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SUPREME COURT - STATE OF CALIFORNIA

THE PEOPLE OF THE
STATE OF CALIFORNIA,

Plaintiff-Respondent,

vs.

KEVIN COOPER,

Defendant-Appellant.

SUPREME COURT NO. ^{CRIM} 24552

FROM SAN DIEGO COUNTY

HON. RICHARD C. GARNER,
JUDGE

San Diego County Superior Court Case No. CR 72787

REPORTERS' TRANSCRIPT

VOLUME 89

November 19, 1984, Pages 3414 through 3540

November 20, 1984, Pages 3541 through 3651

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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 19, 1984

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COMPUTERIZED TRANSCRIPT

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FOR THE PEOPLE:

DUFFY, Gale D.
 (Mr. Kochis)
 (Mr. Negus)

STOCKWELL, David C.
 (Mr. Kochis)

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1 1 SAN DIEGO, CALIFORNIA, MONDAY, NOVEMBER 19, 1984 9:30 A.M..

2 --oo0oo--

3
4 (Chambers conference reported)

5 THE COURT: All right. For the record, Mr. Cooper and
6 all three attorneys are present in chambers, out of the presence
7 of the jury.

8 MR. NEGUS: Before we -- last week we were having some
9 discussion about the showing of photographs to jurors and what
10 the motions were and what they weren't as far as showing
11 photographs are concerned.

12 That particular part of the -- of our last summer
13 motions are on Pages 5489 through 5526, and then we skipped over
14 a day. That would have been -- that would have been on July
15 the -- I don't have the exact date, but I think it is July the
16 24th, and then the next date we start up again is at 5556
17 through 5575. That is where the discussion was with respect to
18 the crime scene.

19 THE COURT: I'd like to have a chance maybe to read that
20 before you go ahead and quote parts of it in argument.

21 MR. NEGUS: Well, I mean, your rulings, I would just, you
22 know, like to read from your rulings --

23 THE COURT: I know.

24 MR. NEGUS: -- because I want to -- this is as to Duffy.
25 He took a lot of these photographs of this crime scene. I
26 don't -- if Mr. Kottmeier's only objection is to showing ones
27 of -- with pubic hairs to the jury, I don't feel any need to do
28 that this morning.

1 THE COURT: I thought we started off -- my recollections
2 were we were concerned with the goriness of it, and
3 emotionalizing the jurors.

4 MR. NEGUS: Well, that is if -- what you said was that
5 you could show any small photograph you want of the crime scene
6 to the jurors, no autopsy pictures unless we have a hearing
7 first to determine their relevancy. Because my representation
8 was that I didn't think there would be any disputed facts about
9 any of the autopsy pictures, and I still don't.

10 If there are disputed facts about the autopsy
11 pictures, then that becomes a different, a different issue. But
12 they're not even relevant until there is a disputed fact
13 involved. I don't think that those -- that particular part is
14 going to disputed.

15 With respect to the crime scene obviously there are
16 innumerable disputed facts, and what happened was that I made a
17 motion that we not use any photographs larger than eight by ten
18 color photographs. You basically made some exceptions, which I
19 presume are the ones that we have had marked that are bigger
20 than that, they could do some sixteen by twenty's.

21 But then you said with any other small photographs,
22 um, there won't be any restriction on using small photographs
23 including ones which showed pubic hairs.

24 THE COURT: You have a bunch of small photographs that
25 you want to bring in?

26 MR. NEGUS: What I want to do is show all of them that I
27 have marked to Duffy just so I don't have to bring him back on
28 foundation again, if we ever get to that, if it comes up again

1 later on with the criminalist.

2 THE COURT: I thought you had already shown him them in
3 block.

4 MR. NEGUS: I have shown him some blocks. We haven't got
5 through all the blocks. There was a lot of blocks.

6 But I am going to go through them in block with
7 him. Then there are -- many of those photographs Duffy is the
8 only one that -- like there was many blood drops, stuff that
9 weren't collected. Duffy is the only one that ever saw a bunch
10 of stuff along that line that I'm going -- I would like to be
11 able to go into that with him actually in detail.

12 THE COURT: Opposition?

13 MR. KOTTMEIER: Our opposition centers only around the
14 photographs that portray the victims in positions.

15 THE COURT: We're just talking about crime scene photos.

16 MR. KOTTMEIER: Well, he has a whole series.

17 THE COURT: Which also show victims.

18 MR. KOTTMEIER: Yes. For example, there is, oh,
19 approximately six of them of Peggy Ryen in a position with no
20 alteration to the photograph itself.

21 He also has a series of about six photographs that
22 deal with the removal of Doug, Jessica, Chris and Peg by the
23 body removal service. And where I have the difficulty is seeing
24 how it is that these photographs are of necessity exceptions as
25 far as size. That is, the small photograph is admissible but
26 yet none of the small photographs of the cleansed wounds are
27 admissible for autopsy purposes. Particularly the six that
28 relate to the body removal virtually are no different than the

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1 autopsy photographs that I offered at the same hearing.

2 THE COURT: Well, he's offering them for different
3 purposes apparently.

4 MR. KOTTMEIER: Well, the difficulty with the ruling, as
5 I see it, your Honor, is that what Mr. Negus says there is no
6 dispute about is --

7 THE COURT: Well, I assume Mr. Negus wants to bring a lot
8 of pictures to show the manner of contaminating the scene, so to
9 speak.

10 MR. KOTTMEIER: And as far as that goes, as far as
11 presentation of the issue is concerned, I don't see where it is
12 of necessity to duplicate over and over again the same material
13 in each photograph. He's been non-selective, he's literally --

2 14 MR. NEGUS: I don't intend -- let me just clarify again.
15 I told Mr. Kochis what I was going to try to do last week. I
16 tried to tell Mr. Kottmeier. apparently it didn't communicate to
17 him.

18 What I want to do is to have Duffy, with respect to
19 the small photographs, we have selected ones of which we think
20 duplicate the facts, in fact there is two or three selection
21 processes, but we still have to have a lot of photographs.
22 Those are the photographs that I cannot say will not, will not
23 be used because each one shows a thing a little bit different.
24 I certainly hope not all of them will be introduced into
25 evidence.

26 I don't have any problem with having photographs
27 marked and a foundation laid and then not ultimately introducing
28 them into evidence if they turn out not to be probative, and

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1 that's my plan.

2 The reason I'm doing it this way is that it is a
3 big nuisance to individually lay a foundation to each particular
4 photograph, it takes a lot of time, and I am just going to have
5 Duffy lay the foundation of all the photographs in mass, and
6 then if we don't need them then we won't introduce them. But
7 that seems like the quickest and motion expeditious way to do
8 it.

9 THE COURT: I have no problem with that.

10 Mr. Kottmeier, anything else?

11 MR. KOTTMEIER: No, your Honor. My only concern is
12 laying the foundation for a series of photographs and then
13 pulling some of them out of the sequence leaves the jurors
14 wondering what's going on.

15 THE COURT: That is a problem for him to worry about
16 then. He authenticates many, but uses only a few. I don't
17 think that's much of a problem. Let's go on out.

18 Something else?

19 MR. NEGUS: I just need a couple of more minutes. I
20 was -- I didn't get here until a little after 9:00 this morning.
21 I'm still in the process of organizing these pictures. I need
22 about five or so minutes.

23 THE COURT: I hate to get started late, Mr. Negus.

24 MR. NEGUS: I know you do, that's why I get here --

25 THE COURT: Stay late.

26 MR. NEGUS: -- a half hour earlier. We can't stay late
27 because you have -- the clerk has to put them away for the
28 weekend. I have to --

1 THE COURT: Stay until 5:00 o'clock.

2 MR. NEGUS: But that doesn't do me any good if the clerk
3 has to lock them up for the weekend.

4 THE COURT: I don't understand. You can pull the
5 exhibits that you need for the next session at any time after
6 hours.

7 MR. NEGUS: What I do is I put them in little piles so I
8 can find them.

9 THE COURT: You can put a rubberband around your piles
10 hereafter. Let's start promptly. We have many weeks to go yet.

11 (Chambers conference concluded)

12

13 THE COURT: Good morning all.

14 The defendant and all counsel, the jurors and
15 alternates are all present.

16 I believe Mr. Duffy was on the stand, Mr. Negus had
17 him on the witness stand at the recess.

18 Would you resume the stand and state your name
19 again.

20 THE WITNESS: Gale Duffy. D-u-f-f-y.

21

22 GALE DEWEY DUFFY

23 The witness on the stand at the adjournment, resumed the stand
24 and testified further as follows:

25

26 CROSS EXAMINATION (Resumed)

27 BY MR. NEGUS:

28 Q. Mr. Duffy, directing your attention to Exhibit 226

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1 here on the board behind me.

2 This morning did you point out to me that the
3 person from the body transport service that you saw in the house
4 was not really the astronaut but was a person by the name of Bob
5 Glenn?

6 A. Yes.

7 Q. Could you then change that name to cross out John
8 and put in a Bob.

9 A. (Witness complied).

10 Q. Put your initials there to show that you made that
11 change.

12 A. Yes, sir.

13 Q. Let me just try and break these down into showing
14 you Exhibits 259 through 270.

15 Are these all photographs from the "A" series of
16 photographs that you took inside the Ryen master bedroom?

17 A. Yes, sir. they are.

18 Q. Did you take all of those on June the 5th, 1983?

19 A. Yes, sir. I did.

20 Q. Were they all taken by yourself personally?

21 A. Yes, sir.

22 Q. And do they all accurately reflect the conditions
23 in the crime scene as they were when you saw it?

24 A. Yes, sir. they do.

25 Q. Directing your attention particularly to Exhibit
26 264.

27 When you entered the crime scene, were there any
28 first aid boxes or first aid litter on the floor in the carpet

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1 in the area between Dr., Peggy Ryen and Christopher Hughes?

2 A. I believe so. According to the photograph, yes.

3 Q. What are you referring to?

4 A. The multicolored, the multicolored cloth things
5 there in the center there.

6 A. Yes, sir.

7 Q. Well, did you see any like aluminum foil or trash
8 or first aid kit boxes, that sort of thing?

9 A. Not that I recall. no, sir.

10 Q. And specifically asking you to look at Exhibit 180.
11 some -- a photograph of the crime scene. with some first aid
12 boxes down in the bottom left-hand corner.

13 Those were not there when you entered; is that
14 right?

15 A. No, sir. They were.

16 Q. Photograph 180 was not taken by yourself?

17 A. No, sir, it wasn't. No, sir, they weren't.

18 Q. Showing you another series of photographs, Exhibit
19 271 through 284.

20 Are those also photographs in the "A" series that
21 were taken by yourself on June the 5th, 1983?

22 A. Yes, sir, they are.

23 Q. And do they accurately depict the scene in the Ryen
24 master bedroom as you saw it on that particular date?

25 A. Yes, sir, they do.

26 Q. Placing before you another series of photographs,
27 Exhibit 285 through 295 inclusive.

28 Are those likewise the "A" series of photographs

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1 taken by yourself on June 5th, 1983, accurately depicting the
2 Ryen master bedroom?

3 A. Yes, sir, they do.

4 Q. Showing you then photographs 296 through 308.

5 Are those all "A" series photographs taken by
6 yourself on June the 5th, 1983?

7 A. Yes, sir, they are.

8 Q. Now, some of those photographs depict the hallway
9 outside the Ryen master bedroom, some of them depict the
10 bathroom and some of them depict the master bedroom; is that
11 correct?

12 A. Yes, sir, they do.

13 Q. Some of those pictures were taken after the bodies
14 of the victims were taken out and some of them before; is that
15 right?

16 A. Yes, sir, that is true.

17 Q. But they all accurately depict the conditions in
18 the Ryen house at sometime on June the 5th.

19 A. Yes, sir.

20 Q. Spreading before you Exhibits 454 through 463.

21 Do all of those photographs -- were all of those
22 photographs taken by yourself on June the 5th, 1983, of the
23 interior of various rooms of the Ryen house?

24 A. Yes. Plus a refrigerator, yes.

25 Q. And the particular room of the house that would be
26 indicated on the photograph would be indicated by the letter
27 which corresponds to the room that you have placed on Exhibit
28 6-E. Is that right?

1 A. Basically.

2 A. Yes.

3 Q. Is there any exceptions?

4 A. I don't recall marking the hallway area.

5 Q. Okay. So, the photograph that has been marked as

6 Exhibit 463 and has the, has the designation B-5 is in fact the

7 hallway area looking down towards Jessica's bedroom; is that

8 right.

9 A. Yes, sir.

10 Q. So, it would be the hallway -- so it would be

11 outside the -- let me see. There's a linen closet that's

12 depicted in that photograph.

13 Would that linen closet be the closet that is

14 indicated on the, on the diagram 6-E so everybody can -- on 6-E

15 between rooms B and C. Is that right?

16 A. Yes, sir.

17 Q. And it would be taken in the general direction of

18 the laundry room.

19 A. Yes, sir.

20 Q. Putting before you on the witness stand Exhibits

21 309 and 400 through 413.

22 Do those all -- are those all photographs that were

23 part of the "T" series of photographs that you took on the

24 evening hours of June the 5th at the Ryen crime scene to

25 indicate various blood patterns that you saw on walls, sheets

26 and furniture.

27 A. Yes. They would be the afternoon hours and the

28 evening hours.

1 Q. Were those photographs taken before the people from
2 the crime lab, Mr. Stockwell and Ms. Schechter removed any of
3 the blood from the walls, sheets and furniture?

4 A. Yes, sir, they were.

5 Q. Were those -- if you need to look, were those
6 pictures all taken with a flash?

7 A. Yes, sir.

8 Q. In fact, all of the interior, the pictures you
9 took, were they taken with a flash?

10 A. Basically all of them, yes.

11 Q. And was that a flash affixed sort of right near the
12 camera?

13 A. Yes, sir. It was a Vivitar 283 mounted flash on
14 top of the camera.

15 Q. On a shot sheet?

16 A. Yes.

17 Q. Showing you Exhibit 414 through 428.

18 Are those all parts of the "U" series that you took
19 on June the 5th, 1983?

20 A. Yes, sir, they are.

21 Q. Now, the numbers in those photographs, they were
22 the numbers that were set up by the people from the crime lab to
23 indicate where they were going to collect blood from; is that
24 right?

25 A. Yes, sir.

26 Q. And in fact the person holding the No. 35 in
27 photograph 428, is that in fact Mr. Stockwell?

28 A. Yes, it is.

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1 Q. And do -- these all again were taken prior to the
2 blood actually being collected.

3 A. Yes, sir.

4 Q. They all accurately reflect the various parts of
5 the room as they appeared after the crime lab people had put the
6 numbers down; is that right?

7 A. Yes, sir, they do.

8 Q. Showing you another block of photographs, Exhibits
9 429 through 438.

10 Are those all in fact of the "W" series of
11 photographs that you took on June the 6th, 1983?

12 A. Yes, sir.

13 Q. And those photographs were all taken after Ms.
14 Schechter and Mr. Stockwell had completed their collection of
15 evidence; is that right?

16 A. I can't say if they were completed June 5th or not.

17 Q. Okay. Well, Ms. Schechter and Mr. Stockwell
18 departed in the early morning hours of June the 6th and were not
19 present while these "W" series of photographs were being taken;
20 is that right?

21 A. Yes, sir.

22 Q. And whatever work they had done the night before
23 those photographs were taken after that; is that correct?

24 A. Yes, sir.

25 Q. They -- what time did you arrive at the Ryen
26 residence on June the 6th?

27 A. Approximately 10:30 in the morning.

28 Q. So all those photographs would have been taken

1 after that point in time?

2 A. Yes, sir.

3 Q. Do you know when you began taking this particular
4 series?

5 A. Probably 15 on 20 minutes after I arrived.

6 Q. And all of those photographs that I showed you that
7 are on the witness stand before you right now are all
8 photographs of the Ryen master bedroom; is that right?

9 A. Yes, sir.

10 Q. Last, showing you Exhibits 439 through 453,
11 inclusive, are those also all photographs of the -- in the "W"
12 series taken on June the 6th. 1983, and showing either the Ryen
13 master bedroom or the hallway and bathroom next to it?

14 A. Yes, sir.

15 Q. And do they again accurately reflect what you
16 observed during the process of dismantling the bedroom on June
17 the 6th. 1983?

18 A. Yes, sir, they do.

19 Q. Were the "W" series photographs, which are 1
20 through 26, do the numbers on those photographs correspond to
21 the sequence that you pushed the button on the camera.

22 If you need to refer back to the other ones I have
23 them here.

24 A. Basically they, yes, they appear to.

25 Q. Do you know of any -- any exceptions to that?

26 A. W-23 was prior to the removal of the carpet, and
27 W-22 I believe along with W-18 and W-17.

28 Q. Is there any way that one can go back and at this

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1 point in time and sequence the order in which you took them.
2 that is, do you have any records of which one you took first and
3 which one you took second?

4 A. Only through the photographs. It's quite obvious
5 if the carpet is down in. for instance, W-25 and if the carpet
6 is gone in W-22. It's obvious I shot 25 before 22.

7 Q. Okay. But just other than -- than looking at the
8 content of the photographs, I mean, do you keep records on the
9 negatives or written notes, dictation, some sort of way that you
10 could at this point in time go back and determine the sequence,
11 date, and time that the photographs were taken in?

12 A. No, sir. just be the photographs.

13 Q. The -- At the preliminary hearing in this
14 particular case back in November, did you testify that in fact
15 the numbers were the sequence?

16 A. I believe it was basically in sequence, yes.

17 Q. But that's -- upon closer examination you found out
18 that that is not accurate; is that correct?

19 A. I believe so. in this case, these photographs.

20 Q. Same would be true of the "A" series?

21 A. I don't believe so, no, sir.

22 Q. The "A" series are in sequence?

23 A. Basically, yes.

24 Q. Can you be sure about the date on which the
25 different photographs were taken?

26 A. Yes, sir. I can.

27 Q. Is that by records or just by memory?

28 A. By memory.

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1 Q. Showing you Exhibits 464 through 470, these
2 photographs are all part of the "R" series of photographs that
3 you took; is that correct?

4 A. Yes, the removal.

5 Q. And that -- that, as you say, is when the people
6 under the direction of the Coroner, Deputy Coroner, Dave
7 Hammock, were removing the bodies from the crime scene to take
8 them to the county morgue; is that right?

9 A. Yes, sir.

10 Q. Do they all accurately reflect various stages of
11 that particular process?

12 A. Yes, sir, they do.

13 Q. And they were all taken after dark on June the 5th,
14 1983; is that right?

15 A. Yes, sir. I believe June the 5th and early morning
16 of June the 6th.

17 Q. When you testified at the preliminary hearing you
18 originally testified, did you not, that the letters "A" through
19 "X" also indicated a sequence of photographs; is that right?

20 A. Yes, sir.

21 Q. But then upon closer examination you found out that
22 was not the case?

23 A. I believe so, yes, sir.

24 Q. Is there any records or any way other than memory
25 at this point in time that you could go back and reconstruct the
26 order in which the various photographs were taken? That is, do
27 you have any records of --

28 I mean, when you shoot a roll of film do you

1 write -- do you keep any record that June 5th the laboratory
2 number. the master bedroom, that sort of thing?

3 A. No. sir. But there's a certain way of handling a
4 crime scene that you would photograph it, certain procedure.

5 Like in this case here, the overall photographs of
6 the residence were photographed and then the location of the
7 crime scene, be in the master bedroom was photographed.

8 Q. But as you took photographs of the various areas of
9 the crime scene, for example, would you come back and take
10 additional photographs of the master bedroom; is that right?

11 A. Yes, sir.

12 Q. And in your particular system when you got -- when
13 you got through what you did is you took all of your negatives
14 and went through and assigned them numbers based on where they
15 were taken rather than when; is that correct?

16 A. No. A roll of film. say 36 exposure roll of film.
17 starting with No. 1, if I shot a photograph in the bedroom and
18 continued in the bedroom, all the photographs following negative
19 1 and photograph 1 would be on the same roll of film.

20 Q. But are the rolls of film. do they still exist as
21 entities or are they now cut up into little strips?

22 A. They are cut into sections of three.

23 Q. Any way you can tell which, if you have let's say.
24 for example, frames 1 through 3 and frames 4 to 6, any way that
25 you can tell that your 1 through 3 is the same roll as 4 to 6.
26 or could that be any roll which you would have 4 to 6?

27 A. They would have to be from the same roll.

28 Q. How can you tell us that?

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2 1 A. Like I said, if you have a roll of film with 36
3 negatives the last photograph on there would be marked 36. The
4 next roll of film would start with 37.

5 Q. Well, see if I can -- Do you still have your
6 negatives arranged in the roll by -- by rolls that you took them
7 in?

8 A. I believe they are in the master book in the
9 Sheriff's Identification Division, yes.

10 Q. Are they arranged in the order that -- that you
11 have the photographs numbered or are they arranged in the order
12 of the original rolls?

13 A. I believe it's the way we have the photographs
14 numbered.

15 Q. And just giving you a for instance here, looking at
16 photograph 304 and 305 and then again 304 is, in fact, I.D. No.
17 A-96; is that correct?

18 A. Yes.

19 Q. And 305 is A-99?

20 A. Yes.

21 Q. You can tell from the fact that in the photograph,
22 the earlier numbered photograph, that Jessica's body -- that
23 there's just blood spot on the carpet in the spot that Jessica
24 is shown lying in the later number photograph; is that correct?

25 A. Yes, sir.

26 Q. So, let's assume that -- that on a roll of film
27 A-96 was -- was the third frame and went 1, 2, 3, then on
28 another roll of film. A-99. was 4, 5, 6. They -- the 4, 5, 6
of which -- of which -- the 4, 5, 6 series of negatives of which

1 A-99 is a part could not have been the same roll of film as the
2 1. 2. 3 of A-99 is correct?

3 A. Yes, sir.

4 Q. And there's no way that you can go back and piece
5 that together now?

6 A. Just through the photographs.

7 Q. Showing you photograph Exhibit No. 436, which has
8 the -- your identifying number W-10 on it, that photograph
9 depicts the Ryen -- the Ryen's waterbed in the process of being
10 drained; is that right?

11 A. Yes, sir, it does.

12 Q. And on the waterbed you have a -- depicted also
13 the -- the different weapons that you described yesterday as
14 being pointed out to you in the Ryen house; is that right?

15 A. Yes, sir.

16 Q. Did you take a picture of those weapons in the spot
17 where they originally were found?

18 A. I truthfully don't recall if I did or not.

19 Q. Were the weapons pointed out to you on the 6th when
20 that photograph was taken or were they pointed out to you
21 earlier?

22 A. I believe it was June 5th.

23 Q. Do you remember who pointed it out to you?

24 A. No, sir. I don't.

25 Q. Let me show you some photographs that have a
26 different sequence number. Photograph 94. was that taken by
27 yourself on June the 5th. 1983?

28 A. Yes, sir. it was.

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1 Q. And was that in fact your I.D. No. 32?
2 A. Yes, sir.
3 Q. Photograph 214. was that taken by yourself on the
4 same date, same time, and is that your I.D. photograph 19?
5 A. Same date not at the same time.
6 Q. Approximately the same time?
7 A. Yes, sir.
8 Q. And photographs 220 through 222. were they likewise
9 taken by yourself on June the 5th of the doorway between the
10 Ryen master bedroom and the Ryen master bathroom?
11 A. Yes, sir.
12 Q. And do their appropriate I.D. numbers appear in the
13 upper left-hand corner of each of those photographs?
14 A. Yes, sir.
15 Q. And do all those photographs accurately reflect the
16 scene as you saw it on June the 5th, 1983?
17 A. Yes, sir.
18 Q. In the -- Yesterday we were talking about
19 photographs of fingerprint lifts, and I believe with respect to
20 Exhibit 472. a photograph of a -- of a lift. you indicated that
21 you couldn't find that -- where that particular lift was in the
22 Ryen master bedroom; is that right?
23 A. I indicated I couldn't read my writing on the print
24 because it's small.
25 Q. Okay. Do you have -- have you made any effort over
26 the weekend to try and figure out where that came from?
27 A. I've thought about it, but I haven't had the
28 photograph to --

016975

1 Q. Are you sure that that print got lifted?
2 A. Yes, sir, I believe so.
3 Q. Okay.
4 A. It may have been lifted and not suitable for
5 comparison or just a smudge.
6 Q. Well, Ms. Punter has preserved those which are
7 suitable for comparison, those which are not suitable for
8 comparison; is that right?
9 A. Yes, sir.
10 Q. And this Exhibit 483, the same as exhibit from
11 the -- from the previous motions, H-272A, we've gone through
12 this before, right?
13 A. Yes, sir, we have.
14 Q. Okay. And with respect to the -- except for the
15 last page of this particular exhibit which has an orange "A" and
16 "B" on it, those prints were all lifted by yourself; is that
17 right?
18 A. Yes, sir.
19 Q. And the page with the orange "A" and "B". those
20 were in fact lift by Rick Roper; is that right?
21 A. Yes, sir.
22 Q. Now, just asking you to -- directing your attention
23 back to the eight lifts, there are eight different lifts that
24 are depicted as coming from yourself; is that right?
25 A. Yes, sir.
26 Q. That's how many you counted. Well, let's see,
27 could you count up how many different lifts there are from the
28 the Ryen residence that are attributed to you by Ms. Punter?

1 A. I see eight.

2 Q. Okay. The page that has been -- that is -- that is

3 listed with the number -- No. 4 prints, there's three pieces of

4 tape, but that's all one lift?

5 A. Yes, sir. No. That's two lifts, first and second

6 piece of tape are one lift, and this is the second one.

7 Q. On that page where there is a big No. 4 on it, the

8 two lifts to the left are one lift and the one to the right is a

9 separate one; is that right?

10 A. Yes, sir.

11 Q. On the page that has what appears to be a No. 3 or

12 "F" door on it, are those two separate lifts or just one?

13 A. Those are two separates.

14 Q. Okay. So that's four. And then going back to the

15 first page there appears to be five different lifts impressions;

16 are those all separate lifts?

17 A. There is three separate lifts, sir.

18 Q. Three separate lifts. Can you take an orange

19 Sharpie on that and group together the cards that are part of

20 the same lift, that is, draw a line between them.

21 A. (Witness complied.) It would be these two I

22 believe.

23 Q. So, in fact you have four separate lifts then on

24 that particular card -- that particular page?

25 A. Yes.

26 Q. The way that the Xeroxes go is that Mrs. Punter has

27 stapled together the backs of the cards, the page that has the

28 Xerox of the backs of the card to the page that has the Xerox of

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1 the lifted part; is that correct?

2 A. Basically. yes.

3 Q. Now. in this little photograph that is Exhibit 472
4 there is an arrow which you can see in that photograph that's
5 pointing in a direction that would be up, but towards the corner
6 of one of the lifts; is that correct?

7 A. Yes, sir.

8 Q. Was that -- is that something that you drew? Does
9 that depict something you drew on the photograph or something
10 you drew on the actual tape?

11 A. On the actual tape.

12 Q. Do you see then in any of the eight lifts that
13 you've identified in the -- in the photographs, any of the lifts
14 that have that little arrow pointing to a corner?

15 A. No, sir. I do not.

16 Q. Do you know what happened to that piece of tape
17 with the little arrow pointing to the corner?

18 A. I believe it should be still be in our evidence in
19 I.D..

20 Q. But you haven't seen it?

21 A. No, sir. I haven't. Or then again it could be a
22 not suitable for comparison or a smudged print.

23 Q. Well. Mrs. -- at least according to Ms. Punter, she
24 has some of your prints there, two of them as a matter of fact
25 that she's at least deemed to be not suitable for comparison; is
26 that right?

27 A. Yes, sir. that's true.

28 Q. You wouldn't throw away a lift just because one

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1 examiner found that she couldn't make it -- make anything off
2 it; is that correct?

3 A. No, sir. But if I lifted a latent at a scene and I
4 checked it at a scene and found it not suitable or just a
5 smudge, like on the end of a glove, there would be no
6 evidentiary value to that nor any points of comparison for a
7 comparison against a known and unknown.

8 Q. Let's just -- there's -- It's hard to tell in the
9 photograph, but there's at least three rather finger like
10 impressions that's appear on that piece of tape; is that right?

11 A. May I use my glass?

12 Q. Certainly.

13 A. They appear to be smudges to me.

14 Q. Can you tell from the photograph?

15 A. Yes. With the use of the glass it looks like it.

16 Q. So, you would have just thrown that away?

17 A. I would have lifted it. If there was no points of
18 characteristics or just smudges I wouldn't have taken it, no.

19 Q. What would have happened to it?

20 A. It would have been discarded.

21 Q. Why did you take a picture of it?

22 A. I took the photograph prior to lifting in case
23 there was evidentiary value to it.

24 Q. Do you make any notes at the crime scene of what
25 you -- of what you lift and what you discard?

26 A. No, sir. I just make notes of my latent lifts that
27 are comparable to my opinion.

28 Q. Do you know why you would have put tapes over those

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1 smudges if they were in fact smudges?

2 A. Yes, sir. I would lift them and attempt to lift
3 latent prints before I would decide they were not suitable or
4 just smudges.

5 Q. Showing you Exhibit 187, the -- let's put it up,
6 actually this is big enough we can put it up on the board.

7 The photograph of the Ryen living room looking
8 outside, was that -- was that photograph taken at the same time
9 you took the other photographs of the -- of the Ryen living
10 room?

11 A. Yes, sir, the afternoon hours of June 5th.

12 Q. Was that taken when you did your original
13 walk-through through the house taking pictures of all the
14 different rooms?

15 A. I believe so, yes.

16 Q. While you were -- while you were in the living room
17 working did you see them putting up that tape that's there in
18 the background?

19 A. No, sir. I didn't.

20 Q. Was it already there when you started taking
21 pictures?

22 A. No, sir. it wasn't.

23 Q. That was a bad question.

24 Was it already there when you started taking
25 pictures inside the living room?

26 A. Yes, sir.

27 Q. The -- If you could step up to the picture. There
28 appears to be four people that are depicted in that. Do you

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1 recognize one of them as Billy Arthur?

2 A. Yes, sir. I do.

3 Q. And there's -- to the far left of the group of four
4 you can just see the top of a head, do you recognize that head
5 to be Rod Hoops?

6 A. I don't know Rod Hoops.

7 Q. Okay. What about -- there's a -- there's just some
8 dark hair without a face; you can't recognize anybody?

9 A. No, sir.

10 Q. And to the far right of the picture there is a man
11 in a white shirt; do you recognize that person?

12 A. Yes, sir. I do.

13 Q. Is that Phil Dana?

14 A. Yes, sir. it is.

15 Q. Could you then -- taking our black marker. put as
16 No. 27 spot Phil Danna. spelled with two "N's". and a "6-5" in
17 the far right-hand corner. Okay.

18 A. (Witness complied.)

19 Q. The record should reflect that's on Exhibit 226.
20 You can be seated again.

21 Showing you three more smaller photographs.
22 Exhibits 462. 461. and 460; are those also all pictures of the
23 living room area taken at approximately the same time as this
24 larger photograph. Exhibit 187?

25 A. Yes, sir.

26 Q. And do they again also accurately reflect -- do
27 they again also show the -- at least in two of them, the tape
28 that was outside.

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1 A. Yes, sir.

2 Q. In -- I don't know if this is going to be visible
3 or not to the jury by putting it on the board. In the
4 photograph that's been marked as 461, which is your I.D. H-5.
5 there is depicted a large over-stuffed chair in that particular
6 picture; is that right?

7 A. Yes, sir.

8 Q. And on this particular photograph there has been
9 placed in grease pencil two red circles; is that right?

10 A. Yes, sir.

11 Q. Was that done by yourself at a prior hearing?

12 A. Yes, sir. I believe it was.

13 Q. And the red circle which has a green "A" next to
14 it, does that indicate the area where -- from which you dusted
15 for prints in that particular room?

16 A. Yes, sir.

17 Q. When did you do that?

18 A. June 5.

19 Q. What time, approximately?

20 A. It was after the photographs.

21 Q. Was it as the sun was going down?

22 A. Early evening hours, yes. I don't believe the sun
23 was completely down though.

24 Q. But just in the process of going down?

25 A. Yes, sir.

26 Q. Around dusk?

27 A. Yes, sir.

28 Q. At the time that you were dusting for prints in

1 there, were there anybody from the Bureau of Administration of
2 the Sheriff's Department in the room?

3 A. No, sir, not that I can recall.

4 Q. Were they in the house at that time?

5 A. Not that I can recall.

6 Q. Asking you to look through at Exhibit 462, which is
7 your identification photograph H-6, amongst other things that
8 depicts the carpet area of the living room; is that right?

9 A. Yes, sir.

10 Q. Now, if you could -- handing it back to you, there
11 appears to be a number of stains on that carpet. It's a rather
12 soiled carpet; is that correct?

13 A. Yes. It could be stains or holes in the rug or
14 wear marks.

15 Q. But there's a bunch -- as it appears in that -- in
16 that particular photograph there are a large number of
17 discolorations to the rug; is that right?

18 A. Yes, sir.

19 Q. And does that photograph -- were those
20 discolorations there actually on the rug or are they artifacts
21 of the photograph?

22 A. They were on the rug.

23 Q. In the -- right down near the bottom of the
24 bannister there there's what looks to be a reddish colored
25 discoloration, fairly large area on the photograph, did you ever
26 find -- did you ever yourself look at that to see what it was?

27 A. Yes. It was carpet wear I believe.

28 Q. Can you see that in the photograph?

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1 A. Yes, sir, I can see the area.

2 Q. No. Right -- right to the -- right to the left of
3 the bannister there, sort of a reddish dark or maybe more brown
4 rather than reddish.

5 A. Yes. I believe that's carpet wear. The carpet was
6 in very bad shape.

7 Q. On both sides?

8 A. Yes, sir.

9 Q. What about the little dot areas, are they all
10 carpet wear, too?

11 A. Some of them are stains; some of them are carpet
12 wear.

13 Q. The ones that are stains, did you ever -- did you
14 ever make any effort to determine what kind of stains they were?

15 A. No, sir. I did not.

16 Q. Did you ever see any of the crime lab people
17 examining those stains?

18 A. No, sir. I did not.

19 Q. If you are particular department where you have a
20 tri-partite division of responsibility between I.D., Homicide, and
21 Crime Lab, do you -- did you do anything on June the 5th, 1983,
22 to insure, for example, that the crime lab was aware of
23 everything that you saw that might have been of evidentiary
24 value?

25 A. No, sir. I did not.

26 Q. Essentially then you did, when you happened to
27 notice something you just took a photograph of it and left it to
28 them to discover it for themselves.

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1 A. No, sir. If I found something I thought of
2 evidentiary value I would point it out to them.

3 Q. That's what I'm talking about. Were things of
4 evidentiary value, you thought of evidentiary value, did you
5 make a point to try to make those things out to the people?

6 A. I believe so, yes.

7 Q. Did you -- could you tell when you first got in
8 there, before there were other Sheriff's personnel in the living
9 room, whether any of the stains on the carpet were of
10 evidentiary value or not?

11 A. No, sir.

12 Q. At some point in time that evening did you see a
13 large number, like maybe half dozen or so Sheriff's personnel
14 congregated in the living room?

15 A. No, I believe there was a kitchen area.

16 Q. You never saw that in the living room?

17 A. No. Not twelve, no.

18 Q. Six?

19 A. Or six.

20 Q. Did you ever see a briefing take place in there?

21 A. Yes, sir, I did.

22 Q. When was that?

23 A. It was the evening of June 5th in the kitchen area.

24 Q. Did you ever see a briefing take place in the
25 living room?

26 A. No, sir, I did not.

27 Q. The stairs that you can see leading off the
28 photograph in Exhibit 460. did you examine those stairs to

1 determine whether or not there were any stains that might be of
2 evidentiary value on them?

3 A. No, sir. I did not.

4 Q. Did you ever see Captain Don Meyers sitting on
5 those stairs that evening?

6 A. No, sir. I didn't.

7 Q. Other than the area that you circled with a letter
8 "A" in the little photograph Exhibit 461. did you dust any other
9 areas of the, of the living room for prints on that particular
10 day?

11 A. I believe it was the dining room table depicted in
12 this picture.

13 Q. That is the dining room table in the photograph?

14 A. Or the end table.

15 Q. The end table.

16 That would actually depict -- is that the one
17 that's depicted with another red circle in the back?

18 A. Yes, sir.

19 Q. Do you recall whether you developed anything that
20 looked like a fingerprint on any of those objects?

21 A. No, sir. I didn't, because of the dirty condition.

22 Q. Of the glasses and stuff?

23 A. Yes, sir. And the services.

24 Q. Did you dust the windows back there in the
25 background, the windows that led to the outside?

26 A. No, sir. I didn't.

27 Q. Putting laboratory numbers X-1 through X-3.
28 Exhibits 254 through 256 on the board.

016986

1 First off, do you know if those photographs were
2 taken before or after the "A" series of photographs of the
3 inside of the living room?

4 A. I believe it was before.

5 Q. You took those photographs in order to depict
6 different views of the rip that appears in the screen there?

7 A. Yes, sir.

8 Q. At that point, too, was that rip being investigated
9 as a possible point of entry try or exit into the house?

10 A. No, sir. I don't believe so far.

11 Q. You just took it because of the rip.

12 A. Yes, sir.

13 Q. Did you -- did you dust the screen around that rip,
14 that is, the aluminum frame area of the screen?

15 A. I don't believe so, no.

16 THE COURT: Are you about to conclude.

17 MR. NEGUS: No.

18 THE COURT: Then let's take the morning recess, ladies
19 and gentlemen. Remember the admonition.

20 (Recess)

21

22 THE COURT: Mr. Negus.

23

24 CROSS EXAMINATION (Resumed)

25 BY MR. NEGUS:

26 Q. The doors here are in somewhat different positions
27 in X-1, X-2 and X-3. That is the sliding screen door.

28 Was the, was the X-2, was that the position which

0169987

1 you found it?

2 A. No, sir, I don't believe so.

3 Q. In which position did you find it in?

4 A. I believe it was closed. I think prior testimony I

5 testified to that.

6 Q. Didn't you also correct yourself in prior testimony

7 after having been shown photographs of the outside?

8 A. Yes, sir.

9 Q. So it would have been open?

10 A. I don't recall what the photographs showed.

11 Q. Showing you Photograph 245. That was taken -- when

12 was that taken, before or after the "X" series?

13 A. It was before.

14 Q. And what position is the screen door?

15 A. It was open.

16 Q. We went through this once before; is that right?

17 A. Yes, sir, we have.

18 Q. Putting up on the board for a second Photograph

19 182.

20 First of all, that's an enlargement of the

21 photograph I just showed you; is that right?

22 A. Yes, sir, it is.

23 Q. Um, there appears to be in that photograph some

24 floodlights which appear to be turned on.

25 Do you know whether those floodlights were on when

26 you arrived at the scene?

27 A. No, sir, I do not.

28 Q. Did you go out and take any pictures of the barn

1 area?

2 A. No, sir. I didn't.

3 Q. While you were there working at night, was there
4 any lights on in the barn?

5 A. I do not recall.

6 Q. Inside the house, were you -- did you turn on
7 lights, the lights of -- the interior lights while you were
8 working in there?

9 A. I took my own portable lights for shooting the
10 scene at night and I believe some of the lights were on inside,
11 yes.

12 Q. Were you ever in there, in that house when you,
13 when all the exterior lights were turned off?

14 A. No, sir.

15 Q. Showing you Exhibit 243, a photograph of the
16 exterior of the Ryen house.

17 Is the door that appears in the -- behind the swing
18 in that picture, is that a photograph of the door into the
19 laundry room?

20 A. Yes, sir, it is.

21 Q. And there was a little orange thing that appears
22 behind the trees there at the overhang near the the patio. Is
23 that a floodlight?

24 A. It appears so.

25 Q. Give you another picture, Picture 240. Can you see
26 the same thing in that particular photograph?

27 A. Yes, sir.

28 Q. Do you know whether that floodlight was on when you

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1 arrived or not?

2 A. No, sir. I don't.

3 Q. You can -- showing you Exhibit 173, the large
4 photograph of the Ryen backyard.

5 First off, there's a green case of some sort there
6 depicted in that particular photograph.

7 Do you recognize what that green case is?

8 A. I believe it was an ice chest.

9 Q. Was that there when you arrived?

10 A. Yes, sir, it was.

11 Q. There's a cardboard box next to it outside.

12 Was that also there when you arrived?

13 A. Yes, sir, it was.

14 Q. The position of the spa cover in that particular
15 photograph. Is that the position that the spa cover was in when
16 you first saw it?

17 A. I believe so, yes.

18 Q. It was up like that?

19 A. I believe so, yes.

20 Q. Showing you Photograph 230. When was that picture
21 taken?

22 A. Upon arrival.

23 Q. In that particular picture the spa cover is down
24 flush rather than raised like it is in the larger Photograph
25 173; is that correct?

26 A. Yes, sir.

27 Q. You have this photograph, this little photograph
28 that is numbered as your No. 2; is that correct?

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- 1 A. Yes, sir.
- 2 Q. And the larger photograph, do you recall what
3 number that would have been?
- 4 A. No, sir, I do not.
- 5 Q. But it would have been a higher number than No. 2;
6 is that correct?
- 7 A. Yes, sir.
- 8 Q. Would that indicate that, that the, that the little
9 picture was in fact taken before the big picture?
- 10 A. Yes, sir.
- 11 Q. Did you see that spa cover being raised like that
12 during the time that you were there?
- 13 A. No, sir. I did not.
- 14 Q. The photograph that's 173, that was taken before
15 you -- before Mr. O'Campo pointed out the shoe impression on the
16 spa cover to you; is that right?
- 17 A. Yes, sir.
- 18 Q. When you took the impression on the spa cover
19 later, it was back flush again; is that right?
- 20 A. Yes, sir.
- 21 Q. When you took this large picture, 173, did you have
22 to clear anybody out of the way? That is, tell anybody to move
23 out of the photograph?
- 24 A. No, sir. I don't recall.
- 25 Q. Do you recall whether Captain Don Meyers was out
26 there at that point in time?
- 27 A. No, sir.
- 28 Q. You don't recall?

1 A. I don't believe he was there.

2 Q. And the gentleman in this photograph, that's I.D.

3 No. 2, Exhibit No. 230. that was -- that is Bill Baird; is that

4 right?

5 A. Yes, sir. Criminalist Baird.

6 Q. Did he arrive there at the scene approximately at

7 the same time you did?

8 A. Yes, sir.

9 Q. Directing your attention for a moment to a little

10 photo that is your No. T-14, and Exhibit No. 411. That is one

11 of the "T" series that we were talking about earlier; is that

12 right?

13 A. Yes, sir.

14 Q. And that is specifically T-14.

15 Did you take that picture because you thought that

16 there was something in the picture that appeared to be a smear

17 of blood?

18 A. Yes, sir, I did.

19 Q. And asking you to take the red marker on that

20 Photograph 411. could you circle that in red where you thought

21 the blood smear was on the little photograph.

22 A. (Witness complied).

23 Q. Let's see. What have you done here now.

24 You have put --

25 A. I recall it being on this wall.

26 Q. Okay. But let me give you a red Sharpie to use on

27 the diagram. You have made a mark on diagram 6-E; is that

28 right?

016992

1 A. Yes, sir.

2 Q. Now could you put a number "T-14" with an arrow
3 pointing to where you have done the mark.

4 There is nothing, there is nothing in the
5 photograph that will actually orient you to where that
6 particular drop of blood was; is that correct?

7 A. Yes, sir.

8 Q. That is just your memory.

9 A. Yes, sir.

10 Q. And could you circle the -- on the photograph it
11 is, could you circle where you thought the drop of blood was.

12 A. (Witness complied).

13 Q. Approximately how high was that from the floor?

14 A. Five feet. Four and a half, five feet.

15 Q. Did you point that out to Mr. Stockwell or Ms.
16 Schechter. that splotch that is T-14?

17 A. I think it was Mr. Stockwell. I pointed it out to
18 him. I believe him or Mr. Ogino on the 6th.

19 Q. Mr. Ogino was not at the house on June the 5th; is
20 that right.

21 A. Yes.

22 Q. You took the photograph on June the 5th. 1?

23 A. Yes, sir.

24 Q. Did you point it out to him after you took the
25 photograph?

26 A. I believe I photographed after we both looked at
27 it.

28 Q. You and Mr. Stockwell did?

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1 A. Yes.

2 Q. Showing you photograph T-16. Does that also depict
3 what appeared to be a drop of blood?

4 A. Yes, sir.

5 Q. And there was an orange circle around a portion of
6 that photograph.

7 Was that put by yourself to indicate where you
8 thought the drop of blood was?

9 A. I believe so, yes.

10 Q. Could you then, using the red Sharpie, indicate on
11 Exhibit 6-E where you, where you saw that.

12 A. (Witness complied)

13 Q. So that was -- approximately how far, in distance,
14 was that particular drop of blood from the drop of blood that
15 you've labeled on the diagram as No. 41?

16 A. Probably six feet approximately. Six to eight
17 feet.

18 Q. And approximately how high off the ground was that
19 number --

20 A. 14?

21 Q. Yes.

22 A. About a foot, foot and a half.

23 Q. You put Exhibit 413 as the exhibit number on the
24 diagram to indicate.

25 A. Yes.

26 Q. So you say a foot, a foot and a half off the
27 ground.

28 And the -- in the photograph there appears -- there

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1 appears over here a small corner of a wall. Does that
2 correspond to the corner that is just turning the corner there
3 right near 41 in that hall?

4 A. Yes, sir.

5 Q. While you were setting up the photographs to take
6 the picture of the No. 41 there, did you point that out to Mr.
7 Stockwell as well?

8 A. I don't recall. I believe I did.

9 Q. Was this series of photographs, the "T" series
10 taken at approximately at the same time as the ones --

11 A. Yes, sir.

12 Q. -- that you were taking of the 41?

13 A. Yes, sir.

14 Q. Showing you again another photograph, T-15.

15 Did you take that photograph again on June the 5th?

16 A. On June -- no. This was June the 6th.

17 Q. So that would have been taken -- was that taken
18 like after midnight the next day or when?

19 A. When I got back the following day.

20 Q. You didn't see that on the particular occasion?

21 A. No, sir. This door was open originally.

22 Q. What do you mean "open"?

23 A. Well, this was the door leading from the hallway
24 into the living room, which was open, being this door right
25 here.

26 Q. The one where you -- could you put a -- write a
27 "T-16" along that door.

28 A. (Witness complied)

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1 Q. So the particular photograph that you took there,
2 No. T-16, that depicts the door when it is in a closed
3 condition.

4 That is blocking the hallway and the living room;
5 is that right?

6 A. Yes, sir.

7 Q. And were there, on that particular Photograph T-16,
8 were there what appear to you to be blood smears?

9 A. Yes, sir.

10 Q. Could you, using the red Sharpie, go back to the
11 desk and circle the area where you thought that there were
12 bloodstains.

13 A. (Witness complied).

14 Q. On that date, June 6th, there were criminalists.
15 Dan Gregonis, Craig Ogino, were both at the Ryen house?

16 A. Yes, sir.

17 Q. Did you point that scene out to either of them?

18 A. I believe so, yes.

19 Q. Did you ever see them collecting that particular
20 smear?

21 A. No, sir.

22 Q. Did you ever see Mr. -- did you ever see any
23 criminalist collecting the smear that's depicted in T-16?

24 A. No, sir.

25 Q. Oh, let me just -- these smears that are shown in
26 T-15. I had you write that wrong. Could you correct me and make
27 write "T-15" over the door rather than "T-16".

28 A. (Witness complied).

1 Q. T-15 is in fact the photograph that depicts the
2 back part of the door from the hall into the living room; is
3 that right?

4 A. Yes, sir.

5 Q. You can be seated for just a minute.

6 Showing you -- putting up here a photograph that
7 has been marked as Exhibit 204. Is that in fact a copy of your
8 photograph D-1?

9 A. Yes, sir.

10 Q. Okay. That would be the bathroom that's labeled
11 with the letter "D" on the diagram 6-E; is that right?

12 A. Yes, sir.

13 Q. When, approximately, was that particular photograph
14 taken?

15 A. I believe during the walk-through with the
16 photographs of the residence.

17 Q. So, within a few moments of the photograph that was
18 taken of the living room.

19 A. Prior to the living room.

20 Q. Okay. How long did it take you to get from the
21 living room to -- from the bathroom to the living room?

22 A. Probably ten seconds.

23 Q. While you were taking photographs?

24 A. Probably five, ten minutes.

25 Q. So, it would have been in the same general time of
26 the afternoon that you took the photographs of the living room.

27 A. Yes, sir.

28 Q. Was that the only photograph that you took of that

016997

1 particular bathroom?

2 A. Yes, sir. it was.

3 Q. Did you ever go any further into the bathroom than
4 the spot from which you took that particular picture?

5 A. Yes, sir. I believe I walked in and checked the
6 sink.

7 Q. Did you see anything in the sink?

8 A. No, sir.

9 Q. Did you ever see any blood specks around the --
10 around the -- around the exterior of the sink?

11 A. No, sir. I did not.

12 Q. Did you ever wash your hands in that sink?

13 A. No, sir.

14 Q. Did you -- did you give the sink a real good check
15 or did you just look in and take a brief look at it?

16 A. I just looked at it.

17 Q. Did you turn the light on?

18 A. No, I don't believe so.

19 Q. When you -- when you walked in there -- well, this
20 particular photograph, No. 204, it's illuminated with flash; is
21 that right?

22 A. Yes, sir.

23 Q. Was the light on when you -- when you went in
24 there?

25 A. Apparently not.

26 Q. The -- the only window into the bathroom is --
27 would that be the area that's sort of to the -- slightly lighter
28 in the upper left-hand corner behind the shower door?

1 A. Yes. sir.

2 Q. And the shower door sort of screens the -- that

3 window from the rest of the room; is that right?

4 A. Yes, sir.

5 Q. Did you ever see any criminalists working in that

6 particular bathroom?

7 A. No. sir. I did not.

8 Q. By the way, the -- did the sun go down that

9 particular night at approximately 8:00 o'clock?

10 A. I don't really recall.

11 Q. Is 8:00 o'clock or a little after a reasonable

12 estimate of when the sun goes down in the western part of our

13 county during the longest days of the year?

14 A. I believe so.

15 Q. Putting up next the photograph 198; is that also

16 your identification No. F-1?

17 A. Yes, sir.

18 Q. While you were in that -- and that is taken from

19 a -- from near a sort of sink area that went around the kitchen

20 and looking towards the dining room; is that right?

21 A. Yes, sir.

22 Q. That would have been taken while you were making

23 your pass-through over from the bathroom to the living room?

24 A. Yes, sir.

25 Q. The -- circling for you in green a particular area

26 of that particular -- of that particular counter, there is --

27 appears to be a bunch of coins in that; is that correct?

28 A. Yes, sir.

1 Q. Were those coins there when you arrived and took
2 the pictures?
3 A. Yes, sir. they were.
4 Q. And underneath one of the sets of coins there is
5 some folding money; was that also there on the counter?
6 A. Yes, sir. it was.
7 Q. The -- at some point in time did you take some
8 photographs of some other items of coin and currency in the Ryen
9 house?
10 A. Yes, sir. I did.
11 Q. And was that a rather large coin collection
12 consisting of a variety of coins and bills?
13 A. Yes, sir.
14 Q. Where -- did you see where that coin collection
15 came from?
16 A. No, sir. I did not.
17 Q. The photographs you took of it, they were taken in
18 the den?
19 A. Yes, sir.
20 Q. Who showed you that and asked you to take the
21 pictures of it?
22 A. Detective Clifford.
23 Q. Was that -- what date was that?
24 A. I believe it was June 5th. or June 6th.
25 Q. You don't remember for sure?
26 A. No, sir.
27 Q. Did you ever count that money?
28 A. No, sir. I did not.

017000

- 1 Q. How far was that money from the refrigerator?
- 2 A. Probably 15 feet.
- 3 Q. Could you, using again -- let's try the black
- 4 marker -- put a dollar sign for where the money was on the
- 5 diagram, 6-E?
- 6 A. (Witness complied.)
- 7 Q. As the -- as the layout of the house was, if one
- 8 were going down the hallway one would have to pass that to get
- 9 out of the house; is that right?
- 10 A. If they use this door.
- 11 Q. The kitchen door or the front door?
- 12 A. Yes, sir.
- 13 Q. And you'd have to go by that to get the beer unless
- 14 you came in from the outside; is that right?
- 15 A. Yes, sir.
- 16 Q. Were there -- in the -- in the den area here, were
- 17 there a number of stereos, rather expensive stereo systems with
- 18 a number of different components to it?
- 19 A. Yes, sir.
- 20 Q. Do you remember what kind it was?
- 21 A. No, sir.
- 22 Q. Did it appear to be expensive?
- 23 A. Medium range.
- 24 Q. What do you mean by that? I mean what -- give
- 25 me -- what approximate dollar range would you say?
- 26 A. Probably a thousand dollars.
- 27 Q. In the living room was there a television?
- 28 A. Yes, sir.

1 Q. Did that have a VCR connected with it?

2 A. Yes, sir. it did.

3 Q. And showing you Exhibit G-7. does that depict the

4 various items of stereo equipment excluding the speakers that

5 were in the den?

6 A. Yes, sir. it does.

7 Q. The E-2 picture of the various areas that look to

8 be bloodstains inside the -- inside the refrigerator, you saw

9 those on -- on June the 5th?

10 A. Yes, sir.

11 Q. And on that date did you point them out to Mr.

12 Stockwell or Ms. Schechter?

13 A. I believe so, yes, I did.

14 Q. The -- this particular photograph, which is Exhibit

15 195. was -- how long had the refrigerator door be standing open

16 when you took that photograph?

17 A. Maybe a minute.

18 Q. Did you -- did you touch any of the beer cans

19 before you -- before you took the picture?

20 A. No, sir. I didn't.

21 Q. Was that picture likewise taken in the same path

22 that we were talking about earlier from the bathroom to the

23 living room?

24 A. No, sir. it wasn't.

25 Q. When was that taken?

26 A. In the later hours of the day.

27 Q. Was that after dark or before, do you remember?

28 A. Prior to dark.

1 Q. Can you -- in time can you locate that with respect
2 to any of the other events that took place?

3 A. Probably around 7:00 clock.

4 Q. You mean, did you just happen to think, I will look
5 in the refrigerator and see what's there, or did somebody point
6 it out to you?

7 A. I just opened the refrigerator. yes.

8 Q. At approximately that point in time that evening.
9 somewhere around -- between 7:00 and 8:00. were you -- were you
10 standing in the kitchen talking to Captain Don Myers?

11 A. Not that I recall. no.

12 Q. Were you standing in the kitchen talking to
13 anybody?

14 A. Not that I can recall. no.

15 Q. The fellow that you had -- that -- Bob Glenn from
16 Southwest Transport Services, you're acquainted with him from
17 other crime scenes other than the Ryen crime scene?

18 A. Yes, sir.

19 Q. Moving to into the Ryen master bedroom; while you
20 were in that particular bedroom did you take any pictures of the
21 ceiling?

22 A. No, sir. I didn't.

23 Q. Did you ever see any blood on the ceiling in the
24 areas near where the south and east walls intersect?

25 A. No, sir.

26 Q. Did you look?

27 A. I believe I did. yes.

28 Q. Had you had any training as to the methods of

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1 taking photographs for the purposes of documenting blood
2 splatter patterns prior to your going out to the Ryen scene on
3 June the 5th, 1983?
4 A. Just on-the-job training.
5 Q. Who was that from?
6 A. Lieutenant Marcus Grounds, Sheriff's Office.
7 Q. Lieutenant Grounds was not a criminalist; is that
8 correct?
9 A. No, sir.
10 Q. While you were taking pictures of the various blood
11 splatter patterns, did you attempt to take pictures of them
12 coming in at a perpendicular or 90 degree angle with a ruler in
13 the picture, of the various blood splatters?
14 A. I believe it was 90 degrees, I don't recall the
15 ruler.
16 Q. You attempted to take them with a 90 degree angle?
17 A. Yes, sir.
18 Q. Showing you Exhibit 402. I.D. T-5; 403, I.D. No.
19 T-6; 405. I.D. No. T-8. do any of those photographs appear --
20 were you attempting to take pictures of those blood splatter
21 patterns and a 90 degree angle?
22 A. T-8 would be straight ahead and looking down.
23 Q. But it wouldn't be 90 degrees to the blood pattern?
24 A. No, sir. T-6 would be the same as T-5 as far as my
25 location and angle. -- Correct me. T-8.
26 Q. So the answer is basically, no they were not
27 taken --
28 A. No.

017004

1 Q. And showing you again T-14, 15, and 16 which you've
2 already looked at, Exhibits 411 through -14. were any of those
3 taken at a 90 degree angle?

4 A. No, sir.

5 Q. Were all of the pictures that you took taken with
6 .35 millimeter film?

7 A. No, sir.

8 Q. What kind of film were they taken with?

9 A. Some was .35 millimeter and some was .120
10 millimeter.

11 Q. Do you remember -- is there any -- was there any
12 particular reason for one as opposed to the t'other?

13 A. Yes. The .120 film, which is color film also, is
14 the backup photographs in case something happened to the .35
15 millimeter.

16 Q. Were the .120 films developed and printed as well?

17 A. Yes. I believe they were.

18 Q. Are they, for example, the backup, the ones you
19 took of the bedroom, are they included in the A-33 through 102
20 series?

21 A. I don't believe so.

22 Q. What happened to them?

23 A. They are in our files in I.D..

24 Q. They are not part of that particular series?

25 I will get you the "A" series if you want them.
26 Here's the majority of the ones you don't have
27 blowups on. They would not be included in those?

28 A. No, sir, they are not. These are all .35

017005

1 millimeter.

2 Q. What about the ones -- did Mr. Roper take some
3 backup photographs too?

4 A. Not that I can recall.

5 MR. NEGUS: Could we break at this time, your Honor?
6 There's something I'd like to take up outside the presence of
7 the jury.

8 THE COURT: All right.

9 Remember the admonition. During the recess don't
10 discuss the case; don't let anybody discuss it with you; don't
11 express or form an opinion on the matter.

12 Jurors return at 1:30 if you would, please.

13 The Court will remain in session.

14 Would you let the jurors go out first, ladies and
15 gentlemen.

16 (The following proceedings were had in open court
17 without the presence of the jury.)

18 THE COURT: All right. The jurors and alternates have
19 departed.

20 MR. NEGUS: Before we go any further, your Honor, with
21 either Mr. Duffy or Mr. Stockwell, who is the next witness, I'd
22 like to be able to see these photographs, which I believe I've
23 asked for on more than three occasions and we're told always in
24 the past that they were part of the ones I already had.

25 As you know, the issue of what sort of
26 documentation we have of the crime scene has been something
27 which I have been referring to repeatedly. And if there's
28 photographs that show other things which I haven't seen, I would

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1 definitely feel that any cross-examination I would do of
2 those -- of those two people would be hampered until I have had
3 a chance to examine them. I certainly had asked for them amply
4 in the past.

5 THE COURT: Mr. Kochis, Mr. Kottmeier.

6 MR. KOCHIS: Your Honor, we couldn't have them here by
7 1:30. if they are in addition to the ones that have already been
8 marked.

9 THE COURT: Do you know that there are some photographs
10 that he does not have that he is referring to?

11 MR. KOCHIS: If Mr. Duffy is correct in what he has told
12 us on the witness stand, I know that at this point, yes.

13 THE COURT: Can you have them here tomorrow morning, Mr.
14 Duffy?

15 MR. KOCHIS: We would have someone bring them down. We
16 would have to have Sergeant Arthur make that phone call.

17 THE COURT: All right. Mr. Negus. We can interrupt this
18 witness and --

19 MR. NEGUS: I would request that we break the proceedings
20 until we find them because I don't -- I mean, what we have done
21 is, you know, that I've asked for these things a dozen times.

22 THE COURT: All right. Counsel. I'm not going to take
23 the afternoon off so we can get photographs and resume tomorrow.
24 We can go on direct examination, perhaps but we are not going to
25 take the afternoon off. if that's what you are suggesting.

26 MR. NEGUS: That's what I'm suggesting, because I feel
27 that given the repetition with which we have asked for all
28 photographs of the crime scene, the frequency which has become a

1 lengthily debated issue, that if the prosecution has something
2 which they haven't given us, it's not fair to require us to
3 continue with the trial until we find out what this is.

4 I haven't seen them. They may have no
5 significance, they may have great significance as far as the
6 presentation of the case is concerned.

7 And in proceeding before a jury one is assuming
8 that one has all the evidence which is reasonably possible for
9 them to produce at this point in time. Photographs of the crime
10 scene, which has been a big issue in the case since the
11 beginning, could have been held back until this point in time
12 have been held back that require we not just forget about it,
13 but we have a chance to forget about it --

14 THE COURT: Why didn't you mention it to me last week?

15 MR. NEGUS: Because I didn't know about it last week.
16 Last thing I heard from Mr. Duffy was the backup photographs
17 were part of those photographs. That was the information that I
18 was under the impression of. Had I know known this I would have
19 been screaming about it from the time that I found out about it.

20 THE COURT: Mr. Kochis, do you have alternative witnesses
21 perhaps?

22 MR. KOCHIS: My next witness is Mr. Stockwell. He has
23 been here since 10:00 o'clock this morning. It was my desire to
24 finish with Mr. Duffy, start with Mr. Stockwell with the
25 evidence from the crime scene.

26 THE WITNESS: Your Honor, can I go through these again?
27 There is a certain way you can determine if it's a .120 or a .35
28 millimeter by your border of your film for your negative prints.

1 THE COURT: You mean right now?

2 THE WITNESS: Yes.

3 MR. KOCHIS: Your Honor, I might add, it was our position
4 we always thought Mr. Negus had a set of everything that I.D.
5 had taken.

6 MR. NEGUS: That was my understanding, too, but that's
7 what I have of the crime scene, and if there's something that
8 doesn't exist I want to be able to see it before we go any
9 further.

10 THE COURT: You mean something that does exist that you
11 haven't got?

12 MR. NEGUS: Right. I don't have it.

13 THE WITNESS: Okay. There are six that are possibly .120
14 millimeter right here out of this "A" series.

15 MR. NEGUS: May I ask a question?

16 THE COURT: Sure.

17 MR. NEGUS: Is that all the backup photos you took?

18 THE WITNESS: No, sir. As I previously testified to you,
19 I testified previously that we took backup photographs just in
20 case our .35's didn't come out, which is a safety procedure.

21 MR. NEGUS: I know that and that's why I requested the
22 backup photos at that time.

23 THE COURT: Do you know where they are?

24 THE WITNESS: I believe they are in I.D. locked up in the
25 evidence case.

26 MR. KOCHIS: Your Honor, can I ask a question?

27 To your knowledge were the negatives that you took
28 with the .120 ever printed?

017009

1 THE WITNESS: Yes, I believe they were.

2 MR. KOCHIS: Have you seen the prints or do you know?

3 THE WITNESS: I've seen some prints on the .120. They
4 are duplicates of the scene.

5 THE COURT: Counsel. I will permit you to recall Mr.
6 Stockwell for further cross-examination and to recall Mr. Duffy
7 if you wish for that purpose, but we will get the photographs.
8 Let's have them here for tomorrow morning's session, and do the
9 best you can in the meantime. We're going to proceed this
10 afternoon.

11 Anything further before we break.

12 MR. NEGUS: Well. I request then to delay Mr. Duffy, my
13 further cross-examination of Mr. Duffy or Mr. Stockwell until
14 such time as we get them.

15 THE COURT: Will you have anything further of Mr. Duffy
16 at this time?

17 MR. KOCHIS: Yes, I have maybe ten minutes of redirect,
18 and then I can start with Mr. Stockwell.

19 I might add that I can bring Mr. Duffy back at
20 another time to testify about the car, and by that time Mr.
21 Negus would have had any backup photographs, if they exist.

22 MR. NEGUS: The thing is that I need to have -- that I
23 need to be able to go -- I mean, this is an orderly basically --

24 THE COURT: Counsel. I think you've made your point.

25 MR. NEGUS: Okay. But I'd like to have Mr. Duffy back
26 tomorrow. Whatever we do I'd like to have Mr. Duffy back
27 tomorrow and finish with him myself before I cross-examine Mr.
28 Stockwell.

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1 THE COURT: I think that's fair under the circumstances.

2 So. Mr. Duffy. you will be here tomorrow. and

3 hopefully any of these backup photographs will likewise be here.

4 Make every possible effort, Sergeant Arthur, as

5 well.

6 We will resume at 1:30. be back at 1:30.

7 (Noon recess.)

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017011

1 SAN DIEGO. CALIFORNIA. MONDAY, NOVEMBER 19, 1984 1:35 P.M..

2 --oo0oo--

3
4 (Hearing outside the presence of the jury)

5 THE COURT: Counsel, before we bring in the jurors I
6 understand you, one of of you had something.

7 MR. KOCHIS: Yes, sir. We have made arrangements to have
8 all the photographs that the identification bureau has brought
9 to San Diego, and they may be arriving as early as 2:30. In any
10 event, when Sergeant Arthur walks back in the courtroom they
11 will be here and we may even be able to look at them during the
12 afternoon recess and solve the problem in that fashion.

13 THE COURT: Okay. I am not sure that will give
14 yourselves enough time.

15 MR. NEGUS: We could tell whether it is enough time when
16 I see them, and I have a fair amount of stuff to do with Mr.
17 Duffy that doesn't involve the master bedroom on June the 5th.
18 So, we may even be that far when Mr. Arthur gets there. Is that
19 okay?

20 THE COURT: You wish to yield Mr. Duffy at this time back
21 to Mr. Kochis?

22 MR. NEGUS: No. Why don't I finish up other stuff I have
23 to do with Mr. Duffy first, and --

24 THE COURT: All right. All right. Let's bring the
25 jurors in.

26
27 (The jury reconvenes in the courtroom)

28 THE COURT: All right. The jurors, the alternates are

1 now back.

2 Mr. Duffy is on the stand.

3 Mr. Negus, go ahead.

4

5 GALE DEWEY DUFFY

6 The witness on the stand at the adjournment, resumed the stand
7 and testified further as follows:

8

9 CROSS EXAMINATION (Resumed)

10 BY MR. NEGUS:

11 Q. Showing you Exhibits 488 and 489.

12 Are those likewise pictures you took of the outside
13 of the house?

14 A. Yes, sir. they are.

15 Q. And was the one that has I.D. No. 13 on it, down at
16 the bottom right-hand corner, was that taken before the one that
17 has the No. 21 on it?

18 A. I believe so, yes.

19 Q. The one that has the No. 21 on it, just for
20 sequencing purpose, is the same photograph as has been marked as
21 Exhibit 184. Is that correct?

22 A. Yes.

23 Q. Just the smaller version.

24 Okay. The picture that I.D. No. 13. Court's
25 Exhibit No. 488, there appears to be a light on in that
26 photograph. Is that correct?

27 A. Yes. sir.

28 Q. Do you recall whether that light was on when you

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1 first arrived at the scene?

2 A. No, sir. I do not.

3 Q. Was that photograph taken on the initial tour that
4 you made around the exterior of the house right after your
5 walk-through with Billy Arthur?

6 A. Yes, sir. I believe so.

7 Q. So that would have been taken before you took any
8 pictures inside the house.

9 A. Basically, yes.

10 Q. Returning with you a minute to the 2991 residence.
11 Again showing you four photographs which have been
12 marked as 485. 484. 489 and 486. Those are all eight by ten
13 photographs taken by you of the inside of the Lease residence;
14 is that correct?

15 A. Yes, sir.

16 Q. Okay. Now, the lift that you took. Exhibit 151.
17 could you indicate which of the doors on these particular
18 photographs that lift was taken from?

19 A. It would be the right door right here.

20 Q. Okay. Do you have -- could you take the blue
21 Sharpie and put a "32" with an arrow towards that door.

22 A. (Witness complied).

23 Q. Now, we went through this again once before over in
24 Ontario; is that right?

25 A. Yes, sir. we did.

26 Q. And do you recall my showing you essentially those
27 same four photographs?

28 A. Yes, sir.

1 Q. At that point in time did you indicate that lift
2 No. 32 was taken from the door in exhibit, at that point in
3 time, S-28, now Court's 49, what has the "RR" written on it?
4 A. Yes, sir.
5 Q. Why did you change your mind?
6 A. Apparently I was wrong on the prior.
7 Q. Are you sure you are not wrong now?
8 A. Yes, sir, I am.
9 Q. How is that?
10 A. Because I recall when I was dusting the inside of
11 the door, the position I was in when I lifted the latent prints
12 off of it, it was on this closet.
13 Q. Let's put these up there like this.
14 The photograph to the right where you have put
15 "32". You say now you can recall that is where it was.
16 A. Yes, sir.
17 Q. Do you have any ideas to why you misrecalled back
18 last spring?
19 A. Just looking at the photo wrong.
20 Q. Anything -- your notes don't indicate from -- any
21 of your notes don't indicate which particular doors they were
22 taken from; is that correct?
23 A. No, sir, they don't.
24 Q. So it would be just a question of your memory.
25 A. Memory and what it says on the photograph.
26 Q. Well, the photograph, that just indicates that it
27 was in the southwestern side of the Bilbia bedroom; is that
28 right?

1 A. Southwest closet door of the bedroom.

2 Q. Okay. Well, as we're looking at these photographs,
3 the south would be to the left two closets; is that correct?

4 A. I believe that is north.

5 THE COURT: Help him, Mr. Duffy, will you please.

6 BY MR. NEGUS:

7 Q. Now, looking, orienting ourselves on the diagram
8 here, the photograph which is Exhibit 49 is the one that is
9 closest to the garage; is that right?

10 A. Yes, sir.

11 Q. Okay. Now, that would be on the, um, the south
12 would be just looking to the left of the photographs; is that
13 correct? As you look at the photographs.

14 A. Yes, sir.

15 Q. Okay. And east would be that direction.

16 A. Yes, sir.

17 Q. To the right of the diagram or --

18 A. Southeast. More southeast, according --

19 THE COURT: Keep your voice up, please.

20 BY MR. NEGUS:

21 Q. Maybe -- let's see. As you are looking at the --
22 at these two closets you are looking into you say that's in a
23 southwesterly direction?

24 A. Yes, sir.

25 Q. Did you label both these closets as southwest
26 closets?

27 A. I believe so, yes.

28 Q. So, the fact that you labeled them as southwest

1 closets doesn't tell which one of those two doors you are
2 dealing with; is that correct?

3 A. Yes, sir.

4 Q. On this little photograph right here then, is there
5 anything which tells you to what you have written here, which of
6 these four sets of doors you are dealing with?

7 A. Just the little diagram I drew of the door.

8 Q. Oh. Would that little diagram equally apply to the
9 one that has RR on it?

10 A. Yes, it would.

11 Q. So the only way that you can tell now is your
12 memory whether it is the one that has RR or 32; is that right?

13 A. Yes. But I know for a fact through my memory that
14 it was this closet here.

15 Q. You can -- you can sit down again.

16 And you have no explanation as to why you testified
17 otherwise back last spring; is that correct?

18 A. Yes. I was apparently wrong.

19 Q. Asking you to look at Exhibit 163, a box. That was
20 taken from the, from the closet at the Lease house; is that
21 correct?

22 A. Yes, sir, it was.

23 Q. And did you dust that box?

24 A. Yes, sir. I did.

25 Q. And there's an area here in the, in the corner of
26 the box where there appears to be less fingerprint powder on it
27 than the other area.

28 Is that an area from which you took a lift?

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1 A. Yes, sir.

2 Q. Showing you Exhibit 158. the Xeroxed copy we have
3 talked about before that is your lifts from the Lease residence.
4 Was the lift that you took Lift No. 22?

5 A. Yes, sir.

6 Q. And showing you the back of that particular page,
7 was that lift made at 8:42 p.m. on the 7th?

8 A. Yes, sir, it was.

9 Q. Showing you Exhibit 215, a photograph of that box.
10 Is that the position of the box after you dusted it and before
11 you had taken the piece of tape off the box and put it on the
12 card?

13 A. Yes, sir. it is.

14 Q. Was that taken approximately at the same time
15 around 8:42?

16 A. Yes, sir.

17 Q. Was there anything inside the box while you were
18 inside dusting it?

19 A. No, sir, there was not.

20 Q. Did you take anything out of the box?

21 A. I believe I assisted the crime lab in removing some
22 tobacco from it.

23 Q. At that point in time?

24 A. No, sir, it was previously.

25 Q. If the crime lab didn't take any, didn't collect
26 that tobacco until approximately four hours later. do you know
27 what happened to it in the interim?

28 A. The tobacco was out of the box prior to me dusting

1 it.

2 Q. You don't know where for sure.

3 A. No, sir.

4 Q. You didn't take it and preserve it somewhere?

5 A. No, sir, the crime lab did.

6 Q. Who from the crime lab did that?

7 A. Criminalist Ogin^o. I believe.

8 Q. Back to this photograph No. 215. Where was that
9 photograph taken?

10 A. On the kitchen table or the dining room table of
11 the Lease house.

12 Q. Um, that would have been in this particular room
13 somewhere?

14 A. It would be the living room table in this corner.

15 Q. So that would have been in the northeast corner of
16 the living room?

17 A. Yes, sir.

18 Q. Turning your attention to the "W" series that was
19 taken on June the 6th, and specifically photograph 431-A, which
20 is I.D. photo W-5.

21 Do you know when approximately that was taken?

22 A. Approximately 2:00, 3:00 o'clock in the afternoon.

23 Q. Was -- would that have been about the time when
24 the, for example, the shade on the house would have covered the
25 spa?

26 A. No. It would have to be later, probably about 5:00
27 then.

28 Q. There are -- it looks like five different people

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1 that are partially depicted in that particular photograph.

2 Can you recognize any of them?

3 A. I can recognize three of them.

4 Q. Could you -- who are the three? What are the names
5 of the three persons that you can recognize?

6 A. Sergeant Swanlund, Deputy Fields, and I believe his
7 name is Krause.

8 Q. Okay. Which one is Sergeant Swanlund?

9 A. The one on the left.

10 Q. Could you put a "CS" next to Sergeant Swanlund in
11 that photograph.

12 A. (Witness complied).

13 Q. And which one is Deputy Fields?

14 A. (Witness complied).

15 Q. And which one -- you have written "Fields" on the
16 photograph. Who was the other person?

17 Could that be Robert Hall?

18 A. Robert Hall.

19 Q. Could you put "RH" for him.

20 A. (Witness complied).

21 Q. Now, could you step back up to Exhibit 236 and --

22 THE COURT: Swanlund you have previously mentioned,
23 counsel?

24 MR. NEGUS: I don't believe so.

25 Q. And did you see Swanlund inside the master bedroom
26 on that particular day?

27 A. Oh, I recall it was the 6th he was in there.

28 Q. This photograph was taken the 6th, right?

1 A. Yes.

2 Q. On the 6th did you -- that is what we're --

3 A. I don't believe so.

4 Q. So, could you just put 6-6 by Swanlund's name on

5 the patio out there.

6 A. (Witness complied).

7 Q. And then could you put Scott Fields as No. 29 then.

8 A. (Witness complied).

9 Q. And did you see him inside that particular day?

10 A. When he was dismantling it.

11 Q. Could you put 6-6 inside the bedroom then.

12 Do you remember approximately what time that was?

13 A. Afternoon hours. 2:00 or 3:00 o'clock.

14 Q. Did you ever see Mr. Fields inside any part of the

15 house other than the master bedroom, hall, near Jessica. or

16 master bathroom?

17 A. No, sir.

18 Q. What about Robert Hall. Could you put him next as

19 No. 30.

20 A. (Witness complied).

21 Q. Did you see Mr. Hall inside the master bedroom.

22 hall or bathroom?

23 A. At the time of the dismantling of the room, yes.

24 Q. Could you put 6-6 for that.

25 A. (Witness complied).

26 Q. Did you ever see Mr. Hall in any part of the house

27 except the master bedroom, hall and bathroom?

28 A. No.

1 Q. Could you also put a check mark under patio for
2 both of those two and Mr. Hall as well.

3 A. (Witness complied).

4 Q. Showing you photograph 440.

5 Do you recognize the people that are depicted in
6 that particular photograph?

7 A. I recognize one.

8 Q. Which one would that be? The person whose back is
9 to us?

10 A. Yes.

11 Q. Would that be Mr. Ogino?

12 A. Yes.

13 Q. Could you put "CO" for Mr. Ogino in brown.

14 Does the other person, the person in that light
15 blue shirt in that particular photograph, does that look like
16 Dan Gregonis?

17 A. I can't say.

18 Q. Okay.

19 A. Doesn't to me.

20 Q. All right. In black could you then put Mr. Ogino's
21 name down on the, on the diagram.

22 A. (Witness complied).

23 Q. And a 6-6 for master bedroom.

24 Mr. Ogino you did see in other parts of the house.
25 Could you put a check mark for there.

26 A. (Witness complied).

27 Q. Did you ever see him on the patio outside the
28 master bedroom?

1 A. No.

2 Q. Showing you Exhibit 443.

3 In that particular photograph can you recognize the

4 person with the light blue shirt as Mr. Gregonis?

5 A. Yes, sir, I do.

6 Q. Could you put Dan Gregonis down as No. 32.

7 A. (Witness complied).

8 Q. I think "G-r-e". excuse me. Yes. Would you put

9 "G-r-e". And could you put 6-6 for master bedroom there.

10 A. (Witness complied).

11 Q. Did you see Mr. Gregonis in the rest of the house?

12 A. Yes, I did.

13 Q. Could you put check marks then.

14 A. (Witness complied).

15 Q. Did you see him on the patio outside the master

16 bedroom?

17 A. No.

18 Q. Showing you a photograph that has been marked as

19 Exhibit 448. Does that appear to show Mr. Swanlund inside the

20 master bedroom?

21 A. Yes, it does.

22 Q. Could you put then 6-6 inside the master bedroom

23 for Mr. Swanlund.

24 A. (Witness complied).

25 Q. And, finally, showing you a photograph that has

26 been marked as 450.

27 Do you recognize the person that's standing next to

28 Mr. Ogino in that particular photograph?

1 A. No. I don't.

2 Q. Is that one of the people from the Career Criminal
3 Division?

4 A. I believe so. yes.

5 Q. Finally showing you photograph 452. a photograph
6 which has three individuals doing some sort of manual labor.
7 Do you recognize any of those people in that
8 photograph?

9 A. Two.

10 Q. Which ones do you recognize??

11 A. Bobby Phillips and --

12 Q. Harvey Walker?

13 A. -- Harvey Walker.

14 Q. Could you "BP" by Bobby Phillips and "HW" by Mr.
15 Walker.

16 A. (Witness complied).

17 Q. Could you then put that onto the particular -- on
18 the list.

19 A. (Witness complied).

20 Q. Okay. They were both in the bedroom on 6-6; is
21 that correct?

22 A. Yes.

23 Q. Could you put 6-6 there.

24 A. (Witness complied).

25 Q. Did you ever see either of them in any other part
26 of the house?

27 A. I don't believe so, no.

28 Q. How about on the patio outside?

1 A. Yes. I believe Walker was out there.
2 Q. Could you put a check mark then for the patio.
3 A. (Witness complied).
4 Q. Other than these people that appear in the
5 photograph, um, were there other members of the Career Criminal
6 Division in the Ryen house on the 6th of June?
7 A. There could have been, yes.
8 Q. Do you remember any of their names?
9 A. No. I do not.
10 Q. Were there people from other agencies in the Ryen
11 house on the 6th of June?
12 A. No, sir.
13 Q. What about prosecutors?
14 A. Yes, sir.
15 Q. Which prosecutors can you recall being in the
16 house?
17 A. Deputy District Attorney Kochis and District
18 Attorney Kottmeier.
19 Q. Could you put Mr. Kochis and Mr. Kottmeier's name
20 down here on 35 and 36.
21 A. (Witness complied).
22 Q. Could you put 6-6 for both of those people.
23 A. (Witness complied).
24 Q. Did you see either of them in any other part of the
25 house?
26 A. No, I did not.
27 Q. Did you ever see either of them on the patio
28 outside the master bedroom?

1 A. No, I did not.

2 Q. Were there any other deputy D.A.'s with them when

3 they were out there?

4 A. Not that I can recall, no.

5 Q. Do you know Mr. Cardinal and Mr. Stout?

6 A. No.

7 Q. I think you can sit down again for a time.

8 Anybody else that you can recollect out at the

9 scene on June 6th that was not there the night before, and whose

10 name doesn't appear on the list?

11 A. I believe Sheriff Tidwell was there.

12 Q. Putting up on the board Exhibit 237, I believe it

13 is. 227, excuse me. Could you put Sheriff Tidwell's name in

14 37.

15 A. (Witness complied).

16 Q. And did you see the Sheriff in the master bedroom

17 on that particular day?

18 A. Yes, sir.

19 Q. Could you put just a check mark and not the day

20 there.

21 A. (Witness complied).

22 A. Did you ever see the Sheriff in the rest of the

23 house on that day?

24 A. Yes.

25 Q. Did you see him on the patio outside the master

26 bedroom on that day?

27 A. Yes.

28 Q. Could you a check mark there then.

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1 A. (Witness complied).
2 Q. Anyone else that you can recall?
3 A. No, sir.
4 Q. Okay. You can be seated again.
5 Directing your attention to photograph 477.
6 Did you -- you took that photograph as part of your
7 "A" series of photographs when you were taking pictures back on
8 the 5th. right?
9 A. Yes, sir.
10 Q. On the 6th did you witness the removal of a portion
11 of the wall, the south wall of the Ryen master bedroom, which is
12 approximately the portion that exists between the two green
13 lines which had been drawn on that particular photograph?
14 A. Yes, sir.
15 Q. Showing you photographs 443. 448. 450 and 453.
16 Do those photographs document different portions of
17 the work that was involved in dismantling that particular
18 section of wallboard?
19 A. Yes, sir. they do. .
20 Q. Now, let's -- ranking them in terms of time. Just
21 taking the three of them. The photograph 443 was taken before
22 448, which was taken before 453; is that correct?
23 A. Yes, sir.
24 Q. The carpet that was in the bedroom. was that
25 essentially left in the bedroom during the period of time that.
26 um. Sergeant Swanlund was taking a power saw and cutting out the
27 wallboard in the bedroom?
28 A. I don't believe so, no.

1 Q. Was that removed before that happened?
2 A. Yes, sir. I believe so.
3 Q. Well, there was a -- first there was a photograph.
4 443 that shows Mr. Gregonis, Mr. Ogino and Mr. Hall looking at
5 the bloody wall before it was cut; is that right?
6 A. Yes, sir.
7 Q. Okay. Then it shows a portion of the rug right
8 around the thing rolled back a little bit. but that rug is still
9 in place in the master bedroom when they're looking at it; is
10 that right?
11 A. Yes, sir.
12 Q. Then in the photograph where we see Sergeant
13 Swanlund doing the cutting you can't see the rug, right?
14 A. No, sir. we --
15 Q. But then we have a photograph No. 453 that shows
16 Robert Hall taking some measurements after the wall is cut out;
17 is that right?
18 A. Yes, sir.
19 Q. And you can still see the backing of the carpet
20 right down there near the wall. right where it was in the
21 original photograph No. 443; is that right?
22 A. I can see the backing. I can't see the carpet. I
23 can see the padding.
24 Q. Well the padding was attached to the carpet, was it
25 not?
26 A. I don't believe so. They were separate.
27 Q. There was a yellow padding to the back of the
28 carpet; is that right? Yellow backing?

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1 A. Yes. but I don't believe the padding was attached
2 to the carpet. I may be wrong.

3 Q. There's a separate brown pad that's still on the
4 floor in picture 443; is that right?

5 A. Yes.

6 Q. That very same padding is still on the floor
7 untouched in picture 453; is that right?

8 A. Yes, sir.

9 Q. And underneath that padding there was a concrete
10 slab; is that right?

11 A. Yes, sir.

12 Q. So at any rate the yellow part that you can see
13 pulled back in both of them was still there when Mr. Hall was
14 inspecting the hole in the wall after everything had been
15 removed; is that right?

16 A. Yes, sir.

17 Q. In this picture that shows the unidentified Career
18 Criminal Division person and Mr. Ogino, the picture 450, that
19 shows just the edge of that backing as it sits there attached to
20 the carpet; is that right?

21 A. Yes, sir. it does.

22 Q. You can see the extension cord that Mr. Swanlund is
23 using to do the cutting, sort of snaking across the floor on the
24 carpet portion of that particular picture; is that right?

25 A. Yes, sir.

26 Q. In some of the pictures of the Ryen master bedroom
27 there is fingerprint powder appearing on the, on the closet
28 doors which existed behind Doug Ryen and some there is not; is
29 that correct?

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1 A. Yes, sir.

2 Q. Do you know what time it was that you applied that
3 fingerprint powder to those closet doors?

4 A. Approximately 5:00. 6:00 o'clock in the afternoon.

5 Q. On the 5th?

6 A. Yes, sir.

7 Q. Is that the same time you were taking lifts from
8 that particular door?

9 A. Yes, sir.

10 MR. NEGUS: I have a little bit more. I have nothing
11 further at the present time.

12

13 REDIRECT EXAMINATION

14 BY MR. KOCHIS:

15 Q. Mr. Duffy. taking you back for a moment to the
16 activities you performed in the Lease house, the hideout house,
17 specifically this box, Exhibit 163, which you dusted for
18 fingerprints; when you first saw the box to the best of your
19 memory was there a substance inside it that appeared to you to
20 be tobacco?

21 A. Yes, sir. there was.

22 Q. Prior to the time you actually put the fingerprint
23 powder on the box was the tobacco in your presence removed from
24 the box?

25 A. Yes, sir. it was.

26 Q. And do you recall that was by Mr. Ogino?

27 A. Yes, sir.

28 Q. Directing your attention to Page 2 of the chart, I

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1 believe it's Exhibit 226. for the jury who is not familiar with
2 San Bernadino County. is Dr. Root a pathologist who performs
3 many of the autopsies in the homicides that we have in our
4 county?

5 A. Yes, sir, he is.

6 Q. And when available is he in fact called often to
7 the scene in homicide cases?

8 A. Yes, sir.

9 Q. Is Mr. Hammock a Deputy County Coroner who actually
10 takes custody of a victim's personal belongings at a scene?

11 A. Yes, sir, he does.

12 Q. And is Robert Glenn one of the members of a
13 business that has a contract with our County to remove victims
14 from the scenes of the homicides?

15 A. Yes, sir, he is.

16 Q. With the exception of those three individuals and
17 the two lawyers whose names appear in 35 and 36, is everybody
18 else on the chart a member of the Sheriff's Department in San
19 Bernadino County.

20 A. Yes, sir.

21 Q. The beer cans that you took out of the refrigerator
22 in the Ryen home, the Olympia light beer, the Olympia Gold.
23 where did you take those four beer cans?

24 A. I took them back to our identification division.

25 Q. Is that an area that the public does not have
26 access to?

27 A. Yes, it is.

28 Q. Were they secured at that location?

1 A. Yes. They were locked in our evidence locker.

2 Q. At that time was Sergeant Roper a detective working
3 in that bureau?

4 A. Yes, sir. he was.

5 Q. Was Sergeant Baker assigned to that division as
6 well at that time?

7 A. Yes, sir.

8 Q. What type of shoes were you wearing on Sunday, June
9 the 5th, when you were inside the Ryen home?

10 A. Cowboy boots.

11 Q. Did they have a separate heel and sole?

12 A. Yes, sir.

13 Q. Did the sole have any pattern to it?

14 A. No, sir.

15 Q. Did the heel have any pattern to it?

16 A. No, sir.

17 MR. KOCHIS: Your Honor. I'm going to need a moment to
18 locate some of the photographs Mr. Negus shuffled.

19 THE COURT: Go ahead.

20 Stand and stretch if you would like, ladies and
21 gentlemen.

22 BY MR. KCOHIS:

23 Q. Mr. Duffy, do you recall the area that is depicted
24 in Exhibits 307 and 308 as an area from which you removed a
25 glass which was later dusted for fingerprints?

26 A. Yes, sir. I do.

27 Q. And do you recall the condition of the home in that
28 location?

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1 A. Yes. sir.

2 Q. Was it clean or did it appear to be dirty or dusty?

3 A. It was very dirty and dusty.

4 Q. Does the presence of dust have anything to do with

5 the ability of a person such as yourself to lift a latent

6 fingerprint from a scene?

7 A. Yes. sir, it does.

8 Q. How does that come into play?

9 A. Your fingerprints are basically amino acids, oils,

10 and waters which are secreted from your pores on your fingers.

11 Any time you touch a substance which is smooth and contains

12 dust, the dust will adhere to the oils and acids and the waters

13 from your fingers, therefore leaving no latent print.

14 Q. Do you recall the condition of the carpet in the

15 Ryen master -- excuse me -- in the Ryen living room the room

16 that was sunken?

17 A. Yes, sir. I do.

18 Q. Did that carpet appear to be new?

19 A. No. sir.

20 Q. Did it appear to have been there for some period of

21 time?

22 A. Yes, sir. it did.

23 Q. Was the carpet intact or were there portions that

24 were missing due to wear and tear?

25 A. There were portions missing.

26 Q. Did the carpet appear to be clean or dirty?

27 A. It was dirty.

28 Q. And did there appear to be stains that may have

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1 been there for some period of time on the carpet?

2 A. Yes, sir.

3 Q. Directing your attention to a photograph which has
4 been marked for identification as Exhibit 460, is that a
5 photograph which shows a section of the carpet on the steps
6 leading out of the living room which shows some evidence of wear
7 and tear?

8 A. Yes, sir, it does.

9 Q. In fact, is there simply a hole in the carpet?

10 A. Yes.

11 Q. And underneath the carpet can you see the type of
12 backing that was underneath the carpet in the Ryen master
13 bedroom?

14 A. Yes, sir, I can.

15 Q. Excuse me. In the Ryen living room.

16 A. Yes, sir.

17 Q. And was that a reddish-brown color, the padding
18 itself?

19 A. Yes, it is.

20 Q. And is that also depicted in Exhibit 462 near the
21 railing at the bottom, is that color of the backing actually
22 coming through?

23 A. Yes, sir, it is.

24 MR. KOCHIS: I have no further questions.

25 THE COURT: Anything else at this time, Mr. Negus?

26 MR. NEGUS: Just a couple of things.

27

28

RE CROSS EXAMINATION

1 BY MR. NEGUS:

2 Q. Mr. Duffy. on June the 5th. did you see any people
3 there while you were there other than -- that were not either
4 connected with the Coroner's Office or the Sheriff's Department?

5 A. No, sir.

6 Q. Do you know Larry Lease?

7 A. No. I do not know Larry Lease.

8 Q. Do you know -- would you recognize William Hughes?

9 A. No, sir. I wouldn't.

10 Q. Did you see a man with black hair and a beard
11 standing outside the window on the grass area behind the Ryen
12 master bedroom while you were there?

13 A. No, sir. I didn't.

14 Q. When you came up to the -- to that particular
15 location, you were driving the I.D. Department vehicle?

16 A. Yes, sir.

17 Q. When you got to the roadblock, was Paul Beltz
18 there?

19 A. Not that I can recall, no.

20 Q. Do you know who was the person at the road block?

21 A. No, sir.

22 Q. Were there any civilians at the road block?

23 A. Not that I seen, no.

24 Q. Were there any vehicles being used at the
25 roadblock?

26 A. I believe there were sheriff's units there.

27 Q. How about civilian vehicles?

28 A. Not that I can recall, no.

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1 Q. Now, as far as people at the scene were concerned.
2 are you familiar with a Sheriff's Department officer named
3 Lovan, a deputy from West end?

4 A. No, sir.

5 Q. Do you know a deputy from the West End named Roger
6 McCoy?

7 A. I believe so, yes.

8 Q. Did you see Roger on the Ryen property on June
9 the -- on June the 5th, 1983?

10 A. Not that I can recall, no.

11 Q. Are you familiar with a sergeant assigned out of
12 the West End office at that point in time named Gary Hobbs?

13 A. Yes, sir.

14 Q. Did you see him up there on June the 5th?

15 A. No, sir. I didn't.

16 Q. Do you know a deputy named Harry Hatch?

17 A. Yes, sir. I do.

18 Q. Was he up there?

19 A. Not that I seen, no.

20 Q. Do you know a deputy named Chuck Ward? Did you see
21 him on the Ryen property?

22 A. No. I don't know him.

23 Q. How about a Sergeant Olvera, did you see him on the
24 property?

25 A. No, sir.

26 Q. The lift that you took from this box, was that done
27 at 8:42, the time that you had written on there?

28 A. Yes, sir. it was.

1 Q. When you saw Mr. -- Mr. Ogino take the tobacco out
2 of that particular box, did you ask him specifically that he
3 come on in from wherever he was working and take it from you?

4 A. No, sir, I didn't.

5 Q. He just took it?

6 A. Yes, sir.

7 Q. Where did he put it?

8 A. He put it in some kind of a container.

9 Q. Did he mark -- did you see him marking the
10 container at that point in time?

11 A. No, sir. I didn't.

12 Q. Did you come in and ask him sort of to give you the
13 box, you know, right now?

14 A. No, sir. I just -- when he removed the tobacco I
15 took the box to process it.

16 Q. Was Monte Davis the captain in charge of the West
17 End Sheriff's Station at the Ryen property on June the 5th?

18 A. I don't believe so.

19 Q. You didn't see him?

20 A. No, sir.

21 MR. NEGUS: I again have nothing further at the present
22 time.

23 MR. KOCHIS: I have no further redirect on the issues
24 we've covered. Mr. Stockwell is my next witness. I will need a
25 few moments to change the plastic and gather his exhibits, and
26 may have some additional photographs that may pertain to Mr.
27 Duffy.

28 THE COURT: Why don't we take the recess at this time

1 then.

2 Remember the admonition at all times, ladies and
3 gentlemen. Give you a little early recess.

4 THE COURT: Mr. Duffy. will you stick around.

5 THE WITNESS: Yes, sir.

6 (Recess taken.)

7

8 THE COURT: All right, everybody is here.

9 Mr. Negus.

10

11 RECROSS EXAMINATION

12 BY MR. NEGUS:

13 Q. Showing you Exhibit 186, a photograph which appears
14 to include a wood pile. Do you see any axes near that wood
15 pile?

16 A. No, sir.

17 Q. And if I could just put, referring to this
18 photograph, on the board for reference. This is shot sort of
19 directly from the area to the east of the bed towards the west
20 closet, this photograph that's Exhibit 190; is that correct?

21 A. Yes, sir.

22 Q. Showing you photograph 297, which appears to be a
23 picture of a portion of the bed. There is a lock of hair, some
24 sort of device, and a blue robe in that photograph.

25 Do you remember what portion of the bed that was --
26 that was taken of?

27 A. Yes, sir.

28 Q. Okay. First off here in black on the bed, can you

1 write in it laboratory -- excuse me -- it identification
2 photograph No. A-87 for that particular spot, and then on the
3 photograph, 190, could you put in a little arrow on that
4 photograph as to the approximate location that that shows?

5 A. (Witness complied.)

6 Q. Showing you a photograph that's been marked as 406,
7 which has a laboratory number of T-9. do you recognize where on
8 the bed that particular photograph was taken?

9 A. (Witness complied.)

10 Q. And you've so marked it on photograph 190.
11 Could you also mark it on the diagram, 6-E?

12 A. (Witness complied.)

13 Q. Does that particular area, showing you Exhibit 409,
14 does that also show -- that is the area where T-9 was taken,
15 does that also show in the photograph, Exhibit No. 409. the
16 little photograph?

17 A. Yes, sir.

18 Q. Could you mark -- could you indicate on that little
19 photograph where that was taken?

20 A. (Witness complied.)

21 Q. And a number of photographs in the "T" series were
22 taken of the bed as successively one item after another was
23 removed by the criminalist; is that correct?

24 A. Yes, sir.

25 Q. There's photograph 415. indicates a portion of a
26 wall. Do you recall which wall that is?

27 A. Yes, sir.

28 Q. Could you put a 415 then on the diagram, 6-E.

0
1
7
0
3
9

- 1 showing where it's taken from?
- 2 A. (Witness complied.)
- 3 Q. And again picture -- picture 416 also shows a
- 4 portion of wall without a lot of reference to it. Could you
- 5 indicate where on the diagram that was taken approximately?
- 6 A. (Witness complied.)
- 7 Q. Did you notice any impressions in blood of shoe
- 8 impressions inside the Ryen master bedroom while you were taking
- 9 photographs in there on your first walk-through?
- 10 A. On my first walk-through?
- 11 Q. Yes.
- 12 A. No, sir.
- 13 Q. Or at any time during that particular evening
- 14 inside the master bedroom?
- 15 A. Yes, sir.
- 16 Q. Where was that?
- 17 A. I believe it was on the sheet of the bed.
- 18 Q. When did you notice that?
- 19 A. Couple hours after I got their I think it was.
- 20 Q. Did you point it ought to somebody?
- 21 A. I believe somebody pointed it ought to me.
- 22 Q. Who was that?
- 23 A. I really don't know. I don't recall.
- 24 Q. Showing you Exhibit 177-A. does that depict the
- 25 area where you saw the shoe impression?
- 26 A. I believe it was in the sheet area.
- 27 Q. Towards the upper center of the photograph.
- 28 A. Yes, sir.

1 Q. You can be seated. Did Mr. -- on June the 6th. did
2 Mr. Gregonis ever point out to you a bloodstain on a light
3 switch or near a light switch in the master bathroom?

4 A. No. sir.

5 Q. Did you ever take a picture of any -- of a light
6 switch with a bloodstain on it in the master bathroom?

7 A. No. sir.

8 MR. NEGUS: If I could read, your Honor, from the
9 preliminary transcript of Volume XXIV, Page 116.

10 Q. Deputy. did you give this testimony. Lines 8
11 through 10?

12 MR. KOCHIS: If I could have just a moment. I have that.

13 MR. NEGUS: "Question: When you were inside the master
14 bedroom on June the 5th. did you see any shoe
15 impressions?

16 "Answer: No. sir."

17 MR. NEGUS: I have nothing further.

18 THE COURT: Mr. Kochis.

19 MR. KOCHIS: I have no further questions.

20 THE COURT: Jump down quick. Thank you very much, sir.

21 MR. KOCHIS: David Stockwell, your Honor.

22 THE CLERK: Will you raise your right hand.

23

24 DAVID C. STOCKWELL.

25 called as a witness on behalf of the People, having been first
26 sworn, testified as follows:

27 THE CLERK: Thank you. Would you state your full name
28 for the record and spell your last name?

017041

1 THE WITNESS: David C. Stockwell, S-t-o-c-k-w-e-l-l.

2 THE CLERK: Thank you.

3

4

DIRECT EXAMINATION

5 BY MR. KOCHIS:

6 Q. Mr. Stockwell, by whom are you presently employed?

7 A. I am employed by the County of San Bernadino,
8 specifically the Sheriff's Department's crime laboratory.

9 Q. How long have you worked for the Sheriff in San
10 Bernardino County?

11 A. Approximately two and a half -- one and a half
12 years.

13 Q. What is your present title?

14 A. I am a Criminalist II.

15 Q. Do your duties as a criminalist include going to
16 crime scenes and collecting various items of evidence at the
17 scene?

18 A. Yes.

19 Q. Do your duties include analyzing those pieces of
20 evidence back in the crime lab in a controlled setting once you
21 arrive back at that location?

22 A. Yes.

23 Q. Finally would your duties also include, excuse me,
24 testifying in a court of law such as this courtroom about the
25 the results of those analysis from time to time?

26 A. Yes.

27 Q. Do you have any educational background which
28 qualified you for that position?

017042

1 A. Yes. I do.

2 Q. What does that consist of?

3 A. I currently hold a bachelor of science degree in

4 criminalistics from Michigan State University in East Lansing.

5 Michigan.

6 Q. Do you have any internships which also qualify you

7 for that position?

8 A. Yes. As part of my undergraduate degree was

9 necessary to complete an internship which I did with the County

10 of San Bernardino Sheriff's crime lab.

11 Q. What period of time did that internship last?

12 A. From the last -- from April of 1982 through June of

13 1982.

14 Q. Have you attended any seminars which pertain to

15 your duties as a criminalist?

16 A. Yes.

17 Q. Would you name one of those.

18 A. One was put on by the Michigan State University

19 Department of Criminal Justice. Sparrow Hospital, which is a

20 hospital in East Lansing, and the Michigan State police, which

21 involved the investigations of various types of deaths.

22 Q. Do you belong to any professional associations?

23 A. Yes, I do.

24 Q. Which one?

25 A. The California Association of Criminalists.

26 Q. Between the time you were hired and today's date

27 have you been to crime scenes in the past to collect evidence?

28 A. Yes.

- 1 Q. On approximately how many occasions?
- 2 A. To date. approximately 30 times.
- 3 Q. As of June of 1983 how many crimes scenes had you
- 4 been to as a criminalist?
- 5 A. As a criminalist, probably about ten times.
- 6 Q. Did any of those scenes include homicide scenes?
- 7 A. Yes.
- 8 Q. Approximately how many?
- 9 A. Most of them. if not all of them.
- 10 Q. Have you testified in a court of law as a
- 11 criminalist?
- 12 A. Yes. I have.
- 13 Q. Approximately how many times?
- 14 A. Approximately 125 times.
- 15 Q. I would like to take you back in time about a year
- 16 and a half to Sunday, June the 5th of 1983.
- 17 Did you have on-call duty for that particular
- 18 weekend?
- 19 A. Yes, I did.
- 20 Q. And would that include responding to certain scenes
- 21 at which members of the homicide department would need the
- 22 assistance of a criminalist?
- 23 A. Yes.
- 24 Q. Were you contacted on that particular Sunday and
- 25 requested to go to a crime scene?
- 26 A. Yes, I was.
- 27 Q. Do you recall who you contacted?
- 28 A. Yes. It was my immediate supervisor at that time,

1 Mr. William Baird.

2 Q. Is he still your supervisor today?

3 A. Yes.

4 Q. At this point in time is he fact the director of

5 the crime lab in San Bernardino?

6 A. Yes, he is.

7 Q. Did you go to a residence located at 2943 Old

8 English Road on that particular Sunday?

9 A. Yes.

10 Q. Did you go there with any other member of the

11 Sheriff's crime lab?

12 A. Yes, I did.

13 Q. Who was that?

14 A. Patricia Schechter.

15 Q. And did you and Miss Schechter eventually arrive at

16 a home you later learned at one time beonged to a Doug and Peggy

17 Ryen?

18 A. Yes.

19 Q. Do recall what time on that Sunday you got to the

20 Ryen home?

21 A. It was approximately 2:45 in the afternoon.

22 Q. When you got to the home. was there anybody already

23 there from your department?

24 A. Yes.

25 Q. Who was that?

26 A. Mr. Baird.

27 Q. Your supervisor?

28 A. Yes.

1 Q. Is it fair to say that he has more experience in
2 the area of criminalistics than you do?

3 A. Yes, definitely so.

4 Q. Had he been employed by the Sheriff's office for a
5 longer period of time than you had back on that Sunday in June?

6 A. Yes.

7 Q. When you got to the crime scene did you have a
8 conversation with Mr. Baird?

9 A. Yes.

10 Q. Did he point certain items of evidence out to you?

11 A. Yes, he did.

12 Q. Did he suggest certain procedures that might be
13 undertaken?

14 A. Some procedures, yes.

15 Q. Did you have contact with anyone from homicide when
16 you arrived?

17 A. Yes.

18 Q. Who was that person?

19 A. Sergeant Arthur was at the scene at the time.

20 Q. Did you eventually enter the residence and begin to
21 collect certain items of evidence?

22 A. Yes.

23 Q. Did you, essentially between the time you entered
24 the home on Sunday and the time you left in the early morning
25 hours of Monday, June the 6th, collect approximately 45 separate
26 pieces of evidence?

27 A. Yes.

28 Q. Directing your attention to an item which is in a

017046

1 bag which has been labled for identification. excuse me. as
2 Exhibit 487.

3 Do you recognize this particular item?

4 A. Yes, I do.

5 Q. Could you tell the jury what it is.

6 A. This is a flat bed sheet taken from the Ryens
7 waterbed. It is the top sheet to the waterbed and it was
8 labeled as item A-8 under our laboratory numbering system.

9 Q. Did you essentially assign a separate
10 identification number to each of the 45 items that you removed
11 from the Ryen home on the late afternoon, June the 5th. and
12 early morning hours of June the 6th.

13 A. Yes. the way we do the numbering system all those
14 items would have been listed under the "A" series 1 through 45.

15 Q. And then do all of the numbers. are they all
16 cross-referenced under a master LR number which pertains to this
17 criminal investigation?

18 A. Yes.

19 Q. Do you recall what the LR number is that was
20 assigned to this particular case?

21 A. Yes. This case is LR 42376.

22 Q. Mr. Stockwell. directing your attention to an
23 exhibit which we have placed behind you on the board which we
24 marked for identification as Exhibit 6. Over that we have a
25 piece of clear plastic which will be used during your testimony,
26 which we have marked for identification as 6-F.

27 Do you recognize what the diagram is a drawing of?

28 A. Yes.

017047

1 Q. Does it appear to be a floor plan of the Ryen home.
2 the home that you entered on Sunday. June the 5th?

3 A. Yes.

4 Q. When you entered on that day, were the victims,
5 four of the victims still inside the house?

6 A. Yes.

7 Q. Directing your attention to the four figures which
8 appear on the diagram, three in the master bedroom, one in the
9 doorway of the master bedroom. do those figures appear to you
10 represent the approximate location of Chris Hughes, Mr. and Mrs.
11 Ryen and Jessica Ryen as they lay to the floor in the Ryen home
12 when you got there?

13 A. Yes.

14 MR. KOCHIS: Your Honor. could the record reflect that on
15 Exhibit 6-F I am going to place a "D. Stockwell", for Mr.
16 Stockwell's name, today's date, which I believe to be
17 "11-19-84", and "Ryen Home".

18 Q. Mr. Stockwell. the numbers, the "A" series numbers
19 A-1 through 45. would those numbers be assigned to various items
20 that relate to the chronological order at which they were
21 collected?

22 A. Yes.

23 Q. Then was A-8. the bed sheet, in fact the eighth
24 item that you collected at the Ryen scene on that Sunday?

25 A. Yes.

26 Q. Could you perhaps step to the diagram for a moment
27 and place an A-8 on the diagram that would indicate the
28 approximate location of the sheet inside the Ryen home.

1 Directing your attention to a photograph which we
2 have marked for identification as Exhibit 223.

3 Does the sheet, A-8, appear in that particular
4 picture as well?

5 A. Yes, it does.

6 Q. And on that photograph itself could you put a "A-8"
7 just to orient the jury as to which item we're talking about.

8 A. (Witness complied).

9 Q. Do you recall how you packaged that particular
10 sheet?

11 A. Yes.

12 Q. How did you package it?

13 A. It was packaged in a brown paper sack at the time.
14 I believe the sack is still along with this piece of evidence in
15 the paper sack and the item number along with a brief
16 description that was placed on the paper sack at that time.

17 Q. Was the sheet eventually taken back to the crime
18 lab in San Bernardino?

19 A. Yes.

20 Q. Did you examine the sheet in the crime lab in San
21 Bernardino on a date other than June the 5th?

22 A. Yes.

23 Q. And did you at some point later in time discover
24 what appeared to you to be a footwear impression on the sheet?

25 A. Yes, I did.

26 Q. Do you recall the color of the impression on the
27 sheet when you saw it in the lab?

28 A. Yes. It was a rust color impression.

1 Q. Was it consistent with the impression being made in
2 any type of substance?

3 A. Yes.

4 Q. What type of substance?

5 A. It was consistent with being made in blood.

6 Q. Now, the photograph on the board, Exhibit 223, are
7 you able to see the portion of the sheet A-8 which has the
8 footwear impression in it?

9 A. Not on that particular photograph, no.

10 Q. Mr. Stockwell, I wonder if you could join me for a
11 moment at this location in front of counsel table with A-8.

12 Is the sheet today in the same condition that it
13 was on June the 5th when you first saw it?

14 A. Not exactly. It has been used for various analyses
15 inside the laboratory. Certain parts of it have been cut out
16 and frozen for serological purposes.

17 Q. Is the footwear impression still on the sheet
18 today?

19 A. Yes, it is.

20 Q. And have you placed some type of a cardboard
21 backing inside of A-8 to make that portion of the sheet lay
22 flat?

23 A. Yes.

24 Q. Could you perhaps just step a little closer to the
25 jury.

26 Could you indicate for them the approximate
27 location on the exhibit itself of the footwear impression.

28 A. At the lower -- to your right-hand corner of this

017050

1 sheet you will see an impression which is currently split in two
2 the way it was found, and then I use my fingers to show that
3 particular area.

4 Q. If I could have that exhibit for a moment, Mr.
5 Stockwell.

6 Likewise, while I have you in front of jury I would
7 direct your attention to two exhibits, Exhibit 91. first of all,
8 and then Exhibit 92.

9 Do you recognize the item depicted in these
10 photographs?

11 A. Yes.

12 Q. And are both these exhibits pictures of the sheet

13 A-8?

14 A. Yes, they are.

15 Q. Do you know who took both of the pictures?

16 A. Yes.

17 Q. Did you?

18 A. Yes, I did.

19 Q. Were they both taken in the lab?

20 A. Yes, they were.

21 Q. Now, is there difference between the photographs 91
22 and 92?

23 A. Yes. The difference is that in the photograph that
24 I'm holding the sheet as it is just lay spread out, and as I
25 said, the impression is separated into two portions.

26 In the photograph that Mr. Kochis is holding these
27 two sections have been joined to show that these two do in fact
28 link up and form one impression.

017051

1 Q. You have pointed to Exhibit 92 for the jury.

2 A. Yes.

3 Q. You can resume your seat for just a moment, Mr.
4 Stockwell.

5 Mr. Stockwell, directing your attention to an
6 exhibit we've marked for identification as Exhibit 177, over
7 which we have place a clear plastic which we have marked for
8 identification as 177-A.

9 I'm going to place again your initials "D.
10 Stockwell", your name, excuse me, today's date of 11-18.
11 "11-19-84". and "Ryen Home".

12 Do you see in this picture the area of the sheet,
13 specifically Exhibit A-8 which has the footwear impression on
14 it?

15 A. Take a closer look.

16 Q. Please --

17 A. Yes, I do.

18 Q. And could you circle that area on the clear plastic
19 on 177-A?

20 A. (Witness complied).

21 Q. And likewise, directing your attention to Exhibit
22 216. Are you able to see in this particular photograph the
23 approximate location of the footwear impression?

24 A. I can see the approximate location, yes.

25 Q. Could you simply point, without drawing on the
26 photo itself, to the jury where that would be.

27 A. The portion of the sheet.

28 Q. The bottom most portion in the photograph?

0117052

1 A. Yes.

2 Q. You can resume the stand for just a moment.

3 Directing your attention back to the sheet itself
4 for a moment, a-8. Did the sheet appear to you, when you
5 examined it on Sunday, did you have numbers of stains in which
6 the physical appearance were consistent with blood?

7 A. Yes.

8 Q. Did you ever remove any sections of the sheet,
9 specifically sheets the portions that appeared to be stained
10 with blood?

11 A. Yes.

12 Q. Do you recall when you did that?

13 A. Yes.

14 Q. When was that?

15 A. On July 5th, 1983.

16 Q. How many samples did you take from the sheet?

17 A. I have to consult my notes for that particular
18 sheet.

19 Q. Could you remove your notes for the sheet and for
20 the comforter and I believe for the blanket.

21 THE COURT: Unless there is an objection feel free to
22 refer to your notes at any time, Mr. Stockwell.

23 THE WITNESS: Thank you.

24 I count eleven sections of A-8 that I cut out for
25 freezing for serological purposes.

26 BY MR. KOCHIS:

27 Q. Would that involve cutting out a rectangular or
28 other type of geometrical shape on the sheet itself?

017053

1 A. Basically it is -- I cut out an area where the
2 stain occurred. I did not cut much more than that.

3 Q. Were they marked in some way, those various
4 samples?

5 A. Yes.

6 Q. Did you keep a record of the approximate location
7 from which you took the sections on some type of diagram?

8 A. Yes, I did.

9 Q. Were all eleven samples then placed in a
10 serological freezer in your laboratory?

11 A. Yes.

12 Q. Directing your attention to a photograph which has
13 been marked for identification as Exhibit 191.

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

15 A. Yes.

16 Q. Does it appear to be a photograph of a section of
17 the hallway in the Ryen home?

18 A. Yes.

19 Q. Did you collect any piece of evidence from the
20 approximate location that's depicted in that photograph?

21 A. Yes, I did.

22 Q. Did you sign that laboratory identification No.
23 A-41?

24 A. Yes, I did.

25 Q. Could you tell the jury what A-41 looked like when
26 you first saw it?

27 A. Yes. The picture depicts an area of the hallway
28 immediately across from the entrance to the master bathroom from

017054

1 that hallway. On that wall is a bloodstain which is in an
2 elongated fashion. It was a drop of blood which apparently was
3 falling due to gravity when it hit the wall, and therefore it
4 left an elongated pattern which was approximately one-quarter
5 inch wide and I really did not make a note of how long it was.

6 Q. Could you, on the clear plastic, Mr. Stockwell, on
7 Exhibit 6-F. could you place in black A-41 for the approximate
8 location on the clear plastic of the bloodstain when you first
9 saw it.

10 A. (Witness complied).

11 Q. How did you collect it?

12 A. I collected the blood sample by actually gauging
13 the wall, taking part of the plasterboard with the bloodstain,
14 placing it in a metal canister and then subsequently taking that
15 back to the laboratory and freezing it.

16 Q. By freezing it, are you talking about putting it
17 back inside a serological freezer.

18 A. Yes.

19 Q. Do you recall approximately what time it was when
20 you collected A-41?

21 A. It was approximately 0025 hours, or twenty-five
22 minutes past midnight on the 6th of June.

23 Q. So it was early Monday morning, July 6th.

24 A. Yes.

25 Q. Do you recall approximately what time you collected
26 A-8. the bedsheet that you've shown to the jury?

27 A. My notes reflected it as being collected around
28 3:27 in the afternoon.

0170555

1 Q. So almost eight hours earlier in the day; is that
2 correct?

3 A. Yes.

4 Q. Did you likewise on that day, on that Sunday in the
5 early afternoon, collect what appeared to be a string which was
6 soaked with some reddish brown substance outside the home?

7 A. Yes.

8 Q. Did you assign a laboratory identification No. A-3
9 to that string or twine?

10 A. Yes, I did.

11 Q. Directing your attention to two photographs which
12 have been marked for identification as Exhibits 235 and 235.

13 Does the object you just talked about appear in
14 either one of those pictures?

15 A. Yes. It appears in both pictures.

16 Q. With the black grease pen could you circle the
17 object as it appears in both photographs.

18 A. (Witness complied).

19 Q. Approximately what time did you collect the rope?

20 A. I don't have a time for the collection of that
21 rope.

22 Q. Could you step to the diagram and on the clear
23 plastic could you write a "3" to indicate for the jury the
24 approximate location of the rope when you first saw it?

25 A. (Witness complied.)

26 Q. Did you collect the string before you collected the
27 bedsheet?

28 A. Yes, I did.

1 Q. Do you have with you in court today, Mr. Stockwell.
2 your notes on the time at which you collected the various items,
3 the various 45 items?

4 A. Yes.

5 Q. Could you step to the board, for a moment.

6 Was the first item of evidence that you collected
7 what appeared to be a tuft of hair?

8 A. I wouldn't call it a tuft of hair. It was a single
9 hair.

10 Q. Which number did you assign that one?

11 A. A-1.

12 Q. And can you indicate the approximate location of
13 A-1 on the diagram?

14 A. (Witness complied.) It was located on the sliding
15 screen door of the doorway to the master bedroom.

16 Q. When did you actually start collecting evidence at
17 the Ryen scene, if you recall?

18 A. Probably within a half hour after I arrived there.

19 Q. What was the first item of evidence of the 45 that
20 you noted on the list a specific time as to its collection?

21 A. It was item A-8.

22 Q. The second item of evidence in terms of
23 chronological order that you collected was what?

24 A. A-2 is the telephone.

25 Q. Did it appear to have a substance on it as well?

26 A. Yes.

27 Q. Did it appear to be consistent visually with blood?

28 A. Yes, it did.

017057

1 Q. And could you indicate with an A-2 on the clear
2 plastic where the telephone with blood on it was when you first
3 saw it?

4 A. (Witness complied.)

5 Q. Do you recall whether the receiver was on or off
6 the hook when you saw it?

7 A. The receiver was off the hook.

8 Q. The next item of evidence in chronological order
9 that you collected after the phone was what?

10 A. A-3 was the nylon rope recovered from the west
11 driveway.

12 Q. Did you then return to the master bedroom to
13 collect some additional items of evidence?

14 A. Yes.

15 Q. Do you recall what A-4 was?

16 A. Yes. A-4 was a tourniquet which was recovered from
17 the foot of the bed.

18 Q. And can you indicate with an A-4 the approximate
19 location of the tourniquet when you collected that?

20 A. (Witness complied.)

21 Q. Did that bed have a comforter on it?

22 A. Yes, it did.

23 Q. And did the comforter appear to have stains on it
24 which were consistent with blood?

25 A. Yes.

26 Q. Did you assign the comforter A-5 as a laboratory
27 identification number?

28 A. Yes, I did.

1 Q. Did you likewise collect that?
2 A. Yes.
3 Q. Could you perhaps indicate on the diagram on the
4 clear plastic with the number A-5 one of the locations that the
5 comforter was on the bed?
6 A. (Witness complied.)
7 Q. Did you at some later time take samples from the
8 the comforter?
9 A. Yes, I did.
10 Q. Would that have been on July the 5th as well?
11 A. Yes.
12 Q. Do you recall approximately how many samples you
13 took?
14 A. Nineteen samples.
15 Q. Did you mark on the comforter when you took the
16 samples some number that would allow you to identify the
17 approximate location from which the different 19 samples came?
18 A. Yes.
19 Q. Did you do a diagram that in some way recorded that
20 information?
21 A. Yes, I did.
22 Q. Were those samples likewise frozen in your serology
23 freezer?
24 A. Yes, they were.
25 Q. Did you see on the bed during the course of your
26 examination what appeared to be a part of a tooth and a gold
27 object that was consistent with a crown, a gold crown?
28 A. Yes, I did.

017059

1 Q. And did you collect both those items?
2 A. Yes.
3 Q. Were they given the laboratory identification
4 number of A-6?
5 A. Yes.
6 Q. Were they on any object when you first saw them?
7 A. They were lying out of the waterbed on one of the
8 sheets.
9 Q. Could you indicate with an A-6 the approximate
10 location of those items?
11 A. (Witness complied.)
12 Q. Mr. Stockwell, while I have you at the diagram, was
13 there what appeared to be a blue blanket on the diagram as
14 well -- excuse me, on the bed, as well?
15 A. Yes.
16 Q. Did it appear to have stains on it which were
17 consistent with blood?
18 A. Yes.
19 Q. And did you assign a laboratory identification
20 number to that item?
21 A. Yes, I did.
22 Q. Was that A-8?
23 A. A-7.
24 Q. Did you collect that as well?
25 A. Yes, I did.
26 Q. Could you indicate with an A-7 approximately where
27 that was located?
28 A. (Witness complied.)

1 Q. Did you at some later point in time take any
2 samples from that particular item?

3 A. No. I did not.

4 Q. Did you find on the bed what appeared to be some
5 type of men's bathrobe?

6 A. Yes.

7 Q. And did you assign that a laboratory identification
8 number?

9 A. Yes, I did.

10 Q. Was that A-9?

11 A. Yes, it was.

12 Q. And do you recall approximately what time you
13 collected A-9?

14 A. Yes. The notes reflect it was 5:32 in the
15 afternoon.

16 Q. Can you indicate with an A-9 the approximate
17 location of that item?

18 A. (Witness complied.)

19 Q. Now, Mr. Stockwell. between the time you collected
20 the first item of evidence and around the time you got to that
21 men's bathrobe. do you recall leaving the immediate area of the
22 Ryen home for any purpose?

23 A. Yes.

24 Q. Do you recall about what time you left?

25 A. Somewhere between 3:30 and 4:00 in the afternoon.

26 Q. Where did you go?

27 A. There was another road adjacent to Old English Road
28 and I was called there.

1 Q. Was that a road driven you had in fact driven up on
2 to get to the Ryen crime scene?
3 A. Yes.
4 Q. Did you go there with anybody else from your
5 department?
6 A. Yes.
7 Q. Who was that?
8 A. Mr. Baird.
9 Q. He was still there at that time?
10 A. Yes.
11 Q. Did you go there for any purpose?
12 A. Yes.
13 Q. Do you recall what that was?
14 A. Yes. There had been a report to us that a hatchet
15 had been found along that road, which was consistent possibly
16 with one of the weapons used in the attack.
17 Q. Did you see a hatchet on that afternoon on Old
18 English Road?
19 A. Yes.
20 Q. Do you know a person by the name of Rick Roper?
21 A. Yes.
22 Q. Is he a sergeant with the Sheriff's office?
23 A. Yes, he is.
24 Q. And did you see him near where the hatchet was
25 located on that afternoon?
26 A. Yes.
27 Q. Did you get a chance to look at the hatchet at that
28 time?

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1 A. Yes. briefly.

2 Q. Did it appear to have stains on it which at least

3 in terms of visual appearance were consistent with blood?

4 A. Yes.

5 Q. After you examined the hatchet, or after you saw

6 the hatchet, did you then at some point return to the Ryen home

7 to continue your processing?

8 A. Yes.

9 Q. Was there a bottom sheet on that particular bed?

10 A. Yes, there was.

11 Q. And did you assign that the laboratory

12 identification number of A-10?

13 A. Yes, I did.

14 Q. Could you indicate on the diagram with an A-10 the

15 approximate location of that particular item?

16 A. (Witness complied.)

17 Q. Did you ever take samples from the bottom sheet?

18 A. Yes, I did.

19 Q. Would that have been on July the 5th?

20 A. Yes.

21 Q. Do you remember how many samples you cut out?

22 A. Nine samples.

23 Q. Were they all frozen in the serology freezer as

24 well?

25 A. Yes.

26 Q. And did you indicate on the bottom sheet numbers

27 which would correspond to the various samples that you took off

28 the sheet?

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1 A. Yes.

2 Q. Did you do a diagram to keep a record of where

3 those samples were located?

4 A. Yes.

5 Q. Did there appear to be pillows inside that master

6 bedroom that had pillow cases on them?

7 A. Yes.

8 Q. Were they found in the same location?

9 A. No.

10 Q. Did you find one of the pillows in an area where

11 you'd expect to find a pillow from a home, on or near the bed?

12 A. Yes.

13 Q. Did you assign that a laboratory identification

14 number?

15 A. Yes.

16 Q. And which number?

17 A. A-11.

18 Q. Could you indicate on the diagram with the A-11 the

19 approximate location of that particular pillow?

20 A. (Witness complied.)

21 Q. And do you recall about what time you collected

22 that particular pillow?

23 A. Yes. That would have been approximately 9:15 that

24 evening.

25 Q. Did the pillow have a pillow case on it?

26 A. Yes. it did.

27 Q. Did you likewise take the mattress off the bed

28 itself?

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1 A. Yes.

2 Q. Did you assign that laboratory identification
3 number A-12?

4 A. Yes.

5 Q. And about what time did you collect that?

6 A. At approximately the same time.

7 Q. Would you indicate with an A-12 the approximate
8 location of the bed in the master bedroom?

9 A. (Witness complied.)

10 Q. Now was there another pillow and pillow case that
11 was found in the bedroom?

12 A. Yes.

13 Q. And do you recall where they were found?

14 A. Yes. They were across on the other end of the room
15 lying to the -- in the entrance to the master bathroom from the
16 the master bedroom.

17 Q. Could you indicate with an A-15. I believe -- Was
18 that the number you assigned?

19 A. Yes.

20 Q. Could you indicate with an A-15 where the second
21 pillow and pillow case were found?

22 A. (Witness complied.)

23 Q. And approximately what time did you collect those?

24 A. That was about 6:00 o'clock in the evening.

25 Q. Were there some clothes on the floor that you ended
26 up collecting?

27 A. Yes.

28 Q. Did one set of those appear to be some pajamas

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1 which had stains on them that visually were consistent with
2 human blood?

3 A. Yes.

4 Q. What number did you assign those?

5 A. A-13.

6 Q. And what was the other items of clothing that was
7 removed from the floor if you recall?

8 Was it a pair of blue jeans, some type of denim
9 material?

10 A. There was a pair of blue jeans that I did collect,
11 yes.

12 Q. And did you assign the clothing, the pajamas and
13 the blue jeans, the next two consecutive "A" numbers in order?

14 A. Yes.

15 Q. And would those have been A-14 and "A" what?

16 A. A-13 and A-14.

17 Q. Did you give the pajamas A-13?

18 A. Yes.

19 Q. Can you place on the diagram A-13 and A-14 that
20 would indicate the approximate locations of the pajamas and the
21 blue jeans?

22 A. (Witness complied.)

23 Q. And do you recall about what time you collected
24 those items?

25 A. A-13 was at 5:47, and A-14 at 5:54 in the
26 afternoon.

27 Q. Do you recall, Mr. Stockwell, what type of shoes
28 you were wearing on that particular Sunday?

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1 A. Yes.

2 Q. What type?

3 A. I was wearing what I refer to as combat boots.

4 Q. Do they have a tread pattern on the bottom of the

5 shoe?

6 A. Yes.

7 Q. What type?

8 A. It's a repeating pattern, what I would call a

9 zig-zag type pattern.

10 Q. Mr. Stockwell. showing you Exhibit 490. appears to

11 be a black and white photograph of a pair of shoes; do you

12 recognize the soles of the shoes in that picture?

13 A. Yes.

14 Q. Are they your shoes?

15 A. Yes, they are.

16 Q. Is that the pair that you wore to the Ryen crime

17 scene on that Sunday back in June?

18 A. Yes.

19 Q. Was A-16 a number that you assigned to what

20 appeared to be a piece of tissue with some hair on it that was

21 collected by yourself from the floor in the Ryen master bedroom?

22 A. Yes.

23 Q. Could you indicate on the diagram with an A-16 the

24 approximate location of that item of evidence that you

25 collected?

26 A. (Witness complied.)

27 Q. The next item in order that you collected was what?

28 A. A-17. a sample of hair found near Chris Hughes.

1 Q. With an A-17 could you show the jury on the diagram
2 approximately where you took that from?

3 A. (Witness complied.)

4 Q. The next item that you collected was what?

5 A. A-18, which was a piece of flesh found near Chris
6 Hughes.

7 Q. Could you indicate that on the diagram as well?

8 A. (Witness complied.)

9 Q. Was A-19 a number that you assigned to what
10 appeared to be a piece of bone that you recovered from the floor
11 near Peg Ryen?

12 A. Yes.

13 Q. Could you put A-19 on the diagram that would show
14 the jury approximately where the bone was when you first
15 collected it?

16 A. (Witness complied.)

17 Q. Were the the next four items that you collected
18 A-20 through A-23. hair. different pieces of hair that you
19 collected from the Ryen scene?

20 A. Yes.

21 Q. Could you place those numbers on the diagram, and
22 as you do that could you describe verbally to the jury the notes
23 you made of what you collected on Exhibits A-20 through A-23?

24 A. A-20 was a hair sample collected from the inside
25 left leg of Jessica Ryen.

26 A-21 was a hair sample collected from the foot area
27 of the bed, which was actually on the floor.

28 A-22 is a hair sample from the west side of the bed

1 on the floor.

2 And A-23 was another hair sample which was
3 collected from the floor off the west side of the bed.

4 Q. Mr. Stockwell, were the next four items that you
5 collected in chronological order, items, I believe, 24 through
6 27, essentially either carpet samples or carpet fiber samples
7 that you took from the Ryen home?

8 A. Yes.

9 Q. Could you indicate with the numbers A-24 through
10 A-27 the approximate location, and could you describe for the
11 jury what the fiber or sample consisted of?

12 A. Yes. A-24 was just the carpet sample to
13 demonstrate what type of carpeting was in the house, and that
14 was collected from the northeast area from the bed.

15 A-25 was another piece of carpeting which was
16 collect because it was wet with something that we could not
17 determine at the scene. We could not tell any smell or any
18 visual appearance other than that it was wet and that too was
19 northeast of the bed.

20 A-26 is a carpet sample which had bloodstains on
21 it; was collected from beneath Chris Hughes and, therefore,
22 knowing that, the blood would have been from Chris Hughes.

23 A-27 is a carpet sample with blood which was
24 recovered from beneath Peggy Ryen and, therefore, that blood
25 would be a sample of her blood.

26 Q. That, of course, is somewhat of an assumption on
27 your part; is that correct?

28 A. Yes, the assumption being they were bleeding quite

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1 profusely and, therefore, the blood being on the carpeting would
2 have come from the body immediately above that carpet.

3 A-28 were thread samples taken of blood which was
4 found beneath Jessica Ryen.

5 Q. Were A-29 and A-30 likewise some type of carpet
6 material that was removed?

7 A. Yes. A-29 was a carpet sample from the hallway as
8 that carpeting was different than the carpeting in the bedroom.

9 Q. And you've indicated that location on the diagram?

10 A. Yes.

11 Q. And A-30?

12 A. And A-30 is a thread with blood which was collected
13 from beneath Douglas Ryen.

14 Q. Mr. Stockwell, do your notes reflect approximately
15 what time it was when you collected A-30?

16 A. Yes. It was approximately 8:40 in the evening.

17 Q. Did the Ryen master bedroom appear to be carpeted?

18 A. Yes.

19 Q. Do you recall the color?

20 A. Yes, it was a green and white color.

21 Q. Do you recall the composition of the carpet? Was
22 it a shag or a pressed carpeting?

23 A. It was a shag carpeting.

24 Q. Were you able to determine if the carpet was brand
25 new or if it had been in the home for some period of time?

26 A. It appeared to have been there quite sometime. It
27 had seen extensive use.

28 Q. Was there evidence of wear and tear on the carpet

1 itself?

2 A. Yes.

3 Q. Did the carpet appear to be clean or dirty?

4 A. I would say that the carpet was quite dirty.

5 Q. After you took these carpet samples, did you take a
6 number of blood samples from the furniture and the walls in the
7 Ryen master bedroom?

8 A. Yes.

9 Q. And were those assigned the laboratory
10 identification numbers 31 through I believe 37?

11 A. Yes, there are some more than that, but those are
12 the ones in sequence.

13 Q. Were you working in conjunction with the
14 identification unit when you seized those samples?

15 A. Yes.

16 Q. And do you have a procedure when you seize those
17 samples you use numbers similar to the number which appears, the
18 No. 41 which appears in Exhibit 191?

19 A. Yes.

20 Q. And is the procedure that is used that you place a
21 number that the I.D. bureau brings to the scene in the
22 aproximate location from which the sample is seized?

23 A. Yes.

24 Q. Was that in fact the procedure that was used with
25 Items 31 through and including Item 45?

26 A. Yes.

27 Q. For example, directing your attention to a series
28 of three by five photographs I'm going to place on the witness

1 stand, which have been marked as 415, 414, 427, 428, 417, 424,
2 425- 426. 420. 421 and 419.

3 Do those appear to be photographs, using the
4 numbering systems, of the approximate location from which you
5 took items 31, 32 and then 34 through 45?

6 A. Yes.

7 Q. The last four items that were seized, the carpeting
8 that was seized from the master bathroom, was that done by
9 yourself or was that done by Ms. Schechter?

10 A. I believe that the last three items, 43 through 45.
11 yes, they were collected by Ms. Schechter.

12 Q. Could you indicate, now that you have sat down,
13 back on the diagram, with the numbers and a verbal description
14 as to the approximate location of the blood samples that were
15 taken.

16 First, for example, of A-31 through and including
17 A-36.

18 A. A-31 were blood spatters which were located on the
19 east wall between the sliding glass door and chest of drawers
20 next to the bed.

21 A-32 was a blood sample which was taken from the
22 waterbed mattress.

23 A-33 was a sample of blood collected from the wall
24 immediately above the waterbed above A-32.

25 A-34 was a blood sample collected from the
26 nightstand off to the west side of the bed near Douglas Ryen.

27 A-35 were blood samples collected from the closet
28 doors to the west of the waterbed, again near Douglas Ryen.

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1 A-36 were blood samples collected from the wall
2 unit on the west side of the master bedroom.

3 Q. Do you recall what time it was when you finished
4 collecting A-36?

5 A. That was at 11:44 that evening.

6 Q. So, you had been at the scene about eight hours by
7 the time you collected that item, correct?

8 A. Yes.

9 Q. Could you then continue with the next three items
10 of blood that you took from the home, with the description and
11 their location on the diagram with the appropriate "A" number.

12 A. Yes.

13 A-37 was a blood sample which was collected on a
14 thread by a method in which we wet a thread in distilled water
15 and then collect the blood from whatever object that was on it
16 that way. That was collected from the northwest wall, which was
17 between Peggy Ryen and Jessica Ryen.

18 A-38 was another thread sample of blood which was
19 collected from the door which was opening into the hallway.

20 A-39 is another thread sample of blood which was
21 obtained from the door leading to the bathroom.

22 Q. And could you continue then with A-40 through A-42.

23 A. Yes.

24 A-40 was a blood sample scraped from the north wall
25 of the bedroom up to and including this set of sliding doors to
26 that closet.

27 A-41 I have described already is a bloodstain
28 across from the entrance to the master bedroom or, excuse me,

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1 the entrance to the master bathroom from the hallway.

2 A-42 is a blood sample scraped from the wall from
3 the hallway which was near Jessica Ryen.

4 Q. Does that bring you up to A-43?

5 A. Yes.

6 Q. Mr. Stockwell, directing you to Exhibit 420.
7 Exhibit 419, and Exhibit 421.

8 Do all of these photographs appear to be
9 photographs of a portion of the carpet in the Ryen master
10 bathroom?

11 A. Yes.

12 Q. And do they all depict portions of the carpet that
13 appeared to you to have some type of stain on them when you saw
14 the home on that Sunday in June?

15 A. Yes.

16 Q. Did you direct anyone's attention to those stains
17 and request that carpet samples be taken?

18 A. Yes.

19 Q. Was that your partner, Ms. Schechter?

20 A. Yes.

21 Q. Could you indicate on the diagram in the master
22 bathroom, using 43, 44 and 45, the approximate location of the
23 stains in these photos on the diagram 6-F.

24 A. Yes.

25 A-43 was collected from the carpeting near the
26 toilet of the master bathroom.

27 A-44 was collected from the carpeting from the area
28 near the north sink in the master bathroom.

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1 And A-45 was a sample of carpeting that was
2 collected from the floor near the east sink of the master
3 bathroom.

4 Q. Do your notes reflect approximately what time it
5 was when the last of the "A" series items, specifically A-45 was
6 collected?

7 A. Yes. It was 0015 hours on the morning of the 6th.

8 Q. Is that essentially 12:15?

9 A. Yes.

10 Q. Were each one of those 45 items, and perhaps you
11 can resume your seat for a moment.

12 Were each one of those items packaged separately?

13 A. Yes, they were.

14 Q. Would each have had this separate "A" number
15 assigned to them at that time?

16 A. Yes.

17 Q. Did there come a time in the early morning hours of
18 Monday, June the 6th, in which you left the Ryen scene?

19 A. Yes.

20 Q. Do you recall how much time passed between the time
21 A-45 was collected and the time you left the Ryen scene?

22 A. I don't remember the specific time but I believe
23 within 45 minutes or approximately 1:00 in the morning there.

24 MR. KOCHIS: Perhaps this would be a convenient point.
25 I'm about to go to another area.

26 THE COURT: All right. We will stop here and resume
27 tomorrow morning at 9:30.

28 A comment before we break. I received another

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1 inquiry from one of the jurors as to whether or not we're going
2 to be operating Christmas week between the holidays.

3 Let me explain to you why I have not told you more
4 on that. I simply hate to get bound down to a particular day
5 off at this time, this early stage. I don't know where the
6 trial is going to be at that stage.

7 I've already told you that the day before Christmas
8 and New Year's are officially -- Courts are closed those days.
9 But the three days: Wednesday, Thursday, Friday between the
10 holidays I'm hesitant to give you a firm commitment on that.

11 However, I promise you, counsel, if I could meet
12 with you in the morning, let's discuss it and then see. I would
13 like to keep some logical commitment to the progress of a trial.
14 But recognizing that you will have other things on your mind I
15 am aware of that as well.

16 So, we will perhaps make a decision on that and
17 inform you further tomorrow. I take it some of you perhaps are
18 planning to leave town or something. It is rather important to
19 you perhaps to have been free that week. Mr. Maloney and Mr.
20 Sawyer. Okay. We will try and get you something firm on that
21 tomorrow.

22 Okay. Remember the admonition in the meantime,
23 don't discuss the case amongst yourselves or with others, or let
24 anybody talk to you. Don't express or form an opinion as yet.
25 See you at 9:30 tomorrow.

26 MR. NEGUS: Could we discuss it this afternoon? It is a
27 lot easier.

28 THE COURT: Why don't we take it up back in chambers,

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1 please.

2 (The jury retires from the courtroom)

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4 (Chambers conference, reported)

5 THE COURT: Do you want Mr. Cooper?

6 MR. NEGUS: No. Mr. Cooper's waives.

7 THE COURT: All those who want to take off Christmas week
8 raise your hand?

9 MR. NEGUS: Everybody but Mr. Kochis.

10 THE COURT: My hand's up.

11 MR. KOTTMEIER: It better be.

12 THE COURT: We will work Friday the 21st then.

13 MR. NEGUS: I can't do that judge. What's the rush?
14 What's the difference?

15 THE COURT: I can't take off that much time. I simply
16 can't.

17 MR. NEGUS: I can't do it five days a week.

18 THE COURT: Let's work Christmas week. I don't want you
19 to tell me how to run this court.

20 MR. KOCHIS: I have a suggestion that I think may
21 accommodate the Court's thinking so we don't -- if we took
22 Christmas week off and we come back after New Year's, go three
23 days in a row, Wednesday, Thursday and Friday. The January
24 week.

25 THE COURT: We ought to do them both. At least the one
26 before Christmas. That's simply too long. Look, you have got
27 thirteen days straight.

28 MR. NEGUS: I can't do that. I cannot do a five day

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1 week. You want me to get a letter from the doctor then? I did
2 it and he finally said I can't do a five day week.

3 THE COURT: We can get three days Christmas week.

4 MR. NEGUS: You have already told us we didn't have to do
5 that Friday because we will be off.

6 THE COURT: I will make no further comments, I will just
7 work Christmas week.

8 You know, you have got to obtain a little
9 flexibility. I'm willing to consider and deviate and change and
10 modify but you're so inflexible.

11 MR. NEGUS: Judge, it doesn't seem fair.

12 THE COURT: I have got an obligation to the taxpayers.

13 MR. NEGUS: Taxpayers? We took off time for your
14 vacation and the jurors are not going to be listening those two
15 days.

16 THE COURT: Well, we traditionally in our County run
17 cases. The only inhibiting factor I realize that I am concerned
18 with is that in this County they almost do not. But in San
19 Bernardino County we have always run jury trials right through
20 Christmas.

21 MR. NEGUS: I don't know of any judge except yourself who
22 does long trials during that particular point in time. We're
23 just -- with Mr. Kochis suggestion, his original suggestion was
24 that we take -- we're only between Christmas and New Year's, it
25 is only a question of two days, two court days, and that would
26 allow the jurors to --

27 THE COURT: I figure three. We get to work Friday.

28 MR. NEGUS: You told us already we didn't have to work

1 that Friday. You have stated that --

2 THE COURT: I talked generally about Friday in general.
3 I didn't figure Mondays and Tuesdays off.

4 MR. NEGUS: I specifically brought that to your
5 attention.

6 THE COURT: What I do I can change, Mr. Negus.

7 MR. NEGUS: But I am saying to you is that, you know,
8 Judge, I mean, it is doesn't strike me as fair. I know those
9 jurors are not going to pay attention those two particular days
10 and it sounds like that might even be part of the defense case
11 if we get there. I don't care if they pay attention to the
12 prosecution's case, but I don't think it is fair to the jurors
13 to do that.

14 And, you know, you have had 3 vacations since we
15 started this particular trial. If we're in such a big rush I
16 don't see why the jurors should have to pay for that. It just
17 doesn't seem fair.

18 THE COURT: I don't know what you are talking about. We
19 have got twelve days there. If I count off the 21st until the
20 second of January that is twelve days.

21 MR. NEGUS: So what. I mean, what difference does it
22 make? It is only -- most of those days are holidays, and so you
23 are only talking about two days that we normally would be
24 working anyway. So, I doubt seriously if it is going to set
25 back the trial hardly at all to not work those two days before
26 between Christmas and New Year's.

27 THE COURT: What's the status of jury instructions?

28 MR. KOCHIS: They're in the mill. I don't have those

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1 ready yet for the Court.

2 THE COURT: You will be sometime in presenting the
3 defense, will you not?

4 MR. NEGUS: Yes.

5 THE COURT: Can you tell us?

6 MR. NEGUS: I expect the defense to take at least as long
7 as the prosecution's case.

8 THE COURT: Then there's not too much we can do with jury
9 instructions between the holidays.

10 If you get them, give them to me in advance,
11 anyhow, and let me start working on them.

12 I show here February the 12th is a Tuesday,
13 February 18th is a Monday, when the Courts would normally be
14 closed, and they will be closed those days.

15 Those weeks, if I do it your way, let's trade off
16 and work Friday of those weeks. That will still only be four
17 days that week and you will have a break in the middle.

18 MR. NEGUS: I can't do that, Judge. The thing is that
19 the way we plotted it out is that we can just barely keep up
20 working the holidays.

21 Personally, I have not had a vacation except for
22 five days in Mexico while you were on your vacation this last
23 time since 1982. I have been working everyday of the week and
24 I need those weekends to catch up.

25 I was counting as part of having Friday off, that
26 means that by working a goodly couple of hours Saturday, all day
27 Sunday, I get down here Sunday morning, I am back working again
28 and I don't leave until Friday morning.

1 THE COURT: It has not been so long since I have tried
2 cases as well. I have tried murder cases as well, Mr. Negus. I
3 know how much you are working. I am not all that impressed with
4 your organization.

5 MR. NEGUS: I don't know what you mean, but it is a lot
6 of work, Judge.

7 THE COURT: I am simply telling you now, sir, tomorrow
8 morning I am going to tell them we're working three days during
9 Christmas week or we're going to work the Friday before. Now, I
10 will give you some flexibility.

11 MR. NEGUS: I can't do either one.

12 THE COURT: We can work then and I will make up my mind
13 over the night. But tomorrow morning I am going to not take
14 both that Friday off and three days during the week of Christmas
15 week, that is all there is to it. I don't think that I can
16 justify that.

17 MR. NEGUS: What's the problem with it, your Honor?

18 MR. KOTTMEIER: Just for some overview. We feel, Mr.
19 Kochis and I, we will probably be resting before Christmas, so
20 that in effect --

21 THE COURT: I don't think that really makes that much
22 difference. I would expect to move on with the defense assuming
23 the prosecution rests. I don't think it makes all that much
24 difference.

25 You know, this a case where we have got plenty of
26 lead time. There is no need to take a week off between
27 Christmas and --

28 MR. KOCHIS: There's not. But there is also no need to

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1 penalize the jurors during the holidays season. You could have
2 Mr. Negus and I come in and do pushups, but They usually have
3 commitments during that week.

4 THE COURT: I'm not trying to penalize anybody, I'm
5 simply trying to move in a reasonably expeditious manner.

6 I'm really aggravated with Mr. Negus for being so
7 darn inflexible and non-negotiable. I don't know, maybe I'm
8 just rebelling.

9 MR. NEGUS: But the thing is that we went into this case,
10 if you recall --

11 THE COURT: We did not cover every holiday and exception
12 all the way, generally speaking.

13 MR. NEGUS: Do you want me to get the transcript where we
14 brought this up and you said, okay, you don't have to work
15 Fridays?

16 THE COURT: I am fully aware that I said that. We did
17 not cover all of these possibilities.

18 MR. NEGUS: But, Judge, the point that we covered, the
19 general principle was that, first of all, Judge Kayashima and
20 everybody else in the County seemed happy that I have saved the
21 County several hundreds of thousands of dollars by working
22 alone. That is something that everybody else in the County
23 except yourself is very, very happy about, and has in fact gone
24 out of their way to be happy that the Public Defenders office
25 first of all saved the taxpayers in this case and saved the
26 County \$500,000 right there.

27 Then secondly saved them several hundred thousand
28 dollars by not requesting a second lawyer. And I don't care

1 what you think about my organizational skills, nobody else would
2 be able to do this without the sake of an IBM gigantic framed
3 computer and keep the material, the kind of material we have
4 organized. Every night I have to work. I get the transcripts
5 at 9:00 o'clock, I have to read the transcripts annotations and
6 go back over other things. There is only one of me doing it and
7 there is only so many hours in the week that I can do it.

8 What you are requiring me to do is get more
9 disorganized and, you know, the only way that anyone can
10 tactically handle that kind of thing is --

11 THE COURT: You just beat mean down, Mr. Negus.

12 All right. Then we will work the Friday after New
13 Year's, which would be the 4th of January. We will work then
14 the 2nd, 3rd and 4th. Can you do that?

15 MR. KOCHIS: Yes.

16 THE COURT: Can you do that?

17 MR. NEGUS: I can do that. I mean, it is hard.

18 THE COURT: We will not work Friday the 21st of December,
19 and not that your argument is -- it is not that I am persuaded.
20 it is just that I am beat by your persistence.

21 All right, see you in the morning.

22 (Chambers conference concluded)

23 --oo0oo--

24 (Adjournment)

25

26

27

28

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1
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 20, 1984

APPEARANCES:

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ROBERT L. ROACH, CSR #1727
DONNA D. BEARD, CSR #1874
Official Reporters

COMPUTERIZED TRANSCRIPT

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FOR THE PEOPLE:

STOCKWELL, David C.
(Mr. Kochis)
(Mr. Negus)

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1 SAN DIEGO, CALIFORNIA, TUESDAY, NOVEMBER 20, 1984 9:35 A.M..

2 --oo0oo--

3

4 THE COURT: Good morning, everybody.

5 Mr. Stockwell, you are still under oath.

6 State your name again for the record, please.

7 THE WITNESS: David C. Stockwell.

8

9 DAVID C. STOCKWELL.

10 The witness on the stand at the adjournment, having been
11 previously sworn. testified further as follows:

12 THE COURT: Mr. Kochis.

13 MR. KOCHIS: Thank you.

14

15 DIRECT EXAMINATION (Resumed)

16 BY MR. KOCHIS:

17 Q. Mr. Stockwell, were each and everyone of the "A"
18 series, Items 1 through 45, taken back to the crime lab in San
19 Bernardino sometime on Monday, the 6th day of June, 1983?

20 A. Yes, they were.

21 Q. The blood samples that you took, the "A" series
22 items, approximately A-30 through A-45, where were those placed
23 when you got back to the Sheriff's crime lab in San Bernardino?

24 A. All of the metal canisters or slide boxes in which
25 they were originally placed were themselves all placed into an
26 envelope and then placed into the serological refrigerator,
27 excuse me, that frozen section of the laboratory.

28 Q. Is that the object that you referred to yesterday

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- 1 as the serology freezer?
- 2 A. Yes.
- 3 Q. And back in June of 1983, did you have such a
- 4 device in the crime lab in San Bernardino?
- 5 A. Yes.
- 6 Q. How many of them did you have?
- 7 A. There was one freezer designated solely for
- 8 evidence.
- 9 Q. Now, other than the Ryen master bedroom, and the
- 10 Ryen master bathroom, did you enter any other rooms of the Ryen
- 11 home, either in the afternoon on the 5th or in the early morning
- 12 hours of the 6th?
- 13 A. Yes, I did.
- 14 Q. For example, did you go into a room that you
- 15 determined to be a room where clothes were washed and dried?
- 16 A. Yes.
- 17 Q. And did you look around that room?
- 18 A. Yes, I did.
- 19 Q. Did you see any weapons, for example, that you
- 20 could determine were used in this particular crime?
- 21 A. No, I did not.
- 22 Q. Did you take anything out of that room?
- 23 A. No, I did not.
- 24 Q. Likewise, did you walk into two other rooms of the
- 25 home that appeared to be bedrooms used by the children and look
- 26 around in both of those bedrooms?
- 27 A. Yes, I did.
- 28 Q. Did you take anything out of either Josh's bedroom

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1 or Jessica's bedroom?

2 A. No, I did not.

3 Q. Did you see anything in either of the bedrooms that

4 appeared to you to be the type of weapon that was used in this

5 particular case?

6 A. No, I did not.

7 Q. Was there a second bathroom in the house?

8 A. Yes. there was.

9 Q. Did you look inside that bathroom?

10 A. Yes.

11 Q. Did you take anything out of the bathroom?

12 A. No.

13 Q. Did you see anything in the bathroom that appeared

14 to be consistent with a weapon that was used in this case?

15 A. No.

16 Q. Did you look into the trophy room and the dining

17 room of the home?

18 A. Yes, I did.

19 Q. Did you take anything out of either of those two

20 rooms?

21 A. No, I did not.

22 Q. Did you look into the living room of the home?

23 A. Yes, I did.

24 Q. Did you remove any item from the living room?

25 A. No, I did not.

26 Q. Did you see anything in the living room that

27 appeared consistent with the type of weapon that may have been

28 used in this particular case?

1 A. No, I did not.

2 Q. Did you look in the kitchen of the home?

3 A. Yes.

4 Q. Did you examine some of the drawers inside the

5 kitchen?

6 A. Yes, I did.

7 Q. Did there appear to be any knives in the home?

8 A. There were knives, yes.

9 Q. Did any of them appear to have bloodstains on them?

10 A. No.

11 Q. Did you take any of the items out of the kitchen?

12 A. No, I did not.

13 Q. Was Monday, June the 6th, and Tuesday, June the

14 7th, were both those working days for you?

15 A. Yes.

16 Q. Were you involved in the investigation of this

17 particular case on both those days during the working hours, for

18 example, 9:00 to 5:00?

19 A. Yes.

20 Q. Did you go back to the Ryen crime scene, to the

21 home itself, on either Monday, June the 6th, or Tuesday, June

22 the 7th?

23 A. No, I did not.

24 Q. Were you at some other location?

25 A. Yes, I was.

26 Q. Would that have been at the county morgue?

27 A. Yes.

28 Q. With Dr. Root?

1 A. Yes.

2 Q. For what purpose?

3 A. I attended the autopsies of the four slain victims.

4 Q. Were the autopsies on the two women, the mother and

5 daughter, conducted on Monday, June the 6th?

6 A. Yes.

7 Q. And did those autopsies essentially last the

8 balance of the working day?

9 A. Yes, they did.

10 Q. At that time at the autopsies, did you collect

11 certain known samples from the bodies of the deceased women?

12 A. Yes, I did.

13 Q. For example, was a sample of the whole blood taken

14 from Jessica Ryen?

15 A. Yes.

16 Q. Perhaps I should start with Peggy Ryen.

17 Was her autopsy the one that took place first

18 between the two women?

19 A. Yes, it was.

20 Q. And did you take an EDTA sample of her whole blood

21 on that day in June?

22 A. Yes.

23 Q. Did you assign that a laboratory identification

24 number?

25 A. Yes, I did.

26 Q. Could you tell the jury what number you assigned?

27 A. It was assigned the designation B, as in "Boy",

28 B-7.

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1 Q. Did you likewise take a standard sample of Peggy
2 Ryen's head hair?
3 A. Yes, I did.
4 Q. Did you assign that a laboratory identification
5 number?
6 A. Yes, I did.
7 Q. Which number was that?
8 A. B-13.
9 Q. Did you take a standard hair sample of the pubic
10 region of Mrs. Ryen?
11 A. Yes, I did.
12 Q. What number did you assign to that?
13 A. B-2.
14 Q. Did you likewise collect what appeared to be some
15 loose hair from her right hand?
16 A. Yes.
17 Q. What number did you assign to that item?
18 A. B-9.
19 Q. And did you collect some loose hair that you simply
20 labeled as "loose hair from the body"?
21 A. Yes.
22 Q. What number did you assign to that?
23 A. B-8.
24 Q. Were you present then during the autopsy which was
25 performed on Mrs. Ryen's daughter, Jessica, on the same day?
26 A. Yes.
27 Q. Did you likewise collect certain samples from
28 Jessica Ryen's body?

1 A. Yes, I did.

2 Q. Would that have included a sample of her whole
3 blood?

4 A. Yes.

5 Q. What number did you assign to that sample?

6 A. C, as in "Cat", C-10.

7 Q. Was C-14 the laboratory identification number that
8 you assigned to a sample of Jessica Ryen's head hair?

9 A. Excuse me. What number?

10 Q. C-14.

11 A. Yes.

12 Q. When you left the morgue on the 6th of June, did
13 you take the items that you'd seized back to the crime lab with
14 you?

15 A. Yes, I did.

16 Q. Were the blood samples handled in any fashion
17 different than the head hair samples?

18 A. Yes. The blood samples were stored in the
19 refrigerated section of our laboratory.

20 Q. Did you then return to the county morgue on the 7th
21 or Tuesday?

22 A. Yes, I did.

23 Q. Were you present when the autopsies were performed
24 both to Doug Ryen and young Chris Hughes?

25 A. Yes.

26 Q. Did you likewise take known samples, physical
27 samples from their bodies?

28 A. Yes.

1 Q. Did you essentially take a standard sample of Mr.
2 Ryen's head hair, a standard sample of his pubic hair, and whole
3 sample of his blood?

4 A. Yes.

5 Q. Could you tell the jury which numbers you assigned
6 to those samples.

7 A. The blood sample was D, as in "David". D-9; pubic
8 combings were D-7; and centered head hair was D-15.

9 Q. Did you likewise take an item from Mr. Ryen that
10 was D-8, which was standard pubic hair?

11 A. Yes.

12 Q. Did you take a standard sample of Chris Hughes'
13 head hair and his whole blood on the same day?

14 A. Yes, I did.

15 Q. Which numbers did you assign to those?

16 A. The blood sample was E, as in "Edward", E-9, and
17 the standard head hair sample was E-12.

18 Q. Were all those items taken with you back to the
19 crime lab on the 7th?

20 A. Yes.

21 Q. Were the EDTA samples of both Mr. Ryen and Chris
22 Hughes placed in the refrigerator?

23 A. Yes.

24 Q. Mr. Stockwell, is it fair to say that the reason
25 pubic samples were not taken from the children was that they had
26 not reached that age where they were old enough to have hair in
27 on that portion of their body.

28 A. Yes. They were pre-adolescent.

1 Q. Did you take a standard sample of the facial hair
2 that appeared on Doug Ryen?

3 A. Yes.

4 Q. Do you recall what number you assigned to that?

5 A. Yes. D, as in "David", D-1.

6 Q. Did you then on Friday, approximately June the 10th
7 of 1983, return once again to the Ryen home?

8 A. On what date, sir?

9 Q. Friday, June the 10th.

10 A. Yes, I did.

11 Q. And did you collect some additional items of
12 evidence on that particular day?

13 A. Yes, I did.

14 Q. Was that essentially the "T" series of items?

15 A. Yes.

16 Q. Were they four separate items?

17 A. Yes.

18 Q. And could you tell the jury what those four items
19 consisted of.

20 A. Yes. T-1 through 3 were individual sections of
21 carpeting removed from the house.

22 T-1 was removed from the hallway near the master
23 bedroom.

24 T-2 and T-3 were removed from the steps leading to
25 the living room area, and,

26 T-4 was a box of Band-Aids, bandages that were
27 taken from underneath the north sink of the master bedroom.

28 Q. Mr. Stockwell, with a black grease pen, can you

1 place on the clear plastic, on 6-F, using the numbers and
2 letters T-1 through T-4, the approximate location of the items
3 you have just described to the jury that you removed from the
4 Ryen home on the 10th of June.

5 A. (Witness complied).

6 Q. On that particular Friday did you also spray
7 certain portions of the Ryen home with a chemical known to you
8 as luminol?

9 A. Yes, I did.

10 Q. Did you use that particular chemical prior to June
11 the 10th?

12 A. Yes.

13 Q. Could you tell the jury, perhaps in a nutshell,
14 what luminol is.

15 A. Yes. Luminol is a chemical reagent which, when
16 acted upon by certain substances such as blood, will give off a
17 bluish type of light, which is what we call a luminescent. In
18 the absence of any other light in a room you can see areas which
19 may have been bloodstained or some other substance that you
20 would not otherwise be able to see with the human eye.

21 Q. Have you ever used that particular chemical in a
22 spray form in the laboratory in a controled setting?

23 A. Yes.

24 Q. Could you tell the jury what you did.

25 A. Basically the test was set up to indicate how
26 diluted blood could be, still be picked up by this method.

27 First of all, a blood sample was diluted to an
28 extreme amount so that it was barely visible to the human eye in

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1 a liquid form. Then it was placed on a material, such as filter
2 paper. so that when it dried you could not see the blood any
3 longer, it was invisible to just the naked eye.

4 Then it was taken into a dark area and separated
5 with a luminol, and characteristic of the reaction a bluish
6 light was emitted showing the area where the blood was and those
7 areas where it was not.

8 Q. Mr. Stockwell. when you talked about diluting a
9 bloodstain, are you basically talking about, for us laymen,
10 mixing it together with a clear liquid, for example, water?

11 A. Yes.

12 Q. Mixing it to such an extent that it loses its
13 reddish color?

14 A. Yes.

15 Q. That is the same chemical that you brought with you
16 to the Ryen home on the 10th of June?

17 A. Yes.

18 Q. What time did you start sparying the luminol inside
19 the home?

20 A. I don't have an exact time. It would have been in
21 the evening, approximately 9:00 o'clock that night.

22 Q. Do you recall whether it was, whether the sun had
23 gone down when you started spraying the luminol?

24 A. Yes. We had waited for the sun to set.

25 Q. And is there a reason you wait for the sun to go
26 down before you do this type of work?

27 A. Yes. As I said, the test must be carried out in
28 the absence of any other light, for even standard room lighting

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1 will overshadow the bluish glow that would be seen from the
2 luminol. You need very dark circumstances to be able to see
3 this reaction.

4 Q. Did the house have windows?

5 A. Yes, it did.

6 Q. Were any efforts taken to block out the light that
7 may have come inside the house from outside sources?

8 A. Yes, to some extent.

9 Q. Do you recall what was also done?

10 A. Well, we had brought blankets with us to help cover
11 some of the smaller window openings in the house. Some areas
12 had windows too large to be covered with what means we had at
13 that date.

14 Q. Is it necessary to get the room as dark as possible
15 that is going to be separated?

16 A. Yes.

17 Q. Is it difficult to write while a room is in that
18 condition?

19 A. Yes.

20 Q. Was Mr. Ogino with you at this time?

21 A. Yes, he was.

22 Q. Is there some suspicion that luminol itself is
23 carcinogenic?

24 A. Yes.

25 Q. All right. Do you have to wear any protective
26 devices when you do the spraying?

27 A. Yes. We normally wear a mask over our face to
28 protect our nose and mouth.

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1 Q. Now, when you sprayed the luminol in the Ryen
2 home -- first of all, did you spray any area in the master
3 bedroom?

4 A. Not on that date, no.

5 Q. Which areas did you spray on the 10th?

6 A. We sprayed the floors, other than the master
7 bedroom and hallway immediately outside the master bedroom.

8 And the master bedroom, those areas could not
9 physically be separated for the carpeting on that date had been
10 removed.

11 Q. Let me stop you for a minute, Mr. Stockwell.

12 When you went back to the Ryen home on the 10th of
13 June, had the condition of the master bedroom in the Ryen home
14 changed?

15 A. Yes, it did.

16 Q. For example, I assume the victims were no longer in
17 position.

18 A. That's correct.

19 Q. How about the carpet that you had seen in the Ryen
20 master bedroom when you left on the early morning hours of June
21 the 6th. Was that there?

22 A. Part of the carpeting was still there. That which
23 had been in the bedroom and in the hallway immediately outside
24 the master bedroom and master bathroom had been removed.

25 Q. Likewise, was there furniture inside the master
26 bedroom when you left on the 6th?

27 A. It had also been removed, yes.

28 Q. That was there -- not there on the 10th.

1 A. That's correct.

2 Q. Can you step to the diagram and perhaps with a red,
3 perhaps with a red felt pen, can you articulate for the jury and
4 while you tell them, can you mark on 6-F the locations in the
5 Ryen home that the luminol reacted to back on that day in June.

6 A. In the area of the carpeting in the hallway, the
7 carpeting had been severed just to the west of where Jessica had
8 been lying on the 5th of June.

9 Q. Mr. Stockwell, if the carpet had been severed,
10 could you indicate then perhaps with a dotted black line first
11 to show the jury approximately where the cut had taken place or
12 where the carpet was still there.

13 A. Yes. As I said, just to the west of where Jessica
14 had been lying on the 5th.

15 Q. Could you then indicate with a red sharp-tipped pen
16 the reaction you may have received from the luminol at that
17 location.

18 A. Yes. There were two spots in that immediate area
19 right next to each other, (witness indicating), which appeared
20 right at the point where the carpeting had been severed and that
21 was the spot that I removed and labeled as item T-1.

22 Q. Were you able to discern or see any type of
23 impression?

24 A. Yes.

25 Q. Would you tell the jury what type of impression you
26 saw in the luminol.

27 A. Yes. It was a partial footwear or a shoeprint
28 impression. Partial because it occurred, as I said, right at

1 the point where the carpeting had been severed.

2 It was the toe area of a shoe and had the pattern
3 of a sigzag pattern or herring bone pattern to it.

4 Q. Did that happen to be, in terms of the pattern, the
5 same type of pattern that you had on the shoes that you wore
6 into the house on the 5th and 6th?

7 A. Approximately, so, yes.

8 Q. Did you see a luminol reaction in any area of the
9 home on the 10th?

10 A. Yes. There were two spots on the hallway leading
11 to the living room area, and again, they appeared to be partial
12 shoeprint impressions which had the same pattern as had the ones
13 that were labeled T-1.

14 Q. And for the record, you have apparently indicated
15 that approximate location on 6-F in red.

16 A. Yes.

17 Q. Were there any other reactions that you observed in
18 the home on the 10th in luminol?

19 A. Yes. There were, in addition, two impressions on
20 the stairway leading to the living room area.

21 Q. Would you indicate those on 6-F in red as well.

22 A. (Witness complied).

23 And, again, as they were on carpeting, those were
24 sections that I removed and labeled as T-2 and T-3.

25 Q. Any other areas on the 10th?

26 A. Yes. In the master bedroom in the north sink there
27 was activity. There was also activity on the shower doors.

28 Q. Mr. Stockwell, as it turns out, was the 10th the

1 day you did spray the master bedroom or was that on another day?

2 A. That was on the 10th.

3 Q. Could you tell the jury -- you've apparently
4 indicated on 6-F the approximate location of the reaction in the
5 sink and the shower; is that correct?

6 A. Yes.

7 Q. Could you tell the jury what type of reaction you
8 observed in the sink of the Ryen master bedroom or bedroom,
9 excuse me, Ryen master bedroom to the luminol?

10 A. Yes.

11 MR. NEGUS: Objection. I believe that states a fact not
12 in evidence.

13 BY MR. KOCHIS:

14 Q. I meant to state master bathroom. When I said the
15 master bedroom, it was the master bathroom. There were no sink
16 in the bedrooms.

17 There were no sinks in the bedroom, were there?

18 A. No, there were not.

19 Q. They were in the master bedroom.

20 A. Yes.

21 Q. Would you call those typical luminol reactions you
22 observed in that sink.

23 A. Yes. First of all it would be called a typical
24 luminol reaction because once the area is sprayed in darkness, I
25 saw a bluish glow come from that. Unlike these other areas that
26 I have already pointed out, it is rather hard to describe the
27 pattern that was seen.

28 For instance, in the sink area luminol is -- when

1 the reagent, once it hits the vertical surface, will begin to
2 flow. So, I saw a smearing type of pattern which flowed down
3 towards the drain area.

4 In the sliding glass doors of the bathtub, there
5 are very small speckled type of pattern once the luminol is
6 sprayed upon them. Because of this gravity, again they started
7 flowing down. At the time they were first sprayed, there were
8 small specks that glowed in that bluish type of light.

9 Q. Mr. Stockwell, had you seen any activity in the
10 home or made any observations in the home earlier in the week on
11 the 5th or 6th that would have been consistent with the
12 particular luminol reaction you saw in the shower?

13 A. Not earlier. Not when I was there on the 5th of
14 June.

15 Q. On the 10th?

16 A. On the 10th I had not seen anything that was
17 speckled like that at that point either.

18 Q. Did you -- were there flies at the residence on one
19 occasion?

20 A. Yes, there were.

21 Q. Do you recall when that was?

22 A. On the 5th of June. when I was there, there were
23 quite a few flies inside the residence.

24 Q. And did some of the flies appear to be in the pools
25 of blood in the home?

26 A. They were flying in and around the bloodstains on
27 the carpeting, yes.

28 Q. Were the specks that you saw in the shower in the

1 master bath consistent in terms of shape with being deposited by
2 the flies?

3 A. Yes.

4 Q. Was that the case with the reaction you saw on the
5 sink?

6 A. No.

7 Q. Was the reaction that you saw in the sink of the
8 Ryen master bath consistent with any type of activity?

9 A. Yes.

10 Q. One that I can think of, it was consistent with the
11 blood at the time of being deposited having flowed down towards
12 the drain or it was being diluted with water at that time.

13 Q. For example, someone washing blood off their hands
14 in the sink?

15 A. Yes.

16 Q. Now, is blood the only substance that will react
17 with luminol that causes a bluish glow?

18 A. No.

19 Q. Is luminol in fact what you call a presumptive
20 test?

21 A. Yes.

22 Q. Reacts with other things besides blood?

23 A. That's correct.

24 Q. On the 10th of June, did you conduct additional
25 chemical tests to determine whether or not the areas that the
26 luminol had reacted to were in fact reacting to some other
27 chemical or to blood?

28 A. Yes.

1 Q. Was that called the ortho-tolidine test?

2 A. Yes.

3 Q. To conduct that test, is it necessary to spray a
4 portion of the stain off onto some type of filter paper?

5 A. Yes. That is the physical action of taking what
6 the substances you see with a luminol off from the surface that
7 you've seen it, and getting it onto something else that you can
8 test. In this case, we used just normal filter paper.

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

10 Do you then essentially follow two steps after the
11 stain is placed on the filter paper?

12 MR. NEGUS: Objection, leading.

13 THE COURT: Sustained.

14 MR. KOCHIS: Well, your Honor, it is foundational. He's
15 an expert, he can lead on both of those grounds.

16 MR. NEGUS: Well, I don't think -- that's not necessarily
17 true, and I think it may be more than just foundational.

18 THE COURT: You can do it without leading.

19 BY MR. KOCHIS:

20 Q. What's the next thing you did in the home on the
21 10th once the stain was on the filter paper to perform the
22 ortho-tolidine test?

23 A. First of all, once the stain is on the filter
24 paper, the first reagent is added to the filter paper, that is
25 the actual ortho-tolidine reagent.

26 Ortho-tolidine in its native state is a dry
27 chemical which is placed into a solution of methanol and
28 alcohol, water and acidic acid. These are things to get it into

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1 solution and to make it active. With just adding that reagent
2 to the filter paper, no reaction should occur.

3 Then a second reagent is added, simply hydrogen
4 peroxide. In the presence of blood, the blood has what we call
5 peroxidizing activity, it will attack the hydrogen peroxide and
6 chemically cleave it. When that is done the hydrogen peroxide
7 has become an oxidizing agent that will in turn cause the
8 ortho-tolidine that was present to begin with, after the first
9 application, to turn a bluish color. So, it is a two-step
10 reaction.

11 The first step there should be no chemical activity
12 to turn the ortho-tolidine blue; with the second application of
13 hydrogen peroxide, if blood is present it will turn the
14 ortho-tolidine blue.

15 Q. What type of reaction did you get to the stains
16 that you put on the filter paper in the Ryen home on the 10th?

17 A. After the application of the ortho-tolidine
18 solution alone, there was no activity.

19 When the hydrogen peroxide was added a blue color
20 appeared.

21 Q. Were the results of that test then consistent with
22 the presence on the stains of blood?

23 A. Yes.

24 Q. Did both of those tests, put together, allow you to
25 determine whether it was, the blood is human or animal, however?

26 A. No, it does not.

27 Q. Did you also luminol a portion of the driveway in
28 the area where you had removed A-3, the string with blood on it,

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1 on that particular day? On the 10th did you luminol?

2 A. Yes, I did.

3 Q. And did you get any luminol reaction in the
4 driveway approximately where the rope had been?

5 A. Yes.

6 Q. What type of reaction did you get?

7 A. Again, it was the type of reaction where the
8 luminol gives off a blue type of light. It gave off that light
9 in the approximate area where the rope had actually been lying,
10 when I picked it up, as well as a small trail leading up to that
11 point.

12 Q. Consistent with the rope being drug on the
13 pavement?

14 A. Yes.

15 Q. During the course of your investigation in this
16 particular case, did you recover a piece of black electrical
17 tape that was located near a residency I believe at 3217 English
18 Road?

19 A. Yes.

20 Q. Do you recall what date that was discovered?

21 Perhaps if I could interrupt you for a moment.

22 Directing your attention to what has been marked
23 for identification as Court's Exhibit 500.

24 Do you recognize what this appears to be a Xerox
25 copy of?

26 A. Yes, I do.

27 Q. Is this a Xerox copy of a portion of the formal
28 reports that were prepared in this particular case?

1 A. From hour laboratory, yes.

2 Q. And, for example, do the pages which are numbered
3 1704, 1705, and 1706 set out in chronological order, with a
4 description, the "A" series numbered items, A-1 through A-44?

5 A. Yes.

6 Q. And do pages 1707 through and including 1708. set
7 out some of the items that were seized by yourself at the
8 autopsies?

9 A. Yep.

10 Q. Directing your attention to Page 1712.

11 Was there an item that you collected on the 10th of
12 June that you gave the laboratory identification number S-2?

13 A. Yes.

14 Q. What was that?

15 A. That was a piece of black electrical tape recovered
16 from an area near 3217 English Road in Chino Hills.

17 Q. Was that likewise taken back to the crime lab?

18 A. Yes.

19 Q. Did you return to the Ryen home once again in the
20 end of June? On approximately June the 30th?

21 A. Yes, I did.

22 Q. Did you collect additional samples from the home on
23 the 30th day of June?

24 A. Yes.

25 Q. Was that approximately 16 separate blood samples
26 that you labeled The "UU" series?

27 A. Yes.

28 Q. With the black pen, can you step to the board and

1 can you, indicating, using the UU-1 through UU-16 the location
2 of those bloodstains which you took from the home on the 30th of
3 June, and can you describe, perhaps for the jury as you put the
4 numbers on the clear plastic, the type of stain it was and the
5 approximate location in the home.

6 A. Did you have a specific color to use?

7 Q. Black.

8 A. Items UU-1 through 4 were spots of blood that were
9 collected from where A-41 had originally been collected, from a
10 vicinity of that area.

11 It was along the same wall and within, I would say,
12 one foot radius of where A-41 had been collected.

13 Item UU-1 was a small piece of blood but larger
14 than I could attribute to what the next items 2, 3 and 4 were.

15 2, 3 and 4 were very small specks of blood which
16 appeared to have been deposited by the feet of flies that had
17 originally been stepping in blood and then deposited along the
18 wall. So, 2 through 4 I attributed to what I called fly specks.

19 UU-1 I could not say exactly what it was from. It
20 was a little bit larger than what the flies were leaving.

21 UU-5 and UU-6 were blood samples collected from a
22 smear that was on the reverse side of the door leading to the
23 living room area.

24 UU-7 was a spot of possible blood collected from
25 the wall across from Joshua Ryen's bedroom. At this point I
26 really don't recall which of the two bedrooms was Joshua Ryen's.

27 Q. Then could you move to UU-8.

28 A. UU-8 was material which did not look like blood

1 which was collected from the hallway opposite Jessica Ryen's
2 bedroom.

3 Q. Could you move to UU-9.

4 A. Yes. UU-9 was blood collected from just south of
5 the master bedroom exit into the hallway.

6 UU-10 was blood from the west edge of the north
7 sink in the master -- in the master bedroom.

8 UU-11 was blood collected from the southeast area
9 of the north sink in the master bedroom.

10 UU-12 was again blood collected from the northeast
11 area of the north sink in the master bedroom.

12 UU-13 was blood collected from the inside shower
13 door of the master bedroom. And that again was very small
14 specks very similar to UU-2 through 4, which we were attributing
15 to fly specks.

16 UU-14 goes back to the north sink in the master
17 bedroom and was additional blood collected from the northeast
18 area in that location.

19 UU-15 was blood collected from the left side of the
20 door frame between the bathroom and the bedroom.

21 And UU-16 was the doorknob with bloodstains on it
22 taken from the hallway door leading to the living room, and that
23 was the doorknob on the inward side of the door.

24 Q. You can resume your seat.

25 Were all of those items taken with you back to the
26 crime lab when you completed your work at the home on June the
27 30th?

28 A. Yes.

1 Q. And were those sixteen items placed in a
2 serological freezer?

3 A. Yes.

4 Q. On August the 1st of 1983, did you take some
5 physical samples from the defendant, who is seated in court,
6 Kevin Cooper?

7 A. Yes, I did.

8 Q. Did that include a sample of his whole blood?

9 A. Yes.

10 Q. Did you assign a laboratory identification number
11 to that sample.

12 A. Yes, I did.

13 Q. Do you recall whether or not that sample number is
14 VV-2?

15 A. Yes, it is.

16 Q. Did you likewise take strands of the defendant's
17 head hair?

18 A. Yes, I did.

19 Q. What numbers did you assign to those?

20 A. The combed sample was VV-4 and the pulled sample
21 was VV-5.

22 Q. And did you likewise take hair samples from his
23 pubic area?

24 A. Yes.

25 Q. What laboratory identification number was assigned
26 to this sample?

27 A. VV-7.

28 Q. And were those items then taken back with you on

1 the 1st of August to the crime lab in San Bernadino?

2 A. Yes.

3 Q. Thank you.

4 I have no further questions, your Honor.

5

6

CROSS EXAMINATION

7 BY MR. NEGUS:

8 Q. Mr. Stockwell, in your particular job
9 classification do you have a dual role as both a worker in the
10 laboratory and also as a peace officer?

11 A. Yes.

12 Q. And you've had background and training which
13 qualifies you for -- for both those particular positions?

14 A. That's correct.

15 Q. The full training that you've had as a peace
16 officer came after the -- after June 5th, 1983, but your
17 training as a laboratory worker came before that; is that
18 correct?

19 A. Yes. I would prefer to think that my training in
20 criminalstics is ongoing.

21 Q. Well, at least the qualifications, the schooling
22 that was required in order to get the job you had done before
23 you started working -- before June the 5th, 1983; is that right?

24 A. That's correct.

25 Q. In those -- do those -- do those dual rolls ever
26 conflict?

27 A. I don't believe so.

28 Q. Well, do you feel just as strongly about your role

1 as a police officer as you do about your role as a scientist?

2 A. In my setting in the crime lab I feel my role as a
3 scientist is more important to the type of work I do.

4 Q. What about at the crime scene when you are
5 collecting evidence?

6 A. I still feel my role as a scientist is paramount.

7 Q. When you go out to the crime scene are you going --
8 I mean do you attempt to sort of take over and go out and try
9 and physically catch the person that did it?

10 A. Personally, no.

11 Q. Showing you Exhibit 428, do you recognize that
12 photograph?

13 A. Yes, I do.

14 Q. Is that you standing there holding the number 35?

15 A. Yes.

16 Q. Were you wearing your gun on that particular date?

17 MR. KOCHIS: I would object as being irrelevant.

18 THE COURT: No. Overruled, wide latitude.

19 THE WITNESS: Yes, I was.

20 BY MR. NEGUS:

21 Q. As a scientist do you engage in speculation?

22 A. To some extent, yes.

23 Q. As a person when you see a crime such as you saw
24 the evidence of on June the 5th, 1983, do you feel strong
25 emotions?

26 A. Yes.

27 Q. And did you feel very strong emotions on June 5th,
28 1983?

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1 A. Yes.

2 Q. Did they linger?

3 A. Yes.

4 Q. When you're speculating as a scientist, do your --
5 your feelings, your emotions enter into those speculations?

6 A. I don't know if I could say.

7 Q. As you've testified for Mr. Kochis yesterday and
8 today, you've given certain interpretations or speculations in
9 some cases perhaps, of the evidence along with a description of
10 what you actually observed.

11 Do you think that your feelings influenced your
12 interpretations of some of the things that you saw?

13 A. I don't know if I could really say if my feelings
14 did or did not enter into any interpretations.

15 Q. In describing some of your interpretations from
16 time to time you would use the word "consistent with." What
17 does that mean?

18 A. In the work of criminalistics you could divide the
19 sorts of analyses we do into several subject categories. Some
20 of what we do is very conclusive in nature, there could not be
21 any more than one explanation for one event. And when that is
22 so, that is the way we state it, it is a conclusive analysis.

23 There are other types of analyses in which we do
24 that, although there is something that might appear to
25 correspond with that sort of action, you could not rule out
26 other actions as having contributed to that. In that case we
27 say that the action is consistent with a certain type of action.

28 Q. Would you call it a best guess?

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1 A. I might call it an educated guess, educated in the
2 sense that I have special training in certain areas, and taking
3 that education and lending it towards the analysis part of it
4 and, therefore, it is a guess to an extent because we don't know
5 for certain what action caused it, but certain actions are more
6 probable than otherwise.

7 Q. Well, do your feelings influence which action you
8 assign as more probable and which actions you assign as less
9 probable?

10 A. Again, I don't know if I could state for certain
11 how my feelings would affect thought interpretations.

12 Q. In -- in -- Well, you discussed the interpretations
13 that you made on the witness stand yesterday and today with Mr.
14 Kochis before you testified; is that right?

15 A. I've discussed them numerous times with numerous
16 individuals.

17 Q. Focus in on the question. The question was:
18 Yesterday, before you testified you discussed those
19 interpretations with Mr. Kochis, forgetting anybody else for the
20 moment, just Mr. Kochis, right?

21 A. Yes.

22 Q. Of the different possible interpretations that
23 might be consistent with some of the things that you saw, did
24 you select out those which would be favorable to your side of
25 the case, that is, the prosecution's?

26 A. I think I was making determinations which were
27 accurate whether they were used in the case of the prosecution
28 or not.

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1 Q. Well, which -- you didn't -- basically when you
2 gave your interpretations of consistent with, you only gave one
3 explanation; is that correct?

4 When you've been testifying the last couple days
5 you emphasized one explanation; is that right?

6 A. I have testified to one interpretation for most of
7 them, yes.

8 Q. Is that the one that you feel favors the
9 prosecution?

10 A. Yes.

11 Q. Now, for each of those interpretations did -- in
12 order to -- in order to arrive at them did you go through all
13 the steps that a scientist could go through in order to
14 eliminate other possibilities?

15 A. I don't know that I went through every possible
16 step, no.

17 Q. Did you for any of those interpretations try to
18 devise experiments which might give you further information?

19 A. Yes.

20 Q. Which ones?

21 A. With the luminol testing we went a step further and
22 extended the testing into further agents that can give a
23 positive test with the luminol reagent.

24 Q. When did you do that?

25 A. On September 5th of this year.

26 Q. Was the testing that you did on September 5th the
27 only -- only such testing that you've done, experiment?

28 A. Well, as I said in my testimony, we have done -- or

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1 I have done testing with luminol before even June the 5th, 1983.

2 Q. That was a dilution test?

3 A. That was a dilution test, yes.

4 Q. Any others?

5 A. I did something else. I don't think it would --
6 could be stated as a test.

7 In making some shoe impressions I used blood to
8 make the impression with. That indirectly shows that it is
9 possible to make impressions in blood from shoes.

10 Q. Well, that wasn't in connection with any of the
11 things that you testified about here, right?

12 A. I testified yesterday that there was a shoe
13 impression on A-8.

14 Q. Other than that, any other -- any other experiments
15 that you've done? The shoes impressions in blood --

16 By the way just to back up, the testing that you
17 did on September 5th, 1984, that was with Mr. Ogino, Mr. Kochis,
18 I think Mr. Arthur, and some other people at the 2991 residence,
19 right?

20 A. I believe those people you mentioned were the only
21 ones there; and, yes, that was the date that we did it and that
22 was the location.

23 Q. Well then, leaving aside the Lease house, other
24 than the dilution test and the fact that shoes will leave
25 impressions in blood, did you do any other -- did you do any
26 other particular test with respect to the interpretations that
27 you've drawn here in court about the Ryen house?

28 A. Not that I can recall at this time, no.

1 Q. When you were assigned -- Well, let me withdraw
2 that question and ask another one first.

3 Did, in drawing your interpretations as a
4 criminalist, just speaking generally now, is one of the most
5 important things that a criminalist can draw on is his
6 experience or her experience?

7 A. That's correct.

8 Q. On June the 5th, 1983, how long had you been
9 employed by the County of San Bernadino Sheriff's Department as
10 a criminalist?

11 A. Approximately eleven months.

12 Q. You were hired in July of 1982?

13 A. That's correct.

14 Q. And was that your -- the job you had as a
15 criminalist with the San Bernadino County Sheriff's Office, was
16 that your first paid job as a trained criminalist?

17 A. Yes.

18 Q. When you arrived at and looked in the master
19 bedroom did the array of physical evidence that was visible to
20 you just as you were looking through the screen door the first
21 time into the master bedroom, did that appear to be more complex
22 than anything you had handled before?

23 A. I would say that's true.

24 Q. How many -- how many murder scenes had you
25 processed yourself, without anybody like standing over there --
26 standing over you, supervising you, prior to June 5th, 1983?

27 A. I can't give an exact number. Approximately five.

28 Q. And how many of those involved multiple murders?

1 A. I can't think of any unsupervised crime scenes that
2 I had that involved multiple murders.

3 Q. The ones that you -- the five that you processed,
4 did any of them have a suspect in custody when you got there?

5 A. I don't recall.

6 Q. Were any of them shootings?

7 A. Yes.

8 Q. All of them?

9 A. I don't recall if all of them were, no.

10 Q. Did -- when you arrived at that particular crime
11 scene along with Patricia Schechter, you were the person that
12 was -- that was given primarily -- primarily responsibility
13 for -- for processing that scene with Ms. Schechter to be there
14 as your assistant; is that correct?

15 A. In regards to the criminalstics aspect, that's
16 correct.

17 Q. What other aspect was there that you all were
18 involved in there?

19 A. There are numerous investigators involved with this
20 scene. I was merely an investigator as far as criminalstics was
21 concerned.

22 Q. Okay. But let me -- Maybe I didn't make my
23 question clear.

24 Focusing between the division of responsibility
25 between you and Ms. Schechter, you had primarily responsibility
26 for doing what criminalists do and she was there to assist you;
27 is that correct?

28 A. Yes.

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1 Q. And as a matter of fact, you and she had become
2 employed with the county as criminalists at approximately the
3 same time?

4 A. Yes; yes.

5 Q. Mr. Baird left after a couple hours; is that right?

6 A. Yes.

7 Q. Other than -- Well, Mr. Baird pointed out the rope
8 A-3; is that right?

9 A. Yes.

10 Q. Other than pointing that particular -- that
11 particular item out to you, did Mr. Baird suggest that you take
12 any other items?

13 A. I can't recall any specific items that he requested
14 me to take.

15 Q. He basically left the selection of which items to
16 take and which not to take to you; is that correct?

17 A. Yes.

18 Q. Did you feel that you had sufficient experience and
19 training at that particular time to handle that job?

20 A. Yes.

21 Q. Do you still feel that?

22 A. Yes.

23 Q. How long were you at the Ryen crime scene before
24 you started picking things up and putting them in packages?

25 A. Perhaps a half hour.

26 Q. Perhaps less?

27 A. Possibly, yes.

28 Q. Perhaps as little as ten or have a minutes?

1 A. I don't think it was that short of time, no.

2 Q. Well, did -- before you -- before you started
3 packaging things, did you go on a walk-through of the house to
4 get a general overview of what you had?

5 A. I did not do a walk-through of the house to begin
6 with, I walked around the outside of the residence.

7 Q. What, just looking through the windows or
8 something?

9 A. Yes, and briefly stepping inside the master bedroom
10 from the sliding glass door area.

11 Q. Did you -- did you sort of sit down and try to
12 analyze before you started to working, you know, which evidence
13 would be significant, would have evidentiary value, and which
14 wouldn't?

15 A. Mr. Baird and I had a discussion what all it
16 encompassed. I really don't recall. It did include certain
17 items of evidence, for instance A-3, but --

18 Q. Well, Mr. Baird brought that up to you basically
19 after you had started in on a couple items, right?

20 A. No. I believe our discussion preceded any
21 collection of evidence.

22 Q. I'm saying about A-3, didn't Mr. Baird at some
23 point in time when you were -- had started working in the master
24 bedroom come up and say, "Hey, there's a piece of rope outside
25 with blood on it in the sun. You better get it before it gets
26 destroyed."?

27 A. No. I believe that was one of the items he pointed
28 out to me when I had first arrived on a walk around the grounds.

1 That was before any evidence was collected.

2 Q. Well, if -- if a -- an item with blood on it is
3 left to sit on asphalt in the sun, can that have an effect of
4 significantly decreasing its evidentiary value?

5 A. In regards to the serological evidence, yes. The
6 heat of the sun and of the black pavement can literally bake the
7 proteins and enzymes so that they might no longer be typeable.

8 Q. You mentioned several times that you were trying to
9 take and put certain items in the serological freezer. What's a
10 serological freezer?

11 A. It's really no different than any freezer that
12 would be used in the home. It is something that gets to
13 temperatures in excess of minus zero degrees Fahrenheit.

14 The purpose for freezing serological evidence is
15 that it will maintain those factors in blood, proteins and
16 enzymes which we use for typing, and thereby relating to various
17 individuals to see if that blood could have originated from that
18 individual.

19 Freezing the sample will keep those factors around
20 longer than if the sample was stored at room temperature.

21 Q. Was that -- is that -- does that essentially just
22 work the same as if you had a sliced peach that you had out on
23 the -- out on the counter, that is, after a certain while
24 bacteria are going to start to work on it, it's going to
25 decompose; is that the same sort of principal?

26 A. It's an analogy but it's not really a strict
27 analogy. The peach and in its common state would degrade much
28 quicker than would a blood sample if the blood sample is dried.

1 It might be better to associate it with the drying of the peach.
2 Dried fruit will last much longer than a normal peach left out
3 at room temperature.

4 Q. Okay. Well, so freezing has one effect. It's one
5 way to dry things; is that right?

6 A. The sample really isn't dried by freezing as in
7 freeze-drying process. The blood should be dried before the
8 sample it frozen.

9 THE COURT: Any convenient time, counsel.

10 MR. NEGUS: Let me just -- I think I have just a -- try
11 and follow the thought.

12 Q. The blood though wants both to be -- have its
13 temperature lowered and to be dried out; is that right?

14 A. Yes, to extend the useful length of time that it
15 could be typed, that is true.

16 Q. Just like a peach, blood has some markers, genetic
17 markers in it that will degrade right there on the counter right
18 before your very eyes; is that right?

19 A. Yes.

20 Q. But because they go that quick they are not
21 commonly used in criminalistics because they are usually gone
22 before you can get them to the laboratory and freeze them; is
23 that basically the way it works?

24 A. Yes. There are more genetic markers available to
25 say a paternity expert who can deal with whole blood, liquid
26 samples, and to a strictly forensic serology gist who generally
27 works with bloodstains.

28 Q. So the ones that -- that forensic people work with

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1 are those which will last longer even though you don't do
2 everything that's necessary to preserve them?

3 A. I don't think I followed your question.

4 Q. Well, you have the particular genetic markers that
5 you use in forensic work are those which are most hardy, that
6 is --

7 MR. KOCHIS: Your Honor, I'm going to object. This is
8 beyond the scope of any direct.

9 MR. NEGUS: It has to do with preservation, putting
10 things in the serology freezer, why you do it, the time limits
11 you have to do it. And I think it was --

12 THE COURT: It goes perhaps to his collection efforts,
13 but he didn't analyze nor testify as to any analysis, Mr. --

14 MR. NEGUS: I'm not asking him about that. I don't
15 intend to ask him about any analyses, but merely what, you know,
16 the facts around what he -- putting things in the serological
17 freezer.

18 THE COURT: Insofar as it bears upon his collection,
19 timeliness, overruled.

20 BY MR. NEGUS:

21 Q. I think the question I was asking was that the
22 things that -- the markers that you use are those which will
23 survive a longer period of being in an unfrozen,
24 out-in-the-atmosphere condition than the average marker; is that
25 right?

26 A. Yes. What you originally said, the hardness of
27 the enzyme or marker is indeed one of the things that we take
28 into account for what we do in serological typing. In addition

1 to that it's reliability must be documented.

2 Q. But even amongst the hardy -- the hardy enzymes, a
3 few hours on asphalt can break them out, is that right, if it
4 gets hot enough?

5 A. That's true.

6 Q. And even amongst some of those hardy enzymes,
7 waiting as little at two weeks, just sort of sitting in a house
8 at room temperature, can destroy them; is that right?

9 A. That's possible, yes.

10 MR. NEGUS: That's a good break point.

11 THE COURT: Two things before we break.

12 First, do I have a class of students here from a
13 particular class?

14 A LADY: Yes.

15 THE COURT: Those of you that would like to come into
16 chambers and visit and get a better insight are welcome. The
17 bailiff will escort you back after the jurors are settled down.

18 To you, ladies and gentlemen, with reference to the
19 time off, counsel and I did discuss this last night you will be
20 happy to know that between the holidays you will not be working
21 on this case, so we will break.

22 We will work on Thursday the 20th of December and
23 break at that time. The 21st I will be working Ontario and
24 likewise on the 26th, 27th, and 28th.

25 And we won't be back on this case until the 2nd of
26 January. So you will be off from the night of the 20th until
27 the morning of the 2nd of January.

28 We will, however, contrary to our usual having

1 Fridays off, we're going to work on this case to make up a
2 little time on the 4th of January, Friday.

3 Hopefully you can make your plans, ladies and
4 gentlemen. Okay. Got those dates now.

5 All right. We will take the morning recess.

6 (Recess taken.)

7

8 THE COURT: Mr. Negus.

9

10 CROSS EXAMINATION (Resumed)

11 BY MR. NEGUS:

12 Q. Mr. Stockwell, what documents have you reviewed to
13 refresh your recollection in preparation for your testimony
14 today and yesterday?

15 A. I have my own personal notes on this case, I have
16 the reports that were written by our laboratory on this case,
17 I've also reviewed some of the transcripts of earlier testimony,
18 preliminary hearing and motions corresponding to this case.

19 Q. The transcripts you are speaking of you testified
20 on four different days at the preliminary, four different days
21 in San Bernardino in the summer and a couple of days in Ontario;
22 is that right, before you came down here?

23 A. That sounds about right, yes.

24 Q. You say you haven't had a chance to read all those
25 transcripts, just portions of them?

26 A. Yes. I don't believe I ever received all of the
27 transcripts in the case.

28 Q. Basically you get those transcripts from Mr.

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1 Kochis.

2 A. Yes. And Sergeant Arthur.

3 Q. The last day that you testified, was that the day
4 you are missing?

5 A. I believe the April hearings, I don't have those,
6 and several days of the summer motions.

7 Q. The notes that you, that you are talking about, are
8 those the notes that you write at the scene and then put into
9 the laboratory files that are kept on each case?

10 A. Yes.

11 Q. You have in front of you, on the witness stand, a
12 couple of, a couple of files.

13 Are those both portions of the rather voluminous
14 laboratory file in this particular case?

15 A. Yes. The brown folder is the separate folder for
16 notes, as they are quite extensive. The green folder contains
17 the original laboratory reports and the laboratory receipts for
18 evidence which has been logged in under this case number.

19 Q. Are the laboratory receipts sometimes referred to
20 as pink slips?

21 A. Yes.

22 Q. Now, showing you Exhibit 500. that is the official
23 report that you were speaking of; is that right?

24 A. Copies of our reports, yes.

25 Q. Well, the original reports were on a green piece of
26 paper that you have there in the thing.

27 A. Yes.

28 Q. But you, as part of the business. you make, you

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1 made copies and distributed them to the various agencies, the
2 District Attorney's office, and the District Attorney's office
3 feed them to me.

4 A. That is correct.

5 Q. Right?

6 A. That's correct.

7 Q. This document, Exhibit 500, that is something that
8 is dictated by various criminalists and typed up by the crime
9 lab secretarial staff and is sort of intended to be a formal
10 document; is that right?

11 A. Yes.

12 Q. You, yourself, dictated certain portions of that
13 particular document; is that right?

14 A. That's correct.

15 Q. And other portions, persons dictated other
16 portions.

17 A. Yes.

18 Q. That particular document has been issued, I guess,
19 up to seven, I think it was, I lost track -- anyway, it has a
20 considerable number of supplements to it as time has gone by; is
21 that correct?

22 A. Yes. Our last one is Supplement Report No. 7.

23 Q. Now, that document, the first document on that
24 actually, was actually dated June 14th; is that right?

25 A. Yes.

26 Q. And that is the one primarily that you have been
27 referring to in the course of your testimony today; is that
28 right?

1 A. Yes.

2 Q. Now, with respect to the items that were seized on
3 June the 5th, 1983, which you have -- and into the early morning
4 hours of June 6th which you have, you have labeled as the "A"
5 series.

6 Did you prepare the pink slip on that?

7 A. Yes, I did.

8 Q. Is that one of the documents that you have looked
9 at in connection with your coming into testify here today?

10 A. Yes.

11 Q. Showing you Exhibit 495. Is that a Xeroxed copy of
12 the pink slip that are filled out by you on the Exhibit A --

13 A. Yes.

14 Q. -- the "A" items?

15 A. Yes.

16 Q. And on that particular pink slip it has a space
17 both for you to describe what items you -- the general list of
18 items that were taken, that is various items of physical
19 evidence, and also your interpretations of some of the things
20 that you saw; is that correct?

21 A. Yes. Basically the slip is there, first of all, to
22 inform members of the laboratory what item numbers have been
23 taken, in this case Item A; therefore, the next item in the
24 series would be the "B" series.

25 It also has various documentation from names of
26 victims, suspects, if they're known, who collected evidence or
27 who received the evidence in the laboratory,

28 Also, it has an overview section for purposes of

1 letting others in the laboratory know what pieces of information
2 the criminalist has obtained from whatever source, so that if
3 the criminalist is not in the laboratory at that time they can
4 still obtain certain information from the documentation.

5 Q. And that information then is used to guide them in
6 deciding what to do next and that sort of thing --

7 A. Yes.

8 Q. -- and to aid them.

9 Now, this particular document has a date and a time
10 of June 6th, 1983, at 0200 hours.

11 First of all, is the 0200, that is military time.

12 A. Yes.

13 Q. And does that indicate the time that at least
14 approximately the item actually arrived at the crime laboratory,
15 which I think was at that point in time already on Lena Road in
16 San Bernardino?

17 A. Yes, that's correct.

18 Q. Now, is that the time then, in effect, the time of
19 arrival that you and Ms. Schechter got back to the crime lab?

20 A. The approximate time, yes.

21 Q. How long does it take to drive from English Road to
22 Lena Road in San Bernardino?

23 A. Anywhere between 45 minutes and one hour.

24 Q. So, that the time of arrival would be consistent
25 with the time that -- the approximate time that you believed
26 that you left the Ryen residence.

27 A. Yes.

28 Q. Showing you Exhibit 497. Is that a Xeroxed copy of

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1 the pink slip that was filled out for the items "V" and "C", the
2 various items of evidence that you collected from Dr. Peggy Ryen
3 and Jessica Ryen?

4 A. Yes.

5 Q. And did you fill that out then when you got back to
6 the laboratory at approximately 7:00 o'clock at night on that
7 Monday, June the 6th?

8 A. Yes.

9 Q. Does that likewise have an overview section so that
10 you can list some of the information that you learned while
11 attending that particular autopsy?

12 A. Yes.

13 Q. You -- during the course of the autopsies Dr. Root
14 performed on the victims, you were actually present observing
15 during the whole thing, not just when you were taking the trace
16 evidence of the people; is that right?

17 A. That's correct. For most of the time I was in the
18 same room with Dr. Root as he was performing the autopsies.

19 Q. I mean, did you leave for some reason or another?

20 A. I may have left the actual room where the autopsies
21 were performed to collect trace evidence from one of the other
22 bodies.

23 Q. Well, did you, did you take, for example, your own
24 notes as to the progress of the autopsy in addition to this pink
25 slip?

26 A. Yes.

27 Q. I mean, you made little charts on a form provided
28 to you of all the many wounds to each of these particular

1 people.

2 A. Yes.

3 Q. That was while the autopsy was proceeding?

4 A. Yes.

5 Q. Now, let's move back to the --

6 Oh, is Exhibit 497 one of the documents that you
7 reviewed in connection with your testimony here today?

8 A. Yes.

9 Q. I take it that one of the reasons that you review
10 these documents is essentially to refresh your recollection,
11 that is the purpose for which they're taken to aid you as a
12 memory aid and that was the purpose for which you use them.

13 A. Yes.

14 Q. Now, let me next go and show you Exhibit 492. which
15 actually consists of three pages, which the record should
16 reflect that I'm taking a red Sharpie and numbering 1, 2 and 3.

17 Now, looking at 492. Are those Xeroxes of some
18 documents that exist in the note sections of the brown folder
19 that you brought to court?

20 A. Yes.

21 Q. Page 1, is that in your handwriting?

22 A. Most of it is.

23 Q. And did you in fact make those notes on Page 1
24 yourself, with a few exceptions, at 2943 while you were there on
25 June the 5th?

26 A. Yes.

27 Q. The part that's not in your handwriting, is that
28 the names and ages -- that is, the first names and ages of the

1 three kids?

2 A. That's part of what is not in my handwriting.

3 Q. And is there also a word that's crossed out where
4 the word "White" is crossed out and "Spanish" is written in
5 above it?

6 A. Yes.

7 Q. That's the other part that is not in your
8 handwriting.

9 A. Yes.

10 Q. There's also what's been grouped together as Pages
11 2 and 3, some other notes.

12 Now, did you refer to those notes yesterday in
13 answering some of Mr. Kochis' questions as far as time is
14 concerned?

15 A. Yes.

16 Q. Okay. Those notes on Page 2 and 3 are in -- those
17 were not taken by yourself, for the most part; is that correct?

18 A. That's correct.

19 Q. They were taken by Ms. Schechter; is that right?

20 A. Yes.

21 Q. Could you then, taking the red Sharpie, on that
22 document 492, on Page 1, write above the 1, put "DCS" and on
23 Page 2 and 3, put "PJS".

24 A. (Witness complied).

25 Q. Showing you Exhibit 494, another chart. Was that
26 chart prepared by yourself?

27 A. Yes.

28 Q. And could you put "DCS" in a red Sharpie on that

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1 particular chart.

2 A. (Witness complied).

3 Q. And again, is that a Xerox copy of a chart that is
4 in the note section of the laboratory records?

5 A. Yes.

6 Q. That particular chart however, was that, was that
7 done at 2943 or some other place?

8 A. It was done at that 2943 Old English Road.

9 Q. Are you sure that that exact chart was done there
10 or did you rough a sketch of that and then remake that back at
11 the laboratory at a later date?

12 A. I started a rough sketch and then did this sketch
13 as well at the scene on that date.

14 Q. Showing you Exhibit 493, which is not, which is
15 sort of a hard-to-read Xerox of another sketch.

16 Did you do that particular sketch?

17 A. No.

18 Q. Is that sketch nonetheless a sketch that exists in
19 your laboratory notes?

20 A. Yes, it is.

21 Q. Was that done by Ms. Schechter at the Ryen scene?

22 A. Yes.

23 Q. Could you put "PJS" on that particular sketch?

24 A. (Witness complied).

25 Q. Other than the documents which we have before you
26 on the witness stand, do you -- two of which, that is Exhibits
27 493 and 492, does there exist any other documentation that you
28 have as to the time that certain items, that the items in the

1 "A" series, 1 through 45 were collected?

2 A. There may be documentation on the containers of the
3 items themselves, but for that I would have to see each
4 individual item.

5 Q. Did you bring with you the bag that sheet went
6 into?

7 A. There was a brown paper sack that was brought in
8 and the original paper sack was in the bottom of that paper
9 sack.

10 MR. KOCHIS: Your Honor, it may be in the corner by the
11 blue digests.

12 BY MR. NEGUS:

13 Q. Showing you a brown paper bag with a whole bunch of
14 things written on it.

15 Is that the brown paper bag that you are referring
16 to?

17 A. Yes.

18 Q. Do we have that -- could we have that separately
19 marked.

20 MR. KOCHIS: We should have it marked if he is going to
21 refer to it.

22 MR. NEGUS: I believe next in order will be 502 -- 501.

23 Q. Referring to this bag then -- let me stick it up
24 here, 501.

25 There's a bunch of different writing on that
26 particular, on that particular bag. Is all of that writing put
27 there yours?

28 A. Yes.

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1 Q. There -- there appears on the bag that you have one
2 time, 1527, was that meant to be a time?

3 A. Yes.

4 Q. When you were doing this -- this particular --
5 particular type of work, did you ever like mix up military time
6 and real time?

7 A. Not that I can recall.

8 Q. This -- Does 3:27, does that indicate the time that
9 A-8 was collected?

10 A. Yes, according to the notes and to that paper sack.

11 Q. Well, at one point in time did you put like A-8,
12 A-10, A-11, A-12, and A-4 all in that -- in that same bag?

13 A. I don't believe so. I was going to place all the
14 items, or attempt to place all those items in the same sack, but
15 later on at about 5:00 in the afternoon when those other items
16 were being collected, except for A-4, I decided it would be
17 better to package the others separately. I had already started
18 writing listings on this paper sack, so I crossed them out. So
19 the only items I can recall being in the sack are A-8 and A-4,
20 A-4 being the tourniquet which was lying on top of A-8.

21 Q. Do you recall whether at that point in time you
22 were habitually putting the times on the containers as you -- as
23 you collected them?

24 A. I don't recall offhand, no.

25 Q. When you -- when you got to the -- to the crime
26 scene, that is, after you arrived at the Ryen residence, what
27 time was that?

28 A. I don't have an exact time. It was approximately

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1 2:45 in the afternoon.

2 Q. The -- You were driving a crime lab station wagon?

3 A. Yes.

4 Q. And does that station wagon have a code number to

5 it, that is a radio code number to it?

6 A. It in it civil does not have a separate code. Each

7 individual criminalist has his own code.

8 Q. What was your code?

9 A. 4-2-Adam-7.

10 Q. When you arrived at the 2943 residence, did you

11 broadcast 4-2-Adam-7?

12 A. I don't recall.

13 Q. 97 meaning having arrived?

14 A. I don't recall.

15 Q. If -- Have you gone back and listened to the -- to

16 the broadcast traffic tapes of that particular day.

17 A. No.

18 Q. With respect to that particular event, is it

19 possible that you broadcast 4-2-Adam-7 Code 97 as arriving at

20 the scene a half an hour prior to your actual arrival at 2943

21 English Road?

22 A. It is possible, yes.

23 Q. At -- on the chart here, which is 225 if my memory

24 serves me correctly. could you, taking a black marker, put

25 "1445" after your name at -- Well, let me just back up a minute.

26 Excuse me.

27 At 1445, where did you go, to the patio behind the

28 master bedroom?

1 A. I believe Mr. Baird came out to meet me near the
2 driveway, and from there we proceeded on a walk around the
3 grounds.

4 Q. Okay. So could you put then in the far right-hand
5 column of this particular chart, "6-5" and then "1445", on the
6 grounds?

7 A. (Witness complied.)

8 Q. What time did you -- how long was it after your
9 arrival was it that you made it to the patio area?

10 A. I don't recall offhand, probably not more than 15
11 minutes.

12 Q. So proximately 3:00 o'clock in the afternoon?

13 A. Yes.

14 Q. Could you put for the patio then a "c 1300" --
15 excuse me "c 1500"?

16 A. Letter "C".

17 Q. Yeah, small letter "c" indicating circa or
18 approximate.

19 A. (Witness complied.)

20 Q. And what time was it that you actually entered the
21 Ryen master bedroom?

22 A. Again, I couldn't say the exact time.

23 Q. Approximately how long after you got through the
24 patio?

25 A. Maybe five or ten minutes after the time listed for
26 the patio.

27 Q. So, approximately 1505?

28 A. Yes.

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1 Q. Could you put then a "c 1505" for after the "6-5"
2 on the master bedroom area.

3 A. (Witness complied.)

4 Q. And when you went into the master bedroom did Mr.
5 Baird go with you?

6 A. I believe so, yes.

7 Q. At approximately the same time, 1505?

8 A. Yes.

9 Q. Could you then put underneath what we already got
10 for Mr. Baird, put a "circa 1505" for him.

11 A. (Witness complied.)

12 Q. And did you see Mr. Baird go to parts of the house
13 other than the Ryen master bedroom, master bathroom and hall
14 near Jessica on that particular date?

15 A. I don't recall seeing him in any other portion of
16 the house, no.

17 Q. At that point in time, other than you three
18 criminalists -- Ms. Schechter was with you, by the way, was she
19 not?

20 A. Yes.

21 Q. Could you then sketch in for her the different --
22 the different -- the same times of arrival, "6-5, 1445", then
23 "1300" and "1505" -- excuse me "1500" and "1505".

24 A. (Witness complied.)

25 Q. And did Ms. Schechter go to other parts of the Ryen
26 house on that particular date other than the master bedroom,
27 hall near Jessica, and master bathroom?

28 A. Yes.

1 Q. Could you put a check mark down underneath that
2 point for her?

3 A. (Witness complied.)

4 Q. When -- when you and Mr. -- when you and Mr. Baird
5 and Ms. Schechter walked around the house looking at the
6 exterior, were there any sheriff's personnel in that -- in the
7 general vicinity of the Ryen grounds?

8 A. Yes.

9 Q. Who can you remember?

10 A. I can remember Sergeant Arthur, Detective Mike
11 Hall. There were other detectives but I don't recall which ones
12 were there and at what time.

13 Q. Homicide people you mean?

14 A. Yes.

15 Q. How about anybody from the West End Sheriff's
16 Office, do you remember anybody from the West End Sheriff's
17 Officers being out there?

18 A. I recall at least one patrol car and a deputy. I
19 don't recall his name.

20 Q. When -- when you drove up the hill, did you have to
21 stop at a roadblock?

22 A. I don't recall on that day whether I had to stop at
23 a roadblock or not.

24 Q. Do you recall any civilians being in the area when
25 you -- when you and Ms. Schechter first arrived up at 2943.

26 A. No, I don't recall any.

27 Q. After -- after you entered the Ryen master bedroom,
28 with the exception of your excursion down the hill to look at

1 the axe, did you essentially remain in the Ryen residence until
2 1:00 o'clock the next morning?

3 A. Not actually in the Ryen residence, no.

4 Q. Where else -- Where else did you go?

5 A. I did walk around the perimeter, as I said, when I
6 first arrived. I also walked around looking at phone lines
7 near -- around the house.

8 Q. When did you do that?

9 A. It was quite soon after I arrived, probably
10 somewhere after 3:00 o'clock but before 3:30.

11 Q. When you went back out to pick up the rope?

12 A. It would have been approximately somewhere in that
13 timeframe, yes.

14 Q. Did that -- did you see anybody else that you
15 haven't mentioned at that point in time when you were walking
16 around?

17 A. There was, backing up a moment, at least one
18 identification bureau person, Deputy Duffy was there as well.

19 Q. Okay. He was inside the house when you got there?

20 A. I don't recall where I saw him, whether it was
21 inside or outside.

22 Q. But other than him, nobody else that you haven't
23 mentioned before that you can remember?

24 A. That's correct.

25 Q. Now, during the time that you spent inside the Ryen
26 house, did you ever see Mike Hall out on the patio outside the
27 master bedroom?

28 A. I believe so, yes.

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1 Q. Could you put a check mark then for Mike Hall under
2 "patio" there.

3 A. (Witness complied.)

4 Q. And how about -- did you ever see Tim Wilson, a
5 detective from homicide, inside the Ryen master bedroom on that
6 particular day?

7 A. I don't recall seeing him there, no.

8 Q. How about outside on the patio?

9 A. I don't recall.

10 Q. Did you ever see him in any other part of the house
11 like the living room or kitchen or anything like that?

12 A. I don't recall.

13 Q. Did you ever see Hector O'Campo in the master
14 bedroom, hall area near Jessica, or master bath?

15 A. I don't recall.

16 Q. Do you recall Hector O'Campo being there?

17 A. I don't recall.

18 Q. Do you recall seeing Hector O'Campo on the scene
19 anywhere that particular day?

20 A. I don't recall that, no.

21 Q. You do know Hector O'Campo, right?

22 A. Yes, I do.

23 Q. How about John Clifford, did you see John there at
24 the scene that day?

25 A. I don't recall that.

26 Q. Was -- was Mike Hall working with you?

27 A. Very closely, yes.

28 Q. Was there anybody else from homicide that was --

1 that was working with Mike?

2 A. When I first arrived there were several members
3 from the Homicide Detail of the Sheriff's Office at the scene.
4 Many of those detectives were assigned to do jobs which took
5 them away from the residence.

6 Mike Hall was assigned to process the crime scene
7 and, therefore, he was working very closely with me. That's why
8 I recall him being in the residence.

9 Q. Okay. Well, let's say -- let's say during the --
10 during the dark hours, when it got to be dark when you were
11 collecting the blood samples and that sort of thing, were there
12 anybody in there with you in that bedroom helping Mike Hall?

13 A. I don't recall anyone else with Mike Hall.

14 Q. Was there a lot of room to step around in that
15 bedroom as you were working? I mean, did you have a lot of
16 space to work in or was it pretty cramped?

17 A. It was a fairly sizable bedroom. There was
18 sufficient area to move around.

19 Q. You had to be careful not to step on stuff?

20 A. Yes. There were the bodies, of course, and certain
21 other items of evidence lying around.

22 Q. Pools of blood?

23 A. There was blood samples, hair samples.

24 Q. I mean but aside from the samples that you took,
25 there were just pools of blood just on the carpet, right, soaked
26 into the carpet, splotches?

27 A. Yes. I think "pool of blood" is somewhat
28 suggestive. There were some rather large areas of bloodstained

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1 carpeting.

2 Q. Some of which were still liquid, right?

3 A. They were wet, yes.

4 Q. How about Rick Roper, did you see -- did you see

5 Rick in there taking pictures of those two fingerprints on June

6 the 5th?

7 A. I don't recall.

8 Q. Do you know Captain Don Myers, Sergeant Arthur's

9 boss?

10 A. I believe so, yes.

11 Q. Did you see -- did you see Captain Myers at the

12 Ryen scene that particular day?

13 A. Right now I don't recall.

14 Q. Irving Root, did you see him there?

15 A. Yes, I did.

16 Q. What time -- do you remember approximately what

17 time it was when you first saw him?

18 A. It was somewhere in the evening hours. I really

19 couldn't put a time to it.

20 Q. In terms of the sequence of events, had you

21 finished taking all the stuff off the -- off the bed with the --

22 with the exception of the bottom sheet, No. A-10, by that time?

23 A. I believe even the bottom sheet would have been

24 removed at the time I saw Dr. Root there.

25 Q. With Dr. Root did you also see Dave Hammock from

26 the Coroner's Office?

27 A. I really don't recall who it was from the Coroner's

28 Office.

1 Q. Did whoever it was from the Coroner's Office, did
2 they have two persons from Southwest Transport Services come in
3 at some point in time and put the -- put the bodies of the four
4 victims on carrying devices and take them out of the bedroom?

5 A. Someone from a removal service was there, what
6 service it was I don't know.

7 Q. Was there two people from a removal service?

8 A. I don't recall.

9 Q. Well, while -- while the -- while the services are
10 engaged in their business of taking the victims away to the
11 morgue, is it your duty as the criminalist in charge to sort of
12 oversee that operation and make sure that nothing of evidentiary
13 value is lost or destroyed in the process process?

14 A. To some extent. A member of the team, that if
15 there is evidence that I feel is worth seizing and it might be
16 destroyed by the body removal service from entering, then, yes,
17 it is my responsibility to collect that before they arrive.

18 Q. You can sit down again. I think we are going to
19 get back to this after lunch.

20 You say you are a member of a team. That team is
21 essentially Homicide, Identification, and Crime Lab, the way
22 your particular department has it organized; is that right?

23 A. Yes.

24 Q. In terms of the division of responsibilities, your
25 particular responsibility is to see to the collection and
26 preservation of physical evidence; is that right?

27 A. Yes.

28 Q. So, at least as far as what's -- what's going on at

1 the crime scene, the responsibility focuses in on you to make
2 sure that the way the scene is processed doesn't -- doesn't
3 conflict with that particular goal; is that right?

4 A. To the best extent possible, yes.

5 Q. What do you mean by that?

6 A. As I stated, we are a member of a team. Each
7 member of that team has his integral purpose for being there.
8 Some things must come before my job, such as, photography by the
9 identification personnel. They necessarily have to do their job
10 before I do mine.

11 I attempt to minimize any possible disturbance of
12 evidence, but I cannot totally rely on that. The mere fact that
13 someone is in the room might change a piece of evidence.

14 Q. Well, how many sheriff's personnel were there
15 actually overseeing the removal of the victims from the house?

16 A. I don't really understand your question in the fact
17 of overseeing the removal of the bodies.

18 Q. Well, let's simplify it then. When the victims'
19 bodies were being moved, how many sheriff's personnel gathered
20 around in the bedroom at that point in time?

21 A. I believe I was present. I believe Patricia
22 Schechter was there. I believe one detective, I think Mike
23 Hall, but I can't be certain of that, was present. Those -- And
24 I believe Deputy Duffy from the Identification Bureau was there.

25 Those are the ones that I can recall specifically
26 being there when the bodies were removed from the room.

27 Q. So you would have been, of those particular
28 persons, the person who would be responsible for watching to

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1 make sure that the trace evidence or physical evidence that
2 might be there wasn't disturbed; is that right? That wouldn't
3 be Mike Hall or Duffy's expertise?

4 A. That's correct.

5 MR. NEGUS: I think this is a good time as any.

6 THE COURT: Enjoy your lunch. Return at 1:30. Remember
7 the admonition, please.

8 (Noon recess.)

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1 SAN DIEGO, CALIFORNIA, TUESDAY, NOVEMBER 20, 1984 1:35 P.M..

2 --oo0oo--

3
4 THE COURT: Go ahead.

5
6 DAVID C. STOCKWELL.

7 The witness on the stand at the recess, resumed the stand and
8 testified further:

9
10 CROSS EXAMINATION (Resumed)

11 BY MR. NEGUS:

12 Q. Mr. Stockwell, do you know a fellow by the name of
13 Phil Danna?

14 A. I may have met him on one or two occasions, yes.

15 Q. Showing you photograph 187. The person standing
16 there with the dark hair, mustache on the right. Is that the
17 person you know as Phil Danna?

18 A. That appears to be him, yes.

19 Q. Did you see Mr. Danna inside the Ryen house on June
20 the 5th?

21 A. I don't recall seeing him inside, no.

22 Q. At some point in time, during the time that you
23 were at the house, were you given an opportunity to actually
24 like eat some food?

25 A. Yes.

26 Q. When was that?

27 A. Late in the evening hours. Sometime after 9:00 or
28 10:00 o'clock, I believe.

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1 Q. Did you do that in the dining room area of the
2 house?

3 A. I believe we did it in the living room area.

4 Q. At that point in time, was there anybody there from
5 the Bureau of Administration?

6 A. I don't recall at the time that we ate our dinner
7 if there was anybody there from the Bureau of Administration.

8 Q. At some point in during the day did you see people
9 in the house from the Bureau of Administration?

10 A. Yes.

11 Q. Who did you see?

12 A. The one I can definitely recall was Sheriff
13 Tidwell.

14 Q. Did you see him in the living room area?

15 A. Yes.

16 Q. Did you also see him in the master bedroom?

17 A. No.

18 Q. Did you ever see him in the hall outside the master.
19 bedroom or in the master bedroom?

20 A. No.

21 Q. Could you put on this chart, which is now 227, I
22 believe, could you put a check for "Rest of House" for Sheriff
23 Tidwell and the date 6-5.

24 A. I saw him in the living room area.

25 Q. What we have got is divided between three rooms and
26 everything that is not the master bedroom, hall, Jessica or
27 master bedroom.

28 Could you put a check there for "Rest of House" and

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1 as living room being part of the house where there were no
2 bodies found.

3 A. (Witness complied).

4 Q. Now, with the Sheriff, did you say that was on 6-5?

5 A. Yes.

6 Q. Could you put 6-5 next to that "Rest of House".

7 A. (Witness complied).

8 Q. On that particular date with the Sheriff, did you
9 see, going down the chain of command, the Assistant Sheriff, Mr.
10 Follett?

11 A. I don't recall specifically seeing him/

12 Q. Do you know him?

13 A. Yes.

14 Q. You don't recall whether he was there or not?

15 A. I don't recall at this time, no.

16 Q. Next down, did you see Deputy Chief Eugene Majors?

17 A. I believe I did see him, yes.

18 Q. Could you write "Eugene Majors" then as No. 38.

19 A. (Witness complied).

20 Q. Okay. Then where did you see Mr. Majors?

21 A. It would be in the same place as I saw Sheriff
22 Tidwell, in the living room.

23 Q. Could you put 6-5 for him for "Rest of House" and
24 put a little check mark.

25 A. (Witness complied).

26 Q. And let's see. We have already talked about Don
27 Meyers.

28 What about Lieutenant Jimmy Bradford. Did you see

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1 him there?

2 A. I don't recall seeing him. no.

3 Q. Do you know him?

4 A. Yes, I do.

5 Q. Were there -- do you know Monty Davis, the person

6 who is and was in charge of the West End Sheriff's Station of

7 San Bernardino County?

8 A. I don't recall him, no.

9 Q. Do you know him but you don't recall whether he was

10 there or not?

11 A. I don't know him, I believe, personally.

12 Q. You wouldn't recognize him if you saw him on the

13 street?

14 A. Not by name, no.

15 Q. Were there any persons like in the living room area

16 that you saw that were from the West End, that is, homicide or

17 I.D. or Bureau of Administration, or crime lab, but West End

18 people?

19 A. I don't recall any.

20 Q. Anybody else besides those which you've already. --

21 which you have already mentioned that you can recall being in

22 the house on that particular evening?

23 A. I believe we have already covered Dr. Root.

24 Q. Right.

25 A. That is all that I can think of.

26 Q. Let me, if I can, put on the board an Exhibit 491,

27 which appears to be a bunch of lines with numbers from 1300 to

28 on 0100.

1 Now, your time of arrival, is that something
2 that -- 1445, is that something that you can fix with a fair
3 degree of certainty, give or take five or ten minutes?

4 A. I believe so, yes.

5 Q. Could you then put here under this, in that
6 particular line, "1445, DCS, Arrival".

7 A. (Witness complied).

8 Q. And could you put 1445 there so we will know
9 approximately when it was.

10 A. (Witness complied).

11 Q. And, again, the time of departure at say between a
12 little after 1:00. is that -- again, that is something you are
13 fairly sure of?

14 A. Yes.

15 Q. Could you put "0100", and then "DCS".

16 A. (Witness complied).

17 Q. Then of the times that you have between the time of
18 your arrival and the time that you left, are there any other
19 like events that you can fix with respect to time fairly
20 precisely?

21 A. I don't know how precisely I can fix it, but Mr.
22 Baird and I did leave in the afternoon somewhere between 1530
23 and 1600 hours to go down the road where the hatchet was found.

24 Q. Okay. Could you then put in this, put "DCS, WB,
25 Departure, Circa 1530", or something like that.

26 A. (Witness complied).

27 Q. Were -- like were there any other like, for
28 example, seizures of items of evidence or anything of that

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1 nature that -- where, you know, based on your knowledge, can fix
2 a fairly precise time?

3 A. Some of the items of evidence have times listed on
4 them, yes.

5 Q. Okay. Now, what I am asking you though is, with
6 respect to those times, the items of evidence that have times
7 listed next to them. are there any of them where you are sure
8 that, you are relatively sure that the time listed is accurate
9 or can you say that for all of them?

10 A. I believe that for all of them where the times is
11 listed that those are accurate times.

12 Q. Were the items of evidence that you seized, taken
13 in sequence as A-1 through A-45. or at least the ones that you
14 personally seized, A-1 through A-42, did you take first, 1, 2
15 then up to 42?

16 A. From the times listed, there was a departure from
17 the sequential picking up of evidence in item A-11, a pillow and
18 pillow case, from the right side of the bed.

19 Q. Okay. So that that particular pillow and pillow
20 case were out of sequence. Anything else?

21 A. Everything else, according to my notes, seems to be
22 in sequence.

23 Q. Let me -- putting on the board photograph 225 --
24 223. Does that depict the area where the pillow and pillow case
25 which you labeled as A-11 were located?

26 A. To some degree, yes.

27 Q. Can you see the pillow and pillows case there on
28 the picture?

- 1 A. Yes. It is a little hard to discern from the other
2 bedding material but I can see it.
- 3 Q. I mean, if you -- once you have seen what the
4 pillow case looks like you can pick it out, right?
- 5 A. Yes.
- 6 Q. Okay. Now, the pillow case, does that include a
7 very large stain of blood that is just to the left of Doug
8 Ryen's head in that photograph?
- 9 A. Yes.
- 10 Q. Could you put on the diagram, could you label the
11 pillow then with A-11 on the photo.
- 12 A. Any particular color?
- 13 Q. Why don't you just keep using black.
- 14 A. (Witness complied).
- 15 Q. Okay. You have written A-11 directly over the area
16 where the pillow appears on the wall.
- 17 A. Yes.
- 18 Q. Now, let's be -- the first -- the first item that
19 you are reasonably sure that you collected by time then would be
20 item A-8.
- 21 A. Yes.
- 22 Q. Now, the notations that you are relying on for that
23 particular observation, is that based on something you wrote
24 down or something Pat Schechter wrote down?
- 25 A. Both.
- 26 Q. So, could you write then "1527" right above your
27 departure and "A-8".
- 28 A. (Witness complied).

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1 Q. And you are reasonably sure that that sheet was
2 like taken off the bed and put in a bag before you and Mr. Baird
3 left the scene.

4 A. Yes.

5 Q. Okay. Do you have a -- what's the next time that
6 you are sure of after you and Mr. Baird left.

7 A. The next item is A-9. the blue men's bathrobe.

8 Q. When was that seized?

9 A. 1732 hours.

10 Q. Could you then put in that particular column "1732,
11 A-9".

12 A. (Witness complied).

13 Q. Did there -- then did you then proceed to seize a
14 number of items of the bedding during that period of time
15 without necessarily Mrs. Schechter, Ms. Schechter writing down
16 the precise times of each one?

17 A. Yes. The only one that has a time listed is A-11,
18 the pillow and pillow case from the bed.

19 Q. Okay. And what time was the pillow and pillow case
20 from the bed?

21 A. It shows as 2115, or the 5:15 hours.

22 Q. Okay. That is item A-11?

23 A. Yes.

24 Q. Could you put "A-11" and then "2115" in that
25 particular column.

26 A. (Witness complied).

27 Q. Now, the -- while the people were removing the
28 bodies, essentially all other work in the room stopped; is that

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1 right?

2 A. Yes.

3 Q. I mean, Duffy wasn't dusting and you were watching
4 over that, and so was the people from homicide, right? They
5 weren't doing measurements, they were all focused on the time
6 that the bodies were being removed; is that right?

7 A. Yes.

8 Q. Mike Hall was there taking notes as to when each
9 victim was being removed.

10 A. I don't recall that specifically, no.

11 Q. You, yourself, seized some evidence during that
12 period of time; is that correct?

13 A. I seized some items before that time, and some
14 items after that time. I can't recall directly seizing items
15 during the actual time of the bodies were being removed.

16 Q. Okay. Well, what occurred was that each victim was
17 handled separately; is that right?

18 A. Yes.

19 Q. Then they would be -- each particular victim was --
20 they came in with some sort of carrying device bearing as to
21 victims, and the victims were -- there was first an opportunity
22 to look under the victims when that was happening, right?

23 A. Yes.

24 Q. So all of you looked under the victims to see if
25 there was anything of value under the victims; is that right,
26 when they were being moved?

27 A. Yes.

28 Q. As a matter of fact, the protocol of homicide

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1 investigations is that only the coroner or persons under his
2 actual control is supposed to actually move the bodies; is that
3 right?

4 A. I am not really that sure of what the protocol of
5 homicide is.

6 Q. Was that the working procedure that was followed
7 that particular night?

8 A. Yes.

9 Q. You didn't move or disturb the bodies before they
10 got there, right?

11 A. That's correct.

12 Q. Do you recall that the people, the victims were
13 removed in the order of first Chris, then Peggy, then Jessica
14 and then Doug?

15 A. I don't recall the exact order in which the bodies
16 were moved, other than I do recall that Douglas Ryen was the
17 last body removed.

18 Q. In your particular nomenclature you gave each of
19 the victims of the crime a number to refer to them by; is that
20 right, or letter and a number?

21 A. Yes.

22 Q. And Christopher was referred to, according to your
23 particular scheme of designation, as Victim No. 3 or V-3.

24 A. Yes.

25 Q. At 8:27 did you remove item A-16 a piece of bone
26 that appears to be a scalp from right next to Christopher?

27 A. A-16, referring to our notes, is at 8:27.

28 Q. Was that picked up during the time, during the

1 process of transporting Christopher out of the house?

2 A. I don't believe it was during the process, I
3 believe that was done preceding the removal of the body.

4 Q. By just a couple of minutes?

5 A. Possibly, yes. I don't have the exact time that
6 the body was removed.

7 Q. Could you then put on the chart, in this particular
8 column here, that 8:00 o'clock column, "2027, A-16".

9 A. (Witness complied).

10 Q. By the way, the A-15, the pillow, that was not
11 found on the bed, that was seized at 6:00 o'clock; is that
12 right?

13 A. Yes.

14 Q. Could you put then "A-15" and "1800" after it in
15 that appropriate column.

16 A. (Witness complied).

17 Q. Now, the A-23 was a piece of hair that you picked
18 up on the floor near Douglas Ryen; is that right?

19 A. Yes.

20 Q. And you picked that up at 9:08.

21 A. Yes.

22 Q. And was that again during the time that Douglas was
23 being moved and taken and moved in preparation for having his
24 body taken away?

25 A. I can't state for certain. It might be.

26 Q. When Douglas was moved, do you recall at first the
27 people picked him up from his spot where he is over here in the
28 corner and brought his body out to the foot of the bed and laid

017158

1 it down there?

2 A. I don't recall offhand, no.

3 Q. Well, then, could you just put here at "2108", item
4 "A-23".

5 A. (Witness complied).

6 Q. And according to the notes that you have, with a
7 couple of exceptions you can document for sure that all of the
8 laboratory items A-17 through A-22 were collected between that
9 approximately 40 minute period from 8:27 to 9:08, right?

10 A. I don't see times listed for A-17 and A-18, A-19
11 through A-21 do precede that.

12 Q. And do you have an independent recollection that
13 you picked up A-17 after you picked up A-16, and A-18 after you
14 picked up A-17?

15 A. Yes.

16 Q. So that all those items would be picked up during
17 that period of time?

18 A. That's correct.

19 Q. And all of those items from A-16 through A-23 were
20 items that were found in very close proximity to the bodies of
21 the victims; is that right?

22 A. Yes.

23 Q. Now, after the, after the bodies of the victims had
24 been taken out of the room, did you proceed to collect samples
25 from the carpets from underneath where the victims had been
26 laying along with some reference samples sort of in a
27 consecutive series?

28 A. Yes.

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1 Q. And the first such carpet sample was A-24 collected
2 2215 hours; is that right? 10:15 in the evening.
3 A. Yes.
4 Q. And then the last such as was A-30 collected at the
5 10:40, approximately 20 minutes later; is that right?
6 A. Yes.
7 Q. At this particular time could you then put "2215"
8 for "A-24", and "2240" for "A-30".
9 A. (Witness complied).
10 Q. Now, from Ms. Schechter's notes you can tell that
11 each of the other items, A-25 through A-29 was collected between
12 those two times and in sequence, correct?
13 A. Yes.
14 Q. Okay. Were -- the time that you were given to get
15 some food, was that between the time that A-11 was collected and
16 the time that A-24 was collected?
17 A. I really don't recall offhand.
18 Q. The different blood samples that you collected that
19 particular night, the twelve different samples that you
20 collected from furniture and walls, they were A-31 through A-42.
21 correct?
22 A. Yes.
23 Q. And you collected those starting at five minutes
24 after 11:00 and finishing at 12:35; is that right?
25 A. Yes.
26 Q. Now, Ms. Schechter, actually has it 2435. There is
27 no such time. You can interpret that to mean that it was in
28 fact 0035 hours military time; is that right?

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1 A. Yes.

2 Q. So could you put here "2305, A-31" and then "0035"
3 for "A-42".

4 A. (Witness complied).

5 Q. And Ms. Schechter has the times for A-43 through
6 A-45 listed as 1210, 1212 and 1215, but you know that wasn't
7 noon the next day but that was just a little after midnight,
8 right?

9 A. Yes.

10 Q. So those samples were all collected during the same
11 period of time that you were collecting A-31 through A-42,
12 right?

13 A. Yes.

14 Q. And Ms. Schechter has times for all the samples
15 that you collected except for three, A-38 through A-40; is that
16 right?

17 A. Yes.

18 Q. And A-38 through A-40 were collected by yourself
19 while Mrs. Schechter was busy in the master bathroom collecting
20 A-43 through A-45, correct?

21 A. That could very well be, yes.

22 Q. So, again all those were collected between those
23 two hours and in sequence, right?

24 A. Yes.

25 Q. For all of the -- well, let me strike that.

26 When did you prepare the chart that you made and
27 the sketch of the Ryen master bedroom, a Xerox copy of which is
28 Exhibit 494?

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1 A. I don't have a definite time for drawing the
2 sketch. It was definitely before the bodies were removed and
3 then subsequent items were listed and when they were collected.

4 Q. Okay. Well, we know that like between 5:32 and
5 6:00 o'clock you were collecting a fair number of items of
6 evidence; is that right?

7 A. Yes.

8 Q. Okay. Then again you were doing the same thing
9 between 8:27 and 9:15.

10 A. Yes.

11 Q. Okay. There appears to be a gap where nothing was
12 collected between 6:00 o'clock and 8:27.

13 Is that a reasonable inference? Is that when you
14 did the diagram?

15 A. It is quite possible, yes.

16 Q. And you were not eating during that period of time,
17 right?

18 A. No.

19 Q. You were still in the master bedroom observing what
20 was going on even though you weren't actually collecting
21 physical evidence.

22 A. At sometime during that period, yes, I was in the
23 master bedroom. I may have left to go to another area of the
24 house. I can't state for certain.

25 Q. Well, did you -- other than your walk-through the
26 house at some point in time, that you have described to Mr.
27 Kochis yesterday, did you ever like process any evidence outside
28 of the hall, outside the master bedroom, the master bedroom and

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1 the master bedroom on that particular day?

2 A. Only those items that we have already talked about
3 such as the rope in the driveway,

4 Q. But from the rest of the house you didn't take --
5 you didn't do any other than just doing a walk-through and
6 looking, you didn't do any work in the rest of the house; is
7 that right?

8 A. I did not collect anything in the house, that's
9 correct.

10 Q. How much time did you spend, you know, going
11 through the house checking it out?

12 A. I don't recall. 15 minutes, maybe more than that.

13 Q. More than an hour?

14 A. Possibly.

15 Q. Well, do you think that that was done between 6:00
16 o'clock and 8:27?

17 A. That could be, yes.

18 Q. Would it be fair to say, at least according to what
19 you can remember of your movements during that period of time,
20 that that would be really the only period of time where you
21 would have had that much time to spend?

22 THE COURT: Is that a question?

23 MR. NEGUS: Yes. I think I put it in a question form.
24 Maybe I could re-ask it.

25 THE WITNESS: I would say it is a reasonable inference.

26 BY MR. NEGUS:

27 Q. When you went down into the living room, were there
28 already people sort of sitting in it?

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1 A. I believe there was more than one time I was in the
2 living room.

3 Q. On the walk-through? On the walk-through?

4 A. I don't recall at that point the complete
5 walk-through of the house if I saw anybody sitting there. I
6 don't recall that.

7 Q. You don't know whether you did or not, or you just
8 can't recall?

9 A. I just can't recall.

10 Q. Did you make any notes as you were walking through
11 the house, during the walk-through of the rest of the house?

12 A. No.

13 Q. The impressions that you've labeled T-2 and T-3 on
14 Court's Exhibit 6-F. Did they appear to be consistent with the
15 toe area of a shoe?

16 A. Yes.

17 Q. And if in fact a toe of a shoe was what left them,
18 would the toe have been pointing up the stairs?

19 A. Yes.

20 Q. While you were doing your walk-through, did you
21 notice whether or not there were any stains on the floor of the
22 living room?

23 A. I do not recall seeing any stains, at least any
24 that I considered collecting.

25 Q. Did you examine any -- do you recall examining any
26 stains to see whether or not they were collectable?

27 A. That was somewhat two separate actions. I may have
28 seen stains and I may have decided that they are common

1 household stains that would be found on carpeting and therefore
2 did not collect them. I don't recall specifically at this time
3 doing so.

4 Q. I think that is what I was going, trying to get at.
5 You don't remember whether you examined any or not, right?

6 A. Right now, no.

7 Q. While you were at the house that night, you brought
8 that -- well, the particular station wagon that you brought has
9 a bunch of crime lab equipment in it; is that right?

10 A. Yes.

11 Q. You have supposedly most everything you need to
12 collect and process the evidence at a crime scene.

13 A. Most of what we would need, yes.

14 A. Did you have ortho-tolidine?

15 A. I don't believe on June the 5th that I had
16 ortho-tolidine with me.

17 Q. Did you have anything else that you could use to do
18 a sort of quick screening test to see whether or not a substance
19 could have been blood?

20 A. I had no chemical means for doing so, no.

21 Q. By the way, just -- the ortho-tolidine test
22 basically will -- is reasonably accurate at telling you what's
23 not blood even if it can't tell you for sure what is blood; is
24 that right?

25 A. I would say it's quite accurate for determining
26 what is not blood and fairly accurate for determining what is
27 blood.

28 Q. We will go back to that in a bit, but right now it

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1 certainly -- if the stuff doesn't turn color, then unless you
2 have a very, very small amount or it's very, very old, you
3 are -- you know you're not dealing with blood, right?

4 A. Yes.

5 Q. The -- while you were in the living room did you
6 see a rip in the screen that led from the living room out to the
7 grass area?

8 A. I saw a rip in the screen. I can't say it was
9 actually on my walk-through the living room. I believe I saw it
10 first when I was outside the residence earlier in the day.

11 Q. In trying to evaluate whether or not there was
12 anything of evidentiary significance in the living room, were
13 you able to determine whether or not those -- the glass doors
14 that were there with the screen had been locked or unlocked
15 when -- when the sheriff's office people arrived?

16 A. I don't recall making that determination.

17 Q. Did you see any signs that the living room had been
18 occupied by one of the victims prior to the attack?

19 A. I'm not sure what you mean by "occupied by one of
20 the victims".

21 Q. Did you see anything that could have -- that could
22 have placed a victim in the living room, say, at the time that
23 the attack began?

24 A. I don't recall noting any such evidence, no.

25 Q. Was there any bedding in the living room?

26 A. I don't recall.

27 Q. Were there any like eating utensils or drinking
28 utensils on the floor?

- 1 A. Again, I don't recall.
- 2 Q. When you did your walk-through of the living room,
3 was there any sign that Mr. Duffy had been there with his
4 fingerprint powder before you?
- 5 A. I don't recall noting whether there was fingerprint
6 powder around or not.
- 7 Q. Do you recall whether when you were doing your
8 walk-through it was still light outside or not?
- 9 A. Yes, it was.
- 10 Q. Was it getting close to sunset?
- 11 A. I don't believe so. There was still a fair amount
12 of light in the house.
- 13 Q. The way that particular house is set up, the sun
14 would set on the -- on the side of the house which is the
15 opposite to the living room; is that right?
- 16 A. More or less, yes.
- 17 Q. What did you -- what did you see when you looked
18 through the kitchen?
- 19 A. The kitchen had what I would term a normal amount
20 of usage items, food in the various cabinets. There was
21 silverware in some of the drawers, things of that nature.
- 22 Q. Anything unusual about it?
- 23 A. Not that I recall, no.
- 24 Q. Did you look at the kitchen door?
- 25 A. I believe so, yes.
- 26 Q. Did it appear to be damaged in any way?
- 27 A. Excuse me?
- 28 Q. Did it appear to be damaged, the kitchen door?

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1 A. I don't recall that offhand, no.

2 Q. When you were looking through the various
3 cupboards, were you looking for anything in particular?

4 A. For some of the drawers I was looking for possible
5 weapons that may have been used.

6 Q. You mean that somebody had done the crime and then
7 put the kitchen knife back in the drawer?

8 A. It's a possibility, yes.

9 Q. Putting on the board here photograph 197, does that
10 appear to be how the kitchen -- kitchen looked when you were
11 searching through there?

12 A. I don't recall if all of the items were out on the
13 counter at that time or not.

14 Q. Well, did you -- when you were searching through
15 the -- when you were searching through the place did you take
16 any items out and put them on the counter?

17 A. I did not do that personally, no.

18 Q. Did you see anybody else from your department doing
19 that?

20 A. Not that I recall.

21 Q. Does -- does that strike you as -- as a bit unusual
22 having all that stuff out on the stove?

23 A. It depends on the circumstances I would suppose.

24 Q. Did you look in the refrigerator?

25 A. I don't recall looking in the refrigerator, no.

26 Q. Was Mr. Duffy -- you can --

27 Was Mr. Duffy giving you information as you -- as
28 you worked there?

1 A. As part of the team, yes, we exchanged information.

2 Q. Did Mr. Duffy tell you that there were some beer
3 cans with blood on them in the refrigerator?

4 A. I don't recall him stating that, no.

5 Q. Showing you exhibit, I believe it's, yeah, 195, a
6 picture of what looks to be the inside of a refrigerator and a
7 couple areas circled in red. Did you ever see that
8 particular -- that particular part of the Ryen house?

9 A. I don't recall having looked in the refrigerator,
10 so, no, I don't recall seeing that.

11 Q. So, you -- did you ever collect any blood off of an
12 Oly Gold beer can at approximately the location there's a red
13 circle around it on the diagram?

14 A. No, I did not do that.

15 Q. And I take it you also then would not have taken
16 any blood from the the inside wall of the refrigerator there?

17 A. That's correct.

18 Q. Was there any evidence in the sink that any of the
19 victims had eaten a recent meal?

20 A. I don't recall.

21 Q. Is the time and content of the victims' last meal
22 oft times helpful in determining the time that they died?

23 A. It can be an indicator, yes.

24 Q. As one of your duties as a criminalist, you go
25 through trash; is that correct?

26 A. On occasion, yes.

27 Q. And you did that in this particular case; is that
28 right?

1 A. Yes.

2 Q. And you even showed it to Mr. -- the same trash to

3 Mr. Forbush and myself, correct?

4 A. Yes.

5 Q. Noting the photograph right here, a bunch of bags

6 next to the refrigerator there; was that trash?

7 A. Appears to be so.

8 Q. Did you look at it?

9 A. I don't independently recall looking at it, no.

10 Q. In -- in homicide cases is it sometimes important

11 to determine how much the victims had been drinking just prior

12 to their deaths?

13 A. I suppose that is of interest.

14 Q. At the scene did you attempt to find whether there

15 was any evidence that any of the victims had been drinking in

16 the hours before they were murdered?

17 A. I don't recall specifically looking for any such

18 information, no.

19 Q. You didn't look for like empty wine bottles or

20 glasses from which alcoholic beverages could have been consumed,

21 things of that nature?

22 A. No.

23 Q. When you were -- when you were doing your

24 experiments that you talked to Mr. Kochis about with the luminol

25 in the bathroom, were you attempting to test the hypothesis that

26 a murderer or murderers might have cleaned up in one of the

27 bathrooms after the crime?

28 A. Which of the bathrooms are we talking about, the

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1 Ryen master bathroom?

2 A. Yes.

3 Q. Right.

4 A. Yes.

5 Q. Did you -- did you attempt to to determine the --
6 do anything to determine whether or not there was more than one
7 killer?

8 A. I collected numerous pieces of evidence which, in a
9 limited sense, might lead to a reconstruction, but nothing to
10 totally reconstruct everything that happened that would indicate
11 exactly how many killers or assailants there might have been.

12 Q. I fear we will get to total reconstructions and
13 partial reconstructions later, but what I'm asking you right now
14 is just did you, without going through that sort of elaborate
15 procedures, I mean did you try and do just simple common sense
16 things to try and answer that question?

17 A. I'm not sure who you mean by "simple common sense
18 things".

19 Q. Well, the people that work crime scenes are
20 basically just human beings, right?

21 A. Yes.

22 Q. As human beings they have simple human needs
23 including on long stretches of time going to the bathroom,
24 right?

25 A. Yes.

26 Q. What -- normally what you have to do, is
27 recognizing those simple human facts, you have to sort of devise
28 some sort of simple human solution so that people can go to the

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1 bathroom without messing up the crime scene, right?

2 A. Yes.

3 Q. Where did they designate that for all the different
4 people who were in the Ryen house, where were they supposed to
5 go to the bathroom?

6 A. I don't recall any designation being made.

7 Q. Well, certainly they weren't coming into the master
8 bathroom and using the toilet in there; is that correct?

9 A. I did not see anyone using the facilities in the
10 master bathroom, no.

11 Q. And was there ever any area designated, like
12 outside in the stables, that people were supposed to go? Were
13 you ever told that or anything?

14 A. I was never told of any designation of that
15 purpose.

16 Q. The second bathroom that was there, did you see any
17 people use that bathroom?

18 A. I don't recall anybody using the other bathroom in
19 the residence.

20 Q. When you walked in there to do your check did you
21 look in the cupboards underneath the sink?

22 A. I don't recall.

23 Q. Did you -- was there a -- you can't see it in
24 there, but is there sort after medicine cabinet behind the sink
25 there?

26 A. Again, I don't recall without seeing a photograph
27 of it.

28 Q. Well, if that's the only photograph we have of it

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1 then there would be no way for you to figure it out; is that
2 right?

3 A. Without going back to the house, no.

4 Q. And the house has been remodeled I think since the
5 crime.

6 A. That maybe a problem, yes.

7 Q. When you -- when you went into that particular
8 bathroom, did you turn the light on?

9 A. I don't recall.

10 Q. On the -- showing you photograph 203, does -- does
11 that appear to be one of the sinks in the Ryen master vedroom?

12 A. Master bathroom. Yes.

13 Q. Bathroom, excuse me. I have a problem on the
14 defense side.

15 And putting up diagram 6-F again, would that be the
16 sink that you have labeled T-4?

17 A. Yes.

18 Q. The luminol that you spray around is -- its primary
19 use as a criminalistic tool is to discover blood that you can't
20 see with the naked eye; is that right?

21 A. Yes.

22 Q. It can be used as a presumptive test for blood but
23 if you can see the blood ortho-tolidine or something else works
24 much better for that particular purpose; is that right?

25 A. Yes.

26 Q. Circling in black on this photograph 203 an area of
27 stain on the -- on the side of the sink in the photograph, did
28 you happen to notice that stain there on June the 5th or June

1 the 6th?

2 A. I did not make any special note of it, no.

3 Q. Is that -- does that stain contain -- let's
4 hypothesize that maybe the stain is blood. If the stain were
5 blood, would that stain contain enough blood so that you could,
6 using serological techniques, begin to exclude possible donors
7 of it?

8 MR. KOCHIS: Objection. Calls for speculation involving
9 a number of factors: How long it's been there; what happened to
10 it after it was there; the heat in the room.

11 THE COURT: Sustained.

12 BY MR. NEGUS:

13 Q. Let's go back to June the 5th, 1983, and you
14 remember basically that the temperature that day ranged between
15 52 and 71 degrees approximately, that sound about right?

16 A. I don't recall that, no. It was in the month of
17 June. It could have been warmer than that.

18 Q. June is often though a cool, foggy, damp month in
19 Chino; is that right?

20 A. It could be, yes. I don't live in Chino.

21 Q. When you were working in the house on June the 5th
22 5. was it really hot in there?

23 A. I don't recall it being exceptionally hot, that I
24 was uncomfortable.

25 Q. People weren't sort of sitting there sweating while
26 they were working or anything like that; they were just working
27 in normal indoor temperature; is that right?

28 A. More or less, yes.

1 Q. And of course I suppose that -- is one of the
2 operating assumptions that you work on as a criminalist when
3 you're investigating crime scenes is that -- is that normally
4 people just don't have bloodstains scattered throughout their
5 houses?

6 A. It depends on how much and how many bloodstains
7 you're talking about. I don't think that I work under the
8 assumption that I would never find a bloodstain in a house.

9 Q. Well, with the Ryen house were you -- were you sort
10 of assuming that any bloodstain you would see had been deposited
11 sometime before the crime, or were you operating under at least
12 a working hypothesis that all the blood that you could see had
13 been deposited there during the crime or shortly thereafter?

14 MR. KOCHIS: Well, your Honor, I'm going to object. That
15 calls for speculation on his part.

16 THE COURT: Working hypothesis, Mr. Negus? Sustained.
17 Reframe, please.

18 BY MR. NEGUS:

19 Q. As far as collecting stains are concerned, and
20 determining there is sufficient quantity of a particular stain
21 to collect, what factors do you use personally in making that
22 determination?

23 A. There are many factors that enter into collecting a
24 stain in regards to how much to collect, how to collect it and
25 what beneficial use may be derived from it.

26 Q. Well, let me just see if I can short circuit
27 without getting into each and every one of them at this
28 particular -- at this particular juncture.

1 Just keeping in mind all the conditions that you
2 knew about this particular crime, is -- if that's a bloodstain
3 and you found it on June the 5th, would there have been
4 sufficient quantity of it for you to collect?

5 MR. KOCHIS: I'm going to object. That assumes a fact
6 that's not in evidence, and that's perhaps the key fact, that
7 it's a bloodstain.

8 THE COURT: It goes to his expertise to collect and
9 preserve evidence. Overruled.

10 You may answer that.

11 THE WITNESS: With those assumptions, there would be no
12 basic problem with collecting that. The method I would use
13 would likely be the thread method where the thread is dipped in
14 water and the sample picked up in that manner.

15 Q. That's because it looks like it's a fairly difuse
16 stain and it would be hard enough to scrape up a enough material
17 to get it off. Using the thread method you could use the sort
18 of capillary action of the cotton thread to soak it up?

19 A. Basically, yes.

20 Q. Generally you've told -- you've told Mr. -- I
21 forget what you mentioned.

22 Your particular field of expertise within
23 criminalstics is the application of life sciences to
24 criminalstics, right?

25 A. Yes.

26 Q. That includes doing blood typing, right?

27 A. Yes.

28 Q. Generally if there's enough blood on your cotton

1 thread after you get it soaked up there so that you can see that
2 the white thread has turned a pinkish color there's usually
3 enough then to test; is that right?

4 MR. KOCHIS: Objection. That calls for speculation again
5 on the condition of this stain.

6 THE COURT: It's something that should be within his
7 field of specialization: When do you have enough to test; when
8 do you have enough to collect. No. He may answer.

9 Go ahead.

10 THE WITNESS: There would be in most instances enough for
11 certain testing techniques.

12 BY MR. NEGUS:

13 Q. And each of those techniques is designed to exclude
14 some people in the world as potential donors of the stain; is
15 that right?

16 A. The first two tests are not designed for that, no.

17 Q. Each of the tests is designed then to exclude some
18 creatures in the world as possible donors; is that right?

19 A. Yes.

20 Q. We will start with animals.

21 A. Perhaps if I expound on the procedure.

22 Q. Well, let's -- let's -- I'm trying just to go
23 simple first of all. We will get back to it later.

24 But basically you -- if you have enough there you
25 can start beginning to determine whether it's from an animal,
26 whether it's from a human being, whether it's from certain human
27 beings; is that right?

28 A. Yes.

1 THE COURT: As far as it may apply to collection, Mr.
2 Negus. I overruled his objection.

3 MR. NEGUS: Right. But that's why I tried to stop Mr.
4 Stockwell from going into stuff that didn't apply to the
5 collection.

6 THE COURT: Would it be disconcerting if we take a recess
7 now?

8 MR. NEGUS: It's never disconcerting if we take a recess,
9 your Honor.

10 THE COURT: Let's take the afternoon recess. Remember
11 the admonition.

12 (Recess taken.)

13 Q. Before I forget, Mr. Stockwell, in addition to your
14 experience and what have you, in making your interpretations and
15 coming to your opinions you also remember rely to a certain
16 extent on some of the literature of criminalistics that deals
17 with the various subjects you're talking about, right?

18 A. Yes.

19 Q. And specifically with respect to your
20 interpretation of the luminol results which you provided for us,
21 did you rely on an article by Ralph Maloney and John I. Thornton
22 about the chemistry of luminol?

23 A. I believe so, yes.

24 Q. Well, did you at one point in time provide me with
25 a list of articles that you consulted on luminol?

26 A. Yes, I did.

27 Q. And was that on there?

28 A. I think it was. I'd have to go back to the

1 transcripts to make sure.

2 Q. Well, we can do this without having it marked for
3 evidence.

4 Did you also rely on an article by Ed Blake and
5 Duane Dillon about micro-organisms which can also react with
6 ortho-tolidine and luminol and cause a positive reaction?

7 A. I believe so, yes.

8 Q. Are you also familiar with a book by Richard
9 Saferstein, Editor, titled "Forensic Science Handbook", which
10 has an article within it, Chapter 7, by a man named Henry Lee
11 from Connecticut about the presumptive tests for blood?

12 A. I have seen that book, whether I've actually read
13 that particular section I can't recall.

14 Q. Well, when you testified at one of your previous
15 appearances you indicated, did you not, that the books that you
16 were most likely to rely on in the field of criminalistics were
17 this book by Saferstein and another book titled "Methods in
18 Forensic Science"?

19 A. I believe I mentioned those, yes.

20 Q. And are you also familiar with a book by -- edited
21 by a man named, Gaensslen, G-a-e-n-s-s-l-e-n, entitled "Source
22 Book in Forensic Serology, Immunology and Biochemistry"?

23 A. Yes.

24 Q. And have you studied that for the presumptive test
25 for blood as well?

26 A. Yes.

27 Q. Back to the bedroom or I guess the bathroom.

28 Now Mr. Kochis was -- you were -- there was some

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1 talk before the break that in concern with -- in concern --
2 concerning stains, the answer to my questions about -- about
3 whether or not you're going to be able to get the kind of result
4 which will enable you to exclude some people as possible donors
5 will depend upon I suppose the age of the stain; is that right?

6 A. To some extent. yes.

7 Q. And the general rule is the quicker you collect it
8 the more likely you are going to be able to get a result, right?

9 A. Yes.

10 Q. Is that stain that's been -- that's been circled
11 there, is that in fact stain UU-10?

12 A. I believe it could be, yes.

13 Q. Is that the general area that UU-10 came from?

14 A. I can't be certain because Mr. Ogino did the actual
15 collection of that bloodstain.

16 Q. Okay. Well, I mean when you testified yesterday
17 and wrote the "UU-10" here on the diagram, you were relying on
18 Mr. Ogino's notes?

19 A. I was relying on his notes and some of my
20 observations as to the areas that he collected.

21 Q. Okay. Well then. 25 days after the crime, on June
22 the 30th, did you in fact observe at that point in time a stain
23 in that particular location?

24 A. I believe so, yes.

25 Q. On June the 10th when you were in that bathroom and
26 looking at that sink, did you look before you sprayed to see
27 whether there was any stains on there before you sprayed the
28 luminol?

1 A. I don't recall looking specifically for stains
2 around the edges of the sink.

3 Q. You did spray around the edge of the sink, did you
4 not?

5 A. I know for certain we sprayed in the sink basin
6 itself. I don't really recall if we sprayed out around the
7 edges of the sink.

8 Q. Well. I mean, when you were -- when you were
9 spraying with the luminol, did you just turn off all the lights
10 in the house while you were there and just move around in
11 complete darkness without ever turning on any lights?

12 A. No. We progressed from area to area extinguishing
13 lights in those areas when they were actually spraying the
14 luminol.

15 Q. Okay. So then during the time you weren't working
16 in those areas, before and after, you had the lights on so you
17 could see what you are were doing, right?

18 A. Yes.

19 Q. When you spray blood with luminol it does two
20 things which are destructive of your ability to get serological
21 information from the blood; is that right?

22 A. Yes.

23 Q. One is that it dilutes the stain making it harder
24 to type, right?

25 A. That's correct.

26 Q. And the other is as you've explained earlier, if
27 blood's wet it's more likely to decay, right?

28 A. Yes.

1 Q. For that reason criminalists try to take care, do
2 they not, not to spray areas where you can already see the
3 blood?

4 A. In general, yes.

5 Q. On June the 10th did you and Mr. Ogino take care
6 like that?

7 A. I thought that we had.

8 Q. Do you feel that -- that that particular stain then
9 was -- was arrived there sometime after June the 10th?

10 A. I did not make that distinction, no.

11 Q. Well, can you testify that on June the 5th and June
12 the 10th you looked there and it wasn't there, or is it your
13 recollection you just don't know whether you looked or not?

14 A. I don't recall having looked for it or having seen
15 it on June the 10th.

16 Q. Does that mean -- I think I --

17 When you sprayed the bathroom with the luminol did
18 you move all those bottles and toothpaste and that kind of stuff
19 from around the sink?

20 A. I don't recall.

21 Q. Was that the sink that you collected the box of
22 Band-Aids from?

23 A. Underneath the sink, yes.

24 Q. Did you collect that box of Band-Aids before or
25 after you did the spraying?

26 A. I believe it was after.

27 Q. But you don't have any records or any for-sureness
28 on that?

1 A. The listing of picking up the items would indicate
2 that I picked it up after the luminol for the items T-1 through
3 T-3 were basically impressions we saw on carpeting and then T-4
4 of the Band-Aids.

5 Q. So, you make the inference from the number that you
6 gave it?

7 A. Yes.

8 Q. Did you in that bathroom notice -- on June the 5th,
9 that is, the first time that you were working in the bathroom,
10 did you -- did you, you know, look throughout the bathroom to
11 see whether or not there were like items of blood in that
12 particular bathroom?

13 A. I looked through that bathroom, yes.

14 Q. The ones on the carpet, they were pretty big and
15 pretty obvious, right?

16 A. Yes.

17 Q. Did the ones on the carpet, did they appear to you
18 to be shoe impressions?

19 A. They could be consistent with impressions left by
20 shoes.

21 Q. Did they look a bit -- could you tell much
22 difference between those impressions and say the impressions
23 that you saw in the carpet on the stairs coming up from the
24 living room?

25 A. The stains in the bathroom were, of course, visible
26 and they had a much greater smudge type of appearance to them.
27 The carpeting in the bathroom was of a shag carpeting. That in
28 the living room and on the stairway was somewhat flat and it

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1 would hold an impression better than does the shag carpeting.

2 Q. Did -- was there a light switch or a series of
3 light switchnes in that master bathroom?

4 A. There were light switches, yes.

5 Q. Do you remember where they were?

6 A. Not offhand, no.

7 Q. When on June the 5th, did you -- did you have in
8 mind, seeing what looked to be foot impressions on the floor,
9 that there might have been a killer who washed up there in the
10 bathroom. did you have that hypothesis in mind on June the 5th?

11 MR. KOCHIS: Well, your Honor, I would object as
12 irrelevant as to what his mental thought process may have been
13 each and every step of the investigation. It also calls for
14 speculation as to what he speculated.

15 THE COURT: What's the relevancy, Mr. Negus?

16 MR. NEGUS: Well, I don't want to -- I don't want to
17 violate the rules, and I will try and back it up and do it in a
18 different way.

19 Q. Did you look to see whether there was any evidence
20 in the bathroom that a killer or killers with blood on their
21 hands switched on the light as they were going in to the
22 bathroom preparatory to washing up?

23 A. I don't specifically remember doing that, no.

24 Q. Can you say for certain that none of the -- that
25 there was no blood on any of the light switch in that bathroom?

26 A. I can't say that for certain, no.

27 Q. Showing you photographs 457, I.D. number I-5, and
28 458, I.D. number I-6, do those both appear to depict a trash

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1 basket that would be in the -- in the bathroom?

2 A. That appears to be so, yes.

3 Q. And where I'm pointing on the -- on the diagram,
4 6-F, is that approximately where that trash basket is located?

5 A. Yes.

6 Q. And that circle that I've just drawn in red on
7 there, is that a fair estimate of where the trash basket was?

8 A. Yes.

9 Q. Put "TB" in there indicating trash basket. Now,
10 was there a light switch like right inside the door there of the
11 bathroom? Do you remember that or not?

12 A. I don't recall on which side of the doorway the
13 light switch was on. It's normal to have it opposing the door,
14 so it seems reasonable.

15 Q. It's sort of faintly seen. You can see some
16 streamer, brown streamers with a brown dot or drop at the bottom
17 of it coming down the wall there. That would be the -- the wall
18 that's between "TB" and "UU-5" on our diagram there. Did you
19 happen to notice those on that particular night of June 5th.

20 A. No, I don't recall seeing those.

21 Q. Can you tell from the picture whether or not they
22 are blood?

23 A. No.

24 Q. A-41. the laboratory number that -- of the blood
25 sample that you collected from the hallway, did that appear to
26 you to be an isolated drop of blood?

27 A. Yes.

28 Q. Is that why you collected it? Take that back.

1 Strike that question.

2 Is there any evidentiary significance to isolated
3 drops of blood?

4 A. It depends upon the circumstances.

5 Q. In the circumstances of the Ryen crime scene as you
6 knew it on June the 5th, when you were looking in that
7 particular home?

8 A. I felt that it did, yes.

9 Q. Because of its isolation?

10 A. Because of its isolation and the fact that it was
11 away from the locations where the bodies were found.

12 Q. How much time did you spend studying that hallway
13 before you found A-41?

14 A. First of all I don't feel that I found A-41. It
15 was pointed out to me.

16 Q. By whom?

17 A. I don't recall offhand.

18 Q. Well, after it was pointed out to you, did you
19 spend any time looking around that particular hallway to see
20 whether or not there might be other such drops to be found?

21 A. I looked through the hallway, yes.

22 Q. Did you spend a lot of time at it? How much time
23 did you spend?

24 A. I think a lot means something relative. I spent
25 some time, possibly ten minutes, looking through the hallway at
26 different locations for blood.

27 Q. Was that ten minutes, did that -- did that
28 essentially occur between 2240 and 2305?

1 A. I can't recall if it was at that time or sometime
2 earlier.

3 Q. Did you have -- did you spend any time looking in
4 those other hallways around leading to the other bathroom?

5 A. During my walk-through of the house I spent
6 sometime in those areas, yes..

7 Q. How much?

8 A. Maybe five to ten minutes in those hallways.

9 Q. Did you turn the lights on when you were doing it?

10 A. I believe during my walk-through of the house it
11 was still light out, there was no need for indoor lighting yet.

12 Q. You mean the halls -- I mean. there were no windows
13 into the halls, right?

14 A. No, but the various room doors were open.

15 Q. You felt that that gave you adequate light to do a
16 search for drops of blood?

17 A. Yes. You want -- all possible natural light is the
18 light of choice rather than artificial light.

19 Q. Well. let's see. If I could, just for a second if
20 I could, just for a second here, superimposing over Mr.
21 Stockwell's diagram 6-F, Mr. Duffy's diagram. 6-E. and also
22 showing you a photograph T-14.

23 Did you see something, a smear that looks like the
24 smear that's circled in T-14 at approximately the spot that Mr.
25 Duffy had labeled there on the chart?

26 A. Yep. I believe this is one of the "UU" items.

27 Q. Well. where do you -- on the chart that you did
28 there, you put the UU items on yesterday, right?

- 1 A. Yes.
- 2 Q. Where did that show up on your diagram?
- 3 A. My notes reflect that "UU" is possibly collected
- 4 from the wall across from Joshua Ryen's bedroom.
- 5 Q. You think that's what that is?
- 6 A. Yes.
- 7 Q. Is it possible you are not sure of that?
- 8 A. I can't tell by this photograph if it depicts the
- 9 same thing that we picked up in the "UU" series.
- 10 Q. Well, realizing that this thing doesn't have any
- 11 ruler or anything that would give you any help, the things you
- 12 picked up in the "UU" series were basically just big enough to
- 13 do one test from; is that right, rather small quantities?
- 14 A. Yes, they were small quantities.
- 15 Q. At least according to the photograph there that
- 16 appears to be a fairly large quantity of blood.
- 17 A. It is a relative term. I don't know in what sense
- 18 you are referring to large or small, or for what purpose?
- 19 Q. It appears that there is enough blood there on the
- 20 wall to do several, maybe a whole five, six, seven, eight, nine,
- 21 ten tests; is that not correct?
- 22 A. I would not be able to tell from this photograph.
- 23 Q. Looking at the diagram where Mr. Duffy has drawn
- 24 413 for Exhibit 413, and showing you T-16.
- 25 Does that appear to be any of the "UU" series that
- 26 you collected?
- 27 A. I don't believe so.
- 28 Q. Did you happen to notice that particular drop of

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1 blood on the night of June the 5th?

2 A. I don't know for a fact that that is blood.

3 Q. In a particular drop of what looked to Mr. Duffy to
4 be blood, did you happen to notice that June the 5th?

5 A. I don't recall specifically noticing that
6 particular stain.

7 Q. Do you remember Mr. Duffy pointing it out to you?

8 A. No.

9 Q. Do you remember on the June the 5th Mr. Duffy
10 pointing out to you T-14?

11 A. I don't recall that, no.

12 Q. Showing you T-15, that is a part of the "UU" series
13 that you all collected on the 30th of June; is that right?

14 A. Yes.

15 Q. But did you notice that on June the 5th?

16 A. No, I did not.

17 Q. I want to take down Mr. Duffy again.

18 These two dots where you saw the luminol reacting
19 with something on the floorboard, that's on tile; is that right?

20 A. Yes.

21 Q. Okay. We're referring to the ones that are in the
22 area just to the left of the diagram of the stairs, down in the
23 living room on Diagram 6 and 6-F, right?

24 A. Yes.

25 Q. Do those likewise appear to be shoe impressions?

26 A. Yes.

27 Q. And do they likewise appear to be the toe of a
28 shoe?

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1 A. Yes.

2 Q. And in that particular particular diagram, which
3 direction was the toe pointed toward: the front door or back
4 towards the hall door with the blood on it?

5 A. It would have been pointed toward the front door.

6 Q. Is it -- is it easier to see a reaction between a
7 substance in luminol on tile than it is on carpet?

8 A. To see a pattern, yes.

9 Q. Just to see a reaction?

10 A. To see a reaction? Not necessarily.

11 Q. Have you done any experiments to verify that?

12 A. I have done previous experiments, including several
13 types of surfaces on which the blood had been placed, and on all
14 of the surfaces that I tried the luminol was visibly apparent.

15 Q. But, the question I'm --

16 Did you, after you saw the patterns at T-1, and
17 the patterns on the tile there, did you try, did you collect the
18 carpet that was on the hall floor between the spot by Jessica
19 and the hall door there?

20 A. After seeing those impressions in the luminol I did
21 go to the Sheriff's Central Property or that piece of carpeting
22 was located, and obtained that section of the carpeting to
23 relink it to the piece of carpeting that I took as T-1.

24 Q. Well, what they did at the Sheriff's Department
25 sort of ended where Jessica's feet are, right?

26 A. I don't recall just how large that piece of
27 carpeting was. It was not the entire length of that hallway.

28 Q. The piece that, say, from approximately Jessica's

1 feet down past A-41 down to the hall door which had the blood
2 smears on it that never got collected; is that correct?

3 A. I don't recall offhand. I did not do the
4 collection of that.

5 Q. Well, you never collected it?

6 A. That's correct.

7 Q. Did you -- the night that you were doing the
8 luminol, did you notice these, these smears in photograph 412?

9 A. No, I did not.

10 Q. Just when you looked at them, when you finally did
11 see them on June 30, did they appear like they might be finger
12 smears, or consistent with being finger smears?

13 A. It could be consistent with that.

14 Q. What do you mean? What's the difference between
15 could be consistent with and consistent with?

16 A. Basically they're the same thing. They're
17 consistent. I cannot tell you what other things would not be
18 consistent.

19 Q. Is the difference could be consistent with when I
20 asked the same question as consistent with when Mr. Kochis asked
21 the question?

22 THE COURT: That's argumentative.

23 BY MR. NEGUS:

24 Q. Showing you photograph 445, which is I.D.
25 Photograph W-18. Does that depict the area where the, where the
26 CCD people removed the carpet from the hallway?

27 A. Yes.

28 Q. Okay. And would that be consistent with just about

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1 the spot where Jessica's foot ends on the diagram?

2 A. Yes.

3 Q. And could you take the brown, the brown marker and
4 draw a line there in brown to indicate where the cut-off between
5 the carpet was taken and the carpet that wasn't taken was.

6 A. (Witness complied).

7 Q. And showing you Exhibit 455, which is I.D.
8 Photograph U-3, which you identified yesterday appears to be a
9 picture which has been previously identified as a portion of the
10 east wall near where you have the numbers A-31 affixed on the
11 diagram.

12 Where did you get A-31 from on that, on that
13 photograph?

14 A. It was collected from that wall between the dresser
15 and the sliding glass door.

16 Q. Which -- there is several drops that have been
17 labeled I think on that photograph at a previous time A, B, C, D
18 and E.

19 Any of those particular drops the one you picked
20 for A-31?

21 A. I can't say which drops specifically I collected.
22 I collected more than one in that area.

23 Q. You don't know which ones they were?

24 A. Not offhand, no.

25 Q. Do you know how many you collected?

26 A. No.

27 Q. Showing you Exhibit 427. There appears to have a
28 number 34 set up there. Did you set up that No. 34?

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1 A. I helped set it up, yes,

2 Q. Setting that up there was to indicate that was the
3 area from which you were picking A-34; is that right?

4 A. Yes.

5 Q. Okay. We have got -- in that particular picture
6 there appears to be some smears on a lampshade, some drops of
7 various sizes and descriptions on the wall, and some drops of
8 various sizes and descriptions on the coffee table, on and at
9 least one of the clocks.

10 From which of those areas did you pick A-34?

11 A. I can't be certain. It was somewhere on the
12 nightstand.

13 Q. Does that mean that it was on the surface of the
14 nightstand or it was on the clock on the nightstand? Can you
15 make that distinction?

16 A. No.

17 Q. Do you know how many you took?

18 A. No, I do not.

19 Q. Do you know if you took them all from right next to
20 each other, or did you just scatter it around?

21 A. They were pretty much in a general location, close
22 to each other.

23 Q. Okay. Well, general location close to each other.
24 Would that be defined by the area of the photograph or would
25 they have been grouped closer than this?

26 A. I think they would have been grouped closer than
27 that.

28 Q. Now, let's see. Showing you Exhibit 428, that

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1 appears to be a picture of the closet behind Doug after Doug was
2 removed from the room; is that right?

3 A. Yes.

4 Q. Okay. And you holding that 35 you are indicating
5 from that that's the general area from which you took A-35; is
6 that right?

7 A. Yes.

8 Q. Now, the first time that we went through -- we
9 have been through this before on numerous occasions; is that
10 right?

11 A. Yes, we have.

12 Q. The first time that we went through that you were
13 not able to tell me where you, where on those doors or even
14 which ones they were that you picked up A-35; is that right?

15 A. That's correct.

16 Q. After that we did some looking, detective work, and
17 we determined that you picked, did we not, that you picked some
18 drops from the area labeled "B" and some drops from the labeled
19 "A" area, and you mixed them all together in one particular tin.

20 A. I don't recall if we specifically made that
21 determination. I took several bloodspots from those doors and
22 mixed them together.

23 Q. The I.D. Photograph U-17, that's a before, right?

24 A. A before what?

25 Q. It shows the closet door there before you took your
26 samples.

27 A. Yes.

28 Q. Okay. And showing you Exhibit 433, Laboratory No.

1 W-7, that's an after; that is meaning after you took the
2 samples, right?

3 A. It appears so, yes.

4 Q. And by looking at those drops closely on the two
5 photographs you can tell that there is little pieces of the
6 drops of blood both in the "A" area and the "B" area that have
7 been chipped away and put into some sort -- taken away from the
8 door sometime between the time that the U-17 and W-7 photographs
9 were taken; is that right?

10 A. Yes.

11 Q. And you know from your own particular programs that
12 all the blood you took from that particular door you put in the
13 same container and mixed it all up together, right?

14 A. Yes.

15 Q. So, drops from the spot "A" and the drops from the
16 spot "B" would have been mixed together in the same container,
17 right?

18 A. Yes.

19 Q. Showing you Exhibit 417, Laboratory No. U-5, excuse
20 me, not I.D., No. U-5, Court's Exhibit 401, I.D. No. T-4,
21 Court's Exhibit No. 402, I.D. No. T-5.

22 All of those are different views of this piece of
23 furniture. this large piece of furniture. a portion of which you
24 have as A-36; is that right?

25 A. Yes.

26 Q. Now, there was blood on the shelves, blood on the
27 front of that, blood on the drawers, blood on the sliding
28 department. there are drops of blood on all different parts of

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1 that particular -- of that particular piece of furniture; is
2 that right?

3 A. Yes. There was blood in numerous areas of that
4 shelf.

5 Q. Do you know which area you took the blood from?

6 A. I don't recall specifically, no.

7 Q. Could it have been anywhere on that particular
8 piece of furniture?

9 A. I don't think it was on the bookshelves, but other
10 than that it could have been anywhere on the drawers or the
11 sliding portion.

12 Q. And you don't know whether you took it from more
13 than one area and mixed it or not, right?

14 A. I took several drops and those that I took were put
15 into the same container.

16 Q. But different areas, different drawers, different
17 parts of the thing.

18 A. Again, I can't say exactly where I collected them
19 from. In your -- Ms. Schechter's notes, the description that
20 you got. you have in the notes, is in fact "Blood sample from
21 wall shelves"; right?

22 A. That is what is written in the notes, yes.

23 Q. So, is it possible that may be the blood came from
24 the bookshelves?

25 A. I don't believe so. That was the terminology that
26 Patricia Schechter used to describe that wall unit as a whole.

27 Q. The only notation that you, yourself, put on the
28 little pillbox was blood from dresser?

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1 A. I don't recall.

2 Q. Have you had an opportunity to observe the summary
3 of serological work that Mr. Gregonis has prepared for us?

4 A. Not in its entirety, no.

5 Q. With respect to the "A" series, you observed that?

6 A. Some of that I have read through, yes.

7 Q. Okay. When he has on his notes as he sort of has
8 little progress charts there, does he have a description of the
9 laboratory number, for example, A-36, a description of what the
10 thing came in, like a metal pillbox, and then whatever you had
11 written on the pillbox?

12 A. In His notes that is what he has written. Whether
13 or not he has written in entirety what was on the container, I
14 could not say.

15 MR. NEGUS: This is as good a time as any, I suppose.

16 THE COURT: Remember, please, over the evening
17 adjournment. the admonition I have repeatedly given to you.

18 See you tomorrow morning at 9:30.

19 --oo0oo--

20 (Adjournment)

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