it is.
- 17 Q With item J-9, when you analyzed the -- it turned out
- 18 to be blood, human blood, on item J-9; is that correct?
- 19 A Yes, sir.
- 20 Q In the analysis of that particular blood, you were
- 21 able to get an ABA -- an AB, you were able to detect
- 22 the antigen, correct?
- 23 A The ABO antigen, yes.
- 24 Q Not able to detect the ABO antibodies, correct?
- 25 A That is correct, yes.
- 26 Q You were able to -- to detect the ADA, the AK and the

1 CO -- CA II enzymes, correct?

2 A That is correct, yes.

3 Q But you were not able to detect any of the other
4 enzymes which you attempted to get?

5 A That is correct, yes.

6 Q Would the results have been consistent with blood
7 that had remained inside of a house for two days
8 when the temperature ranged between 50 and 75 degrees?

9 A I would say no.

10 (No omissions.)

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4 A That is one possibility, yes.

8 A Yes, it was.

11 A. There was enough blood to do -- to test for at least
12 carbonic anhydrase and peptidase A.

14 A That's one electrophoresis run, yes.

16 A No, I did not.

19 A Again, if it's moist, it can.

21 A Again, the degradation of the substances that you're
22 looking for.

26 | A Yes.

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- 1 Q Did item J-20 consisting of a napkin and cigarette
2 butt come to you in a plastic bag?
- 3 A Yes, it did.
- 4 Q And do you remember whether that was a tape-sealed
5 plastic bag or not?
- 6 A No, sir, I do not. I have nothing in my notes about it
7 being tape-sealed or not.
- 8 Q Do the Lewis and ABO antigens in -- well, in saliva,
9 are they more stable than the proteins in blood, for
10 example? I mean if you're -- are they -- would a
11 blood protein be more likely to deteriorate in a
12 plastic bag if it's still somewhat wet than a cigarette
13 butt?
- 14 A Well, if you're comparing the proteins or enzymes in
15 bloodstain as opposed to the antigens in a cigarette
16 butt, the antigens in the cigarette butt I would say
17 are more stable than the proteins.
- 18 Q Now, with respect to the amylase, there's two different
19 types of analysis that can be done with that; is
20 that correct? One, you can type it, and, B, you can
21 determine whether it's amylase?
- 22 A Well, you can determine whether it's amylase. In fresh
23 samples, you can determine whether it's -- you can type
24 it.
- 25 Q Does the determination of whether or not a substance
26 is amylase -- does that -- does your ability to do that

011315

1 last longer than your ability to type enzymes in blood?

2 A Given that amylase is an enzyme in itself, I would say
3 that they are probably pretty equal as far as the time
4 is concerned.

5 Q Well, isn't it -- isn't there a difference between --
6 between determining whether something is amylase or
7 not and being able to electrophoretically separate
8 and type something?

9 A As far as amylase itself, you still have to have
10 enzyme activity present, so it's still not degraded
11 to the point that it's not active. And as far as
12 comparison with blood enzymes, if you will, I can't
13 really answer that question. If you are asking
14 whether you can still detect activity, as opposed to
15 electrophoretically type something, you can usually
16 detect the activity longer than you can type it.

17 Q And when you're testing for amylase, when you're looking
18 at cigarette butts, when you're testing saliva, you're
19 looking for activity rather than typing; right?

20 A Right.

21 Q In addition to typing blood and saliva, you can also
22 just take human cells and determine various enzymes
23 and blood types from them; is that correct?

24 A Yes, you can.

25 You mean skin cells and things like that?

26 Q Right, epithelial.

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- 1 A Basically, yes.
- 2 Q Item V-18 consisted of a plastic bag with five napkins
3 which had, amongst other things, epithelial cells in
4 them; is that correct?
- 5 A That is correct, yes.
- 6 Q And that particular -- those particular items were
7 brought to you in a tape-sealed plastic bag?
- 8 A That is correct, yes.
- 9 Q Does the same conditions that cause deterioration in
10 plastic bags with saliva and bloodstains apply to
11 epithelial cells?
- 12 A Well, first of all, I believe that the things that I
13 typed in this item were not probably -- probably not
14 the epithelial cells. It probably was a mucoid
15 secretion of some sort, possibly somebody blowing
16 their nose on the napkins.
- 17 Q Well, how about the mucoid secretions? Would they be
18 subject to the same sort of deterioration if still
19 damp in a plastic bag as would blood or saliva?
- 20 A Yes, sir.
- 21 Q Do you know if the stability of the various enzymes
22 is the same in mucoid secretions as it is in blood?
- 23 A That I do not know, because I don't know the proteolytic
24 type of makeup of mucoid-type secretions.
- 25 Q In your analysis of V-18, there was plenty of stain
26 to analyze; is that right?

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- 1 A I believe so, yes.
- 2 Q You were able to get results as to PEP A and EsD?
- 3 A Yes.
- 4 Q But you were not able to get results as to PGM and
- 5 CA II; is that correct?
- 6 A That is correct, yes.
- 7 Q Would that kind of finding be consistent with the
- 8 deterioration that takes place of something that's
- 9 still slightly damp being placed into a plastic bag?
- 10 A Not necessarily, no.
- 11 Q There may be other explanations, but is that also
- 12 consistent?
- 13 A I think there's better explanations. The explanation
- 14 for the CA II, I believe, is the lack of blood in
- 15 that sample. CA II occurs in a very high quantity in
- 16 blood, but I do not believe it occurs in mucoid
- 17 secretions.
- 18 Q What about PGM?
- 19 A The PGM, the fact that I got the esterase D would tell
- 20 me that maybe there's something else interfering with
- 21 the PGM. As to whether it could be the degradative
- 22 changes, that is a possibility.
- 23 Q In -- have you determined the haptoglobin types of the
- 24 victims in this particular case?
- 25 A I believe I have, yes. I don't know as I have the
- 26 results with me today. Some of the victims I have.

011318

1 Some I have not. The one that I have not in particular
2 is Christopher Hughes.

3 Q Which ones do you have?

4 A I have Peggy Ryen.

5 Q What's she?

6 A She's a Type 1. Jessica Ryen was a Type 2-1.
7 Douglas Ryen is a Type 2-1, and I believe I have
8 Joshua also.

9 (No omissions.)

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T18

- 1 Q And he's a Type 1?
- 2 A I don't know yet.
- 3 He is a Type 1, yes.
- 4 Q The items -- peptidase A in -- in blood is one of the
- 5 less stable of -- of the -- of the enzymes; is that
- 6 correct?
- 7 A I would say so, yes.
- 8 Q And as far as all the different people that you have
- 9 tested in this particular case, were suspects in the
- 10 month of June, anyway, everybody was a carbonic
- 11 anhydrase Type 1; is that right?
- 12 A Up until June, yes.
- 13 Q Well, the only people that you tested that were --
- 14 that were 2-1's were people who had known the Ryens
- 15 X number of years ago?
- 16 A I don't know the history of the people that donated
- 17 these blood samples, so I couldn't tell you.
- 18 Q Okay. But those were obtained in November?
- 19 A Yes. Well, they were typed in November. I'm not
- 20 sure when they were obtained. I -- they were obtained
- 21 at least in October or -- excuse me, October, because
- 22 I did some typing in October.
- 23 Q Okay. But, anyway, as to the -- as to the information
- 24 that you had in June, CA II wouldn't have helped you
- 25 discriminate between any of the possible suspects or
- 26 victims in this particular case, correct?

011320

- 1 A Of the known samples that I had at that point, yes,
2 that is correct.
- 3 Q Well, I mean, you had four suspects and five victims
4 at that point in time, right?
- 5 A I had, as far as I was concerned, at that point I
6 had five victims and how many knows suspects.
- 7 Q Okay. But as far as the samples that you were
8 analyzing, you had how many -- you had known blood
9 from -- from Milton Bulau, Knori, Martinez, and you
10 also had some information from Pittsburgh about
11 Mr. Cooper's blood type; is that correct?
- 12 A I believe that was in June, yes.
- 13 Q So those are -- you had all those -- you had all
14 that information in June?
- 15 A That is correct.
- 16 Q And all the information you had was -- was just -- was
17 CA -- CA 2-1's; is that right?
- 18 A That is correct.
- 19 Q When you analyzed these sample W-2 and W-5, was it
20 obvious to you that there would not be enough blood
21 in those samples to get a complete genetic profile?
- 22 A I believe so, yes.
- 23 Q In -- as far as -- as W -- well, in choosing which
24 test to do on W-5, you only had enough to do one
25 particular electrophoretic run?
- 26 A Yes, sir.

1 Q And you choosed -- you chose to do Group IV; is that
2 right?

3 A Yes, I did.

4 Q And your results were inconclusive?

5 A That is correct.

6 Q So you got no useful information out of doing the
7 electrophoretic run at all; is that correct?

8 A That is correct, yes.

9 Q Why did you choose to do a test, one of which the
10 enzymes wouldn't have discriminated amongst anybody
11 you had involved in the case and the other one was
12 one of the most unstable of the enzymes when you could
13 only do one test?

14 A Okay. As far as that is concerned, I knew at that
15 point, at least, that I had a bloodstain in the house
16 that was a peptidase A 2-1.

17 Q Oh?

18 A The hypothesis that I had at that time was that this
19 blood may be from the same person that deposited the
20 peptidase A 2-1. And my attempt in doing the peptidase A
21 was to disprove that hypothesis that it was from a
22 peptidase A 2-1 person. That's basically it.

23 Q Well, you hadn't run A-41 for peptidase A on June the
24 23rd, had you?

25 A No, sir. I ran that at the later date of June 29th.

26 Q So you knew that Mr. Cooper was a peptidase A 2-1 but

1 you didn't know what A-41 was, correct?

2 A Well, I knew that whoever deposited the stain -- or,
3 the information I had from Pittsburgh, for instance,
4 I -- the person in this case was a peptidase A 2-1.

5 Q And you knew in that particular case that they had
6 Mr. Cooper's fingerprints in the car, did you not?

7 A I wasn't sure that it was the car, but I understood
8 that they did have fingerprints, yes.

9 Q So you could be pretty sure that that peptidase A 2-1
10 was Mr. Cooper's?

11 A Drawing an inference from that, yes.

12 Q If you were to take the information you know about
13 A-41 now and attempt to do your test on W-5 from this,
14 from the perception of what you know about A-41, would
15 the Group IV be the best choice?

16 A No, sir.

17 Q What would?

18 A I would do the transferrin.

19 Q Why is that?

20 A Because it is a long-lasting serum protein, and it
21 also, in this case, has a good potential for either
22 saying, "Yes, this is consistent with Mr. Cooper,"
23 or, "It is not consistent with Mr. Cooper."

24 Q Taking haptoglobin, does that -- does that particular
25 serum protein last almost as long as transferrin?

26 A I would say it lasts pretty long, but not as long as

- 1 transferrin. Almost -- almost as long.
- 2 Q In this particular case, it's your belief, is it not,
3 that A-41 comes from a very -- from also a rare type
4 of haptoglobin?
- 5 A That is true, yes.
- 6 Q And the haptoglobin, unlike transferrin, will also
7 discriminate amongst some of the victims; is that
8 correct?
- 9 A That is true, yes.
- 10 Q So if you factored in your knowledge about the victims'
11 blood types as well as the type with A-41, would the
12 best choice be to do haptoglobin?
- 13 A Okay. If you assume that both of them last equally
14 long, yes, it would. But my contention is that the --
15 the transferrin does last longer than the haptoglobin.
- 16 Q So then, just so I understand, then, you would -- it
17 would be your position that in a situation in which --
18 even given the -- the greater positiveness of the
19 haptoglobin, that because of the longer lasting of
20 the transferrin, that would be the enzyme of choice?
- 21 A I think so, yes, because you have a choice of -- if
22 you're assuming that that blood came from -- or, make
23 the hypothesis that it came from either Mr. Cooper or
24 one of the victims, if you get something besides the
25 haptoglobin 2-1M, I don't see that it tells you very
26 much at all. That's just --

011-224

1 Q How about if you got a 2?

2 A If I got a 2, then it would be different, that's true.

3 Q And the chances of getting a haptoglobin 2 are consider-

4 ably greater than the chances, for example, of getting

5 a transferrin CB, which will be the only thing that

6 would be informative in the transferrin; is that

7 correct?

8 A That is true, yes.

9 Q Did you analyze some bloodstains from the front of a

10 T-shirt with the laboratory number CC?

11 A Yes, I did.

12 Q And showing you Exhibit H-12, is this the T-shirt?

13 A Yes, it is.

14 Q And does it indicate on the T-shirt the -- can you

15 tell -- can you tell where you got the -- the blood

16 from from that T-shirt?

17 A Yes, I can.

18 Q Where is that?

19 A It's from, I guess, the middle portion, or, approximately,

20 three inches from the bottom, in the front.

21 Q Did you take all the blood off the T-shirt?

22 A No, sir, I did not.

23 Q Why not?

24 A Basically, I took the sample that was the most

25 concentrated that I could possibly get the most

26 results out of.

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1 Q Why not?

2 A Basically, that is not my normal procedure.

3 Q And why is that not your normal procedure?

4 A Just that I don't do it.

5 Q Well, why did you do it in the case of the -- of the
6 sheets that you were sending to Dr. Blake and not in
7 other situations?

8 A Basically, because we were sending that out to an expert
9 or another expert, and also your request if he needed
10 pictures, to take them, and document that you were
11 there. We took the stain and sent it to Dr. Blake.

12 Q So it was basically a chain of custody thing rather
13 than a scientific thing?

14 A Basically, yes.

15 Q Did you do anything to like sketch that particular
16 stain before you took it out?

17 MR. KOCHIS: Your Honor, objection, vague. I'm
18 not sure whether we're talking about T-shirt now or the
19 blankets.

20 MR. NEGUS: T-shirt.

21 THE COURT: Now we know.

22 THE WITNESS: I was confused too.

23 No, sir, I did not.

24 Q BY MR. NEGUS: When you got back to the laboratory
25 and were taking the samples that you were taking for
26 the purposes of testing them, did -- had you by that --

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1 had you at that point in time abandoned your desire to
2 try and reconstruct the crime?

3 A Not completely, no. I can't say that.

4 Q Is there any scientific reason for not documenting what
5 the stain looks like before you destroy it?

6 A Except for the time factor, and also I mean the stain --
7 normally what I'll do is if it's a unique type of
8 stain, then I would probably have taken a picture of
9 it, but if it's -- seems to be non-informative or
10 generally non-informative, I don't think I would have
11 taken a picture of it.

12 Q Do you remember whether that particular stain that
13 you cut out was a smear or a drop or what?

14 A Not specifically, no. I could probably take a look at
15 the remaining stain and tell you what it was.

16 Q Would you be able to get the shape of it from the
17 remaining stain?

18 A I don't know. I'd have to take a look at the stain.

19 Q As far as you knew, was there any orders or policies
20 or anything preventing you from going back to the
21 loft on June the 13th to collect more blood samples
22 from the furniture?

23 A Not that I know of, no.

24 Q What about from the car?

25 A Again, not that I know.

26 Q Why didn't you?

- 1 A I don't know at this time.
- 2 Q That would have been the better procedure, would it
3 not?
- 4 A Yes, it would have, at this point.
- 5 Q You have typed for ABO antigens the various stains
6 in laboratory numbers NNN through RRR collected by
7 Mr. Ogino from that furniture in February; is that
8 true?
- 9 A Yes, I have.
- 10 Q With the exception of two, none of those stains are
11 currently typeable; is that correct?
- 12 A I can't say that none of them are currently typeable
13 but by my technique that I use right now, they're
14 not typeable. I do intend to try more techniques or
15 different technique to try to do that.
- 16 Q What different technique do you think will give you
17 results?
- 18 A The technique that I used on this was something called
19 absorption-elution chisum, which is an ammonia extraction
20 method. The technique I intend to use is to extract
21 it and absorb it onto a thread and then do what's called
22 a Howard-Martin elution technique.
- 23 Q When do you expect to have that done by?
- 24 A I really can't tell you at this point. I'm doing other
25 analysis also.
- 26 Q If you can't get ABO antigens by the chisum technique

1 of absorption-elution, you in all probability would not
2 be able to get enzyme serum proteins or antibodies;
3 is that correct?

4 A That is true, yes.

5 Q So whatever technique you use, you don't expect to be
6 able to get any enzyme results from the furniture?

7 A That is true, yes.

8 Q The two ABO types that you did get a result on from
9 the -- from the furniture were from the dresser along
10 the west wall; is that correct?

11 A Okay. As far as exactly where they came from, I
12 believe you'll have to ask Mr. Ogino. They do say
13 "sliding door from dresser." I assume --

14 Q There's a "W" near that too, as well. The dresser --
15 isn't the dresser on the thing distinguished as
16 dresser "W" as opposed to a dresser "S" in another one
17 of the numbers?

18 A Okay. As far as my notes are concerned, no.

19 Q Do you have the laboratory report there with you?

20 A Yes, I do.

21 Okay. As far as his report, it does say west
22 dresser.

23 Q The -- one of those -- of those, there were four
24 different things taken from the west dresser, from
25 that MMN series labeled as the west dresser; is that
26 right?

- 1 A Yes, there were.
- 2 Q Two of them gave inconclusive ABO results?
- 3 A That is true, yes.
- 4 Q One of them was a B?
- 5 A I believe they were both A's.
- 6 Q Do you have a note that is listed -- your notes of
7 absorption-elution somewhere in there?
- 8 A Yes, I do.
- 9 Q Could you check to see.
- 10 Well, maybe -- you made at one point in time a
11 xerox copy for me of your notes; correct?
- 12 A I believe so, yes.
- 13 Q Showing you what has been marked as page 2937 of the
14 discovery, does that appear to be a copy of what we're
15 talking about?
- 16 A It appears to be a copy of one of my notes, yes.
- 17 Q And does that indicate the notes in which -- which you
18 did the NNN series?
- 19 A Yes, it does.
- 20 Q And that indicates one of them is an A and one of them
21 was a B and two were inconclusive; is that correct?
- 22 A That is correct, yes.
- 23 Q Is it possible that you just made a transcription error
24 on the summary where you wrote A antigen when it should
25 have been the B antigen?
- 26 A That is possible, yes.

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1 MR. NEGUS: Can we stop now? I'm about to try to
2 have to regroup and find another area to go into. I can
3 flounder in five minutes, but I think it will give you --

4 THE COURT: Okay. So you'd like to break it now;
5 is that right?

6 MR. NEGUS: Yes.

7 THE COURT: Now, tomorrow morning, do you have
8 your Court of Appeal?

9 MR. NEGUS: Tomorrow I have to go to the Court of
10 Appeal in the morning. I'll be back ready to go at 1:30.

11 THE COURT: All right. Then we'll adjourn the
12 matter until 1:30 tomorrow afternoon. Thank you.

13 You may step down.

14 (Whereupon, the matter was adjourned
15 at 3:55 p.m. until Tuesday, July 10,
16 1984 at 1:30 p.m.)

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