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SUPREME COURT - STATE OF CALIFORNIA

THE PEOPLE OF THE  
STATE OF CALIFORNIA,

Plaintiff-Respondent,

vs.

KEVIN COOPER,

Defendant-Appellant.

CRIM  
24552  
SUPREME COURT NO.

FROM SAN DIEGO COUNTY

HON. RICHARD C. GARNER,  
JUDGE

San Diego County Superior Court Case No. CR 72787

REPORTERS' TRANSCRIPT

VOLUME 88

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November 15, 1984, Pages 3271 through 3413

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San Diego, California 92101

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SAN DIEGO  
DEPARTMENT NO. 30 HON. RICHARD C. GARNER, JUDGE

THE PEOPLE OF THE STATE  
OF CALIFORNIA,

Plaintiff,

vs.

KEVIN COOPER,

Defendant.

NO. OCR-9319

REPORTERS' TRANSCRIPT  
November 14, 1984

APPEARANCES:

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Official Reporters

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1 SAN DIEGO, CALIFORNIA, WEDNESDAY, NOVEMBER 14, 1984 9:20 A.M..

2 --oo0oo--

3  
4 (Chambers conference, reported)

5 THE COURT: On the record. The defendant is present with  
6 all three attorneys.

7 Do you have something with reference to the gag  
8 order?

9 MR. NEGUS: I was going to do the easy thing first.

10 The first is that I understand the prosecution is  
11 going to be offering or agreed to a stipulation with respect to  
12 what Diane Williams would testify to if called to the stand.  
13 That requires that I think I advise, on the record, Mr. Cooper  
14 as to the effect of that. We have already talked about it but I  
15 would like to do it for the record.

16 THE COURT: Have you written it out?

17 MR. KOTTMEIER: Yes, your Honor.

18 THE COURT: Has Mr. Cooper read a copy of it?

19 MR. KOTTMEIER: I have given a copy to Mr. Negus.

20 MR. NEGUS: I don't --

21 THE COURT: Can you let him read a copy.

22 MR. NEGUS: You have read --

23 MR. COOPER: I have read your copy, Mr. Negus.

24 THE COURT: Okay.

25 MR. NEGUS: So, Mr. Cooper, whenever we offer a  
26 stipulation as to anything, as to the testimony of a witness in  
27 this particular case, you are giving up a right to -- two rights  
28 that are involved in having a witness testify in court.



1           One is the right of confrontation. That is, to  
2   have the witness in court, you know, face to face with you while  
3   the witness is testifying, and the other is the right to have me  
4   cross-examine that witness, to ask questions.

5           Because of reasons we have gone over between the  
6   two of us, I have agreed with Mr. Kottmeier that we would,  
7   instead of bringing Diane into court to testify at this  
8   particular hearing, like she did at the preliminary, we would  
9   instead read a stipulation into the record, which we have gone  
10  over, and Mr. Kottmeier and I jointly prepared.

11           Do you agree to give up the two rights of  
12  confrontation and cross-examination with respect to the  
13  testimony of Diane Williams?

14           MR. COOPER: Yes, I do.

15           THE COURT: All right.

16           MR. KOTTMEIER: There is a second stipulation, that could  
17  potentially have been covered by Diane Williams but would  
18  probably require the testimony of a representative of the  
19  Pittsburgh Bell Telephone Company.

20           MR. NEGUS: The other one --

21           MR. KOTTMEIER: Pennsylvania Bell.

22           MR. NEGUS: The other stipulation is that there is a  
23  telephone bill from Diane of the phone call made from Tijuana to  
24  her particular home. That other stipulation being that we got  
25  that particular, Mr. Forbush got that particular bill from Diane  
26  in Pittsburgh and that the prosecution I believe also has a copy  
27  of it.

28           We would also stipulate that that is an accurate

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1 record of her particular phone bill of that particular call.

2 Do you agree to give up your same rights with  
3 respect to that stipulation?

4 MR. COOPER: Yes, I do.

5 THE COURT: All right. I will accept them in open court  
6 without inquiring of the defendant in open court and then you  
7 can, both of you can do so at this time.

8 The stipulation would be if Diane Williams were  
9 called to the stand she'd be placed under oath and testify as  
10 follows, I take it.

11 MR. KOTTMEIER: Yes.

12 MR. NEGUS: Something to that affect.

13 MR. KOTTMEIER: If she had be called as a witness, given  
14 the oath to tell the truth and testify in the case, and she  
15 would say --

16 THE COURT: Okay, fine.

17 MR. NEGUS: I assume, too, Mr. Kottmeier is going to read  
18 it.

19 MR. KOTTMEIER: Yes. Then I will give it to the clerk,  
20 not necessarily as an exhibit, but so that we have it on file  
21 for future reference.

22 THE COURT: Okay. All of these stipulations that I have  
23 accepted so far, and in all my contact with Mr. Cooper he seems  
24 to be alert, and knowledgeable, and understanding, and knowing  
25 his rights he freely and voluntarily waives them. He seems to  
26 be working very intelligently with his attorney.

27 All right. Secondly.

28 MR. NEGUS: Okay. The harder part is, I would like to

1 request that you reconsider the gag order. The reason is that I  
2 think there is -- there's more involved in this, in the  
3 particular situation right now than I was able to articulate  
4 yesterday.

5 Basically, if there is a gag order on the -- with  
6 respect to the information contained in the letter, then we are  
7 in effect, as the defense investigators, precluded from doing  
8 any further investigation. We can't have the letter so we can't  
9 pursue it.

10 THE COURT: That was not my intent at all. Can I relax  
11 it a little bit to permit -- I did not intend to prevent your  
12 further work on it any way.

13 MR. NEGUS: The other -- the second thing is, I suppose  
14 the only way that I can see, having asked the six people that I  
15 consider to be the most likely suspects, based upon what  
16 information has been given to me about who was where or when,  
17 having asked them and then denied it, the only other way that I  
18 can see how to try and develop the further information is to go  
19 public with it, and to see if it is publicized and anybody who  
20 has knowledge of the circumstances of the letters come forward,  
21 which I just don't see any other way to do anything further with  
22 the case unless it is, unless the letter is publicized.

23 I know of no way, assuming the press would write  
24 about it if we told them about it, but that's the only way that  
25 I can see to get any further information on it.

26 THE COURT: Well, the local press has it. They're under  
27 no gag order right now. They can write about it if they wish.

28 MR. NEGUS: Half of the local press has it. The Sun

1 doesn't, to my knowledge. I told you yesterday that I did not  
2 know whether or not a copy of it had been sent to the Sun, I  
3 directed nobody to send a copy and I -- you know, have no  
4 knowledge that one was or was not.

5 All I was indicating is that letter was circulating  
6 around. Lots of different people I believe in my office saw it,  
7 and I don't know where all -- I didn't put any restrictions on  
8 anybody making copies with respect to my declaration.

9 I do believe that I heard a rumor, and I don't know  
10 it is true, that Mr. Lundahl was at least informed of the  
11 contents.

12 THE COURT: He's the reporter that's attending trial.

13 MR. NEGUS: He's the guy from the Sun with the red hair  
14 and the beard.

15 THE COURT: Yes. He stopped me yesterday and asked me if  
16 I have issued a gag order. I simply told him, "No comment."

17 MR. NEGUS: Anyway, I don't know that they have any  
18 knowledge. I don't know for sure that they have anything that  
19 they could publicize about it, and so, you know, I really -- I  
20 don't think that the local newspapers here in San Diego have  
21 been given as much play recently. The only people that have  
22 been publishing stories about it, that I know, are the Press  
23 Enterprize in Riverside, the Sun and the Daily Report.

24 And, you know, I think -- I don't think they have  
25 enough of a significant circulation down here so I, you know, I  
26 think the chances of it influencing our jury is minimal, and if  
27 we have a gag order I'm precluded from discussing it with the  
28 press, and I am precluded from essentially the only other means

1 of investigation I have.

2 MR. KOTTMEIER: The difficulty, your Honor, it is  
3 secondary and it really hasn't been opened up, I would assume  
4 that the Court is aware of it just from the obvious nature of  
5 comments that Mr. Negus has made, that if he goes public or to  
6 the press with that kind of information, then it will be  
7 incumbent upon myself and Sheriff Tidwell to respond and to  
8 offer our ideas and suggestions as to where the particular issue  
9 should be investigated. I don't think that it is going to  
10 assist anybody as far as any investigative effort to have  
11 allegations and counter-allegations going back and forth in the  
12 newspaper.

13 THE COURT: By going public with it you would hope to  
14 indirectly put more pressure upon the colleagues of the letter  
15 writer presumably to where they would come forward and reveal  
16 the writer or they would get the writer to reveal his own  
17 identity in some manner, so you are hoping for internal pressure  
18 in one way or the other in the Sheriff's Department.

19 MR. NEGUS: Or of just people, people with knowledge of  
20 the letter would, would reveal it.

21 I think also that if it were publicized, the Daily  
22 Report's position about the letter is the letter might change.

23 THE COURT: All right. I have reconsidered.

24 Once again, I am of a mind that the benefits to be  
25 gained with that particular class of people, the pressure would  
26 be negligible in addition to the pressures that are already  
27 there. I know how criticism of a deputy or an officer  
28 circulates internally within that department. The pressures are

1 already there, Mr. Negus, as far as it being from within the  
2 Sheriff's Department. If it emanated from sources outside the  
3 Sheriff's Department, you are not going to be helped in any  
4 event.

5 I think that the benefits to be gained are  
6 nonexistent or slight, if at all, and the harm to be realized of  
7 having a continuing conflict and follow-up stories and  
8 everything else, lie detector suggestions and all other  
9 investigative tools such as was suggested here by the attorneys  
10 from the paper, putting everybody under oath and having hearings  
11 and getting sidetracked from the trial, all of it is much to do  
12 about nothing, is the way I see it, and that letter is just what  
13 it purports to say.

14 MR. NEGUS: As far as I can recall, having put it in my  
15 declaration, was that the author had personal knowledge of the  
16 Ryen investigation and personal knowledge of mishandling of  
17 evidence.

18 THE COURT: The personal knowledge of the Ryen  
19 investigation, we have had 50 officers that have had personal  
20 knowledge of the Ryen investigation or a small portion thereof.

21 MR. NEGUS: But only six of them, only six of them meet  
22 the scripts of the author of the letter. And as far as homicide  
23 detectives there, there are not that many homicide detectives  
24 at the Ryen scene that had personal knowledge, knowledge of how  
25 CCD handles the evidence. The maximum is six. If one of six  
26 are the author, I mean, that's very important evidence.

27 If it is Mr. Arthur, or tore Mr. Clifford, or Mr.  
28 Woods, Mr. Wilson, Mr. Hall, or, I forget, anyway, anyone of

3 1 those people were -- well, Mr. O'Campo. Any of those people  
2 with personal knowledge, it is exceedingly important as far as  
3 the evidence is concerned.

4 You know, without -- I mean, all I can tell you is  
5 that you have interpreted what I wrote about the letter  
6 differently than I remember it, because what I distinctly  
7 remember is that what made it an important letter to me as  
8 opposed to a nonimportant letter was the author purported to  
9 have significant formation, based on his personal knowledge of  
10 the mishandling of the evidence, and there was details in there  
11 which I cannot remember concerning that.

12 But, you know, my impression of hearing it over the  
13 phone, it was read to me rather quickly by Mr. Gray, was that if  
14 it were true, it was significant.

15 Now, I have no way knowing if it is true. The only  
16 way I can find out if there is significant information out there  
17 that exists, which is being held back from me, is to publicize  
18 it.

19 THE COURT: Counsel, the mishandling of the evidence is a  
20 matter of common knowledge at this point, of the taking of the  
21 rug and the walls and the portions from the Ryen house and  
22 putting them in a hot attic for storage is just common and  
23 public knowledge at that time, this point, to where --

24 MR. NEGUS: Are we --

25 THE COURT: -- it is just within the knowledge of  
26 everybody.

27 MR. NEGUS: Is it something that we're going to get an  
28 instruction on? I expect them to dispute that. That seems to

1 be their position all along. And I don't know whether there is  
2 other, you know, what we have been able to -- what I have been  
3 able to, you know, to extort out of them, as it were, in cross  
4 examination, but there may be lots of other stuff that we don't  
5 know of. I have know idea of what the author of the letter  
6 knows that I don't know, and that's what so important about it.

7 THE COURT: With all due respect, Mr. Negus, I decline to  
8 change the order. Let's go back outside unless there is  
9 something else. Thank you.

10 (Chambers conference concluded)

11

12 THE COURT: Good morning, everybody.

13 Mr. Ogino, I remind you of the oath that you took  
14 yesterday. Just resume the chair and state your name for the  
15 record once again.

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

17 THE COURT: Mr. Negus, I believe he's your witness.

18

19 CRAIG OGINO,

20 Called as a witness on behalf of the People, having been  
21 previously duly sworn, testified further as follows:

22

23 CROSS EXAMINATION (Resumed)

24 BY MR. NEGUS:

25 Q. Mr. Ogino, directing your attention back to Exhibit  
26 206 here, a chart that is placed on the board behind you.

27 Are you generally familiar with the chemistry that  
28 is involved in the two tests that you performed or that were



1 performed in the Lease house on June the 8th?

2 A. Yes.

3 Q. Yesterday I believe that there was -- that there  
4 was two different words used, ortho-toludine and ortho-tolidine.

5 THE COURT: Mr. Negus -- counsel, is there an objection  
6 to this scope of the cross examination?

7 MR. KOTTMEIER: Well, your Honor we did discuss the use  
8 of luminol, and ortho-tolidine and ortho-toludine, but as far as  
9 the foundation I don't think has been laid with this witness as  
10 to the particular chemical components and material from which  
11 the diagram has been drafted.

12 MR. NEGUS: If that is the case I move to strike his  
13 testimony with respect to luminol because there is no -- there  
14 has been no foundation laid as to his accuracy.

15 THE COURT: Go ahead, Mr. Negus. Denied.

16 BY MR. NEGUS:

17 Q. Um, the actual substance, whatever, ortho-tolidine  
18 or ortho-toludine, that is used by your particular laboratory,  
19 it is ortho-tolidine as spelled on the chart; is that right?

20 A. Yes.

21 Q. Now, in chemistry, when you are doing these the  
22 types of tests that you are doing, what you are doing is mixing  
23 different chemicals with one another so that the end product is  
24 a different chemical or set of chemicals than you started with;  
25 is that right?

26 A. Not necessarily a different chemical. What we're  
27 looking for is the color reaction.

28 Q. Okay. But with respect to the -- with respect to

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1 the luminol, the way you get the emission of light is that you  
2 mix chemicals together and the end result is a different  
3 chemical which emits some light, true?

4 A. The emitting of light comes from the falling of the  
5 excited electron back to the ground state is not necessarily a  
6 different chemical.

7 Q. Isn't there -- in fact, with luminol, isn't there a  
8 series of reactions that takes place, I think about seven of  
9 them, where you go through seven different chemicals, sort of a  
10 cascading chain down?

11 A. Yes.

12 Q. Along that cascade is there some electron changes,  
13 that is, different chemicals are formed and light is emitted;  
14 correct?

15 A. As the excited electrons drops back to the ground  
16 state it is releasing energy which is in the form of light.

17 Q. Now, when the -- the particular substances that  
18 we're dealing with here have a property, that is, luminol does,  
19 is that it will give off this light in a reaction to a series of  
20 different chemicals in the world; is that right?

21 A. Some chemicals do react, yes.

22 Q. Okay. I have listed them by animal, vegetable and  
23 mineral, as it were, on the chart, some of the chemicals that  
24 will react with luminol.

25 Do you recognize those different substances under  
26 the red portion of the chart as items that will react with  
27 luminol?

28 A. I am not familiar with all those but a number of

1 those do react with luminol.

2 Q. And do a number of those -- do those same  
3 substances also react with ortho-tolidine?

4 A. Not as many. There are a lot fewer that react  
5 with --

6 Q. Which one would you eliminate?

7 A. Well, saliva, for example, doesn't react with the  
8 ortho-tolidine. I am not sure if pus does, I don't believe.  
9 And mucous does not. You have some old shoes there. I'm not  
10 sure what that is. That probably will not, depending what's on  
11 it.

12 And you have various types of reactions to the  
13 ortho-tolidine which react but however are not positive  
14 reactions.

15 Q. Well, let's -- let's break this down a little bit.  
16 You indicated that when you personally do the  
17 ortho-tolidine tests you do it in a two-step fashion; is that  
18 right?

19 A. Yep.

20 Q. Okay. And what you first do is you take the  
21 ortho-tolidine and your unknown stain and mix them together; is  
22 that right?

23 A. Yes.

24 Q. Okay. Now, certain chemicals will at that point in  
25 time produce a change, a slight change in the ortho-tolidine  
26 compound which results in a color change; is that right?

27 A. In the first step.

28 Q. Right.

1 A. Yes.

2 Q. And those chemicals are basically what, if you had  
3 to classify the world in the animal, vegetable, mineral, are  
4 considered to be mineral type chemicals; is that right?

5 A. Well, again, I'm not familiar with all those  
6 minerals you have under that category. I am not sure if they  
7 all react.

8 Q. Does bleach, for example?

9 A. I believe so, yes.

10 Q. Do any of the other ones that you know of react?

11 A. Possibly rust. I'm not familiar with anything  
12 else.

13 Q. And there are other strong, what are called strong  
14 oxidizing agents that will in fact react and produce the color  
15 change, is that right, that are not listed there.

16 A. I believe so, yes.

17 Q. Now, the reason that you do it in the two-step  
18 manner that is described here is that in the first stage when  
19 you just mix ortho-tolidine in your stain, blood will not  
20 produce the color change; is that right?

21 A. That's correct.

22 Q. When you do your second step to the ortho-tolidine  
23 and the stain mixture, you then add some hydrogen peroxide, the  
24 chemical formula is H2O2.

25 A. Yes, sir.

26 Q. If you just take ortho-tolidine and hydrogen  
27 peroxide just by themselves and mix them you wouldn't get much  
28 of a reaction as far as -- is that right, as far as the color

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1 change?

2 A. Immediately, that's correct.

3 Q. In order to get the immediate reaction that you  
4 look for you have to have the presence of another chemical which  
5 goes under the general classification of a catalyst; is that  
6 right?

7 A. Yes, sir.

8 Q. And there are various animal and vegetable  
9 substances in the world which will act as catalysts, correct?

10 A. Yes, sir.

11 Q. And with the exceptions that you've noted they  
12 are -- some of those are listed on the chart.

13 A. Yes, sir, that's correct.

14 Q. When you use luminol, when you spray luminol, the  
15 obtaining of light, there is no way to distinguish between the  
16 animal and vegetable materials on the one hand and the minerals  
17 on the other; is that right?

18 A. By the light that's given off?

19 Q. Right. But the fact that you have a reaction.

20 A. That's correct, you can't distinguish.

21 Q. So that is the reason why once you've separated  
22 something with luminol you use the ortho-tolidine as a second  
23 screening device to at least be able, to be able to eliminate  
24 the minerals; is that right?

25 A. The minerals and a lot of the vegetables also.

26 Q. Which vegetables can you eliminate?

27 A. Well, for example, grass, unless you test that,  
28 say, to have that fresh grass stain, we have done studies in

1 laboratories if you wait one hour you will not get a reaction to  
2 grass. It has to be very, very fresh.

3 Q. Anything else?

4 A. There are a number of different vegetables also.

5 Q. That have to be relatively fresh?

6 A. Yes. The only one we found that doesn't have to be  
7 fresh is horse raddish.

8 Q. In your understanding of the experiments that you  
9 were doing that particular night, did you use any scientific  
10 literature as the basis for it?

11 A. What do you mean?

12 Q. I mean, how did you find out about this? Is it a  
13 matter of trial and error or did you read some stuff about it?

14 A. No. We have read stuff in forensic journals.

15 Q. As far as some of what I've got up there as algae,  
16 fungi and bacteria, is one of the leading sources that you  
17 referred to in that an article by a man named Ed Blake and  
18 another man named Douglas Dillon from northern California that  
19 was published maybe 11 years ago?

20 A. Possibly. I'm not sure which article you are  
21 talking about.

22 Q. An article in the Journal of Police Science and  
23 Administration entitled "Micro Organisms and the Presumptive  
24 Tests for Blood." Are you familiar with that?

25 A. I have heard of that from one of the other  
26 serologists, micro organisms in the presumptive for the  
27 laboratory.

28 Q. In the laboratory do you have little files like on

1 luminol and that sort of thing?

2 A. I personally do. I don't know if other  
3 criminalists keep their own files.

4 Q. Is there a library where all of you --

5 A. Yes.

6 Q. -- consult? Is there a file in the library on  
7 luminol?

8 A. I believe so.

9 Q. Have you consulted that file?

10 A. I have consulted my personal file.

11 Q. Does your personal file also contain an article on  
12 the chemistry of luminol by a man named John Thornton and  
13 another man named Ralph Maloney that was given at the California  
14 Association of Criminalists seminar?

15 A. Yes, it does.

16 Q. When you do these tests, do you do them in such a  
17 way that you can try and preserve results of your experiments so  
18 that other people later can come back and examine your  
19 documentation and perhaps look at the factual basis from which  
20 you got your opinions?

21 A. That's hard to do with ortho-tolidine because after  
22 awhile everything turns blue.

23 Q. What about -- what about with the luminol. Is that  
24 hard to do, too?

25 A. Yes, that's also hard to do, because emitting of  
26 light, like I stated before, is caused by the release of energy  
27 from the outer electron of the luminol, and that doesn't last  
28 very long.

1 Q. Well, let's take one example.

2 Does it -- if you spray whatever it is that's  
3 causing the light to be emitted, does it last long enough so  
4 that you can take several different exposures by photograph of  
5 it?

6 A. Yes.

7 Q. Does it last long enough so that you could attempt  
8 to like make a sketch of the pattern?

9 A. Yes.

10 Q. When you make a decision to use luminol, one of the  
11 pieces of information that may be significant in a criminal  
12 investigation that you can obtain from that is the actual  
13 pattern of the glow on whatever object you are spraying; is that  
14 right?

15 A. Yes.

16 Q. Okay. Now, what did you and Mr. Stockwell do on  
17 the night of June the 8th to preserve a record of the patterns  
18 that you saw?

19 A. We tried to photograph those patterns.

20 Q. Did you fail?

21 A. Yes.

22 Q. Was that due to inexperience?

23 A. Partially, yes.

24 Q. Having failed at the photography, did you do  
25 anything else?

26 A. I believe Mr. Stockwell tried to measure the  
27 lengths of some of what appeared to be footwear impressions.

28 Q. In your testimony as to, as to what you observed on



1 that particular night, have you relied on any notes of Mr.  
2 Stockwell's measurements?

3 A. Not on his -- not on his measurements. I relied on  
4 some of the notes I took.

5 Q. The notes that you took basically referred to just  
6 sort of information that you have placed on the chart here,  
7 Exhibit 5-E; is that correct.

8 A. Yes.

9 Q. That is, locations within the room or reactions  
10 that were seen, but not to any detail of the patterns or  
11 measurements; is that right?

12 A. Well, the footwear pattern you could see in the  
13 hallway.

14 Q. Okay. Do you have like notes of the shape of that  
15 with measurements so that one could, for example, try -- if they  
16 were in fact feet try and determine, you know, what size shoe  
17 made them?

18 A. I personally do not know.

19 Q. Have you looked at anybody else's which show -- give  
20 that kind of information?

21 A. I haven't seen any notes. I know Mr. Stockwell did  
22 do some measurements.

23 Q. Do you know the results of those measurements?

24 A. I don't know the exact measurements, no.

25 Q. In looking at these patterns that you see on the  
26 ground, apparently you -- at the scene you attempted to  
27 interpret them; is that right?

28 A. Yep.

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1 Q. For example, the idea that, that you have four  
2 shapes in a pattern, that looks like there is somebody walking,  
3 and so that you do that sort of interpretation; is that correct?

4 A. Yes.

5 Q. Do you carry it one step further and attempt to  
6 determine where the person was coming from or what they were  
7 doing when the impressions were made?

8 A. We try to. That is not always possible.

9 Q. Did you -- these particular -- let's just take  
10 four, the four different substances and the four different  
11 impressions that were there in the hallway.

12 Well, how long, how long will you be able to get a  
13 reaction with the various animal substances if that was causing  
14 the luminol to glow in the hallway?

15 Say I was walking here with a bunch of, you know,  
16 one of those substance on my feet, I made steps in the rug and  
17 left patterns. How long would it be, if nobody else stepped on  
18 them before, before you would no longer be able to get a  
19 reaction?

20 A. I don't know.

21 Q. As long as as years?

22 A. It depends on the material. How much blood or how  
23 much vegetable material you are talking about.

24 Q. Do you -- you said that you had done experiments  
25 with vegetables and green leaves, and that won't, that wouldn't  
26 last very long, you wouldn't be able to get a reaction for very  
27 long with that. Is that right?

28 A. That is with the orthotolidine test.

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1 Q. You haven't done it with luminol?

2 A. No, I have not.

3 Q. Do you know how long, for example, blood, you know,  
4 a stain can be there, some blood can be some place and you still  
5 get a reaction?

6 A. Again, you are being very general. I don't know  
7 what type of material you are talking about, how much blood is  
8 there.

9 Q. How does that affect it? Let's say there was  
10 carpet in the area where you saw what you thought were footprint  
11 impressions; right?

12 A. Yes.

13 Q. And do you have in mind that particular carpet?

14 A. Well, how much are you talking about? A lot of  
15 blood, very small amount of blood?

16 Q. Okay. let's just -- let's try and focus in on the  
17 actual -- if those four impressions were blood, you saw how much  
18 that was there, how long could that have been there and still  
19 caused the glow?

20 A. Again, it is depending if it gets wet or how it is  
21 treated.

22 Q. Inside the house in that hallway can you put limits  
23 on it?

24 A. I can't say accurately, no.

25 Q. Could it be years?

26 A. I really can't say. I don't know.

27 Q. These -- could you tell which way, if they were in  
28 fact footwear impressions, which way the toe was pointed and

1 which way the heel was?

2 A. From the impression I saw that would be very  
3 difficult.

4 Q. If they were footwear impressions, one could --  
5 could one infer that they either would have continued into the  
6 bathroom or down that hall, that would be the only two places  
7 for them to continue unless the person stopped and turned around  
8 and walked back; is that right?

9 A. Yes, if they're traveling in that direction.

10 Q. Or if they had come from somewhere, if they had  
11 come from the -- they would either have to go that way or come  
12 out of the bathroom to get to where they were, right?

13 A. Yes.

14 Q. Now, as far as this particular case is concerned,  
15 those footprints would have been significant had they been made  
16 by a killer or killers after the crime, coming back to the -- to  
17 the Lease residence; is that right?

18 A. Yes.

19 Q. Now, you saw the carpet in the Ryen master bedroom,  
20 right?

21 A. Yes.

22 Q. Did you and Mr. Stockwell do any experiments to see  
23 whether a person who had stepped in blood at the Ryen house,  
24 come across the hundred-fifty yards of field that separated the  
25 Ryen house from the Lease house, walked in the front door and  
26 headed towards the Bilbia bedroom, would still have had  
27 sufficient, or could have had sufficient blood on their shoes to  
28 cause those impressions?

1 A. No.

2 Q. If blood were to be soaked -- were to be retained  
3 in a carpet, the sensitivity of the luminol and ortho-tolidine  
4 to such is very difficult to sort of, like, you know, vacuum it  
5 up or wash it away; is that right?

6 A. It can be washed away. It would probably still be  
7 visible if you vacuumed.

8 Q. But the -- in terms of the general -- the general  
9 literature on criminalistics, is it -- one of the reasons those  
10 substances is used is if you did a -- a person were just to sort  
11 of do a quick wipe of an area, you'd still probably be able to  
12 see the -- see the blood; is that right?

13 A. If there was blood mixed on the cloth, yes.

14 Q. Same way vacuuming wouldn't affect it?

15 A. Well, you're talking about carpet and that's  
16 different than a surface you wipe.

17 Q. Okay. So that's what I'm switching to, carpet with  
18 a vacuum. If you just vacuum up the carpet that's not going to  
19 be able to get rid of the blood, right?

20 A. I would probably say it would not get rid of the  
21 blood.

22 Q. However, if you had a tile floor and you took a mop  
23 and you used that mop to scrub the tile floor, you probably  
24 could get rid of the traces of blood or whatever the substance  
25 was; is that right?

26 A. Possibly, yes.

27 Q. Now, on the chart here, Exhibit 5 -- 5-E, where  
28 approximately did the carpet begin there?

1           A.     Right in this area, which is the east end of the  
2 counter.  
3           Q.     Could you take a brown marker on that and draw a  
4 line for the border of the carpet and the tile you mean?  
5           A.     (Witness complied.)  
6           Q.     So it would be carpet to the -- to the right of the  
7 line and tile to the left; is that right?  
8           A.     I believe that's how it was, yes.  
9           Q.     All right. Sit down.  
10                  And on the tile part you got no reaction that would  
11 be consistent with -- with footwear; is that right?  
12           A.     That's correct.  
13           Q.     Now, did you make precise measurements, like, for  
14 example, of how far it was from the border of the tile and  
15 carpet to the first footprint?  
16           A.     I did not, no.  
17           Q.     From what you -- from what you saw, was there any  
18 difference in intensity between the footprint which is to the  
19 most south of the diagram and that to which is the most north?  
20           A.     I don't recall.  
21           Q.     As far as determining the direction in which a  
22 person was moving, would that be significant information to  
23 have?  
24           A.     Possibly, yes.  
25           Q.     The ring of glow around the basin in the master  
26 bathroom that you saw, do you remember like how wide the ring  
27 was?  
28           A.     No.

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1 Q. Just that it didn't go all the way down to the  
2 bottom?

3 A. Yes, that's correct.

4 Q. Showing you Exhibit 208, do you recognize that as a  
5 photograph of the basin which you've got with the letters HH-3  
6 on the diagram?

7 A. Yes.

8 Q. Do you see some stains around the edges?

9 A. I see a ring which looks like a stain between the  
10 countertop and the, what looks like the porcelain basin.

11 Q. Would that be consistent with the area where you  
12 saw the glow?

13 A. It was that area plus an area below that also.

14 Q. Do you know how much -- how much it was below that?

15 A. No.

16 Q. When you spray the luminol on the basin, does it  
17 like most liquids just sort of drip down the sides?

18 A. Not at first, no.

19 Q. How long does it take?

20 A. Until you get enough liquid to actually make it  
21 run.

22 Q. Okay. And in the way you were spraying it on the  
23 night of June the 8th in that basin, what period of time was  
24 that?

25 A. You mean when at night or how long were we  
26 spraying?

27 Q. Okay. Well, maybe that -- let me try and do the  
28 question again.

1                   When you were spraying the luminol on that basin  
2                   how many minutes, seconds, whatever it was, did it take before  
3                   the luminol that you were spraying started running down the side  
4                   of the basin?

5                   A.     I don't recall. Until enough liquid built up for  
6                   it to drip.

7                   Q.     Could that have been just a second?

8                   A.     No, it was longer than that.

9                   Q.     It was as long as a minute?

10                  A.     I don't know how much liquid we were applying at  
11                  what rate.

12                  Q.     So, is it fair to say you don't really have a clear  
13                  memory of the sequence in which you saw the glow?

14                  A.     I saw the glow immediately.

15                  Q.     Okay. Over the whole area?

16                  A.     Yes.

17                  Q.     Did you note whether it expanded as time went on?

18                  A.     I didn't note that, no.

19                  Q.     As far as the investigation of this particular  
20                  crime was concerned, the possible significance of that  
21                  particular reaction was if a killer had come back from the Ryen  
22                  house and washed his or their hands, for example, in the basin  
23                  to get the blood off; is that right?

24                  A.     That could add significance to that, yes.

25                  Q.     That was at least the hypothesis that when you saw  
26                  the reaction was worthwhile investigating, is that true?

27                  A.     Yes.

28                  Q.     Now, when you stopped spraying the luminol on that



1 particular basin, were you able to like visibly locate any --  
2 anything that looked like it might be a bloodstain?

3 A. Nothing visible to the naked eye, no.

4 Q. All you had was the luminol reaction, whatever that  
5 was being caused by?

6 A. Yes.

7 Q. Now, generally in criminalistics if you suspect that  
8 a basin such as that has been used to wash -- to wash blood off,  
9 there is additional things that you can do to sort of test that,  
10 hypothetical things; is that right?

11 A. Yes.

12 Q. For example, the sink traps that you examined can  
13 be looked at to see, water samples taken from those sink traps  
14 to see if that contains any blood; is that right?

15 A. Yes.

16 Q. If there's blood in that water, that blood can even  
17 on occasion be serologically typed so that you could begin to  
18 exclude from the general population certain classes of donors;  
19 is that right?

20 A. That would have to be awfully concentrated.

21 Q. Do you know how concentrated?

22 A. No. But if it's discolored to the point where you  
23 can't see any sustaining, you can't type it.

24 Q. Well, in that particular basin did you take the  
25 drains out on that particular night?

26 A. Not that particular night, no.

27 Q. Was there any care taken by the -- by the Sheriff's  
28 Department to be sure that any evidence which could have

1 confirmed or denied the hypothesis that somebody washed their  
2 hands, their bloody hands in that particular basin, you know, so  
3 that you would be able to do that, was there any care taken with  
4 the basin along that regard?

5 A. You mean did anyone use the faucet?

6 Q. Well, if they --

7 A. I don't know. I don't --

8 Q. You don't recall?

9 A. I don't recall.

10 Q. On June 21, 1984, amongst other days, did you  
11 testify at a hearing in San Bernadino?

12 A. I believe so. I'm not sure if that's the exact  
13 date.

14 Q. Do you have copies of the transcripts of your many  
15 different days of testifying in this particular case before you?

16 A. Yes.

17 Q. And could you refer to Page 4009 of those  
18 transcripts, and particularly I'd like you to -- the lines I'm  
19 going to be asking you about are 17 through 20.

20 Now at that general area of the testimony we were  
21 talking about your collecting water out of the sink trap, is  
22 that right?

23 A. Yes.

24 Q. And specifically why you did not collect any water  
25 out of the sink trap; is that correct?

26 A. Yes.

27 Q. Now, at that point in time did you indicate that  
28 there were in fact people using that sink during the

1 investigation?

2 A. Yes.

3 Q. And you gave that as the reason why you did not  
4 collect the water out of the trap; is that correct?

5 A. Yes.

6 Q. Does that refresh your recollection now as to  
7 whether or not there were people using the sink?

8 A. Yes, it does.

9 Q. And there were?

10 A. Yes.

11 Q. The pattern of, the pattern or whatever -- well,  
12 first of all let me just start off.

13 This little red circle you have here between, you  
14 know, around the area between the two entrances to the -- to the  
15 closets in the Bilbia bedroom, did that particular area have any  
16 discernable pattern to it?

17 A. Somewhat, yes.

18 Q. Did you make any effort to document that pattern?

19 A. There were so many patterns there I couldn't do  
20 that.

21 Q. It would have just been too difficult to try and  
22 sketch or something?

23 A. Well, we're dealing in complete darkness, and I  
24 couldn't sketch that accurately while it was completely dark.

25 Q. Was there -- On the diagram it looks like there is  
26 a gap of several feet between the northern-most result of what  
27 might have been a foot print and that large area. Is that in  
28 fact an accurate representation of reality, was there that gap?

1           A.     There was a gap there, I -- that's not drawn to  
2     scale by any means.

3           Q.     Do you have -- do you have any knowledge of what  
4     the distance was?

5           A.     No.

6           Q.     Do you have any knowledge as to what the distance  
7     was between the various glows that might have been foot  
8     impressions?

9           A.     No.

10          Q.     In criminalistics is one of the practices that is  
11     normally followed, if you have a series of what are expected to  
12     be foot impressions, to attempt to determine the gate of the  
13     individual that made them?

14          A.     That's possible, yes.

15          Q.     When you were fishing hairs out of the drain into  
16     the bottom of the shower, how deep could you get with your  
17     forceps?

18          A.     Approximately two to three inches.

19          Q.     What -- Switching subjects for a moment.

20                 What time was it that you collected the -- the box,  
21     the white box, item J-28?

22          A.     1:12 in the morning.

23          Q.     Showing you Exhibit 215, does that appear to be the  
24     box that you collected and put under item J-28?

25          A.     It is appears to be, yes.

26          Q.     When you -- at the scene when the box was -- was  
27     picked up, how was it kept so that the loose stuff that looked  
28     like tobacco wouldn't get lost?

1           A.     I called the laboratory last night to ask that  
2     question, and my initials, the date and time I separated those  
3     two items are on the smaller box which contains the tobacco.

4           Q.     Was that done at the scene?

5           A.     Yes, it was.

6           Q.     And what time was that?

7           A.     0112 hours.

8           Q.     And was that separation done when you first -- when  
9     you first seized the box?

10          A.     Yes.

11          Q.     Seeing that photograph that I just gave to you  
12     there of the box with the fingerprint powder on it, does that  
13     refresh your recollection as to whether or not the box had  
14     been -- had been dusted before -- before you got it?

15          A.     I don't remember.

16          Q.     On the box itself, if I can find it, Exhibit 163,  
17     you can still see traces on the box of the -- of the piece of  
18     tape that's depicted on the box with the No. 22 on it in  
19     photograph Exhibit 215; is that correct?

20          A.     Yes.

21          Q.     So, if the -- assuming hypothetically for a moment  
22     the lift was made at 10:42 p.m., the box would have had to have  
23     been dusted prior to your getting ahold of it; is that right?

24          A.     Yes.

25          Q.     Was the tobacco substance that you put in the -- in  
26     a separate container, was that -- was that tobacco already given  
27     to you separately or did you yourself take it out of the box?

28          A.     I took it out of the box.

1 Q. Did that particular box -- did that particular box  
2 when you saw it have like a bottom to it or is it just one side  
3 of it?

4 A. There was just one side to it.

5 Q. And when you got it, showing you again photograph  
6 Exhibit 215, did it have that piece of tape on it that's  
7 depicted with the No. 22 in that photograph?

8 A. I don't believe so.

9 Q. Showing you Exhibit 209, a three by five  
10 photograph, does that appear to be a photograph of the inside of  
11 the closet at 2991?

12 A. Yes.

13 Q. And was that -- would that photograph have been  
14 taken looking south? Excuse me.

15 Would that photograph have been taken looking east?

16 A. Yes.

17 Q. There's a stick in the photograph, did -- did you  
18 examine that stick to see whether it had any items of  
19 evidentiary -- that would seem to be of evidentiary value or  
20 not?

21 A. I believe so, yes.

22 Q. Did you determine whether where it came from?

23 A. Did I determine where the stick came from?

24 Q. Yeah. I mean, what kind of stick it was, was it  
25 like -- was it like a clothes hanger rod from the closet,  
26 something like that?

27 A. I don't remember.

28 Q. Now, showing you Exhibit 21, a photograph, a

1 photograph of a night stand, do you recall seeing that night  
2 stand in the Lang bedroom?

3 A. I think. I'm not positively sure.

4 Q. Do you recall seeing the cigarette butts that are  
5 depicted in the picture in the Lang bedroom?

6 A. I don't recall.

7 Q. You did not collect any cigarette butts out of the  
8 Lang bedroom; is that right?

9 A. Yes, that's correct.

10 Q. When you found the cigarette butt, which looks like  
11 Exhibit 101, in the headboard in the Bilbia bedroom, did -- was  
12 one of the hypothesis that you intended to investigate that the  
13 person that had stayed in the Bilbia bedroom had smoked it?

14 A. Yes.

15 Q. And by -- on some occasions by examining residues  
16 of saliva and cellular material in cigarette butts one can again  
17 exclude some people as possible persons that had smoked that  
18 cigarette; is that right?

19 A. Yes, if they could get a type off of that.

20 Q. And sometimes they can; sometimes they can't?

21 A. Yes, that's correct.

22 Q. As far as your particular processing of this  
23 particular crime scene was concerned, did essentially Mr.  
24 Swanlund tell you what you wanted picked up and then you did  
25 that on June the 7th and 8th?

26 A. He suggested some items to be picked up, yes.

27 Q. As far as -- you indicated earlier that you had --  
28 you saw nothing to suggest that the person that stayed in the

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1 Bilbia bedroom had also been in the -- in the Lang bedroom; is  
2 that right?

3 A. Yes.

4 Q. Was that based to you upon representations made to  
5 you by Mr. Swanlund or was that just your opinion on looking in  
6 the bedroom?

7 A. Probably both.

8 Q. The cigarette that you took out of the headstand in  
9 the Bilbia bedroom was a Viceroy butt; is that correct?

10 A. Yes.

11 Q. And the cigarette, at least wrappers that are on  
12 the table in the night stand are likewise Viceroy, correct?

13 A. Yes.

14 Q. Looking at that photograph now, do you think you  
15 should have collected those cigarette butts?

16 A. Probably, yes.

17 Q. They could have either determined that the person  
18 who had been in the Bilbia bedroom was also in the Lang bedroom,  
19 or they might have been used as a screening device, as a sort of  
20 control for the test on the other one, is that true?

21 A. Well, if you're going to use it as a control, you  
22 could probably use any Viceroy cigarette manufactured in this  
23 fashion.

24 Q. What I mean by that control is -- That wasn't very  
25 artfully stated.

26 You could use it to determine whether there was at  
27 least a probability that a person with the same genetic  
28 characteristics smoked a cigarette in both bedrooms; is that



1 right?

2 A. Yes, that's possible.

3 Q. And then if you were able to determine the genetic  
4 characteristics of the person that normally lived in the Lang  
5 bedroom, Roger Lang, and in fact smoked cigarettes, you could  
6 then either include him or exclude him as a possible donor of  
7 all the cigarette butts; is that right?

8 A. Yes.

9 Q. And you could also have determined if the ones in  
10 the Lang bedroom turned out to be different than the one in the  
11 Bilbia bedroom and different from Roger Lang that there was an  
12 additional possible person that's somehow involved in smoking  
13 cigarettes in the house around that particular timeframe; is  
14 that right?

15 A. Yes.

16 Q. When you sprayed the shower in the Bilbia bedroom,  
17 was there any soap in it?

18 A. I don't remember.

19 Q. Did you turn on that shower to see if it worked?

20 A. I did not, no.

21 Q. Did you see anybody else do that?

22 A. I don't believe so.

23 THE COURT: Counsel, would you like to take a recess at  
24 this point?

25 MR. NEGUS: Sure. I think I'm about done, but that will  
26 give me a chance to make sure.

27 THE COURT: All right.

28 Let's take the morning recess. 20 minutes, ladies

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1 and gentlemen. Remember the admonition.

2 (Recess taken.)

3

4 THE COURT: All right, counsel, let's conclude with the  
5 witness.

6

7

CROSS EXAMINATION (Resumed)

8 BY MR. NEGUS:

9 Q. Mr. Ogino, showing you photograph Exhibit 207,  
10 there is some white knobs that are depicted on the, on that  
11 particular photograph.

12 Realizing that this may not be the actual  
13 particular white knob that you see but the same general type as  
14 was J-26.

15 A. Yes.

16 Q. And you testified today that as far as the pattern  
17 inside the shower was concerned that it was like between two  
18 feet at the bottom to five feet at the top.

19 Did somebody else tell you that particular  
20 information?

21 A. No.

22 Q. When you testified at the preliminary hearing, in I  
23 think it was the, was Volume XXIII, Page 94. Do you have that  
24 there?

25 THE COURT: Counsel, if there is an inconsistency you  
26 simply read it.


27 MR. NEGUS: Well, that is not exactly the way -- the  
28 information I'm after.

1 Q. Lines 17 and 18. At that point in time you didn't  
2 remember the height of that particular band of glow.

3 A. Yes, that's correct.

4 Q. What's happened in the interim to refresh your  
5 recollection?

6 A. I just thought about it a little harder and  
7 recalled.

8  They are approximate heights, they're not exact  
9 heights.

10 Q. I understand.

11 MR. NEGUS: I have nothing further.

12

13 REDIRECT EXAMINATION

14 BY MR. KOTTMEIER:

15 Q. Mr. Ogino, during the recess I had you place on  
16 overlay 5-E the laboratory numbers that corresponded to the  
17 button, J-6; the rope, J-9; the blanket, J-13; and the napkin  
18 and cigarette butt, J-20.

19 Did you place those on 5-E?

20 A. Yes, sir.

21 Q. Additionally in Exhibit 79 do you see pictured  
22 within this photograph the suspected blood on the coil of rope?

23 A. Yes.

24 Q. Would you take the red pen and draw a circle around  
25 those suspected blood locations on the rope coil.

26 Those were the stains that you had in mind when you  
27 made the notations within your own notes?

28 A. Yes.

0  
1  
6  
6  
8  
8

1 Q. And as you worked at the home at 2991 English Road,  
2 you were aware that photographs were being taken of virtually  
3 all of the areas that you were collecting or working with; is  
4 that correct?

5 A. Yes.

6 Q. So, visually you felt that the photographs would be  
7 available and that your notes were generalized statements of the  
8 information that you personally wanted to recall about each  
9 exhibit.

10 MR. NEGUS: Objection, leading.

11 THE COURT: Yes sustained. Don't answer.

12 BY MR. KOTTMEIER:

13 Q. Is there any particular reason for you to note with  
14 specificity the exact location and information on each of the  
15 items that was collected?

16 A. Not -- the way our department works is that we  
17 don't do the exact measurements.

18 Q. That's left for who?

19 A. The homicide department.

20 Q. And in regard to that particular rope that is  
21 photographed before you, when did you last see that rope in the  
22 laboratory?

23 A. Approximately two months ago.

24 Q. And where was it when you saw it?

25 A. In the freezer.

26 Q. And that's in the freezer for what purpose?

27 A. It is for the purpose to preserve dry bloodstains.

28 Q. When you collected the hatchet sheath, was that

1 dry?

2 A. Yes.

3 Q. When you collected the rope, was it dry?

4 A. Yes.

5 Q. Did you lift any fingerprints at 2991 English Road?

6 A. Yes.

7 Q. And where was it generally that you lifted some

8 fingerprints?

9 A. Up on the counter area.

10 Q. Would you write in red on 5-E the word

11 "Fingerprints" in that area.

12 A. (Witness complied).

13 Q. And resume the stand if you would, please.

14 You marked three dots in one of the bedrooms away

15 from the shower and the bedroom where you have got the luminol

16 results.

17 In those three dots or locations, can you give us

18 an approximate size of the luminol reaction?

19 A. Of the two smaller dots, which are these, were

20 approximately penny size, size of a penny.

21 Q. And the third?

22 A. That was approximately two by two square.

23 Q. Did it have any pattern of any sort that appeared

24 to you other than what you've described?

25 A. I couldn't see any specific pattern in there, no.

26 Q. Directing your attention again to the bedroom with

27 the closet where you collected the items of evidence in addition

28 to that circled area where you had the different pattern of

1 footprints.

2 Was there other luminol reactions within that  
3 bedroom area?

4 A. Yes.

5 Q. Where were they? If you could just go to 5-E and  
6 mark in red the approximate location.

7 A. (Witness complied).

8 Q. You have put some dots along the area that appears  
9 to be just in front of the closet, entrance closest to the  
10 garage side of that closet area.

11 How many dots did you put there?

12 A. There appeared to be six.

13 Q. Six in that area?

14 A. Yes.

15 Q. In about what size were they?

16 A. Approximately three to four inches.

17 Q. You can resume the witness stand.

18 In that area where you have the four footwear or  
19 footprint-type impressions that you note from the luminol  
20 results, did those appear to be in a normal stride type fashion?

21 A. Yes.

22 Q. The distance between them appearing somewhat equal?

23 A. Yes.

24 Q. Do you have any explanation for the fact that you  
25 have four footprints in effect in the luminol and then they seem  
26 to stop and then pick up again within the bedroom itself in that  
27 area that you circled in front of the closet?

28 A. Yes.

1 Q. And what is your thought in that regard?

2 A. It is possible that if there was blood on the shoes  
3 and the shoes were removed before taking a shower, that the  
4 steam possibly from the shower could have reabsorbed the blood  
5 onto the shoe, the shoe was then placed back on and then walked  
6 on the carpet.

7 Q. In regard to the shower itself, did you come back  
8 at a later time for the purpose of re-examining the showers and  
9 the walls within the shower?

10 A. Yes.

11 Q. And when was that?

12 A. September 5th, 1984.

13 Q. And your purpose at that time was what?

14 A. To do some experiments with luminol on that  
15 particular shower.

16 Q. When you separated the luminol within the shower  
17 itself, what kind of reaction did you get on September 5th,  
18 1984?

19 A. Our initial spraying with nothing done to the  
20 shower was negative.

21 Q. No reaction at all?

22 A. That's correct.

23 Q. What type of experiments did you perform after that  
24 initial spraying?

25 A. We added bleach to the shower.

26 Q. And what did you get when you added the bleach?

27 A. A very strong reaction.

28 Q. All over the shower?

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1           A.    Yes.  All -- well, from the area we placed the  
2   bleach all the way down to the floor.

3           Q.    So wherever there was bleach you got a reaction.

4           A.    Yes.

5           Q.    What action did you take in regard to the shower  
6   next?

7           A.    We then tried to -- we left the shower on trying to  
8   remove the bleach.

9           Q.    Turning the showerhead itself on, is that what you  
10   mean?

11          A.    Yes.

12          Q.    When you -- so you let the water run for awhile.

13          A.    Yes.

14          Q.    Do you know about how long?

15          A.    No, I do not.

16          Q.    Was it a matter of seconds or minutes?

17          A.    Minutes.

18          Q.    And after you left the shower on, what did you do?

19          A.    We let the shower dry and then we resprayed the  
20   luminol.

21          A.    Yes.

22          Q.    What did you -- what reaction did you get when you  
23   let the shower dry?

24          A.    It was negative.

25          Q.    Same as when you first sprayed it.

26          A.    Yes.

27          Q.    While you were present at the home at 2991 English  
28   Road in June of 1983, did you have access to a pair of Pro-Ked



1 type tennis shoes similar to the ones I am showing you in  
2 Exhibit 51?

3 MR. NEGUS: Objection, beyond the scope of cross.

4 THE COURT: I will permit it. Overruled.

5 THE WITNESS: No.

6 BY MR. KOTTMEIER:

7 Q. Do you recall what you were wearing?

8 A. Yes.

9 Q. What?

10 A. I was wearing street shoes.

11 Q. Were you wearing a pair of shoes with any pattern?

12 A. No.

13 Q. Do you have any explanation as far as the absence  
14 of luminol reaction within the tiled hallway compared to the  
15 carpeting within 2991 English Road?

16 A. Yes.

17 Q. And what is that?

18 A. If a person has blood on their shoe and he's  
19 walking for some distance, that blood that's in immediate  
20 contact with the surface or the top or the very contact points  
21 of the shoe would probably wear any blood off of that particular  
22 shoe, and walking on the tile, if you are just making contact  
23 with these, the very tops of the contact points of the shoe.

24 Q. And how does that contrast with then walking on  
25 carpet?

26 A. When you are walking on carpet you are actually not  
27 only making contact with these top contact points but you are  
28 actually going down into the crevices.

1 But even more than that, my feelings are that you  
2 don't get -- I feel that the reabsorption from the shower is why  
3 you are getting the shoeprints in the hallway and you are not  
4 getting it just in the first part of the rug.

5 Q. Showing you just one shoe from Exhibit 51.

6 Can you illustrate for us what you mean by contact  
7 points versus absorption points.

8 A. For example, if a person would normally take a  
9 step, the only contacts made would be on the patterns that you  
10 see on the bottom of the shoe.

11 However, if you walk on a rug, or some other type  
12 of surface where you don't just make contact with the patterns,  
13 actually it goes down into the crevices where you can pick up  
14 additional blood.

15 MR. KOTTMEIER: I have no further questions, your Honor.

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

17

18 RECROSS EXAMINATION

19 BY MR. NEGUS:

20 Q. Mr. Ogino, did you make notes of the experiments  
21 that you did on September 5th, 1984?

22 A. Yes.

23 MR. NEGUS: Could I ask that I postpone my  
24 cross-examination of Mr. Ogino until after lunch so I can have a  
25 chance to examine a copy of those notes.

26 THE WITNESS: I don't have them with me at this  
27 particular moment.

28 THE COURT: Did you expect to recall Mr. Ogino later on?

1 MR. KOCHIS: Yes.

2 THE COURT: We will reserve the right to cross-examine on  
3 those points. Get your notes to Mr. Negus perhaps through the  
4 prosecutor at your earliest convenience, please, and then Mr.  
5 Negus, let us know when you need him back or the next time they  
6 recall him, please.

7 MR. KOCHIS: Your Honor, Mr. Stockwell, I believe, will  
8 be here tomorrow afternoon. If Mr. Ogino could be instructed to  
9 give a copy of his notes on that topic to Mr. Stockwell I will  
10 get a copy to Mr. Negus and he will get a copy.

11 MR. NEGUS: Any other notes he has which we haven't yet  
12 got.

13 THE COURT: And further developments as you should  
14 provide.

15 MR. KOTTMEIER: We thought, your Honor, that they  
16 received a copy of them.

17 MR. NEGUS: We received a copy of Mr. Arthur's report  
18 which is --

19 THE COURT: All right.

20 MR. NEGUS: -- but we did not receive --

21 THE COURT: Work through Mr. Stockwell and you get those  
22 notes to him tomorrow. We will hear from you on that subject  
23 later on.

24 THE WITNESS: Yes, your Honor.

25 THE COURT: You may step down and thank you very much.

26 Who will be your next witness?

27 MR. KOTTMEIER: Your Honor, the next offer of evidence to  
28 the Court and jury would be a stipulation regarding the

1 testimony of Diane Williams.

2 THE COURT: Let me just briefly explain to you what a  
3 stipulation is, as I haven't done that before.

4 A stipulation sometimes saves time so we don't have  
5 to bring a witness actually into court if the parties can agree  
6 upon the effect of that testimony.

7 So, a stipulation is an agreement between attorneys  
8 as to matters relating to the trial, and you can consider  
9 matters stated within a stipulation as having been the same as  
10 if it were given here in trial.

11 With that, we won't go over this. Mr. Cooper has  
12 also agreed to the stipulation, and so would you state them,  
13 please.

14 MR. KOTTMEIER: Yes, your Honor.

15 If Diane Williams were called as a witness, given  
16 the oath to tell the truth, and testified in the case of People  
17 versus Kevin Cooper, she would say that in June of 1983, she  
18 lived at 79 Reed Street, Pittsburgh, Pennsylvania. Her home  
19 phone number was (412) 391-3929. She knew Kevin Cooper for five  
20 months during the time that he was in Pennsylvania.

21 In June, 1983, she received two non-collect  
22 telephone calls at her home phone number (412) 391-3929 from a  
23 person whose voice she recognized as Kevin Cooper.

24 In the first called he said, quote, "Hi, Di. What  
25 are you doing?" End quote.

26 She said, quote. "Talking on the phone. I heard  
27 you were in jail for four years." End quote.

28 Mr. Cooper said he got out of prison because they

1 passed a new law in California. He said he was never going back  
2 to Pittsburgh, Pennsylvania, and that he needed money.

3 Diane Williams said that she couldn't get any  
4 money. Mr. Cooper asked her to get whatever money she could.  
5 Diane Williams said she was on welfare and asked how she could  
6 get money.

7 Mr. Cooper told her that he would call back to see  
8 if she had gotten any money and to tell her where she should  
9 send the money. He also said to contact his mom and tell her  
10 that he was all right.

11 Diane Williams said that Mr. Cooper's mother didn't  
12 like her. Mr. Cooper told Diane Williams to go to, in quotes,  
13 "Val", V-a-l, and ask her to go to his mother to ask for money  
14 and tell her that he was all right.

15 On the day after the first call, Diane Williams  
16 received a second non-collect phone call at her home, phone  
17 number (412) 391-3929. She identified the caller's voice as  
18 that of a Kevin Cooper.

19 He asked, in quotes, "Did you get the money?" End  
20 quote. Diane Williams told him no. Diane Williams cannot  
21 recall the remainder of the phone conversation.

22 On a day in June after the second call, she also  
23 received a collect call from Kevin Cooper from Mexico. She  
24 received a bill for the call. On August 20, 1983, she gave the  
25 bill, which is Exhibit 113, to Ron Forbush. She subsequently  
26 allowed the prosecution to obtain another copy of the bill.

27 The jury may consider all of the information in  
28 this stipulation as evidence in the trial of People versus Kevin

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1 Cooper.

2 THE COURT: That exhibit will come into evidence.

3 MR. KOTTMEIER: We have one more stipulation in regard to  
4 that exhibit, your Honor.

5 THE COURT: So stipulated?

6 MR. NEGUS: So stipulated.

7 THE COURT: So stipulated, Mr. Kottmeier?

8 MR. KOTTMEIER: Yes, your Honor.

9 THE COURT: Accepted.

10 MR. KOTTMEIER: The second stipulation is regarding  
11 Exhibit 113.

12 If a representative of the Pennsylvania Bell were  
13 called to testify, the representative would testify that Exhibit  
14 113 is a true and accurate record of the telephone service to  
15 (412) 391-3929 for the period stated on the bill. The telephone  
16 call on Exhibit No. 113 from Tijuana was a collect call.

4  
17 The jury may consider all of the information in  
18 this stipulation as evidence in the trial of People versus Kevin  
19 Cooper.

20 THE COURT: Again, so stipulated?

21 MR. NEGUS: Again, yes.

22 MR. KOTTMEIER: Join in the stipulation, your Honor.

23 THE COURT: Once again, accepted.

24 MR. KOTTMEIER: We'd offer for admission into evidence,  
25 Exhibit 113.

26 MR. NEGUS: No objection.

27 THE COURT: It will be received.

28 (Exhibit 113, received

in evidence)

1  
2  
3 THE COURT: All right, ladies and gentlemen, you can  
4 consider all those matters as stated in the stipulation and as  
5 if she had been placed under oath and would so testify.

6 MR. KOCHIS: George Blade is our next witness.

7 THE COURT: Would you come forward, please, sir.  
8

9 GEORGE FRANK BLADE,  
10 called as a witness on behalf of the People, having been first  
11 duly sworn, testified as follows:

12 THE CLERK: Would you have a seat on the witness stand,  
13 please.

14 Would you state your full name for the record?

15 THE WITNESS: George Frank Blade.

16 THE CLERK: Would you spell your last name?

17 THE WITNESS: B-l-a-d-e.

18 THE CLERK: Thank you.  
19

20 DIRECT EXAMINATION

21 BY MR. KOCHIS:

22 Q. Mr. Blade, do you live in California?

23 A. Yes, I do.

24 Q. Which particular community within California?

25 A. The Chino Hills area.

26 Q. And is the area you live in referred to as Los  
27 Serranos?

28 A. Correct.

1 Q. What did you do for a living?

2 A. I am a horseshoer.

3 Q. How long have you been shoeing horses?

4 A. Fifteen years.

5 Q. In connection with your business did you at one  
6 point in time meet the Ryen family?

7 A. Yes, I did.

8 Q. How long ago did you meet the Ryen's?

9 A. Approximately eight years ago.

10 Q. Likewise during the course of your occupation did  
11 you meet the Hughes family?

12 A. Yes.

13 Q. About how long ago?

14 A. A little longer than that.

15 Q. Directing your attention to two exhibits, the first  
16 of which has been marked for identification as Exhibit 30, do  
17 you recognize the family that's depicted in that particular  
18 exhibit?

19 A. That's Doug and Peg and the kids, the Ryens.

20 Q. And by the children, are you referring to the young  
21 girl who is depicted in the photograph, Jessica Ryen?

22 A. Yes, and Joshua.

23 Q. Directing your attention to another exhibit which  
24 has been marked for identification as Exhibit 41 -- excuse me,  
25 the first exhibit was 40 -- do you recognize the young man  
26 that's shown in that picture?

27 A. That's Christopher Hughes.

28 Q. Did you know the Ryens socially as well as



- 1 professionally?
- 2 A. Yes.
- 3 Q. Would you go to their home in the Chino Hills area  
4 on occasion to visit them?
- 5 A. Yes, I did.
- 6 Q. Would you also go to their home to work on their  
7 horses?
- 8 A. Correct.
- 9 Q. Approximately what is the distance in miles by car  
10 from your house in Los Serranos to the Ryen home in Chino?
- 11 A. Six or seven at the most.
- 12 Q. Miles?
- 13 A. Correct. I think eight minutes by car if I get all  
14 the lights green.
- 15 Q. Do you pass -- do you have to pass the Hughes home  
16 to get to the Ryen ranch?
- 17 A. Yes, you do.
- 18 Q. To your knowledge did Doug Ryen smoke?
- 19 A. Occasionally he had a pipe, but that was occasionally.
- 20 Q. How long did you know Doug Ryen?
- 21 A. Approximately eight years.
- 22 Q. Did you ever see him smoke a hand-rolled cigarette?
- 23 A. No.
- 24 Q. Did you ever see Mr. Ryen smoke a manufactured or  
25 commercial cigarette?
- 26 A. No.
- 27 Q. To your knowledge did his wife Peggy smoke.
- 28 A. No, she wouldn't allow it.

1 Q. Did either of the children -- I know this might  
2 sound like a funny question -- did either of the children smoke?

3 A. No.

4 Q. Did you ever see young Chris Hughes smoke?

5 A. No.

6 Q. During the month of June of 1983, were you aware of  
7 whether or not the Ryens owned any vehicles?

8 A. Yes.

9 Q. How many did they own?

10 A. Two.

11 Q. What type?

12 A. They had a pickup and a station wagon.

13 Q. Directing your attention to two exhibits, one of  
14 which has been marked for identification as Exhibit 181, it  
15 appears to be an eight by ten color photograph; do you recognize  
16 the vehicle shown in that picture?

17 A. That's the Ryen's Buick, yes, the station wagon.

18 Q. And likewise a smaller photograph, which has been  
19 marked for identification as Exhibit 214, it's a three by five  
20 photograph; do you recognize the truck depicted in that  
21 photograph?

22 A. Yes. That's their pickup.

23 Q. Do you have a barbeque at your house on an annual  
24 or semi-annual basis?

25 A. Yes, we do.

26 Q. Do you invite your customers and friends to that  
27 barbeque?

28 A. Yes, I do.

1 Q. I'd like to take you back in time about a year and  
2 a half to Saturday, June the 4th of 1983, did you have such a  
3 barbeque on that particular day?

4 A. I sure did.

5 Q. What time did people start arriving?

6 A. Approximately 5:30.

7 Q. Did there come a time on that day when the Ryen  
8 family arrived at your barbeque?

9 A. Yes.

10 Q. About what time did you notice they were there?

11 A. That would probably be between 6:30 and 7:00.

12 Q. Did they bring their children with them?

13 A. Yes, they did, and Christopher Hughes.

14 Q. Did you talk with either Mr. or Mrs. Ryen at the  
15 barbeque?

16 A. Yes.

17 Q. To your knowledge did they bring any alcoholic  
18 beverages with them to the party?

19 A. They brought a bottle of wine.

20 Q. Do you recall the size of the bottle?

21 A. It's about that big around, about 14 inches high  
22 (indicating).

23 Q. Do you know the volume? Was it a fifth or a quart?  
24 Do you know what volume?

25 A. No, I don't know what the volume is of it.

26 Q. Did you see Doug Ryen during the course of the  
27 barbeque have a glass of wine?

28 A. Yes.

1 Q. Do you recall how many glasses of wine you saw him  
2 drink?

3 A. No, I don't. There was too many people there.

4 Q. Did you see Peg Ryen, his wife, have any wine to  
5 drink while she was at the barbeque?

6 A. Yes. I had a glass of wine with Peg.

7 Q. Were you and Peg assigned any particular task at  
8 the barbeque?

9 A. We weren't assigned it, but we barbequed together  
10 the meat for Doug and the kids.

11 Q. Did there come a time when the Ryen's left the  
12 barbeque?

13 A. Yes, they left early, approximately 9:00 o'clock or  
14 so.

15 Q. Do you recall how many glasses of wine Peggy Ryen  
16 had to drink while she barbequed with you?

17 A. One.

18 Q. When she left the barbeque did she appear to you to  
19 be under the influence of alcohol?

20 A. No.

21 Q. When Doug Ryen left did he appear to be under the  
22 influence of alcohol?

23 A. No, not at all.

24 Q. Did the children, including Chris Hughes leave with  
25 him?

26 A. Yes.

27 Q. Do you recall what types of things you cooked for  
28 the people at the barbeque?

1           A.     Well, Peg and I, we barbequed steaks for her and  
2 her husband and hamburgers for the kids.

3           Q.     Have you had occasion to go into the Ryen home in  
4 the past?

5           A.     Yes.

6           Q.     Have you gone to the Ryen ranch in the past on  
7 occasions in which the Ryens were home but perhaps not inside  
8 the house?

9           A.     Yes.

10          Q.     Were they in the habit of keeping their house  
11 locked or unlocked when they were on the ranch?

12          A.     It would have been unlocked.

13          Q.     Thank you.

14                 I have no further questions.

15          THE COURT: Mr. Negus

16

17                   CROSS EXAMINATION

18          BY MR. NEGUS;

19          Q.     Mr. Blade, the Ryen's cars, do you know whether or  
20 not they had a habit of leaving the keys to those vehicles in  
21 the vehicles themselves?

22          A.     No, I wouldn't know that.

23          Q.     The station wagon that Mr. Kochis referred to, was  
24 that customarily parked near the kitchen door of the house?

25          A.     Uh-huh.

26          Q.     You have to say yes or no.

27          A.     Yes, sir. The driveway is very narrow there, and  
28 they did a lot of parking right there.

1 Q. The particular together that you have is not -- not  
2 a bash, not a party where people come to do serious drinking; is  
3 that right?

4 A. No. I have a boarding stable, and this is the way  
5 I can get all the boarders together once a year, and invite some  
6 of my good customers.

7 Q. So, basically it's more a family-oriented type  
8 thing where everybody brings their kids?

9 A. It's a potluck barbeque, that's right.

10 Q. The way that it was worked, everybody sort of  
11 brought their own meat?

12 A. Everybody brought their own meat that they wanted  
13 to barbeque plus a side dish and anything they wanted to drink.

14 Q. So, the side dishes, would they all be put out so  
15 that everybody could sort of sample things?

16 A. Correct.

17 Q. This wine bottle, the bottle of wine that the Ryens  
18 brought was not the big half gallon size, right?

19 A. No. Like I say, it was about this big around and  
20 about that tall (indicating).

21 Q. Just a standard what, a standard size wine bottle?

22 A. Yeah, I guess so.

23 Q. And did, in fact, they take that bottle back with  
24 them because it had not been all consumed?

25 A. That's correct.

26 Q. Do you know how much had been consumed of the  
27 bottle?

28 A. No, I don't, but I know they took the bottle with

1       them.

2               Q.     The glass of wine that Peggy had, was that just a  
3       regular standard wine glass size?

4               A.     Yes.

5               Q.     And did you see Doug drinking his glass of wine?

6               A.     Yes. Same size of a glass, same type.

7               Q.     And as far as you could tell was the alcohol that  
8       Doug Ryen had consumed in any way effecting his, you know, his  
9       manner? Did he appear at all under the influence?

10              A.     No, not at all.

11              Q.     Same with Peg?

12              A.     Correct.

13              MR NEGUS: Nothing further.

14

15                               REDIRECT EXAMINATION

16       BY MR. KOCHIS:

17              Q.     Mr. Blade, the side dishes that everyone brought to  
18       the barbeque, would those include salad dishes?

19              A.     Yes.

20              Q.     Bean dishes?

21              A.     Uh-huh, some even brought loaves of bread, some  
22       brought butter, because there were so many people, but that's  
23       true.

24              Q.     When the Ryen's left your barbeque in the evening  
25       on June 4th at about 9:00 p.m., was that the last time you saw  
26       Doug and Peg Ryen alive?

27              A.     Yes, it is.

28              MR. KOCHIS: I have nothing further.

1 THE COURT: Anything else, sir?

2 MR. NEGUS: No.

3 THE COURT: Thank you, Mr. Blade. You may step down.  
4 Leave or remain as you wish, sir.

5 MR. KOCHIS: William Hughes.

6 THE CLERK: Raise your right hand.

7

8 WILLIAM C. HUGHES,

9 called as a witness on behalf of the People, having been first  
10 duly sworn, testified as follows:

11 THE CLERK: Thank you. Would you be seated in the  
12 witness it stand, please.

13 THE WITNESS: Okay.

14 THE CLERK: Would you state your full name for the  
15 record?

16 THE WITNESS: William C. Hughes.

17 THE CLERK: Spell your last name.

18 THE WITNESS: H-u-g-h-e-s.

19 THE CLERK: Thank you.

20

21 DIRECT EXAMINATION

22 BY MR. KOCHIS:

23 Q. Mr. Hughes, do you live in the Chino Hills area?

24 A. Yes, I do.

25 Q. Specifically what address do you live at?

26 A. 3217 English Road.

27 Q. How long have you lived at that particular  
28 residence?

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1 A. Since 1973.

2 Q. Did you know, in June of 1983, the Ryen family?

3 A. Yes, I did.

4 Q. How long had you known the Ryen family?

5 A. Oh, I had known them quite awhile, probably the

6 last ten years or so, through the horse shows.

7 Q. In June of 1983, did you have any sons?

8 A. Yes, Christopher and Kevin.

9 Q. How old was your son Christopher back in June of

10 1983?

11 A. Let's see, '71, so he would have been 11.

12 Q. To your knowledge did the Ryens have children in

13 June of 1983?

14 A. Yes.

15 Q. Did they have a young son named Joshua?

16 A. Yes.

17 Q. Were Josh and Chris friends?

18 A. Yes, they were.

19 Q. And as of June of 1983, how long had they been

20 friends?

21 A. Oh, for a good couple of years, year, year and a

22 half, something like that.

23 Q. Did your home -- was your home located in the same

24 community as the Ryen home?

25 A. Yes.

26 Q. Directing your attention for a moment to a

27 photograph which has been marked for identification, I believe

28 as Exhibit 2, over which we've placed a piece of clear plastic

1 which we have marked as 2-A; does this photograph depict the  
2 neighborhood in which you still live?

3 A. Yes.

4 Q. And is your house in fact located on the diagram?

5 A. Yes, it is.

6 Q. And does there appear to be the word "W. Hughes"  
7 written over the approximate location of your home?

8 A. Yes.

9 Q. And is the Ryen home located in the area in which  
10 I'm pointing, up in the trees?

11 A. Yes, it is.

12 Q. To your knowledge were Josh and Chris playing  
13 together on Saturday, June the 4th, of 1983?

14 A. Yes, they were.

15 Q. Did that activity start during the daylight hours  
16 at sometime?

17 A. Yes, it did.

18 Q. To your knowledge did your son at some point during  
19 the day request permission to spend the night with Doug and Peg  
20 Ryen, Josh, and the family?

21 A. Yes, he did.

22 Q. And were you aware as to where they were going that  
23 particular evening with your son?

24 A. Yes, I was.

25 Q. Where was that?

26 A. It was to a potluck party type at George Blade's.

27 Q. Had you known Mr. Blade for some period of time?

28 A. Yes. He is my horseshoer.

1 Q. What did your activities consist of on that  
2 Saturday night, June the 4th, of 1983?

3 A. I was judging a local horse show in San Bernadino.

4 Q. What time did you get back from the horse show --  
5 from the horse judging in San Bernadino?

6 A. About 12:30 Saturday night.

7 Q. Would that have actually been --

8 A. It's Sunday morning, right, Sunday morning.

9 Q. When was the last time you recall seeing your son  
10 Chris, on that particular Saturday?

11 A. I saw him in the morning. I didn't see him in the  
12 afternoon because -- it was an afternoon-evening horse show, so.

13 Q. When you got home on that particular Sunday morning  
14 at 12:30 a.m., did you go to bed?

15 A. Oh, I sat up for a little while. Usually after a  
16 horse show I sit up and watch TV and sort of wind down, then I  
17 went to bed.

18 Q. To your knowledge did Peggy Ryen smoke cigarettes?

19 A. No.

20 Q. Did either of the Ryen children smoke cigarettes?

21 A. No.

22 Q. Did Doug Ryen smoke cigarettes to your knowledge?

23 A. No. He smoked a pipe.

24 Q. Do you recall what time you got up on Sunday, June  
25 the 5th, 1983?

26 A. Approximately 8:00 o'clock is the normal time I get  
27 you up on Sunday because I feed the horses on Sunday mornings.

28 Q. What's your wife's first name?

1 A. Mary Ann.

2 Q. Did Mary Ann become concerned Sunday morning  
3 somewhere around 9:00 a.m. because Chris hadn't come home?

4 A. Yes, she was.

5 Q. Did either you or your wife Mary Ann take any steps  
6 at 9:00 o'clock in the morning on Sunday to communicate with the  
7 Ryens?

8 A. She tried to get them on the phone and the phone  
9 was busy. She tried several times. And I was down at the barn  
10 and she came down and told me about it.

11 Q. Did there come a time to your knowledge in which --  
12 at which your wife left your home and actually went up to the  
13 Ryens?

14 A. Yes.

15 Q. About what time?

16 A. Probably 9:15, 9:20, somewhere in there. I'm  
17 not -- I don't know for sure, but somewhere in there.

18 Q. When she came back from the the Ryen house, did she  
19 have some type of conversation with you?

20 A. Yes. She came down. She was concerned because  
21 everything was quiet up there, and she saw that the barn was  
22 closed up and didn't look like the horses had been fed, and she  
23 was worried that something was wrong at that point.

24 Q. What did you do at that point?

25 A. Well, I was giving a lesson to a customer of mine,  
26 Bob Howey, and I told her that I thought maybe they had gone to  
27 breakfast or maybe something had happened to Peg's  
28 grandmother -- mother, or something. I didn't think there was

1 anything of it. I thought maybe they had just gone out and just  
2 hadn't had a chance to call us. I told her whether she had seen  
3 the cars up there or not, and she couldn't remember. I told her  
4 if she felt there was a problem to go on back and check that  
5 out.

6 Q. Did your wife to your knowledge go back up to the  
7 Ryen home a second time?

8 A. Yes, she did.

9 Q. And did she come back and speak to you another  
10 time?

11 A. Yes. She spoke to me and she told me there was  
12 just the truck up there and she didn't see the station wagon,  
13 and there usually were two cars, and so I told her that I  
14 would -- I would go on up there and check things out.

15 Q. Did you, in fact, go up to the Ryen home on Sunday  
16 at about 11:30 a.m. in the morning?

17 A. Yeah. I had given Bob a lesson, and then I went up  
18 borrowed his tractor and was disking the ring, and then I took  
19 the tractor back and I went back down and Mary Ann was really  
20 upset then, so I told her I would go back up. It was  
21 approximately 11:30.

22 Q. How do you get up there? Did you walk or drive?

23 A. I drove up.

24 Q. Did you go up by yourself?

25 A. Yes, I did.

26 Q. When you got up to the Ryen home did you park your  
27 car?

28 A. Yes, I did.

1 Q. Where did you park the car?

2 A. Right on the side of the house by the kitchen,  
3 which is the normal place that I would park the car.

4 Q. Mr. Hughes, directing your attention to a diagram  
5 we've placed behind you on the board. We've marked the diagram  
6 for identification as Exhibit 6. Over that we placed a piece of  
7 clear plastic which we have marked for identification as 6-A,,

8 Do you recognize what the diagram appears to be a  
9 floor plan of?

10 A. Yes. It's the Ryen house.

11 Q. Was that a home you had been in on occasions  
12 previous to Sunday, June the 5th of 1983.

13 A. Yes. I usually went up once or twice a week cause  
14 she was my chiropractor.

15 Q. Is your first initial "W"?

16 A. Yes, it is.

17 MR. KOCHIS: Your Honor, could the record reflect that on  
18 Exhibit 6-A I'm going to place "W. Hughes" for Mr. Hughes' name,  
19 today's date, which should be 11-14-84, and a notation that the  
20 clear plastic pertains to the Ryen home.

21 THE COURT: Yes, it may.

22 BY MR. KOCHIS:

23 Q. Mr. Hughes, could you step up to the diagram for a  
24 moment with the the black grease pen.

25 Could you perhaps draw a rectangle that would  
26 indicate approximately where you parked your car when you got  
27 out of it that Sunday morning?

28 A. Okay. Approximately there (indicating).

1 Q. Now, when you got out of your car, did you go  
2 toward the house?

3 A. Yes. I walked right up to the kitchen door.

4 Q. Can you indicate that with a dotted line? Then  
5 perhaps could you put a No. "1" that would indicate the  
6 approximate location that you stopped when you got to the  
7 kitchen door?

8 A. (Witness complied.)

9 Q. Mr. Hughes, if I could have your attention for a  
10 moment, Exhibit 185 is an eight by ten color photograph. Does  
11 that photograph depict the kitchen door that we're talking  
12 about?

13 A. Yes.

14 Q. Could you perhaps put your initials on the door  
15 itself?

16 A. On the door?

17 Q. Yes.

18 A. (Witness complied.)

19 Q. If you could just place the photograph on the  
20 witness stand.

21 A. Oh, right here.

22 Q. Did the Ryens have any pets?

23 A. Yes. They had some dogs and some cats.

24 Q. When you got to the kitchen door, did you look  
25 inside the home?

26 A. Yes, I did.

27 Q. Did you try the door itself?

28 A. Yes, I did.

1 Q. Was the door locked or unlocked?  
2 A. It was locked.  
3 Q. Were you able to get into the house at that point?  
4 A. No.  
5 Q. Had you had occasion to visit the Ryens when they  
6 were at home in the past?  
7 A. Yes.  
8 Q. Were they in the habit of leaving their doors  
9 unlocked when they were at home?  
10 A. Yes, I think they were.  
11 Q. Did you see any of the Ryen pets when you looked in  
12 through the kitchen door?  
13 A. Yes. The big dogs were looking at me.  
14 Q. And had you seen them before?  
15 A. Yes, I had.  
16 Q. Were they doing anything when they looked up at  
17 you?  
18 A. They were wagging their tails.  
19 Q. Where did you go after you couldn't get through the  
20 kitchen door?  
21 A. I walked around the house.  
22 Q. Did you go toward the garage?  
23 A. Yes.  
24 Q. And did you, in fact, open the garage door.  
25 A. No. I looked into the garage. There's a little  
26 door on the side.  
27 Q. Could you trace, with a dotted line perhaps and an  
28 arrow, the path that you took after you left the kitchen door to



1 where you would have stopped to look into the garage?

2 A. Okay. There was -- there is a porch along here, so  
3 I walked -- walked down here and kind of turned this way and  
4 looked in the garage right about this point. There's a door  
5 right there.

6 Q. Could you perhaps indicate with the No. "2" the  
7 approximate location that you were at when you looked into the  
8 the garage?

9 A. Yeah. Probably right in here.

10 Q. When you got to the Ryen home, was their truck  
11 there?

12 A. The truck was there, yes.

13 Q. Did you see the station wagon?

14 A. No, I did not.

15 Q. Directing your attention to Exhibit 186, which is  
16 an eight by ten color photograph. Does this depict the  
17 approximate area that you were able to stand and look through a  
18 door into the garage?

19 A. Yes. I was standing right here.

20 Q. Could you perhaps indicate with your initials on  
21 the photograph where you were?

22 A. (Witness complied.)

23 Q. Did you then continue around the house?

24 A. Yes, I did.

25 Q. Can you perhaps trace for the jury with a dotted  
26 line the route that you continued to travel?

27 A. Okay. I walked right through here, and when I--

28 THE COURT: He's making a solid line.

1 THE WITNESS: Oh, I'm sorry.

2 BY MR. KOCHIS:

3 Q. It's doesn't matter, Mr. Hughes.

4 Mr. Hughes, did you walk by any windows that you  
5 knew to be the bedrooms of the children?

6 A. Yeah. There's two windows here. There is one here  
7 and one there. I don't remember -- I'm a little confused as to  
8 how it orients, but I looked in a window approximately here and  
9 one here in the bedroom.

10 Q. Perhaps could you indicate with the No. "3" and a  
11 circle and a No. "4" and a circle the approximate location of  
12 the other windows that you looked into?

13 A. Okay. It was the ones on the back of the house, so  
14 it would have to be here and here (indicating).

15 Q. Did you look into a window of a room that you knew  
16 to be Jessica's room?

17 A. Yeah. I wasn't aware of whose room was which.  
18 There were two rooms back there. I had not been in -- I don't  
19 know who had what room.

20 Q. Did you see anyone in either of the children's  
21 bedrooms?

22 A. No, I did not.

23 Q. Could you tell from looking into the rooms whether  
24 or not people had slept in the rooms that night?

25 A. It didn't look to me like the rooms had been slept  
26 in from what I could see.

27 Q. Did you then continue around the Ryen home?

28 A. Yes, I did.

1 Q. Would you indicate your path with a line?

2 A. A broken line?

3 Q. Broken line would be fine.

4 A. (Witness complied.) Okay.

5 Q. Did there come a time then when you reached a  
6 position outside the sliding glass doors to the Ryen master  
7 bedroom?

8 A. Yes.

9 THE COURT: Mr. Hughes, could you stand my way, please.

10 THE WITNESS: I'm sorry.

11 THE COURT: And turned around the other way.

12 THE WITNESS: I'm left-handed.

13 THE COURT: I can move around, they can't.

14 BY MR. KOCHIS:

15 Q. And could you indicate with the No. "5" perhaps the  
16 position at which you came to rest on the patio outside?

17 A. (Witness complied.)

18 Q. Perhaps you can resume your seat for a moment.

19 A. All right.

20 Q. Were there any drapes on the sliding glass door to  
21 the Ryen bedroom on that Sunday?

22 A. Not to my knowledge, no.

23 Q. Were you able to look into the room?

24 A. Yes, I was.

25 Q. What did you see?

26 A. Well, I saw exactly -- I saw what's there.

27 Q. Did you see some people in the room that you knew?

28 A. Yes, I did.

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1 Q. Who did you see?  
2 A. I saw my son, Peggy, and Doug.  
3 Q. Do you need a moment?  
4 A. No, I'm all right.  
5 Q. Mr. Hughes, can you see the figure from where  
6 you're seated --  
7 A. Yes.  
8 Q. -- on the diagram --  
9 A. Yes, I can.  
10 Q. -- that has the blue pants and the yellow top?  
11 A. Right.  
12 Q. And does that indicate the approximate position of  
13 your son Christopher when you looked through?  
14 A. Yes. I think he was closer to the window.  
15 THE COURT: Mr. Hughes, here's some water if you ever  
16 need it, sir.  
17 THE WITNESS: Yeah, I'm fine.  
18 MR. KOCHIS: Your Honor, if the record could reflect I'm  
19 going to place the word "Chris" over that particular figure.  
20 Q. There appears to be on the diagram a figure of an  
21 unclothed female adult, moving north from your son; did you  
22 recognize that to be Peg Ryen?  
23 A. Yes, it was.  
24 Q. And is that her approximate position in the room  
25 when you arrived?  
26 A. Approximately, yeah, I think that's pretty correct.  
27 MR. KOCHIS: If the record could reflect, your Honor,  
28 that on 6-A I'm going to write "Peggy" over that particular

1 figure.

2 Q. Did you see Jessica?

3 A. Yes. She was -- she was -- I didn't see her at  
4 that time.

5 Q. Did you see Doug at that time?

6 A. Yeah. He was up where -- where it's indicated,  
7 except that I thought he was up, a little bit more prone.

8 Q. Directing your attention to a figure that appears  
9 to have no clothes on it by the waterbed, was that the  
10 approximate location that you saw Doug Ryen at?

11 A. Yes, it was.

12 MR. KOCHIS: If the record would reflect I'm writing  
13 Doug's name on Exhibit 6-A.

14 Q. Did you see Josh Ryen at that time?

15 A. Yes. He was between Peggy and Chris.

16 Q. Could you with a stick figure indicate about where  
17 Josh was on the diagram, 6-A?

18 A. He was approximately I would say right here  
19 (indicating).

20 Q. If you could return to your seat for a moment.

21 Did any of the people inside the room appear to be  
22 alive?

23 A. Yes, Josh did.

24 Q. What made you think that he was still alive?

25 A. Well, when I was standing at the door he looked up  
26 at me, just kind of looked up. Then I shook the door and asked  
27 him to open the window, or the door, and he kind of made a sound  
28 and moved as though he was going to get up, but he didn't get

1 up.

2 Q. Did you try to get in through the door at that  
3 time?

4 A. Yes. I tried to move the door and I couldn't get  
5 it to move.

6 Q. Directing your attention to an exhibit, Mr. Hughes,  
7 that we've marked for identification as Exhibit 173. Over that  
8 we've placed a piece of clear plastic which we've marked 173-A.

9 A. Okay.

10 Q. And the record should reflect that I'm going to put  
11 "W. Hughes" to indicate you used it, today's date, 11-14-84, and  
12 as a reference point for the jury later to use I'm going to  
13 trace over the roof in the photograph.

14 Do you recognize what that's a picture of?

15 A. Yes.

16 Q. Is that a picture of the sliding glass doors to the  
17 Ryen master bedroom through which you made the observations  
18 you've just testified about?

19 A. Yes.

20 Q. Do you recall whether or not that sliding glass  
21 door, the window itself is in one or two pieces?

22 A. It's -- it's in two.

23 Q. Is one of those a stationary piece of glass and one  
24 is the sliding glass door itself?

25 A. Right.

26 Q. Do you recall at this point which portion of the  
27 door you tried to move to get into the master bedroom?

28 A. Yes. I was standing on the right here

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1 (indicating). I was right behind my boy.

2 Q. Could you put an "X" on the clear plastic that  
3 would indicate the glass you tried to get through?

4 A. (Witness complied.)

5 Q. To your knowledge did you check the glass to the  
6 left, the actual sliding door?

7 A. No, I did not.

8 Q. Do you have sliding glass doors at your house?

9 A. Yes, we do.

10 Q. And do they open from the same side as that sliding  
11 glass door or from a different side?

12 A. To my knowledge they open from a different side.

13 THE COURT: Counsel, if you could find a convenient point  
14 for the noon recess.

15 MR. KOCHIS: This is it.

16 THE COURT: Would those people in the audience, please,  
17 wait till the jurors go outside before you go outside, please.

18 Ladies and gentlemen, be very mindful of the  
19 admonition I have repeatedly given to you. We will be in recess  
20 till the hour of 1:30. Thank you.

21 (Noon recess.)

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1 SAN DIEGO, CALIFORNIA, WEDNESDAY, NOVEMBER 14, 1984 1:35 P.M..

2 --oo0oo--

3  
4 THE COURT: Mr. Hughes, you are still under oath.

5 Mr. Kochis, please continue

6  
7 DIRECT EXAMINATION (Resumed)

8 BY MR. KOCHIS:

9 Q. Mr. Hughes, directing your attention back to the  
10 diagram and back to a couple of photographs I have placed on the  
11 board.

12 Starting with Exhibit 168, the eight by ten colored  
13 photograph with a portion of the Ryen garage in the hallway, the  
14 outside hallway.

15 When you looked in through that door in the garage,  
16 did you see any vehicle inside the garage?

17 A. No, I did not.

18 Q. Do you recall the condition of the garage when you  
19 looked inside the garage?

20 A. Yes. It was basically a mess. There was a bunch  
21 of cans and stuff in there. Nothing unusual, just was a messy  
22 garage.

23 Q. Directing your attention next to a photograph which  
24 has been marked as Exhibit 181, an eight by ten colored  
25 photograph of a station wagon.

26 Do you recognize the station wagon in that  
27 photograph?

28 A. Yes. That's the Ryen station wagon.



1 Q. Did you see that car anywhere on the Ryen ranch on  
2 Sunday when you went looking for your son?

3 A. No, I did not.

4 Q. Directing your attention for a moment back to the  
5 sixteen by twenty photograph, Exhibit 173, with 173-A over it,  
6 the two portions of glass that lead into the master bedroom in  
7 the Ryen home.

8 Is one of those sides movable and the other is  
9 stationary?

10 A. Yes.

11 Q. And as you look at the photograph, which section is  
12 the stationary portion of glass and which section is the portion  
13 that slides open?

14 A. The right side is the stationary, the left is the  
15 one that slides.

16 Q. When you looked through the master bedroom sliding  
17 glass door, was the -- to your knowledge, was the sliding glass  
18 door closed?

19 A. To my knowledge, yes.

20 Q. Do you recall which side you tried to get through:  
21 the right or the left?

22 A. The right side.

23 Q. Could you tell the jury how you tried to get  
24 through the right side.

25 A. I was standing there looking in at the scene, and  
26 my boy was in front of the roadway right side, so I was trying  
27 to get in there. I put my hand on the glass and pushed on it,  
28 and I couldn't get it to move at all, and that's when I left

1 there and went around the house.

2 Q. Did you at that time ever try to open the glass on  
3 the left side, the portion of the door that actually slides  
4 open?

5 A. No, I didn't even think about that. That's the  
6 side I thought that slid was on.

7 Q. After you were unable to enter the home from the  
8 position that you've marked on the diagram as No. 5, where did  
9 you go next?

10 A. I went back around the house the same way that I  
11 came in, and I went to the kitchen door.

12 Q. Again, could you take the black grease pen and  
13 perhaps with a dotted line, could you trace the path that you  
14 took back to the kitchen.

15 A. Okay. (Witness complied).

16 Q. When you got back to the kitchen door, did you gain  
17 try to open the door?

18 A. I don't think I did. I just kicked it in, because  
19 I already knew it was locked.

20 Q. After you kicked in the kitchen door to the Ryen  
21 home, did you then enter the home?

22 A. Yes, I had.

23 Q. Could you indicate with a dotted line and could you  
24 describe to the jury verbally where you went in the house after  
25 you kicked the kitchen door in.

26 A. Okay. I walked right in the kitchen here along the  
27 stove and stuff, and then I turned and went down the hall here.

28 Q. As you came down the hallway, did you see a person

1 that you recognized?

2 A. Yes, I did.

3 Q. Was that Jessica Ryen?

4 A. Yes, it was.

5 Q. Do you see a figure drawn in on the diagram that

6 represents the approximate location of Jessica when you came

7 down the hallway?

8 A. Yes.

9 Q. Could you perhaps print the word "Jessica" on top

10 of that figure.

11 A. (Witness complied). I don't know how to spell it.

12 Q. How about J-e-s-s-i-c-a.

13 A. All right. I missed it. "s-s-i-c". All right.

14 Q. Did she appear to be dead when you came down the

15 hall?

16 A. Yes, she was dead.

17 Q. Did you enter the master bedroom at that point?

18 A. Yes, I did. I walked right in through here.

19 Q. Could you continue to put the dotted line?

20 A. Okay. (Witness complied).

21 Q. Where did you go in the master bedroom of the Ryen

22 home?

23 A. Um, I walked up to my son first, and I reached down

24 and touched him.

25 Q. Did he appear to be dead to you?

26 A. Yes. He was cold and stiff. And then at the same

27 time I asked Josh who did it, and do you know. He just looked

28 at me like he was in a daze and just moved his lips, but he

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1 didn't do anything.

2 Q. Were his eyes open or closed, Joshua's?

3 A. They were open but it looked like he was stunned or  
4 something.

5 Q. What type of condition did he appear to be in at  
6 that time?

7 A. Um, he basically recognized me. He recognized me  
8 earlier when I was over here. He kind of had a look like he  
9 knew who I was. He tried to talk.

10 Q. Was he able to talk?

11 A. No. He made other sounds but it didn't sound like  
12 anything. And I told him just to lay down there.

13 Q. Did you remain in the room or did you leave that  
14 particular --

15 A. I ran back out to the kitchen.

16 Q. Did you take the same path down the hallway that  
17 you had taken to enter the bedroom?

18 A. I'm not sure at this point. I really didn't -- I  
19 don't know how I got to the kitchen. I went -- I think I went  
20 the same way but I'm not sure.

21 Q. Was there a phone at the Ryen's in the kitchen?

22 A. Yes. They had had a portable phone which was on  
23 the counter right here.

24 Q. Can you perhaps print the word "Phone" on the  
25 diagram that would indicate where the phone was.

26 A. Yes. Somewhere in here. (Witness complied).

27 Q. Is it fair to say at this point you cannot recall  
28 whether you got to the phone by going down the hallway or

1 whether you went the other way past the Ryen master bedroom and  
2 through the entry room and living room?

3 A. That's correct. I honestly don't remember right  
4 now. I don't know how. I don't know whether I went the long  
5 way or short way.

6 Q. Did you try to call for help?

7 A. I went to the phone and it was a two-part phone,  
8 and the other part was sitting on the counter by itself, and I  
9 picked it up and pushed the buttons. It was like a busy signal,  
10 and I couldn't get it to work, and I put it back in the holder,  
11 thinking that it would shut it off, and I picked it up again and  
12 I still couldn't get it to work. So, then I left the house, and  
13 went right back out through the kitchen and got in my car and  
14 drove down Bob Howey's.

15 Q. You can resume your seat.

16 Was Mr. Howey the man that you had given the  
17 horseriding lessons to earlier in the morning?

18 A. Yep.

19 Q. Did you request he accompany you back to the Ryen  
20 home?

21 A. Yes, I did.

22 Q. Did you enter the Ryen home with Mr. Howey?

23 A. Yes.

24 Q. Which door?

25 A. The kitchen door gain.

26 Q. The door that you have previously marked on both  
27 the photograph and the diagram?

28 A. Yes.

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1 Q. Did you have a reason for going back into the Ryen  
2 house with Mr. Howey?

3 A. Yes. I wanted to try to help Josh, and I wanted  
4 him to make sure that Chris was dead.

5 Q. Did the two of you then enter the Ryen master  
6 bedroom?

7 A. Yes, we did.

8 Q. Do you recall what route you and Mr. Howey took to  
9 get into the master bedroom?

10 A. I think we went the original way, but here again,  
11 at that point I just wanted to get back to the master bedroom.  
12 I think it was the way I originally came in but, I mean, I'm not  
13 sure of that.

14 Q. Did Mr. Howey actually enter the Ryen master  
15 bedroom with you?

16 A. Yes. He went ahead of me.

17 Q. Did you ask him to check your son?

18 A. Yes, he did.

19 Q. Did you see many do that?

20 A. Yes, I did.

21 Q. Did Mr. Howey touch Josh at all as Josh was on the  
22 floor of the Ryen master bedroom?

23 A. Not when I was there he didn't.

24 Q. Did there come a point at which you left the Ryen  
25 home?

26 A. Yes. I left right after that because I wanted to  
27 go down and tell my wife about our son.

28 Q. Did you leave Mr. Howey in the Ryen residence or

1 did he leave with you?

2 A. No, he stayed there because he stayed with Josh.

3 Q. As you left the Ryen home, did you have contact  
4 with anybody in a Sheriff's uniform?

5 A. Yes. As I was driving around the house, well, a  
6 policeman was coming up and I stopped and got out of the car and  
7 told him who I was, and where I was going because I didn't want  
8 him to think I was fleeing the scene, so to speak.

9 Q. That officer, is he one of the officers that is  
10 outside the courtroom today? Do you recognize him?

11 A. I don't recognize -- I cannot remember who it was,  
12 to be honest with you.

13 Q. Do you recall what type of shoes you wore when you  
14 went into the Ryen home on that Sunday?

15 A. I had a pair of work boots on.

16 Q. Cowboy boots?

17 A. Yes.

18 Q. Did they have any tread pattern on the sole or heel  
19 of the bottoms?

20 A. Not to my knowledge, no.

21 MR. KOCHIS: I have no further questions.

22 MR. NEGUS: No questions.

23 THE COURT: Thank you very much, Mr. Hughes. You can  
24 leave or remain as you wish.

25 THE WITNESS: Okay.

26 MR. KOCHIS: Mr. Beltz is going to be our next witness.  
27 I need a moment with Sergeant Arthur to make an adjustment on  
28 the diagram.

1 THE COURT: We'll wait.

2 THE COURT: Mrs. Aguinaga, you are the closest juror to  
3 the camera over there. Do you find that distracting from --

4 MRS. AUINAGA: No, sir.

5 MR. KOCHIS: I just need your clerk to prepare another  
6 sticker which should be, I believe, 6-B next in order.

7 Officer Beltz. Paul Beltz.

8 THE CLERK: Raise your right hand to be sworn, please.

9

10

PAUL BELTZ,

11 Called as a witness on behalf of the People, having been duly  
12 sworn, testified as follows:

13 THE CLERK: Be seated at the witness stand.

14 Would you state your full name for the record.

15 THE WITNESS: My name is Paul Beltz. B-e-l-t-z.

16

17

DIRECT EXAMINATION

18 BY MR. KOCHIS:

19 Q. Mr. Beltz, by whom are you presently employed?

20 A. I am employed by the San Bernardino County  
21 Sheriff's Department.

22 Q. How long have you worked for the Sheriff's office?

23 A. I'm sorry?

24 Q. Do you have the microphone on?

25 How long have you worked for the Sheriff's office?

26 A. Almost five years.

27 Q. How long have you been employed in the field of law  
28 enforcement?



1 A. Almost five years.

2 Q. Were you on duty on Sunday, June the 5th of 1983?

3 A. Yes.

4 Q. What shift were you working?

5 A. Day shift.

6 Q. At sometime on that day were you dispatched to go

7 to a residence located at 2943 Old English Road in the Chino

8 Hills area?

9 A. Yes.

10 Q. Do you recall what time you were assigned to go to

11 that location?

12 A. Approximately 12:48.

13 Q. Had you been to that area before?

14 A. Yes.

15 Q. Do you know a Mr. Larry Lease?

16 A. Yes.

17 Q. Prior to June the 5th of 1983, did you know Mr.

18 Lease?

19 A. Yes.

20 Q. Do you recall about what time you arrived at the

21 Ryen home on that Sunday back in June?

22 A. Approximately two to three minutes after I got the

23 call. That would put it about 12:51 or 12:52.

24 Q. Were you given any information over the dispatch to

25 orient you to what to do upon your arrival?

26 A. On what to do?

27 Q. Well, what type of situation existed at the home?

28 A. I received a call from dispatch that -- of a 187,

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1 which is a homicide has been committed, subjects involved. I  
2 don't quite remember whether -- I seem to remember that someone  
3 was dead, and one victim still alive.

4 Q. Do you recall how much time passed between the time  
5 that you got the call and the time you actually arrived at the  
6 Ryen home?

7 A. Approximately two to three minutes.

8 Q. Did you contact anybody when you arrived at the  
9 Ryen home?

10 A. Yes. The first man that was -- before I actually  
11 arrived at the Ryen residence I made contact with a man by the  
12 name of -- I believe his name was Howey.

13 Q. Where did that contact take place?

14 A. At the base of a long driveway that leads up to the  
15 Ryen and Edwards residence.

16 Q. Was there any other man with him at that time?

17 A. I don't remember.

18 Q. Did you eventually then go up to the Ryen home?

19 A. Yes.

20 Q. Directing your attention to the diagram that's  
21 behind you on the board, which we have marked for identification  
22 as Exhibit 6, over which we have placed a sheet of clear plastic  
23 which, for the record, we've marked as 6-B.

24 And the record should further reflect, your Honor,  
25 that I am going to place the initial "P" and spelling of Mr.  
26 Beltz last name, today's date "11-14-84" and note "Ryen Home"  
27 for the jury.

28 Do you recognize what this is a floor plan of, Mr.

0167755

1 Beltz?

2 A. Yes. That's the Ryen floor plan of the residence,  
3 the scene of the homicide that I responded to on June 5th.

4 Q. Do you see on the diagram the approximate area that  
5 you would have parked your patrol car?

6 A. No, not by the diagram. It was more over here in  
7 the driveway area.

8 Q. About how far from the house did you park, if you  
9 recall?

10 A. Approximately 30 yards.

11 Q. Were you in uniform at that time?

12 A. Yes.

13 Q. Were you armed at that time?

14 A. Yes.

15 Q. Did you enter the house?

16 A. Yes, I did.

17 Q. Were you alone or did anyone company you on your  
18 initial entry?

19 A. Mr. Howey accompanied me initially.

20 Q. Did you have your service revolver drawn when you  
21 entered the home?

22 A. Yes, I did.

23 Q. For what purpose?

24 A. At that time I did not in fact know, in my own  
25 mind, that the suspect was not still inside the residence.

26 Q. Do you recall which door you used to enter the Ryen  
27 home?

28 A. Yes.

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1 Q. Which door was that?

2 A. The door that leads into kitchen area of the  
3 northwest side of the residence. Right here.

4 THE COURT: Deputy, if you could, you may stand on this  
5 side.

6 THE WITNESS: I'm sorry. Right here.

7 BY MR. KOCHIS:

8 Q. Can you place the initial "K", period, and "D"  
9 period for kitchen door. That would show the jury the  
10 approximate location that you entered the home at.

11 A. (Witness complied).

12 Q. Can you then indicate with a dotted line the path  
13 you took from the point that you entered the home until you  
14 arrived in the master bedroom.

15 A. (Witness complied).

16 Q. You walked past the dining room to the home; is  
17 that correct?

18 A. That's correct.

19 Q. And was the living room of that home in some  
20 fashion sunk or lower than the rest of the house?

21 A. This is a split level residence, and this is a step  
22 downstairs going down.

23 Q. Did you actually enter the living room or just walk  
24 past it on your first pass through the house?

25 A. I don't remember.

26 Q. When you got into the hallway that eventually led  
27 to the master bedroom, did you notice any person in the hallway?

28 A. I was standing right about here. I did look down

1 the hallway, I saw a child laying down at the end of the  
2 hallway.

3 Q. Can you perhaps with a No. 1 indicate where you  
4 were located when you first observed another person in the home,  
5 another body?

6 A. (Witness complied). You want that noted with  
7 some --

8 Q. Just No. 1.

9 A. Okay.

10 Q. Directing your attention to a photograph which has  
11 been marked for identification as Exhibit 174. Do you recognize  
12 what that particular picture shows you?

13 A. Yes. That's a photograph of the first subject,  
14 first victim that I came in contact with.

15 Q. Does that photograph accurately depict the  
16 condition of the young woman, Jessica Ryen, when you first saw  
17 her coming down the hallway on that same day?

18 A. Yes.

19 Q. Could you indicate with the No. 174, a circle and  
20 an arrow the approximate location from which that photograph  
21 would have been taken.

22 A. 174 and an arrow?

23 Q. Yes.

24 A. (Witness complied).

25 Q. And does this particular picture Exhibit, 174, also  
26 accurately depict the position of Jessica Ryen in the hallway  
27 when you arrived at the scene?

28 A. Yes.

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- 1 Q. Did you check Jessica to see if she was alive?
- 2 A. Yes.
- 3 Q. And did you make a determination that she was
- 4 deceased?
- 5 A. Yes.
- 6 Q. Did you step over her to enter the Ryen master
- 7 bedroom?
- 8 A. Yes, I did.
- 9 Q. And when you entered the Ryen master bedroom did
- 10 you see additional victims?
- 11 A. Yes, I did.
- 12 Q. The figure on the Diagram 6 in the doorway, does
- 13 that accurately depict as well the approximate position of
- 14 Jessica Ryen when you stepped over her on Sunday morning, Sunday
- 15 afternoon in 1983?
- 16 A. Yes.
- 17 Q. Directing your attention next to an exhibit which
- 18 has been marked for identification as Exhibit 20.
- 19 Do you recognize nice what that sixteen by twenty
- 20 color photograph depicts?
- 21 A. Yes. The older male victim that was laying in the
- 22 master bedroom of the Ryen residence.
- 23 Q. And likewise, on Exhibit 6, specifically on 6-B,
- 24 could you indicate with a No. 20, a circle and an arrow the
- 25 approximate position from which this photograph was taken?
- 26 A. No. 20?
- 27 Q. Yep.
- 28 A. (Witness complied).

1 Q. Does the photograph, Exhibit 20, depict Mr. Ryen's  
2 condition when you arrived in the room?

3 A. Yes, it does.

4 Q. Does it likewise depict the position of the  
5 furniture that was surrounding him at that point?

6 A. Yes.

7 Q. Did you take any steps to determine whether or not  
8 Mr. Ryen was dead when you entered the bedroom?

9 A. No, I did not. I approached Mr. Ryen but I did not  
10 bother even taking his pulse because he appeared quite dead to  
11 me.

12 Q. The figure on Exhibit 6 of the person without any  
13 clothes on kneeling by the waterbed, does that accurately depict  
14 Mr. Ryen's position when you arrived at the scene as well?

15 A. Yes.

16 Q. Directing your attention next to a photograph which  
17 has been marked for identification as Exhibit 21.

18 Do you recognize what that is a photograph of?

19 A. Yes.

20 Q. Is that likewise a photograph that appears to be  
21 taken from inside the Ryen master bedroom?

22 A. Yes.

23 Q. Does that photograph appear to accurately depict  
24 the position of the young male victim, Chris Hughes, the adult  
25 female, Peggy Ryen, and her daughter, Jessica, as they appeared  
26 to you from inside that bedroom in the Ryen home?

27 A. Yes.

28 Q. Likewise, with a circle and an arrow, and with the

1 No. 21, could you indicate the approximate location from which  
2 that photograph appears to be taken.

3 A. (Witness complied).

4 Q. Did you check any of the victims, other than  
5 Jessica Ryen, who appeared in Exhibit 21, specifically Peg Ryen,  
6 or young Chris Hughes?

7 A. Yes.

8 Q. And did they both appear to be dead to you?

9 A. Yes.

10 Q. Does that photograph Exhibit 21 accurately depict  
11 first their position within the room when you arrived?

12 A. Yes. Their positions, yes.

13 Q. Does it likewise appear to accurately depict their  
14 condition?

15 A. Yes.

16 Q. Showing you next a photograph which has been marked  
17 for identification as Exhibit 175.

18 Do you recognize what is depicted in that  
19 photograph?

20 A. Yes.

21 Q. And does that photograph appear to depict the young  
22 male victim, young Chris Hughes, as you arrived at the Ryen  
23 scene in the master bedroom?

24 A. Yes.

25 Q. With a 175, a circle and an arrow, could you  
26 indicate the approximate location from which that picture was  
27 taken.

28 THE COURT: Excuse me, counsel.

016741



1 Mrs. Doxey, I have a note here that there's a lady  
2 in the jury lounge that needs to get medication from you  
3 apparently for either your daughter or her daughter, and can't  
4 wait until recess.

5 Do you know what they're talking about?

6 MR. DOXEY: No, I don't, but I know my daughter. May I  
7 go out.

8 THE COURT: Do you want a recess then?

9 It may be we ought to take a recess, counsel.

10 Let's take a brief recess until Mrs. Doxey finds out what this  
11 is about. Go down to the jury room please. Everybody else can  
12 step back into the room here.

13 (Recess)

14

15 THE COURT: We may have publically revealed Mrs. Doxey.  
16 I understand your daughter had asthma and you had her medicine.  
17 No dire emergencies?

18 You are okay and can concentrate again?

19 A JUROR: No.

20 THE COURT: You are okay and can concentrate again.

21 If anything happens, ladies and gentlemen, where  
22 you need a recess, we will try and be considerate, a lot of us  
23 here.

24 Counsel, I'm sorry, go ahead.

25 MR. KOCHIS: Your Honor, I believe there would be a  
26 stipulation in regard to two photographs that have been  
27 remarked. Apparently we had two No. 20's and two No. 21's, and  
28 the stipulation would be that the sixteen by twenty which

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1 depicts Doug Ryen in the master bedroom, which was previously  
2 marked Exhibit 20 has been remarked Exhibit 216, and the  
3 photograph which was previously marked as Exhibit 21 has been  
4 remarked Exhibit 217.

5 MR. NEGUS: So stipulated, with the additional  
6 stipulation that those were the two photographs that were shown  
7 to all of the jurors during the course of our voir dire.

8 THE COURT: Do you accept the amendment?

9 MR. KOCHIS: Yes.

10 THE COURT: All right. The stipulation is accepted.  
11 Thank you.

12 (Exhibits No. 20 and 21  
13 were remarked Exhibit  
14 Nos. 216 and 217  
15 respectively for  
16 identification.)

17 BY MR. KOCHIS:

18 Q. Mr. Beltz, could you step up to Exhibit 21 -- 20  
19 first and can you place behind it simply "216"?

20 A. Witness complied.

21 Q. And with Exhibit 21 can you place "217"?

22 A. (Witness complied.)

23 Q. Could you, as you're standing at the board, can you  
24 tell the jury what you did the in the master bedroom?

25 A. Yes. I stepped over Jessica Ryen, and then  
26 examined the woman that was laying on her back. She appeared  
27 dead.

28 I then saw that there was a young boy lying in this

1 position over here --

2 Q. Was that the first --

3 A. -- later identified as Josh Ryen.

4 Q. Could you indicate, perhaps with a stick figure on  
5 the diagram, his approximate location in the master bedroom when  
6 you saw Josh?

7 A. (Witness complied.)

8 A. He was kind of on his side in a fetal position.

9 Q. Was he clothed at the time?

10 A. Yes.

11 Q. Did he appear to be wearing bed clothing or  
12 pajamas?

13 A. Yes.

14 Q. What condition was he in physically when you walked  
15 over to him?

16 A. He was in shock but he was stable. He was  
17 breathing all right.

18 Q. Did he appear to be injured to you?

19 A. I did not check -- I did not examine him for  
20 injuries.

21 Q. What did you do when you checked him or touched  
22 him?

23 A. I checked his carotid artery on the side, checked  
24 his pulse, and checked his pupils, leaned over and checked his  
25 pupils.

26 Q. What did you do after you checked Josh?

27 A. Checked the young boy that was lying here, saw that  
28 he was quite dead.

1 I then stood up and looked into the bathroom. It  
2 was quite dark.

3 I stepped back out and then I was going to proceed  
4 and conduct a cursory search of the residence.

5 Q. Can you perhaps indicate with a broken dotted line  
6 the path you took from the young boy who was dead, Chris Hughes,  
7 to where you made your observations into the master bathroom?

8 A. Somewhere in here. I don't know whether it was  
9 here or here (indicating).

10 Q. What type of shoes were you wearing when you  
11 entered the home?

12 A. I was wearing a pair of black, they are a black  
13 service shoe with a forward-thrust type sole.

14 Q. Did it have a pattern on the sole?

15 A. No, but it has a distinctive print on the bottom.

16 Q. Do you recall what the word was?

17 A. Forward-thrust.

18 Q. Where did you go in the home after you left the  
19 area of the master bathroom?

20 A. Want me to draw a dotted line?

21 Q. Could you? And could you also articulate for the  
22 jury the path you took through the remainder of the house?

23 A. Okay. I stepped back over Jessica Ryen and  
24 proceeded in a clockwise manner through the residence making a  
25 search of the residence. First of all I checked the laundryroom  
26 door or laundryroom and then I checked the bedrooms.

27 Q. Did you actually enter the laundryroom or did you  
28 just look inside?

0  
1  
6  
7  
4  
5

1           A.    I -- The door was closed and I opened the door and,  
2   yes, I did partially step into the laundryroom.

3           Q.    Could you indicate that with a dotted line there?

4           A.    Okay. I don't know how far I went in.

5           Q.    And did you then move toward the other rooms of the  
6   house as the house goes around in a wheel moving north again?

7           A.    Yes.

8           Q.    Did you check the next bedroom?

9           A.    Yes.

10          Q.    Did you actually enter the bedroom?

11          A.    Yes.

12          Q.    And at this point, what, if anything are you  
13   looking for in the home?

14          A.    Anything unusual, but specifically I was looking  
15   for a suspect.

16          Q.    Did you -- did you find anything that caused you to  
17   stay in the bedroom next to the laundryroom?

18          A.    No.

19          Q.    Would you then continue with the marker and  
20   description as to where you went in the house?

21          A.    I then continued, went into this room and came back  
22   out, and then went into this bathroom and then came back out,  
23   and then I proceeded back through the residence, back into the  
24   master bedroom to check the welfare of Josh Ryen.

25          Q.    Was there anyone else in the house with you at that  
26   time that you saw in the master bedroom?

27          A.    No.

28          Q.    Did Mr. Howey initially come into the house with

1 you?

2 A. Yes.

3 Q. How far into the house did he get to the best of  
4 your recollection?

5 A. Somewhere in here. I asked him to step out of the  
6 residence. He was somewhere in here.

7 Q. Can you indicate with the initials "B" for Bob and  
8 "H" for Howey where Mr. Howey was the last time you saw him in  
9 the house?

10 A. You mean the first time I saw him in the house?  
11 Last time was when I was in the bedroom and he had -- was  
12 starting to enter the house. I could either -- I don't remember  
13 whether I heard him or saw him but I asked him to step back  
14 outside.

15 You mean the first time?

16 Q. First time.

17 A. First time.

18 Q. And can you put a No. 1 by that? Have you done  
19 that?

20 A. Yes.

21 Q. Did you ever see Mr. Howey at any other location  
22 inside the Ryen home on that Sunday?

23 A. I don't remember. Like I said, I don't remember  
24 whether I saw him, but I do remember talking to him again and  
25 asking him to stay out.

26 Q. After you checked Josh Ryen a second time in the  
27 Ryen master bedroom, where did you go in the house?

28 A. I went back out into the hallway. I remembered

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1 that this bathroom was very dark, and I just -- just as part of  
2 the search I just felt uncomfortable making an attempt to enter  
3 completely this bedroom to check for the suspect. I didn't know  
4 the layout of this bathroom. Looking in through this door here.  
5 So I went back out the master bedroom and happened to see this  
6 door here and this door. Looking in through this door here it  
7 enabled me to see most of the master bedroom -- master bathroom  
8 excuse me.

9 Q. Can you then continue to trace your path through  
10 the house?

11 A. All right. Back here, I don't remember how far I  
12 went into this master bathroom, but it would enable me to see a  
13 total view of the bathroom, but I didn't go in very far I  
14 remember.

15 Q. Did you go to any other room, did you go into any  
16 other room of the house after you looked into the master  
17 bathroom?

18 A. No.

19 Q. Can you indicate --

20 A. I don't remember that I did.

21 Q. Can you indicate for the jury the route you took to  
22 leave the house?

23 A. Back this way, back out the same way I came.

24 Q. You may resume your seat for a moment.

25 After you exited the Ryen home, did you come in  
26 contact with any other member of your department?

27 A. Of my department?

28 Q. Yes.

1 A. Sergeant Gilmore and Deputy Hoops.  
2 Q. Which one did you contact first?  
3 A. Sergeant Gilmore.  
4 Q. And how much time passed between the time you got  
5 to the Ryen scene and the time you saw Sergeant Gilmore  
6 A. Two, three, or four minutes.  
7 Q. Did you contact him outside the home?  
8 A. I don't remember. I think that I had -- I thought  
9 that I had contacted him when I was in the hallway or at the end  
10 of the hallway.  
11 Q. After you exited the home, were you given some  
12 instructions by Sergeant Gilmore?  
13 A. Yes.  
14 Q. Were you instructed to set up a roadblock away from  
15 the Ryen home?  
16 A. Yes.  
17 Q. And did you do that?  
18 A. Yes.  
19 Q. And approximately where was the roadblock located?  
20 A. At the entrance of -- at the entrance of the Ryen  
21 driveway right near the Edwards' residence.  
22 MR. KOCHIS: Your Honor, if I could have Sergeant Arthur  
23 accompany me for a moment.  
24 THE COURT: Sure.  
25 BY MR. KOCHIS:  
26 Q. Mr. Beltz, directing your attention to an exhibit,  
27 a photograph which has been marked for identification as Exhibit  
28 3, do you recognize what is shown in this particular exhibit?

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1 A. It's an aerial view of the ranches off of Peyton  
2 and old English Road.

3 Q. Do you see on the photograph the approximate  
4 location of the roadblock that you set up pursuant to Sergeant  
5 Gilmore's instructions?

6 A. Yes.

7 Q. Is there -- does there appear to be some writing on  
8 the piece of clear plastic, 3-A, that indicates that approximate  
9 location?

10 A. Yes, some writing with a red marker pen with the  
11 initials "R.B."

12 Q. How long did you remain at that particular  
13 roadblock?

14 A. Perhaps two hours.

15 Q. Did you let anyone pass the roadblock other than  
16 sheriff's personnel or paramedics?

17 A. No.

18 Q. Could you assist me in removing this for a moment?

19 Q. Directing your attention next to Exhibit 2, which  
20 appears to be to be an aerial photograph of the Chino area, when  
21 you left the roadblock that you've indicated on photograph 3,  
22 did you eventually leave the Chino area.

23 A. No.

24 Q. Did you see on that day another roadblock or a  
25 second roadblock that was set up by your department further away  
26 from the crime scene than the one you had manned for two hours?

27 A. Yes.

28 Q. Could you indicate with the initials "R.B." and

1 perhaps the No. 2 where the second roadblock was?

2 A. It's not working that well.

3 Right here. This is old English Road and this is  
4 Peyton.

5 Q. The road that you've pointed to as old English, is  
6 that essentially the only paved road that leads out to Peyton  
7 from the Ryen home?

8 A. Yes.

9 Q. You may resume your seat.

10 When you were relieved of your duties after two  
11 hours at the first roadblock, was anyone assigned to take up  
12 that responsibility at your location that you are aware of?

13 A. No, not to my knowledge.

14 Q. Do you recall how much time passed between the time  
15 you set up the roadblock and homicide detectives arrived at the  
16 scene?

17 A. Approximately 20, 30 minutes.

18 Q. Thank you.

19 I have no further questions.

20 THE COURT: Mr. Negus

21

22 CROSS EXAMINATION

23 BY MR. NEGUS:

24 Q. Mr. Beltz, what have you done to refresh your  
25 recollection about the events of June 5th in preparation for  
26 your testimony here today?

27 A. I have been given a copy of my transcripts of my  
28 testimony during the pretrial of this case.

1 Q. Have you read those?

2 A. Yes.

3 Q. Were you given copies of diagrams that you prepared  
4 during that -- during those earlier proceedings?

5 A. I have one diagram.

6 Q. Did you check any other records as far as  
7 refreshing your recollection?

8 A. No, sir.

9 Q. Did you write a report shortly after you -- after  
10 the events of June the 5th about your discovery of the bodies  
11 and the duties that you did on that particular day?

12 A. Yes, I did a supplemental report.

13 Q. You have not reviewed that?

14 A. Yes, I reviewed that.

15 Q. As far as some of the other information with  
16 respect to time, did you review any other documents of the  
17 Sheriff's Department about the particular dispatch of yourself  
18 to the scene?

19 A. Dispatch? No.

20 Q. Well, the times that you got as far as when you  
21 received the transmission and when you arrived, in the official  
22 records that are kept at the West End Substation of the  
23 Sheriff's Department, do they keep little slips, that is, the  
24 dispatch person, keep a slip with a time stamp as to the time  
25 that you were notified and a time stamp as to the time that you  
26 logged in through your radio that you had arrived at the scene?

27 A. Yes.

28 Q. And did you check that?

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1 A. No.

2 Q. Did you check that in writing your report?

3 A. No.

4 Q. Did you ask the dispatcher what your times were?

5 A. No.

6 Q. Have you gone -- have you gone back and reviewed

7 any of the tapes of the dispatches, that is, the radio

8 conversation between yourself and your dispatcher?

9 A. No.

10 Q. Just to explain to the jury who may not be familiar

11 with our particular neck of the woods, as a patrol deputy you

12 are assigned to patrol out of what's called the West End

13 Sheriff's Station; is that correct?

14 A. Yes.

15 Q. Now called the West End Sheriff's Station.

16 And on the particular day in question you -- were

17 you given any particular beat?

18 A. Yes.

19 Q. Was that to patrol the unincorporated area in

20 the -- to the south of the City of Chino?

21 A. Yes.

22 Q. And that is essentially one of three different

23 assignments that a patrol deputy would receive out of your

24 particular office; is that right?

25 A. Well, there are three different areas, yes.

26 Q. If you are assigned to patrol you do one of three?

27 A. That's correct.

28 Q. And so that -- you would basically be then

016757

1     having -- how long have you worked at the West End?

2             A.     Approximately three and a half, almost four years.

3             Q.     So, you would be familiar with all that particular  
4     areas just as part of your normal routine as having that at  
5     least one-third of the time as part of your assignments, that's  
6     right?

7             A.     Yes.

8             Q.     Now in the -- in performing your duties, Mr. Kochis  
9     asked you about the dispatch. There is a person or persons who  
10    work out of the West End Sheriff's Department up to the north of  
11    Chino in Ontario who are in radio contact with the officers  
12    while they are on patrol; is that correct?

13            A.     Yes.

14            Q.     And those persons are the persons that -- that  
15    direct officers on their patrol to a particular area, on this  
16    particular case that person in Ontario was the one that gave you  
17    the call to go to the -- to the Ryen residence?

18            A.     Yes.

19            Q.     And that's because you were the nearest person in  
20    physical time of the three or four sheriff's units that were  
21    actually working at that particular point in time; is that  
22    right?

23            A.     Yes, I believe I was the closest.

24            Q.     On those transmissions do you have, oh, particular  
25    call letters that are used to identify the people who are  
26    talking on the transmission?

27            A.     Yes.

28            Q.     A person such as yourself who is -- who is acting

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1 as a deputy on patrol would have a number that is "2", being for  
2 the West End, "Paul" meaning for patrol, and another digit; is  
3 that right?

4 A. Yes.

5 Q. And do you recall what your particular unit was on  
6 that particular day?

7 THE COURT: Counsel, once again, is it necessary for all  
8 the detail?

9 MR. NEGUS: Yes.

10 THE COURT: I merely mention it. Go ahead if you feel  
11 it's necessary, but I question it.

12 MR. NEGUS: The reason -- I am just -- I would anticipate  
13 eventually we are going to get in to some of the transmissions,  
14 so I thought I might explain it with the first people rather  
15 than the last.

16 Q. So do you recall what your particular designation  
17 was on that day?

18 A. I think my call designation on that day was  
19 2-Paul-6.

20 Q. A sheriff's unit on that particular -- operating  
21 out of the West End which would involve a sergeant who would be  
22 your supervisor would be a 2-Sam number; is that right?

23 A. Yes.

24 Q. And Homicide, Crime Lab, I.D., they all have  
25 different -- different numbers?

26 A. Yes.

27 Q. Do you happen to know the numbers that were used by  
28 homicide, I.D. on that particular day?

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1 A. No, sir.

2 Q. When you received your -- when you received your  
3 transmission over the -- over the -- over the air, did the  
4 dispatcher tell you that the suspects were GOA?

5 A. I don't remember, but she might have.

6 Q. Does GOA mean "Gone on arrival"?

7 A. Yes.

8 Q. And if you have a report -- a person who calls the  
9 Sheriff's Department, that person is called the reporting party;  
10 is that right?

11 A. Yes.

12 Q. So, if you got that particular designation on that  
13 particular day, GOA would mean that the reporting party had  
14 given to the sheriff's dispatcher the information that the  
15 criminals were gone on arrival; is that right?

16 A. Yes.

17 Q. On that particular day when you actually went  
18 inside to the Ryen master bedroom and saw the murders that had  
19 taken place, did that make you physically and emotionally upset?

20 A. Yes, it effected me psychologically.

21 Q. Has that upset that you suffered, effected your  
22 ability to remember clearly the events that took place that  
23 particular day?

24 A. I don't know if that is a factor.

25 Q. Has the passage of time?

26 A. Rather than just the passage of time, right.

27 Q. Showing you first an exhibit which has been marked  
28 as F-2 -- which has been marked as Exhibit 218, correct myself,

016756

1 do you recognize that exhibit?

2 A. Yes.

3 Q. Is that a diagram prepared by yourself at the  
4 preliminary hearing in this particular case in November of 1983  
5 depicting some of your movements through the Ryen house on that  
6 particular day?

7 A. Yes.

8 Q. And showing you another diagram, which has been  
9 marked 219; does that depict another set of movements by  
10 yourself through the Ryen house on June the 5th, 1983, prepared  
11 by yourself at the preliminary hearing?

12 A. Yes.

13 Q. The one that's been marked as 218 picture your  
14 initial movements, and then the ones that are on 219 are  
15 chronologically later than 218; is that right?

16 A. Yes.

17 Q. There are some letters and numbers on those  
18 particular -- on those particular diagrams.

19 Directing your attention to Exhibit 218, does the  
20 No. 1 indicate the spot where you stopped when you first entered  
21 the Ryen master bedroom?

22 A. Where are you looking at? No. 1 yes, I believe. I  
23 can't tell whether that's a 1. That must be an 1 rather than a  
24 "T".

25 Q. Let me just direct your attention to the diagram?

26 A. This right here, this point.

27 Q. There appears to be an orange, right?

28 A. Okay that's a 1, yes.

016757



1 Q. Okay. Let's, -- just to make that clear could you  
2 circle that in black Sharpie, the number we're talking about?

3 A. Okay.

4 Q. So we've now made that a black "1"?

5 A. Yeah, that's a "1".

6 Q. That's about where you first stopped; is that  
7 correct?

8 A. Yes.

9 Q. And -- after -- according to that diagram there's a  
10 somewhat different path that you took than the one that you  
11 remembered today; is that right?

12 A. Yeah. There was a discrepancy brought up during  
13 the pretrial in that regard.

14 Q. Is the first one more accurate than your later  
15 recollection?

16 A. No, the second, my later recollection is more  
17 accurate.

18 Q. How does that happen?

19 A. How does it happen? Well, the bathroom, I think at  
20 the time -- I don't remember your exact questioning, but I was  
21 just trying to point out that that bathroom was checked for  
22 suspects.

23 Q. So, you think the question may have confused you as  
24 to what --

25 A. That's correct.

26 Q. Does the spot on that diagram that has been marked  
27 with a -- with a "D", does that indicate a spot when you first  
28 came in that you saw a dog?

1 A. I don't remember.

2 Q. Did you see a dog when you walked in the house?

3 A. Yes.

4 Q. Where was the dog?

5 A. I don't remember where the dog was exactly.

6 Q. Can you describe the dog?

7 A. I remember the dog. Okay. The dog was small and

8 with medium length hair. That's about all I remember about the

9 dog. But I don't exactly remember where the dog was. I

10 remember I saw the dog as I first entered the residence.

11 Q. Did you before that -- you said you knew Larry

12 Lease before that particular day.

13 Did you know -- did you know Bill Hughes before

14 that day.

15 A. No.

16 Q. How about Bob Howey?

17 A. No.

18 Q. Could you have mixed up Bill Hughes and Bob Howey

19 as to their identities?

20 A. No.

21 Q. Did you see Bill Hughes when he was out in the hall

22 earlier?

23 A. Mr. Hughes?

24 Q. Yes, William Hughes.

25 A. Today?

26 Q. Yes.

27 A. Yes.

28 Q. And where did you -- where did you first come in

016759

1 contact with that -- with that gentleman that was here today and  
2 testified before you?

3 A. I thought that I had first come in contact with Mr.  
4 Hughes in the Ryen's driveway prior my entering the residence.

5 Q. Was he on foot?

6 A. I don't remember whether he was sitting in a  
7 vehicle or whether he was on foot.

8 Q. And where did you first see Mr. Howey?

9 A. He was in the driveway on the northwest side of the  
10 residence.

11 Q. When you were with Mr. Howey was he ever in the  
12 Ryen master bedroom?

13 A. I'm sorry.

14 Q. While you were with Mr. Howey --

15 A. Yes.

16 Q. -- was Mr. Howey ever in the Ryen master bedroom?

17 A. Yes, he said he was.

18 Q. Listen to my question, please.

19 While you were with Mr. Howey was Mr. Howey ever in  
20 the Ryen master bedroom?

21 A. I don't remember. He might have been because I  
22 remember -- I recall a couple --

23 THE COURT: Don't speculate, sir.

24 THE WITNESS: Well, I'm not speculating. I know for a  
25 fact -- there was a couple times that I had told him to please  
26 leave the residence.

27 BY MR. NEGUS:

28 Q. Did Mr. Howey, while bending over Joshua, ever tell

1 you: "No, I'm not going to leave the boy."?

2 A. I don't remember.

3 Q. Are you aware that Mr. Howey has previously

4 testified that he has done that?

5 A. No.

6 Q. On the diagram that you have, which has been marked

7 as 219, does the No. 5 in blue indicate the location of Mr.

8 Howey at a time when you told him to leave?

9 A. I don't remember.

10 Q. Does the No. 4 indicate a spot where you met then

11 Sergeant Gilmore, your supervisor for that particular day?

12 A. Yes, I think so.

13 Q. Did you meet Mr. Gilmore before or after you had

14 searched the house?

15 A. After I had searched the residence.

16 Q. Did you ever go through with Mr. Gilmore and search

17 the house with him?

18 A. No, I don't -- I don't remember.

19 Q. When you touched Jessica -- excuse me. When you

20 checked Jessica's vitals, did you touch her?

21 A. Yes.

22 Q. Where?

23 A. I checked the pulse on her neck and her wrist.

24 Q. Do you recall which wrist?

25 A. No, I don't recall.

26 Q. Showing you Exhibit 174, a picture of Jessica, one

27 wrist being close to the wall and one wrist being near her hair,

28 does that refresh your recollection as to which one you checked?

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1 A. No, I can't remember.

2 Q. Do you remember where you were standing or kneeling  
3 when you did that?

4 A. I was near her head.

5 Q. When you touched her neck did you touch the side of  
6 the neck that's indicated in that particular photograph?

7 A. I don't remember that either.

8 Q. Did -- While you were in the house did you see  
9 Larry Lease in the house?

10 A. In the house?

11 Q. Yes.

12 A. No.

13 Q. After your initial contact with Bill Hughes did you  
14 ever see him again that day?

15 A. Mr. Hughes?

16 Q. Yes.

17 A. No, I don't remember that either.

18 Q. Where did you -- where did you touch Josh when you  
19 checked him?

20 A. I can't remember. I had checked his pulse and I  
21 remember checking his pupils.

22 Q. Were his eyes open?

23 A. Partially.

24 Q. Were his pupils -- were his pupils constricted?

25 A. Yes.

26 Q. Was Josh attempting to communicate with you in any  
27 way?

28 A. No.

1 Q. When you checked Christopher, did you move him?  
2 A. I'm sorry.  
3 Q. When you checked Christopher, did you move him?  
4 A. Move him? No.  
5 Q. When you checked Peggy, did you move her?  
6 A. No.  
7 Q. Did you check -- did you touch -- where did you  
8 touch Peggy?  
9 A. I can't remember whether I -- it was her neck or  
10 her wrist.  
11 Q. Did you change the position of the door that leads  
12 from the Ryen master bedroom into the Ryen master bathroom?  
13 A. I don't remember whether I did or not.  
14 Q. Do you recall seeing anything in that doorway?  
15 A. No, I don't.  
16 Q. At that point in time when you were making your  
17 initial discoveries, were you in such a condition that you were  
18 taking care as to where you were stepping?  
19 A. Basically.  
20 Q. Were you -- when you were searching for suspects  
21 were you likewise taking care as to where you were stepping?  
22 A. Yes.  
23 Q. Did you step in any blood?  
24 A. If there was a drop of blood, I may have stepped in  
25 it; if it was a puddle of blood, no, I did not.  
26 Q. There were large areas of the carpet that were  
27 saturated with blood; is that right?  
28 A. Yes.

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1 Q. So, you avoided the large areas that were  
2 saturated?

3 A. Yes.

4 Q. Showing you first for identification -- excuse  
5 me -- a photograph which has been marked as Exhibit 22 for  
6 identification, that for the record is a three by five photograph  
7 showing the hallway door from the master bedroom into the  
8 hallway and from the -- from the master bedroom into the  
9 bathroom, the two doors.

10 Do you recognize that?

11 A. Yes.

12 Q. Seeing that particular -- that particular -- that  
13 particular pillow that's in that particular position can you now  
14 recollect that pillow being there?

15 A. No. I wasn't taking notice of objects such as  
16 pillows in the residence.

17 Q. Were you being careful while you were going through  
18 the residence not to change the position of any of the physical  
19 items in the room?

20 A. The best I could, yes.

21 Q. Well, did you like open any doors?

22 A. Yes.

23 Q. Did you take care after you had opened them to  
24 return them to the position in which you had found them?

25 A. Yes, in some instances.

26 Q. Well, what do you mean by that?

27 A. Well, I don't remember specifically, say, bedroom  
28 doors, I don't think I would have bothered closing; but closet

1 doors, yes, with my foot, I seem to remember that I closed, but  
2 I don't know which doors I did close.

3 The search I did was a cursory search. I had a  
4 flashlight with me and I used that as a probe in the closet  
5 areas, and --

6 Q. Well --

7 A. Do you want to know my reasoning behind it?

8 THE COURT: Just wait for particular questions. Okay.

9 BY MR. NEGUS:

10 Q. All right. Now I'm just asking to you describe  
11 your actions.

12 A. Yes. I might have closed the -- some doors behind  
13 me.

14 Q. But you can't recall which ones?

15 A. No.

16 Q. At this particular point in time, given your  
17 present state of memory, can you state positively that you never  
18 went through this doorway from the master bedroom to the master  
19 bathroom?

20 A. No, I never went through it. I may have stood on  
21 the threshold or near the threshold, but I never entered the  
22 bathroom entirely from that doorway.

23 Q. Could you enter the bathroom entirely from either  
24 direction?

25 A. Yes. From the other door, from the hallway.

26 Q. If I may, using the blue Sharpie on the Exhibit  
27 6-B, a big circle and a particular area in front of the toilet  
28 there.



1 Did you ever step in that general area?

2 A. No.

3 Q. Are you sure?

4 A. Yes.

5 Q. When you went in the doorway from the hallway into

6 the master bathroom, did you have to open it to get -- to look

7 in?

8 A. I don't remember. I do know the door was open but

9 I don't know how far.

10 Q. On the diagram that you prepared at the preliminary

11 hearing that we've marked as the first Exhibit 218, as far as

12 the laundry room is concerned, there is an indication that you

13 sort of made a rectangular pattern within that laundry room.

14 Is that an accurate reflection of your particular

15 movement?

16 A. The rectangular movement? It could have been.

17 Q. Well, there appears to be, there appears to be a

18 door at the back of that particular laundry room.

19 Did you go back, as indicated in the diagram, to

20 that area of that door for the purpose of checking it?

21 A. I could have.

22 Q. You don't remember.

23 A. No. I did go into the laundry room, that's all I

24 remember. I remember checking the area of the laundry room.

25 Q. Was there anything in there?

26 A. There was some things on the floor.

27 Q. Do you remember where?

28 A. No.

1 Q. Did you notice a glass doorway between the Ryen  
2 master bedroom and an outside area?

3 A. No.

4 Q. When you were in the Ryen master bedroom, could you  
5 see outside?

6 A. Yes.

7 Q. And through what?

8 A. Through sliding glass doors.

9 Q. Those sliding glass doors, did you ever go up and  
10 check them to see whether or not they were open or not?

11 A. No.

12 THE COURT: Counsel, we had a very brief recess before.  
13 I probably should give the jury another 15 minutes.

14 MR. NEGUS: I'm easy on that, your Honor.

15 THE COURT: Let's take a 15-minute recess, ladies and  
16 gentlemen.

17 (Recess)

18

19 THE COURT: All right, Mr. Negus.

20

21 CROSS EXAMINATION (Resumed)

22 BY MR. NEGUS:

23 Q. The door to the laundry room. Did you open that  
24 with your hand and walk into it?

25 A. Yes.

26 Q. The door was closed before you got there?

27 A. Yes, sir, it was.

28 Q. And, so, you couldn't like push it open with your

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1 flashlight, you had to actually turn the knob.

2 A. Yes.

3 Q. At the preliminary hearing, Page 68 of Volume IV,  
4 do you recall testifying that Mr. Howey met you at the base of  
5 the road in his vehicle?

6 A. I don't remember him telling me that, no.

7 Q. Do you remember testifying that way at the  
8 preliminary hearing?

9 A. No, I don't remember.

10 Q. Do you have your transcript?

11 A. Yes.

12 Q. Right. Reading it right now --

13 A. Yes, that's what I said.

14 Q. And do you -- the next line. Do you remember at  
15 the preliminary hearing testifying that when you arrived at the  
16 residence that is where you met Mr. Hughes?

17 A. Yes.

18 Q. Again, do you think you could have gotten it  
19 backwards?

20 A. No, I don't think so.

21 Q. When you arrived at your residence, the vehicle  
22 that was being driven by the person you met at the base of the  
23 roadway, was that a -- what type of vehicle was it?

24 A. I don't remember.

25 Q. Could you pick between an Audi and a blue and white  
26 pickup truck?

27 A. No, I don't remember.

28 Q. Was the door that is depicted in this -- that is

1 where you can just see the edge of the door with some, it looks  
2 like blood smears on it next to the pillow in Exhibit 220.

3 Was that door approximately 50 percent open when  
4 you first saw it?

5 A. Yes.

6 Q. And did you have to push it to get it into the  
7 position where it is depicted in that particular photograph?

8 A. I don't remember.

9 Q. Well, it was not as wide open as it is in this  
10 particular photograph; is that correct?

11 A. No, I can't say that either.

12 Q. I don't remember.

13 Q. When you say "50 percent open", what do you mean?

14 A. My vision, my ability to see into the room from the  
15 master bedroom.

16 Q. As that door is depicted in the photograph you  
17 can -- in that position that's in in the photograph you can see  
18 into the bedroom, into the the bathroom completely.

19 A. Not entirely, no.

20 Q. There is an area behind that where the toilet is  
21 located there, a toilet located behind the door.

22 Except for the toilet --

23 A. Not entirely.

24 Q. -- you can see into the bathroom; is that correct?

25 The door in that particular photograph, it is  
26 opened up against the toilet as far as it goes?

27 A. Yes, sir, it appears that way.

28 Q. More than 50 percent?

1 A. The door itself is open more than 50 percent, yes.

2 Q. And when you first saw it, was it approximately 50  
3 percent open?

4 A. I don't remember.

5 Q. When you testified at the hearing in, I guess it  
6 was San Bernardino, last spring, Page 2303, was your memory  
7 better than it is now?

8 A. Probably.

9 Q. And in that particular testimony, directing your  
10 attention to Lines 9 through 11, you indicated that "The door  
11 connecting the bathroom, the master bathroom appeared to be  
12 approximately 50 percent open and I didn't enter the bathroom  
13 from there, I went back outside the master bedroom, with my foot  
14 pushed open the master bathroom door and entered the master  
15 bathroom door from the the hallway." Is that correct?

16 A. Correct.

17 Q. Indicating that at least at that point in time you  
18 believed that when you first encountered the door from the  
19 bedroom into the master bathroom it was only 50 percent open.  
20 Is that correct?

21 A. That's correct.

22 Q. When you testified at the preliminary hearing, on  
23 Page 84, Lines 13 through 25, do you recall indicating that when  
24 you were in the house, in the area of the master bedroom and  
25 master bathroom, you were not looking for pools of blood, you  
26 were looking for a suspect?

27 A. That's correct.

28 Q. And you didn't know whether you stepped in any

1 pools of blood or not; is that correct?

2 A. I don't know if I stepped in any blood at all. I  
3 did not step in any pools of blood.

4 Q. Do you mean by that a pool of blood that you could  
5 feel when you stepped in it?

6 A. One that's recognizable from the eye looking down.

7 Q. But you weren't looking down, right?

8 A. Yes.

9 Q. Were you looking down?

10 A. I was looking down and I was looking all around.

11 Q. Why did you testify at the preliminary hearing that  
12 when asked whether you noticed any pools of blood that you were  
13 not looking for blood, you were looking for a suspect?

14 A. That's true. I was not paying primary attention in  
15 looking for pools of blood, I was looking for a suspect.

16 Q. Was the question you were asked at the preliminary  
17 hearing, to wit, while you were in the house, were there various  
18 areas in the master bedroom and master bathroom where there  
19 appeared to be a pool of blood, did that question appear to be  
20 confusing to you?

21 A. No, not at this time. But that question could be  
22 misconstrued or mistaken.

23 Q. Do you remember why you answered that you were not  
24 looking for blood at the time?

25 A. In response --

26 MR. KOCHIS: Your Honor, I'm going to object. It is not  
27 inconsistent with what he has testified to at this hearing.  
28 He's testified that he was not looking for that blood, he was

1

28                   A.     No, I don't remember. I remember making -- no, I

1 don't remember.

2 MR. NEGUS: I would be prepared to, I think to stipulate  
3 with Mr. Kochis that Exhibit 218 is the same as Exhibit F-2 from  
4 the preliminary hearing.

5 MR. KOCHIS: I would so stipulate.

6 THE COURT: All right. Accepted.

7 MR. NEGUS: And I would like to read from Lines 8 through  
8 26 on Page 82 with the understanding that on Page 81 indicates  
9 that the exhibit being referred to at that point in time is  
10 Exhibit F-2 from the preliminary hearing.

11 MR. KOCHIS: If I could have just a moment.

12 I have nothing.

13 BY MR. NEGUS:

14 Q. (Reading)

15 "Question: Did you -- at that point in time did  
16 you break off and go into the master bathroom  
17 before you went to search the rest of the house?

18 "Answer: That's correct, I did.

19 "Question: And you sort of -- let's draw that in a  
20 different color here. Let's use red to the  
21 excursion of the master bedroom.

22 "Answer: (Witness complied).

23 "Question: Okay. Now, you connected up to the  
24 orange line two spots. Let's label the first spot  
25 with a '1'.

26 "Answer: 1. Okay.

27 "Question: And then the other spot with a '2'.

28 "Answer: (Witness complied).



1 "Question: Does that mean that part of the route  
2 that you took in orange you would now change or  
3 did you --

4 "Answer: Let's see. Yes.

5 "Question: So scratch off --

6 "Answer: Do you want to me scratch it off?

7 "Question: Right.

8 On Page 83:

9 "Answer: Okay.

10 And I have nothing further.

11

12 REDIRECT EXAMINATION

13 BY MR. KOCHIS:

14 Q. Mr. Beltz, were you in the Chino Hills area when  
15 the paramedics arrived on that Sunday?

16 A. Yes.

17 Q. Were you inside or outside of the Ryen home?

18 A. I was outside the Ryen home.

19 Q. And they arrived essentially in fire trucks?

20 A. Yes, I believe so. Yes.

21 Q. Do you remember how many vehicles brought these  
22 people to the scene?

23 A. No.

24 Q. Did you see where you were when they arrived  
25 outside?

26 A. I was on the northwest side of the residence.

27 Q. Were you close to the kitchen door or located near  
28 the kitchen door when they arrived?

1           A.     Yes.

2           Q.     Outside in the driveway area?

3           A.     Yes.

4           Q.     Did you see any paramedic get out of the vehicle at

5     that location?

6           A.     I remember seeing paramedics get out of their unit,

7     yes.

8           Q.     Did you see the unit park or did it drive to

9     another portion of the house?

10          A.     From where I was standing, yes, I saw the unit

11     parked and I did see one paramedic get out of his unit.

12          Q.     Did you ever see the units drive around to the back

13     of the house on the dirt road toward the sliding glass door to

14     the master bedroom?

15          A.     I don't remember.

16          MR. KOCHIS: I have nothing further.

17

18                   RE CROSS EXAMINATION

19     BY MR. NEGUS:

20          Q.     Mr. Beltz, at the time of the arrival of the fire

21     trucks, had Lieutenant Gilmore already arrived?

22          A.     Yes.

23          Q.     Was he outside with you?

24          A.     Yes.

25          Q.     And what was he doing?

26          A.     I'm sorry?

27          Q.     What were you two doing?

28          A.     Speaking.

1 Q. Was anybody attending to Josh?

2 A. I don't remember.

3 Q. Did the paramedics enter the building through the  
4 kitchen door alone, that is, without a Sheriff's officer with  
5 them?

6 A. I don't remember.

7 Q. Were you acquainted with any of the paramedics who  
8 arrived?

9 A. No, sir. I've seen them before but I am not  
10 acquainted with them.

11 MR. NEGUS: Nothing further.

12 MR. KOCHIS: I have no further questions.

13 THE COURT: Thank you very much, sir.

14 MR. KOCHIS: Mr. Gilmore, who is now a lieutenant is my  
15 next witness. I need a moment with Sergeant Arthur to adjust  
16 the clear plastic.

17 THE COURT: You can ask him to step in however.

18 You can come forward and state your name while  
19 they're working on the board there.

20

21 EUGENE GILMORE,

22 Called as a witness on behalf of the People, having been duly  
23 sworn, testified as follows:

24 THE CLERK: Thank you. You can be seated.

25 Would you state your full name for the record and  
26 spell your last name.

27 THE WITNESS: Eugene Gilmore. G-i-l-m-o-r-e.

28 THE CLERK: Thank you.

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## DIRECT EXAMINATION

3

BY MR. KOCHIS:

4

Q. Your Honor, I need the clerk to prepare 6-C for the plastic overlay.

5

6

Mr. Gilmore do you work for a living?

7

A. Yes, I do.

8

Q. Who do you work for?

9

A. San Bernardino County Sheriff's office.

10

Q. What is your present rank?

11

A. Lieutenant.

12

Q. Did you have that rank back in June of 1983?

13

A. No, I did not.

14

Q. What rank were you at that time?

15

A. Sergeant.

16

Q. On June the 5th of 1983, were you stationed at the West End Substation in Ontario, California?

17

18

A. Yes.

19

Q. How long had you been a deputy Sheriff at that time?

20

21

A. Eleven and a half years.

22

Q. At some point on that particular day were you dispatched to a home in the Chino Hills area at approximately 2943 Old English Road in Chino?

24

25

A. Yes.

26

Q. What time did you get there?

27

A. Approximately 12:55 p.m..

28

Q. When you arrived at the residence, did you park

1 your car somewhere outside?

2 A. Yes.

3 Q. Did you have any contact with any member of your  
4 department outside where your car was parked?

5 A. Yes.

6 Q. Who was that person?

7 A. Deputy Paul Beltz.

8 Q. Did you have a conversation with Mr. Beltz at that  
9 point?

10 A. Yes.

11 Q. Were there any civilians in the immediate area when  
12 you talked to Mr. Beltz?

13 A. Yes.

14 Q. Did you ever learn the identity of those persons?

15 A. No. There was one man, I don't know his identity.

16 Q. Do you know if he was related to any of the victims  
17 in the house or not?

18 A. He wasn't. I believe he was one of their  
19 neighbors.

20 Q. After you talked to Mr. Beltz, did you, yourself,  
21 enter the Ryen home?

22 A. Yes.

23 Q. Do you recall which door to that home you entered?

24 A. Yes.

25 Q. Was it a kitchen door?

26 A. Yes.

27 Q. Directing your attention to an exhibit behind you  
28 on the diagram, which has been marked for identification Exhibit

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1 6, over which we have placed a clear plastic, for the record, we  
2 have marked as 6-C.

3 Do you recognize what that diagram appears to be a  
4 floor plan of?

5 A. It appears to be a floor plan of the Ryen home.

6 Q. The home that you entered on that Sunday in June?

7 A. Yes.

8 Q. Your Honor, could the record reflect that on  
9 Exhibit 6-C I'm going to place "E. Gilmore" for Mr. Gilmore's  
10 name, today's date of "11-14-84", and "Ryen Home".

11 To your recollection, lieutenant, did you enter the  
12 home with anybody?

13 A. I entered with Deputy Beltz?

14 Q. Is he the young man that just left the courtroom?

15 A. Yes.

16 Q. Is there a reason you went into the house?

17 A. Yes.

18 Q. What was the reason?

19 A. I wanted to confirm the information that Deputy  
20 Beltz had related to me.

21 Q. Can you step to the diagram and perhaps can you  
22 indicate with a No. 1 the approximate location that you entered  
23 the Ryen home at.

24 A. (Witness complied).

25 Q. Did you walk into what appeared to be a kitchen  
26 area?

27 A. Yes.

28 Q. And do you recall where you went in the home after

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1 you walked through the kitchen?

2 A. Yes.

3 Q. Could you, perhaps with a dotted line, trace that  
4 route for the jury and could you describe, as you are tracing  
5 your route, the path you took through the home.

6 A. Yes. We entered the home, went down through the  
7 kitchen, down what looked like the main hallway around a family  
8 room and then into the hallway leading to the master bedroom and  
9 to the master bedroom.

10 Q. You have stopped your line on the diagram at the  
11 approximate location of a figure in the doorway to the master  
12 bedroom.

13 Did you come upon a small girl at that approximate  
14 location?

15 A. Yes.

16 Q. And did she appear to be wearing some type of bed  
17 clothing?

18 A. Yes.

19 Q. Did you later learn that she was Jessica Ryen?

20 A. Yes.

21 Q. Did she appear to you to be deceased?

22 A. Yes.

23 Q. Did you, after you made that observation, actually  
24 enter the master bedroom at the Ryen house?

25 A. Yes.

26 Q. What type of shoes were you wearing back on that  
27 particular Sunday?

28 A. Acme shoes.

1 Q. Was there any tread pattern on the bottom of your  
2 shoe?  
3 A. They were plain soled, healed bolts.  
4 Q. Any pattern on the heel?  
5 A. No.  
6 Q. Can you indicate for the jury again, with a dotted  
7 line and verbal description the route you took inside the master  
8 bedroom?  
9 A. Yes. We stepped over a little girl, walked over to  
10 where Joshua Ryen was laying.  
11 Q. Can you indicate perhaps with a stick figure to the  
12 best of your ability the approximate location of Josh in the  
13 Ryen home when you saw him on Sunday.  
14 A. (Witness complied).  
15 Q. Did you say anything to Joshua you arrived at that  
16 location?  
17 A. Yes. I patted him, I told him that he was going to  
18 be okay and that help was on the way.  
19 Q. What condition did he appear to be in to you?  
20 A. He had an obvious neck wound and with a lot of  
21 bleedin' and that's the only wound I saw.  
22 Q. Were his eyes open or closed when you first saw  
23 him?  
24 A. They were open.  
25 Q. Was he able to talk to you?  
26 A. No.  
27 Q. Was he able to move?  
28 A. No.



1 Q. After you gave Josh these assurances, did you stand  
2 up?

3 A. Yes.

4 Q. Was your attention drawn at any point to what  
5 appeared to you to be some sliding glass doors that would lead  
6 outside onto a patio area?

7 A. Yes. There was a sliding glass door right in this  
8 area here.

9 Q. Can you perhaps just put "SG" for sliding glass.

10 A. (Witness complied).

11 Q. Directing your attention to Exhibit 173. Do you  
12 recognize what this sixteen by twenty color photograph shows.

13 A. Yes. That is the patio area outside the master  
14 bedroom.

15 Q. Does it depict the sliding glass doors that you are  
16 referring to?

17 A. Yes.

18 Q. Does 173 appear to be a photograph that was taken  
19 from the lawn toward the inside of the Ryen master bedroom?

20 A. Yes.

21 Q. Did you go up to those doors?

22 A. Not at that time, no.

23 Q. Did you at some later point in time?

24 A. Yes.

25 Q. For what purpose?

26 A. To open them.

27 Q. Were you inside or outside the master bedroom when  
28 you went up to the doors?

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1           A.     Inside.

2           Q.     Did you use any type of device to try to open the

3 door?

4           A.     Yes. I used the edge of my notepad.

5           Q.     Did that door of a screen on it?

6           A.     Yes.

7           Q.     Was the screen inside or outside of the glass door

8 that would slide open or closed?

9           A.     Outside.

10          Q.     Facing the patio?

11          A.     Right.

12          Q.     When you got to the glass, a piece of glass that

13 would slide either open or closed, was that door locked?

14          A.     No.

15          Q.     Was it open or closed?

16          A.     It was open.

17          Q.     About how much, do you know?

18          A.     About an inch, inch and a half.

19          Q.     Small amount?

20          A.     Small amount.

21          Q.     Did you slide that door open a little more?

22          A.     Yes. I slid it all the way open.

23          Q.     Did you then take any steps to determine if the

24 screen door was locked?

25          A.     Well, I slid it open. It wasn't locked.

26          Q.     Was it however closed?

27          A.     Yes.

28          Q.     How much time passed, if you can estimate, between

1 the time you left Joshua Ryen and the time you checked the doors  
2 that you have just talked about that led into the Ryen master  
3 bedroom?

4 A. About six, seven minutes.

5 Q. Did you leave the house between the time you talked  
6 to Josh and the time that you checked those doors?

7 A. Yes.

8 Q. Could you indicate, again with a dotted line and a  
9 verbal description, the path that you took through the house  
10 between the time that you talked to Josh in the master bedroom  
11 and the time you checked the doors.

12 A. After I checked on Joshua Ryen, I went back outside  
13 on the same path that I came in on, back out through the kitchen  
14 door, and talked to Deputy Beltz who was back outside.

15 Q. Did you give him any instructions?

16 A. Yes. I asked him if he had made a thorough check  
17 of the residence for any additional suspects or victims. He  
18 advised me that he had made a cursory search, however had not  
19 made a thorough search.

20 Q. Did you then search the residence?

21 A. Deputy Beltz and I both searched the residence at  
22 that time.

23 Q. Can you indicate, perhaps with another line, and  
24 No. 2, the path you took through the house the second time.

25 A. (Witness complied). Back around the same path,  
26 past the master bedroom into the second bedroom. We checked the  
27 closet from underneath the bed. We went back out down the  
28 hallway back into the second bedroom,

1 Q. Lieutenant, if I could stop you for just a moment.  
2 Was there a laundry room in the house?

3 A. Yes.

4 Q. Was the laundry room located in any proximity to  
5 the master bedroom?

6 A. Yes. This is the laundry room here.

7 Q. Can you perhaps put an "LR" in there for laundry  
8 room.

9 A. (Witness complied).

10 Q. Did you enter that room?

11 A. Yes. We just entered through the door and looked  
12 in the laundry room.

13 Q. And did you then exit and proceed around the house  
14 to the other two bedrooms?

15 A. Yes.

16 Q. Could you continue your description and the path?

17 A. I checked this closet, checked underneath the bed.  
18 I came back out, entered this bedroom, checked the closets,  
19 looked underneath the bed, went back out, just looked in this  
20 bathroom and back out, and back out through the kitchen.

21 Q. Did you then have to re-enter the home a third time  
22 to check the sliding glass doors?

23 A. Next time I re-entered the home was when I went  
24 back in with Captain Aguayo of the fire department.

25 Q. Which door did you and Captain Aguayo come through?

26 A. The kitchen door.

27 Q. Do you recall which of the two routes that led to  
28 the master bedroom you and Captain Aguayo took?

1           A.    We took the same route we took earlier, went  
2           through the hallways.

3           Q.    Was it the hall that did not pass the other  
4           bedrooms in the house?

5           A.    Yes.

6           Q.    How much time passed between the time you arrived  
7           at the scene and the time that Captain Aguayo arrived?

8           A.    Six minutes approximately, four or five minutes.

9           Q.    Did you escort the captain into the master bedroom  
10          of the Ryen home?

11          A.    Yes.

12          Q.    For what purpose?

13          A.    To discuss what would be the best access point in  
14          order to treat Joshua Ryen.

15          Q.    To your knowledge did any of his employees follow  
16          the two of you into the master bedroom from the kitchen?

17          A.    No.

18          Q.    What did you tell Captain Aguayo, if anything,  
19          about where you wanted his men to enter the home?   •

20          A.    I pointed out the sliding glass door and I told him  
21          I thought it would be best to treat Joshua through that door  
22          because it would be most easily accessible, and he agreed.

23          Q.    Did Captain Aguayo leave the room at that time?

24          A.    We both did.

25          Q.    Through which door?

26          A.    The bedroom door.

27          Q.    When you left, were the screen and sliding glass  
28          doors that led out to the patio, were they open or closed?

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1 A. At this time they were still closed.  
2 Q. Had you checked them at that point?  
3 A. No.  
4 Q. Where did you go next?  
5 A. We walked back out using the same route, down  
6 through the same hallway. Captain Aguayo told his paramedics to  
7 pull their rigs around to the back of the house. Captain Aguayo  
8 and I walked back in through the same hallway. Captain Aguayo  
9 and I both walked over to the sliding glass doors.  
10 Q. You checked the doors at that point?  
11 A. Yes.  
12 Q. So, you would have been actually been on your  
13 fourth trip into the bedroom?  
14 A. I did.  
15 Q. Did you see the paramedics then and the fire  
16 personnel drive around to the rear portion of the house?  
17 A. Yes.  
18 Q. Did you remain in the master bedroom of the Ryen  
19 home when Joshua Ryen was treated?  
20 A. No.  
21 Q. Where did you go?  
22 A. I was standing on the patio immediately outside the  
23 door.  
24 Q. Can you indicate with a No. 3 your approximate  
25 location on the diagram when you saw people from the Chino Fire  
26 Department enter and treat Josh?  
27 A. (Witness complied.)  
28 Q. How many people, either firemen or paramedics or

1 ambulance personnel, did you see go into that master bedroom?  
2 A. Three.  
3 Q. Do you recall what race they were?  
4 A. No, I don't.  
5 Q. Were any of them black?  
6 A. No.  
7 Q. Do you recall what sex they were?  
8 A. Male.  
9 Q. Were those the only three paramedic fire personnel  
10 that were at the scene?  
11 A. They were the only three that were paramedics;  
12 whether the others were or not, I don't know.  
13 Q. Did you see other fire personnel at the scene?  
14 A. Yes. There was a total of six or seven fire  
15 personnel there.  
16 Q. Were three of them Chicano?  
17 A. There were some Chicano firemen there, how many I  
18 don't know.  
19 Q. Were there Caucasian firemen there?  
20 A. Yes.  
21 Q. Were the Caucasian younger than yourself, for  
22 example?  
23 A. I think some were younger, some were about the same  
24 age.  
25 Q. Do you recall how long they remained in the -- the  
26 three men remained inside the master bedroom with Josh?  
27 A. Twenty, 25 minutes.  
28 Q. Did they bring any equipment that you saw with them

- 1 into the Ryen master bedroom?
- 2 A. Immediate first aid equipment.
- 3 Q. Did there come a time when they left the residence?
- 4 A. Yes.
- 5 Q. Did they take Joshua with them?
- 6 A. Yes.
- 7 Q. Did they use any type of device to accomplish that?
- 8 A. Yes, they used a stretcher-type device from a
- 9 Medivac helicopter.
- 10 Q. Did they place Josh in the helicopter that had
- 11 landed somewhere on the property?
- 12 A. Yes.
- 13 Q. Do you recall whether any of those paramedics got
- 14 in the helicopter with Josh and flew to Loma Linda?
- 15 A. No, they didn't.
- 16 Q. After Josh was flown out --
- 17 Do you recall about what time he was flown out?
- 18 A. Right around 1:30, approximately.
- 19 Q. After that did you note an impression on the
- 20 concrete slab outside the sliding glass doors that appeared to
- 21 you to be a footwear impression made in blood?
- 22 A. Yes.
- 23 Q. And perhaps could you indicate that approximate
- 24 location on the diagram with the initial "F"?
- 25 A. (Witness complied.)
- 26 Q. And you've put a circle around that?
- 27 A. Yes.
- 28 Q. Now, when you first got to the patio, before the

016789



1 firemen went in, was that footwear impression there?

2 A. No.

3 Q. Were you -- were you ever able to determine how it  
4 was deposited there?

5 A. Yes.

6 Q. How did you do that?

7 A. It wasn't there when the firemen were treating  
8 Joshua Ryen; it was there when they removed him on the  
9 stretcher.

10 Q. Did you notice the pattern of that footprint  
11 impression?

12 A. Appeared to be a Vibram heel print.

13 Q. Could you describe that for the jury who may not be  
14 familiar?

15 A. It's a high raised heel which looks similar to  
16 maybe a running shoe. It allows air to pass underneath the heel  
17 for a cooling effect and the cushion effect, so when you spend a  
18 lot of time on your feet on concrete or hot cement.

19 Q. Directing your attention to one of the shoes that  
20 I've removed from Exhibit 40 -- Exhibit 51, the tennis shoe, was  
21 the print that you saw outside, was it similar to the sole on  
22 the bottom of that shoe?

23 A. No.

24 Q. Did you check the shoes that the fire personnel  
25 were wearing to see if any of those people were wearing shoes  
26 that had the Vibram soles on them?

27 A. Yes.

28 Q. Did any of them?

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1           A.     Two of the firemen that were in the bedroom  
2     treating Joshua Ryen had heels on the boots that were similar to  
3     the impression on the patio.

4           Q.     Did you later point that footwear impression out to  
5     anyone in your department?

6           A.     Yes. I pointed it out to Sergeant Arthur.

7           Q.     You may resume your seat for a moment.

8                     After Josh was airlifted from the scene did the  
9     fire personnel go back in to the master bedroom to remove some  
10    equipment?

11          A.     Yes.

12          Q.     And after Josh was flown from the scene did you  
13    send another deputy sheriff, Mr. Hoops, into the Ryen home?

14          A.     Yes.

15          Q.     For what purpose?

16          A.     Photograph it.

17          Q.     Was that prior to the time that homicide arrived?

18          A.     Yes.

19          Q.     Did you accompany Mr. Hoops through the house?

20          A.     Yes.

21          Q.     And did he walk through the house taking  
22    photographs at various locations?

23          A.     Yes.

24          Q.     After Mr. Hoops finished that procedure, did you  
25    and he leave the Ryen home?

26          A.     Yes.

27          Q.     Did you take any steps at that point to secure the  
28    Ryen home?

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1 A. The sliding screen and patio door were closed.

2 Q. After the paramedics left the Ryen scene, the Ryen  
3 home, did you allow anyone inside that home other than yourself  
4 and Mr. Hoops for the purpose of photographing the inside of the  
5 home?

6 A. No.

7 Q. How much time passed, if you can recall, between  
8 the time you and Mr. Hoops left the home after photographing it  
9 and the time the first member of the homicide team arrived?

10 A. It was about 45 minutes.

11 Q. Do you remember who the first homicide team member  
12 was that got to that scene?

13 A. Detective Mike Hall.

14 Q. When he arrived did you in some fashion brief him  
15 as to what you'd seen inside the home?

16 A. Yes. I briefed him on the outside of the residence  
17 as to what was inside the house, then I accompanied him back in  
18 the house.

19 Q. And did you then do a walk-through of the home with  
20 Detective Hall?

21 A. Yes. We just went back to the master bedroom.

22 Q. Did you go anywhere else in the house?

23 A. No.

24 Q. Did you take any steps later in the day with  
25 Sergeant Arthur to secure the area of the home?

26 A. Yes. We put crime scene tape around the area  
27 around the residence.

28 MR. KOCHIS: Your Honor, this might be a convenient point

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SAN DIEGO

DEPARTMENT NO. 30

HON. RICHARD C. GARNER, JUDGE

THE PEOPLE OF THE STATE  
OF CALIFORNIA,

Plaintiff,

vs.

KEVIN COOPER,

Defendant.

NO. OCR-9319

REPORTERS' TRANSCRIPT  
November 15, 1984

APPEARANCES:

For the People:

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District Attorney  
WITH: JOHN P. KOCHIS  
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For the Defendant:

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ROBERT L. ROACH, CSR #1727  
DONNA D. BEARD, CSR #1874  
Official Reporters

COMPUTERIZED TRANSCRIPT

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1           1       SAN DIEGO, CALIFORNIA, THURSDAY, NOVEMBER 15, 1984, 9:35 A.M.

2                               --ooOoo--

3  
4                       (Chambers conference reported.)

5               THE COURT: Good morning. On the record in chambers.  
6       Mr. Kochis and Mr. Negus, without Mr. Cooper.

7               MR. NEGUS: Waive his presence.

8               MR. KOCHIS: Without Mr. Kottmeier. I waive his  
9       presence.

10              THE COURT: All right.

11             MR. KOCHIS: We have outside the courtroom Mr. Gilmore,  
12       who we will finish with this morning, Mr. Guerrero, who we will  
13       finish with sometime today, Mr. Duffy, who we are going to  
14       examine third. We anticipate if all goes smoothly we could be  
15       completed with Mr. Duffy between 3:00 and 3:30 p.m. in the  
16       afternoon.

17             THE COURT: I insist upon a full measure of time. No,  
18       I'm kidding you.

19                       I spoke to Mr. -- what's his name?

20             MR. NEGUS: McKenna.

21             THE COURT: -- McKenna last night and he told me that you  
22       might be finishing a little bit early apparently. Mr. Negus had  
23       discussed it with him.

24                       Is that your message this morning?

25             MR. KOCHIS: Yes.

26             THE COURT: Counsel, it's all right.

27             MR. NEGUS: Thank you.

28             MR. KOCHIS: Thank you.

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1 THE COURT: Don't tell him I didn't remember his nme.

2 (Chambers conference concluded.

3

4 THE COURT: Good morning.

5 Everybody appears present.

6 Lieutenant Gilmore is still on the stand. He is  
7 still under oath.

8 Mr. Kochis, you have the witness.

9 MR. KOCHIS: Thank you, your Honor

10

11

EUGENE GILLMORE,

12 called as a witness on behalf of the People, having been  
13 previously duly sworn, testified as follows:

14

15

DIRECT EXAMINATION (Resumed.)

16

BY MR. KOCHIS:

17

Q. Mr. Gilmore, I'd like to return your attention for  
18 a moment to the area we discussed yesterday in the afternoon on  
19 the witness stand about the footwear impression that you  
20 observed on the patio outside the Ryen master bedroom.

21

Specifically directing your attention to a small  
22 photograph, a black and white picture, it's three-and-a-half by  
23 five inches. It's been marked for identification as Exhibit  
24 224.

25

Do you recognize the type of shoe that is?

26

A. Yes. That's a Vibram sole and heel.

27

Q. Is that the type of impression that you referred to  
28 yesterday on the witness stand that you saw first on the

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1 concrete outside the Ryen master bedroom?

2 A. Yes.

3 Q. And that likewise the same type of footwear that  
4 you saw on the soles of some of the feet of the fire personnel?

5 A. Yes.

6 Q. When you saw the impression, were you able to  
7 determine whether it was the impression from the heel of the  
8 shoe or the toe of the shoe?

9 A. It was the heel of the shoe.

10 Q. Could you step to Exhibit 224, and perhaps with the  
11 blue felt pen, can you circle the approximate area on the  
12 photograph that would show the jury the type of pattern that  
13 you're talking about?

14 A. (Witness complied.)

15 Q. Thank you. Did there come a time when Sergeant  
16 Arthur arrived at that homicide scene?

17 A. Yes.

18 Q. After his arrival did you assist him in placing  
19 some tape around the residence?

20 A. Yes.

21 Q. Was there a purpose for taping off the residence?

22 A. Yes, to secure the crime scene.

23 Q. Directing your attention to two photographs which  
24 have been marked for identification as Exhibit 182 and 183; do  
25 you recognize the scene that's depicted in both of those  
26 photographs?

27 A. Yes.

28 Q. Do those eight by ten color photographs depict a

1 portion of the outside of the Ryen home?

2 A. Yes.

3 Q. Depicted in the photographs can you see the tape

4 that you assisted Sergeant Arthur in placing around the home?

5 A. Yes.

6 Q. Does that appear to be yellow?

7 A. Yes.

8 Q. Do you recall at approximately what time during the

9 afternoon that you and Sergeant Arthur completed that activity?

10 A. Approximately 3:30.

11 Q. Prior to the arrival of Sergeant Arthur you

12 accompanied Deputy Hoops through the home for the purpose of

13 taking photographs?

14 A. Yes.

15 Q. Were photographs taken by Deputy Hoops, in your

16 presence, of the Ryen master bedroom?

17 A. Yes.

18 Q. Directing your attention to a color photograph

19 which appears to be square, it's been marked for identification

20 as Exhibit 180. Do you recognize that photograph?

21 A. Yes.

22 Q. Does that appear to be a photograph of a portion of

23 the Ryen master bedroom in this case?

24 A. Yes.

25 Q. Does that photograph accurately depict the way that

26 portion of the room appeared when you entered with Detective

27 Hoops for the purpose of photography prior to the arrival of the

28 homicide team?

016805



1 A. Yes.

2 Q. Does it accurately reflect, for example, Mr. Ryen's  
3 position?

4 A. Yes.

5 Q. And does it appear to reflect the approximate  
6 position of some of the bedding that was at that scene?

7 A. Yes.

8 MR. KOCHIS: I have no further questions.

9 THE COURT: Mr. Negus

10

11 CROSS EXAMINATION

12 BY MR. NEGUS:

13 Q. Mr. Gilmore, what materials have you reviewed, if  
14 any, in preparation for your testimony here today?

15 A. Transcripts from the preliminary hearing and the  
16 evidentiary hearing in Superior Court.

17 Q. Did you ever prepare a written report, yourself, of  
18 your activities on June the 5th, that is, you know, a regular  
19 sheriff's office report?

20 A. No.

21 Q. Putting on the board an exhibit which has been  
22 marked as No. 225, a piece of butcher paper. If you could step  
23 to the board for a minute I will fetch you a Sharpie.

24 Taking the black pen, and what I'd like to do is  
25 start beginning to prepare a list of the people that were in  
26 various places.

27 What time did you arrive on the Ryen property?

28 A. Approximately 12:55.

0168006

1 Q. Could you go to the No. 1 spot and write your name  
2 there?

3 And in the far right-hand corner write "6-5" at  
4 "12:55" under the Ryen -- under the Ryen property column there.

5 A. (Witness complied.)

6 Q. What time did you first go into the Ryen master  
7 bedroom?

8 A. About one minute after I arrived.

2 9 Q. So could you put "6-5," "12:56" in the Ryen master  
10 bedroom column there?

11 A. (Witness complied.)

12 Q. Would that be "56" instead of "66"?

13 A. Oh, excuse me.

14 Q. And did -- at that point in time did Mr. Beltz go  
15 with you?

16 A. Yes.

17 Q. Could you put Beltz' name underneath yours in the 2  
18 column and put "6-5," just the date "6-5" in the master bedroom  
19 column?

20 A. (Witness complied.)

21 Q. Was there anybody else inside the master bedroom at  
22 that point in time?

23 A. Just Deputy Beltz and I were the only ones there.

24 Q. Was there anybody else that was on the Ryen  
25 property at that point in time?

26 A. Yes.

27 Q. Who was that?

28 A. That was one of the neighbors.

1 Q. Do you know that person's name?  
2 A. No.  
3 Q. At some point in time did Deputy Hoops arrive?  
4 A. Yes.  
5 Q. What time was that, if you know?  
6 A. I'd say approximately 1:20 p.m..  
7 Q. Okay. Was that after the fire people arrived?  
8 A. Yes.  
9 Q. At -- at -- what time did the fire personnel  
10 arrive?  
11 A. About four or five minutes after I did.  
12 Q. Are you sure of the precise time?  
13 A. No.  
14 Q. But you know it's after you got there?  
15 A. Right.  
16 Q. How many different fire vehicles were there?  
17 A. I believe three.  
18 Q. Were they all fire vehicles or were some of them  
19 from some other agency?  
20 A. I believe. So there was a couple pumper trucks and  
21 a paramedics unit.  
22 Q. Do you know the names of any of those fire  
23 personnel?  
24 A. Just Captain Aguayo there.  
25 Q. Could you write "Captain Aguayo" there after Deputy  
26 Beltz? Oh, and put "6-5" over here on the property column at  
27 the far right, if you would.  
28 A. (Witness complied.)

016808

1 Q. Now did Captain Aguayo go into the master bedroom  
2 with you?  
3 A. Yes.  
4 Q. Approximately what time?  
5 A. About one minute after he arrived.  
6 Q. So, that would have been, what, about three or four  
7 minutes after 1:00?  
8 A. Approximately, yes.  
9 Q. Could you put then in the Ryen master bedroom "6-5"  
10 and a sort of small "c" 13:03.  
11 A. (Witness complied.)  
12 Q. The identity of the other -- other fire people who  
13 entered the Ryen master bedroom is unknown to you; is that  
14 correct?  
15 A. That's correct.  
16 Q. Did you -- while you were there did you attempt  
17 to -- did you attempt to get their names?  
18 A. No.  
19 Q. How many of them were there besides Captain Aguayo  
20 who actually entered the Ryen master bedroom?  
21 A. Three.  
22 Q. After -- what time did Deputy Hoops enter the Ryen  
23 master bedroom?  
24 A. He arrived -- he entered immediately when he  
25 arrived.  
26 Q. So, about 1:20 or so?  
27 A. Oh, excuse me, Deputy Hoops. No, Deputy Hoops  
28 didn't enter the master bedroom till after the fire department

016809

1 got through treating Joshua.

2 Q. When was that?

3 A. About 1:30.

4 Q. Could you put in the 4 column Deputy Hoops and then

5 "6-5" small "c" 13:30, just, yeah, "6-5" small "(c) 1330".

6 Q. Was there -- were all of these people who were in

7 the Ryen master bedroom at some point in time, that is,

8 yourself, Mr. Beltz, Mr. Aguayo, Mr. Hoops, at some point in

9 time on the patio outside the master bedroom?

10 A. Just Captain Aguayo and myself.

11 Q. Okay. Can you put a little check mark there in the

12 patio outside master bedroom beside yourself and Captain Aguayo,

13 please.

14 A. (Witness complied.)

15 Q. Was there -- On that particular date after the

16 paramedics left and yourself and Deputy Hoops went in, did

17 anybody arrive while you were still in the house?

18 A. Not to my knowledge.

19 Q. Did both you and -- you, Mr. Hoops and Mr. Beltz go

20 to parts of the house outside the master bedroom, the hall right

21 near Jessica, and the master bathroom?

22 A. Yes.

23 Q. Could you put a check mark then for all three of

24 you in the appropriate spaces?

25 A. (Witness complied.)

26 Q. By the way, did Captain Aguayo go to another part

27 of the house besides that as well?

28 A. No.

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1 Q. He was only in the master bedroom, hall near  
2 Jessica, or master bathroom?

3 A. Yes.

4 Q. Could you put a check under yourself Beltz and  
5 Deputy Hoops?

6 A. Deputy Hoops didn't go into the rest of the  
7 residence, just Deputy Beltz and myself.

8 THE COURT: Make sure you don't speak at the same time.

9 MR. NEGUS: I think that was my fault.

10 Q. The first sheriff's officer after Deputy Hoops to  
11 arrive was Mr. Hall from the homicide; is that right?

12 A. That's correct.

13 Q. Were there any civilians that were in -- that  
14 arrived between Deputy Hoops and the -- and Mr. -- and Mr. Hall?

15 A. No.

16 Q. Did -- when Mr. --

17 Do you know what time that Mr. Hall arrived?

18 A. About -- about 2:00 o'clock.

19 Q. You didn't -- you don't have a precise memory of  
20 the exact minute or something like that?

21 A. No.

22 Q. Then for -- could you write -- could you write Mike  
23 Hall under this so we can keep it straight from some of the  
24 others. And put "6-5" at the Ryen property there, the far  
25 right-hand corner.

26 A. (Witness complied.)

27 Q. And when Mr. Hall arrived, did he go with you to  
28 the patio outside the master bedroom?

1 A. No.

2 Q. Did he go with you inside the house?

3 A. Yes.

4 Q. Throughout the house, both the master bedroom and

5 rest of the house?

6 A. Just the master bedroom.

7 Q. Okay. Could you then put "6-5" for Mr. Hall in the

8 master bedroom?

9 A. (Witness complied.)

10 Q. After you and Mr. Hall went in, did you accompany

11 any other Sheriff's Department officers into the house?

12 A. No.

13 Q. How many Sheriff's Department officers did you

14 recognize on the Ryen property, meaning sort of the grass behind

15 the -- the house and the front driveway area there on that

16 particular afternoon?

17 A. I would have to remember their names.

18 Q. Okay, you can sit down, I guess, for a time.

19 Here's the cap to that.

20 Give me the names that you can remember?

21 A. There was Deputy Beltz, Deputy Hoops.

22 Q. You can skip the ones we've already mentioned.

23 A. Sergeant Arthur, Lieutenant Jimmy Bradford, and

24 Detective Duffy from the I.D. Bureau.

25 Q. Any others that you can remember?

26 A. No.

27 Q. Were there more than that there?

28 A. Yes.

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1 Q. Did you see any of those people enter the house?

2 A. No.

3 Q. Did you see any of those people on the patio area  
4 right outside the Ryen master bedroom?

5 A. Yes.

6 Q. How many?

7 A. One.

8 Q. Which ones, I should say.

9 A. Two -- Sergeant Arthur and Deputy Duffy.

10 Q. Did -- during the time that -- Well, let me back up  
11 a minute.

12 The -- Your duties on that particular day were as a  
13 supervisor of all the -- of the sheriff's personnel from the  
14 West End, that is, The Ontario station of the Sheriff's  
15 Department; is that right?

16 A. That's correct.

17 Q. When you arrived at the crime scene, were you then  
18 in charge of the crime scene until such time as the homicide  
19 division arrived?

20 A. Yes.

21 Q. And you outranked Mr. Hall at that point in time;  
22 is that correct?

23 A. No.

24 Q. Well, he was a detective and you were a sergeant?

25 A. He was a homicide. When they arrive they take over  
26 the crime scene.

27 Q. Okay. So the fact that you had a higher rank  
28 didn't mean anything about who is in charge; he is in charge

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1 when he arrives.

2 A. That's correct.

3 Q. During the time that you were in charge of the Ryen  
4 crime scene, did you make a list of who went in and out of the  
5 house?

6 A. No.

7 Q. During the time that you were in charge of the Ryen  
8 crime scene, did you document the changes to the crime scene  
9 that were necessary in order to save Josh's life?

10 A. No.

11 Q. Were there any animals inside the house that you  
12 observed while -- while you were -- while you were in it?

13 A. Yes.

14 Q. What kind of animals did you see?

15 A. There was a small terrier-type dog and a couple  
16 kittens.

17 Q. Taking the, I guess blue Sharpie, if you could,  
18 could you put a "D" for the spot where you saw the dog and a "K"  
19 for a spot where you saw the kittens.

20 A. (Witness complied.)

21 Q. You could sit down, please.

22 While you were in charge of the crime scene, did  
23 you do anything to try and get those animals out of the house?

24 A. No.

25 Q. Did you do anything to try and restrict their  
26 movement through the house?

27 A. No.

28 Q. They weren't leashed or anything like that; they

- 1 were just there, right?
- 2 A. Right.
- 3 Q. Mr. Cooper reminded me I should indicate for the
- 4 record that Mr. Gilmore has placed the "D" and the "K" on the
- 5 overlay, 6-C, to Court's Exhibit 6.
- 6 Q. When you first found Josh, did he -- did he have
- 7 anything that he was using as a pillow?
- 8 A. Yes.
- 9 Q. What was that?
- 10 A. A couple pair of folded up denim pants.
- 11 Q. Did you see anybody put those pants under --
- 12 under -- under Josh's head?
- 13 A. No.
- 14 Q. How many different pairs of denim pants were there
- 15 that were easily visible in the Ryen master bedroom?
- 16 A. I just remembered that. I just remember the two
- 17 pair folded up underneath Joshua's head.
- 18 Q. To your knowledge could you see any blood from Josh
- 19 on them?
- 20 A. I don't remember.
- 21 Q. Showing you Court's Exhibit 217 and directing your
- 22 attention to what looks to be a couple of different pair of
- 23 denim pants in the lower left-hand corner of that, can you tell
- 24 whether those are the denim pants that Josh was lying on or not?
- 25 A. They are in the same approximate area.
- 26 Q. That would have been where Josh's head was?
- 27 A. Yes.
- 28 Q. When Josh was carried out do you know if they

1 were -- if they were moved in any way?

2 A. I don't know.

3 Q. When you first got there did you ask Deputy Beltz

4 whether or not he had already searched the house for additional

5 suspects?

6 A. Yes.

7 Q. What did he tell you?

8 A. He said he just looked in the rooms.

9 Q. Well, did he tell you, no, that he had not?

10 A. I believe so he said no, yes.

11 Q. The first time that you went in the house did you

12 have Mr. Beltz with you?

13 A. Yes.

14 Q. At some point in time did you separate while you

15 were in the house?

16 A. Yes.

17 Q. When was that? Where, you know, what point in the

18 progress through the house?

19 A. When I entered the master bedroom.

20 Q. And why was that?

21 A. I sent Deputy Beltz back outside.

22 Q. Why did you do that?

23 A. Because he wasn't feeling well.

24 Q. Was he being essentially emotionally effected by

25 the horror of the crime scene?

26 A. He appeared to be emotionally effected, yes.

27 Q. When the fire people, the different fire personnel

28 arrived, do you remember where the pumper was parked?

1 A. Initially it was in the driveway.

2 Q. You say initially, taking -- taking the green  
3 marker, can you put on a "P-1" on the diagram for the spot that  
4 the pumper was originally.

5 MR. KOCHIS: Your Honor, could we have an indication for  
6 the record what we're talking about?

7 MR. NEGUS: Thank you.

8 Q. We are talking about plastic overlay 3-A that's  
9 been placed over Court's Exhibit No. 3?

10 A. What is it you want right here.

11 Q. "P-1". And then at some point in time you --  
12 apparently it was moved?

13 A. Yes.

14 Q. And to what point was it moved?

15 A. Moved around to the back of the residence.

16 Q. Could you put a "P-2" for that point?

17 That doesn't seem to be working. Perhaps you could  
18 put "P-1" and "P-2" in black marker rather than green.

19 The vehicle that was not a paramedics vehicle and  
20 not a pumper, what was that vehicle?

21 A. I just remembered two pumper trucks and a  
22 paramedics vehicle.

23 Q. Okay. The second pumper truck, did that park at  
24 approximately the same location as the first one?

25 A. Yes. They were lined up in the driveway.

26 Q. Okay. And what about the paramedics vehicle, did  
27 that also park at the same locations?

28 A. Yes.

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1 Q. And did they -- did both the second pumper and the  
2 paramedics vehicle move?

3 A. Yes.

4 Q. Where did you park your police car when you  
5 arrived? Could you put an "E.G." for that spot on the same  
6 diagram?

7 A. (Witness complied.)

8 Q. Was Mr. Beltz' vehicle already there?

9 A. Yes.

10 Q. Could you put a "P.B." for where his vehicle was  
11 parked?

12 A. (Witness complied.)

13 Q. Now, sit down again I guess.

14 Did any of those fire personnel enter into the  
15 kitchen door that was there?

16 A. Captain Aguayo.

17 Q. Any others?

18 A. No.

19 Q. Are you saying that you didn't see any others go in  
20 or can you positively state that none went through the kitchen  
21 door?

22 MR. KOCHIS: Your Honor, I would object. It's compound.  
23 The latter is going to call for speculation. If he didn't see  
24 it, he is not going to have personal knowledge of it.

25 THE COURT: Reframe your question to include within his  
26 knowledge. Sustained.

27 BY MR. NEGUS:

28 Q. What I'm asking you is is your knowledge such that

1 you can say -- state positively that nobody entered the kitchen  
2 door?

3 A. Yes.

4 Q. What about the paramedics, did any of those  
5 paramedics enter through the kitchen door?

6 A. No.

7 Q. How many persons were there that you could identify  
8 as paramedics?

9 A. There were six or seven firemen there, whether  
10 their designation were paramedics or not I'm not sure.

11 Q. Were there any persons there that were not dressed  
12 in fire persons' uniforms?

13 A. Not that I remember.

14 Q. Were there any females?

15 A. Not that I recall.

16 Q. Where were the firefighters or paramedics while you  
17 and Captain Aguayo were going -- went into the house?

18 A. They remained in the front of the residence.

19 Q. On the driveway?

20 A. Yes.

21 Q. Were they still there when you and Captain Aguayo  
22 returned?

23 A. Yes.

24 Q. When -- Who was taking care of Joshua while you and  
25 Captain Aguayo were going through the house?

26 A. He was unattended.

27 Q. Did all of the fire vehicles arrive simultaneously?

28 A. At approximately the same time, yes.

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1 Q. Within a minute of each other?  
2 A. Yes.  
3 Q. While the fire -- firefighters were attending  
4 Joshua, what were you doing?  
5 A. Standing on the patio.  
6 Q. Were you observing the whole time?  
7 A. Yes.  
8 Q. And that was in the spot where you have "S.G." on  
9 this chart that's Exhibit 6-C; is that right?  
10 A. Just outside that spot, yes.  
11 Q. Did the fire persons or the paramedics, excuse me,  
12 did the paramedics place any items on the bed?  
13 A. Not that I saw.  
14 Q. Were you watching for that?  
15 A. Not that particular act, no.  
16 Q. Well, can you say that like with the -- the issue  
17 of people going through the kitchen door that you have knowledge  
18 that no items were placed on the bed?  
19 A. To the best of my knowledge, no items were placed  
20 on the bed.  
21 Q. Showing you Court's Exhibit 180, appears to be a  
22 blowup of a photograph, have you seen that photograph before?  
23 A. Yes.  
24 Q. Directing your attention to a blue object which is  
25 at the extreme left of that photograph on the bedding, do you  
26 recall seeing that object at the crime scene while you were  
27 observing it?  
28 A. No.

1 Q. Do you know what that object is?

2 A. No.

3 Q. Were all three of the paramedics who attended to  
4 Joshua leaning over him?

5 A. They were all working around him. At various  
6 points in time they were leaning over him.

7 Q. Would that all then have been -- would all their  
8 activity have been then essentially centered around the area of  
9 the stick figure that you've drawn there on the diagram?

10 A. Yes.

11 Q. Did you observe a telephone while you were -- while  
12 you were in the house in the Ryen master bedroom?

13 A. I don't remember a telephone, no.

14 Q. Let me show you Court's Exhibit 189, a photograph  
15 of a telephone with some blood drops on it.

16 Do you remember whether or not that telephone was  
17 there or not?

18 A. I don't recall it.

19 Q. Does the -- does the piece of furniture that's  
20 depicted to the left -- to the left of that photograph, is that  
21 the dresser that's depicted near where Josh's feet are in  
22 Court's Exhibit 6-C?

23 A. If the piece of furniture at the top of the  
24 photograph is the waterbed, then that would be the dresser, yes.

25 Q. So, if the item with the -- with the texture and  
26 the blood running down the side is the waterbed then that item  
27 with the knobs on it would be the dresser?

28 A. Yes.



1 Q. Is that area then right near where the dresser is  
2 depicted on Exhibit 6, is that one of the areas where the --  
3 where the paramedics were working?  
4 A. Not that immediate area, no.  
5 Q. How far away from that were they?  
6 A. They were centered around Joshua Ryen.  
7 Q. Were they all like able to touch him at once?  
8 A. Yes.  
9 Q. Did they set up oxygen?  
10 A. I don't remember if they did or not.  
11 Q. Do you know if they attempted to start and IV?  
12 A. I believe so, yes.  
13 Q. Did they -- was that like from a bottle on a hook?  
14 A. Yes.  
15 Q. Where did they have the stand with the bottle on  
16 the hook?  
17 A. I believe initially one of them was holding the  
18 bottle up.  
19 Q. Did they then put it on the stand?  
20 A. I don't know if they did or not.  
21 Q. Did you see any of those people leave the immediate  
22 area of Joshua Ryen?  
23 A. Yes.  
24 Q. Where did -- which person was that? Can you  
25 identify that person?  
26 A. No.  
27 Q. Can you identify any of those people as to race?  
28 A. Just they were Mexican and White that's all I

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1 remember.

2 Q. Do you know was it two Mexicans one White or one  
3 Mexican -- two -- two Whites.

4 A. No, I don't know. I don't know.

5 Q. Was Deputy Hoops standing there looking over their  
6 shoulders at Josh?

7 A. No.

8 Q. Where did the one that left Josh go?

9 A. Master bath.

10 Q. When he went to the master bath could you see from  
11 your vantage point where he went in there?

12 A. No.

13 Q. Did he come back with an item?

14 A. Yes.

15 Q. Again, showing you Court's Exhibit 217, and  
16 directing your attention to a white cloth like item with what  
17 appears to be some stains on it that's -- that's sort of bunched  
18 up near Dr. Peggy Ryen's knee, is that the item that the  
19 paramedic brought out of the bathroom?

20 A. Yes.

21 Q. Was -- was Josh to a certain extent covered with  
22 feces?

23 A. I don't remember.

24 Q. Did -- what was -- what did the paramedics use that  
25 towel for?

26 A. Paramedic told me he was going to the master bath to  
27 get a towel to clean Joshua up.

28 Q. Was the paramedic that was cleaning Josh up sort of

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1 standing right where I'm pointing on the diagram?

2 A. No. He would have been closer to Joshua Ryen.

3 Right.

4 Q. Did you see that paramedic wipe his hand on the bed  
5 sheet?

6 A. No.

7 Q. Can you say for -- was your vantage point such that  
8 you can say for sure that he did not?

9 A. No.

10 Q. How did you determine -- well, let me back up.  
11 The photograph of the boots that's behind you on  
12 the, posted on the board, No. 224, did you have that photograph  
13 taken there at the crime scene?

14 A. No.

15 Q. How did you determine that a firefighter had a boot  
16 similar to the impression that you saw on the concrete?

17 A. Captain Aguayo and I stepped out on to the patio  
18 after opening the door to allow the paramedics in to treat Josh  
19 Ryen, that print was not there. After the paramedics removed  
20 Joshua Ryen the print was there.

21 Q. I understand that. What I'm asking you is how did  
22 you find out that -- that a paramedic had that kind of boot? Did  
23 you ask to look at all their shoes?

24 A. No.

25 Q. You just assumed that?

26 A. No.

27 Q. How did you find out?

28 A. After the paramedics went back in to pick up their

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1 equipment and I saw the prints I looked at their boots while  
2 they were inside picking up their equipment.

3 Q. Okay. Which one of them was it that had that kind  
4 of boot?

5 A. There was -- best of my recollection two of them  
6 had Vibram soles and heels on their boots.

7 Q. Did you get their names?

8 A. No.

9 Q. Did you -- did you compare the size of the -- of  
10 either of those two persons boots with the impression that you  
11 had on the spot?

12 A. No.

13 Q. Did you see the fire people change the position of  
14 the sheets and bedding on the bed?

15 A. No.

16 Q. Can you say that they didn't?

17 A. I would say they didn't.

18 Q. Were you particularly watching for that?

19 A. I was making general observations, not particularly  
20 that act, no.

21 Q. When the paramedics got through treating Josh,  
22 what -- was it your idea that they pick up all the items that  
23 they had brought into the master bedroom?

24 A. No.

25 Q. Were you informed by Captain Aguayo before they did  
26 that?

27 A. Yes.

28 Q. Did you consent to it?

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1 A. Yes.

2 Q. Did that include the two first aid kits that are  
3 depicted in the lower left-hand corner of Exhibit 180?

4 A. They went into pump up there equipment. The amount  
5 of equipment they removed I'm not sure of.

6 Q. In addition to -- in addition to the equipment, did  
7 they also pick up other items?

8 A. Scraps of paper.

9 Q. Did you observe where they picked the scraps of  
10 paper up from?

11 A. From the immediate area where they were treating  
12 Joshua Ryen.

13 Q. Did you do anything to insure that in picking up  
14 those scraps of paper that nothing else about the crime scene  
15 was disturbed?

16 A. Yes.

17 Q. What was that?

18 A. Just watched where they went in the residence.

19 Q. Well, were the pieces of paper on the rug, on the  
20 bed, where were they?

21 A. On the rug.

22 Q. Anything on the bed?

23 A. Not to my knowledge.

24 Q. Showing you Exhibit 216. That is a picture of Doug  
25 Ryen and the bed; is that right?

26 A. That's correct.

27 Q. The yellow band-like object over the sheet in the  
28 mid left-hand side of the photograph, that goes sort of off the

1 photograph, did you see that band placed there by the  
2 paramedics?

3 A. No.

4 Q. Did you see that band when you first walked into  
5 the room?

6 A. No.

7 Q. Did you have -- did you ask Captain Aguayo to have  
8 the paramedics cleanup the bloody sole impression that was on  
9 the patio?

10 A. No.

11 Q. Was there a period of time before the arrival of  
12 the emergency personnel when you were standing outside waiting  
13 for them to come?

14 A. Yes.

15 Q. During that period of time did you attempt to take  
16 any photographs of the area where the crime had occurred prior  
17 to the entry of the emergency personnel?

18 A. No.

19 Q. Did you have a camera available to you in your car?

20 A. Yes.

21 Q. I'm not sure if I asked this before, but when you  
22 were broadcasting on the radio with your dispatcher in Ontario  
23 at the West End Sheriff's Department Station, was your  
24 designation for that particular day 2-Sam-4?

25 A. Yes.

26 Q. And in Sheriff's office codes, does the code 10-97,  
27 or just omitting the "10" and saying "97", does that indicate a  
28 code that I have arrived at the destination you sent me to?

1 A. Yes.

2 Q. When you arrived at the crime scene, did you make a  
3 broadcast of the 2-Sam-4 to your dispatcher?

4 A. Yes.

5 Q. Have you gone back to the dispatch records and  
6 attempted to determine the exact time of your arrival from that  
7 transmission?

8 A. Yes.

9 Q. Is that where you came up with the figure, the time  
10 of 12:55 that you gave us?

11 A. Yes.

12 Q. So it was -- it would have been seven minutes after  
13 the original broadcast?

14 A. Approximately, yes.

15 Q. While the three paramedics were treating Joshua  
16 inside the master bedroom, where were the other fire personnel?

17 A. They were moving back and forth between the patio  
18 area and their fire vehicles.

19 Q. Showing you Exhibit 173, which apparently has  
20 overlay 173-A over it. That depicts the sliding glass door  
21 through which materials were being passed into the paramedics;  
22 is that right?

23 A. That's correct.

24 Q. While the paramedics were doing that they were  
25 essentially going then across this grassy area that's depicted  
26 in this area and then crossing over the patio area to the door.

27 A. Yes.

28 Q. The white sort of raised, raised above the level of

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1 the concrete object that is depicted in that particular, in that  
2 particular photograph, was that a spa cover?

3 A. I never lifted it up but it is consistent with a  
4 spa cover.

5 Q. In that particular photograph that we have here,  
6 Exhibit 173, it appears that one portion of the spa cover has  
7 been lifted up a little bit from the other.

8 Was it that way when you first saw it?

9 A. I don't recall.

10 Q. Do you recall seeing it in that particular position  
11 at all?

12 A. No.

13 Q. Do you ever recall seeing it when it was down  
14 flush?

15 A. Yes.

16 Q. When was that?

17 A. When I stepped out into the patio area with Captain  
18 Aguayo.

19 Q. So the first time that you you can remember seeing  
20 it it was not in that position, the only position you remember  
21 it was down flat.

22 A. The only position I remember is the flush position.

23 Q. Showing you Exhibit 230, a three by five photograph  
24 of the back of the Ryen house, with an individual in that  
25 photograph.

26 First of all, do you recognize that individual as  
27 Bill Baird?

28 A. I don't know him, no.



1 Q. Okay. But directing your attention then to the spa  
2 cover that's, oh, down in the bottom right of that photograph.

3 Is that the position that that spa cover was in  
4 when you saw it?

5 A. That is how I remember it, yes.

6 Q. Did you observe any footwear impressions on that  
7 spa cover when you were out on the patio with Captain Aguayo?

8 A. No.

9 Q. At that point in time would -- let's see.

10 Do you recall which direction the sun was coming  
11 from while you were standing out in the patio with Captain  
12 Aguayo?

13 A. At that time of day the sun would be almost  
14 directly overhead.

15 Q. It would it be somewhat to the south?

16 A. I don't recall.

17 Q. Do you recall whether or not at that point in time  
18 of day the trees around the spa cover were -- or, excuse me --  
19 around the house, were shading the area of the spa cover or not?

20 A. To the best of my recollection there were no trees  
21 in the immediate area of the spa or the patio.

22 Q. How about the roof of the house, the overhang of  
23 the house. Did that put the spa cover in shade at that point in  
24 time of the day?

25 A. Not to the best of my recollection, no.

26 Q. While you were passing in and out of the kitchen  
27 door, was that door left open?

28 A. Yes.

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- 1 Q. Did you see on the property two large dogs?
- 2 A. Not to my recollection, no.
- 3 Q. Did you ever see two large dogs inside the house?
- 4 A. No.
- 5 Q. Going back to Exhibit 3 with overlay 3-A.
- 6 Do you see the spot on that particular diagram
- 7 where the helicopter landed?
- 8 A. Yes.
- 9 Q. Could you take the black Sharpie and put a "H" for
- 10 helicopter for that.
- 11 A. (Witness complied).
- 12 Q. And then did the paramedics take Josh essentially
- 13 the most direct route from the back door to that spot to get
- 14 into the helicopter.
- 15 A. Yes.
- 16 Q. When you and Mr. Beltz were going through the house
- 17 looking for suspects, did you ever descend these stairs into the
- 18 the sunken living room?
- 19 A. No.
- 20 Q. And did you ever enter the doors and come up them
- 21 from outside?
- 22 A. No.
- 23 Q. You, yourself, never went into this master bedroom.
- 24 A. No.
- 25 Q. The door to the laundry room where you and Mr.
- 26 Beltz entered, was that, was that open when you found it?
- 27 A. Yes.
- 28 Q. Did you ever check the back -- the door leading

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1 form the back of the laundry room out to outside?

2 A. No.

3 Q. When you were looking for suspects, did you look  
4 inside either of the closets in the Ryen master bedroom?

5 A. No.

6 Q. Do you recall whether or not the closet that is  
7 closest to Chris, the doors were open when you looked for  
8 suspects?

9 A. I don't recall.

10 Q. How about the closet behind Doug Ryen?

11 A. I don't recall if it was open or closed.

12 Q. Going back to Exhibit 3 and 3-A. Does that  
13 depict -- can you see in that place the area where you and  
14 Sergeant Arthur put the tape?

15 A. Yes.

16 Q. Taking the orange Sharpie, can you draw a line that  
17 would indicate where that tape was placed.

18 A. (Witness complied).

19 Q. What time did you leave the Ryen property on June  
20 the 5th?

21 A. About 5:00 p.m..

22 Q. After that time did you ever return to 2943 English  
23 Road while the investigation into the Ryen murders was in  
24 progress?

25 A. No.

26 Q. Approximately how many Sheriff's Department  
27 vehicles, both marked and unmarked, were there on the Ryen  
28 premises at the time that you left?

1 A. Numerous.  
2 Q. Like over a dozen?  
3 A. About eight.  
4 Q. Did you have any trouble getting your vehicle out  
5 when you left?  
6 A. No.  
7 Q. Was your vehicle still at that point in time in the  
8 driveway where you had originally left it?  
9 A. Yes.  
10 THE COURT: Would this be a good time for a recess,  
11 counsel?  
12 MR. NEGUS: Okay. I'm almost done. We can recess now.  
13 THE COURT: I'm perfectly willing to go on if you wish.  
14 MR. NEGUS: I'm always ready for a recess.  
15 THE COURT: Let's recess for 20 minutes. Remember the  
16 admonition.  
17 (Recess)  
18  
19 THE COURT: Go ahead, please.  
20  
21 CROSS EXAMINATION (Resumed)  
22 BY MR. NEGUS:  
23 Q. Mr. Gilmore, showing you, as a bunch, Photograph  
24 185, 186, 184, 231, 232, 233, and 234.  
25 Do those photographs all appear to be of the  
26 driveway area or at least depict a portion of the driveway area  
27 of the Ryen residence?  
28 A. Yes.

1 Q. Do any of those photographs depict your particular  
2 Sheriff's car where it was parked?

3 A. No.

4 Q. Do any of those photographs depict the area where  
5 your particular Sheriff's car was parked?

6 A. The approximate area, yes.

7 Q. Which photograph?

8 A. Photograph 16.

9 Q. That would be the little number on the left-hand  
10 corner, laboratory No. 16.

11 That would be Court's Exhibit 233?

12 A. Yes.

13 Q. With the red Sharpie, can you draw on that  
14 photograph the approximate location where your car was parked?

15 A. (Witness complied). I have to indicate an area.  
16 It was behind the patrol unit that's shown in the photograph.

17 Q. While you were at the premises, did you make a tour  
18 around the outside of the house?

19 A. Yes.

20 Q. Showing you Exhibit 235, did you observe what  
21 appears to be a piece of rope laying in the driveway while you  
22 were going around the house?

23 A. Yes.

24 Q. Did you point that out to anybody?

25 A. I believe I advised Duffy that I saw a piece of  
26 rope in the driveway.

27 Q. When did you see that?

28 A. When Deputy Hoops was checking the exterior of the

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1 residence.

2 Q. Was that after Deputy Hoops had taken photos of the  
3 interior?

4 A. Yes.

5 Q. Did you make an oral report to Mike Hall concerning  
6 the items that you had observed altered at the crime scene by  
7 the emergency personnel or others in the course of getting Josh  
8 out?

9 A. I just pointed out to them that the sliding glass  
10 door had been open a small amount when we arrived and that at  
11 the time when Detective Hall arrived it was closed.

12 Q. Did you like point out to him the three different,  
13 three different items that had been altered, that is to say, the  
14 bloody footprint on the patio, the wadded up towel next to Peggy  
15 Ryen, and the blue jeans on the floor -- excuse me -- not the  
16 blue jeans, but Josh's clothing on the floor?

17 A. I told him that the towel came out of the master  
18 bath.

19 Q. And did you also point out Josh's clothing on the  
20 floor and the foot impressions?

21 A. No.

22 Q. Did the paramedics cut Josh's clothing off him when  
23 he was lying here?

24 A. I believe they did, yes.

25 Q. Showing you Photograph 217.

26 Are the clothing that is lying between Chris and  
27 Peggy Ryen, Josh's clothing?

28 A. They appear to be, yes.

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1 MR. NEGUS: Nothing further.

2

3

REDIRECT EXAMINATION

4

BY MR. KOCHIS:

5

Q. Lieutenant Gilmore, were you the supervisor in  
6 charge of both Deputy Hoops and Department Beltz on that Sunday?

7

A. Yes.

8

Q. Did you instruct either one of those officers to  
9 prepare written reports about their observations at the scene?

10

A. I instructed both of them to prepare reports.

11

Q. Did you give either one of those deputies the  
12 assignment to ascertain the names of the Chino Fire Department  
13 and Chino paramedic personnel that were at the the scene?

14

A. Yes.

15

Q. Which person was that?

16

A. Deputy Hoops.

17

Q. And in your presence did he contact anybody to  
18 start that process?

19

A. Yes.

20

Q. Was that Captain Aguayo?

21

A. Yes.

22

Q. Did you see anybody at the scene on that Sunday,  
23 prior to the arrival of homicide, wearing tennis shoes?

24

A. No.

25

Q. So there is no confusion in the jury's mind, the  
26 vibram sole impression you saw in blood, was that on the  
27 concrete slab outside the master bedroom or on the spa cover  
28 itself?

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1 A. On the concrete slab.

2 Q. Did you ever get down, for example, on your hands  
3 and knees on the spa cover and closely examine the top of that  
4 spa cover to see any impressions?

5 A. No.

6 Q. Did you see any impressions in blood on the top of  
7 that spa cover on that Sunday in June?

8 A. No.

9 Q. Approximately how much time passed, if you can  
10 estimate, between the time you completed your search with Mr.  
11 Beltz for a suspect in the residence, and the time that Captain  
12 Aguayo arrived to treat Josh Ryen?

13 A. About a minute to a minute and a half.

14 MR. KOCHIS: Thank you. I have nothing further.

15 THE COURT: Recross.

16

17 RECROSS EXAMINATION

18 BY MR. NEGUS:

19 Q. Did you -- did Mr. Hoops stand outside of the Ryen  
20 master bedroom looking in while Josh was being treated?

21 A. No.

22 Q. Did Mr. Beltz?

23 A. No.

24 Q. Did you tell Mr. Hoops to get the identities of the  
25 firefighters who were wearing vibram shoes?

26 A. I told him to get the identity of all the firemen.

27 Q. Right. Did you have him -- did you ask him to find  
28 out which of the firemen were the ones wearing the vibram shoes?

016837



1 A. No.

2 Q. When Mr. Hoops was making these inquiries, had any  
3 of the fire people left the scene?

4 A. No.

5 Q. Was that -- did you tell him to do that after Josh  
6 had left in the helicopter?

7 A. Yes.

8 MR. KOCHIS: Nothing further.

9 MR. KOCHIS: I have no further questions.

10 THE COURT: Thank you, lieutenant.

11 MR. KOCHIS: The People's next witness would be Mr.  
12 Guerrero. I need Sergeant Arthur to assist me with the diagram.

13 THE COURT: Ruben Guerrero.

14

15 RUBEN RAMOND GUERRERO,

16 Called as a witness on behalf of the people, having been duly  
17 sworn, testified as follows.

18 THE CLERK: You may be seated, please.

19 Would you state your full name for the record and  
20 spell your last name.

21 THE WITNESS: Ruben Raymond Guerrero. G-u-e-r-r-e-r-o.

22

23 DIRECT EXAMINATION

24 BY MR. KOCHIS:

25 Q. Mr. Guerrero, by whom are you presently employed?

26 A. I am employed by the Chino Rural Fire Protection  
27 District.

28 Q. In what capacity at the present time?

001500700

1 A. I am a captain firefighter-paramedic.  
2 Q. How long have you worked for the fire department in  
3 Chino?  
4 A. Six years.  
5 Q. Were you so employed about a year and a half ago on  
6 a Sunday on June the 5th of 1983?  
7 A. Yes, I was.  
8 Q. Was that a working day for you?  
9 A. Yes, it was.  
10 Q. Sometime on that day were you assigned to go to a  
11 home in the Chino Hills area, specifically the Ryen home located  
12 at 2943 Old English Road in the Chino Hills area?  
13 A. Yes.  
14 Q. Do you recall about what time you arrived at that  
15 home?  
16 A. I believe a little after 12:00.  
17 Q. Did you go to the home alone or were you with some  
18 other firefighters?  
19 A. On the unit I was on, I had another  
20 firefighter-paramedic and a medical intensive care nurse  
21 ride-along.  
22 Q. Was Karen Seabert the name of the intensive care  
23 nurse ride-along?  
24 A. Yes.  
25 Q. Was Mr. Sexton the name of your partner in the  
26 truck with you?  
27 A. Yes, it was.  
28 Q. Was that the only unit that went from your fire

1 department?

2 A. No. We also had a fire engine Station 2 respond.

3 Q. Do you know who was in that vehicle when it got to

4 the scene?

5 A. Captain Aguayo, Firefighter Lundgren, Engineer

6 Lundgren, Firefighter Castaneda, a Firefighter Hauser.

7 Q. Do you know a person whose name is Paul Barker,

8 B-a-r-k-e-r, who works for Kniffin Ambulance Service?

9 A. Yes, I do.

10 Q. Did you eventually see him at the scene as well?

11 A. Yes.

12 Q. When you arrived at the scene, do you recall where

13 Mr. -- well, who was driving, you or Mr. Sexton?

14 A. Mr. Sexton was driving.

15 Q. And do you recall approximately where, in

16 relationship to the residence, he parked the vehicle that you

17 were driving in?

18 A. When we first arrived all the vehicles were backed

19 up at the driveway. We parked behind the -- initially parked

20 behind the ambulance.

21 Q. Were you given instructions then to move to another

22 portion of the ranch?

23 A. The driver was given instructions, which is Sexton,

24 to move the vehicle?

25 Q. Did you ride with him?

26 A. No. I exited the vehicle once we stopped on the

27 driveway.

28 Q. Did you enter the Ryen home at some point?

1 A. Yes.

2 Q. Did you know about how much time passed between the  
3 time you got there and the time you entered the home?

4 A. Approximately three to four minutes.

5 Q. Do you recall what type of door you went through?

6 A. A sliding glass door.

7 Q. Directing your attention to a photograph we have  
8 marked for identification as Exhibit 173, which appears to be a  
9 sixteen by twenty color photograph.

10 Do you recognize the area depicted in that  
11 photograph?

12 A. Yes.

13 Q. Does that appear to depict the sliding glass door  
14 that you walked through into the Ryen home on that date on  
15 Sunday?

16 A. Yes, it does.

17 Q. As you were walking across the grass, did you see  
18 any of the firefighters or paramedics, whose names you have just  
19 given the jury, in the area of the sliding glass door?

20 A. When I was entering the room there was a couple of  
21 firefighters in there.

22 Q. Did you see Mr. Hauser on the grounds when you went  
23 to go into that room?

24 A. Mr. Hauser came out to the unit when we arrived and  
25 told me that it was a pretty bad situation inside. He had me  
26 bring some equipment from the unit back into the room, into the  
27 house.

28 Q. Directing your attention to an exhibit which has

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1 been marked for identification as Exhibit 6, over which we have  
2 placed a piece of clear plastic, which for your testimony has  
3 been marked as 6-D.

4 Do you recognize what this is a floor plan of?

5 A. Yes. It seems to be a floor plan of the Ryen home.

6 MR. KOCHIS: Your Honor, may the record reflect on 6-D  
7 itself I am going to place an "R. Guerrero", or Mr. Guerrero's  
8 name.

9 Did I spell your last name correctly?

10 THE WITNESS: Yes, you did.

11 MR. KOCHIS: And today's date of "11-15-84", and "Ryen  
12 Home".

13 Q. Did you enter just one room of that home on that  
14 particular date?

15 A. Yes. I just entered one room.

16 Q. Did that appear to you to be a bedroom in which  
17 there were located a number of deceased persons?

18 A. Yes.

19 Q. As you look at Exhibit 6-D, does the diagram itself  
20 accurately depict, to the best of your recollection, the  
21 approximate location of the victims who were no longer alive  
22 inside the master bedroom when you entered it?

23 A. Yes, it does.

24 Q. Was there a person that was alive, who appeared to  
25 be injured, that you treated inside that --

26 A. Yes. The male, young male patient.

27 Q. With the black grease pen, could you, perhaps with  
28 a stick figure, indicate the approximate location of the young

1 man that you treated.

2 A. (Witness complied).

3 Q. To the best of your recollection, was the young  
4 man's head turned toward or away from the waterbed when you  
5 treated him, if you recall?

6 A. Toward the waterbed.

7 Q. Mr. Guerrero, directing your attention to a  
8 photograph which we have marked for identification as Exhibit  
9 217, over which we have placed a piece of clear plastic 217-A.  
10 Do you recognize the area that that particular  
11 photograph depicts?

12 A. Yes.

13 Q. Does that appear to depict the way the master  
14 bedroom appeared when you entered it to treat the survivor on  
15 that Sunday?

16 A. Yes, it does.

17 Q. Is the area in which the young man was located in  
18 that picture?

19 A. Yes, it is. Just to the left\* of the body on the  
20 right.

21 Q. Could you -- perhaps the record should reflect on  
22 that 217-A I am going to place a "R. Guerrero" for Mr.  
23 Guerrero's name, today's date of "11-15-84", "Ryen home".

24 Could you join me at the diagram, Mr. Guerrero, and  
25 perhaps to the best of your ability, with a stick figure, can  
26 you show the jury approximately where Josh Ryen was when you  
27 started to work only?

28 A. Well, I believe the end of the bed is in this area

016843

1 here, and he was laying physically in this area. He was just  
2 lying on his left side.

3 Q. If you could return to your seat for a moment.  
4 Were you actually one of the people who treated  
5 Josh Ryen?

6 A. Yes, I was.

7 Q. When you got into the master bedroom, were there  
8 people that you recognized from your employment as being  
9 associated with, for example, the Chino Fire Department?

10 A. Yes.

11 Q. Who was inside the house when you got there?

12 A. When I walked to the sliding glass door, Captain  
13 Aguayo and Firefighter Castenada were actually in the room.

14 Q. Were either one of those men working on Josh when  
15 you got there?

16 A. No.

17 Q. What type of treatment, if any, did you give Josh  
18 Ryen inside the master bedroom?

19 A. Initially when I stepped to the room I was told  
20 that he was alive. I went to him and checked his vital signs.  
21 The first thing I noticed was his difficulty in breathing.

22 The first thing that I did then was try to make  
23 sure that his breathing, his airway was secure. I bandaged and  
24 put some Vaseline gauze into the wound. Then we rolled him on  
25 his back, excuse me, rolled him on his back, then put the gauze  
26 in his wound.

27 Q. Let me stop you for a moment.

28 Did you carry anything into that bedroom with you?

1 A. Yes. I carried my drug box and also the anti-shock  
2 trousers.

3 Q. Directing your attention to Exhibit 180. There  
4 appears to be a rectangular colored photograph approximately  
5 twelve by twelve inches.

6 Does that appear to you to be a picture of the Ryen  
7 master bedroom in which you treated Josh Ryen?

8 A. Yes, it does.

9 Q. Is there any article in the photograph that you  
10 recognize as belonging to yourself?

11 A. The fishing box there is my drug box.

12 Q. Could you put your initials on the fishing box.

13 A. (Witness complied).

14 Q. Is that a piece of equipment that you brought into  
15 the home?

16 A. Yes, it is.

17 Q. The box between your box and the bed that has the  
18 word "Aid" on it, do you know who that belongs to?

19 A. That is the engine company's first-aid box.

20 Q. Can you put "CFD" for Chino Fire Department on that  
21 box.

22 To the best of your knowledge, was that brought  
23 into the room as well?

24 A. I believe that was brought into the room by the  
25 first initial responders. That was the engine company that was  
26 there before we were.

27 Q. And does the position of the victim and the  
28 furniture and the bedding in this picture, 180, appear to be, to

016845



1 you, to the best of your knowledge the way the room looked when  
2 you got there?

3 A. Yes.

4 Q. You can sit down for a moment.

5 Josh Ryen then had some type of injury to his neck;  
6 is that correct?

7 A. Yes, he did.

8 Q. Was that injury bleeding?

9 A. No.

10 Q. Did you attempt to find Josh Ryen's pulse?

11 A. Yes.

12 Q. Were you able to do so?

13 A. No.

14 Q. What treatment did you administer after you made  
15 some attempt to close the wound in his throat?

16 A. I began to take more vital signs, blood pressure,  
17 trying to take a pulse.

18 Q. Were you able to find a pulse?

19 A. No.

20 Q. Did you attempt to start an IV in the room?

21 A. Yes.

22 Q. And did you use any equipment to do that, to tie  
23 off his blood veins or anything?

24 A. Tourniquet.

25 Q. Are those yellow?

26 A. Yes, they are.

27 Q. Directing your attention to what has been marked  
28 for identification as Exhibit 223, which appears to be an eight

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1 by ten color photograph.

2 Do you see in that picture any items that you  
3 recognize as being the equipment brought in by your fire  
4 department into that master bedroom?

5 A. The tourniquet.

6 Q. And is that the yellow item that appears in the  
7 foreground of the photograph?

8 A. Yes, it is.

9 Q. And is it in fact the item that I've just placed a  
10 black circle around?

11 A. Yes, it is.

12 Q. To start an IV -- could you tell the jury what an  
13 IV is, basically?

14 A. Basically, it is an intervenous IV infusion of a  
15 type of solution, usually sugar water, dextrose water, or  
16 another type.

17 Q. To start that procedure, do you have to locate a  
18 blood vessel or blood vein on the individual you are treating?

19 A. Yes.

20 Q. Were you able to do that on Josh Josh Ryen?

21 A. No.

22 Q. Are you familiar with the objective symptoms an  
23 individual manifests when they're in the state of shock?

24 A. Yes.

25 Q. Would that include a wound that's open but not  
26 bleeding?

27 A. Yes.

28 Q. Would it include weak or low blood pressure?

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1 A. Yes, it would.

2 Q. Did you see signs that Josh Ryen was in shock when  
3 you were treating him in his parents home on that Sunday?

4 A. I took the not being able to get a blood pressure  
5 and the pulse as being signs of shock.

6 Q. Did you try to communicate with Josh Ryen?

7 A. Yes, I did.

8 Q. Was he able to talk to you?

9 A. No, he was not.

10 Q. Did you ask him any questions, for example, about  
11 his age?

12 A. Yes, I did.

13 Q. Did he attempt to respond to you?

14 A. He could not respond verbally.

15 Q. Did he in some fashion indicate to the best of your  
16 knowledge his age?

17 A. He raised eight fingers.

18 Q. Did you remove any of Josh's clothing inside the  
19 bedroom while you treated him?

20 A. Yes.

21 Q. And did you -- What did you do with the clothes  
22 that you took off of Joshua?

23 A. With his pajama top, I believe we tore that off and  
24 just laid it to the side. He was wearing a pajama top and some  
25 briefs. With the briefs, they were soiled with fecal material.  
26 Someone brought me a towel and we tried to wipe him down as good  
27 as we could and removed those.

28 Q. Directing your attention back to a moment to

016848

1 Exhibit 217, the photograph in 217-A, directing your attention  
2 to the clothing that appears to be colored which is between  
3 Peggy Ryen and young Chris Hughes; does that appear to be the  
4 clothing that you removed from Josh?

5 A. Yes.

6 Q. And directing your attention to what appears to be  
7 a white item of clothing placed on Peggy Ryen's leg, does that  
8 appear to be the towel that you wiped Josh off with?

9 A. Yes, it does.

10 Q. Did you place any type of garments on Josh?

11 A. Yes. We placed the anti-shock trouser on him.

12 Q. What are those referred to in your line of work?

13 A. M.A.S.T. suit.

14 Q. Is that M period A period --

15 A. s-t.

16 Q. You have to answer out loud?

17 A. Yes.

18 Q. Does that have any pattern in it, any Velcro-type  
19 pattern in it?

20 A. Yes, it does.

21 Q. And essentially is the pattern of that item some  
22 lines that run parallel to each other?

23 A. Yes, it is.

24 Q. What was Mr. Sexton's function at the scene?

25 A. He was the radioman.

26 Q. Was he to your knowledge hooked up with any  
27 hospital?

28 A. He was in communication with Loma Linda University

0-158849

1 Medical Center.

2 Q. Did he have some electronic equipment which enabled  
3 him to do that?

4 A. Yes, he did.

5 Q. Did that equipment require that he be inside or  
6 outside the house?

7 A. He was outside the home.

8 Q. Was that because of an antenna apparatus that  
9 accompanies the equipment?

10 A. Yes. Due to the distance from our location to Loma  
11 Linda he had to use a high gain antenna.

12 Q. And is it fair to say that what takes place is  
13 there is communication between you and the other officers at the  
14 scene with Loma Linda, and Loma Linda advises you as to how to  
15 treat the young man?

16 A. Yes.

17 Q. Would Mr. Sexton then come in and out of the Ryen  
18 master bedroom to relay information to yourself?

19 A. Yes, he did.

20 Q. Other than Mr. Sexton, Mr. Castenada, Captain  
21 Aguayo, and yourself, did you actually see any other persons  
22 inside that master bedroom while you treated Josh that were  
23 employed by your department?

24 A. No.

25 Q. Were there people inside there from Kniffin  
26 Ambulance Service?

27 A. Yes, there was.

28 Q. Do you recall that person's name?

00160500

1           A.     The paramedic was Paul Barker, and he also had an  
2     assistant EMT.  
3           Q.     Do you remember the name of the assistant at this  
4     time?  
5           A.     No.  
6           Q.     Was the assistant inside the master bedroom?  
7           A.     Yes, he was.  
8           Q.     You appear to be Hispanic; is that correct?  
9           A.     Yes.  
10          Q.     Is Captain Aguayo Hispanic?  
11          A.     Yes, he is.  
12          Q.     Is Mr. Castenada Hispanic?  
13          A.     Yes, he is.  
14          Q.     And at one time were all three of you in that  
15     master bedroom with Josh?  
16          A.     Yes.  
17          Q.     Is Mr. Hauser a Caucasian individual?  
18          A.     Yes.  
19          Q.     Is Mr. Barker a Caucasian individual?  
20          A.     Yes.  
21          Q.     Mr. Sexton is Caucasian?  
22          A.     Yes.  
23          Q.     Was Mr. Barker's partner Caucasian?  
24          A.     Yes.  
25          Q.     And at one time were at least three of those white  
26     men inside that residence with Josh as well?  
27          A.     Yes.  
28          Q.     Did there come a time at which Josh was taken from

016851

1 the Ryen master bedroom?

2 A. Yes.

3 Q. How was that accomplished?

4 A. We put him on a scoop stretcher and loaded him on  
5 that, took him out through the sliding glass door across the  
6 grass into an area that was dirt to await the landing of the  
7 helicopter.

8 Q. Did the helicopter eventually arrive at the scene?

9 A. Yes.

10 Q. Was Josh placed inside the helicopter?

11 A. Yes, he was.

12 Q. Did anybody from your department accompany Josh in  
13 the helicopter to the hospital at Loma Linda?

14 A. Yes, I did.

15 Q. Do you know about what time you were airlifted out  
16 of the Chino Hills area and flown to Loma Linda?

17 A. I can only estimate approximately 20 or 30 minutes  
18 after we arrived.

19 Q. Is it fair to say that you were involved in the  
20 treatment of Josh Ryen for that period of time, the 20 or 30  
21 minutes?

22 A. Yes.

23 Q. Was he ever able to speak to you?

24 A. No.

25 Q. While you were treating him was -- were his eyes  
26 opened or closed, if you recall?

27 A. They were open.

28 Q. En route to Loma Linda did you attempt to

1 administer additional treatment to Josh Ryen?

2 A. The flight nurse on board attempted to start an IV.

3 Q. On one occasion or more than one occasion?

4 A. I believe he tried twice.

5 Q. When you start an IV is it necessary to place a

6 needle in someone's arm?

7 A. Yes.

8 Q. Does that generate usually some response from a

9 person when you stick that type of needle into them?

10 A. Yes, usually a painful response from the patient.

11 Q. Did you see any type of response from Josh Ryen on

12 any of the occasions at which people tried to start that IV with

13 him?

14 A. No.

15 Q. Is that type of lack of response to a painful

16 stimulus consistent with a person who is also in a state of

17 shock?

18 A. Yes, it could be.

19 Q. Where was Josh taken when he got to the hospital at

20 Loma Linda?

21 A. Once we landed at Loma Linda we took him directly

22 to the emergency room, to the trauma room.

23 Q. Did you enter the trauma room at the same time that

24 Josh Ryen did?

25 A. I got as far as the door. The rest of the room was

26 filled with medical personnel awaiting our arrival.

27 Q. Was Josh to your knowledge treated at that

28 location?

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1 A. Yes.

2 Q. Were you separated from Josh Ryen by some distance?

3 A. Approximately four to five feet.

4 Q. And did he eventually become surrounded by medical  
5 personnel that were treating him?

6 A. Yes.

7 Q. Were you questioned out of Josh Ryen's presence by  
8 anyone at the hospital?

9 A. A deputy.

10 MR. KOCHIS: Thank you.

11 I have no further questions.

12 THE COURT: Mr. Negus

13

14 CROSS EXAMINATION

15 BY MR. NEGUS:

16 Q. Mrs. Guerrero, as part of the record-keeping of the  
17 Chino Rural Fire Protection District, on every -- on every run  
18 that is involved with emergency treatment is there a particular  
19 document that is filled out by your department?

20 A. Yes, there is.

21 Q. And is that called something like and ICEMA?

22 A. MICU, form.

23 Q. Run report?

24 A. Yes.

25 Q. Was one of those filled out in this particular  
26 case?

27 A. Yes.

28 Q. And did you sign it?

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1 A. I did not make out the report. I can't recall if I  
2 did sign it.

3 Q. Was there -- even if you don't -- even if your  
4 partner makes out the report, is there a place on it for you to  
5 sign?

6 A. Yes.

7 Q. Have you had an occasion to review that report in  
8 connection with your testimony here today?

9 A. No.

10 Q. Have you seen it since it was filled out?

11 A. I haven't seen it since probably our last  
12 preliminary testimony.

13 Q. Do you have a clear recollection now as to all  
14 the -- as to -- as to the particular information that you got  
15 from Josh?

16 A. I don't quite understand.

17 Q. Well, for example, do you remember what his blood  
18 pressure was?

19 A. I remember I couldn't get one.

20 Q. Do you remember -- is there -- when you're looking  
21 at -- when you were looking at Josh do you -- do you attempt to  
22 determine whether or not he -- there's a rate of respiration?

23 A. Yes.

24 Q. Did you get one of those off Josh?

25 A. Yes, I believe I did.

26 Q. Do you remember what it was now?

27 A. No.

28 Q. And you never got a pulse?

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1 A. Not that I can recall.

2 Q. Showing you Exhibit 238 --

3 A. Uh-huh.

4 Q. -- a Xerox, does that appear to be a Xerox of a run

5 report?

6 A. Yes.

7 Q. And there's an R. Guerrero that's mentioned down at

8 the bottom; was that put there by Mr. Sexton or by yourself?

9 A. Mr. Sexton I believe.

10 Q. When that particular report is -- is prepared at

11 the scene, the guy who's the radioman takes the information from

12 the person who is actually treating him and puts it in the

13 report?

14 A. Yes.

15 Q. This particular report that I've handed you

16 indicates 6-5-83, 2943 Old English Road; is that right?

17 A. Yes.

18 Q. And then your particular unit, which would be 1671?

19 A. Yes.

20 Q. When you arrived at -- at the scene you did not

21 know Josh's name; is that right?

22 A. No.

23 Q. And Josh was not able to speak to you and tell you

24 what his name was; is that right?

25 A. Yes, he was not able to tell me.

26 Q. So, in preparing your report in a situation like

27 that, do you normally use like Johnny Doe?

28 A. Yes.

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1 Q. And did you do that in this particular -- was that  
2 done in this particular situation?

3 A. It was done, yes, in this report.

4 Q. When vital signs are taken is there a place on that  
5 particular report to enter them?

6 A. Yes.

7 Q. And is there an entry with -- does that normally  
8 include a time in which they were taken?

9 A. Yes.

10 Q. Is it -- on that particular report is it the  
11 practice of your department that Mr. Sexton has -- the note  
12 taker would take information from persons other than yourself?

13 A. Usually he doesn't, but he could.

14 Q. Do you recall whether either -- any of the other  
15 people who were over Josh were also taking his pulse while you  
16 were there?

17 A. Yes.

18 Q. Who else was that?

19 A. Paramedic Barker.

20 Q. Do you remember Paramedic Barker indicating that he  
21 had found a pulse?

22 A. No.

23 Q. On that particular document does it indicate at two  
24 separate hours a pulse was in fact taken from Josh?

25 A. It has a pulse rate written down.

26 Q. That's 130?

27 A. Yes.

28 Q. Did you give Mr. Sexton that rate?

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1 A. Not that I can recall giving him.

2 Q. Is it possible that with the long -- long stretch  
3 of time that's elapsed that your memory could be faulty?

4 A. Yes, it's possible.

5 Q. Does that document also indicate on two separate  
6 occasions that a blood pressure was taken?

7 A. Yes.

8 Q. And and does it also indicate on two separate  
9 occasions that there was -- there was a respiratory rate taken?

10 A. Yes.

11 Q. Basically you also -- did you also listen to  
12 Josh's, you know, lungs to try and see whether you could hear  
13 any congestion, that sort of thing?

14 A. Yes.

15 THE COURT: Counsel, I don't know why you are going into  
16 all this vital statistics information. I fail to see the  
17 relevance.

18 MR. NEGUS: Well, Mr. Kochis opened it up.

19 THE COURT: He opened it up but that doesn't make it  
20 relevant. Let's avoid this subject. Move on to more germane  
21 matters, please.

22 MR. NEGUS: I suspect it's pretty important to Mr.  
23 Kochis. If you want to strike that evidence and tell the  
24 jurors --

25 THE COURT: Counsel, I will sustain the Court's  
26 objection. Move on to another subject.

27 MR. NEGUS: Could we perhaps enlighten your --

28 THE COURT: Not now. Proceed.

1 BY MR. NEGUS;

2 Q. The chart that you had also -- also has a space for  
3 comments about the particular individual you're treating; is  
4 that correct?

5 A. Yes.

6 Q. Did you report to Mr. Sexton that the patient,  
7 meaning Josh, was awake and was able to understand verbal  
8 commands?

9 A. Yes.

10 Q. And was that true?

11 A. He could understand when I asked him his age.

12 Q. What about commands, I mean did you tell him to do  
13 things? Was he able to do them?

14 A. I don't believe I gave him any actual commands to  
15 do.

16 Q. During the time that -- that you were treating Josh  
17 was Mr. Barker in there the whole time?

18 A. He entered the room just a little after I did.

19 Q. Okay. And did he remain with you and Josh, except  
20 for going to get the towel, until you and Josh left in the  
21 helicopter?

22 A. Yes.

23 Q. Do you know a Nippins (phonetic) person named --  
24 James Anderson -- yes, James Anderson?

25 A. I know a person by the name of James, I'm not sure  
26 about his last nme.

27 Q. If the person that you knew was James, was he an  
28 EMT for Nippins (phonetic)?

1 A. Yes.

2 Q. And was he the one that was there on the 5th of  
3 June?

4 A. James, yes, the one I know.

5 Q. Okay. So that -- so the person that you know as  
6 James was the person who was the EMT at the Ryen residence on  
7 June the 5th?

8 A. Yes.

9 Q. Was -- was James in the room the entire time that  
10 you were there treating Josh?

11 A. I don't know if he was there the entire time.

12 Q. What about -- what about Captain Aguayo, other than  
13 when you first arrived in the room was he in there?

14 A. I can't be sure if he was there the entire time.  
15 He may have gone in and out.

16 Q. After the arrival -- Well, there was essentially  
17 four different people who -- well, five different people who had  
18 medical training there, is that right, yourself, your partner,  
19 Ms. Seabert, and Mr. Barker and Mr. -- and James?

20 A. As well as the fire engine personnel.

21 Q. The fire engine personnel also have medical  
22 training?

23 A. Yes.

24 Q. Are the five people I just named though the people  
25 who generally would take primary responsibility for medical  
26 treatment during the -- when they are at the scene?

27 A. When -- the first paramedic on scene becomes  
28 responsible for patient treatment. He is the patient's man.

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1 That would be myself.

2 Q. Okay. When you got there a couple -- were there  
3 other fire people actually, however, who had started trying to  
4 treat Josh?

5 A. They had not one begun any treatment.

6 Q. Were they like bending over him or doing anything  
7 with him?

8 A. They were standing to one side of him.

9 Q. Who were they?

10 A. I believe it was Firefighter Castenada and Captain  
11 Aguayo.

12 Q. Did you ever see Mr. -- Firefighter Castenada bent  
13 over Josh attempting to help him?

14 A. He was standing at his feet when I walked in. I  
15 didn't see him bend over try to help him.

16 Q. Other than on the -- on the particular document  
17 that you -- your run report, does that indicate a precise time  
18 of an arrival?

19 A. Yes.

20 Q. And would that have been for your particular unit  
21 two minutes after 1:00 p.m. on that particular day?

22 A. Yes.

23 Q. And does that also indicate that it took you ten  
24 minutes to get there?

25 A. Yes.

26 Q. The way that you're particular department works,  
27 does the -- you and Mr. Sexton at that point in time were at the  
28 main fire station up on Central -- right across from the

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1 courthouse; is that correct?

2 A. Yes.

3 Q. Whereas Captain Aguayo and his men would have been  
4 at the Station No. 2, which is on Ecalyptus; is that right?

5 A. Yes.

6 Q. The Main Chino Fire Station -- Well, do you  
7 recognize this photograph, Court's Exhibit 1, as sort of an  
8 aerial photograph which depicts a portion of the Chino Valley?

9 A. I'm not familiar with the exact picture, but it  
10 appears to be the Chino Valley.

11 Q. Okay. Well, assuming that the complex that you see  
12 on the right in the area where I'm indicating is the California  
13 Institution For Men and that the tree-lined roadway that I'm  
14 indicating is the main entrance to the California Institution  
15 For Men, then -- and that this tree-lined complex to the right  
16 of the main complex is the Prado Recreational Center, would the  
17 long street that I'm indicating along there, would be Central  
18 Avenue?

19 A. Yes.

20 Q. And as far as the location of your particular fire  
21 station at that particular time, that would be off to the right  
22 and off the photograph; is that correct?

23 A. Yes.

24 Q. The road that comes from along here that goes to  
25 the -- Well, do you recognize this hill -- hilled area with  
26 trees on it as the Boys Republic?

27 A. Yes.

28 Q. And then the streets down to what would be the

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1 south of the Boys Republic fields there would that be Ecalyptus?

2 A. Yes, it would.

3 Q. And right at the intersection, right near the  
4 intersection of where the water canal goes right behind those  
5 little trees, is that the fire station where Captain Aguayo's  
6 were?

7 A. Yes.

8 Q. So, they're just very close to the Chino Hills  
9 area; is that right?

10 A. Yes.

11 Q. And you're considerably further away?

12 A. Yes.

13 Q. Was there ever a period of time during your  
14 treatment of Josh while you were personally observing that the  
15 only three people around him were yourself, Mr. Castenada, and  
16 Captain Aguayo?

17 A. No, I wouldn't think there was one time with just  
18 three of us in there.

19 Q. And was there ever a period of time when the only  
20 three persons around Josh were three male Caucasians?

21 A. I'm not sure who was there prior to our arrival.

22 Q. Well, when you saw -- when you saw it -- when you  
23 saw it, I'm just asking about your particular perceptions, when  
24 you walked in the back door Mr. Castenada was with him, is that  
25 correct, distinguishing I suppose between Mexican/Americans and  
26 non Mexican/American type Caucasians, he or you were there at  
27 all points in time; is that correct?

28 A. When I walked in?

1 Q. Yes. You saw him there, right?  
2 A. Mr. Castenada?  
3 Q. Yes.  
4 A. Yes.  
5 Q. And you never -- you never saw Josh in a situation  
6 in your perceptions when there was no Mexican/American present?  
7 A. There was always a Mexican/American present.  
8 Q. At some point in time during the treatment process,  
9 were there as many as eight or ten different people in the room  
10 with you?  
11 A. I'm not aware how many people were in the room.  
12 Q. Well, did you -- was Ms. Seabert in there with you?  
13 A. Yes.  
14 Q. And was she in there the whole time?  
15 A. Yes.  
16 Q. Was she essentially just observing?  
17 A. Yes.  
18 Q. Was there also a -- at all times a deputy sheriff  
19 in there?  
20 A. I don't know if there was one there at all times.  
21 Q. Was there certainly one there during a majority of  
22 the time?  
23 A. I can only remember seeing a uniform in and out,  
24 and I'm not sure if it was there at all times.  
25 Q. Were there more than one deputy sheriff that you  
26 observed in the room?  
27 A. I can only recall for sure seeing a pair of stripes  
28 around the room, not more than one, and more than two.

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1 Q. By stripes, do you mean like --  
2 A. A sergeant.  
3 Q. Sergeant. Did you ever see a rather muscular blond  
4 fellow with curly hair?  
5 A. I cannot recall.  
6 Q. Showing you photograph 236, a photograph of what  
7 appears to be a M.A.S.T. suit box, and photograph 237, which  
8 appears to be a three by five photograph of the Velcro part of a  
9 M.A.S.T. suit, is in fact that a M.A.S.T. suit box in 236?  
10 A. Yes, it is.  
11 Q. Is that -- realizing that may not be the exact box  
12 that was brought on that particular day, is that the same  
13 essentially style of box that was used on that day?  
14 A. Yes.  
15 Q. And in Exhibit 237, is that particular pattern of  
16 Velcro, I know you can't tell from the picture whether that's  
17 the same one, but does that appear to be the same pattern of  
18 Velcro that you had in the M.A.S.T. suit on that particular day?  
19 A. Yes.  
20 Q. Taking down Exhibit 180, and I know it's hard in  
21 this particular picture, but there is a blue object that's on  
22 the bed at the middle left of that photograph; do you recognize  
23 what that is?  
24 A. It appears to possibly be a part of the M.A.S.T.  
25 suit box.  
26 Q. You can't remember for sure?  
27 A. Not that I can't remember, it's just that I can't  
28 get a very good picture of it.

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1 Q. Yeah. I should have -- I was --

2 Placing on the board photograph No. 177, does that  
3 appear to be a photograph of the bedding at the foot of the bed  
4 where -- right near where Josh was laying?

5 A. It's near to where he was laying.

6 Q. And is that the -- does that appear to be the way  
7 the bedding looked when you were working on him?

8 A. No, not when we arrived.

9 Q. What was different about it when you arrived?

10 A. There was more bedding on the floor.

11 Q. Did -- did you pick up some of the bedding on the  
12 floor and move it out of the way back up on the bed?

13 A. I don't specifically recall moving it, but there  
14 was bedding moved.

15 Q. You're not sure by who, but you know it was moved?

16 A. Yes.

17 Q. The bedding that was -- that was moved, was -- was  
18 that in the area where the -- where the tourniquet appears? I  
19 mean, is that the -- where the tourniquet is laying on the bed,  
20 is that the part that was picked up and moved?

21 A. I don't know if that was the part that was picked  
22 up and moved.

23 Q. You don't remember what part of the floor the  
24 bedding was on when you saw it?

25 A. I remember it was on the floor, would be the area  
26 further down, but I don't recall exactly which part of the  
27 bedding was on the floor.

28 Q. Okay.

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1 MR. NEGUS: I'm not going to finish with Mr. Guerrero  
2 before lunch and I have to shuffle some exhibits. Could we  
3 stop?

4 THE COURT: All right. You've got to eat somewhere, so  
5 come back hear at 1:30 if you would, please.

6 Counsel, I'd like to see all attorneys at about  
7 1:20 so we can get on the record.

8 Please, return at 1:30 then. Remember the  
9 admonition, ladies and gentlemen, please. Thank you.

10 (Noon recess.)

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1 SAN DIEGO, CALIFORNIA, THURSDAY, NOVEMBER 15, 1984 1:25 P.M..

2 --oo0oo--

3  
4 (Chambers conference, reported)

5 THE COURT: Counsel, we're in chambers out of the  
6 presence of the jury.

7 You need Mr. Kottmeier?

8 MR. KOCHIS: I do. Should we have the clerk as well?

9 THE COURT: It isn't necessary.

10 Is Mr. Kottmeier coming?

11 MR. KOCHIS: Yes.

12 THE COURT: I think it would be helpful for me to  
13 understand where you are going and the limits of examination and  
14 cross examination. If you made me understand a little bit  
15 more -- this case is peculiar in that we don't talk informally  
16 at all. which is all right, understandable, but I look, for  
17 instance, Mr. Kochis, at the large number of witnesses,  
18 basically every witness that testifies during pretrial, and I  
19 wonder to myself, surely he's not going to call all those  
20 people.

21 MR. KOCHIS: We can stop that right now. If you are  
22 looking at me you are correct. I anticipate after Mr. Guerrero,  
23 two to four and most probably two witnesses before we leave the  
24 Ryen scene and go to another area.

25 Mr. Negus may at some later point be calling many  
26 of the other officers, but I hope to, with Mr. Duffy, Mr.  
27 Stockwell and Mr. Guerrero, wrapup the crime scene.

28 THE COURT: Well, that is helpful to me.

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1 MR. KOCHIS: With, of course, the exception of Joshua  
2 Ryen, which is sometime in the future. But in terms of law  
3 enforcement officers, with Mr. Guerrero, Duffy and Stockwell,  
4 and maybe Mr. Roper on prints, that's going to be it.

5 THE COURT: Do you have any desire to go into more detail  
6 on the condition of Joshua's records.

7 MR. NEGUS: I think a little bit -- you know, I mean --  
8 you may not understand what it is about, but Mr. Kochis brought  
9 it out, and as he did, I wished to cross-examine on it. He  
10 brought out all -- he brought out the paramedic checking Josh's  
11 condition.

12 THE COURT: You understand, merely the fact that you  
13 don't object when he goes into something that doesn't make it  
14 relevant or necessarily admissible.

15 MR. NEGUS: Maybe. If that's true, perhaps if it comes  
16 in it either should be stricken --

17 THE COURT: No, no. You can sit there quiet as a church  
18 mouse and let him go into all that sort of extraneous stuff, and  
19 unless it is relevant or material I can sit on you at any time,  
20 very properly. if you start to go into it. It is conditioned  
21 upon time and confusion, you see.

22 MR. NEGUS: Well, according to Jefferson, time -- that  
23 type of thing is only a valid objection against a defense if it  
24 is cumulative. Obviously this isn't cumulative because we  
25 haven't had any testimony about it.

26 When he goes into something where, you know, I  
27 didn't contest the relevance because I can see where he's going.  
28 I think if there is any question about its relevance you should



1 entertain a motion to strike if you think it is irrelevant  
2 rather than just, you know, cut me off. Otherwise he's going to  
3 argue, what I think is his purpose.

4 THE COURT: I doubt very, very seriously if either side  
5 is going to be surprised by the other. You may miscalculate  
6 strategies and things of that nature from time to time, but this  
7 is one of the most discovered cases ever to come down the pike.

8 MR. NEGUS: If he's going to leave in his testimony from  
9 Mr. Guerrero as to the, as to Guerrero's examination of Josh,  
10 then I don't think that I have a heck of a lot more about it.  
11 But I imagine there will be other witnesses on that particular  
12 issue, because I don't think that Mr. Guerrero's testimony was  
13 accurate according to his own records and according to other  
14 witnesses.

15 THE COURT: Where is the relevancy, from either one of  
16 you? Mr. Kochis.

17 MR. KOCHIS: Your Honor, a number of things.

18 THE COURT: I can see at the time the statements are  
19 taken at the hospital, perhaps, or admission.

20 MR. KOCHIS: One of the allegations in the Information is  
21 great bodily injury. Mr. Guerrero is going to be one of the  
22 people that is going to testify on this basis, one of the  
23 photographs with Mr. Duffy, and the photographs would satisfy  
24 any court and any jury that Joshua was injured in the sense of  
25 great bodily injury.

26 More importantly, for terms of our argument, we're  
27 concerned about Josh's mental state when he gets to the  
28 hospital, his ability to communicate, his ability to answer

1 questions, and it is going to be our position that a young man  
2 who is surrounded by strangers in the morning. three white men,  
3 three Mexican men, whose in shock, his wounds aren't bleeding,  
4 they can't find a pulse on him. they're putting the anti-shock  
5 trousers on him, what he may say in the form of blinking his eye  
6 and nodding his head is going to be inherently suspect as to  
7 whether or not he was communicating to anybody that there were  
8 three white men in the house attacking his parents. That's the  
9 facts we're establishing.

10 THE COURT: Okay, Mr. Negus, go ahead and go into it as  
11 you deem necessary. But I just urge both of you, this case is  
12 horribly long enough as it is without -- don't pull in  
13 extraneous matters that are not necessary.

14 MR. NEGUS: I'm reasonably sure that the prosecution are  
15 not pulling in stuff that they don't feel is necessary, and I  
16 assure you that I am not. But there is some things -- one basic  
17 thing, you know, just as long as we're talking informally, we  
18 are trying to put ourselves in the position of the jurors. None  
19 of these people have even been to San Bernardino County, they --  
20 certainly none of them have ever lived in or even know what the  
21 west end is. There is a lot of things that they don't know.  
22 They also have not sat through seven or eight months of  
23 testimony.

24 THE COURT: I understand that.

25 MR. NEGUS: So, a lot of the length of what we're doing  
26 is -- you know, obviously Mr. Kottmeier and Mr. Kochis do the  
27 same thing. At times there's a certain dramatic emphasis like  
28 when they ask, well. at times did you have permission or the

1 rights of Mr. Cooper to take the right sock, or the left sock,  
2 the underwear. the trousers, all of that kind of stuff. that's  
3 obviously done for perhaps dramatic emphasis.

4 As to familiarization. Most of what I think is  
5 done is familiarization. We're not trying to drag it out, I  
6 assure you.

7 MR. KOTTMEIER: One problem that may come up this  
8 afternoon, your Honor, is based upon exhibits that I've seen  
9 marked, I think Mr. Negus is going to introduce an alarming  
10 number of photographs relative to the crime scene as well as the  
11 victims.

12 THE COURT: With Mr. Duffy?

13 MR. KOTTMEIER: Yes. My concern is that I felt limited  
14 during our pretrial hearings in regard to specific victim  
15 photographs and have spent considerable time to avoid the  
16 necessity of using victim photographs with Dr. Root. Now all of  
17 the sudden my worst fear is being realized, that in effect the  
18 defense is coming in and introducing a legend of photographs  
19 that I wasn't given the permission of the court to utilize in  
20 the pretrial motion.

21 MR. NEGUS: Mr. Kottmeier is incorrect about that. I  
22 pointed him out to the pages in the transcript where we  
23 discussed that last summer. That is the last rendition of what  
24 happened. I objected to sixteen by twenty photographs of the  
25 crime scene. anything bigger than eight by ten. You sustained  
26 that with certain limitations. That is the ones we have in  
27 there that were marked with a number at that point in time.

28 We also objected to photographs of the autopsy, and

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1 I think those were, that objection was sustained.

2 But, at the time it was explicitly stated that  
3 photos of the crime scene would be coming in, and there was --  
4 Mr. Kottmeier was not misled, if he read his transcript, because  
5 that's not at all -- I never objected to any photograph he  
6 wanted to introduce of the crime scene as long as it wasn't  
7 bigger than eight by ten.

8 MR. KOTTMEIER: I think that the gist of the objection  
9 was that the photograph showing the wounds and injuries to the  
10 victims specifically. I offered the Court six photographs of  
11 the many photographs we had available of the autopsy in three by  
12 five size. They were all excluded. I offered specifically a  
13 reason as to why I wanted to introduce those photographs, the  
14 kind of injuries they depicted, the uniqueness of the injuries  
15 and inability of Dr. Root to articulate verbally, in an  
16 effective fashion, the specifics of the injuries that the  
17 photographs showed. All six of those were excluded.

18 Virtually every photograph that we have of the  
19 victims that are being moved, in the later numbers that Mr.  
20 Negus is utilizing, are much more dramatic, prejudicial.

21 THE COURT: We haven't called Dr. Root yet. If the only  
22 concern then is nothing larger than eight by ten, I can simply  
23 retrace our steps here and say go ahead.

24 MR. NEGUS: Well. no. If you guys would just -- if we  
25 could -- I can have them on Monday. I can give you the precise  
26 pages. I don't bring all the transcripts with me everyday, and  
27 I'm -- Mr. Kottmeier should read that again because that isn't  
28 what was said.

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1                   Specifically with respect to crime scene photos I  
2    had no objection to any crime scene photo that was smaller than  
3    eight by ten. You made an exception for the ones that were  
4    bigger and I haven't begrudged about them. You made your ruling  
5    so I'm stuck with it. I haven't tried to get you out of that.

6                   The one thing that we did on the autopsy  
7    photographs, where the the wounds are all cleaned off and like  
8    that, what the Court's ruling was was that unless there was a  
9    bone of contention, that is, the nature of the injuries was  
10   disputed, that the autopsy photographs wouldn't come in.

11                  Now, there was a reservation made if there became a  
12   disputed issue as to the nature of wounds, according to Dr.  
13   Root's testimony, or, you know, it became an issue as to that as  
14   far as the pathological testimony, then either side could  
15   request at that time specifically to introduce the photographs.  
16   I think that still --

17                  THE COURT: Let's save it until Monday. If you want to  
18   go ahead with Mr. Duffy and have him authenticate pictures,  
19   refer to it by number, do not show them to the jurors, The  
20   pictures in issue may never get to the jury. Mr. Kottmeier,  
21   let's read the transcript precisely.

22                  MR. NEGUS: I may point out, it is also hard to deal with  
23   opposing counsel because you tell one one thing, one, the other.  
24   and the other doesn't know about it and objects.

25                  I told Mr. Kochis, at least whose handling this  
26   particular part of the case, what my purpose was in going  
27   through all those pictures and I was going to show them to him  
28   in great big bunches and we have them even identified in the

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1 minutes now just by I.D. No. from the laboratory.

2 I was going to have him testify that, yeah. on June  
3 the 5th I took those photos and I wanted to do that because  
4 there is no way to anticipate during the course of the trial  
5 which ones of those photographs will become relevant as a basis  
6 for expert opinion or during --

7 THE COURT: That is consistent with what I suggested  
8 then.

9 MR. NEGUS: I'm just telling you for that, it is a little  
10 upsetting when the prosecution's right hand doesn't know what  
11 the left hand is doing.

12 MR. KOTTMEIER: I object if we're going to get personal.

13 THE COURT: I suspected you would.

14 MR. KOTTMEIER: We have, at least as far as I have  
15 counted this far, six photographs of Peggy Ryen with the pubic  
16 area exposed that are being offered at this point in time. I'm  
17 just trying to avoid a major war in front of the jury if Mr.  
18 Negus should try and introduce them. I do not take my que from  
19 Mr. Negus, I take my que from the way the Court addresses the  
20 approach. What he argues may affect the Court, but I take the  
21 rulings as given by the Court, not from what he's suggesting.

22 THE COURT: Is it okay if we do it the way I suggest?

23 MR. KOTTMEIER: Yes, your Honor.

24 THE COURT: Let's do it that way.

25 Are we going to conclude with Duffy?

26 MR. KOCHIS: I will -- we will start with him. I am  
27 going to be done with direct today. I have got 16 sixteen by  
28 twenty's, and 10 or 11 eight by ten's, some prints, and I will

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1 rest and I will sit down. That will take a half hour, 45  
2 minutes.

3 THE COURT: Whose on the stand now?

4 MR. KOCHIS: Guerrero.

5 THE COURT: Let's go back outside.

6 MR. NEGUS: Can I have three minutes? We have been  
7 marking exhibits all lunch and the clerk gave up her whole lunch  
8 hour.

9 (Chambers conference concluded)

10

11 THE COURT: All right, Mr. Negus, go ahead.

12

13 RUBEN RAYMOND GUERRERO.

14 The witness on stand at the recess, resumed the stand and  
15 testified further as follows:

16

17 CROSS EXAMINATION (Resumed)

18 BY MR. NEGUS:

19 Q. Mr. Guerrero, showing you Exhibit 223. the  
20 photograph that Mr. Kochis showed you earlier of the bed.  
21 Taking the blue Sharpie, could you mark the area where the  
22 sheets or blanket were that you moved.

23 A. I believe they were in this area of the bed right  
24 through here.

25 Q. You put a blue "X" down at the area where they  
26 were?

27 A. Yes.

28 Q. And your purpose in moving those was so that you

1 would have room to work on the floor; is that right?

2 A. Yes.

3 Q. The sheets that you moved, were they bloody?

4 A. I can't recall.

5 Q. Directing your attention to the chart behind you on  
6 the board.

7 Could you -- the people whose names that you  
8 remember who were inside the Ryen crime scene, including yours,  
9 who don't already appear on this chart. could you put those on  
10 the chart. There's a black -- there was a black --

11 A. This one?

12 MR. NEGUS: Okay. That would be spelled S-e-a-b-e-r-t?

13 THE WITNESS: (Witness complied).

14 THE COURT: That's the way it is listed on the witness  
15 list.

16 MR. NEGUS: Thank you.

17 Q. There is James. Those are people that you  
18 remembered.

19 And let's see. Mr. -- Mr. Barker -- did Mr. Sexton  
20 actually enter the bedroom?

21 A. Yes.

22 Q. Mr. Sexton and James all entered at the same time  
23 that you did; is that right?

24 A. Yes.

25 Q. Is that -- did you enter within just a few moments  
26 of arriving at the scene?

27 A. Yes.

28 Q. Would that be approximately say four minutes after

016877



1 1:00?

2 A. I'm not sure of the time. It was three to four  
3 minutes after we arrived.

4 Q. Okay. Then could you put, for all of you, 6-5 and  
5 circa 1305 as the time you entered the bedroom.

6 A. 1335?

7 Q. You arrived at 1302; is that correct? So it would  
8 be approximately 1305. Put a little "c" before, if you would,  
9 to indicate approximately for the four of you that entered  
10 together or the five of you, if it was five, whoever entered at  
11 the same time you did.

12 A. These others were right here. (Witness compleid).

13 Q. The ones that are already there, you can -- you  
14 don't have to -- Mr. Sexton as well.

15 A. Mr. Sexton didn't enter exactly at the same time,  
16 at the same time. He was reparking the unit.

17 Q. So he came in what, two or three minutes after  
18 that? Could you put him the same date and approximately 1308.

19 Just for the ones -- Mr. Lungdren, Mr. Hauser and  
20 Mr. Castenada all were inside when you arrived in the master  
21 bedroom?

22 A. Castenada and Captain Aguayo were in the bedroom.  
23 Hauser was going out to meet us.

24 Q. You don't know whether he was in there before; is  
25 that right?

26 A. I believe they were coming out of the room when we  
27 arrived.

28 Q. Then could you just put 6-5 for those three people

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1 to indicate they were in there sometime before you were.

2 And did any, any of the people who were  
3 firefighters, or paramedics, or the nurse, did you see any of  
4 them go to any portion of the house other than the master  
5 bedroom, the master bathroom or the hall area near Jessica?

6 A. No.

7 Q. Did all of them go on the patio outside the master  
8 bedroom?

9 A. They all came through the patio area.

10 Q. Because they all crossed over --

11 A. Yes.

12 Q. From there could you put check marks all the way  
13 down for all these people where it says "Patio Outside Master  
14 Bedroom."

15 Okay. And those, those are the only people then  
16 whose identities you knew who were at the Ryen crime scene on  
17 this particular date; is that right?

18 A. Yes.

19 Q. Except for Josh. You can be seated again. Thank  
20 you.

21 Did you give Josh any drugs?

22 A. No.

23 Q. Was the -- was the M.A.S.T. suit put on Josh at  
24 nineteen minutes after 1:00?

25 A. As recorded here, yes.

26 Q. And did you indicate to Mr. Sexton when you were  
27 putting on the M.A.S.T. suit that in fact it had been done?

28 A. I believe I may have. I can't recall if I exactly

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1 told him.

2 Q. Did -- when you first started treating Josh, had he  
3 become covered with feces as he laid there after the attack?

4 A. Yes.

5 Q. Were you the person that cleaned him off or was one  
6 of the other persons?

7 A. Paramedic Barker and myself cleaned him off.

8 Q. Did either of you wipe your hands on the sheets of  
9 the bed after you had cleaned him?

10 A. I can't recall.

11 Q. Showing you -- I would like to have marked as next  
12 in order a sixteen by twenty photograph of the dresser or the  
13 dresser and bed area of the Ryen bedroom.

14 Showing you a photograph that will be marked as  
15 Exhibit 482. Were you ever working in the area to the side of  
16 the bed which is depicted in that particular photograph?

17 Do you recognize where you are in the room?

18 A. No, not entirely.

19 Q. I am trying to orient you.

20 Do you remember that right near where the sliding  
21 glass doors were there was a chest between the small portion of  
22 the wall and the waterbed or dresser such as is depicted in this  
23 482 photograph?

24 A. Um, I don't recall the actual dresser. I do, now  
25 seeing the drawing there, recall; I am orientated now to where  
26 the dresser is.

27 Q. Then in this area of the room right next to the, to  
28 the side of the bed which is closest to the sliding glass doors,

1 were you ever working in that particular area while you were  
2 working on Josh. cleaning him?

3 A. No. I did not work in that area of the EMT's and  
4 MICN's. They were standing at the head of Josh there with most  
5 of the equipment.

6 Q. So, the EMT's would be, in that particular case,  
7 James and that would have been Karen Seabert, those two.

8 A. Yes.

9 Q. Could you put just "JA" for James and Karen Seabert  
10 where they were standing in black on Exhibit 6-D.

11 A. I can put the approximate area but not exactly  
12 where they were staying. Do you want "J"?

13 Q. "JA" and then "KS" for Karen.

14 A. (Witness complied)

15 Q. Could you put your initials "RG" for the spot where  
16 you were working. And "PB" for where Mr. Barker was working.

17 Are those the four of you that were working  
18 administering giving aid to Josh, while you were the paramedic  
19 in charge after you came and took over from Mr. Castenada?

20 A. They were doing -- actually treating with Mr.  
21 Barker and myself. The people in this area were just handing us  
22 the equipment.

23 Q. Those were the four people that -- are those the  
24 two people who were assisting you then?

25 A. Yes.

26 Q. While you were actually working on Josh other  
27 people were going to the vehicle and fetching things and  
28 bringing things out?

016881

- 1           A.     The firefighters would go back and get more  
2 equipment.
- 3           Q.     Did you see any civilians in the area when you  
4 arrived?
- 5           A.     All I can recall is that there was a civilian with  
6 a baseball cap, but I didn't see a face.
- 7           Q.     Okay. Do you remember where that person was?
- 8           A.     He was outside of the room.
- 9           Q.     In the patio area?
- 10          A.     In the approximate area of the patio.
- 11          Q.     As you arrived, did you see a deputy in uniform who  
12 was not the guy with -- the striped sergeant outside the front  
13 door to the house appearing pale and shaken?
- 14          A.     Yes.
- 15          Q.     And he was a deputy Sheriff?
- 16          A.     Yes. His uniform appeared to be Sheriff's uniform.
- 17          Q.     Was he sort of leaning against the wall?
- 18          A.     Yes.
- 19          Q.     Was he sick to his stomach?
- 20          A.     I didn't actually see him vomit. He appeared to be  
21 bent over as though he had become sick to his stomach.
- 22          Q.     The fire truck that Captain Aguayo and his people  
23 were in, did that have the designation of Unit 1632?
- 24          A.     Yes.
- 25          Q.     Do you know how much oxygen was given to Josh?
- 26          A.     No. We had a mask on him so we were giving him  
27 approximately ten liters a minute to him.
- 28          Q.     That is a substantial amount?

016882

1 A. Yes.

2 Q. Did he appear to revive more after you gave him  
3 that?

4 A. No.

5 Q. While you were -- while you were with Josh, did  
6 Josh appear to be conscious and alert even though he couldn't  
7 speak?

8 A. No.

9 Q. Before coming here to testify today, have you  
10 discussed the issue of Josh's level of consciousness with the  
11 prosecutors?

12 A. Yes.

13 Q. And prior to that, back at the end of August of  
14 1983, did you discuss with Ron Forbush, a private investigator  
15 working for the defense in this particular case, Josh's level of  
16 consciousness?

17 A. I believe we did.

18 Q. Do you remember telling Mr. Forbush at that point  
19 in time that Josh was alert and conscious but he couldn't speak?

20 A. I don't recall exactly saying he was alert.

21 As far as conscious and unable to speak, only what  
22 I remember now. I don't remember I was saying he was alert.

23 Q. Did Mr. Forbush tape record that conversation.

24 A. Yes.

25 MR. NEGUS. Thank you. I have nothing further.

26

27

REDIRECT EXAMINATION

28 BY MR. KOCHIS:

016003

1 Q. Mr. Guerrero, what type of shoes were you wearing  
2 when you went in the house to treat Josh?

3 A. We were wearing Chippewa safety boots.

4 Q. Do they have a pattern on the bottom of them?

5 A. Um, a type of pattern.

6 Q. Do you recall what type of pattern was on the  
7 bottom of your shoes?

8 A. It was just a nonslip type of shoe. it wasn't a  
9 cleated shoe.

10 Q. You weren't wearing tennis shoes, were you?

11 A. No.

12 Q. Did the shoes you wore into the home have a sole  
13 pattern on them that was like Exhibit 38-A?

14 A. No.

15 Q. Could you join me at the diagram for a moment and  
16 on 6-D, could you draw a rectangle that would indicate on the  
17 diagram the approximate location of the box that you brought  
18 into the home, the Ryen, home to assist you in treating Josh  
19 Ryen.

20 A. My drug box?

21 Q. Yes.

22 A. Um. I believe initially when I stopped I placed it  
23 here. I brought it over to my side to get better access to it.

24 Q. Can you put a rectangle with the No. "1" that would  
25 indicate where you first set the box down, approximately.

26 A. On round this area. around this area where Mr.  
27 Barker was.

28 Q. And then did they move it?

016884

1 A. Yes; yes.

2 Q. Could you indicate with a rectangle on No. 2 where  
3 you moved it to?

4 A. Approximately this area.

5 Q. Thank you. You can sit down again, if you will.

6 What was the purpose for which the M.A.S.T. pants  
7 were placed on Josh?

8 A. He was giving all indications of being in shock,  
9 and we use the anti-shock trousers in order to get any blood  
10 that's pulled to the lower extremities up to the vital organs.

11 Q. I believe I interrupted you this morning when you  
12 were describing the injuries that you saw on Josh Ryen.

13 Briefly could you tell the jury what type of  
14 visible injuries you saw to Josh while you treated him?

15 A. Initially the very first injury I saw, that was to  
16 his anterior chest just below the chest. upper chest.

17 Next one I noticed one to his left side partly  
18 severing his ear; also one to his back and one to the top of his  
19 head.

20 Q. Directing your attention first of all to an exhibit  
21 we've marked for identification as Exhibit 479, does that  
22 photograph appear to reflect the approximate location of the  
23 first injury you've just described to the jury, the injury below  
24 Josh Ryen's neck --

25 A. Yes.

26 Q. -- that you saw?

27 Does the injury in the photograph appear different  
28 than the way the wound looked when you saw it?

016885



1 A. Yes. It appeared to be when I saw it more open.

2 Q. Have you had a chance to look at that photograph  
3 close up?

4 A. Yes.

5 Q. And does there appear to be some evidence that Josh  
6 received some medical attention before that photograph was  
7 taken?

8 A. Yes. It seems to have sutures in it in the lower  
9 part.

10 Q. Directing your attention to a photograph which has  
11 been marked for identification as Exhibit 480, does that  
12 photograph appear to depict the approximate location of the  
13 injury you saw to the back neck area of Joshua Ryen that  
14 extended over on to his ear?

15 A. Yes.

16 Q. And have you had a chance to examine that injury --  
17 that photograph, excuse me, close up before your testimony  
18 today?

19 A. Yes.

20 Q. Directing your attention to a photograph which has  
21 been marked for identification as Exhibit 481, does that  
22 photograph appear to accurately depict the approximate location  
23 of the injury to Josh Ruen's back that you observed when you  
24 treated him on that Sunday?

25 A. Yes.

26 Q. Finally. directing your attention to an exhibit  
27 that has been marked for identification as Exhibit 478, does  
28 that photograph appear to accurately depict the approximate

1 location of the injury to Josh Ruen's head that you saw when you  
2 treated him on that Sunday?

3 A. Yes.

4 Q. What type of injury did you see on the top of his  
5 head?

6 A. I saw an open wound on the top of his head.

7 MR. KOCHIS: Your Honor, could the record reflect that on  
8 Exhibit 217-A, which Mr. Guerrero has previously used to testify  
9 as a reference point, I'm going to trace in over the outline of  
10 the doorway?

11 Q. Was Josh at one point hooked up to an EKG machine?

12 A. Yes.

13 Q. And is that -- are the readings you receive from  
14 that often used to estimate a person's pulse?

15 A. Yes, when we can't obtain one by palpating.

16 Q. Do you know whether or not you used that device,  
17 the EKG, and it's result to estimate Josh's pulse when he was  
18 treated on that Sunday?

19 A. Yes.

20 Q. Did you?

21 A. We used the EKG.

22 MR. KOCHIS: I have nothing further.

23 MR. NEGUS: Nothing further.

24 THE COURT: Thank you, Mr. Guerrero.

25 MR. KOCHIS: Gale Duffy.

26 I need Sergeant Arthur to rearrange the plastic.

27 THE COURT: He was previously of previously sworn, was he  
28 not?

016887

1 THE CLERK: I don't believe so, your Honor.

2 THE COURT: I believe you were sworn once before weren't  
3 you, Mr. Duffy, in this Court?

4 THE WITNESS: Yes.

5 THE COURT: Just have a seat and state your name for the  
6 record again.

7 State your name, sir.

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

9 THE COURT: You are still under oath to tell the truth.

10

11 GALE DEWEY DUFFY,  
12 called as a witness on behalf of the Poeples, having been  
13 previously duly sworn, testified as follows:

14

15 FURTHER REDIRECT EXAMINATION

16 BY MR. KOCHIS:

17 Q. Mr. Duffy, on Sunday, June the 5th of 1983, were  
18 you called to respond to a residence located at 2943 Old English  
19 Road?

20 A. Yes, sir, I was.

21 Q. And did you later learn that that had been the home  
22 of Doug and Peggy Ryen?

23 A. Yes, sir.

24 Q. Do you recall about what time you got to the  
25 residence?

26 A. At 1407 hours.

27 Q. For us civilians, what time are you talking about?

28 A. 2:07 p.m.

1 Q. To get to the residence did you have to pass any  
2 road blocks..  
3 A. Yes. sir, I did.  
4 Q. How many?  
5 A. One.  
6 Q. Where was the road block?  
7 A. It was at the corner of English Road and Peyton, I  
8 believe?  
9 Q. And do you know were there Sheriff's Deputies  
10 manning that road block?  
11 A. Yes, sir. it was.  
12 Q. When you got to the Ryen home did you contact  
13 anybody?  
14 A. Yes, sir. I did.  
15 Q. Who was that?  
16 A. My initial contact was Detective Tim Wilson.  
17 Sheriff's Homicide Division. My secondary contact was Sergeant  
18 Bill Arthur. Homicide Division.  
19 Q. After you talked to Sergeant Arthur did you enter  
20 the Ryen home?  
21 A. Yes, sir, I did.  
22 Q. When you entered the first time did you have any  
23 equipment with you?  
24 A. No, sir.  
25 Q. Did you do what is called a walk-through of the  
26 home with Sergeant Arthur when you first entered?  
27 A. Yes, sir. I did.  
28 Q. Was there anyone with you other than yourself and

016889

1 Sergeant Arthur?

2 A. No, sir.

3 Q. How long did that walk-through take?

4 A. Approximately 15 minutes.

5 Q. Did you walk more or less the route of the Ryen  
6 home?

7 A. Yes, I did.

8 Q. And is there a purpose for taking that type of  
9 walk-through?

10 A. To get an overall aspect of the residence and  
11 determine exact areas where the crime occurred.

12 Q. After that walk-through did you leave the Ryen  
13 home?

14 A. Yes, sir. I did.

15 Q. Did you go to your car?

16 A. Yes, I did.

17 Q. Was that to get some equipment?

18 A. Yes, it was.

19 Q. What did you remove from your car?

20 A. My camera kit and latent fingerprint kit.

21 Q. Did you then re-enter the home to start processing  
22 that particular scene?

23 A. Yes, sir. I did.

24 Q. Directing your attention to a diagram which we've  
25 placed on the board which we've marked for identification as  
26 Exhibit 6, over which we have placed a piece of clear plastic,  
27 which for the record we've marked as 6-E; do you recognize what  
28 the diagram is a floor plan of?

016890

1 A. Yes, sir, I do.

2 Q. What is it a floor plan of?

3 A. The Ryen residence.

4 Q. Does it appear to accurately depict the

5 relationships of the various rooms within the Ryen home?

6 A. Yes, sir it does.

7 MR. KOCHIS: Your Honor. could the record reflect that on

8 Exhibit 6-E I'm going to place "G. Duffy" for Mr. Duffy's name,

9 "11-15-84" for today's date and "Ryen home".

10 Q. Mr. Duffy, could you step to the diagram, and

11 perhaps to assist the jurors who have never been to the home, to

12 orient them, was there a concrete patio slab outside the master

13 bedroom itself?

14 A. Yes, sir, there was.

15 Q. Do you see that on the diagram?

16 A. Would be right here.

17 Q. Can you perhaps put "patio" in that approximate

18 area?

19 A. (Witness complied.)

20 Q. And did this appear to be a spa or a jacuzzi in the

21 area of the patio?

22 A. Yes.

23 Q. Could you place the word "spa" inside that as well?

24 A. (Witness complied.)

25 Q. Could you indicate then starting with the master

26 bedroom, perhaps in the corner of that room, just "MBR" for

27 master bedroom of the room that is the master bedroom?

28 A. (Witness complied.)

016891

1 Q. Directing your attention to a room that appears to  
2 be located adjacent to that room that I'm going to point to for  
3 the record, did you enter that room?

4 A. Yes, sir, I did.

5 Q. Did it appear to be a room in which clothes were  
6 washed?

7 A. Yes, sir.

8 Q. Could you perhaps put "LR" for laundry room?

9 A. (Witness complied.)

10 Q. Moving then clockwise around the home, the next  
11 room that appears on the diagram, did you enter that room as  
12 well?

13 A. Yes, sir, I did.

14 Q. What type of room did it appear to be?

15 A. It was a girl's room, Jessica Ryen's.

16 Q. Did it an appear to be Jessica's bedroom?

17 A. Yes, sir.

18 Q. Perhaps could you put "JBR" for Jessica's bedroom?

19 A. (Witness complied.)

20 Q. Did you enter. as we continue clockwise around the  
21 diagram, the next room on the diagram?

22 A. Yes, sir, I did.

23 Q. Did it likewise appear to be a bedroom?

24 A. Yes, sir.

25 Q. Were you able to determine who had occupied the  
26 room at one time or whose room it was?

27 A. Joshua Ryen's room.

28 Q. Could you simply put "Josh" inside that room?

015892

1 A. (Witness complied.)  
2 Q. The room located on the other side of Josh's  
3 bedroom, was that a bathroom?  
4 A. Yes, it was.  
5 Q. Can you simply put "Bath" inside that room?  
6 A. (Witness complied.)  
7 Q. Do you recall which room was located next to the  
8 bathroom on the other side of Joshua's room?  
9 A. The kitchen.  
10 Q. Can you perhaps put a "K-i-t" for kitchen?  
11 A. (Witness complied.)  
12 Q. And the room that appears to have a table in it on  
13 the diagram was which room?  
14 A. The dining room.  
15 Q. Then adjacent to the dining room, or moving away  
16 from that was there another area?  
17 A. Yes, the den of the residence and the living room.  
18 Q. Can you put "L-i-v" for living room?  
19 A. (Witness complied.)  
20 Q. Directing your attention to an area in the middle  
21 of the home, did that appear to be a particular type room?  
22 A. A den type room.  
23 Q. Can you place "Den" inside there?  
24 A. (Witness complied.)  
25 Q. And did you -- could you -- excuse me -- perhaps  
26 put "M B-a-t-h" for master bath that would indicate to the jury  
27 where that room is located in the Ryen home?  
28 A. (Witness complied.)

016893



1 Q. Could you then with a dotted line to the best of  
2 your ability trace your path for the jury through the home that  
3 you took with Sergeant Arthur?

4 A. (Witness complied.)

5 Q. Did you take pictures outside the house as well as  
6 inside the house?

7 A. Yes, sir. I did.

8 Q. Was your attention at some point during the day,  
9 and perhaps could I get you to stand over by the flag so the  
10 jury can see. did anyone direct your attention to what appeared  
11 to be the cover of the spa during your processing of the home?

12 A. Yes, sir. they did.

13 Q. Do you recall who that was?

14 A. Detective O'Campo, Sheriff's Homicide.

15 Q. Did you then as a result of some contact with Mr.  
16 O'Campo look at the spa yourself?

17 A. Yes, sir. I did.

18 Q. And did you see something on the spa that caught  
19 your attention?

20 A. Yes, sir.

21 Q. What did you see?

22 A. Appeared to be a partial sole impression in the top  
23 of the spa.

24 Q. Did you do anything to record it?

25 A. I photographed it with a ruler.

26 Q. Directing your attention to what has been marked  
27 for identification as Exhibit 179; do you recognize that  
28 particular picture?

016894

1 A. Yes, sir, I do.

2 Q. Could you circle on the photograph itself with the  
3 black pen on the picture the area on the photograph that shows  
4 you where the impression was when you say it?

5 A. On the photograph itself?

6 Q. On the photograph first.

7 Q. What type of pattern do you recall seeing at that  
8 location?

9 A. A tennis shoe type pattern.

10 Q. And could you also indicate with a circle, an  
11 arrow, and the No. "179" on the clear plastic the approximate  
12 location you were at when you took the picture?

13 A. (Witness complied.)

14 Q. Do you remember what time on that Sunday on June  
15 the 5th it was when you took the picture?

16 A. It was the evening hours. It was before dark but  
17 just when the sun was going down.

18 Q. Did you see any other footwear impression on the  
19 spa cover when you took the picture?

20 A. No, sir. I did not.

21 Q. At some later point in time did you see other  
22 footwear impressions on the spa cover?

23 A. Yes, sir, after everybody was walking around.

24 Q. Directing your attention to Exhibit 178. which  
25 appears to be a sixteen by twenty color photograph, is that in  
26 fact an enlargement of the photograph you've just drawn on?

27 A. Yes, it is.

28 Q. And does that depict the same area of the spa that

0168955

1 you photographed?

2 A. Yes.

3 Q. And do you see on this photograph the approximate  
4 area, this photograph being 178, at which you saw the footwear  
5 impression?

6 A. Yes, I do.

7 Q. Can you on the photograph as well indicate that  
8 with a black grease pen?

9 A. (Witness complied.)

10 Q. Directing your attention to Exhibit 185, which  
11 appears to be an eight by ten color photograph, do you recognize  
12 what that is a picture of?

13 A. Yes, sir. I do.

14 Q. And could you tell the jury what it is a picture  
15 of?

16 A. It's the exterior side of the residence above this  
17 area right here.

18 Q. Could you indicate with the number, a circle, and  
19 an arrow the approximate location at which you took that  
20 particular picture?

21 A. What number was it?

22 Q. I believe the number is 185 And is it in fact a  
23 photograph of what you later learned to be the kitchen door to  
24 the Ryen home?

25 A. Yes, sir.

26 Q. Directing your attention to Exhibit 184. is this a  
27 picture that you took?

28 A. Yes, sir. it is.

016896

1 Q. And what portion of the Ryen home is it a picture  
2 of?

3 A. The front entry door of the residence.

4 Q. Can you indicate with a 184, a circle, and an arrow  
5 the approximate location you were at when you took that picture?

6 A. (Witness complied.)

7 Q. Directing your attention to an exhibit which we've  
8 marked for identification as Exhibit 186, is this likewise a  
9 photograph of the Ryen home?

10 A. Yes, it is.

11 Q. Can you indicate with a 186, a circle, and an arrow  
12 the approximate location you were at when you took that picture?

13 A. (Witness complied.)

14 Q. And if you have to move a photograph --

15 And what portion of the outside of the house was  
16 that a photograph of?

17 A. This area next to the garage between the residence  
18 like a car walk or walk-through area. It would be the west  
19 side.

20 Q. Directing your attention to Exhibit 182, is this a  
21 picture that you took?

22 A. Yes, sir. it is.

23 Q. And can you indicate with a circle and an arrow  
24 using 182 the approximate position you would have been at to  
25 take that particular photograph?

26 A. (Witness complied.)

27 Q. And which portion of the house was that a picture  
28 of?

016897

1 A. I stand corrected. That's over here.  
2 Q. Could you just draw a single line through that 182.  
3 Is that a picture, in fact, of looking into the  
4 living room of the Ryen home?  
5 A. Yes, sir, it is.  
6 Q. I hate to get picky. Mr. Duffy, but the photograph  
7 itself, are you more or less looking almost straight on to the  
8 two sliding glass doors to the Ryen living room?  
9 A. I'm at an angle from it, would be more or less like  
10 over in here. but you don't have it.  
11 Q. Okay. Exhibit 183, is that a picture that you took  
12 of the Ryen scene?  
13 A. Yes, sir, it is.  
14 Q. Both 182 and 183. were those taken after the piece  
15 of yellow tape which appears in both photographs was placed at  
16 the location?  
17 A. Yes, sir.  
18 Q. Could you indicate with the 183, a circle, and an  
19 arrow approximately where you were when you took that picture?  
20 A. (Witness complied.)  
21 Q. Directing your attention to an exhibit which we  
22 have marked for identification as Exhibit 187; is that likewise  
23 a picture that was taken by yourself?  
24 A. Yes, sir. it is.  
25 Q. Does that appear to have been taken from inside the  
26 Ryen residence?  
27 A. Yes, it is.  
28 Q. And can you indicate with the number. which I

1 believe was 187, a circle and an arrow the approximate position  
2 you were at in the home when you took the picture?

3 A. (Witness complied.)

4 Q. When you took the photograph, was the bedding --  
5 had you noticed that bedding in the photograph prior to the time  
6 you took the picture?

7 A. No, sir.

8 Q. And does the picture also reflect one of the dogs  
9 that was in the Ryen home?

10 A. Yes, sir.

11 Q. Directing your attention to an exhibit which we  
12 have marked for identification as 189, do you recognize that  
13 picture?

14 A. Yes, sir. I do.

15 Q. Is it a picture that you took?

16 A. Yes, sir. it is.

17 Q. In which room of the Ryen home?

18 A. The master bedroom.

19 Q. Was the telephone in that position when you took  
20 the picture?

21 A. Yes, sir. it was.

22 Q. And did this appear to you at that time to be a  
23 substance on the telephone that at least visually was consistent  
24 with blood?

25 A. Yes, sir.

26 Q. Can you indicate where you were when you took that  
27 particular photograph?

28 A. 198? (Witness complied.)

016899

- 1 Q. 189.  
2 Directing your attention to the next exhibit in  
3 order, Exhibit 190, is that another of the photographs you took  
4 inside the Ryen home?  
5 A. Yes, sir, it is, master bedroom.  
6 Q. Can you indicate with a 190. a circle and an arrow  
7 approximately where you were in the home when you took that  
8 picture?  
9 A. (Witness complied.)  
10 Q. Does Exhibit 205 appear to be a photograph that you  
11 took inside the Ryen home?  
12 A. Yes, sir, it was.  
13 Q. Was that a picture that you took of Jessica as she  
14 appeared in the hallway?  
15 A. Yes, sir.  
16 Q. Could you indicate with a 205 your position in the  
17 room when you took the picture?  
18 A. (Witness complied.)  
19 Q. Was 205 actually taken from inside the Ryen master  
20 bedroom?  
21 A. Yes, sir. it was.  
22 Q. Facing the hallway? Were you facing the hallway  
23 when you --  
24 A. Yes, sir.  
25 Q. And then directing your attention to Exhibit 188.  
26 does that appear to be a photograph of Jessica that was taken  
27 from another direction?  
28 A. Yes, sir.

1 Q. Does that accurately reflect the way she appeared  
2 as you would proceed down the hallway?

3 A. Yes, sir.

4 Q. Can you indicate with 188. a circle and an arrow  
5 where you were when that photograph was taken.

6 A. (Witness complied.)

7 Q. Do you recognize what room is depicted in the  
8 photograph that's been marked for identification as Exhibit 202?

9 A. Yes, sir, I do.

10 Q. Which room was that?

11 A. The master bath off the master bedroom.

12 Q. Does the photograph accurately depict the way that  
13 room appeared when you took the photograph of it?

14 A. Yes, sir, it does.

15 Q. Can you indicate with 202. I believe, with a circle  
16 and an arrow the approximate position you were in when you took  
17 the picture?

18 A. (Witness complied.)

19 Q. Does Exhibit 203 appear to be a photograph that was  
20 taken of the sink inside that bathroom?

21 A. Yes, sir, it is.

22 Q. Was there more than one sink inside the bathroom?

23 A. Yes, sir.

24 Q. Can you indicate approximately where you were when  
25 you took that particular picture?

26 A. 203?

27 Q. Yes.

28 A. (Witness complied.)



1 Q. It's a picture of a sink that was next to the  
2 hallway as opposed to the sink that was next to the master  
3 bedroom?

4 A. Yes, sir.

5 Q. Mr. Duffy, showing you two photographs, which for  
6 identification have been marked as 192 and 193, do these appear  
7 to be photographs that were taken by you of the inside of the  
8 Ryen home?

9 A. Yes, sir. it is. It's the den area.

10 Q. Can you indicate with a 192 and a 193 approximately  
11 where you were when you took those photographs?

12 A. (Witness complied.)

13 Q. Did you likewise take pictures of the bedrooms that  
14 were occupied by Jessica and Chris?

15 A. Yes, sir. I did.

16 Q. Jessica and Josh.

17 Directing your attention to Exhibit 201. does that  
18 appear to be a picture that you took of one of the rooms -- one  
19 of the bedrooms inside the Ryen home?

20 A. Yes, sir. That's Jessica's bedroom.

21 Q. Would you indicate where you were when you took  
22 that photograph?

23 A. What is that?

24 Q. 201 I believe.

25 A. (Witness complied.)

26 Q. Directing your attention to 199, do you recognize  
27 which room that's a picture of?

28 A. Yes, sir. That's Christopher's -- Joshua's room.

0169022

1 Q. Can you indicate with an 199 and a circle the  
2 position you were in when you took that picture of Josh's room?

3 A. (Witness complied.)

4 Q. Exhibit 200. do you recognize which room that is a  
5 photograph of?

6 A. Yes, sir. I do. It's Joshua's.

7 Q. And can you also indicate with a 200 where you were  
8 when you took that picture?

9 A. (Witness complied.)

10 Q. Thus far the photographs that you took of the  
11 inside of the Ryen master bedroom on that Sunday. do those  
12 picture all accurately reflect to the best of your knowledge the  
13 way the home appeared when you walked through it on that Sunday  
14 back in June?

15 A. Yes, sir. they do.

16 Q. Likewise. do the photographs that were taken of the  
17 exterior of the Ryen home on that Sunday appear to accurately  
18 reflect the way the grounds and the building appeared on that  
19 Sunday?

20 A. Yes, sir. it does.

21 Q. Did you take a picture of the second bathroom, or  
22 the non master bedroom bathroom in the Ryen home?

23 A. Yes, sir. I did.

24 Q. Is Exhibit 204 a picture of that area of the home?

25 A. Yes, sir, it is.

26 Q. Could you indicate with a 204 and a circle and an  
27 arrow where you were when you took that picture?

28 A. (Witness complied.)

1 Q. Did you take a photograph of the laundryroom of the  
2 Ryen home?

3 A. Yes, sir. I did.

4 Q. Directing your attention to Exhibit 194. does that  
5 appear to be a picture of that particular room?

6 A. Yes, sir. it is.

7 Q. Can you with a 194 and a circle and an arrow  
8 indicated where you were when you took that photograph?

9 A. (Witness complied.)

10 Q. Were you requested to take a picture of what  
11 appeared to be a somewhat isolated drop of blood in one of the  
12 hallways of the Ryen home?

13 A. Yes, sir. I was.

14 Q. Directing your attention to an exhibit which has  
15 been marked for identification as Exhibit 191. does that appear  
16 to be such a photograph?

17 A. Yes, sir, it is.

18 Q. Can you indicate for the jury with the No. 191, a  
19 circle and an arrow approximately where you were when you took  
20 that picture?

21 A. (Witness complied.)

22 Q. And perhaps. could you indicate with a different  
23 color. a red, the No. 41 and a circle that would indicate the  
24 approximate location of the number in the photograph?

25 A. (Witness complied.)

26 Q. And then was the drop of blood actually on the  
27 wall. on the plaster itself next to No. 41?

28 A. Yes, sir, it was.

016904

1 Q. Was that -- So the jury is not confused, was that  
2 No. 41 in the home when you first arrived?

3 A. No, sir.

4 Q. Is that a number that is often used by your  
5 department in conjunction with the crime lab to record the  
6 location of a piece of evidence at a crime scene?

7 A. Yes, sir, it is.

8 Q. And was that technique used in this case?

9 A. Yes; yes, it was.

10 Q. Did you take a picture of the kitchen of the Ryen  
11 home?

12 A. Yes, sir. I did.

13 Q. Directing your attention to Exhibit 195, does that  
14 appear to be such a photograph?

15 A. Yes, sir. it is.

16 Q. And does that picture reflect the condition of the  
17 Ryen kitchen when you were taking pictures on that Sunday?

18 A. Yes, sir. it does.

19 Q. Could you indicate with a 197 and a circle, again  
20 in black, indicate your location at the time you took the  
21 picture?

22 A. (Witness complied.)

23 Q. Did you take a photograph of a portion of the  
24 inside of that refrigerator?

25 A. Yes, sir. I did.

26 Q. Was there some items inside the refrigerator that  
27 caught your attention?

28 A. Yes, there was.

016905

1 Q. Do you recall what the item was?

2 A. It was a six-pack of beer with one missing.

3 Q. Was there anything about the six-pack of beer that

4 caused you would to want to photograph it?

5 A. It's a red substance on one of the cans I believe,

6 and a red substance on the inside of the refrigerator.

7 Q. Did it appear to you visually to be consistent with

8 blood?

9 A. Yes, sir it did.

10 Q. Directing your attention to Exhibit 195. does that

11 appear to be a photograph that you took of the inside of the

12 refrigerator in the Ryen home?

13 A. Yes, sir, it is.

14 Q. Can you indicate with that number where you were

15 when you took the picture and for the jury?

16 A. (Witness complied.)

17 Q. And for the jury, with the red pen, on the

18 photograph itself. on 195. can you circle the approximate areas

19 inside that refrigerator that you saw the reddish brown stains

20 that you've just testified to?

21 A. (Witness complied.)

22 Q. Can you tell from the picture which of the cans had

23 the beer (sic) stains on it?

24 A. It would be right here.

25 Q. And that appears to have bloodstains on it.

26 A. Yes, sir.

27 Q. Directing your attention to Exhibit 198; do you

28 recognize what portion of the Ryen home that's a picture of?

016906

- 1 A. Yes, sir. That's the dining room.
- 2 Q. And can you place a 198 on the diagram that would
- 3 indicate where you were when you took that picture?
- 4 A. (Witness complied.)
- 5 Q. Does 198 depict the condition of the dining room
- 6 when you arrived at the scene in the Ryen home?
- 7 A. Yes, sir, it does.
- 8 Q. Do all the photographs that were taken inside the
- 9 interior of the Ryen home accurately depict the condition of the
- 10 home when you arrived there. with the exception of the No. 41
- 11 that's in the one photograph?
- 12 A. Yes, sir. they do.
- 13 Q. Returning your attention to a moment to the beer
- 14 cans in photograph 195. to your knowledge were any of those cans
- 15 ever moved from the refrigerator?
- 16 A. Yes, sir.
- 17 Q. Do you know the person who did that?
- 18 A. Yes. sir. I did.
- 19 Q. Do you recall how many you took?
- 20 A. Five.
- 21 Q. How many are in the photograph?
- 22 A. Four; four.
- 23 Q. Was there another beer can that became an item of
- 24 evidence in this particular case?
- 25 A. Yes, sir. there was.
- 26 Q. Was that a can that you seized?
- 27 A. It was seized by or our division, yes.
- 28 Q. But not by yourself?

0169907

1 A. No. sir.

2 Q. The cans that are in the photograph, did you take  
3 all of those cans out of the refrigerator?

4 A. Yes, sir. I did.

5 Q. Do you recall which day you did that on?

6 A. June 6th. 1983.

7 Q. Not the Sunday you were there?

8 A. No, sir. It was the following day.

9 Q. Monday?

10 A. Yes, sir.

11 Q. Is there a reason you took the cans out of the  
12 refrigerator?

13 A. We were going to process it for latent prints;  
14 because of the condensation factor on the cans we took them back  
15 to our lab to have them dry out at room temperature.

16 Q. Where did you take those four cans?

17 A. Sheriff's Identification Division.

18 Q. Were you present at the Identification Bureau when  
19 a member of the crime lab appeared to take a sample of the stain  
20 off the one beer can?

21 A. No, sir. I wasn't.

22 Q. During the course of your processing on Sunday,  
23 June the 5th. did you likewise locate and lift certain  
24 fingerprints from inside that residence?

25 A. Yes, sir. I did.

26 MR. KOCHIS: Your Honor, this might be an appropriate  
27 time for recess and I can have him make the notations over the  
28 break.

1 THE COURT: All right, take the afternoon recess.

2 (Recess taken.)

3

4 THE COURT: Go ahead, counsel.

5

6 FURTHER REDIRECT EXAMINATION (Resumed)

7 BY MR. KOCHIS:

8 Q. Mr. Duffy, did you lift some latent fingerprints at  
9 the Ryen scene?

10 A. Yes, sir. I did.

11 Q. Approximately seven?

12 A. Yes, sir.

13 Q. And over the break did you place the approximate  
14 location of those prints on the clear plastic which we've marked  
15 as Exhibit 6-E?

16 A. Yes, sir. I did.

17 Q. Did you place a key over here for the jury which  
18 indicates that initial "D" indicates the approximate location at  
19 which you lifted latent prints?

20 A. Yes, sir.

21 Q. Did you number the prints that you lifted on the  
22 diagram as 1 through 7?

23 A. Yes, sir. I did.

24 Q. Did the numbers actually correspond to the sequence  
25 in which the prints were lifted?

26 A. No, sir.

27 Q. Did you on all seven prints, with the exception of  
28 D-3, place the time and date at which you made the lift?

0169999



1 A. Yes, sir. I did.

2 Q. On D-3. did you describe the object off of which

3 you actually lifted the latent?

4 A. Yes, sir.

5 Q. Do you still have the black grease pen?

6 Is Exhibit 173 a photograph which you took?

7 A. Yes, sir. it is.

8 Q. And can you indicate with a 173 and a circle where

9 you were when you took that particular picture.

10 A. Down in this corner.

11 Q. Would it actually be off the diagram?

12 A. Yes, sir.

13 Q. Can you indicate perhaps just with a 173 the

14 approximate location as far down the diagram as you can go.

15 A. (Witness complied).

16 Q. Was that a photograph that you took on June the

17 6th. June the 5th of 1983?

18 A. Yes, sir, it was.

19 Q. Directing your attention to Exhibit 482. sixteen by

20 twenty color photograph. Did you take that picture of the Ryen

21 master bedroom?

22 A. Yes, sir. I did.

23 Q. With a 482- can you indicate approximately where

24 you were when you took the picture.

25 A. (Witness complied).

26 Q. Directing your attention to Exhibit 217.

27 Is that a picture that you took inside the Ryen

28 master bedroom on Sunday, June the 5th, before the bodies of the

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1 victims were removed?

2 A. Yes, sir. it is.

3 Q. Can you indicate with a 217 where you were when you

4 took that photograph.

5 A. (Witness complied).

6 Q. Is Exhibit 177 a photograph that you took inside

7 the master bedroom?

8 A. Yes, sir, it is.

9 Q. Can you indicate with a 177 the circle and an arrow

10 where you were when you took that picture.

11 A. (Witness complied)

12 Q. Does this picture 177 accurately depict the

13 position of the bedding in the Ryen master bedroom when you

14 first entered it on that Sunday?

15 A. Yes, sir. it does.

16 Q. And directing your attention to a portion of the

17 bedding that I am pointing to with my finger.

18 Do you recall if that was the section, being at

19 that location when you entered the Ryen home?

20 A. Yes, sir, it was.

21 Q. Do you recognize Exhibit 175 as a photograph which

22 you took at the Ryen scene?

23 A. Yes, sir. it is.

24 Q. Can you indicate with a 175, circle and an arrow.

25 your approximate location when you took the picture?

26 A. (Witness complied).

27 Q. And does this photograph accurately depict the type

28 of injuries that you saw on Chris Hughes' head on that Sunday?

- 1           A.     Yes. sir, it is.
- 2           Q.     Do you recognize Exhibit 174 as a photograph which
- 3     you took on Sunday, June the 5th, prior to the time the bodies
- 4     were removed?
- 5           A.     Yes. sir, it is.
- 6           Q.     Can you indicate with a number. a circle and an
- 7     arrow where you were when you took it? I believe it was 174.
- 8           A.     (Witness complied).
- 9           Q.     Directing your attention to 176.
- 10                  Does that appear to be a photograph which you took
- 11     while you were inside the Ryen home on that Sunday?
- 12           A.     Yes, sir. it is.
- 13           Q.     Can you indicate with a 176 where you were when you
- 14     took that picture of Mr. Ryen.
- 15           A.     (Witness complied).
- 16           Q.     Does that photograph accurately depict the injuries
- 17     to Mr. Ryen's head as you observed them on that Sunday?
- 18           A.     Yes. sir, it does.
- 19           Q.     Directing your attention to some doors which appear
- 20     in the photograph. Was there a closet located in that area?
- 21           A.     Yes, sir. there is.
- 22           Q.     Do you -- did you have a chance to examine the
- 23     closets?
- 24           A.     Yes, sir.
- 25           Q.     Did you discover weapons inside the closet. or did
- 26     you see weapons inside the closet?
- 27           A.     I don't recall if -- yes, sir. there were.
- 28           Q.     What types of weapons are we talking about?

0169912

1 A. They were pistols, I believe one rifle.  
2 Q. Did any of those items have any blood on them?  
3 A. Not that I noticed, no.  
4 Q. Inside the closet where the handguns were located,  
5 did you also observe what you determined at some point to be  
6 part of Mr. Ryen's body?  
7 A. Yes, sir.  
8 Q. What part would that have been?  
9 A. There was a finger.  
10 Q. Directing your attention to Exhibit 216.  
11 Does that appear to be a photograph of Mr. Ryen  
12 taken by you in the Ryen master bedroom?  
13 A. Yes, sir, it is.  
14 Q. And can you indicate with a number 216 where you  
15 were when you took that picture.  
16 A. (Witness complied).  
17 Q. Does the photograph, this picture 216, show the  
18 closet that you have described to the jury in which you at some  
19 point saw some handguns?  
20 A. Yes, sir.  
21 Q. Does the photograph also depict the position of Mr.  
22 Ryen's severed finger that you saw in the closet?  
23 A. Yes, sir it does.  
24 Q. And could you perhaps circle that in black on the  
25 photograph with your pen.  
26 A. (Witness complied).  
27 Q. Did you also on the -- on approximately June the  
28 15th of 1983 accompany Detective O'Campo to take some

1 photographs of a young person you learned to be Joshua Ryen?

2 A. Yes, sir. I did.

3 Q. Did you photograph portions of Josh's body that  
4 appear to you to have been injured at one point?

5 A. Yes, sir, I did.

6 O. Directing your attention to Exhibit 478.

7 Do you recognize that as a photograph that you  
8 took?

9 A. Yes, sir. it is.

10 Q. And does that accurately depict the injury to  
11 Josh's head that you saw on I believe June the 15th of 1983?

12 A. Yes, sir.

13 O. Directing your attention to Exhibit 480. Does that  
14 likewise appear to be a photograph that was taken by yourself?

15 A. Yes, sir. it is.

16 O. And does that depict the injuries that appeared on  
17 Josh's ear in the back of his neck when you saw him on June the  
18 15th?

19 A. Yes, sir.

20 O. Directing your attention to Exhibit 481.

21 Does there appear to be a photograph that you took  
22 of Josh?

23 A. Yes. This is his back area.

24 Q. Does that photograph accurately depict an injury to  
25 his back that you saw on that particular day?

26 A. Yes, sir.

27 O. Directing your attention to Exhibit 479.

28 Does this also appear to be a photograph that you

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1 took?

2 A. Yes, sir. it is.

3 Q. And does that appear to depict the injury that  
4 appeared where Josh's neck met his chest area?

5 A. Yes, sir.

6 MR. KOCHIS: You can resume your seat.

7 MR. NEGUS: Perhaps we could take those photographs down.

8 MR. KOCHIS: I will do that in just a moment.

9 Q. Mr. Duffy. I may have misspoke myself prior to the  
10 recess when I was questioning you about the cans of beer in the  
11 Ryen refrigerator. I perhaps may have said. "Did you see any  
12 cans that had what appeared to be beer stains on them."

13 Did the stains on the can on the beer appear to be  
14 blood or beer?

15 A. Blood.

16 Q. Do you remember what type of a beer cans they were?

17 A. Olympia Gold.

18 Q. Directing your attention to a photograph which we  
19 have marked for identification as Exhibit 196, and specifically  
20 the beer can in that picture.

21 Is that the same type of beer can? By that, I  
22 mean, brand name and color and size that you saw inside the Ryen  
23 refrigerator?

24 A. Yes, it is.

25 Q. Is that a photograph that you took?

26 A. No, sir.

27 MR. KOCHIS: I have nothing further of your.

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## 1 CROSS EXAMINATION

2 BY MR. NEGUS:

3 Q. Mr. Duffy. the fingerprints that you lifted, were  
4 those all lifted on June the 5th?

5 A. No, sir.

6 Q. Do you have. do you have the exact time and date on  
7 all the different fingerprints when you lifted them?

8 A. Yes, sir.

9 Q. Did you also take photographs of those fingerprints  
10 as they existed in place?

11 A. I believe so.

12 Q. You said yes?

13 A. I believe so. yes.

14 Q. That was done -- well, like the tape was on  
15 whatever object you were lifting the fingerprint before the  
16 actual lift, the tape was pulled off the wall or whatever it was  
17 and put on your card.

18 A. Yes, sir.

19 Q. Showing you exhibits 471 through 476. 6 three by  
20 five photographs.21 Are those the photographs that you took of the  
22 lifts as they were in place on various walls and furniture?

23 A. Yes, sir.

24 Q. And in addition to those 6 photographs, did you  
25 also make another lift from a glass?

26 A. Yes, sir. I did.

27 Q. Showing you a photograph 307, is that the glass  
28 that you lifted a fingerprint from.0  
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1 A. Yes, sir, it is.

2 Q. Could you take the same brown Sharpie that you used

3 on diagram 6-E, and on each of the photographs make an

4 indication of D-1 through D-7 that corresponds to the particular

5 lift that's on the diagram.

6 A. Do you want the exhibit number on it?

7 Q. Okay. On each photograph what I'd like you to do

8 is to take this number here and like, for example, the print

9 that was lifted off of this glass is D-3; is that right?

10 A. Yes.

11 Q. Could you put like D-3 on the glass and so on for

12 each of the lifts so that we can identify the photographs with

13 the number that is on the chart.

14 A. (Witness complied). I can't recall where this one

15 was.

16 Q. The one that you are referring to is Exhibit 472.

17 A. Yes.

18 Q. Okay, let's hold that aside for a second.

19 Mr. Duffy, if you need, if this is hard to figure

20 out the photographs, let me hand you as an aid Court's Exhibit

21 483 which is a Xeroxed copy prepared by yourself and Mrs.

22 Punter. I believe of your -- of the lifts from the Ryen

23 residence that you made.

24 A. I can't find this one.

25 Q. Okay. You are handing me Exhibit 471.

26 A. Uh-huh. Yes.

27 Q. Have you identified all the other lifts?

28 A. Yes. I have one extra one here.

016917



1 THE COURT: Keep your voice up now.

2 THE WITNESS: Excuse me. your Honor. I have a D-8.

3 BY MR. NEGUS:

4 Q. So you found by -- what do you mean by "extra"?

5 A. Being an extra print inside of the 7. It would be  
6 8.

7 Q. So you have now labeled on Exhibit 6-E the spot  
8 where you took that eighth lift.

9 A. Yes, sir.

10 Q. Perhaps we can come back to this.

11 By the way. Exhibit 483. it's a Xeroxed copy of  
12 various lifts from the Ryen residence taken by yourself.

13 That was prepared by yourself and Mrs. Punter in  
14 conjunction with a previous motion; is that right?

15 A. No, it was prepared by Deputy Punter.

16 Q. Okay. Did you give her advice as to those are the  
17 ones I lifted sort of thing?

18 A. I believe she read off my fingerprint cards, yes.

19 Q. You have gone through that before and those do  
20 represent the lifts that you made.

21 A. Yes, sir.

22 Q. Mr. Duffy. if you could step to the chart that we  
23 have here on the board and take a black marker, if you could  
24 find one.

25 Now. um. what -- if you could put your name as No.  
26 14 here on the chart. And you say you arrived at the Ryen  
27 property at 2:07 civilian time in the afternoon of June the 5th;  
28 is that right?

016918

1           A.     Yes, sir.

2           O.     That's a time that's listed on the report that you  
3     prepared of this particular crime for your particular division;  
4     is that right?

5           A.     Yes, sir.

6           O.     So you recorded that time at the time.  
7                    Could you step over there and in the far right-hand  
8     column there write "6-5". "1407" indicate the time of your  
9     arrival on the property.

10          A.     (Witness complied).

11          Q.     Now, who was -- you said that the first person that  
12     you met then was det -- was Detective Tim Wilson at the scene;  
13     is that right?

14          A.     Yes, sir.

15          Q.     Could you put Mr. Wilson's name down there.

16          A.     (Witness complied)

17          O.     And was Mr. Wilson already there when you arrived  
18     there?

19          A.     Yes, sir.

20          Q.     Where did you see him first?

21          A.     At my unit.

22          Q.     Could you then put -- that was parked, your unit,  
23     on the Ryen property.

24          A.     Yes.

25          O.     You you could put "6-5-83" for Mr. Wilson in the  
26     far left-hand column.

27          A.     (Witness complied).

28          Q.     Then the next person you say you met was Sergeant

1 Arthur.

2 A. Yes.

3 Q. Would you put his name on the list.

4 A. (Witness complied).

5 O. And where was, where was Sergeant Arthur when you

6 first talked to him?

7 A. Up by the residence.

8 Q. Was he on the patio outside the master bedroom?

9 A. Around that area.

10 Q. Could you put on -- did you actually see him on the

11 patio?

12 A. In the area of the back door of the residence.

13 Q. Would you put "6-5-83" for the column over here

14 where it says "Patio" for Sergeant Arthur there.

15 A. (Witness complied).

16 O. He was already at that particular location when you

17 arrived.

18 A. Yes.

19 Q. What time was it that yourself and Sergeant Arthur

20 entered the master bedroom?

21 A. Approximately 2:30 or 14:30.

22 Q. Could you put for yourself "6-5" and small "c".

23 "1430" for the time that you entered the master bedroom --

24 A. (Witness complied).

25 O. -- to indicate approximately.

26 Was it your understanding that Mr. Arthur had

27 already been in the building before your arrival?

28 A. I don't believe so, no.

1 Q. So that would have been -- as far as you  
2 understanding the first time he went in as well.  
3 A. Yes.  
4 Q. Could you put "6-5", "c", "1430" in the column for  
5 him. That has to do with the master bedroom.  
6 A. (Witness complied).  
7 Q. Could you also check "The Rest of House" for the  
8 two of you. You both went in all of the house; is that right?  
9 A. Yes, sir.  
10 Q. When you came up to meet Sergeant Arthur at the  
11 area of the patio outside the master bedroom, did Mr. Wilson  
12 accompany you?  
13 A. No, sir.  
14 Q. Was there any other -- was there any other persons  
15 on that patio besides yourself and Mr. Arthur?  
16 A. Criminalist Baird.  
17 Q. Could you put "Bill Baird" down there under No. 17.  
18 A. (Witness complied).  
19 Q. And where was he?  
20 A. He was by the patio.  
21 Q. Could you then put "6-5-83" by the "Patio".  
22 A. It wasn't on the patio, he was by the patio.  
23 Q. The grass area there?  
24 A. Yes.  
25 Q. Did you ever see him on the patio?  
26 A. Yes, I did.  
27 Q. Was that approximately the time?  
28 A. Yes.

1 Q. Could you put "6-5-83" for the "Patio".

2 Did Mr. Baird go in the house with you or Sergeant  
3 Arthur?

4 A. No, sir.

5 Q. At any point time in that particular afternoon did  
6 you see Mr. Baird go in the house?

7 A. I believe so, yes.

8 Q. Approximately what time was that?

9 A. After we had our initial walk-through and initial  
10 photographs. That is about an hour and half after.

11 Q. Would that have been give or take approximately  
12 1600 hours military time, 400 hours civilian time in the  
13 afternoon?

14 A. Yes, sir.

15 Q. Did he go into both the master bedroom and the rest  
16 of the house?

17 A. I believe so, yes.

18 Q. Did you see him do that?

19 A. No, I didn't.

20 Q. Did you see him in the master bedroom?

21 A. Yes, sir.

22 Q. Could you then put "6-5" and, circa 1600 hours for  
23 Mr. Baird in the master bedroom.

24 A. (Witness complied).

25 Q. Put parenthesis around 4:00 p.m. if you wish.

26 Just a "c" in front of the 1600 to indicate it is  
27 not a precise time.

28 A. (Witness complied).

1 Q. Was there -- now, just -- at the time that Mr.  
2 Baird entered into the master bedroom, was there any other  
3 persons in that master bedroom?

4 A. I can't really say. I was busy doing my job.

5 Q. Okay. From approximately, then it looks like about  
6 2:45 p.m. until 4:00, you were just going through the house  
7 taking pictures.

8 A. Yes.

9 Q. And you started in the master bedroom.

10 A. Yes.

11 Q. While you were doing that, was there anybody else  
12 in the room with you?

13 A. No, sir.

14 Q. And as you moved through the rest of the house, was  
15 there anybody else in the room with you?

16 A. No, sir. not initially.

17 Q. At some point in time did somebody join you?

18 A. When I finished up the interior of the residence.

19 Q. That was that about 4:00, do you think?

20 A. Around there, yes.

21 Q. Who joined you besides Mr. Baird at that point in  
22 time?

23 A. I believe the crime lab came in.

24 Q. The crime lab. Does that mean -- does that mean in  
25 this particular case Dave Stockwell and Pat Schechter?

26 A. Yes.

27 Q. Okay. Could you put Dave Stockwell down here in  
28 the No. 18 position.

0166277

- 1 A. (Witness complied).
- 2 Q. And approximately what time did you -- well, did  
3 you see Mr. Stockwell or did you come back in the master bedroom  
4 and he was already there?
- 5 A. He was already there.
- 6 Q. So, would you put "6-5" for Mr. Stockwell in the  
7 master bedroom there?
- 8 A. (Witness complied).
- 9 Q. That day did you see Mr. Stockwell in other parts  
10 of the house?
- 11 A. I believe so, yes.
- 12 Q. Could you put a check there at the rest of the  
13 house for him.
- 14 A. (Witness complied).
- 15 Q. Did you ever see him on the patio outside the  
16 master bedroom?
- 17 A. No.
- 18 Q. Adding on top of the diagram we already have, 226,  
19 Exhibit 226, which is identical to the original 225, that is,  
20 except the numbers 19 through 36 have been placed on the  
21 diagram. Could you put Pat Schechter in No. 19, please.
- 22 A. Do you know how spell it?
- 23 Q. I believe S-c-h-e-c-h-t-e-r.
- 24 A. (Witness complied).
- 25 Q. And she was already in the master bedroom when you  
26 went in there on that particular date.
- 27 A. Yes.
- 28 Q. Could you put "6-5" then, just the date "6-5" for

015624

1 her being in the master bedroom.

2 Did you see her in the rest of the house?

3 A. No.

4 Q. Did you ever see her on the patio outside?

5 A. No.

6 Q. Did you ever see -- never mind that.

7 Okay. Then when you got back in the master

8 bedroom, was there anybody else working in that master bedroom?

9 A. Homicide division.

10 Q. Who was there from homicide?

11 A. I believe it was Mike Hall.

12 Q. Okay could you put Mike Hall's name on the list

13 there as No. 20. No, don't put his name on -- was he -- going

14 back to the diagram before. Did you see Mr. Hall in any part of

15 the house other than the master bedroom?

16 A. Yes.

17 Q. Could you put a check mark then in the particular

18 column under No. 5.

19 Did you ever see him on the patio outside?

20 A. I don't recall, no.

21 Q. Do you know what time it was that he -- did you see

22 him enter the house for the first time?

23 A. No, sir. I didn't.

24 Q. How about anybody else from homicide. Was anybody

25 else in there that you can recall?

26 A. Sergeant Bill Arthur.

27 Q. We already discussed him.

28 A. Mike Hall, Detective O'Campo.

01590925



1 Q. Could you put Hector O'Campo as No. 20 then.  
2 A. (Witness complied).  
3 Q. At what time did you see Mr. O'Campo in the master  
4 bedroom?  
5 A. Approximately 1630. 1700; 4:30. 5:00 o'clock.  
6 Q. Did you see him actually entering the room?  
7 A. No.  
8 Q. You came back in the room and he was there?  
9 A. Yes.  
10 Q. So, could you put "6-5" for him in the master  
11 bedroom.  
12 A. (Witness complied).  
13 Q. Did you ever see Mr. O'Campo in the rest of the  
14 house on 6-5?  
15 A. Not that I can recall.  
16 Q. Did you ever see him on the patio outside the  
17 master bedroom?  
18 A. Yes.  
19 Q. So, could you put a check mark there.  
20 A. (Witness complied).  
21 Q. That's Mrs. Schechter.  
22 When you saw him on the patio outside, was that  
23 when he showed you the footprint?  
24 A. Yes, sir, it was.  
25 Q. Was that upon his arrival or had he already been on  
26 the patio?  
27 A. I don't recall what time he arrived. I don't know  
28 what time he arrived at the scene.

016926

1 Q. When you encountered Mr. O'Campo on the patio, was  
2 he already standing on the patio when you talked to him?

3 A. Yes.

4 Q. Approximately what time, at what point in time was  
5 that?

6 A. Approximately 5:30. 6:00 o'clock in the evening, in  
7 the evening. The sun was going down.

8 Q. In this particular photograph, was that taken at  
9 approximately the time that he pointed out to you --

10 A. Approximately.

11 Q. -- the footprint? At that point in time was the  
12 spa cover in total shade.

13 A. Yes, I believe it was.

14 Q. But this is particular part of -- the photograph  
15 that you took obviously there is no sunlight on that.

16 A. Yes.

17 Q. Did you go then on that particular, on that  
18 particular day -- I am just trying to stick with just June the  
19 5th. Did you see any other persons that you recognized inside  
20 the Ryen master bedroom?

21 A. Not that I can recall.

22 Q. How about John Clifford. Did you ever see John in  
23 there?

24 A. He may have been, yes.

25 Q. You don't remember though.

26 A. No.

27 Q. Did you -- did you ever -- did you ever see John in  
28 the house or on the grounds that day?

015627

1 A. Yes.

2 Q. Could you put John Clifford there for 21.

3 A. (Witness complied).

4 Q. Where was it that you saw John?

5 A. Outside.

6 Q. On the patio area or just in the driveway in

7 general?

8 A. In the driveway.

9 Q. Could you put "6-5" for the driveway there.

10 A. (Witness complied).

11 Q. And did you see him arrive or was he already on the

12 patio when you happened --

13 A. He was already on the patio.

14 Q. How about Sheriff Tidwell. Did you see Sheriff

15 Tidwell on the ground?

16 A. On June 5th?

17 Q. Yes, sir.

18 A. No, I did not.

19 Q. Did you see him anywhere in the Ryen house?

20 A. No, sir.

21 Q. What time was it approximately that you saw John

22 Clifford??

23 A. In the afternoon. I don't know exactly what time

24 it was.

25 Q. Did you see Rick Roper at the crime scene on June

26 the 5th?

27 A. Yes.

28 Q. Rick Roper is a fellow worker with yourself at the

0169928

1 identification bureau at that time?

2 A. Yes.

3 Q. Could you put his name as No. 22 there.

4 A. (Witness complied).

5 Q. Now. was Mr. Roper inside the master bedroom?

6 A. Yes, he was.

7 Q. Could you put "6-5" then for Mr. Roper inside the  
8 master bedroom?

9 A. (Witness complied).

10 Q. Did you see Mr. Roper arrive?

11 A. No, I did not.

12 Q. What time was it that you first saw him in the  
13 master bedroom?

14 A. Probably around 5:30. 6:00 o'clock.

15 Q. Did you see him come into the master bedroom or was  
16 he already in there when you came back from somewhere?

17 A. He was already in there.

18 Q. Did you ever see Mr. Roper in the rest of the  
19 house?

20 A. Yes, I did.

21 Q. Could you put a check mark on the "rest of the  
22 house" then.

23 A. (Witness complied)

24 Q. And did you ever see him on the patio outside the  
25 master bedroom?

26 A. Yes, I did.

27 Q. What time did you see him there? Was it many  
28 times?

0169299

1 A. Many times.

2 Q. Was the first time that you saw Mr. Roper at  
3 approximately 5:30 or 6:00 that day?

4 A. Around there. prior to or after we photographed.

5 Q. Prior to or after?

6 A. After.

7 Q. You just happened -- at that point in time after  
8 you had photographed the footprint you went back in the master  
9 bedroom and he was --

10 A. Yes.

11 Q. -- already in there doing work, right?

12 A. I believe so. yes.

13 Q. Was he dusting for fingerprints or --

14 A. Yes, he was.

15 Q. Now. did you -- did you see anybody from the --  
16 with the rank of lieutenant or above from the Sheriff's  
17 Department in the Ryen house on June the 5th?

18 A. Yes.

19 Q. Who was that?

20 A. I believe it was Captain Myers.

21 Q. Okay. Could you put Captain Myers' name as No. 23.  
22 I think it's with a, just a "Y" -- M-y-e-r-s.

23 THE REPORTER: I'm sorry. I didn't hear.

24 MR. NEGUS: Mr. Duffy said -- Well. we will go this way.

25 Q. Now. where did you -- did you see Captain Myers  
26 inside the master bedroom?

27 A. No. sir. I didn't.

28 Q. Did you see him some other part of the house?

1 A. Yes, I did.

2 Q. Was that in the living room?

3 A. No, sir.

4 Q. Where was that?

5 A. It was in the kitchen.

6 Q. Okay. Could you then put -- Could you put a check

7 mark under "rest of the house" for Captain Myers?

8 A. (Witness complied)

9 Q. And approximately what time was that?

10 A. 6:30 o'clock at night.

11 Q. Was there -- did you see Captain Myers arrive? Was

12 he already in the kitchen when you went there?

13 A. He was already in the kitchen. Excuse me.

14 Q. Was that before or after you had photographed the

15 beer cans in the refrigerator?

16 A. That was after.

17 Q. Was it before or after those beer cans had been --

18 had been seized as evidence?

19 A. It was -- it was before.

20 Q. Did you -- did you see anybody else with the rank

21 of lieutenant or above at the house that particular night?

22 A. Not that I can recall.

23 Q. What about, do you -- are you acquainted with

24 Deputy Chief Eugene Majors?

25 A. Yes, I am.

26 Q. Did you see him there that night?

27 A. I don't recall him being there.

28 Q. How about Assistant Sheriff Charles Follett, did

1 you see him there?

2 A. Not that I recall.

3 Q. At some point in time did you take some photographs

4 of the bodies of the various victims being removed from the

5 house?

6 A. Yes, I did.

7 Q. At that point in time were there anybody in the

8 master bedroom other than sheriff's personnel?

9 A. Yes, there was.

10 Q. Who was that?

11 A. The body transporters.

12 Q. Okay.

13 A. The Deputy Coroner Hammock.

14 Q. Okay.

15 A. Forensic Pathologist Dr. Root.

16 Q. Do you know the names of the people from the body

17 transport service?

18 A. I believe one was John Glenn. I don't know his

19 partner.

20 Q. Okay. Could you then put, let's see, 24. how about

21 Irving Root, and did you see Dr. Root actually arrive at the

22 master bedroom?

23 A. No. I did not.

24 Q. Could you just -- you saw him inside the master

25 bedroom?

26 A. Yes.

27 Q. Could you put "6-5" for him then?

28 A. (Witness complied.)

1 Q. And what time was it you first saw Dr. Root?  
2 A. About 7:00. 7:30 at night.  
3 Q. Did you see -- did you ever see Dr. Root go into  
4 any part of the house other than the master bedroom?  
5 A. No. sir. I didn't.  
6 Q. Did you ever see him on the patio outside?  
7 A. No. sir. I didn't.  
8 Q. Could you put Dave Hammock as the No. 25?  
9 A. (Witness complied)  
10 Q. And did you see Mr. Hammock?  
11 A. Yes. I did.  
12 Q. Okay. Approximately what time was that?  
13 A. 1600, 4:00 o'clock.  
14 Q. And did he -- when he arrived did he go directly  
15 into the master bedroom?  
16 A. Yes. He was taken in there by Sergeant Arthur I  
17 believe.  
18 Q. Could you put "6-5". "1400" with --  
19 That wasn't exact, it was an approximation?  
20 A. Yes.  
21 Q. Could you put a "c" in front of the "1400" for Mr.  
22 Hammock?  
23 A. (Witness complied.)  
24 Q. And was that -- Could that have been actually 1600  
25 and 4:00 p.m.?  
26 A. Yeah.  
27 Q. And could you change the "14" to a "16"?  
28 A. (Witness complied.)



1 Q. Was Mr. Hammock coming in from the patio or was he  
2 coming from the other part of the house when you saw him enter?  
3 A. I believe he came in from the patio.  
4 Q. So could you put a check mark for "patio outside  
5 master bedroom"?  
6 A. (Witness complied.)  
7 Q. Did you ever see Mr. Hammock in any other part of  
8 the house except the master bedroom and hall near Jessica?  
9 A. I believe so, yes.  
10 Q. Okay. Put a check for that.  
11 A. (Witness complied.)  
12 Q. And you say John Glenn is the person from the body  
13 transport service that you also saw in the house whose name you  
14 know?  
15 A. Yes.  
16 Q. Could you put him as No. 26?  
17 A. (Witness complied)  
18 Q. Did you see him actually arrive at the -- at the  
19 master bedroom?  
20 A. Yes, I did.  
21 Q. What time was that approximately?  
22 A. Approximately midnight. 11:30. midnight somewhere  
23 in there.  
24 Q. Okay. Could you put then "6-5" for Mr. Glenn and  
25 then circa what, 2330?  
26 A. Approximately.  
27 Q. Okay. Can you get a little "c" in front of it so  
28 we know it's approximate.

1 A. (Witness complied.)  
2 Q. Did you ever see Mr. Glenn go in any part of the  
3 house except master bedroom or hall near Jessica?  
4 A. No, sir.  
5 Q. Did he come in through the patio?  
6 A. Yes, he did.  
7 Q. Could you put a check for "patio".  
8 A. (Witness complied.)  
9 Q. Now -- on that particular date was there anybody  
10 else there from the I.D. Bureau except yourself and Mr. Roper?  
11 A. No, sir.  
12 Q. Were there any sheriff's personnel other than  
13 homicide people that were -- that were arriving at the scene.  
14 that is, people from West End, that sort of thing?  
15 A. There could have been, but I don't recall.  
16 Q. You don't recall having seen -- Do you know Phil  
17 Dana.  
18 A. Yes, I do.  
19 Q. Did you see him in the house that night?  
20 A. No. I did not.  
21 Q. How about Shelby Gaul. do you know him?  
22 A. Yes. I do.  
23 Q. Did you see him in the house that night?  
24 A. Not that I recall.  
25 Q. Okay. Did you bring your report with you of the  
26 photographs that you took of the Ryen residence on the 5th, 6th  
27 and 7th of June 1983?  
28 A. No, sir. I didn't.

0169935

1 Q. I can hand you a piece of paper --

2 A. I didn't bring mine with me.

3 Q. -- which purports to be a Xerox copy of your  
4 report.

5 Let's go back to the diagram of 6-E, and if we  
6 could get something that won't -- giving you to use an orange  
7 Sharpie --

8 In the Identification Bureau do you have a system  
9 for numbering your photographs that you used in this particular  
10 case so that all the different photographs that you took on that  
11 particular day could be individually marked and identified  
12 where -- where they were taken from and distinguished from one  
13 another?

14 A. Yes.

15 Q. Did that particular system involve as one of its  
16 components assigning a letter to the various rooms in the Ryen  
17 house?

18 A. Yes, it did.

19 Q. And was the master bedroom -- could you then at the  
20 diagram go around and assign -- and put in orange on each of the  
21 rooms of the house the letter to which you assigned it?

22 A. (Witness complied.)

23 THE COURT: Are we going to be able to finish with him  
24 today?

25 MR. NEGUS: No, there is no way. If -- and in fact if  
26 you wish to --

27 THE COURT: No, let's keep ongoing till 4:00 o'clock.

28 BY MR. NEGUS:

01069979

1 Q. Okay. You've completed that particular task.  
2 A. Yes, I did.  
3 Q. Can I share this with you for a second.  
4 Now, the photographs -- you also took photographs  
5 of the interior of the residence; is that correct?  
6 A. Yes. I did.  
7 Q. And you gave those a number of 1 through 32?  
8 A. Yes.  
9 Q. Without any letter designation; is that right?  
10 A. Yes. I did.  
11 Q. And then you started the "A" numbers with 33  
12 through 102?  
13 A. Yes.  
14 Q. In your series of things there are no "A" like 1  
15 through 32, is that right for this particular -- for this  
16 particular crime scene?  
17 A. No.  
18 Q. Then -- then each of the other rooms of the house.  
19 the photographs taken in those rooms would have a number, like a  
20 photograph taken of Josh's bedroom would be about 1 through  
21 whatever, and so on around the house?  
22 A. Jessica's.  
23 Q. Excuse me. Jessica's bedroom. Josh would be C-1,  
24 so on around the house?  
25 A. Yes.  
26 Q. And the lifts that you took of the fingerprints  
27 would be "LF" -- have the designation "LFP" 1 through 6?  
28 A. Yes.

016937

1 Q. The photographs of the shoe impression would be --  
2 would have a number like 1 through 3?

3 A. Yes.

4 Q. And this particular photograph that I'm holding in  
5 my hand, Exhibit 178, would be K-2; is that correct?

6 A. Yes.

7 Q. Did you also take pictures of the victims prior to  
8 being removed from the residence while they were -- their  
9 position was being changed by the pathologist and the corner and  
10 his assistants?

11 A. Yes.

12 Q. And are those photographs given the numbers of "R"  
13 1 through 13?

14 A. Yes.

15 Q. So. that we can distinguish them.

16 After you -- another series of photographs that you  
17 took, did you also take some photographs, 12. that showed in  
18 the -- in the -- in the crime scene, first of all, the various  
19 patterns of bloodstains on various walls?

20 A. Yes. I did.

21 Q. Did you give those all number all beginning with  
22 the letter "T"?

23 A. Yes.

24 Q. And did you further take photographs beginning with  
25 the letter "U" those portions of those bloodstains which the  
26 criminalist had decided to take away from the -- to remove from  
27 the crime scene?

28 A. Yes, I did.

1 Q. And as with the one that -- the photograph that Mr.  
2 Kochis showed you, which is on the podium. No. 191, did the  
3 other photographs in the -- in the "U" series have these black  
4 numbers in them with -- to correspond to the laboratory number  
5 of the drop of blood or blood smears, or whatever, that was  
6 removed?

7 A. The number they assigned to each sample, yes.

8 Q. Okay. Now the crime lab numbers, this 41, would  
9 not correspond to your photograph number; is that right?

10 A. No. sir.

11 Q. For example. in this one, which would be laboratory  
12 No. A-41, that would be your photograph U-12; is that right?

13 A. Yes.

14 Q. With respect to the sample. No. 40, does that  
15 depict is -- that actually depicted in the photograph with just  
16 the "4" and no "0" after it?

17 A. I don't follow you. Would you show me the  
18 photograph?

19 Q. Let me see show you photograph U-11. Does that  
20 depict in fact laboratory Exhibit 40 rather than laboratory  
21 Exhibit 4?

22 A. It depends on how they write it down.

23 Q. Well, is there a problem with those numbers that  
24 you guys have where you are missing a "0"?

25 A. Yes. I believe so.

26 Q. So, when you get to a 40, or something like that,  
27 you just use the "4" without the "0" is that right?

28 A. Yes. sir. they did apparently.

016939

3  
1 Q. Then after the photographs that you took of the  
2 various blood samples. did you also take photographs of the --  
3 of the -- of the walls -- excuse me.

4 Did you also take photographs the next day of the  
5 Ryen master bedroom as the Career Criminal Division was  
6 dismantling and it and carting it away?

7 A. Yes. sir. I did.

8 Q. And do those photographs all begin with the letter  
9 "W"?

10 A. Yes. they do.

11 Q. Did you also take photographs. three of them I  
12 believe. with the letter "X" of a screen located on the outside  
13 of the living room which had a big rip in it?

14 A. Yes. sir. I did.

15 Q. So all those photographs would have a number "X"  
16 after them?

17 A. Yes. sir.

18 Q. You may be seated.

19 Showing you photographs 239 through 253. inclusive.  
20 all three by five photographs, are all those photographs part of  
21 the 1 through 32 series that you took of the interior of the  
22 Ryen residence on June the 5th. 1983?

23 A. Looks like some were taken on the 6th.

24 Q. Okay. Is there any way you can distinguish between  
25 those which were were taken on the 5th and those which were  
26 taken on the 6th by this number? I mean. does the number tell  
27 you which one after a certain number they are on the 6th and  
28 before they are on the 5th. or something?

016940

1           A.    I believe they are all the 5th but before the  
2 ribbon was put up.  
3           O.    So some of them you took before they put up the  
4 ribbon. some of them you took after?  
5           A.    Yes. sir.  
6           O.    Okay. And do all of those photographs accurately  
7 depict the exterior of the Ryen residence as you photographed it  
8 on June the 5th?  
9           A.    Yes. sir.  
10          O.    Let me show you three other photographs. 253  
11 through 255. inclusive. and ask you if all of those photographs  
12 are part of your "X" series which depicts the screen with the  
13 gash in it?  
14          A.    Yes. sir. they do.  
15          O.    And they were all taken on June the 5th?  
16          A.    Yes. sir.  
17          O.    And they all accurately reflect the screen door as  
18 you saw it. moving it in various ways. when you took pictures of  
19 it?  
20          A.    Yes. sir.  
21          O.    Do all of the photographs in addition to the --  
22 that we've shown you so far. in addition to the exhibit number  
23 on the back, have in either little black ink or white up at the  
24 top of them the actual I.D. number which corresponds to them?  
25          A.    Yes. That number corresponds with the negative.  
26          O.    Okay. And that's the number -- that's the  
27 numbering system which we have been describing; is that correct?  
28          A.    Yes. sir.



1 Q. And so the -- there would be "X-1", that would  
2 appear. for example. on Exhibit 254?

3 A. Yes, sir.

4 Q. Showing you if I could --

5 Your Honor, just two more pictures before we break  
6 because it makes it easy.

7 Q. Showing you Exhibit 257, which has a laboratory  
8 number of Y-2 on the front of it, is that a picture that was  
9 taken June 6th, 1983, in the late afternoon when some people in  
10 the Career Criminal Division had discovered some evidence  
11 outside?

12 A. Yes, sir. it is.

13 Q. And then there's also another photograph that  
14 appears to have the number either "Z-2" or "ZZ". I can't tell  
15 which, on it which has been given the identification of 258, is  
16 that likewise taken at the same time?

17 A. Yes, sir, it is.

18 Q. And do you recognize the people that are depicted  
19 first in photograph 258 that you have in your hand there?

20 A. I recognize four of them, yes.

21 Q. Okay. What are the names of the four that you  
22 recognize?

23 A. Sergeant Swanlund, Criminalist Gregonis,  
24 Criminalist Ogino, and Deputy McCartney.

25 Q. Okay. Deputy McCartney has the initials "D.M."  
26 next to him?

27 A. Yes.

28 Q. And Criminalist Gregonis and Ogino are the two

1 gentlemen in the background of the photo?

2 A. Yes, sir.

3 Q. And which one is Sergeant Swanlund?

4 A. I believe Swanlund is right here. I could be  
5 wrong.

6 Q. The one that has "G.S." next to him?

7 A. Yes.

8 Q. You can't tell for sure from the photograph?

9 A. No. It could be Gary Stroup, too.

10 Q. Then showing you also photograph, do you recognize  
11 any of the people in that particular photograph?

12 A. I believe they are all the same.

13 Q. Do you see Mr. Kochis there in the background  
14 standing next to the two criminalists?

15 A. No, sir, I can't make Mr. Kochis out there.

16 Q. Can you tell from the photograph that the guy that  
17 may have been Gary Stroup is in fact Gary Stroup?

18 A. Yes, sir, it is.

19 Q. That's all.

20 THE COURT: Thank you, counsel, and thank you, Mr. Duffy,  
21 we're going to have to have you back Monday, however, at 9:30  
22 please.

23 Ladies and gentlemen, it was a short week. We are  
24 going to have another short week next week. We will go Monday.  
25 Tuesday, and Wednesday only. Then we will break for the  
26 Thanksgiving Holiday. So all of you, please, return next Monday  
27 morning at the hour of 9:30.

28 Let me remind you of of the admonition once again:

1 Don't discuss the case with anybody: Don't let anybody talk to  
2 you about it; please. don't express or form any opinion about  
3 the case until we finally submit it to you. Try to avoid media  
4 exposure in any way. Otherwise, enjoy your time off. We will  
5 see you next Monday. Thank you.

6 (Adjournment.)

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