

EIGHTH JUDICIAL DISTRICT COURT
CIVIL/CRIMINAL Division
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

KIRSTIN BLAISE LOBATO,

Defendant.

CASE NO. C177394

DEPT. NO. 11

Transcripts of
Proceedings

BEFORE THE HONORABLE VALORIE J. VEGA, DISTRICT COURT JUDGE

"ROUGH DRAFT"

JURY TRIAL - DAY 10
VOLUME X

FRIDAY, SEPTEMBER 22, 2006

COURT RECORDER:

LISA LIZOTTE
District Court

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DESCRIPTION: ADMITTED

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* * * * *

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1 LAS VEGAS, NEVADA FRIDAY, SEPTEMBER 22, 2006

PROCEEDINGS

2
 3 (THE PROCEEDINGS BEGAN AT 10:00 A.M.) □

4 (Jurors are present)

5 THE COURT: Let the record reflect that we're
 6 resuming trial in State versus Kirstin Blaise Lobato, under Case
 7 Number C177394, in the presence of the defendant together
 8 with her three counsel, the two prosecuting attorneys and the
 9 ladies and gentlemen of the jury.

10 Ladies and gentlemen, with regard to our scheduling
 11 for next week, we will be starting on Thursday at 1:00 o'clock
 12 and on Friday at 1:00 o'clock, as well. Dependent upon when
 13 the close of evidence occurs and the jury initiates your
 14 deliberations, the Court advises you that it's possible that you
 15 will be here into the evening hours on Friday. So you should
 16 plan accordingly for that

17 We are proceeding forward with the testimony of
 18 senior crime scene analyst Louise Renhard. And she may be
 19 returned to the witness stand at this time. We remain in the
 20 State's case in chief.

21 At the end of the day various questions came out
 22 from the ladies and gentlemen of the jury and we will be
 23 proceeding with those questions in short order,

24 ///

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LOUISE RENHARD, STATE'S WITNESS, SWORN

THE COURT: The Court is going to read to you some questions that are being asked by the ladies and gentlemen of the jury. After I read a question, you may give the answer to the question. After -- there's about eight of them. After I've gone through all of them, then the attorneys will have the opportunity to pose any follow-up questions that they feel is appropriate,

The first question is: The sandals found in the car, are these the same sandals found at the crime scene?

THE WITNESS: They weren't the same, The sandals at the crime scene had already been collected and impounded, and they weren't the same style either,

THE COURT: Did the red Hero tire impressions match those at the crime scene?

THE WITNESS: That, I don't know. We do have experts who do comparative analysis and they're the ones who would have done that work,,

THE COURT: Do you know if hair coloring or other hair supplies would have a reaction with luminol?

THE WITNESS: I don't know. I do know chemicals like bleach do_ But a lot of the hair supplies, I believe, have hydrogen peroxide, and I'm not sure whether or not that does,, Somebody else, later on, might be able to answer that for you

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that's the reason we documented it -- was consistent with a foot not being inside the sandals at the time that the blood was left.

THE COURT: Did any of the crime scene analysts compare the height of the red curb at the crime scene and the ground clearance of the Fiero?

THE WITNESS: I don't believe we took a measurement of the height of the red curb_ I'm -- I don't believe we did, I wasn't doing the measurements but it's my belief that we did not, And I did not take a ground clearance measurement on the red Fiero,

THE COURT: Was there any damage to the front balance on the Fiero where it may have impacted with the red curb at the crime scene?

THE WITNESS: We didn't see any such damage on the Fiero,

THE COURT: Any follow-up questions by the State?

MS, DIGIACOMO: Courts indulgence, Pass the witness,

THE COURT: Any by the defense?

MR. SCHIECK: Just a couple, Your Honor, to clarify some points.

//

///

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RENHARD - FURTHER RECROSS

FURTHER RECROSS-EXAMINATION

BY MR_ SCHIECK:

Q With respect to I believe it was the first question talked about, whether the sandals at the scene were the same type as the sandals found in the car, were -- the sandals that were found in the car actually had a high heel on them, is that correct?

A Yes. The sandals recovered from the car were more like a woman's high-heeled, open-toe-type shoe. The sandals at the crime scene were flat -- they weren't flip-flops but they had -- they had a open toe but with just a cover over them, They were a flat sole,

Q And the -- the shoes that were recovered from the car, those were impounded and tested with negative results?

A Yes,

Q Okay, There was no blood found with the phenolphthalein test on those shoes?

A That's correct.

Q And you were asked a question concerning whether or not hair products could cause a false reaction with luminol. Would that depend on what is contained in the hair product?

A Yes, that would depend on what's contained, And I don't know whether or not any hair products would create that false positive,

X-9

X-7

RENHARD - FURTHER RECR

FORD DIRECT

1 Q And we've all heard the term of "bleached blonde"
 2 hair,
 3 A Yes. I don't think they —
 4 Q That implies —
 5 A Do they use bleach?
 6 Q I don't know. Obviously I --
 7 A I've heard the term but I don't know that they
 8 actually use bleach,
 9 Q Okay. They use some type of product that removes
 10 the pigment.
 11 A A chemical product. Exactly, And I don't know
 12 whether or not that creates a false positive. I'm unsure of
 13 that.
 14 It would depend on the — what's contained in the
 15 product,
 16 A Exactly,
 17 Q Okay, And there was some questions concerning
 18 the Fiero and damage to the Fiero. Would it be fair to say that
 19 your examination of that vehicle on July 22 — you saw no
 20 indication that would link it to the area of the dumpster or that
 21 crime scene area?
 22 A I saw no indication on the Fiero, of damage, that
 23 would link it to that curb that they spoke about.
 24 Q For instance, that would include -- sometimes -- at

1 **DANIEL FORD, STATE'S WITNESS, SWORN**
 2 THE CLERK: Please state your first and last name.
 3 Spell your last name for the record,
 4 THE WITNESS: Daniel Ford, F-O-R-D,
 5 MS, DiGIACOMO: May I, Your Honor?
 6 THE COURT: You may proceed.
 7 MS. DiGIACOMO: Thank you,
 8 DIRECT EXAMINATION
 9 BY MS, DiGIACOMO:
 10 Q How are you employed?
 11 A As a senior crime scene analyst with the Las Vegas
 12 Metropolitan Police Department.
 13 Q And how long have you been so employed?
 14 A The 9th of this month was fifteen years,
 15 Q Now, what training and experience do you have that
 16 allows you to be a crime scene analyst?
 17 A Forty hours of basic fingerprint classification taught
 18 by the California State Department of Justice, forty hours of
 19 latent print classification taught by the Federal Bureau of
 20 Investigation, forty hours of advanced latent fingerprint
 21 techniques taught by the California State Department of
 22 Justice, a hundred and twenty hours of field evidence
 23 technician training taught by the California State University at
 24 Long Beach under the direction of the Orange County Sheriff's

X-10

X-12

RENHARD - FURTHER RE CROSS

FORD - DIRECT

1 least when I'm driving and I hit a curb with my tire, it leaves a
 2 mark on the side of the tire. You didn't see any of that in this
 3 case?
 4 A We did not.
 5 Q Okay. Thank you.
 6 MR. SCHIECK: No further questions, Your Honor,
 7 THE COURT: Would counsel approach?
 8 (Off-record Bench Conference)
 9 THE COURT: The juror questions will be marked as
 10 Court's 46 through 53, in the same order that the Court read
 11 them.
 12 Any follow-up by the State?
 13 MS, DIGIACOMO: No, Your Honor,
 14 THE COURT: No further questions from the jury.
 15 You may step down from the stand,
 16 THE WITNESS: Thank you,
 17 THE COURT: State may call their next witness.
 18 MS. DiGIACOMO: Your Honor, we would call Dan
 19 Ford. And may I approach the Clerk?
 20 THE COURT: Yes, The Court Clerk that's been with
 21 us thus far through the trial, Billie Jo Craig, has a vacation day
 22 today, and on Monday, and so we have — Michelle Jerome's
 23 with us today, assisting as the courtroom clerk. And Ms. Craig
 24 will be back with us on Tuesday.

1 Department, and a total of nineteen years' experience and
 2 training,
 3 Q Now I want to direct your attention to either July 8th,
 4 2001, in the late hours, or early hours of July 9th, 2001, Were
 5 you so employed and working?
 6 A Yes, ma'am, I was.
 7 Q Were you called to 4240 West Flamingo Road?
 8 A Yes, I was.
 9 Q And what's located there?
 10 A There's a Nevada State Bank building across the
 11 street from what is now the Palms Casino, Parking area for
 12 the bank building, Both on the west side -- the north side of
 13 the building.
 14 Q And at the time that you responded there -- you said
 15 — was the Palms Casino there?
 16 A It was under construction at the time. There was
 17 offices in the bank building being used as an employment
 18 center for the Palms Casino.
 19 Q When you arrived, what was the scene that you
 20 encountered?
 21 A There was a trash dumpster enclosure located in the
 22 northwest corner of the parking area. There was -- that was
 23 roped off with yellow crime scene tape. There was a patrol
 24 officer. General assignment detectives were on scene. Crime

X-13

FORD - DIRECT

1 scene analyst Louise Renhard was there. Homicide had been
2 notified. They were en router The -- a lot of the trash that
3 had been in the dumpster had been removed_ It was on the
4 ground, to the side of the dumpster. I was given information
5 that there was a deceased male located somewhere
6 underneath the trash.

7 Q At the time that you responded did you have any
8 indication how this person had died?

9 A No, I did not

10 Q So were there other crime scene analysts also there?

11 A Crime scene analyst Louise Renhard was there.

12 Later on, our on-call supervisor Al Cabrales showed up and
13 then Teresa Main also came out.

14 Q Okay,

15 MS, DiGIACOMO: Your Honor, may I approach the
16 Clerk?

17 THE COURT: You may.

18 MS. DiGIACOMO: Court's indulgence?

19 THE COURT: Yes.

20 BY MS. DiGIACOMO:

21 Q Now, when you were at this crime scene, what was
22 your — what were your duties?

23 A My duties were to do the crime scene diagram and
24 collect the evidence that we determined was pertinent to the

X-14

FORD - DIRECT

yes, ma'am.

2 Q Okay. And then is this what you encountered
3 behind it?

4 A This is -- after removing a lot of the trash and all,
yes, ma'am, this is what was behind it

6 Q And you stated it was your scene to process the —
7 or your duty to process the evidence? Or process —

8 A Yes, ma'am, any evidence that we -- and a lot of
9 things were collected at the scene that we took back for
10 possible fingerprints that we didn't know whether it had any
11 relative bearing on the crime or not. If no fingerprints were
12 developed, then the -- as having no evidentiary value, they --
13 the items were tossed,

14 Q Do you recall the general description of the
15 disclosure?

16 A Cinder block walls on three sides. There was
17 cyclone fencing material across the top. The gates were open.
18 There were cut -- what appeared to be padlock links or chain
19 link -- links on the ground near the gates,

20 Q I'm showing you State's Exhibit Number 4 again_
21 Now, Louise Renhard also testified regarding cyclone fencing,
22 and stated you told her that term. What do you mean by
23 "cyclone" fencing?

24 A It's fencing that's used around the perimeter of

X-16

FORD - DIRECT

1 scene at the time.

2 Q And was -- what were Louise Renhard's duties?

3 A She was going to do the photography and write the
4 crime scene report.

5 Q Did you assist her at all at the scene in processing
6 it?

7 A I don't believe I processed for any latent fingerprints
8 at the scene. I did processing back at the crime lab after
9 evidence was returned there,

10 Q Okay, Let's back up. When you first get there —
11 and I apologize, My pictures are out of order- Is -- and I'm
12 showing you State's Exhibit Number 4. Is this what the scene
13 looked like when you arrived? Can you see that? Is that
14 better?

15 A Yes, ma'am, that's better. Yes, ma'am, very similar
16 to that.

17 Okay. So when you arrived, no one had gone in
18 there and started to process the scene at all?

19 A No. And I'm -- I don't remember how we received
20 the information that the victim was located there-

21 Q Okay. And then later -- I'm showing you State's
22 Exhibit Number 6. Was the dumpster enclosure -- the
23 dumpster itself actually removed?

24 A We pulled the dumpster out of the enclosure area,

X-15

FORD - DIRECT

1 property or homes. It's just a -- it's the stuff you see at the
2 top of the screen herer

3 Oops, Let me move it down a little bit.

4 A There, This area here,,

5 Q Okay. Now, it's a chain link fence with some sort of
6 material through it?

7 A I don't remember if there was any material on it or
8 not,

9 Q All right. Do you recall whether or not you could see
10 through the fencing or -- that was on the roof?

11 A I thought we could, yes, ma'am.

12 Q Now, part of your duties as well -- did you do a
13 crime scene diagram?

14 A Yes, ma'am.

15 MS. DiGIACOMO: May I approach, Your Honor?

16 THE COURT: You may.

17 BY MS, DIGIACOMO:

18 Q I'm going to show you what's been marked as
19 State's Proposed Exhibits 251, 252 and 253 which have been
20 previously shown to defense counsel. Would you look at those
21 and let me know if you recognize them?

22 A Yes, ma'am. It's the diagram that I conducted -- or
23 constructed, rather, after the scene-

24 Q 251, is that the actual diagram you did?

X-17

FORD - DIRECT

1 A Yes, ma'am, it is
 2 Q Okay, And 252 and 253, what are those?
 3 A 252 is an enlargement just of the dumpster
 4 enclosure, showing the location of items that were collected
 5 and removed. And, then, 253 is a list of those items.
 6 MS. DiGIACOMO: Your Honor, at this time the State
 7 would move for admission of State's Proposed Exhibits 251
 8 through 253,
 9 MR. SCHIECK: No objection, Your Honor,
 10 THE COURT: Granted.
 11 (State's Exhibits 251, 252, 253, admitted)
 12 BY MS. DiGIACOMO:
 13 Q And do you recall how you went about processing or
 14 going through the trash over the body to get to the body?
 15 A We pulled the dumpster container out and then
 16 slowly started removing trash that was located on top of the
 17 body, towards the outside of the enclosure looking again for
 18 items that we felt was pertinent to the scene, until we got
 19 down to the body. Louise Renhard would take photographs
 20 along the way, documenting whatever we found or whatever
 21 was noticed in that pile.
 22 Q Okay, And I'm going to show you, hopefully -- this
 23 is State's Exhibit Number 144 Do you recognize what's
 24 depicted here?

X-18

FORD - DIRECT

1 A Yes, ma'am.
 2 Q Okay. Now I'm going to show you State's Exhibit
 3 231, Is that you in that photograph? Do you know?
 4 A No, ma'am. I believe that's Louise Renhard. I was
 5 wearing a different shirt that night.
 6 Q Did you -- you recall what shirt you were wearing?
 7 A It's red and white, because I wore it to bring
 8 evidence in here the other day and my wife reminded me of
 9 the news that was covered -- it was the same thing t wore five
 10 years ago. So --
 11 Q Okay.
 12 A Sorry,
 13 Q Now, did you ever look back at -- do you know what
 14 area that 231 is depicting?
 15 A It's near the back corner of the dumpster enclosure.
 16 You can see because of the low wall here, and also along here
 17
 18 Q Now, the -- Teresa Main is standing on a curb not
 19 down on the ground where this area is shown. Is that correct?
 20 A I believe -- I believe that would be Louise. I don't
 21 think that was Teresa. But if -- either one of the two. They
 22 are standing on the curb not on the bottom portion of the
 23 enclosure, correct,
 24 Q The other -- yeah, another CSA is not standing down

X-20

FORD - DIRECT

1 A Yes, ma'am. It's apparent bloody footwear that
 2 starts back by this trash bag -- and then you can see a partial
 3 here -- as it comes out it gets less and less, which is common
 4 with bloody footwear -- the further you walk the less you have
 5 of an impression -- leading towards the front of the enclosure
 6 which is down here at the bottom of the screen,
 7 Q Okay, And then there were no more bloody
 8 footprints after that?
 9 A No, ma'am.
 10 Q Okay. And when you looked at these, do you recall
 11 if they were dry or still wet?
 12 A I want to say it was a mixture of both. There were
 13 some dry portions to it but there were still some wet areas as
 14 well.
 15 Q Okay. Of these actual footprints?
 16 A Yes, ma'am.
 17 Q Okay, Now, there's a lot of markings around these
 18 footprints. Do you know what those are?
 19 A I now know swabs or collections were made from
 20 those, so they didn't appear to be blood to us. We didn't
 21 collect anything. It appeared to be residue from the trash
 22 bags or whatever had been carried out to the dumpster,
 23 Q Okay. So the only blood that was seen in this area
 24 were the footwear impressions themselves?

X-19

FORD - DIRECT

1 in this.
 2 A Right.
 3 Q Do you recall whether or not this area was still wet?
 4 A To be honest, no, ma'am, I don't.
 5 MS, DiGIACOMO: Court's indulgence.
 6 BY MS, DiGIACOMO:
 7 Q Now, you said that as you brought trash out you'd
 8 process it and some you kept and impounded, and others you
 9 didn't?
 10 A We would pull stuff out and look to see whether or
 11 not there was any blood on the items, blood on the bags or
 12 whatever, to see whether blood spatter had gone from the
 13 victim onto the other items that appeared -- most of the stuff
 14 that we brought out had been placed on top of the victim.
 15 There was no blood on the items. It was clean. To us, that
 16 had been removed from the dumpster and tossed on top of
 17 the victim, and there was no reason to take that for evidence,
 18 It was an agreement made and a decision made between the
 19 homicide detectives and the four of us crime scene analysts
 20 that were there on the scene that night. Other items that we
 21 weren't certain about were bagged and then taken back to the
 22 lab and processed for possible prints. If prints were located,
 23 they were impounded on that list. If not, they were -- their
 24 location was noted for later on. But if there were no prints on

X-21

FORD - DIRECT

1 it, it was discarded.

2 Q Okay. So you don't recall blood being on the trash
3 bags that were in the dumpster?

4 A Not in the dumpster itself, no, ma'am.

5 Q Okay., What about in the enclosed area, behind --
6 where the dumpster was?

7 A There may have been one bag that was up close to
8 a wall that appeared to have had some blood on it or
9 whatever. There was spatter on the wall near that, I think. It
10 was the west wall.

11 Q And I'm going to show you State's 153, Is that what
12 you're referring to?

13 A Yes, ma'am,

14 Q Okay, Can you see in that picture where the spatter
15 was that you're talking about?

16 A It's -- there's a small amount here on this wall, and
17 what appears to be blood residue or a blood transfer of type
18 on that bag,

19 Q Okay As if the bag had touched the wall?

20 A Touched the wall or someone had come in contact
21 with the bag, yes, ma'am.

22 Q Did you find any -- at all when processing this scene,
23 any fingerprints left in blood? Any hand prints left in blood?
24 Palm prints? Anything like that?

X-22

FORD DIRECT

1 A At the scene, yes, ma'am.

2 Q Okay, I'm going to show you what's been admitted
3 as State's Exhibit 252, Do you recognize this?

4 A Yes, ma'am, It's the enlargement of the enclosure
5 scene with numbers identifying items of evidence.

6 Q And the numbers that correspond -- on the
7 dumpster area you've drawn here, on 252, they correspond to
8 the legend that's a blowup here on -- in 253, correct?

9 A That's correct

10 Q All right. If you can just go through and point out --
11 like Item Number 1, what was that?

12 A Item Number 1 was the -- I think cut chain -- piece
13 of cut chain link that was there on the scene,

14 Q And Item Number 2?

15 A Again, cut chain link, Item Number 3 was a piece of
16 cut chain link. Number 4 was a cut padlock hasp, and Number
17 5 was a cut chain link,

18 Q Okay, And I'm going to show you State's Exhibit
19 246, Do you recognize that?

20 A Yes, ma'am. That's one of the cut chain pieces,

21 Q Okay, So this is what you're talking about when
22 you're talking about 1 through 5?

23 A 1, 2, 3 and 5.

24 Q Okay. Is this the cut -- I'm showing you State's

X-24

FORD - DIRECT

1 A No, ma'am, not at all.

2 Q Did you actually help process the scene there for
3 latents? Aside from the stuff taken back to the lab.

4 Q I don't remember if I did any processing. I'd have
5 to look at Louise's report. To tell you the truth, I —□

6 Q Would that refresh your recollection?

7 A Yes, ma'am, it would, I have a copy if you don't,

8 Q Oh, you do?

9 A Yes, ma'am,

10 Q Is that the report that's dated July 8, 2001? It's a
11 three-page document,

12 A Yes, ma'am.

13 Q Does that -- go ahead and read it. Let me know
14 when you're done.

15 A In her report she states latent print processing was
16 conducted by CSAs Ford and Renhard at the scene, with a
17 latent print recovered from the north door of the enclosure.
18 Latent print processing was conducted by CSA Ford at the
19 LVMPD Crime Lab on trash covering the body and evidence
20 with positive results on a box from the trash at the victim's
21 feet, a surge suppressor box from the trash on the victim and
22 the beer can on the sign at the north end of the enclosure,

23 Q Okay. So you did help process the scene but
24 weren't able to lift any latents at the actual scene?

X-23

FORD - DIRECT

Exhibit 243, Is that the cut padlock?

2 A Yes, ma'am, it is.

3 Q Okay. And that's referring to Number 4?

4 A Number 4, yes, ma'am.

5 Q All right, So what would Number 6 be?

6 A Number 6 was one pair of brown sandals with
7 apparent blood.

8 And do you recall how these were found at the
9 scene?

10 A I don't remember if we removed trash and found
11 them. I don't think they were in plain view at the time. They
12 could have been. I just don't remember,

13 Q Do you recall if they were sitting side by side?

14 A That, I don't remember either, ma'am,

15 Q Okay. I'm going to show you State's Exhibit 49. Are
16 these the sandals that were found at the scene?

17 A Yes, ma'am, they are.

18 Q That's what you're referencing in 6?

19 A Yes, ma'am, that's correct,

20 Q What was 7?

21 A 7 was an apparent blood sample and control taken
22 from below the right sandal, 8 and 9 are also blood samples
23 and control taken from the left sandal,

24 Q And when you say blood sample and control, what

X-25

FORD - DIRECT

1 does that mean?
 2 A At the time, we were taking a swab of apparent
 3 blood from the scene, and then you had to take a second swab
 4 with just distilled water on it, that you swabbed an area
 5 surrounding -- close to proximity of that item but did not
 6 contain any blood, so that the chemist would be able to
 7 analyze whether it was on a cement floor, a linoleum floor, a
 8 piece of carpet, a painted wall, a piece of glass, so that they
 9 would have some markers in the examination to see what was
 10 there besides the blood.
 11 Q Okay, And where is 7, 8 and 9 located on your
 12 diagram? If you can circle -- it's kind of small.
 13 A Right in there.
 14 Q All right. So right -- right from where the sandals
 15 were?
 16 A Yes, ma'am,
 17 Q Now, what about Number 10?
 18 A Number 10 was a torn condom pack with Kleenex.
 19 Q And that was found where?
 20 A It was found outside the enclosure. To the south of
 21 the enclosure.
 22 Showing you State's Exhibit 235, What's depicted
 23 there?
 24 A The torn condom pack and Kleenex, back over here

X-26

FORD - DIRECT

1 wrapper?
 2 A 13 was another gum wrapper that was with Number
 3 12.
 4 Q So both taken in this area?
 5 A Yes, ma'am.
 6 Q Okay. Number 14?
 7 A Number 14 was an ATM receipt dated 07-06-01,
 8 22:59 hours. Just before 11:00 o'clock,
 9 Q Okay, And you actually impounded that, right?
 0 A Yes, ma'am,
 1 Q Okay, Now, Number 15 --
 12 MS. DIGIACOMO: May I approach the Clerk, Your
 13 Honor?
 14 THE COURT: You may.
 15 MS. DiGIACOMO: May I approach, Your Honor?
 16 THE COURT: You may.
 17 BY MS. DiGIACOMO:
 18 Q What was -- before I approach actually, what was
 19 Number 15?
 20 A 15 was an empty Milwaukee's Best beer can,
 21 Q And do you recall where that was found?
 22 A Yes, ma'am, Approximately 6' 7" east of the west
 23 wall, and adjacent to the north wall on the leg of a sign that
 24 was there in the enclosure.

X-28

FORD - DIRECT

1 against the curb,
 2 Q Okay, So this wasn't found within the trash?
 3 A No, ma'am.
 4 Q Inside the enclosure. Okay, And now what was
 5 Number 11?
 6 A 11 was an empty pack of Wrigley's Extra chewing
 7 gum_
 8 There was a photograph of that taken as well,
 9 correct?
 10 A Yes, ma'am, Should have been.
 11 I'll move on since I can't find it. Number 12, what
 12 was that?
 13 A 12 was two foil gum wrappers.
 14 A And where was that found?
 15 A That was, again, outside of the enclosure. Twenty-
 16 four feet -- approximately 24' 9" north of the north exterior
 17 wall and 9" west of the west wall of the parking area,
 18 Q Okay, And is it by kind of like a storm drain gate?
 19 A Yes, ma'am,
 20 Q Okay, And I'm going to show you State's Exhibit
 21 241 Do you recognize this?
 22 A That's pictures of that area with the wrappers. Up in
 23 the storm area,
 24 Q Okay. Now, Number 13, is that another gum

X-27

FORD - DIRECT

1 Q So it was found within the enclosure?
 2 A Yes, ma'am.
 3 Q Okay. And I'm going to go back -- since I actually
 4 found the photograph -- Number 11, the chewing gum pack.
 5 I'm going to show you State's Exhibit 232, Do you recognize
 6 that?
 7 A Yes, ma'am,
 8 Is that the chewing gum pack you found out in a
 9 parking area outside the enclosure?
 10 A Yes, ma'am, it is.
 11 Q Okay.
 12 MS. DiGIACOMO: May I approach, Your Honor?
 13 THE COURT: Yes.
 14 BY MS. DiGIACOMO:
 15 Q I'm going to show you what's been marked as
 16 State's Proposed Exhibit 254 which I'm currently showing to
 17 defense counsel. Do you recognize this?
 18 A That's the Milwaukee's Best beer can that was there
 19 in the enclosure.
 20 MS. DIGIACOMO: Your Honor, at this time I'd move
 21 for admission of State's Proposed Exhibit 254,
 22 MR. SCHIECK: No objection, Your Honor.
 23 THE COURT: Granted.
 24 (State's Exhibit 254, admitted)

X-29

FORD - DIRECT

1 BY MS, DIGIACOMO:

2 Q This is after -- this photograph was taken after you'd
3 taken it back from the crime scene?

4 A Yes, ma'am. It would have been taken at the lab,

5 Q Okay. And this is one of the items you stated you
6 had gotten a fingerprint off of earlier? A latent?

7 A Yes, ma'am. There were positive results with Item
8 Number 15.

9 Q Now, what's Number 16?

10 A 16 was a wad of chewing gum on a cardboard piece
11 with apparent blood

12 Q Was that the cardboard that we see in 231? Is that
13 the cardboard it was from? If you recall.

14 A Possibly.

15 Q Number 16 on the diagram is towards the west wall
16 in the back?

17 A Yes, ma'am, and more towards the center of the
18 enclosure.

19 Q Okay. Do you recall if there was another piece of
20 cardboard other than the one that was in the southwest corner
21 shown in 231?

22 A No, ma'am, I don't remember,

23 Q Did you impound the chewing board and the piece
24 of cardboard?

X-30

FORD - DIRECT

1 colored metal link chain. Those were removed at the lab and
2 placed into evidence.

3 Q Okay. And now what is 23?

4 A It was one pair of grey socks with maroon and red
5 stripes.

6 Q And that was found in the back southwest corner?

7 A Yes, ma'am, that's correct.

8 Q What about Number 24?

9 A 24 was an August 2000 issue of Gallery Magazine.

10 Q I'm going to show you State's Exhibit 237, Do you
11 recognize that?

12 A Yes, ma'am, That -- I believe that was the Gallery
13 Magazine, yes, ma'am.

14 And then 25, what was that?

15 Triple X Adult Entertainment Magazine with apparent
16 blood.

17 Q Where was that found?

18 A Approximately 7" east of the west wall and 3'11"
19 south of the north wall of the enclosure.

20 Q So it was found more towards the back west wall?

21 A Yes, ma'am.

22 Q And 26, what was that?

23 A An empty flip-top box of Marlboro Light cigarettes,

24 Q Where was that found?

X-32

FORD - DIRECT

1 A Yes, ma'am, I did,

2 Q Okay. And now, what was Number 17?

3 A 17 was a small rock with apparent blood that was
4 stuck to the victim's left buttocks when we rolled him over,

5 Q What about Number 18?

6 A 18 were two black buttons with torn thread and
7 apparent blood.

8 Q Okay, And what about Number 19?

9 A 19 was a pink hair pick with apparent blood,

10 Q Those are all found inside the dumpster area?

11 A Yes, ma'am, that's correct.

12 Q Was that in the trash itself around the victim?

13 A Around the victim, yes, ma'am.

14 Q Okay, What was 20?

15 A 20 was a gold-colored metal link chain
16 approximately 17 1/2" long and 3/4" wide with apparent blood,

17 Q And that's the one that's found close to the victim's
18 left foot?

19 A Yes, ma'am, that's correct.

20 Q And what about -- 21 and 22 are not on your
21 legend. What were they?

22 A They were flake blood that I took off from Item
23 Number 19. 21 was removed from Number 19, the pink hair
24 pick. And 22 is flake blood that was removed from the gold-

X-31

FORD - DIRECT

1 A Approximately 9'7" east of the west wall and
2 adjacent to the south wall of the enclosure,

3 Q So it was on the side where the dumpster had been
4 removed from?

5 A Yes, ma'am,

6 Q I'm showing you State's Exhibit 238. Is that that
7 same one or is this a different one?

8 A No, ma'am, the -- it was a different one. This pallet
9 was on the north wall of the enclosure.

10 Q Okay. Did you impound this cigarette pack that
11 we're looking at there?

12 A I don't believe so,, It was probably taken back to the
13 lab for processing. It didn't have any prints on it and had no --
14 determined to have no evidentiary value so we tossed it.

15 Q Okay,, And then Number 27, what is that?

16 A A piece of cardboard with bloody footwear.

17 Q And where was that located?

18 A It was -- there was a piece of cardboard covering
19 the victim and this -- Item 27 was cut from that larger piece of
20 cardboard,

21 Q Now I'm showing you State's Exhibit 6. Do you see
22 the cardboard where you cut the footwear from?

23 A We have blood on the -- this corner, but I believe
24 the footwear was on the -- happened to be on the other side

X-33

FORD - DIRECT

1 of the -- when we turned the cardboard over.
 2 Q Okay, So it wasn't what we can see in State's
 3 Exhibit Number 6, It would have been on the other side
 4 touching the victim's body?
 5 A Yes, ma'am.
 6 Okay. But this is the cardboard you cut it from?
 7 A Yes, ma'am, it is.
 8 And then you stated — Number 29 — you stated that
 9 you had found fingerprints on a surge suppressor box?
 10 A Yes, ma'am, It was one of the items that was on
 11 top -- it was in the trash pile on top of the victim,
 12 Q And that's Number 29?
 13 A Yes, ma'am,
 14 Q Okay, And what was 30?
 15 A 30 was a box bottom for 8 1/2 by 11 paper that was
 16 again in the trash pile, at the victim's feet. Produced
 17 fingerprints.
 18 Q What about Item 31?
 19 A 31 was 6 folded cardboard box with apparent blood,
 20 at the upper torso of the victim,
 21 Q Okay. The beer can where you found the -- the
 22 fingerprint, was that impounded as well?
 23 A Yes, ma'am, it was,
 24 Q Did it have any liquid in it when you found it at the

X-34

FORD - DIRECT

1 processed those for fingerprints. They had a shiny surface to
 2 them that should have given us latent fingerprints, and didn't,
 3 and those were tossed,
 4 Q What about the torn condom pack which was
 5 Number 10 on your diagram? Did you process that? And if
 6 you need to refresh your recollection with your report —
 7 A Yes, ma'am, it was.
 8 Q Okay. Negative results?
 9 A And it was negative results, yes, ma'am.
 10 Q What about the empty pack of Wrigley's Extra
 11 chewing gum, Item Number 11, that was found outside in the
 12 parking lot?
 13 A Number 11 wasn't, Item Number 13 was, which
 14 was a paper wrap -- or 10 through 13, I'm sorry. The empty
 15 chewing gum pack, the three gum wrappers were processed.
 16 Q All negative results?
 17 A Yes, ma'am,
 18 Q What about the two magazines, the Gallery
 19 Magazine and the Triple X Adult Magazine, which are items 24
 20 and 25?
 21 A 24, 25 and 26 were processed with negative results,
 22 29, the surge suppressor, and Item 32 was the U.S. Airways
 23 boarding pass bearing the name Cullum [phonetic], Robert,
 24 that was processed. And the only items that produced latents

X-36

FORD - DIRECT

scene?
 2 A I don't -- I think it did, I just don't remember how
 3 much.
 4 Q Was that discarded?
 5 A The liquid, yes, ma'am, was poured out.
 6 Q Okay. Why was that done?
 7 A If we'd have impounded the can with the — in a □
 8 paper bag, it would have destroyed the bag and destroyed any □
 9 possibility of getting latent fingerprints off the side of that can,
 10 Q And do you recall whether or not there were
 11 cockroaches in it?
 12 A I believe so, yes, ma'am.
 13 Q So the only two items when you went back to the
 14 lab that you actually found prints on, were the surge
 15 suppressor box, the beer can, and then -- did you also find it
 16 on the cardboard box or is that —
 17 A No, ma'am, Item 30, I did not Just the — the beer
 18 can and the surge suppressor box,
 19 Q Okay. What other items did you actually process for
 20 latent prints?
 21 A There was papers that we picked up, items that had
 22 been tossed over — one of the pictures had some pictures of
 23 green palm trees, or whatever, that had been pulled from --
 24 we assume from the trash bin and tossed on the victim, We

X-35

FORD - DIRECT

1 was the beer can and the surge suppressor box,
 2 Q All right, So the items that you processed you did
 3 impound. However, the rest of the trash you discarded, as
 4 you said earlier?
 5 A Yes -- that we -- now, some of these items that
 6 were processed for latent prints didn't have latents but still
 7 were kept, that we felt were pertinent to the scene. Items
 8 that we thought were just trash we tossed, yes, ma'am,
 9 Q Now, when you were at the scene — when you first
 10 got there, did you even know how this person had died? This
 11 -- this body?
 12 A No, ma'am,
 13 Q Okay, Were there any indications of what had
 14 happened whatsoever?
 15 A Not until we got to the body itself.
 16 Q Okay. And that's when you discovered what?
 17 A Numerous stab wounds, the penis had been
 18 removed. There was a stab wound in the lower groin area
 19 And then once the coroner investigator got there, we
 20 examined the body, did a cursory examination at the scene.
 21 We noticed an additional stab wound to the rectum area,
 22 Q All right. And so, now, based upon what you have
 23 at this point, when you've uncovered the body, you're — you
 24 believe it's some sort of stab wound, and the penis is missing,

X-37

FORD - DIRECT

1 what do you do?

2 A We wanted to try and find -- see whether or not the
3 weapon was still around The knife was still there. And we
4 wanted to see if we could find the penis.

5 Q Okay. And what did you do to try and do that?

6 A Put on a white bunny suit and went inside the
7 dumpster,

8 Q Okay- Did you locate anything of evidentiary value
9 inside the dumpster itself?

10 A No, ma'am, we did not.

11 Q Okay, And eventually was the penis found?

12 A Yes, ma'am, It was in the -- beyond where the
13 victim was located, underneath some additional trash, and it
14 was transported to the coroner's office.

15 Q Did you ever find any sort of sharp weapon at the
16 crime scene?

17 A No, ma'am, not at air

18 Q All right, Do you recall approximately how long it
19 take [sic] to take the layers of trash off the victim to get down
20 to the body?

21 A No, ma'am, I don't. I don't know if Louise put in her
22 report what time the coroner arrived, If I could look at that to
23 see?

24 Q That's fine

X-38

FORD - DIRECT

1 identified as being from the body?

2 A No, ma'am.

3 Q Okay. You don't recall any teeth being found?

4 A No, ma'am.

5 Q Okay, Now, the items that you took back to the lab
6 and processed for fingerprints, did you do anything else with
7 them? Did you process them to see if there was any blood?

8 A If there was -- if it appeared to be -- what appeared
9 to be blood on the item, such as the sandals, they were tested
10 for the presence of blood using phenolphthalein, and then
11 items were collected from those. The bracelet, the hair pick,
12 those were all tested first before the blood -- the flake blood
13 was removed.

14 Q Okay. So do you recall which items tested positive
15 with the --

16 THE COURT: I'm going to ask for a clarification.

17 MS. DiGIACOMO: Okay.

18 THE COURT: Did you say a bracelet?

19 THE WITNESS: It was a gold metal link chain.
20 may have said bracelet. I meant the chain that -- 17 --
21 approximately 17 1/2" long,

22 THE COURT: Thank you_

23 BY MS. DiGIACOMO:

24 Q Now, do you recall what items tested positive that

X-40

FORD - DIRECT

1 A She wrote that the coroner's investigator arrived at
2 3:50 to take custody of the body. So that would have been
3 roughly about three and a half hours of going through the
4 trash pile before we -- we got to the body itself For --

5 Q Okay_

6 A For her to be -- for the investigator to be there, for
7 the body,

8 Q Was the body removed before you continued to go
9 through the rest of the trash in the southwest area of the
10 dumpster?

11 A Photographs were done -- 4x5 photographs -- black
12 and white photographs were done by Teresa Main, of the
13 bloody footwear, in the enclosure, and then I think we
14 removed the body after that.

15 Q All right. And then did you continue with the rest of
16 the trash in the southwest corner?

17 A Yes, ma'am,

18 Q How long did it take to find the penis, after the body
19 was removed? If you recall.

20 A We were at the scene till about 6:30 that morning,
21 and I will say it was somewhere around 6:00 o'clock in the
22 morning or so. Between 5:30 and 6:00 before we located the
23 penis in the trash.

24 Q And did you also notice anything else that was

X-39

FORD - DIRECT

1 had the -- what you believed to be apparent blood?

2 A The brown sandals. The wad of chewing gum that
3 was on the cardboard piece with apparent blood. The small
4 rock. The two black buttons. The pink hair pick. metal
5 link chain. The piece of cardboard with the bloody footwear,

6 Q What about the Triple X Magazine?

7 A The Triple X Magazine had apparent blood. If the
8 impound stated "apparent blood" in the description, then it
9 had tested positive,

10 Q All right. And what about the three samples that
11 you took, 7, 8 and 9, from where the sandals were located,
12 that you believe were apparent blood? Did those test positive
13 as well?

14 A Yes, ma'am, they did,

15 MS, DiGIACOMO: Your Honor, may I approach the
16 Clerk?

17 THE COURT: Yes.

18 MS. DiGIACOMO: May I approach the witness?

19 THE COURT: Yes

20 BY MS_ DIGIACOMO:

21 Q I'm going to show you what's been marked as
22 State's Proposed Exhibit 156. Would you look at that? Let me
23 know if you recognize it.

24 A The package containing a box bottom for 8 1/2 x 11

X-41

FORD - DIRECT

1 copy paper. It contains the event number 010708-2410. Has
 2 my initials and P number and signature on it,
 3 Q Okay. Did you impound whatever's in this package
 4 in evidence?
 5 A Yes, ma'am, I did.
 6 Q And what date would you have done that?
 7 A The 9th of July, 2001.
 8 Q Do you know what's in -- located in this bag?
 9 A A box bottom for ^{8 1/2} X 11 copy paper.
 Q Okay And this was the one that's found where?
 11 A Item Number 30 was found near the victim's feet,
 12 Q Okay.
 13 MS, DiGIACOMO: Your Honor, at this time the State
 14 would move for admission of State's Proposed Exhibit 156 and
 15 its contents,
 16 MR. SCHIECK: No objection, Your Honor,
 17 THE COURT: Granted.
 18 (State's Exhibit 156, admitted)
 19 BY MS, DiGIACOMO:
 20 Q Now I'm going to show you what's been marked as
 21 State's Proposed Exhibit 155. Do you recognize this?
 22 THE COURT: 155?
 23 MS. DiGIACOMO: Yes, Your Honor.
 THE WITNESS: It's a folded cardboard box with

X-42

FORD - DIRECT

1 recognize that?
 2 A It's Item 23, One pair of gray socks with maroon
 3 and red stripes.
 Q Where were those located at the scene?
 5 A Near the southwest corner of the enclosure,
 6 Q Okay, And when you mark on here -- on your piece
 7 of paper the item number, does that correspond with your
 diagram that you did?
 9 A Yes, ma'am, it does,
 10 Q Okay, So Item 23 on State's Proposed 160
 11 correlates to the 23 on your diagram?
 12 A Yes, ma'am, it does.
 13 Q Okay, Did you impound this also on July 9, 2001?
 14 A Yes, ma'am, I did.
 15 MS, DiGIACOMO: Your Honor, at this time the State
 16 would move for admission of State's Proposed Exhibit 160.
 17 MR, SCHIECK: No objection, Your Honor,
 18 THE COURT: Granted.
 19 MS. DiGIACOMO: Thank you,
 20 (State's Exhibit 160, admitted)
 21 BY MS. DiGIACOMO:
 22 Q Showing you what's been marked for identification
 23 as State's —
 24 MS. DiGIACOMO: And, Your Honor, I'm sorry, to

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FORD - DIRECT

1 apparent blood, Item 31, that was from the trash pile at the
 2 upper torso of the victim.
 3 BY MS, DiGIACOMO:
 Q Okay, Is this what you — you stated that you had
 5 cut a piece out that had a bloody footwear impression on it.
 6 A Yes, ma'am, that's correct.
 7 Q Okay, And there's actually biohazard stickers on
 8 this, correct?
 9 A That's correct,
 10 Q What date did you impound this in evidence?
 11 A Again, the 9th of July, 2001.
 12 MS. DiGIACOMO: Your Honor, at this time the State
 13 would move for admission of State's Proposed Exhibit 155 as
 14 the bag and its contents,
 15 MR. SCHIECK: No objection, Your Honor.
 16 THE COURT: Granted.
 17 (State's Exhibit 155, admitted)
 18 MS, DiGIACOMO: May I approach the Clerk again?
 19 THE COURT: Yes.
 20 MS. DiGIACOMO: May I approach, Your Honor?
 21 THE COURT: Yes,
 22 BY MS. DiGIACOMO:
 23 Q I'm going to show you what's been marked for
 24 identification as State's Proposed Exhibit 160, Do you

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FORD - DIRECT

1 clarify, 160 is the bag and its contents.
 2 THE COURT: Still no opposition?
 3 MR. SCHIECK: No objection.
 4 THE COURT: Still admitted.
 5 MS. DIGIACOMO: Thank you,
 6 BY MS, DiGIACOMO:
 7 Q And now I'm showing you State's Proposed Exhibit
 8 174, Do you recognize that?
 9 A Yes, ma'am. It's Item 26, the empty flip-top box of
 10 Marlboro Light cigarettes,
 11 Q Okay, And also impounded on July 9th, 2001?
 12 A Yes, ma'am,
 13 MS, DiGIACOMO: Your Honor, at this time the State
 14 would move for admission of State's Proposed Exhibit 174, the
 15 bag and its contents,
 16 MR, SCHIECK: No objection, Your Honor.
 17 THE COURT: Granted,
 18 (State's Exhibit 174, admitted)
 19 BY MS. DiGIACOMO:
 20 Q Showing you State's Proposed Exhibit 173, Do you
 21 recognize that?
 22 A Yes, ma'am. It's Item 32 which was a U.S. Airways
 23 boarding pass bearing the name Cullum, Robert, dated 12
 24 June, and it was impounded on July 9th, 2001,

X-45

FORD - DIRECT

1 MS, DiGIACOMO: Your Honor, at this time the State
2 would move for admission of State's Proposed Exhibit 173, the
3 bag and its contents,

MR, SCHIECK: No objection, Your Honor,
THE COURT: Granted.

MS. DiGIACOMO: Thank you,
(State's Exhibit 173, admitted)

BY MS, DiGIACOMO:

Q Showing you what's been marked for identification
as State's Proposed Exhibit 172, Do you recognize that as
well?

A Yes, ma'am. It's Item 10, the torn condom pack
with Kleenex, impounded on the 9th of July,,

Q And this also has a biohazard sticker on it

A That's correct,

Q Okay. Was there any apparent blood or anything
found on the torn condom pack?

A Not that I remember. It would have been annotated
on the item. But because of what it was we identified it as a -
- and with the Kleenex with it, we identified it as a biohazard
possibility.

Q Okay,

MS, DiGIACOMO: Your Honor, at this time the State
would move for admission of State's Proposed Exhibit 172, the

X-46

FORD - DIRECT

1 were impounded by yourself?

2 A Yes, ma'am, and they were all impounded on July
3 9th

4 Q And the biohazard sticker on this, is that because of
5 the notation that there was apparent blood?

6 A Yes, ma'am,

7 MS. DiGIACOMO: Your Honor, at this time the State
8 would move for admission of State's Proposed Exhibit 171 as
9 the bag and its contents.

MR. SCHIECK: No objection, Your Honor,
THE COURT: Granted,

(State's Exhibit 171, admitted)

BY MS. DiGIACOMO:

Q Showing you what's been marked for identification
as State's Proposed Exhibit 170. Do you recognize that?

A Yes, ma'am, It's Number 17, the small rock with
apparent blood, impounded on the 9th of July.

Q And it's also got the biohazard sticker?

A Yes, ma'am,,

MS, DIGIACOMO: Your Honor, at this time the State
would move for admission of State's Proposed Exhibit 170 as
the bag and its contents.

MR, SCHIECK: No objection, Your Honor,
THE COURT: Granted,

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FORD - DIRECT

bag and its contents,

MR, SCHIECK: No objection, Your Honor,
THE COURT: Granted,

(State's Exhibit 172, admitted)

BY MS, DiGIAC:OMO:

Q Showing you what's been marked for identification
as State's Proposed Exhibit 169, Do you recognize that?

A Yes, ma'am, It's Number 14, the ATM receipt dated
07-06-01, 22:59 hours, and impounded on the 9th of July,

MS. DiGIACOMO: Your Honor, at this time the State
would move for admission of State's Proposed Exhibit 169, as
the bag and its contents,

MR. SCHIECK: No objection, Your Honor.

THE COURT: Granted,

(State's Exhibit 169, admitted)

BY MS. DiGIACOMO:

Q Showing you State's Proposed Exhibit 171, Do you
recognize that?

A It's Item 18, two black buttons with torn thread and
apparent blood

Q And was that also impounded on July 9, 2001, by
yourself?

A Yes, ma'am, it was

Q Okay, In fact, all the items we're going through

X-47

FORD - DIRECT

MS. DiGIACOMO: Thank you,
(State's Exhibit 170, admitted)

BY MS. DiGIACOMO:

Q Showing you what's been marked for identification
as State's Proposed Exhibit 168. Do you recognize that?

A Yes, ma'am. It's Item 16, the wad of chewing gum
on the cardboard piece with apparent blood, impounded on
the 9th of July, 2001.

Q Okay. And this was impounded by you?

A Yes, ma'am, it was

Q And whenever there's a red evidence sticker, that is
from somebody in Metro, such as yourself, that seals it?

A Yes, ma'am, that's correct.

Q Okay. And whoever else opens this after you, signs
a chain of custody at the bottom?

A That's correct.

Q Okay, This also has a biohazard sticker as well,

A Yes, ma'am. Correct

Q And It's got a blue evidence sticker,

A That's correct.

Q Which is indicative of somebody from the lab
opening it?

A Yes, ma'am,

Q Okay,

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FORD - DIRECT

1 MS. DiGIACOMO: Your Honor, at this time the State
2 would move for admission of State's Proposed Exhibit 168, as
3 the bag and its contents.

4 MR. SCHIECK: Can I ask just a couple questions,
5 Your Honor, on voir --

6 THE COURT: You wish to take the witness on voir
7 dire'?

8 MR. SCHIECK: Yes, Your Honor.

9 THE COURT: You may.

10 **VOIR-DIRE EXAMINATION**

11 BY MR. SCHIECK:

12 Q Who opened the bag?

13 A Thomas A. Wahl, P number 5019, on August 3,
14 2001,

15 Q And he's a DNA analyst?

16 A He -- yes, sir, he was,

17 Q Okay. Thank you.

18 MR. SCHIECK: No objection, Your Honor

19 THE COURT: Granted. 168 and its contents are
20 admitted.

21 MS, DIGIACOMO: Thank you, Your Honor.

22 (State's Exhibit 168, admitted)

23 ///

24 ///

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FORD - DIRECT

1 would move for admission of State's Proposed Exhibit 175 as
2 the bag and its contents.

3 MR. SCHIECK: No objection, Your Honor.

4 THE COURT: Granted.

5 MS. DiGIACOMO: Thank you.

6 (State's Exhibit 175, admitted)

7 BY MS. DIGIACOMO:

8 Q Showing you what's been marked for identification -
9 as State's Proposed Exhibit 177. Do you recognize that?

10 A Yes, ma'am. It's items 11, 12 and 13, 11 being the
11 empty pack of Wrigleys Extra chewing gum. Item 12 are two
12 foil gum wrappers. Item 13, one paper gum wrapper.
13 Impounded on July 9", 2001.

14 Q Thank you,

15 MS. DiGIACOMO: Your Honor, at this time the State
16 would move for admission of State's Proposed Exhibit 177 as
17 the bag and its contents.

18 MR. SCHIECK: No objection, Your Honor.

19 THE COURT: Granted.

20 (State's Exhibit 177, admitted)

21 BY MS. DIGIACOMO:

22 Q Now, this one -- State's -- State 177, it says on it
23 "chemically processed fingerprint process." They're stamps,
24 What does that mean?

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FORD - DIRECT

1 **DIRECT EXAMINATION (Continued)**

2 BY MS, DiGIACOMO:

3 Q Now I'm showing you what's been marked for
4 identification as State's Proposed Exhibit 164, Do you
5 recognize that?

6 A Yes, ma'am, It's Item 20, gold-colored metal link
7 chain, approximately 17 1/2" long and 3/4" wide with apparent
8 blood I has a biohazard sticker, and was impounded on July
9 9', 2001

10 Q By yourself?

11 A Yes, ma'am,

12 MS. DiGIACOMO: Your Honor, at this time the State
13 would move for admission of State's Proposed Exhibit 164 as
14 the bag and its contents,

15 MR. SCHIECK: No objection, Your Honor.

16 THE COURT: Granted.

17 (State's Exhibit 164, admitted)

18 BY MS, DiGIACOMO:

19 Q Showing you what's been marked as State's
20 Proposed Exhibit 175, what's -- do you recognize this?

21 A Yes, ma'am, I do. It's a package containing Items 1
22 through 5, the four cut chain links and the cut padlock hasp,
23 impounded on July 9th, 2001.

24 MS. DiGIACOMO: Your Honor, at this time the State

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FORD - DIRECT

1 A It means that the items inside were processed for
2 latent fingerprints either with powder or with some chemical
3 means.

4 Q Okay, Showing you what's been marked for
5 identification as State's Proposed Exhibit 157. Do you
6 recognize that?

7 A Yes, ma'am. It's Number 15, the empty Milwaukee's
8 Best beer can that was impounded on July 9, 2001, Again,
9 was chemically and fingerprint processed.

10 Q Okay,

11 MS. DiGIACOMO: Your Honor, at this time the State
12 would move for admission of State's Proposed Exhibit 157. It's
13 the bag and its contents,

14 MR. SCHIECK: No objection, Your Honor,

15 THE COURT: Granted_

16 MS. DiGIACOMO: Thank you.

17 (State's Exhibit 157, admitted)

18 BY MS. DIGIACOMO:

19 Q Showing you State's Proposed Exhibit 158. Do you
20 recognize that?

21 A Yes, ma'am. It's Items 24 and 25, 24 being the
22 August 2000 issue of Gallery Magazine. Item 25, the Triple X
23 Adult Entertainment Magazine, with apparent blood, the
24 biohazard sticker, and, again, fingerprint and chemical

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FORD - DIRECT

1 processing, and impounded on July 9th, 2001,
2 MS, DiGIACOMO: Your Honor, at this time the State
3 would move for admission of State's Proposed Exhibit 158 as
4 the bag and its contents,

MR. SCHIECK: No objection, Your Honor.

THE COURT: Granted.

(State's Exhibit 158, admitted)

BY MS. DiGIACOMO:

Q Showing you what's been marked for identification
as State's Proposed Exhibit 159. Do you recognize those?

A Yes, ma'am It's Number 6, one pair of brown
sandals with apparent blood, size 10, impounded on July 9th,
2001.

Q And this also has the blue laboratory seal?

A Yes, ma'am, that's correct.

Q And a biohazard sticker?

A And a biohazard sticker, that's correct,,

Q And the pgrson at the lab who opened it up? Can
you tell from the chain of custody?

A Is Joel Geller, P Number 5892, on September 28th,
2001,

MS. DIGIACOMO: Your Honor, at this time the State
would move for admission of State's Proposed Exhibit 159 as
the bag and its contents.

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1 with bloody footwear, impounded on July 9th. It has a
2 biohazard sticker and has been -- has two chains of custody.
3 Here, Joel Geller, 5892, on October 2nd, 2001, and Paula -- P
4 Number 5883 -- I can't read the last name -- on December
5 11th, 2001.

Q Thank you.

MS, DiGIACOMO: Your Honor, at this time the State
would move for admission of State's Proposed Exhibit 163 as -
the bag and its contents.

MR. SCHIECK: I'm sorry for this, Your Honor, but
what exhibit number or what impound number was that item?

THE WITNESS: Item Number 27, sir.

MR. SCHIECK: Thank you. I have no objection,
Your Honor,

THE COURT: Granted.

(State's Exhibit 163, admitted)

BY MS, DiGIACOMO:

Q Just going back to State's Exhibit 163, the fact that
you said Paula -- and you can't read the name. The additional
red seal, does that indicate it was somebody at Metro and not
the lab, that opened it?

A That's what it appears, yes, ma'am.

Q Possibly someone at the vault?

A Right.

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MR, SCHIECK: No objection,

THE COURT: Granted.

MS. DiGIACOMO: Thank you.

(State's Exhibit 159, admitted)

BY MS. DiGIACOMO:

Q Showing you what's been marked for identification
as State's Proposed Exhibit 162. Do you recognize that?

A It's Item 19, It's a pink hair pick with apparent
blood, a biohazard sticker, impounded on July 9th, 2001, Has
been -- chain of custody signed by Joel Geller on September
28th, it appears, on 2001.

Q And there's the blue evidence seal that shows Mr.
Geller opened it?

A Yes, ma'am,

MS. DiGIACOMO: Your Honor, at this time the State
would move for admission of State's Proposed Exhibit 162, the
bag and its contents,,

MR. SCHIECK: No objection, Your Honor.

THE COURT: Granted.

(State's Exhibit 162, admitted)

BY MS. DiGIACOMO:

Q Showing you what's been marked for identification
as State's Proposed Exhibit 163. Do you recognize that?

A Yes, ma'am It's Number 27, a piece of cardboard

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Q Okay. Showing you what's been marked for
identification as State's Proposed Exhibit 161. Do you
recognize that?

A Yes, ma'am. It's Item 29, the surge suppressor box
that was impounded on July 9th, 2001, It has the fingerprint
processing and chemical processing stamps on it.

Q Okay.

MS, DiGIACOMO: Your Honor, at this time the State
would move for admission of State's Proposed Exhibit 161, the
bag and its contents.

MR. SCHIECK: No objection, Your Honor.

THE COURT: Granted.

(State's Exhibit 161, admitted)

BY MS, DiGIACOMO:

Q Now, when you were processing this scene, did you
ever find items that might have indicated that somebody was
possibly living in the back of the dumpster? Maybe a bag of
clothes, any other shoes, anything of that nature?

A No, ma'am, we didn't. If we had, those would have
been impounded as well.

MS. DiGIACOMO: Court's indulgence,

BY MS. DiGIACOMO:

Q The surge suppressor box that I believe we just
looked at, the last -- Exhibit 161, you indicated, before, that

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1 that was found actually on the body?
 2 A It was from the trash pile on top of the victim, yes,
 3 Q Okay,
 4 A Yes, ma'am.
 5 Q Okay, Let me see if I can find a photograph, □
 6 MS. DiGIACOMO: Court's indulgence?
 THE COURT: Yes.
 8 BY MS, DIGIACOMO:
 9 Q I'm going to show you State's Exhibit 7, Do you
 10 recognize what's depicted here?
 11 A Part of the trash pile that was slowly uncovered as
 12 we were going through and removing items there.
 13 Q Okay, Now, the -- and I'm going to show you —
 14 maybe this one helps too -- State's Exhibit Number 10. Do you
 15 see the surge suppressor box in any of these photos or was it
 16 underneath the cardboard that was across the top of the
 17 victim? Do you recall?
 18 A I don't repll. I don't see it in this photograph, no,
 19 ma'am,
 20 Q Okay But you do recall that it was on top of the
 21 body of the victim?
 22 A Yes, ma'am,
 23 Q Do you recall specifically what part of the victim?
 24 A Mid torso,

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1 Q Okay. Did you note on — when you impounded
 2 these items, whether those were men's size 10 or women's
 3 size 10?
 4 A No, sir, I did not, Just size 10,
 5 Q Do you know where that information came from? Is
 6 it on the --
 7 A I think it was on the bottom of the sandals, yes, sir. _
 8 Q So there's a 10 stamped on the bottom of those
 9 sandals?
 10 A Yes, sir.
 11 Q And State's Exhibit 161 -- so I don't have to walk up
 12 there -- is the surge suppressor box?
 13 A Yes, sir, that's correct.
 14 Q When you say "surge suppressor box," I'm not real
 15 certain what we're talking about.
 16 MR, SCHIECK: May I approach again, Your Honor?
 17 THE COURT: Yes.
 18 BY MR. SCHIECK:
 19 It feels kind of light to me. Would you agree with
 20 that?
 21 A Yes, sir. It's just the box that the surge suppressor
 22 came in. The multi-receptacle unit that you plug your
 23 computer and your printer and laptops and all into so that it,
 24 again, tries to protect it against electrical surge of power. It

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1 Q Mid torso. Okay.
 2 MS. DiGIACOMO: Your Honor, at this time pass
 3 the witness
 4 THE COURT: Mr, Schieck may cross.
 5 MR. SCHIECK: May I approach the Clerk briefly?
 6 THE COURT: Yes.
 7 MR, SCHIECK: For the record, I dropped something.
 8 THE COURT: Or something slid.
 9 MR SCHIECK: That would be Exhibit 159 which is
 10 the sandals. I don't believe it would have broken the sandals
 11 though,
 12 THE COURT: Thank you, Mr. Schieck,
 13 **CROSS-EXAMINATION**
 14 BY MR. SCHIECK:
 15 Q While we're talking about the sandals, you indicated
 16 that there was a size noted for the sandals?
 17 A Yes, sir.
 18 Q And this Is State's Proposed -- or State's Exhibit 159?
 19 MR, SCHIECK: If I may approach the witness, Your
 20 Honor?
 21 THE COURT: You may.
 22 BY MR. SCHIECK:
 23 Q And what size were the sandals?
 24 A Size 10.

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FORD - CROSS

1 was just the box, not the item itself,
 2 Q It's like a little plastic box or cardboard box?
 3 A Cardboard box, yes, sir,
 4 Q Okay, So it's not a weapon?
 5 A No, sir.
 6 Q And it's fairly light?
 7 A Yes, sir.
 8 Q It wouldn't leave much of an impression if it was
 9 resting on anything?
 10 A No, sir,
 11 Q You were asked whether or not there was any
 12 indication of someone living back in that dumpster area, a bag
 13 of clothes and things like that, correct?
 14 A That's correct.
 15 Q Do you have any knowledge of homeless people and
 16 their habits and their — where they keep their items at?
 17 A Normally it is in a washer. Not in a dumpster area.
 18 Especially with the amount of activity that was going on at
 19 Nevada State Bank at that time, with the banking procedures
 20 and also the hiring for the Palms Casino,
 21 Q So there was -- to your knowledge, at that time,
 22 during business hours, there would have been a lot of traffic in
 23 and out of that particular parking lot?
 24 A Yes, sir.

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FORD - CROSS

FORD CROSS

Q Probably not so much on Saturday or Sunday?

A Not during -- and not during the evening hours, no, sir

Q And would it be fair to say a homeless person isn't going to keep their belongings someplace that might get cleaned out and their belongings get thrown away?

A Exactly..

Q Such that if there was a security officer that worked at the Palms -- in that area, that he might clean out the dumpster area and throw away all the garbage that's back there?

A That's correct. Yes, sir,

Q So if the homeless person's not occupying the area, he might lose his belongings if he keeps it stored in an area where other people that have legitimate business there would have access to?

A Correct,

Q Okay. He very well -- or a person -- a homeless person very well could keep his belongings someplace that it's not going to be cleaned up and thrown away? Correct?

A And a little more hidden probably from the public eye as well.

Q However, at night, and when the bank is closed, it's more likely someone may use that location to sleep perhaps on

X-62

1 A Until I actually jumped in. And I took it off as soon as I could.

3 MR. SCHIECK: I need to get a chart from the back. May I go behind your Court Clerk, Your Honor?

5 THE COURT: Do you know the number?

6 MR. SCHIECK: Not off the top of my head. It's the aerial photograph,

7 MS. DiGIACOMO: 121.

9 MR, SCHIECK: Thank you very much, counsel.

10 BY MR, SCHIECK:

11 Q I'm going to set 121 up here just for a second. You indicated there was an apartment complex directly to the north of the scene, is that correct?

14 A That's correct, Yes, sir,

15 Q Would that be -- excuse me for pointing, but this — this area —

17 A That whole complex area, yes, sir,

18 Q Okay, That is an apartment complex area?

19 A Yes, sir.

20 Q Do you know the name of that apartment complex?

21 A No, sir, I don't.

22 Q Did you have any contact that morning before you left the scene, with an individual that lived in that apartment complex by the name of Diane Parker?

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FORD - CROSS

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1 the cardboard that's been laid out there?

2 A That's correct,

3 Q Are you familiar with whether or not there's an apartment complex directly to the north of that parking lot?

5 A Yes, sir. North of the compound was an apartment complex, I believe, and west of the complex was a dirt lot, until we get over to a Chevron station -- a gas station, I think.

7 Q How late did you stay at that scene on July 9th 2001?

9 A We left at approximately 6:30 -- 6:34 in the morning.

11 Sun was already up in July, then?

13 A Yes, sir.

14 Starting to get warm already?

15 A Yes, sir,

16 It was fairly warm that evening while you were working in the area? □

18 A Correct.

19 Q And you were working in a confined space with those three brick walls that were 6' or so tall, surrounding you?

21 A Yes, sir. And then add to the -- the bunny suit that I put on for the dumpster dive as well,

23 Q You didn't put that on until you actually jumped in the dumpster?

X-63

2 A I wouldn't have, no, sir. If someone had come up, we would have referred them to the detectives. Because unlike the TV show, we don't interview witnesses and we don't interview suspects.

5 Q Do you recall a person coming up to you and indicating something -- that she had some knowledge about the individual, and then you then contacting Detective Thowsen with that information?

9 A No, sir, I don't remember. It could have happened but I don't recall at this point.

11 Q If Detective Thowsen and -- is there also a Detective involved in this case, LaRochelle?

13 A Yes, sir.

14 Q If their reports indicated that you had contacted them about 6:00 a.m. that morning indicating that you'd been contacted by a Diane Parker, would that be accurate?

17 A Then it would be if it was in their report, yes, sir.

18 Q It's not that -- I mean, you've processed a lot of crime scenes since then_ Is that —

20 A Yes, sir.

21 Q Okay. It's hard to remember every detail that happens.

23 A Yes, sir, that's correct,

24 Q And you wouldn't have gathered any evidentiary

X-65

FORD - CROSS

1 information from Ms. Parker as opposed to just passing her on
2 to the investigating officers?

3 A No, sir. It's like the telephone game, she tells me
4 something and I tell the detectives something, by the time it
5 gets to -- from LaRoche to Thowsen, it's changed already,
6 and I didn't want to play that game.

7 Q So you put her in contact with --

8 A Yes, sir.

9 Q Normally you would have -- normal procedure is you
10 put her in contact with Thowsen?

11 A With the detectives right away,

12 Q Now, on — you indicated your Items Number 24 and
13 25 are two what we would probably refer to as adult type
14 magazines, is that correct?

15 A Yes, sir, that's correct.

16 Q One of them is a Gallery Magazine from the year
17 2000?

18 A Correct.....

19 Q That is an adult type magazine with photographs of
20 women in it, I —

21 A Yes, sir..

22 Q Okay. And you checked that for fingerprints?

23 A Yes, sir, it was.

24 Q Okay, And did you get any fingerprints off of the

X-66

FORD - CROSS

1 enclosure?

2 A Yes, sir, near the northwest corner,

3 Q Did you attempt to lift fingerprints off of the XXX
4 Magazine?

5 A Yes, sir, I did, and again with negative results.

6 Q And again, that's a type of surface that you would
7 expect fingerprints could be found on?

8 A Yes, sir.

9 Q Does that necessarily mean someone went along
10 and wiped all the fingerprints off of those two magazines?

11 A No, sir. It just means that at the time that the
12 person touched it, their hands could have been extremely dry..
13 They wouldn't have left fingerprints. We're led to believe that
14 every time we touch an object we leave fingerprints. It
15 depends on the amount of pressure that we use at the time,
16 how much oil or debris are on our hands when we touch an
17 object, whether or not our hands slide -- our fingers slide
18 across an object, whether they're stationary.

19 Q What about if we touch an item and we leave a
20 print, does that print stay there forever?

21 A No, sir, if you're in Las Vegas with the heat and all.
22 Latent fingerprints are made up of about 98 1/2 percent water,
23 1 1/2 percent oil. So the evaporation of latent fingerprints is
24 almost immediate in the heat here in the valley. The oils will

X-68

FORD - CROSS

1 magazine?

2 A No, sir, I did not

3 Q And that's I guess what you call a glossy type of
4 surface?

5 A Yes, sir, it is

6 Q Okay. Where fingerprints would be easily left if —

7 A Should be Yes, sir.

8 Q But you found no fingerprints there?

9 A **Non;**

10 And there was a second magazine which would be
11 your Exhibit —

12 A 25.

13 Q or your Impound Number 25, which you've got
14 marked as XXX Adult Entertainment Magazine. Is that the
15 same type of magazine as Gallery Magazine?

16 A A little more on the porn side, Yes, sir.

17 Q So a little bit more explicit type?

18 A Yes, sir,

19 Q And that was also found within the dumpster area?

20 A Yes, sir, that's correct.

21 Q 24 was the Gallery Magazine, and that was over next
22 to where the pallet was at, is that correct?

23 A Yes, sir, that's correct,

24 Q Okay And 25 was over toward the west wall of the

X-67

FORD - CROSS

1 stay, and it takes some chemical processing along with powder
2 processing to develop that,, And we weren't — didn't have any
3 luck in this procedure,

4 Q Okay. And so the fact that it's Las Vegas, in July, in
5 an enclosed area, could have caused fingerprints to dry up
6 very quickly?

7 A Yes, sir,

8 Q It doesn't necessarily mean someone went along
9 and wiped any fingerprints up, is that correct?

10 A No, sir.

11 Q Now, you did find a fingerprint on the beer can
12 though?

13 A Yes, sir, that's correct.

14 Q And you did that back at the lab?

15 A Correct.

16 Q Did you use just regular processing or did you have
17 to use the chemical processing?

18 A They would have been both the chemical and
19 powder processing procedures for that.

20 Q I'm a little confused and perhaps you can clear it up
21 for me. You said the beer can was found, according to your
22 report, on the north wall, on leg, L-E-G, of sign. Can you tell
23 me what that is? What sign there was in there on the inside?
24 I just haven't been able to see one,

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FORD - CROSS

1 A I -- I don't remember what the -- if I may refer to
2 Louise's report?

3 Q Sure Anything that would help you answer that
4 question for me.

5 A No, sir. In her report she identifies the beer can
6 partially filled with a cockroach-infested yellow brown liquid,
7 but she doesn't say what -- what it was on.

8 Q Okay. And I'm going to try here -- Exhibit 43, which
9 has been admitted -- and the tripod has been set up, I
10 assume, by Teresa Main to take photographs of that footprint,
11 correct?

12 A That's correct. Yes, sir,

13 Q If we look over in the right upper section of --
14 against the wall, is there something else besides the pallet that
15 is sitting there?

16 A It may have been just on the other side of the
17 pallet, beyond this edge of the pallet, back in here somewhere,
18 is where that sign may have been.

19 Q Okay. Is that white item that looks like it's leaning
20 against the wall -- was that a sign? Do you recall?

21 A It could be the -- that you see here. In that area.
22 Yes, sir.

23 Q Would that have been where the beer can perhaps
24 was located?

X-70

FORD - CROSS

1 the bloody footwear on it,

2 Q Okay, And would it be fair to say that there's more
3 than one impression there? They're sort of over the top of
4 each other?

5 A Yes, sir. Here it appears that -- you have an
6 impression here and then you have one that's partially over it,
7 there You have two impressions here. Two more down here
8 in this area. Something below the scale here.

9 Q And that's the piece of cardboard that you talked
10 about earlier that was over the top of the body; is that correct?

11 A Yes, sir, that's correct,

12 Q And those footprint impressions or -- were face
13 down toward the body, is that correct?

14 A Yes, sir. That's correct,

15 Q Okay. So they're not seen when we look at the
16 photographs taken of the body with the cardboard on it?

17 A No, sir, you can't see them until we turned it over.

18 Q Turned the cardboard over? When you turned the
19 cardboard over then you could see the footprints? Is that
20 correct?

21 A Yes, sir,

22 THE COURT: I'm sorry, Mr, Schieck, I missed the
23 number on that particular photo.

24 MR. SCHIECK: That's Defendant's E, Your Honor,

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FORD - CROSS

1 A Yes, sir.

2 Q Okay_ So that would have been sitting on the -- it
3 says the "leg" of the sign, And that's what really has me
4 confused is what a leg of a sign is,

5 A The support for the sign into the ground or -- is my
6 best recollection of that.

7 Q Would you like to see the photograph as opposed --
8 on the ELMO? Would that help at all?

9 A No, that's -- that's fine,

10 Q Okay, But it's in that area that that beer can, □
11 partially filled, was found and there was a fingerprint on it?

12 A Yes, sir. That's correct.

13 Q And you collected and preserved that fingerprint and
14 submitted it for further processing?

15 A Submitted it for -- to the latent print section for
16 examination later on, yes, sir,

17 MR. SCHIECK: Can I approach the Clerk again, Your
18 Honor?

19 THE COURT: Yes,

20 BY MR, SCHIECK:

21 Q I'm going to show you what's been marked and
22 admitted as Defendant's Exhibit E. Tell us if you recognize
23 what that is.

24 A It's the piece of cardboard that we cut out that had

X-71

FORD - CROSS

1 THE COURT: Thank you.

2 BY MR. SCHIECK:

3 Q And that would be -- correspond to Item Number 27
4 on your impound?

5 A Yes, sir, That's correct.

6 Q Which is shown on your chart, 27, showing --

7 A The upper chest area of where it was located on the
8 victim, yes, sir,

9 Q And the only items that you were able to lift latent
10 prints were from Items 15 and 29 which were in fact the beer
11 can and the surge suppressor box?

12 A That's correct,

13 No fingerprint at all were lifted from the other
14 items?

15 A No, sir.

16 Q Were there fingerprints there but they weren't of
17 sufficient quality that you could lift them and do a comparison
18 on them?

19 A No, sir. In a homicide, even if the prints that we lift
20 are of questionable value, I still submit them because an
21 examiner may be able to eliminate someone with those. There
22 was just nothing there,

23 Q You were asked a question about whether or not
24 there were any bloody fingerprints found, and your answer

X-73

FORD - CROSS

1 was, no, there were not any bloody fingerprints.

2 A Not that I recall, no, sir

3 Q A bloody fingerprint would be what we call a patent
4 fingerprint?

5 A Yes.

6 Q One that you can see without --

7 A Any development required, yes, sir.

8 Q There were none of those present?

9 A No, sir.

10 Q Did you at any point in time attempt to lift
11 fingerprints from any of the plastic items that were in the
12 area?

13 A We processed a lot of the -- the plastic bags and all,
14 there, at the scene and, again, nothing was developed and
15 nothing was kept because of that,

16 Q You processed all the plastic at the scene as
17 opposed to collecting it, transporting it to the lab and
18 attempting to test it at the lab?

19 A The bags that contained trash still in them, the --
20 one picture that was up earlier -- a photograph -- showed
21 some green palm trees or whatever -- those were all taken
22 back to the lab. Items like that, that were taken back and
23 processed at the lab -- begin with no prints, and those were
24 tossed back there

X-74

FORD - CROSS

1 autopsy.

2 Q When you say the plastic that was around the body,
3 can you describe what you mean by around the body?

4 A We saw some clear plastic that appeared to be
5 wrapped around the lower extremities -- the legs of the victim.
6 When we got the trash off and saw that, the homicide
7 detectives at that time elected to stop the removal of any
8 more, and the victim was going to be transported with those
9 items attached to the victim for processing either at the
10 morgue or back at the lab by whoever assisted at the autopsy,

11 Q But they definitely appeared to be wrapped around
12 the legs of the victim?

13 A I want to say wrapped around or -- at least they
14 appeared to be, That they were -- didn't appear to be laying
15 there.

16 Q Once the detectives at the scene saw the plastic that
17 was -- your word -- wrapped on the legs of the victim, they
18 said, stop, we're going to take this with the body to the
19 morgue for collection?

20 A Yes, sir, that's correct.

21 Q And at the crime scene are those homicide
22 detectives sort of in charge? If they say, stop, we're going to
23 do it this way, you guys --

24 A We stop.

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FORD - CROSS

1 Q Was there any record kept of the items that were
2 collected and transported back to the lab and then discarded?

3 A No, sir, not that I'm aware of,

4 Q They weren't logged in or itemized at all when they
5 were collected at the scene? They were just bagged, taken
6 and then tested?

7 A Yes, sir,

8 Q And if negative, discarded?

9 A Yes, sir, that's correct,

10 Q Not preserved for any future attempts at testing?

11 A No, sir.

12 Q And we know that that includes the green palm
13 decoration type things?

14 A Right.

15 Q Anything else you recall that was taken, transported,
16 examined and then discarded and there's no record of it?

17 A No, sir, I don't. I don't remember.

18 Q All you remember is the palm --

19 A Yes, sir.

20 Q You don't recall any of the paper towels or plastic
21 being transported, tested, then discarded?

22 A The plastic that was around the victim would have
23 been removed at the morgue during the autopsy. And that
24 would have been done by the person that assisted at the

X-75

FORD - CROSS

1 Q You might have some input, there may be some
2 discussion, but --

3 A Yes, sir.

4 Q final word is theirs?

5 A Yes, sir. Even if we -- even if we recommend that
6 we do it otherwise, normally it's -- it's their final decision as to
7 how it goes. And being a civilian, I don't argue with a
8 commissioned officer.

9 Q So they have veto power. Even if you say one thing,
10 they can veto that and say, no, we're going to --

11 A Yes, sir.

12 Q Okay, But they have training in crime scene
13 collection also?

14 A Oh, yes, sir. Yes, sir. They're not ignorant in that
15 area at all.

16 Q Were you any further involved in testing or
17 examining the plastic that was taken with the body to the
18 morgue?

19 A No, sir. Not at all.

20 Q That would have been someone else's responsibility?

21 A Yes, sir.

22 Q When you finally got down to that layer where you
23 saw the body and had it mostly uncovered -- my
24 understanding is that you still didn't know that there had been

X-77

FORD - CROSS

1 a dismemberment of the penis until some final point when it's
2 revealed. Is that a fair statement?

3 A I think when the final pieces of material were
4 removed from the victim, I think that's when we saw that
5 there had been a dismemberment to the victim, and of course
6 that got our attention again as well.

7 Q And, obviously, you would have been able to see the
8 dismemberment if all that was in the way was the clear
9 plastic?

10 A Yes, sir.

11 Q What else was in the way — was the last thing that
12 was in the way that had to be removed before you could see
13 the dismembered area where the penis was supposed to be
14 at?

15 A I want to say once we removed that piece of
16 cardboard, I don't think that there was anything else that was
17 in the way,

18 Q Do you recall any white paper towel type items
19 being over the body at that point in time?

20 A Not over the groin area, no, sir.

21 Q After you left the crime scene what was your next
22 involvement, if any, with this case?

23 A Took the evidence back to the lab, started to
24 process it there, and package it, and then write my impound

X-78

FORD - CROSS

1 A With luminal you need to have almost entirely dark
2 or near-dark environment for the blue light to show. So the
3 garage was probably almost pitch black for us -- there would
4 have been some light because you need the light to expose
5 the film, otherwise you don't get any results with the luminal
6 photography at all. The photograph will be just totally black
7 and you won't see anything, even the blue. As long as you
8 have some ambient light in the room you will have the
9 development of the image on the film showing a blue glow
10 that's -- that is a luminol reaction to the presence of blood on
11 whatever that item is.

12 Q Do you use a time-lapse type of photography in
13 order to do that or you just use the slowest shutter speed you
14 can set it at?

15 A We set it at a bulb setting and then I -- I start at 30
16 second exposures and then go 30 seconds to a minute to a
17 minute and a half, 2 minutes and on up, depending on how
18 much light we have and how much of a glow we have and
19 how long it lasts.

20 Q And do you recall what the setting was that you
21 used when you were taking the luminal photographs of the red
22 Fiero in this case?

23 A No, sir, I don't.

24 Q But your normal starting point would have been at

X-80

FORD - CROSS

1 report. Provided it to Louise Renhard for her -- finish up her
2 crime scene report. And that was my involvement at that
3 time. And then work on the diagram,

4 Q Were you involved in the processing of a car at a
5 later point in time?

6 A Assisted her with some photography that she did on
7 the interior of the car, yes, sir,

8 Q And that would be on a red Fiero?

9 A Yes, sir.

10 Q Did you take any measurements on that red Fiero?

11 A No, sir, I did not. Louise would have. She was the
12 primary person processing that car.

13 Q So she would have prepared the report of the results
14 of the processing?

15 A Yes, sir.

16 Q And were you present when any of the luminol or
17 phenolphthalein testing was done?

18 A When the luminol was done, yes, sir. It's a two —
19 it's normally a two-person project. One person to do the
20 spraying and another person to operate the shutter on the
21 camera to expose the film -- the film at that time

22 Q Do you use any — were you using any special type
23 of lighting at the time that you were taking the photographs of
24 the lumina' reactions?

X-79

FORD - CROSS

1 30 seconds?

2 A Thirty seconds, yes, sir,

3 Q Which means the shutter is open for 30 seconds in
4 order to gather that light?

5 A Yes, sir,

6 Q And it's obviously on a tripod 'cause you couldn't
7 hold the camera still for 30 seconds?

8 A Correct.

9 MR. SCHIECK: Can I approach the Court Clerk one
10 last time, Your Honor?

11 THE COURT: Yes.

12 BY MR. SCHIECK:

13 Q I'm going to show you some photographs that were
14 admitted yesterday, and these are Defendant's KK, LL and MM,
15 and ask —

16 MR, SCHIECK: Can I approach the witness, Your
17 Honor?

18 THE COURT: You may,

19 BY MR. SCHIECK:

20 Q -- if you could identify these as photographs taken at
21 the scene there on July V^h, 2001?

22 A Yes, sir, they were,

23 Q And they accurately depict the scene as you were
24 removing the various layers of trash?

X-81

FORD - CROSS

1 A Yes, sir, that's correct.

2 Q And the question I wanted to ask you concerning

3 these items gets back to the paper towel question I was

4 asking, whether you recalled any paper towels being over --

5 over the area where the lower abdomen or the — where the

6 penis removal was at. Does this refresh your recollection that

7 there were paper towels over that area?

8 A Yes, sir, it does,

9 Q Do you recall whether there were any paper towels

10 under the plastic wrap that was -- the plastic that was

11 wrapped around the leg area?

12 A This area here -- appears that there's something

13 shiny over what appears to be a white paper of some salt

14 But I can't make it out any closer than -- any better than that.

15 Q And those would be the white paper towels that are

16 over his general mid body area, correct?

17 A Yes, sir. Lower abdomen and the groin area,

18 Q Okay Aric1the cardboard has at this point been

19 removed, correct?

20 A That's correct,

21 Q So once the cardboard was removed there was still

22 other items that had to be removed before you could see the

23 amputation?

24 A Yes, sir, that's correct.

X-82

1 During this recess you're admonished not to

2 converse among yourselves or with anyone else on any subject

3 connected with this trial. You're not to read, watch or listen to

4 any reporter or commentary on the trial or any person

5 connected with the trial by any medium of information,

6 including, without limitation, newspaper, television, radio and

7 Internet. You're not to form or express any opinion on any

8 subject connected with the trial until the case is finally

9 submitted to you.

10 Everyone have a good weekend and we'll be back in

11 session 10:30 Monday, Court's in recess till that time.

* * * * *

12 COURT ADJOURNED AT 11:45 A,M, UNTIL

13 SEPTEMBER 25, 2006

* * * * *

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FORD - CROSS

1 Q And putting up KK on the overheard display, does

2 that also seem to indicate that there's a shiny plastic substance

3 over some of the towels?

4 A Yes, sir. Here,

5 Q So that there was a layer of plastic over some of the

6 towels on the body as you were removing the layers?

7 A Yes, sir, Correct

8 Q Thank you, That's all the questions I have. Thank

9 you very much,, Mr Ford.

10 A You're very welcome, sir.

11 THE COURT: Would counsel approach?

12 (Off-record Bench Conference)

13 THE COURT: Upon conferring with counsel, we will

14 be doing the redirect examination of Mr Ford on Monday at

15 10:30, as long as he's available to return at that time,

16 THE WITNESS: Yes, ma'am, I am, It's a day off.

17 be here.

18 THE COURT: Very good, Thank you

19 THE WITNESS: You're very welcome.

20 THE COURT: Ladies and gentlemen, we'll be taking

21 our weekend recess at this time, resuming on Monday at

22 10:30. Please be in the hallway at 10:30 Monday morning,

23 The bailiff will meet you there to return you to your seats in

24 the courtroom.

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AFFIRMATION
Pursuant to NRS 2398,030

The undersigned does hereby affirm that the preceding Transcript filed in District Court, Case No. C177394 does not contain the social security number of any person.

Lori Lutz
Transcriber

4/29/07
Date

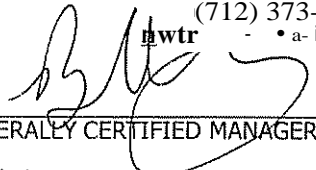
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CERTIFICATION

I (WE) CERTIFY THAT THE FOREGOING IS A "ROUGH DRAFT" TRANSCRIPT FROM THE ELECTRONIC SOUND RECORDING OF THE PROCEEDINGS IN THE ABOVE-ENiii LED MATTER.

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FEDERALLY CERTIFIED MANAGER/OWNER

Lori Lutz
TRANSCRIBER

4/29/07
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