

3

1 Q How did those ends come to be separated?

2 A Cut them with a pair of scissors.

3 Q Did you do that yourself?

4 A Probably.

5 Q So is it your habit then to cut these items

6 off of an individual rather than to untie the knots?

7 A Yes, we preserve the knots.

8 Q All right. And they are preserved now?

9 A Yes.

10 Q And I notice some substance within the knot.

11 Can you describe what that is?

12 A It looks like hair, brown hair.

13 MR. WOLFSON: I'm sorry. I didn't hear the

14 word he used. It looks like --

15 THE WITNESS: Brown hair.

16 MR. WOLFSON: Thank you.

17 BY MR. SEATON:

18 Q That portion of the knot which you are

19 holding in your hand, did that appear to come from the back

20 side of the head of Denise Lizzi?

21 A Somewhere in the back side. I -- I really

22 don't remember, right, left, or middle.

23 Q Would hair have been present in that area?

24 A Yes.

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1 Q All right. Take one more minute and look at
2 that object a little more carefully, and tell us if it,
3 indeed, appears to be a portion -- or all of a black bra?

4 A Well, I don't think it's all of one, but it
5 looks like it might have been certainly part of one.

6 Q You would identify that as a black bra?

7 A I think so.

8 Q Thank you, Doctor.

9 How would you describe the --
10 well, let me ask it differently.

11 You said that there was a black
12 sock placed in the mouth that this black bra held in place;
13 is that correct?

14 A Correct.

15 Q Describe for us how the black sock was
16 placed in the mouth -- or how you found it in the mouth, I
17 should say.

18 A Okay. When we removed the piece of
19 brassiere there -- again, we had the mouth open to pull this
20 thing out -- we found that what had happened was it had been
21 pushed in so it -- at least part of it was actually
22 underneath the tongue and pushing the tongue back to the
23 back -- towards the back of the throat.

24 Q Was that -- I don't know if we can do this

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1 in degrees, but was that done to a mild degree or to a great
2 degree; that is, the tongue being pushed back into the
3 mouth?

4 A Well, when you push it back very far -- and
5 just let me point out what happens. You swallow, your
6 tongue goes back. That closes the epiglottis, the trap door
7 action that guards your airway. (Indicating) The tongue
8 comes back against the back of the throat, and when it's
9 back there, it can't breathe.

10 Go ahead and try it, if you
11 want to, but --

12 Q You mean, as we swallow we're not capable of
13 breathing at that moment?

14 A You cannot breathe when that tongue goes
15 back. It's a very brief process in the normal swallowing,
16 so it doesn't interrupt our lives in any way.

17 But if you push it back in some
18 fashion so it stays there, that airway is blocked and you
19 cannot breathe at all.

20 Q So in the case of Denise Lizzi it was not
21 there for a brief moment?

22 A No. This -- this was quite sufficient to
23 totally and completely block any respiratory effort.

24 Q Does the tongue then go back into the throat

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1 or up on the roof of the mouth?

2 A Both actually.

3 Q Both? Just up and back?

4 A Correct.

5 Q Completely blocking off the airway?

6 A Right.

7 Q Did you notice any other types of
8 restraints?

9 A Restraints, yes. There were some pieces of
10 cloth tied around the wrist. They weren't -- when we
11 received the body, at least, they were not tied to anything
12 else. They weren't tied together. We had a piece around
13 the right wrist with a free end, and then the piece around
14 the left wrist with a free end.

15 What their purpose was or what
16 they had been used for, I'm not real sure, but there they
17 were.

18 Q Let me show you Exhibits 27 and 28, and ask
19 if you can identify what is shown in both of those exhibits?

20 A All right. We have, in the middle -- which
21 one is this? This one is 27. Okay. We have a right hand
22 lying beside the body --

23 Q If you would show that to the jury as you --

24 A Okay.

002088

1 Q Just from this vantage point.

2 A All right. Here's the right hand right
3 here, (indicating); The rest of the body over here,
4 (indicating)

5 The wrist is encircled with
6 this piece of blue cloth. You can see it's -- I think you
7 can see from -- oh, where it's tied right around here, but
8 the rest of the blue cloth isn't tied to anything.

9 Q But, it was tied firmly to the wrist?

10 A It was tied around the wrist, yes.

11 Q All right.

12 And how about -- Exhibit 28,
13 was it?

14 A 28, you are correct.

15 Okay. Here we have the left
16 hand, and we have a different fabric used in tying this
17 wrist -- it's black, not blue -- and it goes right on around
18 here. (Indicating)

19 Q And was it similarly tied to the wrist?

20 A Yes. It was tied around the wrist; and
21 again, we have a free end going nowhere.

22 Q Okay. And when you say tied, in regards to
23 both of those restraints, were they tied in knots?

24 A Yes.

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1 Q Not loosely tied so it could slip off?

2 A No, they were fairly firm. I don't think we
3 could have pulled them off over the hand.

4 Q All right. All right. Thank you.

5 Were there any restraints about
6 the ankles?

7 A No, there were not.

8 Q Any other place on the body?

9 A No. This is the extent of the apparent
10 restraints.

11 Q Once you had removed the clothing and you
12 had removed these restraints, was then the body in a naked
13 condition so that you could further examine the body itself?

14 A Yes.

15 Q And did you do so?

16 A Yes.

17 Q What observations did you make upon an
18 exterior examination of the body?

19 And, again, we're still talking
20 about Denise Lizz1.

21 A Okay. There was an interesting mark that
22 completely encircled the neck; in fact, it goes around
23 twice. And I think we can see that -- well, maybe not very
24 well.

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1 In one of these pictures, it is
2 visible, although not as well as I'd like it to be here in
3 Number 26. This is the one that shows the gag in the mouth,
4 and the --

5 Q Doctor, I have other photographs that I will
6 bring to you shortly regarding that particular portion of
7 your examination.

8 Let me ask you to proceed in
9 this manner: What did you notice about lividity and that
10 sort of thing?

11 A Livid- -- lividity, which is discoloration of
12 the skin -- as the blood settles under gravity, it always
13 goes to the dependent part of the body. So if a person is
14 lying on the back, it's the back that gets discolored.

15 What we have here is the front
16 of the body showing the lividity, because she had obviously
17 been lying face down.

18 Q How do you see lividity?

19 A It is kind of a violet discoloration of the
20 skin.

21 The intensity of the color or
22 how dark it is really depends on how long a person has been
23 lying in that position.

24 Q And the fact that the lividity, in the case

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1 of Denise Lizzi, was found on the front of her indicates to
2 you what, insofar as her position prior to your seeing her
3 is concerned?

4 A That -- this simply indicates that following
5 her death, she was in a face down position, like flat.

6 Q What did you note, if anything, about rigor
7 mortis?

8 A Rigor mortis is about disappeared.

9 Q Tell us what that is.

10 A Okay. Rigor mortis is the stiffening of the
11 muscles which occurs following death.

5

12 It's a chemical process which
13 affects the muscle fibers so that they stiffen up and they
14 can't contract and move and stretch like we normally do; and
15 this causes the body to become very stiff. That's where the
16 word stiff comes from.

17 And after about, oh, eight to
18 12 hours after death it really is rigid. It's almost as
19 rigid as a board.

20 And this gradually passes off,
21 disappears, again the chemical process is going on in the
22 muscles; and usually, by around 36 to 40 hours, 48 hours,
23 depending on the temperature to which the body has been
24 exposed -- a lot of variables which affect the time frames

002092

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1 here -- but this gradually passes off, the body loosens up
2 and you can move the joints again without difficulty.

3 Q So it becomes flexible?

4 A It becomes flexible.

5 And that was pretty much the
6 case here with Miss Lizzi.

7 Q You say pretty much the case.

8 Was there some degree of
9 stiffness?

10 A As I recall it, there was a little bit of
11 residual rigor there, yes.

12 Q So if left to its own devices, the body
13 would have eventually become completely flexible?

14 A Oh, yes, yes.

15 Q All right. Did you look into the eyes of
16 Denise Lizzi during this exterior examination?

17 A Yes, we examined them.

18 Q What did you note about that?

19 A I think there were a few -- now, wait a
20 minute. We're talking about two people and I don't want to
21 get them confused here, so if I may, I'd like to refer back
22 to --

23 Q If it would help you.

24 A -- the autopsy records.

002093

1 I believe one of these ladies
2 had a few tiny pinpoint hemorrhages and the other one
3 didn't, but I want to be darn sure which is which.

4 Q Doctor, did you make reports during the
5 performance of the autopsy?

6 A Yes.

7 Q And then set them down on paper?

8 A Yes. They're dictated on magnetic tape and
9 then transcribed later.

10 Q And that's what you're reviewing now?

11 A That's correct.

12 Q All right. Thank you.

13 A All right. In the case of Miss Lizzi, she
14 was the one who had a few little tiny pinpoint hemorrhages
15 in the inside of the eyelids and on the white part of the
16 eye.

17 Q And what does that mean to you?

18 A In and of itself, it doesn't really mean a
19 whole lot.

20 In other words, the presence or
21 absence of a few tiny pinpoint hemorrhages neither breaks or
22 makes any case.

23 They are commonly found in
24 situations where there is an acute asphyxial death from any

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1 cause, whether it's something around the neck, whether it's
2 a cave in, vehicular accident, in which the body is
3 compressed and can't breathe. You can find it in a wide
4 variety of different situations.

5 Generally, we think of it as
6 something that goes with an asphyxial death, but it doesn't
7 really prove that this is the case.

8 Q In the case of Miss Lizzi, did you notice
9 anything having to do with the decomposition of the body?

10 A There were very early decomposition changes,
11 yes, some discoloration around the neck, a very, very early
12 tissue gas formation.

13 Q What is that, tissue gas formation?

14 A Gas is given off by bacteria, as they
15 metabolize whatever they're consuming.

16 Q And that had just begun?

17 A That had just barely begun. It was very,
18 very early.

19 Actually when we got inside
20 later on, there was very little deterioration of the body
21 organs, so the decomposition process had just barely begun.

22 Q Is there anything that skin slippage has to
23 do with decomposition?

24 A This is a common thing. The outer layers of

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5 1 skin loosen up and eventually they literally fall off.

2 Q Did you note any of that in Miss Lizzi's
3 case?

4 A I don't recall any.

5 Q Would you refresh your memory again?

6 A Thank you, I will.

7 All the skin slippage is
8 telling us is that this body has been dead for a while. It
9 goes along with the fact that rigor mortis is beginning to
10 disappear or is disappearing.

11 And, yes, we had a few
12 scattered areas around the chest and abdomen, and I think
13 that's about all that we had actually.

14 So we do have a little skin
15 slippage. Again, it's non-specific. It has nothing to do
16 with the cause of death. It's part of the early
17 decomposition change.

18 Q Did you notice anything about the inner arm
19 area of Denise Lizzi?

20 A She had some scarring in, I think it was,
21 the left side.

22 Q If you would hold your arm up and show us so
23 the jury may see what we're talking about.

24 A All right. Way down here -- I think you've

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1 all had some blood drawn by laboratory technicians, for one
2 reason or another. This is usually the place they use
3 because the veins are sitting out here and are easy to get
4 at. (Indicating)

5 She had some scarring, which is
6 really quite typical of what we see in people who have used
7 intravenous drugs.

8 Q As you did your exterior examination, did
9 you look about the body of Denise Lizzi to determine if
10 there were any injuries?

11 A Yes.

12 Q And tell us about those, if you would start
13 with the abrasions and contusions on the face.

14 A There were some rather modest abrasions or
15 scraping injuries of the skin, a couple of them. I think
16 there was one -- one in the forehead, I believe, if I
17 remember right, and I think one -- yeah, one under the chin.

18 Q Let me interrupt you, Doctor --

19 A Okay.

20 Q -- and show you what has been marked as 31
21 and 32, State's Exhibits.

22 And if you would look at the
23 two of those, and to the extent you need to, show the jury
24 those photographs as you are depicting each of the injuries.

002097

1 A All right. Number 31, which is a slightly
2 oblique view of her face, shows several of these little
3 scraping injuries.

4 The largest of the whole bunch
5 is kind of hard to see. It's over here on her right cheek,
6 (indicating), where I'm pointing here, where there is a dark
7 brown, almost black spot here. (Indicating)

8 We have another one on the chin
9 that's over here. (Indicating)

10 One underneath the point of the
11 chin, down here. (Indicating)

12 These are very small, about a
13 quarter inch or so.

14 And there is a little bit of
15 abrasive effect over here on the neck as well. These are
16 very superficial injuries.

17 Q Did you notice any contusions on the inside
18 of the lips?

19 A Yes, there were. Let me finish with this.

20 Number 32 shows a very tiny
21 abrasion or scrape high on the left forehead. It's over
22 here in the corner of the -- of this ruler, (indicating), a
23 fraction of an inch; very, very minor.

24 Q Are the things that you have just described

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1 the kinds of injuries that are relatively common with
2 bumping up against things, being hit by various objects?

3 A Oh, yes, yes.

4 Q You see these a number of times?

5 A Many times. These are extremely common. I
6 have a few of them around myself.

7 Q Let me show you State's Proposed Exhibit 34
8 and ask if that depicts the neck area of Denise Lizzi?

9 A Yes, it does.

10 Q All right. Using that --- and there may be
11 another picture up there that you had -- or two that you had
12 alluded to before -- if you would use any of the pictures
13 that would be helpful to you, if you would describe to the
14 jury the -- let's do the cutting injuries first that you may
15 have noted.

16 A Okay. Then we're going to use photograph
17 labeled Number 34. And I think I'm going to have to come
18 down a little closer to you.

19 There are two what are minor
20 little cutting wounds of the neck, each no more than a
21 fraction of an inch, over here, a little bit to the left of
22 the mid line. (Indicating). And these are slightly more
23 than a centimeter long. I call them about slightly less
24 than a half inch long each. (Indicating)

002093

6 1 Q Let's -- while you are down here, show and
2 describe to the jury the -- the other marks that appear on
3 Denise Lizzi's neck; and then we'll have you sit down and
4 we'll talk about each of them.

5 A Okay. There is another photograph over
6 there --

7 Q If you'd like to get that.

8 A Actually it's better than this one.

9 Q All right. We'll use that.

10 Using that will be good,
11 Doctor?

12 A We'll use them both.

13 Back to Number 31, and also
14 seen in this last one we had here, 34, we have a mark which
15 goes, in fact, all the way around the neck. See it, kind of
16 brownish to purplish a little bit, with the purple being
17 some bruising that's associated with it.

18 And over here in this picture,
19 it shows it really quite well going around the neck, a
20 series of fine lines.

21 THE COURT: All right. You may resume your
22 seat, Doctor. Thank you.

23 BY MR. SEATON:

24 Q Describe, if you would, what you saw with

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1 regard to the marks that you indicate encircle the neck.

2

A Well, as I say, these encircle it

3

completely, going around in a horizontal fashion,

4

(indicating); and obviously at -- whoever made this has gone

5

around twice, which you can see in some areas, two distinct

6

sets of lines.

7

Q Do you mean that the same object was wrapped

8

twice around the neck?

9

A Yes.

10

Q All right. Can you describe -- do you know

11

what it was or do you have an idea what it was, from your

12

experience --

13

A I know what it was.

14

Q -- that encircled the neck?

15

A Uh-huh.

16

Q You do know what it was?

17

A Yeah.

18

Q Tell us.

19

A Lamp cord.

20

Q Lamp cord?

21

A Two wire lamp cord.

22

Q Let me show you what has been marked as 79-A

23

and 79-B.

24

79 -- go ahead -- 79-A, as you

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1 can see, is a small hair dryer; and you can see that the
2 cord has been cut off.

3 79-B is an iron that has the
4 cord similarly cut off.

5 A Uh-huh.

6 Q You said a lamp cord?

7 A Yeah.

8 Q Is a lamp cord different from those cords at
9 all?

10 A There are lamp cords which are slightly
11 smaller, carry just a little bit less wire, but the
12 structure is exactly the same: Two wires encased in either
13 rubber or plastic with a groove that separates the two
14 sides.

15 Q And before, you had opined that a lamp cord
16 had been the cord encircling the neck of Denise Lizzi.

17 Could it have been either one
18 of these cords?

19 You can see the length -- I
20 mean, the width and nature of these cords.

21 A Yes. And I -- these are virtually
22 identical; these are lamp cords too. They are just a little
23 heavier than what you get on a 60 watt lamp.

24 Q So it would be some cord of an electrical

002102

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1 nature similar to what is exhibited on the ends of 79-A and
2 79-B, which encircled the neck of Denise Lizzi?

3 A Yes.

4 MR. SEATON: Thank you.

5 Court's indulgence.

6 THE COURT: Okay.

7 BY MR. SEATON:

8 Q The two wounds which you noted in the neck
9 of Denise Lizzi, characterize those for us, if you will.

10 A These are best characterized as small stab
11 wounds.

12 Q Can you tell us the size of them?

13 A I think they were around probably --
14 probably around three-eighths of an inch, maybe
15 seven-sixteenths of an inch.

16 I'm going to go back and see if
17 I don't have a better measurement on that, if you don't
18 mind.

19 Yes, each approximately
20 seven-sixteenths or slightly less than a half inch long.

21 Q And how about the depth?

22 A Oh, very shallow. It went through the skin
23 into this band of muscle, which comes from the point behind
24 the ear down to the top of the breastbone, (indicating).

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1 penetrated, not much more than a quarter of an inch.

2 Q And you characterize them as stab wounds?

3 A Yes.

4 Q Do you have an idea what sort of an
5 instrument would have caused those stab wounds?

6 A Something with a fairly sharp point. What
7 obviously comes to mind is a small knife.

8 Q Could you tell whether or not those two
9 wounds had any bleeding associated with them when they
10 occurred?

11 A Yes. They do. And I think we can see that
12 quite well in one of these pictures.

13 There is some blood around the
14 wound and they do appear to have bled to some degree.

15 I thought you had one that
16 showed that.

17 Oh, yes, we're back to one of
18 the earlier ones, which shows the gag around the face and
19 the mouth; and down around below the chin, on the front of
20 the neck, there is a little bit of blood here, not very
21 much.

22 THE COURT: State the exhibit number you are
23 referring to.

24 THE WITNESS: Pardon?

002104

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1 THE COURT: State the exhibit.

2 THE WITNESS: This is Exhibit Number 26.

3 BY MR. SEATON:

4 Q And could you point directly to the area of
5 blood which you are referring to?

6 A Right in here below the chin. (Indicating)

7 Q And can you tell us what you noted about the
8 wrists, insofar as any injuries are concerned?

9 A Well, the wrists, there were some pressure
10 marks, which normally occur when anything is in contact with
11 the body following death.

12 One wrist, and I don't recall
13 which one right now, had a little bit of a scraping or
14 abrasion effect underneath that thing that was tied around
15 it; again, very superficial type of injury.

16 But the -- the -- once they
17 were removed, then the marks were quite clear as to where
18 they had been.

19 Q Did it appear that the marks you saw on the
20 wrists were related to the blue and black items which you
21 saw encircling the wrists?

22 A Yes.

23 Q Would you call the marks you saw on the
24 wrists ligature marks?

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1 A You could call them that, sure.

2 Q And -- let's get a definite here. We've
3 used that word a few times.

4 What is a ligature?

5 A Some object, obviously flexible, which is
6 tied around something else.

7 Q All right. So in this case, in your mind,
8 an electrical cord as to the neck, and pieces of cloth
9 around the wrists.

10 A Correct. We tend to think -- among medical
11 examiners at least -- to think of a ligature as something
12 that goes around the neck and don't use the word much in
13 terms of other parts of the body, but it's still, I think, a
14 legitimate thing to do. You can't say it's wrong.

15 Q What about your examination of the ankles of
16 Denise Lizzi; did you note anything that caused you to think
17 that there were ligatures on her ankles?

18 A Yes, there were.

19 There -- first of all, there
20 were no objects tied around the ankles when she came to us,
21 but there were marks that would strongly suggest that
22 something had been tied there following death.

23 Q Let me show you what's been marked as
24 State's Exhibit 41.

002106

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1 Does that adequately describe
2 what it is you're speaking of now?

3 A It helps somewhat, yes.

4 In Exhibit 41 here, we're
5 looking at particularly the lower legs and the feet. She's
6 still lying pretty much face down, has white socks on; and
7 immediately above the white socks, we have these marks that
8 did, in fact, completely encircle the ankles.

9 I think I'm going to have to
10 get down closer here --

11 Q Before you do that, Doctor, let me show you
12 two other photographs. I believe they're 42 and 45.

13 If you would check me so that
14 the record is correct.

15 A 42 is correct and 45 is correct.

16 And these are a much better --

17 Q Will they assist you in that regard?

18 A Yes. I won't use 41 then.

19 Q All right. If you would go before the jury
20 and explain to them what you say.

21 A Certainly. These were taken from either
22 sides, so we see the left foot closer to the camera here in
23 45, and the right ankle closer to the camera in 42.

24 And I think you can all see

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1 that there is some kind of a mark that goes around those
2 ankles; something has been there.

3 MR. SEATON: Okay. I ask if everybody in
4 the back row can see okay?

5

6

(Affirmative response.)

7

8

MR. SEATON: Thank you, Doctor.

9

BY MR. SEATON:

10 Q Doctor, after completing your external
11 examination, do you then do an internal examination?

12 A Yes.

13 Q How is that performed?

14 A We use what's called a wide incision, W cap
15 I. The incision starts at the point of the shoulders, come
16 down to the bottom of the breastbone, and go down to the
17 pelvis.

18 With that, it gives you three
19 flaps: One V shaped flap above, you know, the two that are
20 side flaps, reflect those back, and then remove the front of
21 the rib cage, and you can see, well, virtually all of the
22 various vital organs as they lie in their normal
23 relationships. You haven't disturbed the nice relationship
24 or moved anything around.

002108

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1 This gives you a chance to look
2 on the inside of the body, to see if there is any evidence
3 of injury or disease or anything that isn't normal.

4 And following that, the
5 individual organs are removed, detected (sic), described,
6 weighed, whatever needs to be done.

7 Q Did you discover anything of an unusual
8 nature when you did the internal examination of Denise
9 Lizzi?

10 A The primary findings on the internal are --
11 in both, the organs are in the back.

12 Q All right. Tell us about those.

13 A I'll dispose of everything else by saying
14 there is no evidence of any natural disease process of any
15 kind in their bodies.

16 In the neck, we find a lot of
17 hemorrhage in the deeper tissues and the ligaments which
18 control the voice box that goes up and down.

19 Q And, Doctor, as you use the word hemorrhage,
20 what specifically do you mean?

21 A Specifically sanguinating.

22 Q All right. So those neck muscles had
23 bleeding associated with them?

24 A Yes, they did.

002109

Q All right.

A And we -- we found the primary amount of damage in the front of the neck here, nothing worth talking about.

But in the front we have a lot of hemorrhage bleeding in the tissues, some of them between the muscles, and they're sliding back and forth. They go off to here and appeared even in these spaces.

Some bleeding around the thyroid gland. We didn't find any real damage in terms of tearing or bleeding or bruising due to the gag. It seemed not to have really done any deep tissue damage there.

Q What does the hemorrhaging that you saw in the neck of Denise Lizzi suggest to you?

A This is typical of strangulation.

Q All right. Now, there is more than just ligature strangulation, is there not?

A Oh, yes.

Q What other kinds would you suggest?

A Well, ligature, of course, implies putting something around the neck and pulling it tight or tying it tight.

Strangulation could also be accomplished simply by the use of the hands. You can

002110

9 1 compress the airway and interrupt the blood flow to the
2 brain; and it takes a fair amount of effort and pressure to
3 do this, and this is pressure, force that's applied, is what
4 it is.

5 Q And you would refer to that kind of
6 strangulation as manual strangulation?

7 A Correct.

8 Q But in this case, it was ligature
9 strangulation?

10 A I think we have a combination of both.

11 Q You think there was both?

12 A There is -- basically there is too much
13 bleeding going on for a typical ligature only type
14 strangulation.

15 How much, if any, role the
16 manual strangulation may have played in her death, by the
17 time we see the body, the internal deteriorating, it's
18 really very hard to tell.

19 Q I'm sorry.

20 A But certainly, it looks as if some effort
21 had been made, and then the ligature probably came later on.

22 Q Are you saying that the amount of -- well,
23 let me go back.

24 When you talk about the

002111

9 1 exterior examination of the body, and you were referring to
2 the neck, in terms of the ligature marks --

3 A Yes.

4 Q -- that was all you spoke about?

5 A No, it was all I spoke about.

6 Q You didn't tell us anything about it looked
7 like from the outside that there was any manual
8 strangulation?

9 A It really did not. It did not impress me as
10 marks which we come to think of as at least typical of
11 manual strangulation.

12 Q Fingerprint marks?

13 A Fingerprint marks, fingernail marks, and
14 that sort of thing.

15 Now, I could point out also
16 that a blow to the neck can create hemorrhage there too, so
17 that is a possibility.

18 Q Then when you went and did the internal
19 examination, you found -- do I understand you to say you
20 found an amount of hemorrhaging greater than what you would
21 think would happen with ligature strangulation?

22 A Yes.

23 Q And is it that greater amount of
24 hemorrhaging that suggests to you that, at some time, there

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1 was manual strangulation as well?

2 A Well, at least an attempt, yes.

3 Q All right.

4 Was toxicology done in this
5 case?

6 A Yes.

7 Q And what is toxicology?

8 A Toxicology is the process of determining
9 whether or not there are any drugs, poisons, toxic
10 substances in the body.

11 Q How was that done in the case of Denise
12 Lizzi?

13 A In this case, we follow a fixed routine
14 here. We remove blood samples from the body, urine samples,
15 if it's available, or, at times, other things; but usually
16 blood and urine are sufficient to find out whether or not
17 there is anything significant present.

18 Q Is that -- was -- were those, that is, the
19 blood and urine, available in the case of Denise Lizzi?

20 A Certainly the blood was. Urine, I think,
21 was, but I'm going to want to look and make sure of that.

22 Yes, we had urine as well.

23 Q All right.

24 And what happens to that blood

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1 and urine?

2 A These are packaged in an envelope which has
3 chain of evidence information on the outside, writing or
4 printing, which identifies it as coming from the Clark
5 County Coroner/Medical Examiner Department, a place to fill
6 in the name of the deceased person, case number, other items
7 of information.

8 This then is placed in a locked
9 refrigerator and later is picked up by a courier from the
10 Associated Pathologists Laboratories.

11 I would point out that
12 Associated Pathologists does all of our toxicological work
13 on a contract basis.

14 The object is, for the material
15 is, retrieved, refrigerator is unlocked by one of our
16 technicians, or by myself, and the courier signs for it.
17 His log book has a notation. He initials the log book as
18 well.

19 And then he takes it over to
20 the Associated Pathologists laboratory and enters it into
21 their system, the analyses are done and the report is sent
22 to us.

23 Q Did you receive such a report?

24 A Yes.

002114

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1 Q What were the results of the toxicological
2 screening of Denise Lizzi in this case?

3 A There was no alcohol present. She did have
4 methamphetamine in her blood stream and also detected and
5 identified in the urine.

6 Q And were they able to quantify the amount of
7 methamphetamine?

8 A Yes.

9 Q To what extent?

10 A Let me be sure of the numbers here.

11 The methamphetamine was 5,288
12 nanograms per milliliter; and the amphetamine was 519
13 nanograms per milliliter.

14 And for those of you who are --
15 still have trouble with the metric system -- I'm one of
16 them -- a nanogram is one billionth of a gram, which amounts
17 to about a quarter of a teaspoon full of water. A teaspoon
18 holds about four grams of water; and the milliliter is equal
19 to a gram of water.

20 In other words, one milliliter
21 or one one-thousandth of a liter is a milliliter, and it
22 weighs one gram. So the systems really are inter-related
23 and they do make some sense after a while.

24 So, anyways, in the blood

002115

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1 stream, we have 5,288 billionths of a gram of
2 methamphetamine in every milliliter of blood.

3 Then we have 519 billionths of
4 a gram of amphetamine in a milliliter of blood.

5 Q Is that a lot or a little or --

6 A The methamphetamine is unusually high. We
7 don't very often see one this high.

8 Q Can you de- -- can you tell us any meaning
9 to be gained from that?

10 A Well, this is a level which has been known
11 to kill people. It does not kill everybody who gets this
12 much, but it can.

13 Q Do people build up tolerances?

14 A Apparently so.

15 Q And so -- well, in this case -- and we
16 haven't gotten to that yet -- but was the methamphetamine --
17 did it have anything to do with the cause of death?

18 A No.

19 Q Okay. So in this case, can we assume then
20 that Denise Lizzi had -- had a tolerance to such an extent
21 or such a degree that this would not have been fatal to her?

22 MR. WOLFSON: Excuse me. I'm going to
23 interpose an objection, in all due respect, to this witness.
24 I'm not sure if he's qualified to answer that.

002116

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1 BY MR. SEATON:

2 Q Are you, Doctor?

3 A I think in general terms.

4 Now, to be absolutely specific
5 about one person is a little hazardous.

6 MR. WOLFSON: I renew my objection.

7 We're speaking about --

8 THE COURT: I'll sustain the objection.

9 BY MR. SEATON:

10 Q Do you have any idea or were you able to
11 tell from your examinations when these substances were
12 ingested?13 A No. You can't -- there is really no way to
14 do that.15 Q And is this amphetamine something different
16 from the methamphetamine?

17 A It's slightly different, yes.

18 There is a very minor
19 difference in the chemical structure of the two; and we very
20 commonly see a small amount of amphetamine in street
21 distributed methamphetamine material.22 Q Are you able to tell whether or not these
23 substances were ingested prior to death?

24 A They were -- oh, yes, definitely.

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1 Q Because they went through the system?

2 A Yes. They're in the blood stream. They
3 have to be there prior to the death.

4 Q Are you able to tell whether or not they
5 were there for any period of time prior to her death?

6 A I couldn't give -- I wouldn't even try to
7 give you a time frame.

8 Q Could there be a relatively wide time frame?

9 A Possibly, yes; could be a matter of several
10 hours difference between minimum and maximum time.

11 Q Are you able to know whether or not they
12 were taken voluntarily or if they were inflicted by someone
13 else?

14 A All I can tell you is they're there.

15 Q Were you able, after your internal and
16 external examinations, to determine the cause of death in
17 the case of Denise Lizzi?

18 A Yes.

19 Q And what was it?

20 A Death was due to asphyxia, or lack of
21 oxygen, which could come either from the gag or from the
22 strangulation or both. It's an either/or situation.

23 Q You are not able to tell which -- which one
24 did it?

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1 A I -- because we really can't tell what the
2 last event was, was it the gag or was it the -- the
3 electrical cord around the neck?

4 So I would have to list them
5 both as causes of death, and either one produces asphyxia.

6 Q And what about the manner of death?

7 A In my opinion, this is homicidal.

8 Q To the exclusion of accidental?

9 A Yes.

10 Q Or self inflicted?

11 A Yes.

12 Q What can you tell us about --

13 MR. DUNLEAVY: Your Honor, if he's going to
14 characterize it as homicide, would he define homicide?

15 MR. HARMON: I think that's a matter for
16 cross-examination, Judge.

17 THE COURT: Okay.

18 MR. SEATON: They will have the opportunity.

19 BY MR. SEATON:

20 Q As to the time of death, when she died, are
21 you able to give us any knowledge about that?

22 A I think we can. The condition of the body
23 would indicate an area or time frame of around a day and a
24 half to two days, possibly longer.

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1 And this is dependent on the
2 temperature of the environment in which the body lies. The
3 warmer the environment, the more rapidly decomposition sets
4 in after it progresses. The cooler it is, the more it is
5 retarded, which is why the institutions like ours, coroner's
6 office, has refrigerators. We keep everything refrigerated
7 to -- we bring a halt to this process or prevent it from
8 developing, if we can.

9 So given the fact that we have
10 very early decomposition change, we have almost complete
11 disappearance of rigor mortis, I'd say a day and a half, 36
12 to 48 hours, would be a very reasonable figure.

13 Q Would you hold yourself to those hours or
14 could it be -- could there be a little longer or shorter
15 period of time?

16 A There certainly could be a little longer.
17 I'm simply going on best estimate. There is no way you can
18 pin it down much better than that.

19 Q Okay. You have a picture up there -- and I
20 don't recall the number. Perhaps you can find it -- the one
21 that shows the stab wounds on the neck and the ligature
22 marks.

23 If you would retrieve that for
24 us, please.

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1 When you do, tell us the
2 number, please.

3 A Okay. The picture which shows both the
4 ligature marks and the stab wounds is Number 34.

5 Q Would you look at Number 34 with an eye
6 toward telling us about the relative positioning of the stab
7 marks and the ligature marks.

8 How close to one another are
9 they?

10 A Oh, the two stab wounds are less than an
11 inch apart, probably about three-quarters, from the looks of
12 the scale here.

13 And at that point, the ligature
14 marks, the electric cord marks, are about the same distance
15 apart or maybe a little bit less, a half to three-quarters
16 of an inch.

17 Q And how about relative to each other, that
18 is, the ligature marks to the location of the stab marks?

19 A The uppermost of the two stab wounds
20 (indicating) lies actually in one of the ligature marks; the
21 lowermost lies at the lower margin of one of the ligature
22 marks.

23 Q So the jury has an understanding of exactly
24 what it is you're referring to now, would you take a moment

002121

11 1 and show the Jury the -- is it fair for me to call it an
2 overlapping nature of the ligature mark to the stab wound?

3 A Okay.

4 Q If you would point that out for them, I'd
5 appreciate it.

6 A Okay. The ligature marks, I think, are
7 pretty obvious going around the neck; and the uppermost of
8 these two stab wounds actually goes right through it; and
9 the lower one is just about at the lower edge of the -- of
10 the lowermost mark of the ligature.

11 I think you can see in the back
12 there, the uppermost stab wound actually is right across the
13 ligature mark. (Indicating)

14 Q Thank you, Doctor.

15 Are you able to determine --
16 were you able to determine during your examination which of
17 those two wounds, that is, the stab wounds or the ligature
18 wounds, occurred first?

19 A No, I really can't.

20 Q Could you tell if one or the other of them
21 bled more?

22 A Well, the ligature is not going to cause
23 bleeding, externally at least.

24 Q Does it internally?

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1 A Internally, it will cause some minor
2 bleeding, yes.

3 Q Looking at the wounds from that point of
4 view, the bleeding that you think may have been caused by
5 the ligatures and the stab wounds, could you proffer a guess
6 as to one being before the other?

7 MR. WOLFSON: Excuse me. I object. I
8 respect the doctor, but we don't want him guessing.

9 THE WITNESS: I'll take you up on that.

10 THE COURT: Sustained.

11 MR. HARMON: Bad choice of word.

12 THE WITNESS: Even based on the internal
13 exam, I would not try to say that this came first or that
14 came first, no.

15 BY MR. SEATON:

16 Q I want now to turn to the -- in fact, I'll
17 collect the pictures that you have so that we don't confuse
18 them.

19 I want to turn to the autopsy
20 performed on Lauri Jacobson.

21 And just out of curiosity, do
22 you remember the order in which these autopsies took place?

23 A I believe that the autopsy on Denise Lizzi
24 came first. Let me check it to be sure.

002123

12 1 We started her at about eleven
2 o'clock in the morning and Miss Jacobson at about two
3 o'clock in the afternoon.

4 So Miss Lizzi, whom we have
5 been discussing, was the first of the two autopsies.

6 Q All right. Now let's discuss the autopsy of
7 Lauri Jacobson, if we might.

8 Showing you State's Exhibit 51,
9 does that appear to be a photograph of the body of Lauri
10 Jacobson, as she was presented to you?

11 A Yes, it does.

12 Q And just very quickly, if you'd show the
13 jury -- they saw these pictures earlier -- but just to
14 remind them of the clothing and describe the clothing as you
15 are showing them that picture.

16 A All right.

17 Q You could just hold it up, Doctor. I don't
18 think --

19 A Okay.

20 We have a -- a white pullover
21 shirt, a T shirt with a multi colored pattern on the back
22 here. She's lying face down, of course. (Indicating)

23 We have blue pants on and white
24 socks. That's about all we can see here. (Indicating)

002124

12 1 Q All right. Thank you.

2 Did she have any restraints
3 that were associated with her body?

4 A No.

5 Q All right. And as in the case of Denise
6 Lizzi, you removed her clothing so that you could do an
7 examination of the -- an external examination of the body?

8 A Yes.

9 Q What did that external examination show to
10 you?

11 First of all, how tall was she
12 and how much did she weigh?

13 A She weighed 148 pounds. She was a little
14 taller, five feet nine, I believe.

15 Q What can you tell us about the rigor mortis,
16 the lividity, the decomposition of Lauri Jacobson, as you
17 have told us about Denise Lizzi?

18 A Her state of decomposition was more advanced
19 than that of Miss Lizzi.

20 Again, the rigor mortis, pretty
21 well gone; the pattern of lividity, the discoloration of the
22 body, again, indicating that she had been lying face down.

23 Q Would this 53 help in describing the amount
24 of decomposition?

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1 A Yes, because it's not an easy thing to
2 describe.

3 We have a lot of discoloration
4 of the skin, particularly the areas that lay downward; and
5 we see that in this picture; and as you look across the
6 shoulders and particularly the left -- the area above the
7 left breast here, you see kind of a reticulated pattern. It
8 looks like -- almost like a pattern of a giraffe's hide.

9 This discoloration is due to
10 the activity of bacteria that is driving the blood from the
11 various blood vessels as gases expand and push against it,
12 and we call this marbling. I don't know where that word
13 came from, but I guess it's because sometimes it looks like
14 some of the patterns in a piece of marble.

15 In the face, we see a lot of
16 discoloration. We see some patchy areas of skin slippage,
17 all of which is substantially more advanced than it was in
18 the case of Miss Lizz1.

19 Q We'll come back to the comparison of the two
20 states of decomposition in a moment.

21 Let me have you describe for
22 the jury, if you would -- well, you did rigor.

23 And was there lividity that you
24 had seen? I can't recall if you had talked about that or

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1 not.

2 A Lividity, yes; the same kind of distribution
3 as we had with the other lady. We're simply indicating that
4 she had been face down.

5 Q In the same position that the early
6 photographs show her when she was --

7 A Yes, more or less the same.

8 Q All right. What can you tell us about
9 injuries that you noted on the body of Lauri Jacobson?

10 A We had some apparent damage around the neck
11 and behind the right ear. There is a scratch on the neck,
12 which went off from about the midline toward the left, and
13 finally ended in a very superficial little penetrating stab
14 wound.

15 Q Let me show you Exhibit 54 and ask if
16 that -- would you make sure it's 54?

17 A This is 54, yes.

18 Q And does it help to describe the scratch
19 which you are referring to now?

20 A Well, there was another scratch here. I --
21 I believe this is a second scratch.

22 What 54 really does for us is
23 to show us a very small penetrating wound around the right
24 ear.

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1 Q All right. Tell us about that wound.

2 A Well, in the picture, the ear is being
3 pulled forward by somebody with a glove on here. We see
4 discoloration of the tissue behind the ear, bruising; and
5 there actually is a little quarter inch V shaped penetrating
6 stab wound, just into the skin, into the skin. It's not
7 deep.

8 Q How deep was it?

9 A About a quarter of an inch.

10 Q Similar to the two neck wounds that we had
11 seen on Denise Lizzi?

12 A Similar, yes.

13 Q All right. Go ahead.

14 A And then down below the ear, about down
15 here, is a scratch. (Indicating) That really is all it is.
16 It just shows up as a straight line.

17 Q Does the scratch penetrate, to any extent,
18 the skin?

19 A Just the super -- just the outer layers,
20 just enough to leave a good mark.

21 Q And when I brought you that photo, you were
22 speaking, I believe, of another scratch.

23 Where would that be located?

24 A I think the one I was thinking of was on the

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1 left side of the neck, if I remember correctly. I've got to
2 check here just to be certain I'm right.

3 No, I'm wrong. It was off to
4 the right, so that's the one you are talking about.

5 Q Was there any kind of a penetrating wound
6 affiliated with that scratch?

7 A Yes. At -- the scratch comes around toward
8 the midline; there is a penetrating wound, similar to what
9 we've seen before, about three-eighths of an inch long.

10 Q What do you mean by midline?

11 A Center line. (Indicating)

12 Q Okay. So where you're pointing, right
13 underneath your chin and the middle of the neck area --

14 A Yes.

15 Q -- that is where the small penetrating type
16 wound was found on Denise -- I'm sorry, Lauri Jacobson?

17 A Correct.

18 Q Did you notice any other scratches,
19 abrasions, anything of that nature?

20 A At the moment, I don't recall any
21 specifically.

22 The -- what caught my attention
23 really was the fact that we -- we did have a penetrating
24 wound in the skin here and that's all that it involved. It

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1 didn't involve any deep structures.

2 Q Are there any scratches associated with her
3 right forearm?

4 A Right forearm? May have been.

5 Q If you could refresh your memory.

6 A I'd have to have a look.

7 Yes. There was a two and a
8 half inch scratch. This had a brownish discoloration; no
9 evidence of reaction to it. I consider this -- probably it
10 happened after death.

11 Q All right. All of the other wounds which
12 you have described, do I take from your answer, appeared
13 prior to death -- or occurred prior to death?

14 A Yes. I think -- I think that Exhibit 54
15 marks that very clear. We have this little penetrating
16 wound and quite a little bit of bruising effect around it,
17 dark purplish discoloration.

18 Q Why does the bruising mean anything in terms
19 of whether it occurred before or after death?

20 A Well, bruising doesn't occur after death.
21 You have to have a functioning circulating blood stream.

22 Bruising occurs because tissue
23 is damaged and blood cells scatter out into the tissue, get
24 out of their vessels, and that's what gives us the color of

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1 any bruise.

2 Q And that doesn't happen after death?

3 A It does not happen after death.

4 Q I see.

5 A Usually. There are a couple of exceptions;
6 they are rare and under certain circumstances.

7 Q But they do not apply to this case?

8 A They do not apply here.

9 Q The wound underneath the right ear, which
10 you've described, can you tell what sort of an instrument
11 caused that?

12 A Something with a reasonably sharp point.
13 Again, whether I'm correct; I don't know, but a small knife
14 comes to mind.

15 Q Would the sharp edge of a table, if a person
16 hit into that hard enough, could that cause that?

17 A It would have to be an uncommonly sharp
18 edge, a metal edge of some kind with a very sharp corner. I
19 suppose that's a possibility.

20 Q And did you have an occasion, after your
21 external examination, to do an internal examination on the
22 body of Lauri Jacobson?

23 A Yes, I did.

24 Q And what were the significant findings with

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1 regard to that?

2 A Again, the significant findings are confined
3 to the neck area. I did not find any indication of any
4 disease process that would have caused her any problems.

5 In the neck we have a great
6 deal of hemorrhage in the soft tissues around the muscles,
7 around the thyroid gland; and, in addition, we actually have
8 a fracture of the cartilage which forms the voice box or
9 larynx.

10 Q Cartilage, is that like a bone?

11 A Well, not really.

12 Cartilage is the stuff that
13 gives form to portions of the body. For example, the outer
14 ear, this has an inner framework of cartilage, very
15 flexible; but it returns back to its original shape so that
16 when I bend the ear and let go of it, it still looks like it
17 did before.

18 We have a fair amount of
19 cartilage in the nose. This is what keeps the sides of the
20 nose out and keeps them from collapsing in and blocking the
21 airway.

22 And major components of all of
23 our joints, provides for slick, smooth surfaces to bend,
24 roll, slide over.

002132

14 1 Q And did you tell us that the cartilage that
2 formed around the voice box had been fractured?

3 A Yes.

4 Q So it did break this cartilage?

5 A Yes, it did.

6 Q All right. Can you describe that for us as
7 it related to this case.

8 A Okay. The solid structure that we feel in
9 the front of the neck here (indicating) is the voice box.
10 We're all familiar with that. It's made of cartilage. At
11 this age, 20s and 30s, it still is cartilage.

12 Later on in life you may get
13 some bone development in here so it becomes rigid, but not
14 at this age. It's still pretty flexible. And it also
15 retains its shape so it helps to keep the airway open.

16 Now, right up at the top, right
17 in the center line, there is a notch. Okay. Okay. You can
18 all feel it. (Indicating). And right at the bottom of this
19 V shaped notch, we have a fracture line going down a short
20 distance, again, into the substance of the voice box itself.

21 Q Does it take force to create that?

22 A Sorry?

23 Q Does it take force to create that fracture?

24 A Yes, it does.

002133

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1 Q Was that fracture seen in Denise Lizzi?

2 A No.

3 Q But it was seen in Lauri Jacobson?

4 A Yes.

5 Q What did you note in the neck regarding
6 hemorrhage?

7 A There was quite -- quite a bit. There was
8 substantially more than we saw in Miss Lizzi.

9 Q What does all of that suggest to you in
10 regards to Lauri Jacobson?

11 A This is certainly consistent with manual
12 strangulation.

13 Q And are you able to tell us the cause of
14 death then?

15 A Yes, sir.

16 Q And what was it?

17 A Death, in my opinion, was as a result of
18 asphyxiation, again, lack of oxygen, which, in turn, is due
19 to manual strangulation.

20 Q And how about the manner of death?

21 A Again, in my opinion, this is homicidal.

22 Q Not accidental nor self inflicted?

23 A No.

24 Q In the case of Lauri Jacobson, were you able

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1 to request a toxicology screen on her as well?

2 A We did, yes. We had something more of a
3 problem with Miss Jacobson due to the state of
4 decomposition.

5 One of the things that happens
6 in this process is that blood is pushed out of the vessels
7 into the tissues. It's consumed by bacterial action. And
8 we simply didn't have any blood available to send over to
9 the laboratory.

10 In a case like this, we do the
11 next best thing and send solid organ samples, which would be
12 involved with the elimination or the metabolism of various
13 and foreign compounds, so we send pieces of liver, pieces of
14 kidney, and they can be ground up and tracked and tested for
15 presence of various drugs and other things.

16 Q Is that manner of testing as reliable as the
17 blood and urine testing?

18 A It certainly is reliable, yes. It's more
19 work, but you'd -- I would say it has the same degree of
20 reliability.

21 Q And what were the test results that you got
22 back on the toxicological screen of Lauri Jacobson?

23 A No drugs were identified in either the liver
24 or the kidneys. We cannot do a blood alcohol because we

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1 don't have any blood.

2 Q So there was no opinion as to whether or not
3 there was any alcohol in her system?

4 A No. We cannot say anything about that.

15

5 Q Was there -- other than the injury behind
6 the ear -- I think you said it was the right ear of Lauri
7 Jacobson -- was there any evidence of any injury to her
8 head, any other injury to her head?

9 A Not that I recall, no; certainly nothing
10 deep inside. No -- no -- no brain injury or anything like
11 that.

12 Q Assume a hypothetical for a moment, Doctor,
13 where she was hit over the head with a bottle, a beer
14 bottle, sufficient to make her at least wobbly and not be in
15 full capacity of her functions.

16 Would an -- would a hit like
17 that necessarily show up in your autopsy?

18 A If the blow is inflicted in an area which is
19 not too badly involved in decomposition, it ought to be
20 pretty obvious; in decomposed tissue, it can be very
21 difficult.

22 This is a rather modest to
23 moderate state of decomposition, and such an injury, hard
24 enough to stun her, would show up, if she survived that for

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1 a matter of some minutes.

2 Now, it takes a few minutes for
3 a bruise to develop so you can see it. You bang your arm on
4 something and say, ouch, and look at it and it looks
5 perfectly all right, and ten minutes later, it's turned red
6 and began to puff up. So it takes time for these things to
7 develop.

8 Q Do you shave the head in order to look at
9 the outer portions of the skin?

10 A Sometimes.

11 Q Did you in this case?

12 A I don't think so, no.

13 Q Could the hole behind the -- or underneath
14 the ear be consistent with such a blow?

15 A No. This -- this is a very minor injury.
16 No.

17 Q What can you tell us in terms of the time of
18 the death of Lauri Jacobson?

19 A Well, to all appearances, it looked like she
20 should have been dead longer than Miss Lizzi; however, that
21 is not an absolute. There are lots of different things
22 which influence the rate of decomposition.

23 For example, whether or not the
24 person is clothed will make a difference. Those who are

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1 clothed lose their body temperature more slowly. They
2 remain warm longer than the person who is not clothed.

3 Q And in the case of Lauri Jacobson, she was
4 clothed when she --

5 A She was fully clothed. Miss Lizzi was not.

6 Q And just so -- before we leave that point,
7 can that make a difference -- the difference in their two
8 sets of clothing make a difference in the speed of
9 decomposition?

10 A Possibly a small difference. I -- given the
11 fact that they are in the same environment -- actually lying
12 pretty much side-by-side, you won't expect it to make a huge
13 difference; a small difference, perhaps, yes.

14 Q Are there other factors that could enter
15 into the difference in their decomposition?

16 A Yes, there are. Body weight is a factor.
17 The heavy person will lose his deep core temperature much
18 more slowly than a thin person would.

19 Q And you testified, I believe, Lauri Jacobson
20 was 148 pounds?

21 A She was.

22 Q Denise Lizzi was 118 pounds?

23 A Correct.

24 Q I think you described her as being slender,

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1 as a matter of fact.

2 A Yes.

3 Q Would that have some significant effect on
4 the rate of decomposition?

5 A Again, possibly a minor effect. I don't
6 think that difference, with what -- we got 30 pounds
7 difference here. That really shouldn't make a traumatic
8 difference.

9 Now, a person's activity prior
10 to death can make a difference in how rapidly one loses core
11 temperature.

12 There are many variables, and
13 sometimes you will find, as I have, two bodies that we are
14 certain died at or about the same time, within minutes of
15 each other, and see different rates of levels of
16 decomposition; and sometimes you wind up scratching your
17 head, saying, I don't know why this is.

18 Q Hypothetically, if you knew that someone had
19 come into court and indicated that both of these women were
20 strangled at about the same time, but not sure if they died
21 immediately, and that that happened on the 18th of February,
22 1992, and the bodies were found -- and I should add to that
23 around the noon time part of the day -- and the bodies were
24 found about 48 hours later, on the 20th of February, 1992.

002133

MR100-07058-R0002143

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1 could that scenario be consistent with what you have seen
2 through these autopsies?

16

3 A Yes, it could. I'll have to admit that I
4 don't have a good explanation for this difference, but it's
5 certainly not impossible that they could have died at or
6 about the same time or within half an hour, for example, of
7 each other.

8 If that is the case, in this
9 case, then I don't know why we have as much difference
10 between the two bodies as we do. It's there. I can tell you
11 about it, but this is one that I'm hard put to explain.

12 Q Were there any ligature marks on the neck,
13 ankles or wrists of Lauri Jacobson?

14 A Not that I recall, no. I don't think there
15 were.

16 Q Anything that would suggest there may have
17 been?

18 A No.

19 Q If she had been, as an example, tied up in a
20 fashion similar to that of Denise, could the decomposition
21 process obliterate marks, assuming that they were maybe tied
22 lighter?

23 A If they are tied lightly, there might not be
24 any residual mark, regardless of whether decomposition is

002140

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1 started or not.

2 In the decomposing body, yes,
3 it does create problems, the further the procession, the
4 more difficult it becomes to interpret what you see or even
5 to find things that you would have seen in a fresh body.

6 Yes, we are at a disadvantage
7 working with a decomposed body, but I do not find anything
8 that would say, yes, this person had something tied here.
9 It's just not there.

10 Q Hypothetically, if Lauri Jacobson had been
11 tied prior to her death and released prior to her death,
12 might that explain no showing of ligature marks?

13 A That's possible.

14 MR. WOLFSON: I'm going to object, Judge.

15 We don't have that evidence
16 before this jury and a hypothetical must be based on
17 evidence. He would be asking the doctor to speculate.

18 THE COURT: Sustained.

19 MR. WOLFSON: I ask you to strike the
20 doctor's answer.

21 THE COURT: The answer is stricken. The
22 jury will disregard that.

23 BY MR. SEATON:

24 Q You had mentioned earlier in your testimony

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1 that when you were -- I think we were talking about Denise
2 and the two kinds of strangulation that can occur, manual
3 and ligature, and as you were describing manual ligature,
4 you began to tell us about --

5 MR. DUNLEAVY: Objection. I think he
6 misspoke. He just said as you were describing manual
7 ligature.

8 MR. SEATON: I'm sorry.

9 THE COURT: He did.

10 BY MR. SEATON:

11 Q As you were describing manual
12 strangulation -- well, I did the some thing I did before.

13 Let me ask you to do it now.

14 Would you describe for us the
15 type of force necessary to manually strangle somebody.

16 A Well, this process really requires a fair
17 amount of strength, and if you are going to fracture
18 something in here (indicating), this -- this is a very
19 substantial amount of effort.

20 I don't know how to describe
21 it. Certainly you can't put this in terms of X number of
22 foot pounds of normal per square inch or anything like the
23 engineers would do, but, yes, it does take some effort.

24 And the force has to be applied

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1 in such a fashion that this part of the neck is compressed,
2 whether he's coming around the front, something like that,
3 or coming from the back and you are getting fingers on it.
4 (Indicating). One way or another, this has to be compressed
5 to the point where it actually cracks.

6 Q And for the record, the "this" you are
7 referring to is the area around the voice box in the front
8 of the throat?

9 A Yes.

10 Q All right.

11 Can you give us any idea of
12 what kind of force -- how strong a person has to be to
13 accomplish something like that?

14 A Well, you certainly don't have to be a
15 muscle man to do this, but it does take a fair amount of
16 energy to accomplish. Again, this is a -- something that's
17 very difficult to put in to words, and I'm not doing a real
18 good job, I know that.

19 Q How much time does it take to accomplish
20 this act?

21 A Generally it takes several minutes, although
22 if the airway is damaged, and swelling ensues, then it
23 doesn't really take very long.

24 As a matter of fact, if you

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1 fracture the larynx and the voice box, as with a karate
2 blow, which certainly you can, that's all it needs, is that
3 instantaneous blow, because nature will take over and do --
4 and finish the job for you.

5 Q But if one person were kneeling over another
6 person, strangling them with their hands, and that was going
7 to be the method of death, how long would that take?

8 MR. WOLFSON: Objection; assuming facts not
9 in evidence. It's a hypothetical based on no evidence.

17

10 MR. SEATON: Well, Judge, there is manual
11 strangulation here.

12 THE COURT: Overruled.

13 MR. WOLFSON: No, no evidence of somebody
14 standing over, kneeling over, anything like that.

15 MR. SEATON: Let me take that out of my
16 hypothetical.

17 THE COURT: Go on.

18 BY MR. SEATON:

19 Q If someone is placing their hands around the
20 throat of another human being and they are applying
21 sufficient pressure against the voice box to eventually
22 crack that cartilage, and they do it for long enough to
23 cause death to occur, how long does that take?

24 A This probably would require something in the

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1 neighborhood of two to three, maybe four minutes.

2 Now, with the fracture, time is
3 not critical because the swelling that results from the
4 fracture will help to block that airway.

5 Q Is that something that's going to be obvious
6 to the killer?

7 A No. If you -- to put it back in to terms of
8 how long does it take to produce irreversible brain damage
9 by shutting off the air supply to the body, we got about
10 four minutes.

11 Q And then death occurs?

12 A Well, certainly irreversible injury occurs;
13 it can never be repaired; and death is a common result.

14 MR. SEATON: Court's indulgence.

15 THE COURT: Okay.

16 (Whereupon, a sotto voce at
17 this time.)

18 BY MR. SEATON:

19 Q Just one last question, Doctor.

20 When the kidney sample -- and
21 what else was sent to APL of Lauri Jacobson?

22 A Kidney and liver.

23 Q Liver.

24 How much of those organs is

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1 sent -- or was sent to APL?

2 A We generally send about six ounces.

3 Q All right. Thank you.

4 Of each?

5 A Each.

6 MR. SEATON: Thank you.

7 I have no further questions.

8 THE COURT: All right. Let's take a short
9 recess. Then we'll begin with cross-examination.

10 Remember: Do not discuss the
11 case among yourselves or with anyone else; or

12 Read, watch, listen to any
13 report or commentary on this case; or

14 Form any opinions on any
15 subject connected with the case until the matter is finally
16 submitted to you.

17

18 (Whereupon, a recess was had in
19 the proceedings, at the
20 conclusion of which the
21 following was had:)

22

23 THE COURT: counsel stipulate to the
24 presence of the jury?

MR. SEATON: Yes, Judge.

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1 THE COURT: Okay. Dr. Green, will you take
2 the stand.

3 Cross-examination?

4 MR. WOLFSON: Thank you, Judge.

5
6 CROSS-EXAMINATION

7 BY MR. WOLFSON:

8 Q Dr. Green, let me ask you to quickly review
9 a few photographs. They are marked as State's Exhibits
10 51 -- and I would ask you to look at them collectively --
11 State's Exhibit 51, 56, 57, 58, 61 and 62.

12 Are those photographs of the
13 body of Lauri Jacobson who you performed an autopsy on on, I
14 believe it was, February 21st, 1992?

15 A They do appear to be.

16 Q Thank you, Doctor.

17 As I understand your testimony
18 from direct examination, you are able to determine fairly
19 conclusively that the body of Denise Lizzi had certain
20 ligature marks on it.

21 A Yes.

22 Q Specifically in the ankle, wrist and neck
23 area.

24 A Correct.

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1 Q It's my understanding that you cannot make
2 that same finding from the ankle and wrist area of Lauri
3 Jacobson; isn't that true?

4 A That is correct.

5 Let me -- if I may, I'd like to
6 comment on the ankle business.

7 Exhibit 61 shows both lower
8 legs. It's a little bit overexposed in printing. I can see
9 nothing in terms of detail on the ankles in that one.

10 In Number 62, we have a close
11 up of the left ankle. There is a faint circumferential mark
12 upon it, which corresponds very nicely to the elastic top of
13 her sock.

14 Q Okay. Would it be fair to say then that you
15 feel quite comfortably that there were no ligatures placed
16 around the ankles and wrists of Lauri Jacobson?

17 A I don't know that to be the case. All I can
18 tell you is I saw no evidence to support it.

19 Q You don't know what happened to these girls;
20 you only know what your examination reveals to you; is that
21 right?

22 A That's all I'm trying to do.

23 Q And your examination reveals the existence
24 and the probability of ligatures applied to Denise Lizzi,

002148

17 1 but not to Lauri Jacobson; is that a fair characterization?

2 A Yes, it is.

3 Q You said that Lauri Jacobson was a 140
4 pound -- I believe you said -- five foot nine-ish woman, did
5 you not?

6 A I think that is correct, yes.

7 Q Please check your records, Doctor.

8 A Sixty-nine inches, five feet nine, 148,
9 that's correct.

18 10 Q If a 148 pound woman was hog tied behind her
11 back, both wrists and ankles, with a cord type of ligature,
12 and dragged by those bindings a distance of 20 to 50 feet in
13 the air, would you think that you would find ligature marks?

14 MR. SEATON: I object to the form of the
15 question. I know of no 20 to 50 feet distance that has been
16 testified to in this courtroom.

17 MR. WOLFSON: I'll change my range of 10 to
18 20.

19 THE COURT: Okay.

20 BY MR. WOLFSON:

21 Q Ten to 20 feet.

22 A If that, indeed, was the case, then it would
23 be reasonable to expect to find some kind of marking or
24 abrasion or some indicator.

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1 Q Wouldn't you think you'd find some pretty
2 severe markings of some sort if this woman was dragged in
3 the manner in which I have described?

4 A It would seem reasonable.

5 Q You found no stun gun marks on either
6 victim; isn't that right?

7 A I believe that's correct.

8 Q Do you have a doubt in your testimony?

9 A I don't recall any. I don't re- -- recall
10 seeing it as I reviewed these cases, no; so I don't believe
11 there were any.

12 Q Do you recall being asked that question
13 before the Grand Jury?

14 A I think it did come up, yes.

15 Q Were you not asked: Are you familiar with
16 what they call a stun gun, sir?

17 Page 224, counsel.

18 Do you remember being asked
19 that question?

20 A I do.

21 Q Do you remember giving the answer: A what?

22 And then the next question:

23 Stun gun.

24 And your answer was: Slightly.

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18

1 And you were asked a question:
2 Would it leave any external
3 marks?

4 Your answer was: It does,
5 yeah.

6 Question: Did you find any
7 evidence?

8 Your answer: It leaves a
9 little pair of brown dots.

10 Question: Did you find any
11 evidence of this on the body?

12 Answer: No.

13 Do you recall giving that
14 testimony before the Clark County Grand Jury?

15 A Yes. I saw the transcript of that here not
16 long ago.

17 Q When?

18 A Oh, yesterday or the day before.

19 Q And that testimony pertained to Lauri
20 Jacobson, did it not?

21 A I believe it did.

22 Q Doctor, I believe you testified that there
23 was no significant markings on the rear of the head of Lauri
24 Jacobson, did you not?

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1 A I believe that's correct.

2 Q Do you base that -- and if you need to
3 review your report, please do.

4 A I'd like to. I certainly don't remember
5 any.

6 You are not discussing the
7 little wound below the right ear? (Indicating)

8 Q Correct. I'm discussing a potential wound
9 or the absence thereof in the scalp area behind the head, in
10 the rear of the head.

11 A No, we did not find any there.

12 Q Do you base your finding on both an external
13 and an internal examination?

14 A Yes.

15 Q The external examination being you
16 personally viewing the head and looking down on it; is that
17 right?

18 A Yes, it is.

19 Q And what about the internal examination for
20 that type of wound; how do you accomplish that?

21 A The scalp is incised. We start behind one
22 ear, 'go around the back of the head, stop behind the other
23 ear.

24 We can roll the scalp forward,

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1 and dissect it down in the back. And then when -- when
2 we're through with the examination, it can be returned --
3 sewed up, no visible marking.

4 Q And is it not true that regarding your
5 internal examination of the head of Lauri Jacobson, that you
6 concluded in your autopsy report there is no epidural,
7 subdural or subarachnoid hemorrhage?

8 A Correct.

9 Q And that's consistent with your testimony
10 that there was no evidence of a significant injury to the
11 rear of the head of Lauri Jacobson?

12 A I think if you move up about two lines,
13 we're still talking about the scalp, the outside -- outside
14 of the skull rather than inside.

15 Q I understand that. But that finding in your
16 report is still consistent with your conclusion.

17 A It is, but I think more significant than
18 that is the statement on the second line where we're still
19 referring to the scalp, no discreet hemorrhages are
20 identified.

21 Q Thank you, Doctor.

22 If a person took a beer bottle
23 and struck it against the head of Lauri Jacobson to a force
24 or degree enough to cause the breaking of the beer bottle

002153

18 1 and the person to be knocked, as I'll call it,
2 semi-unconscious, would you expect to find evidence of that
3 kind of striking blow on Lauri Jacobson?

4 A You might or might not. I don't think
5 that's predictable.

6 Head injuries can sometimes be
19 7 quite traumatic and not leave a mark of any kind. I know.
8 I've been there. (Indicating)

9 Q And, alternatively, they could certainly
10 leave the kind of bruising or mark that could be noticed by
11 an autopsy.

12 A That also is entirely possible.

13 Q We deal with a lot of possibilities in the
14 field of pathology, do we not?

15 A We do.

16 Q You've used the word possibility a lot
17 during your examination today, have you not?

18 A Perhaps.

19 Q Does a wound of a person, more particularly
20 a stab wound, as you've described, open up larger during the
21 period of decomposition?

22 A It's not going to get any longer. In other
23 words, it's not going to cause tearing to extend the length
24 of the wound.

002154

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1 Decomposition may make it a
2 little more difficult to evaluate because tissues get a
3 little sloppy, but, no, it's not really going to change the
4 size of it.

5 Q Have you ever done any work in the area of
6 trying to determine whether the killer in a case like this
7 was right-handed or left-handed?

8 A I have. And I have come to the conclusion
9 that most of the time, you can't tell.

10 Q Can you tell sometimes?

11 A You can -- I would put it in the area of an
12 educated guess.

13 Q Were you asked to make an educated guess in
14 this case?

15 A Not that I recall.

16 Q When you talk about manual strangulation,
17 you are talking about the human body being used to strangle
18 its victim versus the use of an instrumentality; is that
19 right?

20 A Right. The term manual, of course, comes
21 from the use of the hands; Spanish, mono, hand.

22 Q But, when we talk about manual
23 strangulation, do you also include using another part of the
24 body other than one's hands, such as wrists or arms, such as

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1 a choke hold?

2 A A choke hold, yes. This -- I -- I do not
3 use choke hold as synonymous with strangulation. The
4 effect -- the end result may well be the same, but,
5 personally, I would make a distinction between the two.

6 Q For the jury's benefit, tell them what a
7 choke hold is.

8 A A choke hold can be applied from -- with the
9 assailant, the attacker, behind his victim in two different
10 ways: With one, you can bring the elbow up so it comes over
11 the larynx and simply press it back. It's not going to
12 do -- it's not going to break anything, (indicating),
13 because the larynx, having a V shaped configuration, is
14 going to fit very nicely into the inside of the elbow.

15 Now, one can cause
16 unconsciousness by compression of the carotid arteries; one
17 can cause unconsciousness by actually compressing the airway
18 back to where breathing is no longer possible.

19 The alternative to the common
20 choke hold is called the arm bar, and in this case, the
21 forearm is placed against the front of the neck and pressure
22 is applied by the middle of the arm rather than by the
23 inside of the elbow. This has the potential for doing
24 actually more damage than the choke hold type.

002156

19 1 Q You have made findings in this case that
2 manual strangulation, in addition to ligature strangulation,
3 was in part a contributing cause of death.

4 A It could well be -- have been the cause, and
5 it certainly -- if it's not the cause, it is a contributor,
6 yes.

7 MR. SEATON: Judge, just for the record -- I
8 apologize. I think we know who he's talking about, but
9 could we have a clarification as to which of the two young
10 ladies --

11 BY MR. WOLFSON:

12 Q Which girl are we talking about, Doctor?

13 A We're talking about both of them in terms of
14 manual strangulation.

15 Q All right. When you give the opinion that
16 both of these girls were manually strangled, are you opining
17 that the killer used his hands to accomplish that?

18 A Yes.

19 Q Okay. Are you providing us with your expert
20 opinion that the killer used his hands and he, either from
21 the front or the rear, caused pressure to be placed against
22 the victim's neck?

23 A Yes.

24 Q Do you know if either of these girls were

002157

ME: PPO-07058-R0002161

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1 strangled from the front or the rear?

2 A I cannot tell you.

3 Q Have you ever performed pathological work
4 and been able to see literal fingerprinting on a person's
5 neck area consistent with manual strangulation?

6 A I have seen attempts made to lift
7 fingerprints from human skin, but I've never seen a success.

20

8 Q If I misspoke, I'm sorry. I don't mean
9 fingerprint. I mean evidence of finger impressions left on
10 a body consistent with a person grabbing the neck area.

11 A Yes. There can be bruises, which match the
12 pattern of the human hand and certainly -- and frequently,
13 not always, fingernail indentations into the skin. That's
14 not a constant, but it certainly is common.

15 Q It is common, you say?

16 A Yeah.

17 Q Do you make those findings from your
18 internal or external examination --

19 A That --

20 Q -- or both?

21 A In that case, the fin- -- the fingernail
22 marks are external. You don't see anything different
23 internally.

24 Q You don't see anything different internally,

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20

1 you said?

2 A As to whether or not fingernail marks are
3 present.

4 Q What about the finger impressions, do you
5 make a finding that the person may have been strangled by
6 human hands based upon external sightings or internal
7 sightings?

8 A Primarily internal.

9 Q Okay. The hemorrhaging, the hemorrhaging --

10 A Yes.

11 Q -- patterns, if you will?

12 A That's correct.

13 Q Did you see any of those hemorrhaging
14 patterns consistent with manual strangulation with the human
15 hand in these cases?

16 A Yes, both.

17 Q Were you able to determine from that finding
18 whether the girls were strangled from the front or the rear?

19 A No.

20 Q Does the hemorrhaging pattern actually allow
21 you to conclude the angle of the hands against the person's
22 body?

23 A Not really, no.

24 Q Have you ever read any works or studies that

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1 allow experts, like yourselves, to determine whether the
2 person who committed the crime was grabbing from a like
3 height, where their hands would come around in such a
4 manner, or had to reach up, therefore, leaving a different
5 type of impression?

6 A I have never seen any such study. I am not
7 aware of any.

8 Q Doctor, showing you State's Exhibit Number
9 54, are you able to tell us which girl that is a photograph
10 of?

11 A Yes, sir. This is a photograph of Miss
12 Jacobson. It shows the little injury behind her right ear.

13 Q Is that injury, and the circular formation
14 just under it, consistent with perhaps an earring being on
15 the body at the time of the struggle and then eventual
16 death?

17 A No. I think the circular pattern that you
18 are seeing here is skin slippage.

19 Q Is that the slippage?

20 A Yes.

21 Q Doctor, in your autopsy reports, you
22 estimated that the time of death would have occurred two and
23 a half to three and a half days prior to your examinations;
24 isn't that true?

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20

1 A That's correct.

2 Q Would you please define homicide for us?

3 A You mean as I think of it, rather than a law
4 book definition or what?

5 Q You have come into this courtroom and you
6 have given your expert opinion that the manner of death in
7 these cases is homicide.

8 What do you mean by that?

9 A I use the term simply to refer to the act,
10 the actions by which one person takes the life of another.
11 I do not try to get in to reasons or intent.

12 Q Could asphyxiation occur over an extended
13 length or period of time?

14 A The actual process of a neck injury or neck
15 impression, no. This is a very rapid event.

16 Q If a gag is put in someone's mouth in the
17 fashion that we have hereto testified, is it possible that
18 death could have occurred minutes -- 10, 20, 30 minutes --
19 after the gag was placed in the mouth?

20 A In the situation we have with this
21 particular gag, with it compressing the tongue back to the
22 back of the throat, no, there is no possibility of that
23 length of time of survival.

24 Q Are you able to conclude that the gag was

002161

20 1 placed inside the mouth, and when it was placed in the
2 mouth, it caused the tongue to move backwards and upwards;
3 or could the victim have done that herself?

4 A If the victim is conscious, uninjured and
5 wants to do this, yes, it's possible to do it to yourself.

6 Q Could a victim have done that in their
7 struggle, not knowing that by moving their tongue in that
8 fashion, it could eventually lead to their death?

9 A During a struggle? It seems a bit unlikely.

10 Q Sir, your answer was -- previously was
11 something about if somebody wanted to do that, but nobody
12 would want to move their tongue in that fashion.

13 But if a person who has a gag
14 placed in their mouth, in their own struggle, with the fact
15 of the gag in their mouth, could they, on their own, move
16 their tongue to that eventual position, not knowing that by
17 doing so it would cause their death?

18 A No. I think in this case where the bulk of
19 the material, which is pushed into the mouth, in the sock,
20 lies basically under the tongue -- in other words, between
21 your lower teeth and the tongue -- this is not a logical
22 place to put something, if you put it in your mouth. You
23 generally put it on top of the tongue.

24 If it's forced in between the

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1 1 Jaw and the tongue, this is clearly going to push the tongue
2 2 up and back and block the airway. And if the object is
3 3 placed there, then it would be difficult at least to move
4 4 the tongue in such a manner as to try to push it out with
5 5 your tongue.

6 I really don't see quite what
7 7 you are getting at.

8 Q I guess what I'm getting at is if the killer
9 9 placed the sock in the mouth on top of the tongue,
10 10 (indicating) --

11 A Uh-huh.

12 Q -- and the victim was trying to spit it out
13 13 or move her tongue so as to not choke, is it possible for
14 14 the victim to have pulled her tongue in that rear and upward
15 15 motion as you saw it was found?

16 A I suppose it would be possible.

17 If you had that -- if you had
18 18 to have the ligature around the face to hold the thing in
19 19 there, then there is no possibility of it moving at all.

20 Q How often do you put comments at the end of
21 21 your autopsy reports, under a particular comments section?

22 A Um, occasionally. I don't know exactly how
23 23 often; not every case.

24 Q It's not uncommon?

002163

1 A Not uncommon.

2 Q Now, in this case, you did put a comment
3 section at the end of Lauri Jacobson's report, did you not?

4 A I think I did. Oh, yes, I was talking about
5 the decomposition problem, yes.

6 Q Yes, you were.

7 A Yeah.

8 Q In fact, you said the degree of
9 decomposition in this case, meaning Lauri Jacobson, is
10 considerably more than in the companion case, and you were
11 talking about Denise Lizzi, were you not?

12 A That's correct, yes.

13 Q Now you said that there are many factors
14 which must be taken into account in determining time of
15 death, and one of them is decomposition; is that right?

16 A That's right.

17 Q And decomposition itself, we must look to
18 many subfactors in trying to determine why one body may have
19 decomposed quick or slower than the other; is that right?

20 A That's correct.

21 Q You knew that both these girls were found
22 side-by-side, did you not, when you wrote this report?

23 A Yes. That was what -- the information that
24 we had received, yes.

002164

1 Q And you knew that both these girls were
2 found in the same location, at the same time, did you not?

3 A Yes.

4 Q And I think it's probably safe to assume
5 that the temperature of the environment was the same at the
6 time these bodies were found, would it not be?

7 A Certainly is reasonable, yes.

8 Q And I believe you said that the difference
9 in the body weight between these girls was a factor, but not
10 a significant or weighty factor in the -- in the varying
11 amount of decomposition, did you not?

12 A That's correct, I did.

13 Q And you did mention the fact of clothing
14 being a factor, but it was one of the girls that was not
15 wearing any pants that is really the only distinguishing
16 factor as far as clothing, isn't it?

17 A That's correct.

18 Q And then you mentioned activity prior to
19 death.

20 And you are not aware of any of
21 the activity of these girls prior to their deaths, are you?

22 A I have absolutely no information on that
23 score.

24 Q Is it possible that one of the girls,

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1 perhaps Denise or -- excuse me -- Lauri Jacobson died 24
2 hours before Denise Lizzi?

3 A The degree of decomposition would certainly
4 raise that question.

5 Q Is it --

6 A But I don't say it would prove it one way or
7 the other.

8 Q Is it possible that it could have even been
9 a longer span of 36 hours?

10 A Anything is possible, yes. I think we'd
11 have a hard time pushing it more than 24.

12 Q But 24 hours is a possibility --

13 A You --

14 Q -- based upon just the sole factor of the
15 degrees of decomposition?

16 A I would agree with you.

17 MR. WOLFSON: Court's indulgence.

18 THE COURT: Okay.

19 (Whereupon, a sotto voce at
20 this time.)

21 BY MR. WOLFSON:

22 Q Doctor, are you familiar with a person who
23 injects controlled substances, methamphetamine or
24 amphetamines, and how long it takes for those substances to

002166

1 reach the liver or kidney for the purpose of a toxicology
2 test that was performed?

3 A The blood would reach the liver, kidney or
4 any other organ up to what is commonly referred to in
5 circulation time, and generally from point A to point B in
6 the body, it is a matter of some seconds.

7 We used to do something in
8 physiology class called a tongue to lung time and use a stop
9 watch. You put something on your tongue that you couldn't
10 taste, but it got into the lungs and you exhaled it and
11 could measure something else. That was a matter of a few
12 seconds.

13 Now, in terms of toxicology,
14 this is quite another story. If the thing is injected
15 intravenously, then it's going to get there quite rapidly.
16 How long it's going to take to get measurable quantities,
17 there maybe you have a problem.

18 If you miss the vein and inject
19 it just into soft tissue, then the absorption time will be
20 much longer.

21 Q Would your answer be the same for morphine?

22 A For virtually any substance.

23 Q When you say much longer, are we talking
24 about minutes or hours?

002167

2 1 A Oh, minutes, minutes.

2 Q So if a person injected a controlled
3 substance into their vein, and they actually hit their vein,
4 is it your testimony that within a matter of seconds to
5 minutes, it would circulate enough to make it into their
6 kidney and liver for the purposes of a probable finding in a
7 toxicology report?

8 A Well, I don't know how long it's going to
9 take before you are going to get measurable quantities in
10 these tissues. You refer to morphine, I don't know if there
11 is any good data on that.

12 Circulation time, it's going to
13 be the same regardless of what the material or substance is;
14 but how long it's going to take to accumulate enough in the
15 tissues of that organ -- in other words, to absorb it from
16 the blood stream, I don't know.

17 (Whereupon, a sotto voce at
18 this time.)

18 BY MR. WOLFSON:

19 Q If Lauri Jacobson had injected a controlled
20 substance intravenously within 20 or 30 minutes of her
21 death, would you expect to have found it in the liver and
22 kidney examinations that were performed by the Associated
23 Pathologists laboratory?

24 A It certainly would have been in the blood.

002168

2 1 Now, how long it's going to
2 take for the drug or the metabolism to absorb into the
3 tissues -- because in this case, we're not measuring blood.
4 We don't have any. We're measuring solid tissues -- and
5 what would seem reasonable may not be and I'm not going to
6 guess at it.

7 (Whereupon, a sotto voce at
8 this time.)

9 BY MR. WOLFSON:

10 Q Doctor, nothing from your examination and
11 nothing from your testimony here today can tell us who
12 committed these crimes; isn't that true?

13 A That is true. That's not my problem.

14 MR. WOLFSON: That concludes my examination.

15 THE COURT: Redirect.

16 MR. SEATON: Thank you, Judge.

17
18 REDIRECT EXAMINATION

19 BY MR. SEATON:

20 Q Mr. Wolfson gave you a hypothetical early on
21 in your cross-examination and it went something like if a
22 148 pound woman had been hog tied with a cord and dragged 10
23 or 20 feet would you find markings? And I believe your
24 answer would be it seems reasonable.

002169

2 1 If that person had been bound
2 in such a way that the ligatures were not tight, that is,
3 knotted tight around their wrists, their ankles, their neck,
4 whatever it may have been, but simply tight enough to keep
5 them in control and move them from one area to another, and
6 when they got to that other area, prior to death, those
7 ligatures were left in the same loose condition, would it be
8 just as reasonable that no marks would be found?

9 A I really don't think so, because the
10 operative term here, to me, is dragged.

11 Now, if you put something
12 around it and then take it off without any great amount of
13 force being used or any violence, then there may not be any
14 mark at all.

15 But if the person is dragged by
16 using this object, whatever it is, around the wrist or the
17 ankle, I would certainly expect to see some injury to that
18 skin surface, even though it might be very superficial.

19 Q You had also been asked about stun gun
20 marks.

21 And there were none in this
22 case?

23 A I did not find any.

24 Q You indicated, through your

002170

2 1 cross-examination, that you knew something about stun guns.

2 A I have seen them.

3 Q Tell us something about stun guns.

4 A Well, a stun gun is a little thing which --
5 and some of them, very small ones, are no bigger than a
6 cigarette lighter, use a little nine volt battery and an
7 electronic circuit, which will cause a current to pass from
8 the two probes which stick out the end of it to get these
9 two little wires -- wires or contacts, which come out a very
10 short distance, and the voltage is increased to the point
11 where you activate this thing, punch the button, so to
12 speak, you can actually see the electric arc fully between
13 the two, between the two probes, and it makes quite a little
14 noise, too.

15 Q What kind of a noise does it make?

16 A Oh, it's kind of a buzzing, spinning sound
17 of any electric arc.

18 Q This is going on at the same time that there
19 is a visible arc between the two prongs?

20 A Yes.

21 Q All right.

22 A Anyway, these things range from the, as I
23 say, the cigarette lighter size on up to pieces of equipment
24 which are about the size of a medium sized pistol, which

002171

3 1 have increasing amounts of power.

2 And I saw an advertisement for
3 one of these big ones here not long ago in something I got
4 in the mail that supposedly --

5 MR. WOLFSON: Judge, I'm going to object. I
6 don't think it's appropriate for the doctor to relate what
7 an advertisement said.

8 THE COURT: Sustained.

9 BY MR. SEATON:

10 Q Tell us your own personal experiences with
11 these, without relating to that --

12 A Well, I have never used one. As I say, I
13 have seen them. I have seen them demonstrated, not on a
14 living person. That's my extent of my experience with them.

15 Q When you -- when you've seen those used, do
16 the contact points have to be pressed on to the skin in
17 order to create the electrical arc?

18 MR. WOLFSON: Judge, I'm going to object. I
19 don't think he's qualified to answer that. He just said
20 he's never seen it used against a human being.

21 MR. SEATON: But that's not the question I
22 asked.

23 I asked if, not being used
24 against a human being, could -- let me reask the question.

002172

3

1 That will make it easier.

2 THE COURT: Rephrase.

3 BY MR. SEATON:

4 Q If you take one of these -- have you seen
5 one of these stun guns used where a person just holds it in
6 their hands and does not press it against the skin? Is
7 there a button or anything that can be pushed to activate
8 it?

9 A Yes, there is.

10 Q And when activated is that when the arc
11 appears?

12 A Yes.

13 Q And when that arc appears, that is when the
14 noise happens?

15 A Yes.

16 Q And it doesn't need to be pressed against
17 someone's skin in order to do that?

18 A Not at all, no.

19 Q Is it rather frightening to see and hear
20 that?

21 A Not to me particularly. It might certainly
22 frighten somebody else.

23 Q You had mentioned the absorption time of
24 drugs. Let me see if I understand what your testimony was.

002173

3

1 Is it true that if someone
2 injects something into their veins, it will course through
3 their blood rather rapidly?

4 A That's correct.

5 Q But that it takes a longer period of time
6 for that substance that has now been injected into the blood
7 stream to find its way into the kidney and into the liver?

8 A It's -- obviously, both organs have blood
9 supplies and the material will be in the blood, but to be
10 transferred from the blood to the cells of the particular
11 organ, for whatever it's going to do to this material, that
12 takes a longer time than just simply being present.

13 Q All right.

14 A It -- blood is going through the organ and,
15 eventually, the organ will pick up or absorb enough so that
16 you can measure it, say, against this material is here or
17 this -- this much material is here.

18 Q And that takes an appreciably longer time to
19 be able to detect the existence of a substance than it does
20 if you had the blood itself?

21 A Oh, yes, that is correct.

22 Q All right. And in the case of Lauri
23 Jacobson, you did not have the blood, you only had that
24 tissue that absorbed the blood somewhere along the line --

002174

3

1 A Correct.

2 Q -- and absorbed whatever substances Lauri
3 may or may not have put into her system?

4 A That is correct.

5 Q And you mentioned something about if a
6 person injected themselves and missed the vein and went into
7 the tissue, that it would take a longer period of time for
8 absorption to occur.

9 A That is correct.

10 Q Well, let's -- let me ask you a hypothetical
11 along those lines:

12 If a person injected themselves
13 in the wrist -- before I even get into that, let me ask you
14 this question:

15 Are you aware of a term among
16 drug users called skin popping?

17 A Yes.

18 Q What does that mean?

19 A Well, this means that the person is
20 injecting the material under the skin without even trying to
21 hit a vein.

22 Q Purposefully?

23 A Purposely.

24 I've seen a couple of these.

002175

MR100-02058-R0002129

3 1 They are not -- not nearly as common today as they were 20
2 years ago, because most people injecting drugs 20 years ago
3 were using dirty needles and the area would be getting
4 infected. You would get abscesses and all kinds of nasty
5 complications.

6 Today most of the drug users
7 who are injecting things are using use them once, throw them
8 away insulin syringes which are sterile, they're in
9 individual sterile packs, you don't have this problem of
10 infection.

11 Q Even though not as common today, is skin
12 popping still done?

13 A I would guess -- I don't like to guess --

14 MR. WOLFSON: Judge, I'm going to object.

15 I don't think we need guesses
16 and I don't think he's qualified to answer.

17 MR. SEATON: I can eliminate that question
18 and go on, Judge.

19 THE COURT: Okay.

20 BY MR. SEATON:

21 Q Assuming hypothetically that a person either
22 tried to inject themselves in the vein and missed, or that
23 they intentionally did what we have referred to here as skip
24 popping, what does that have to do -- what effect would that

002176

4 1 have on how soon measurable amounts of whatever it was they
2 injected got to the liver and to the kidney?

3 A Well, if it's going into the tissue and not
4 directly into the blood stream, it's going to be a longer
5 period of time before the material is picked up and gotten
6 into the blood stream.

7 It cannot circulate except in
8 the blood, and certainly it is picked up from the tissues
9 and ultimately make its way into the blood stream, and this
10 would certainly take a longer time to begin circulating
11 through the body than it would if you injected it directly
12 into the blood, in which it's there instantaneously.

13 MR. SEATON: Thank you, Doctor.

14 That will conclude direct.

15 THE COURT: Anything else, Mr. Wolfson?

16 MR. WOLFSON: Just briefly. Thank you.

17

18 RE-CROSS-EXAMINATION

19 BY MR. WOLFSON:

20 Q Doctor, in your experience, isn't it true
21 that most intravenous drug users know when they miss a vein?

22 MR. SEATON: Well, I'm going to make the
23 same objection, first of all out of his expertise, because I
24 doubt that he's around them when it happens; and it calls

002177

4

1 for speculation.

2 THE COURT: Sustained.

3 BY MR. WOLFSON:

4 Q Well, you were familiar with skin popping,
5 weren't you?

6 A Certainly.

7 Q How did you become familiar with skin
8 popping?

9 A Well, first I have read about it and then I
10 actually saw one or two.

11 Q Have you come, in the many years you've been
12 working, to know about intravenous drug users in your work?

13 A I have.

14 Q Do you have an opinion whether an
15 intravenous drug user, when injecting themselves with drugs,
16 would try to hit a vein or miss a vein?

17 MR. SEATON: Judge, I'm going to object
18 again.

19 That calls for the grossest of
20 speculation.

21 MR. WOLFSON: I don't think it's
22 speculation. The doctor is familiar with it. I'm not
23 asking him to speculate. I asked him --

24 THE COURT: I'll overrule it.

002178

4

1 MR. HARMON: May we approach the bench, Your
2 Honor?

3 THE COURT: If you want to.

4

5 (Whereupon, an off-the-record
6 discussion was had.)

7 BY MR. WOLFSON:

8 Q Dr. Green, what familiarity do you have with
9 intravenous drug usage?

10 A Personally, none.

11 The point of view of having
12 known some of them, yes, I've known some.

13 MR. SEATON: Then it's based on hearsay,
14 Judge, and speculation.

15 MR. WOLFSON: Well, I'm not offering it for
16 the truth of the matter asserted. We're offering it for
17 what's this man's state of mind, of his knowledge for his
18 opinion.

19 MR. HARMON: His state of mind isn't
20 relevant, Judge, not on what intravenous drug users would
21 do.

22 MR. WOLFSON: May I continue to try and lay
23 my foundation?

24 MR. HARMON: Could we ask him if he ever met

002179

4
1 Lauri Jacobson?

2 THE COURT: Sure you could.

3
4 VOIR DIRE EXAMINATION

5 BY MR. HARMON:

6 Q Have you ever met her, Doctor?

7 A No, not to my knowledge.

8 Q Have any familiarity at all with her drug
9 habits?

10 A None.

11 Q Or if she was to inject herself, what she
12 was going to inject into herself?

13 MR. WOLFSON: This is my examination. They
14 have the right of redirect.

15 THE COURT: Well, I thought that it was they
16 were in the middle of theirs.

17 MR. WOLFSON: Well, I'm in the middle of my
18 voir dire, and he's doing his voir dire.

19 THE COURT: You are doing your recross.

20
21 RECROSS-EXAMINATION (Resumed)

22
23 BY MR. WOLFSON:

24 Q I'm not asking you, Doctor, your opinion of

002180

4 1 what Lauri Jacobson did that day.

2 MR. SEATON: Then it's not relevant, Judge.

3 MR. WOLFSON: My question, Doctor --

4 THE COURT: Ask your question.

5 MR. WOLFSON: I'm sorry, sir?

6 THE COURT: Ask your question.

7 BY MR. WOLFSON:

8 Q My question, Doctor, is based upon your
9 familiarity and knowledge of intravenous -- well, what does
10 intravenous mean?

11 A In -- in the vein, intra, inside.

12 Q Inside what?

13 A The vein.

14 MR. WOLFSON: Okay. I have no further
15 questions in that area.

16 BY MR. WOLFSON:

17 Q My last question is -- another area that
18 we're not sure if you have such familiarity, but the stun
19 gun area: Did you say that you have never seen a stun gun
20 used against a person?

21 A That's correct.

22 Q But you've seen, through -- friends or
23 associates demonstrate its use?

24 A Correct.

002181

5 1 Q By holding a stun gun in the air and causing
2 2 it to activate; is that right?

3 3 A That is correct.

4 4 Q Are there different types of stun guns?

5 5 A Yes, there are.

6 6 Q So you're familiar with the type of stun gun
7 7 that was demonstrated to you, but not necessarily other
8 8 types of stun guns?

9 9 A No, I've -- I've seen pictures. I've seen
10 10 them advertised and described, but to physically examine
11 11 one, no, I have not.

12 12 Q You don't know what sound a stun gun makes
13 13 if it is applied against a person, do you?

14 14 A No, I've never heard it.

15 15 Q You've only heard the sound it makes if held
16 16 in the open air; isn't that right?

17 17 A Correct.

18 MR. WOLFSON: Thank you, Doctor.

19 That concludes my examination.

20 THE COURT: Anything else?

21 MR. SEATON: No, no, Judge.

22 THE COURT: Thank you, Dr. Green.

23 You are excused.

24 THE WITNESS: Thank you, sir.

002182

5 1 (Whereupon, the witness
2 was excused.)

3 THE COURT: Counsel, approach, please.

4
5 (Whereupon, an off-the-record
6 discussion was had.)

7 MR. HARMON: Your Honor, we'd like to call
8 Tracy Birch.

9 THE BAILIFF: Say again, sir.

10 MR. HARMON: Birch.

11
12 Whereupon,

13 TRACY BIRCH

14 having been called as a witness by the Plaintiff and
15 having been first duly sworn to tell the truth, the
16 whole truth and nothing but the truth, was examined
17 and testified as follows:

18 THE CLERK: Thank you.

19 Please be seated.

20 Will you state your name and
21 spell it for the record, please.

22 THE WITNESS: Tracy Birch.

23
24 DIRECT EXAMINATION

002183

5

1 BY MR. HARMON:

2 Q Is it Miss or Mrs. Birch?

3 A Mrs.

4 Q Mrs. Birch, what is your business or
5 occupation?

6 A I'm employed by the Las Vegas Metropolitan
7 Police Department as a criminologist.

8 Q Tell us what a criminologist is.

9 A I examine physical evidence that's submitted
10 to the laboratory for analysis, which would include the
11 analysis of suspected controlled substances.

12 Q How long have you been employed with the Las
13 Vegas Metropolitan Police Department?

14 A Eleven years.

15 Q Mrs. Birch, will you explain to us briefly
16 the nature of your formal training and experience as a
17 criminologist.

18 A I have a Bachelor's degree in chemistry from
19 the University of Nevada, Las Vegas.

20 I was trained by senior criminologists in
21 the laboratory on the identification of controlled
22 substances. I was given approximately a six months training
23 period.

24 At the conclusion of that

002184

5

1 training period, I was given a written and practical
2 examination, which I successfully passed.

3 I also have -- am -- I am a
4 member of the Southwest Association of Forensic Scientists
5 and the International Association for Chemical Testing.

6 Q Have you qualified as an expert in courts of
7 law before as a criminologist?

8 A Yes.

9 Q Mrs. Birch, I want to direct your attention
10 to various dates.

11 On or about September the 22nd,
12 1993, October the 4th, 1993, and October the 18th, 1993, did
13 you have occasion to examine various objects that were
14 recovered by crime scene analysts Sheree Norman and Allen
15 Cabrales from the crime scene in this case, which has been
16 identified as the Katie Arms Apartments, 3890 Cambridge
17 street, Apartment 317?

18 A Yes.

19 MR. HARMON: May I approach the witness,
20 Your Honor?

21 THE COURT: Yes.

22 BY MR. HARMON:

23 Q I'm showing you an impound report prepared
24 by Sheree Norman, in evidence as Exhibit 106 and identified

002185

5 1 in this courtroom by Analyst Allen Cabrales.

2 Would you examine the portions
3 of Exhibit 106 which are identified as packages one and two.

4 After you have done so, will
5 you tell us if packages one and two of the report refer to
6 certain contents that you have examined on the dates that I
7 referred to in '93 for the presence of controlled
8 substances.

9 A (Complies.)

10 Yes. I did examine submissions
11 from packages one and two that were booked by Sheree Norman.

12 Q And without perhaps identifying all the
13 objects, did the contents of packages one and two of Sheree
14 Norman's impound report, identified as Exhibit 106, include
15 a number of plastic cylinders, spoons, hypodermic syringes,
16 a Q-Tip and smoking device?

17 A Yes.

18 Q As a result of the examinations you
19 performed upon contents of packages one and two impounded by
20 Sheree Norman from our crime scene in this case, did you
21 form an opinion about the presence of any controlled
22 substances?

23 A Yes. I did detect and identify controlled
24 substances in some of those submissions.

002186

5 1 Q Are you able to identify the amount of a
2 2 controlled substance to the type of a controlled substance
3 3 and the objects in which or on which you located it?

4 4 A Yes.

5 5 Q Will you explain your opinions, please.

6 6 A Mostly, I found residues, which -- white
7 7 powder, off white powder residues, which contain
8 8 methamphetamine.

6 9 I also detected a trace amount
10 10 of marijuana on a smoking device.

11 11 Q So when you speak of a residue, what are you
12 12 talking about?

13 13 A It was an amount of powder that was not
14 14 weighable. It was less than .01 grams. It was just a
15 15 residue of a powder on a plastic cylinder or spoon.

16 16 Q You referred to a trace of marijuana being
17 17 in a smoking device.

18 18 A Yes.

19 19 Q Do you recall, in addition to the plastic
20 20 cylinders and the spoons, any other item on which you
21 21 located a residue of either methamphetamine or marijuana?

22 22 A Could I refer to my notes?

23 23 Q Will that assist you in refreshing your
24 24 memory?

002187

6 1 A Yes.

2 MR. HARMON: May she do so, Your Honor?

3 THE COURT: She may.

4 THE WITNESS: There was also clear plastic
5 packets that contained a residue that contained
6 methamphetamine; and also hypodermic devices or syringes,
7 that also contained methamphetamine.

8 BY MR. HARMON:

9 Q Do you recall how many hypodermic syringes
10 you examined?

11 A There were three.

12 MR. HARMON: Thank you.

13 That concludes direct, Your
14 Honor.

15 THE COURT: Cross-examination.

16
17 CROSS-EXAMINATION

18 BY MR. DUNLEAVY:

19 Q Did you find any traces of morphine?

20 A No.

21 Q Did you examine all the hypodermic syringes
22 that were provided to you?

23 A Yes.

24 Q You did?

002188

6

1 A Yes.

2 Q Do you have a copy of your report with you?

3 A Yes.

4 Q Specifically the report of September 22nd,
5 1993?

6 A Yes.

7 (Whereupon, as requested by
8 counsel, Defendant's Exhibit
9 I was marked for
10 identification.)

11 BY MR. DUNLEAVY:

12 Q Showing you what's been marked for
13 identification as proposed Exhibit I.

14 Is this one of your reports?

15 (Indicating)

16 A Yes.

17 Q Does it have a laundry list of items that
18 you looked at?

19 A Yes.

20 Q And what is item F?

21 A Hypo syringes that were not examined.

22 Q So you didn't examine all the hypodermic
23 syringes?

24 A I didn't examine them on September 22nd, but
I did --

Q When did you examine them?

002189

6

1 A I did examine them on October 4th, 1993.

2 Q The same ones?

3 A Yes.

4 Q On which date?

5 A October 4th, 1993.

6 Q And what did you find in them on that date?

7 A Methamphetamine.

8 Q And those are the same syringes?

9 A Yes.

10 Q And you found no traces of morphine on any
11 of the items provided to you in this crime scene, right?

12 A No.

13 MR. DUNLEAVY: Thank you.

14 No further questions.

15 MR. HARMON: Nothing further, Your Honor.

16 THE COURT: Thank you.

17 You are excused.

18 (Whereupon, the witness
19 was excused.)

20 THE COURT: Is that it?

21 MR. HARMON: Yes, Your Honor.

22 MR. HARMON: Oh, excuse me.

23 May we approach the bench?

24 THE COURT: Sure.

002190

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(Discussion off the record.)

3

4

MR. HARMON: Thank you, Judge. That is all.

5

6

THE COURT: Okay. Okay. We will recess for
the evening.

7

We'll begin tomorrow at 10:30

8

a.m.

9

Remember: Do not converse

10

among yourselves or with anyone else on any subject

11

connected with this trial;

12

Read, watch, listen to any

13

report or commentary by any medium of information,

14

including, without limitation, newspaper, television and

15

radio; or

16

Form or express any opinion on

17

any subject connected with this trial until the matter is

18

finally submitted to you.

19

Have a good evening.

20

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22

(Proceedings recessed until Wednesday,
February 28, 1996, at 10:30 a.m.)

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ATTEST: Full, true and accurate transcript of proceedings.


RENEE SILVAGGIO, C.C.R. NO. 122
OFFICIAL COURT REPORTER

002192

RENEE SILVAGGIO, CCR 122 391-0379

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL RIPPO,
Appellant,
-vs-
E.K. McDANIEL, et al.,
Respondent.

No. 53626

FILED

OCT 19 2009

THOMAS K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

JOINT APPENDIX
Volume 10 of 48

Vol.	Title	Date	Page
2	Affidavit	02/14/94	JA00371-JA00377
2	Affidavit	03/07/94	JA00400-JA00402
18	Affidavit of David M. Schieck Regarding Supplemental Brief in Support of Writ of Habeas Corpus	08/17/04	JA04316-JA04320
3	Amended Indictment	01/03/96	JA00629-JA00633
3	Amended Notice of Intent to Seek Death Penalty	03/23/94	JA00583-JA00590
8	Answer in Opposition to Defendant's Motion for Mistrial Based on an Alleged Discovery Violation	02/08/96	JA01873-JA01886
17	Answer in Opposition to Motion for New Trial	05/01/96	JA04008-JA04013
48	Criminal Court Minutes	10/27/08	JA11603
2	Defendant's Motion to Strike Aggravating Circumstances Numbered 1 and 2 and for Specificity as to Aggravating Circumstance Number 4	08/20/93	JA00274-JA00281
18	Errata to Supplemental Brief in Support of Defendant's Petition for Writ of Habeas Corpus (Post-Conviction)	03/12/04	JA04257-JA04258

Vol.	Title	Date	Page
19	Findings of Fact, Conclusions of Law and Order	12/01/04	JA04411-JA04413
48	Findings of Fact, Conclusions of Law and Order	11/17/08	JA11604-JA11611
1	Indictment	06/05/92	JA00235-JA00238
15	Instructions to the Jury	03/06/96	JA03358-JA03398
16	Instructions to the Jury	03/14/96	JA03809-JA03834
17	Judgment of Conviction	05/31/96	JA04037-JA04039
11	Motion for Disclosure of Exculpatory Evidence Pertaining to the impact of the Defendant's Execution Upon Victim's Family Members	02/28/96	JA02620-JA02624
2	Motion for Discovery of Institutional Records and Files Necessary to Rippo's Defense	08/24/93	JA00286-JA00294
3	Motion for a Witness Deposition	06/19/94	JA00621-JA00628
17	Motion for New Trial	04/29/96	JA04002-JA04007
2	Motion in Limine to Exclude Testimony of Defendant's Prior Bad Acts	08/23/93	JA282-001 to JA282-005
2	Motion of Defendant for Discovery and to Inspect All Evidence Favorable to Him	10/21/92	JA00254-JA00259
11	Motion to Bar the Admission of Cumulative Victim Impact Evidence in Violation of the Due Process Clause	02/28/96	JA02603-JA02606
2	Motion to Disqualify the District Attorney's Office	02/07/94	JA00334-JA00345
2	Motion to Exclude Autopsy and Crime Scene Photographs	08/23/93	JA00282-JA00285
11	Motion to Preclude the Consideration of Victim Impact Evidence Pursuant to NRS 175.552, 200.033, and 200.035	02/28/96	JA02613-JA02619
11	Motion to Preclude the Introduction of Victim Impact Evidence Pertaining to Victim Family Members' Characterizations and Opinions About the Crime, the Defendant, and/or the Appropriate Sentence	02/28/96	JA02625-JA02629
2	Motion to Quash and for a Protective Order	09/09/93	JA00298-JA00303

Vol.	Title	Date	Page
	on an Order Shortening Time		
11	Motion to Require a Pretrial Judicial Review of all Victim Impact Evidence the State Intends to Introduce at the Penalty Phase	02/28/96	JA02607-JA02612
2	Notice of Alibi	09/20/93	JA00295-JA00297
19	Notice of Appeal	10/12/04	JA04409-JA04410
48	Notice of Appeal	04/15/09	JA11659-JA11661
19	Notice of Entry of Decision and Order	12/15/04	JA04414
48	Notice of Entry of Decision and Order	03/16/09	JA11648-JA11658
36	Notice of Entry of Order Appointing Counsel	02/15/08	JA08669-JA08672
1	Notice of Intent to Seek Death Penalty	06/30/92	JA00239-JA00241
42	Notice of Motion and Motion for Leave to Conduct Discovery	05/21/08	JA09989-JA10014
42	Exhibits to Motion for Leave to Conduct Discovery	05/21/08	JA10015-JA10025
42	1 Reporter's Transcript of Proceedings, <u>State v. Bailey</u> , Case No. C129217, Eighth Judicial District Court, July 30, 1996		JA10026-JA10034
42	2 Answers to Interrogatories p. 7, <u>Bennett v. McDaniel</u> , et al., Case No. CV-N-96-429-DWH (RAM), February 9, 1998		JA10035-JA10037
42	3 Reporter's Transcript of Proceedings, partial, <u>State v. Bennett</u> , Case NO. C083143, September 14, 1998		JA10038-JA10040
42	4 Non-Trial Disposition Memo, Clark County District Attorney's Office regarding Joseph Beeson, in <u>Bennett v. McDaniel</u> , Case No. CV-N-96-429-DWH, District of Nevada, October, 1988		JA10041-JA10042
42	5 Reporter's Transcript of Evidentiary Hearing, partial, <u>State v. Bennett</u> ,		JA10043-JA10050

Vol.	Title	Date	Page
42	Case No. C083143, November 18, 1999		JA10051-JA10057
42	6 Decision, <u>Bennett v. McDaniel</u> , Case No. C83143, Eighth Judicial District Court, November 16, 2001		JA10058-JA10061
42	7 Declaration of Michael Pescetta regarding locating exhibits in Parker file, <u>Bennett v. McDaniel, et al.</u> , Case No. CV-N-96-429-DWH, District of Nevada, January 8, 2003		JA10062-JA10066
42	8 Las Vegas Metropolitan Police Department Memorandum re: <u>State v. Butler</u> , Case No. C155791, December 30, 1999		JA10067-JA10085
42	9 Transcript of Defendant's Motion for Status Check on Production of Discovery, <u>State v. Butler</u> , Case No. C155791, Eighth Judicial District Court, April 18, 2000		JA10086-JA10087
42	10 Letter from Office of the District Attorney to Joseph S. Sciscento, Esq., re <u>State v. Butler</u> , Case No. C155791, Eighth Judicial District Court, November 16, 2000		JA10088-JA10092
42	11 Letter from Law Offices of Sam Stone to Hon. Michael Douglas, District Court Judge, <u>State v. Butler</u> , Case No. 155791, Eighth Judicial District Court, December 7, 2000		JA10093-JA10107
42	12 Motion for New Trial, <u>State v. Butler</u> , Case No. C155791, Eighth Judicial District Court, January 17, 2001		JA10108-JA10112
42	13 Affidavit of Carolyn Trotti, <u>State v. Butler</u> , Case No. C155791, January 19, 2001		JA10113-JA10135
42	14 Opposition to Motion for New Trial Based on Allegations of Newly Discovered Evidence, <u>State v. Butler</u> , Case No. C155791, Eighth Judicial District Court, February 16,		

Vol.	Title	Date	Page
42	2001		JA10136-JA10141
42	15 Reply to State's Opposition to Defendant's Motion for New Trial, <u>State v. Butler</u> , Case No. C155791, Eighth Judicial District Court, February 27, 2001		JA10142-JA10144
42	16 Order, <u>State v. Butler</u> , Case No. C155791, Eighth Judicial District Court, March 8, 2001		JA10145-JA10154
42	17 Fax Transmission from Terri Elliott with the Office of the Special Public Defender, <u>State v. Butler</u> , Case No. C155791, Eighth Judicial District Court, March 19, 2001		JA10155-JA10161
42	18 Order affirming in part, reversing in part and remanding, <u>State v. Butler</u> , Case No. 37591, May 14, 2002		JA10162-JA10170
42	19 Reporter's transcript of jury trial, <u>United States v. Catania</u> , June 11, 2002		JA10171-JA10177
42	20 Reporter's transcript of jury trial, <u>United States v. Catania</u> , June 13, 2002		JA10178-JA10184
42	21 Transcript of Status Conference/Scheduling Conference Before the Honorable Howard K. McKibben, United States District Judge, Case No. CV-N-00-101-HDM (RAM), District of Nevada, January 14, 2003 (Doyle)		JA10185-JA10200
42	22 Answer in Opposition to Motion for New Trial; or in the Alternative, Motion for New Appeal, <u>State v. D'Agostino</u> , Case No. C95335, Eighth Judicial District Court, September 21, 1993		JA10201-JA10207
	23 Declaration of Tim Gabrielsen, and partial FBI production in <u>Echavarria v. McDaniel</u> , et al., CV-N-98-0202, June 2004		

Vol.	Title	Date	Page
42 43	24 Motion for Leave to Conduct Discovery, <u>Emil v. McDaniel, et al.</u> , August 24, 2001		JA10208-JA10238 JA10239-JA10353
43	25 Criminal Complaint and Minutes of the Court, <u>State v. Kenny</u> , Case No. 85F-3637, Justice Court, Las Vegas Township, 1985 (Emil)		JA10354-JA10357
43	26 Notice of Denial of Request, Clark County District Attorney, <u>State v. Emil</u> , Case No. C82176, Eighth Judicial District Court, August 13, 1985		JA10358-JA10362
43	27 Various reports of the Las Vegas Metropolitan Police Department, Detention Services Division, produced in <u>State v. Haberstroh</u> , Case No. C076013, regarding investigation into the identity of Clark County Detention Center inmate who manufactured a shank, 1987		JA10363-JA10383
42	28 Deposition of Sharon Dean in <u>Haberstroh v. McDaniel</u> , Case No. C076013, Eighth Judicial District, October 15, 1998 and December 7, 1998		JA10384-JA10434
42	29 Deposition of Arlene Ralbovsky in <u>Haberstroh v. McDaniel</u> , Case No. C076013, Eighth Judicial District, December 7, 1998 and January 28, 1999		JA10435-JA10449
43 44	30 Deposition of Patricia Schmitt in <u>Haberstroh v. McDaniel</u> , Case No. C076013, Eighth Judicial District, December 7, 1998 and January 28, 1999		JA10450-JA10488 JA10489-JA10554
44	31 Recorder's Transcript Re: Evidentiary Hearing, <u>State v. Haberstroh</u> , Case No. C076013, Eighth Judicial District Court, January 28, 2000		JA10555-JA10563

Vol.	Title	Date	Page
44	32 Order, <u>Hill v. McDaniel, et al.</u> , Case No. CV-S-98-914-JBR (LRL), District of Nevada, May 20, 1999		JA10564-JA10568
44	33 FBI memorandum to SA Newark, <u>Homick v. McDaniel</u> , (Homick 167), August 31, 1977		JA10569-JA10570
44	34 FBI memorandum, New York to Newark <u>Homick v. McDaniel</u> , (Homick 168), January 31, 1978		JA10571-JA10573
44	35 FBI Teletype, FM Director to Las Vegas (Homick 166), September, 1985		JA10574-JA10576
44	36 FBI Teletype San Diego to Las Vegas (Homick 165), October, 1985		JA10577-JA10582
44	37 Chronological record, <u>Homick v. McDaniel</u> (Homick 10), November 1985		JA10583-JA10584
44	38 FBI notes re Homick receiving money from LVMPD employee, <u>Homick v. McDaniel</u> , December 11, 1985		JA10585-JA10589
44	39 FBI notes, <u>Homick v. McDaniel</u> , December 1985 and January 1986		JA10590-JA10593
44	40 FBI notes, <u>Homick v. McDaniel</u> (Pennsylvania) January 4, 1986		JA10594-JA10595
44	41 FBI redacted notes, <u>Homick v. McDaniel</u> (New Jersey), January 7, 1986		JA10596-JA10597
44	42 FBI redacted notes, <u>Homick v. McDaniel</u> (Homick), January 9, 1986		JA10598-JA10599
44	43 FBI redacted notes, <u>Homick v. McDaniel</u> (Pennsylvania), January 13, 1986		JA10600-JA10601
44	44 FBI redacted notes, Homick v. McDaniel (Las Vegas), January 14, 1986		JA10602-JA10603

Vol.	Title	Date	Page
44	45 FBI 302 interview of Norma K. Thompson, <u>Homick v. McDaniel</u> , March 18, 1986		JA10604-JA10606
44	46 FBI Director Webster letter to redacted LVMPD officer thanking him/her for work in connection with joint investigation, <u>Homick v. McDaniel</u> , June 10, 1986		JA10607-JA10608
44	47 FBI Director Webster letter to redacted LVMPD officer thanking him/her for work in connection with joint investigation, <u>Homick v. McDaniel</u> , June 10, 1986		JA10609-JA10610
44	48 FBI Director Webster letter to redacted LVMPD officer thanking him/her for work in connection with joint investigation, <u>Homick v. McDaniel</u> , June 10, 1986		JA10611-JA10612
44	49 FBI Director Webster letter to redacted LVMPD officer thanking him/her for work in connection with joint investigation, <u>Homick v. McDaniel</u> , June 10, 1986		JA10613-JA10614
44	50 FBI Director Webster letter to redacted LVMPD officer thanking him/her for work in connection with joint investigation, <u>Homick v. McDaniel</u> , June 10, 1986		JA10615-JA10616
44	51 FBI Director Webster letter to redacted LVMPD officer thanking him/her for work in connection with joint investigation, <u>Homick v. McDaniel</u> , June 10, 1986		JA10617-JA10618
44	52 FBI Director Webster letter to redacted LVMPD officer thanking him/her for work in connection with joint investigation, <u>Homick v. McDaniel</u> , June 10, 1986		JA10619-JA10620

Vol.		Title	Date	Page
44	53	FBI Director Webster letter to redacted LVMPD officer thanking him/her for work in connection with joint investigation, <u>Homick v. McDaniel</u> , June 10, 1986		JA10621-JA10622
44	54	FBI 302 memorandum of interview of Tim Catt, <u>Homick v. McDaniel</u> (Homick 164), August 18, 1988		JA10623-JA10625
44	55	Reporter's transcript of evidentiary hearing, partial, <u>State v. Homick</u> , March 7, 1989		JA10626-JA10637
44	56	Reporter's transcript of motions, <u>State v. Homick</u> (Homick 48), April 10, 1989		JA10638-JA10640
44	57	Reporter's transcript of jury trial Vol. 6, <u>State v. Homick</u> , April 25, 1989		JA10641-JA10652
44	58	Reporter's transcript of jury trial, partial, Vol. 7, <u>State v. Homick</u> , April 26, 1989		JA10653-JA10660
44	59	Reporter's transcript of jury trial Vol. 11, <u>State v. Homick</u> (Homick 52), May 2, 1989		JA10661-JA10664
44	60	Reporter's transcript of penalty hearing, <u>State v. Homick</u> , Vol. 1 (Homick 108), May 17, 1989		JA10665-JA10668
44	61	Reporter's transcript of trial, partial, Vol. 83, <u>State v. Homick</u> , November 10, 1992		JA10669-JA10673
44	62	Letter from Eric Johnson/Walt Ayers, Assistant United States Attorneys to Mark Kaiserman denying FBI joint investigation with LVMPD, <u>Homick v. McDaniel</u> , January 28, 1993		JA1674-JA10676
44	63	Letter from AUSA Warrington Parker to Judge Cooper, <u>Homick v. McDaniel</u> , May 7, 1993		JA10677-JA60678

Vol.		Title	Date	Page
44	64	Letter from AUSA Warrington Parker to Judge Cooper, <u>Homick v. McDaniel</u> , May 11, 1993		JA10679-JA10680
44	65	Reporter's transcript on appeal, <u>State v. Homick</u> Vol. 140 (Homick 102) June 29, 1994		JA10681-JA10684
44	66	Chart detailing evidence of joint investigation - joint activity between LVMPD and FBI, <u>Homick v. McDaniel</u> , October 9, 2003		JA10685-JA10692
44	67	Chart detailing evidence of joint investigation - information sharing between LVMPD and FBI, <u>Homick v. McDaniel</u> , October 9, 2003		JA10693-JA10696
44	68	Chart detailing evidence of joint investigation - admissions, <u>Homick v. McDaniel</u> , October 9, 2003		JA10697-JA10705
44	69	Declaration of Joseph Wright, <u>Homick v. McDaniel</u> (Homick 176), October 9, 2003		JA10706-JA10707
44 45	70	Petitioner's Motion for Leave to Conduct Discovery, <u>Homick v. McDaniel</u> , October 10, 2003		JA10708-JA10738 JA10739-JA10756
45	71	Recorder's Transcript Re: Evidentiary Hearing, <u>State v. Jiminez</u> , Case No. C77955, Eighth Judicial District Court, April 19, 1993		JA10757-JA10786
45	72	Transcript of Proceedings Sentence, <u>State v. Bezak</u> , Case No. CR89-1765, Second Judicial District Court, November 27, 1989 (Jones)		JA10787-JA10796
45	73	Response to Motion to Compel Discovery, <u>Jones v. McDaniel, et al.</u> , Case No. CV-N-96-633-ECR, District of Nevada, March 1999		JA10797-JA10802

Vol.	Title	Date	Page
45	74 Declaration of David J.J. Roger, Chief Deputy District Attorney, concerning <u>Jones v. McDaniel</u> , Case No. CV-N-96-633 ECR, District of Nevada, June 30, 1999		JA10803-JA10805
45	75 Transcription of VCR Tape of the Adam Evans hearing in front of Judge Hardcastle, <u>In The Matter of Adam Owens Evans</u> , Case No. J52293, Juvenile Court (Lisle)		JA10806-JA10809
45	76 Excerpt of trial record, <u>State v. Lisle</u> , Case No. 129540, Vol. 10 page 15, March 12, 1996		JA10810-JA10812
	77 Not Used		
	78 Not Used		
45	79 Letter from Inv. Larry A. Schuchman, City of Orlando, Florida, Police Department, to Inv. Bob Milby, Nevada Division of Inv. and Narcotics re Terry Carl Bonnette, January 29, 1981 (Milligan)		JA10813-JA10816
45	80 Notice of Entry of Decision and Order and Amended Findings of Fact, Conclusions of Law, and Order, <u>State v. Miranda</u> , Case No. C057788, Eighth Judicial District Court, February 13, 1996		JA10817-JA10838
45	81 Reporter's Transcript of Proceedings, <u>State v. Rippo</u> , Case No. C106784, Eighth Judicial District Court, February 8, 1996		JA10839-JA10846
45	82 Reporter's Transcript of Calendar Call, <u>State v. Morelli</u> , Case Nos. C64603 and C64604, Eighth Judicial District Court, January 12, 1984 (Snow)		JA10847-JA10859

Vol.		Title	Date	Page
45	83	Reporter's Transcript of Proceedings (Testimony of Richard Morelli), <u>State v. Snow</u> , Case No.C61676, Eighth Judicial District Court, April 17, 1984		JA10860-JA10884
45	84	Letter from Melvyn T. Harmon, Chief Deputy, Office of the District Attorney, To Whom It May Concern re Richard Joseph Morelli, July 20, 1984 (Snow)		JA10885-JA10886
45	85	Deposition of Melvyn T. Harmon, Esq., <u>Snow v. Angelone</u> , Case No. 6-12-89-WPHC, Seventh Judicial District Court, September 25, 1992		JA10887-JA10921
45	86	<u>Las Vegas Review Journal</u> excerpt, May 3, 2004, "Police Say Binion Witness Not Credible" (Tabish)		JA10922-JA10924
45	87	Letter from Kent R. Robison of Robison, Belaustegui, Robb and Sharp, to E. Leslie Combs, Jr., Esq. Re: <u>Kathryn Cox v. Circus Circus, et al.</u> , October 16, 1995, in relation to <u>Witter v. McDaniel</u> , CV-S-01-1034-RLH (LRL), District of Nevada		JA10925-JA10929
45	88	LVMPD Certificate of [Informant] Management Course completion, April 14, 1994		JA10930-JA10931
45	89	Las Vegas Metropolitan Police Department Cooperating Individual Agreement and Special Consent and Waiver of Liability		JA10932-JA10934
45	90	David J.J. Roger letter to Nevada State Parole Board Chairman regarding Robert Bezak (Jones), December 3, 1990		JA10935-JA10936
45	91	Declaration of Herbert Duzant dated May 15, 2008		JA10937-JA10938
45	92	Records request to Juvenile Justice Division dated May 14, 2008		JA10939-JA10948

Vol.		Title	Date	Page
45	93	Records request to Nassau County Department of Social Services dated May 15, 2008		JA10949-JA10973
46	94	Records request to Central Medicaid Office dated May 15, 2008		JA10974-JA10996
46	95	Records request to Central Medicaid Office dated November 29, 2007		JA10997-JA11007
46	96	Records request to Office of the Clark County District Attorney dated November 27, 2007 (re Bongiovanni)		JA11008-JA11010
46	97	Records request to Office of the United States Attorney dated November 27, 2007 (re Bongiovanni)		JA11011-JA11013
46	98	Records request to the Clark County District Attorney dated December 5, 2007 (re: Michael Beaudoin, James Ison, David Jeffrey Levine, Michael Thomas Christos, Thomas Edward Sims (deceased), William Burkett (aka Donald Allen Hill), Diana Hunt and Michael Rippo)		JA11014-JA11026
46	99	Records request to Clark County District Attorney dated December 5, 2007 (re Victim/Witness information)		JA11027-JA11034
46	100	Records request to Franklin General Hospital dated November 29, 2007		JA11035-JA11050
46	101	Records request to Justice Court, Criminal Records dated December 5, 2007		JA11051-JA11055
46	102	Records request to Nassau County Department of Social Services dated November 28, 2007		JA11056-JA11069
46	103	Records request to Nevada Department of Corrections dated November 29, 2007 (re: Levine)		JA11070-JA11080

Vol.	Title	Date	Page
46	104 Records request to Nevada Department of Parole and Probation dated November 29, 2007 (re Levine)		JA11081-JA11095
46	105 Records request to Nevada Department of Parole and Probation dated April 12, 2007 (re: Rippo)		JA11096-JA11103
46	106 Records request to Word of Life Christian Center Pastor David Shears, Assistant Pastor Andy Visser dated November 29, 2007		JA11104-JA11110
46	107 Response to records request from Nevada Department of Parole and Probation dated December 3, 2007		JA11111-JA11112
46	108 Response to records request from Office of the District Attorney dated January 28, 2008 (re Victim Witness)		JA11113-JA11114
46	109 Response to records request from Word of Life Christian Center Assistant Pastor Andy Visser dated December 11, 2007		JA11115-JA11116
46	110 Records request to Franklin General Hospital dated May 16, 2008 (re: Stacie Campanelli)		JA11117-JA11128
46	111 Records request (FOIA) to Executive Offices for the United States Attorneys dated November 27, 2007		JA11129-JA11132
46	112 Records request (FOIA) to the FBI dated November 27, 2007		JA11133-JA11135
46	113 Response to records request to Executive Offices for the United States Attorneys, undated		JA11136-JA11137
46	114 Records request to Nevada Division of Child and Family Services dated May 16, 2008 (re: Stacie)		JA11138-JA11144
46	115 Records request to Claude I. Howard Children's Center dated May 16, 2008 (re: Stacie Campanelli, Carole Ann Campanelli (deceased))		JA11145-JA11156

Vol.	Title	Date	Page
46	116 Records request to Clark County School District dated May 16, 2008 (re: Stacie Campanelli and Carole Ann Campanelli (deceased))		JA111457-JA11171
46	117 Records request to University Medical Center dated May 16, 2008 (re: Stacie Campanelli and Carole Ann Campanelli (deceased))		JA11172-JA11185
46	118 Records request to Valley Hospital Medical Center dated May 16, 2008 (re: Stacie Campanelli and Carole Ann Campanelli (deceased))		JA11186-JA11199
46	119 Records request to Desert Springs Hospital Medical Center dated May 16, 2008 (re: Stacie Campanelli and Carole Ann Campanelli (deceased))		JA11200-JA11213
46	120 Records request to Reno Police Department, Records and ID Section dated May 16, 2008		JA11214-JA11221
47	121 Records request to Washoe County Sheriff's Office dated May 16, 2008		JA11222-JA11229
47	122 Records request to Sparks Police Department dated May 16, 2008		JA11230-JA11237
47	123 Response to records request to Justice Court re: Michael Beaudoin		JA11238-JA11239
47	124 Response to records request to Justice Court re: Michael Thomas Christos		JA11240-JA11241
47	125 Response to records request to Justice Court re: Thomas Edward Sims		JA11242-JA11244
47	126 Response to records request to Justice Court re: request and clerk's notes		JA11245-JA11248
	127 Omitted.		

Vol.	Title	Date	Page
47	128 Subpoena to Clark County District Attorney, Criminal Division (re: Michael Beaudoin, James Ison, David Jeffrey Levine, Michael Thomas Christos, Thomas Edward Sims (deceased), William Burkett (aka Donald Allen Hill), Diana Hunt and Michael Rippo)		JA11249-JA11257
47	129 Proposed Order to the Clark County District Attoreny		JA11258-JA11267
47	130 Subpoena to Central Medicaid Office, New York, New York		JA11268-JA11272
47	131 Subpoena to Claude I. Howard Children's Center		JA11273-JA11277
47	132 Subpoena to City of New York, Department of Social Services		JA11278-JA11282
47	133 Subpoena to Desert Springs Hospital		JA11283-JA11288
47	134 Subpoena to Las Vegas Metropolitan Police Department Fingerprint Bureau		JA11289-JA11295
47	135 Subpoena to Las Vegas Metropolitan Police Department Communications Bureau		JA11296-JA11301
47	136 Subpoena to Las Vegas Metropolitan Police Department Confidential Informant Section		JA11302-JA11308
47	137 Subpoena to Las Vegas Metropolitan Police Department Criminalistics Bureau		JA11309-JA11316
47	138 Subpoena to Las Vegas Metropolitan Police Department Evidence Vault		JA11317-JA11323
47	139 Subpoena to Las Vegas Metropolitan Police Department Criminal Intelligence Section		JA11324-JA11330
47	140 Subpoena to Las Vegas Metropolitan Police Department Narcotics Sections I, II, and III		JA11331-JA11337

Vol.	Title		Date	Page
47	141	Subpoena to Las Vegas Metropolitan Police Department Property Crimes Bureau		JA11338-JA11344
47	142	Subpoena to Las Vegas Metropolitan Police Department Records Bureau		JA11345-JA11352
47	143	Subpoena to Las Vegas Metropolitan Police Department Robbery / Homicide Bureau		JA11353-JA11360
47	144	Subpoena to Nevada Parole and Probation (re: Michael Beaudoin, James Ison, David Jeffrey Levine, Michael Thomas Christos, Thomas Edward Sims (deceased), William Burkett (aka Donald Allen Hill), Diana Hunt and Michael Rippo)		JA11361-JA11368
47	145	Proposed Order to the Nevada Department of Parole and Probation		JA11369-JA11373
47	146	Subpoena to Las Vegas Metropolitan Police Department Gang Crimes Bureau		JA11374-JA11379
47	147	Subpoena to Las Vegas Metropolitan Police Department SWAT Division		JA11380-JA11385
47	148	Subpoena to Las Vegas Metropolitan Police Department Vice Section		JA11386-JA11392
47	149	Subpoena to Clark County Public Defender (re: Michael Beaudoin, James Ison, David Jeffrey Levine, Michael Thomas Christos, Thomas Edward Sims (deceased), William Burkett (aka Donald Allen Hill), Diana Hunt and Michael Rippo)		JA11393-JA11399
47	150	Subpoena to Henderson Police Department (re: Michael Beaudoin, James Ison, David Jeffrey Levine, Michael Thomas Christos, Thomas Edward Sims (deceased), William Burkett (aka Donald Allen Hill), Diana Hunt and Michael Rippo)		JA11400-JA11406

Vol.	Title	Date	Page
47	151 Subpoena to Nevada Department of Health and Human Services, Division of Child and Family Services		JA11407-JA11411
47	152 Subpoena to Reno Police Department (re: Michael Beaudoin, James Ison, David Jeffrey Levine, Michael Thomas Christos, Thomas Edward Sims (deceased), William Burkett (aka Donald Allen Hill), Diana Hunt and Michael Rippo)		JA11412-JA11418
47	153 Subpoena to Sparks Police Department (re: Michael Beaudoin, James Ison, David Jeffrey Levine, Michael Thomas Christos, Thomas Edward Sims (deceased), William Burkett (aka Donald Allen Hill), Diana Hunt and Michael Rippo)		JA11419-JA11427
47	154 Subpoena to University Medical Center		JA11428-JA11432
47	155 Subpoena to Valley Hospital		JA11433-JA11438
47	156 Subpoena to Washoe County Public Defender (re: Michael Beaudoin, James Ison, David Jeffrey Levine, Michael Thomas Christos, Thomas Edward Sims (deceased), William Burkett (aka Donald Allen Hill), Diana Hunt and Michael Rippo)		JA11439-JA11445
47	157 Subpoena to Washoe County Sheriff's Office, Records and ID Section (re: Michael Beaudoin, James Ison, David Jeffrey Levine, Michael Thomas Christos, Thomas Edward Sims (deceased), William Burkett (aka Donald Allen Hill), Diana Hunt and Michael Rippo)		JA11446-JA11453

Vol.	Title	Date	Page
47	158 Subpoena to Washoe County Sheriff's Office, Forensic Science Division (re: Michael Beaudoin, James Ison, David Jeffrey Levine, Michael Thomas Christos, Thomas Edward Sims (deceased), William Burkett (aka Donald Allen Hill), Diana Hunt and Michael Rippo)		JA11454-JA11460
47	159 Deposition Subpoena to Dominic Campanelli		JA11461-JA11463
47	160 Deposition Subpoena to Melody Anzini		JA11464-JA11466
47	161 Subpoena to the Clark County District Attorney's Office (re: Nancy Becker)		JA11467-JA11471
48	162 Subpoena to Nancy Becker		JA11472-JA11476
48	163 Subpoena to Clark County Human Resources Department (re: Nancy Becker)		JA11477-JA11481
48	164 Subpoena to Nassau County Department of Social Services		JA11482-JA11486
48	165 Subpoena to the Clark County School District		JA11487-JA11490
48	166 Subpoena to the Clark County District Attorney's Office (re: Gerard Bongiovanni)		JA11491-JA11495
48	167 Subpoena to the Office of the United States Attorney (re: Gerard Bongiovanni)		JA11496-JA11499
48	168 Subpoena to the Clark County District Attorney, Victim-Witness Assistance Center		JA11500-JA11505
48	169 Proposed Order to the Clark County District Attorney, Victim-Witness Assistance Center		JA11506-JA11508

Vol.	Title	Date	Page
48	170 Subpoena to the Office of Legal Services, Executive Offices for United States Attorneys -- FOIA (re: Bongiovanni)		JA11509-JA11513
48	171 Subpoena to the Federal Bureau of Investigation (re Bongiovanni)		JA11514-JA11518
48	172 Subpoena to the Las Vegas Metropolitan Police Department, Criminal Intelligence Section, Homeland Security Bureau, Special Operations Division (re Bongiovanni)		JA11519-JA11522
48	173 Subpoena to Leo P. Flangas, Esq. (re: Bongiovanni)		JA11523-JA11526
48	174 Subpoena to Nevada Department of Investigation		JA11527-JA11530
48	175 Subpoena to Bureau of Alcohol, Tobacco and Firearms		JA11531-JA11534
48	176 Subpoena to Robert Archie (re: Simms)		JA11535-JA11538
48	177 Subpoena to Nevada Department of Corrections (re: lethal injection)		JA11539-JA11545
48	178 Deposition subpoena to Howard Skolnik, NDOC		JA11546-JA11548
48	179 Deposition subpoena to Robert Bruce Bannister, D.O., NDOC		JA11549-JA11551
48	180 Deposition subpoena to Warden Bill Donat		JA11552-JA11554
48 1	181 Deposition subpoena to Stacy Giomi, Chief, Carson City Fire Department		JA11555-JA11 557
37	Opposition to Motion to Dismiss Petition for Writ of Habeas Corpus (Post-Conviction)	05/21/08	JA08758-JA08866
37	Exhibits to Opposition to Motion to Dismiss	05/21/08	JA08867-JA08869

Vol.	Title	Date	Page
37	329. <u>Leonard v. McDaniel</u> , Eighth Judicial District Court, Case No. C126285, Reply to Opposition to Motion to Dismiss, filed March 11, 2008.		JA08870-JA08884
37	330. <u>Lopez v. McDaniel</u> , Eighth Judicial District Court, Case No. C068946, State's Motion to Dismiss Petition for Writ of Habeas Corpus, filed February 15, 2008.		JA08885-JA08890
38	331. <u>Sherman v. McDaniel</u> , Eighth Judicial District Court, Case No. C126969, Reply to Opposition to Motion to Dismiss, filed June 25, 2007.		JA08991-JA09002
38	332. <u>Witter v. McDaniel</u> , Eighth Judicial District Court, Case No. C117513, Reply to Opposition to Motion to Dismiss, filed July 5, 2007.		JA09003-JA09013
38	333. <u>Floyd v. McDaniel</u> , Eighth Judicial District Court, Case No. C159897, Recorder's Transcript of Hearing Re: Defendant's Petition for Writ of Habeas Corpus, filed December 28, 2007.		JA09014-JA09020
38	334. <u>Floyd v. McDaniel</u> , Eighth Judicial District Court, Case No. C159897, State's Opposition to Defendant's Petition for Writ of Habeas Corpus (Post-Conviction) and Motion to Dismiss, filed August 18, 2007.		JA09021-JA09027
38	335. <u>State v. Rippo</u> , Eighth Judicial District Court, Case No. C106784, Supplemental Brief in Support of Defendant's Petition for Writ of Habeas Corpus (Post-Conviction), filed February 10, 2004.		JA09028-JA09073
38	336. <u>Rippo v. State</u> , Nevada Supreme Court, Case No. 28865, Appellant's Opening Brief.		JA09074-JA09185

Vol.	Title	Date	Page
38	337. <u>State v. Salem</u> , Eighth Judicial District Court, Case No. C124980, Indictment, filed December 16, 1994.		JA09186-JA09200
38 39	338. <u>State v. Salem</u> , Eighth Judicial District Court, Case No. C124980, Reporter's Transcript of Proceedings, Thursday, December 15, 1994.		JA09201-JA09240 JA09241-JA09280
39	339. Declaration of Stacie Campanelli dated April 29, 2008.		JA09281-JA0289
39	340. Declaration of Domiano Campanelli, February 2008, Mastic Beach, N.Y.		JA09290-JA09300
39	341. Declaration of Sari Heslin dated February 25, 2008.		JA09301-JA09305
39	342. Declaration of Melody Anzini dated February 26, 2008.		JA09306-JA09311
39	343. Declaration of Catherine Campanelli dated February 29, 2008.		JA09312-JA09317
39	344. Declaration of Jessica Paret-Asaro dated March 9, 2008.		JA09318-JA09323
39	345. Declaration of Mark Beeson dated March 26, 2008.		JA09324-JA09328
39	346. State's Trial Exhibit 1: Laurie Jacobson photograph		JA09329-JA09330
39	347. State's Trial Exhibit 2: Denise Lizzi photograph		JA09331-JA09332
39	348. State's Trial Exhibit 99: Michael Rippo		JA09333-JA09334
39	349. State's Trial Exhibit 31: Autopsy photo Denise Lizzi		JA09335-JA09336
39	350. State's Trial Exhibit 53: Autopsy photo Laurie Jacobson		JA09337-JA09338
39	351. State's Trial Exhibit 125: Laurie Jacobson victim-impact scrapbook photographs		JA09339-JA09360

Vol.	Title	Date	Page
39	352. State's Trial Exhibit 127: Denise Lizzi victim-impact scrapbook photographs		JA09361-JA09374
39	353. Declaration of Jay Anzini dated May 10, 2008		JA09375-JA09377
39	354. Declaration of Robert Anzini dated May 10, 2008		JA09378-JA09381
39	355. Juvenile Records of Stacie Campanelli		JA09382-JA09444
39	356. Blackstone District Court Case Inquiry: Case No. C136066, <u>State v. Sims</u> , Case Activity, Calendar, Minutes		JA09445-JA09450
39 40	357. Justice Court Printout for Thomas Sims		JA09451-JA09490 JA09491-JA09520
40 41	358. Justice Court Printout for Michael Beaudoin		JA09521-JA09740 JA09741-JA09815
41	359. Blackstone District Court Case Inquiry: Case No. C102962, <u>State v. Beaudoin</u> , Case Activity, Calendar, Minutes		JA09816-JA09829
41	360. Blackstone District Court Case Inquiry: Case No. C95279, <u>State v. Beaudoin</u> , Case Activity, Calendar, Minutes		JA09830-JA09838
41	361. Blackstone District Court Case Inquiry: Case No. C130797, <u>State v. Beaudoin</u> , Case Activity, Calendar, Minutes		JA09839-JA09847
41	362. Blackstone District Court Case Inquiry: Case No. C134430, <u>State v. Beaudoin</u> , Case Activity, Calendar, Minutes		JA09848-JA09852
41	363. Justice Court Printout for Thomas Christos		JA09952-JA09907
41	364. Justice Court Printout for James Ison		JA09908-JA09930

Vol.	Title	Date	Page
41	365 <u>State v. Rippo</u> , Eighth Judicial District Court, Case No. C106784, Order dated September 22, 1993		JA09931-JA09933
41	366 Declaration of Michael Beaudoin dated May 18, 2008		JA09934-JA09935
41	367 <u>State v. Rippo</u> , Eighth Judicial District Court, Case No. C106784, Amended Indictment, dated January 3, 1996		JA09936-JA09941
41	368 State's Trial Exhibits 21, 24, 26, 27, 28, 32, 34, 38, 39, 40, 41, 42, 45, 46, 47, 48, 51, 56, 57, 58, 60, 61, 62		JA09942-JA09965
41	369 State's Trial Exhibit 54		JA09966-JA09967
41	370 Letter from Glen Whorton, Nevada Department of Corrections, to Robert Crowley dated August 29 1997		JA09968-JA09969
41	371 Letter from Jennifer Schlotterbeck to Ted D'Amico, M.D., Nevada Department of Corrections dated March 24, 2004		JA09970-JA09971
41	372 Letter from Michael Pescetta to Glen Whorton, Nevada Department of Corrections dated September 23, 2004		JA09972-JA09977
41	373 <u>State v. Rippo</u> , Eighth Judicial District Court, Case No. C106784, Warrant of Execution dated May 17, 1996		JA09978-JA09981
41	374 Declaration of William Burkett dated May 12, 2008		JA09982-JA09984
41	375 Handwritten Notes of William Hehn		JA09985-JA09986
48	Objection to Proposed Order	11/21/08	JA11612-JA11647
48	Opposition to Motion for Discovery	06/09/08	JA11558-JA11563
2	Order	11/12/92	JA00264-JA00265
2	Order	11/18/92	JA00266-JA00267
2	Order	09/22/93	JA00320-JA00321

Vol.	Title	Date	Page
3	Order	04/22/94	JA00619-JA00320
15	Order	03/08/96	JA03412
41	Order Appointing Counsel	02/13/08	JA09987-JA09988
5B	Order Sealing Affidavit	09/30/93	JA 1401-180 to JA 1401-185
2	Order to Produce Handwriting / Handprinting Exemplar	09/14/92	JA00252-JA00253
17	Petition for Writ of Habeas Corpus (Post-Conviction) and Appointment of Counsel	12/04/98	JA04040-JA04047
19 20	Petition for Writ of Habeas Corpus (Post- Conviction)	01/15/08	JA04415-JA04570 JA04571-JA04609
20	Exhibits to Petition for Writ of Habeas Corpus	01/15/08	JA04610-JA04619
20	101. <u>Bennett v. State</u> , No. 38934 Respondent's Answering Brief (November 26, 2002)		JA04620-JA04647
20	102. <u>State v. Colwell</u> , No. C123476, Findings, Determinations and Imposition of Sentence (August 10, 1995)		JA04648-JA04650
20	103. <u>Doleman v. State</u> , No. 33424 Order Dismissing Appeal (March 17, 2000)		JA04651-JA04653
20	104. <u>Farmer v. Director, Nevada Dept. of Prisons</u> , No. 18052 Order Dismissing Appeal (March 31, 1988)		JA04654-JA04660
20	105. <u>Farmer v. State</u> , No. 22562, Order Dismissing Appeal (February 20, 1992)		JA04661-JA04663
20	106. <u>Farmer v. State</u> , No. 29120, Order Dismissing Appeal (November 20, 1997)		JA04664-JA04670
20	107. <u>Feazell v. State</u> , No. 37789, Order Affirming in Part and Vacating in Part (November 14, 2002)		JA04671-JA04679
20	108. <u>Hankins v. State</u> , No. 20780, Order		JA04680-JA04683

Vol.	Title	Date	Page
20	of Remand (April 24, 1990)		JA04684-JA04689
109.	<u>Hardison v. State</u> , No. 24195, Order of Remand (May 24, 1994)		
20			JA04690-JA04692
110.	<u>Hill v. State</u> , No. 18253, Order Dismissing Appeal (June 29, 1987)		
20			JA04693-JA04696
111.	<u>Jones v. State</u> , No. 24497 Order Dismissing Appeal (August 28, 1996)		
20			JA04697-JA04712
112.	<u>Jones v. McDaniel, et al.</u> , No. 39091, Order of Affirmance (December 19, 2002)		
20			JA04713-JA04715
113.	<u>Milligan v. State</u> , No. 21504 Order Dismissing Appeal (June 17, 1991)		
20			JA04716-JA04735
114.	<u>Milligan v. Warden</u> , No. 37845, Order of Affirmance (July 24, 2002)		
20			JA04736-JA04753
115.	<u>Moran v. State</u> , No. 28188, Order Dismissing Appeal (March 21, 1996)		
20			JA04754-JA04764
116.	<u>Neuschafer v. Warden</u> , No. 18371, Order Dismissing Appeal (August 19, 1987)		
20			JA04765-JA04769
117.	<u>Nevius v. Sumner (Nevius I)</u> , Nos. 17059, 17060, Order Dismissing Appeal and Denying Petition (February 19, 1986)		
20			JA04770-JA04783
118.	<u>Nevius v. Warden (Nevius II)</u> , Nos. 29027, 29028, Order Dismissing Appeal and Denying Petition for Writ of Habeas Corpus (October 9, 1996)		
20			JA04784-JA04788
119.	<u>Nevius v. Warden (Nevius III)</u> , Nos. 29027, 29028, Order Denying Rehearing (July 17, 1998)		
20			JA04789-JA04796
120.	<u>Nevius v. McDaniel, D. Nev. No. CV-N-96-785-HDM-(RAM)</u> , Response to Nevius' Supplemental Memo at 3 (October 18, 1999)		

Vol.	Title	Date	Page
20	121. <u>O'Neill v. State</u> , No. 39143, Order of Reversal and Remand (December 18, 2002)		JA04797-JA04803
20	122. <u>Rider v. State</u> , No. 20925, Order (April 30, 1990)		JA04804-JA04807
20	123. <u>Riley v. State</u> , No. 33750, Order Dismissing Appeal (November 19, 1999)		JA04808-JA04812
20	124. <u>Rogers v. Warden</u> , No. 22858, Order Dismissing Appeal (May 28, 1993), Amended Order Dismissing Appeal (June 4, 1993)		JA04813-JA04817
21	125. <u>Rogers v. Warden</u> , No. 36137, Order of Affirmance (May 13, 2002)		JA04818-JA04825
21	126. <u>Sechrest v. State</u> , No. 29170, Order Dismissing Appeal (November 20, 1997)		JA04826-JA04830
21	127. <u>Smith v. State</u> , No. 20959, Order of Remand (September 14, 1990)		JA04831-JA04834
21	128. <u>Stevens v. State</u> , No. 24138, Order of Remand (July 8, 1994)		JA04835-JA04842
21	129. <u>Wade v. State</u> , No. 37467, Order of Affirmance (October 11, 2001)		JA04843-JA04848
21	130. <u>Williams v. State</u> , No. 20732, Order Dismissing Appeal (July 18, 1990)		JA04849-JA04852
21	131. <u>Williams v. Warden</u> , No. 29084, Order Dismissing Appeal (August 29, 1997)		JA04853-JA04857
21	132. <u>Ybarra v. Director, Nevada State Prison</u> , No. 19705, Order Dismissing Appeal (June 29, 1989)		JA04858-JA04861
21	133. <u>Ybarra v. Warden</u> , No. 43981, Order Affirming in Part, Reversing in Part, and Remanding (November 28, 2005)		JA04862-JA04873

Vol.	Title	Date	Page
21	134. <u>Ybarra v. Warden</u> , No. 43981, Order Denying Rehearing (February 2, 2006)		JA04874-JA04879
21	135. <u>Rippo v. State; Bejarano v. State</u> , No. 44094, No. 44297, Order Directing Oral Argument (March 16, 2006)		JA04880-JA04883
21	136. <u>State v. Rippo</u> , Case No. C106784, Supplemental Brief in Support of Defendant's Petition for Writ of Habeas Corpus (Post-Conviction), February 10, 2004		JA04884-JA04931
21	137. <u>State v. Rippo</u> , Case No. C106784, Findings of Fact, Conclusions of Law and Order, December 1, 2004		JA04932-JA04935
21	138. <u>Rippo v. State</u> , S. C. Case No. 44094, Appellant's Opening Brief, May 19, 2005		JA04936-JA04986
21	139. <u>Rippo v. State</u> , S. C. Case No. 44094, Respondent's Answering Brief, June 17, 2005		JA04987-JA05048
22	140. <u>Rippo v. State</u> , S. C. Case No. 44094, Appellant's Reply Brief, September 28, 2005		JA05049-JA05079
22	141. <u>Rippo v. State</u> , S. C. Case No. 44094, Appellant's Supplemental Brief As Ordered By This Court, December 12, 2005		JA05080-JA05100
22	201. <u>Rippo v. State</u> , Nevada Supreme Court Case No. 28865, Opinion filed October 1, 1997		JA05101-JA05123
22	202. <u>Rippo v. State</u> , Nevada Supreme Court Case No. 44094, Affirmance filed November 16, 2006		JA05124-JA05143
22	203. Confidential Execution Manual, Procedures for Executing the Death Penalty, Nevada State Prison		JA05144-JA05186

Vol.	Title	Date	Page
22	204. Brief of Amici Curiae in Support of Petitioner, United States Supreme Court Case No. 03-6821, David Larry Nelson v. Donal Campbell and Grantt Culliver, October Term, 2003		JA05187-JA05211
22	205. Leonidas G. Koniaris, Teresa A. Zimmers, David A. Lubarsky, and Jonathan P. Sheldon, <u>Inadequate Anaesthesia in Lethal Injection for Execution</u> , Vol. 365, April 6, 2005, at http://www.thelancet.com		JA05212-JA05214
22 23	206. Declaration of Mark J.S. Heath, M.D., dated May 16, 2006, including attached exhibits		JA05215-JA05298 JA05299-JA05340
23	207. "Lethal Injection: Chemical Asphyxiation?" Teresa A. Zimmers, Jonathan Sheldon, David A. Lubarsky, Francisco Lopez-Munoz, Linda Waterman, Richard Weisman, Leonida G. Kniaris, <u>PloS Medicine</u> , April 2007, Vol. 4, Issue 4		JA05341-JA05348
23	208. <u>Rippo v. State</u> , Nevada Supreme Court Case No. 28865, Appellant's Opening Brief		JA05349-JA05452
23	209. <u>Rippo v. State</u> , Nevada Supreme Court Case No. 28865, Appellant's Reply Brief		JA05453-JA05488
23	210. <u>Rippo v. State</u> , Nevada Supreme Court Case No. 44094, Appellant's Opening Brief, filed May 19, 2005		JA05489-JA05538
24	211. <u>Rippo v. State</u> , Nevada Supreme Court Case No. 44094, Appellant's Reply Brief, filed September 28, 2005		JA05539-JA05568
24	212. <u>Rippo v. State</u> , Nevada Supreme Court Case No. 44094, Appellant's Supplemental Brief as Ordered by this Court filed December 22, 2005		JA05569-JA05588

Vol.	Title	Date	Page
24	213. <u>Rippo v. State</u> , Nevada Supreme Court Case No. 44094, Order Directing Oral Argument filed March 16, 2006		JA05589-JA05591
24	214. <u>Rippo v. State</u> , Nevada Supreme Court Case No. 44094, Transcript of Oral Argument on June 13, 2006		JA05592-JA05627
24	215. <u>Rippo v. State</u> , Nevada Supreme Court Case No. 44094, Appellant's Petition for Rehearing filed December 11, 2006		JA05628-JA05635
24	216. Supplemental Points and Authorities in Support of Petition for Writ of Habeas Corpus (Post-Conviction) and attached exhibits filed August 8, 2002		JA05636-JA05737
24	217. Letter dated August 20, 2004 from Rippo to Judge Mosley		JA05738
24	218. <u>State v. Rippo</u> , Case No. 106784, Amended Notice of Intent to Seek Death Penalty, filed March 24, 1994		JA05739-JA05741
24	219. <u>State v. Rippo</u> , Case No. 106784, Jury Instructions, filed March 6, 1996		JA05742-JA05782
25	220. <u>State v. Rippo</u> , Case No. 106784, Notice of Alibi, filed September 2, 1993		JA05783-JA05785
25	221. Affidavit of Alice May Starr dated January 26, 1994		JA05786-JA05791
25	222. Letter dated October 12, 1993 from Starr to President Clinton		JA05792-JA05795
25	223. <u>State v. Rippo</u> , Case No. 106784, Order Sealing Affidavit (and exhibits), dated September 30, 1993		JA05796-JA05801
25	224. Las Vegas Metropolitan Police Department Property Report dated September 30, 1993		JA05802-JA05803

Vol.	Title	Date	Page
25	225. Letter dated November ??, 1993 from Starr to Rex Bell, District Attorney		JA05804-JA05807
25	226. <u>State v. Rippo</u> , Case No. C57388, Draft Affidavit in Support of Motion to Withdraw Guilty Plea		JA05808-JA05812
25	227. Justice Court Record, Thomas Edward Sims		JA05813-JA05881
25 26 27	228. Justice Court Record, Michael Angelo Beaudoin		JA05882-JA06032 JA06033-JA06282 JA06283-JA06334
27	229. Las Vegas Metropolitan Police Department Voluntary Statement of Michael Angelo Beaudoin dated March 1, 1992		JA06335-JA06349
27	230. Justice Court Record, Michael Thomas Christos		JA06350-JA06403
27	231. Justice Court Record, David Jeffrey Levine		JA06404-JA06417
27	232. Justice Court Record, James Robert Ison		JA06418-JA06427
27	233. MMPI (Minnesota Multiphasic Personality Inventory) Scoring for Diana Hunt dated September 2, 1992		JA06428-JA06434
27	234. Handwritten Declaration of James Ison dated November 30, 2007		JA06435-JA06436
27	235. Handwritten Declaration of David Levine dated November 20, 2007		JA06437-JA06438
27	236. <u>United States v. Bongiovanni</u> , CR-S-96-98-LDG(RJJ), Government's Trial Memorandum, filed August 25, 1997		JA06439-JA06483
27	237. <u>United States v. Bongiovanni</u> , CR-S-96-98-LDG(RJJ), Motion to Dismiss for Outrageous Government Misconduct, filed September 13, 1996		JA06484-JA06511

Vol.	Title	Date	Page
28	238. <u>United States v. Bongiovanni</u> , CR-S-96-98-LDG(RJJ), Transcript of Jury Trial Day 2, December 3, 1997		JA06512-JA06689
28 29	239. <u>United States v. Bongiovanni</u> , CR-S-96-98-LDG(RJJ), Transcript of Jury Trial Day 3, December 4, 1997		JA06690-JA06761 JA06762-JA06933
29 30	240. <u>United States v. Bongiovanni</u> , CR-S-96-98-LDG(RJJ), Transcript of Jury Trial Day 4, December 8, 1997		JA06734-JA07011 JA07012-JA07133
30 31	241. <u>United States v. Bongiovanni</u> , CR-S-96-98-LDG(RJJ), Transcript of Jury Trial Day 6, December 10, 1997		JA07134-JA07261 JA07262-JA06332
31	242. <u>United States v. Bongiovanni</u> , CR-S-96-98-LDG(RJJ), Transcript of Jury Trial Day 8, December 15, 1997		JA07333-JA07382
31 32	243. <u>United States v. Bongiovanni</u> , CR-S-96-98-LDG(RJJ), Transcript of Jury Trial Day 9, December 16, 1997		JA07383-JA07511 JA07512-JA07525
32	244. <u>Rippo v. State</u> , Nevada Supreme Court Case No. 28865, Respondent's Answering Brief, filed February 14, 1997		JA07526-JA07641
32	245. <u>United States v. Bongiovanni</u> , CR-S-96-98-LDG(RJJ), Government's Trial Memorandum, filed December 2, 1997		JA07642-JA07709
32	246. <u>State v. Salem</u> , Eighth Judicial District Court, Clark County, Nevada, Case No. 124980, Criminal Court Minutes		JA07710-JA07713
32	247. <u>State v. Rippo</u> , Eighth Judicial District Court, Clark County, Nevada, Case No. 106784, Motion for New Trial, filed April 29, 1996		JA07714-JA07719
32	248. <u>United States v. Bongiovanni</u> , CR-S-96-98-LDG(RJJ), Superseding Criminal Indictment, filed May 6, 1997		JA07720-JA07751

Vol.	Title	Date	Page
33	249. In the Matter of the Application of the United States for an Order Authorizing the Interception of Wire Communications dated October 11, 1995		JA07752-JA07756
33	250. Clark County School District Records for Michael D. Rippo		JA07757-JA07762
33	251. Neuropsychological Assessment, Thomas F. Kinsora, Ph.D., dated February 1, 1996		JA07763-JA07772
33	252. Addendum to Neurological Assessment Report, Thomas F. Kinsors, Ph.D., dated March 12, 1996		JA07773-JA07775
33	253. Pre-Sentence Report, <u>State v. Rippo</u> , Case No. 97388, dated April 23, 1982		JA07776-JA07782
33	254. Psychiatric Evaluation, Norton A. Roitman, M.D., dated February 17, 1996		JA07783-JA07789
33	255. SCOPE printout for Carole Ann Rippo		JA07790
33	256. Progress Reports dated October 15, 1981		JA07791-JA07792
33	257. Supplemental Report, Case No. 23042, Juvenile Division, Clark County, Nevada, filed April 29, 1981		JA07793-JA07801
33	258. Order, Case No. 23042, Juvenile Division, Clark County, Nevada, filed May 9, 1981		JA07802-JA07803
33	259. Terms of Probation, Case No. 23042, Juvenile Division, Clark County, Nevada, filed May 1, 1981		JA07804-JA07805
33	260. Transcript of Proceedings, Case No. 23042, Juvenile Division, Clark County, Nevada, filed May 14, 1981		JA07806-JA07811

Vol.	Title	Date	Page
33	261. Petition No. 1, Recommendation for Adjudication and Order of Approval, Case No. 23042, Juvenile Division, Clark County, Nevada, filed April 19, 1981		JA07812
33	262. Petition, Case No. 23042, Juvenile Division, Clark County, Nevada, filed April 8, 1981		JA07813
33	263. Certification, Case No. 23042, Juvenile Division, Clark County, Nevada, filed October 19, 1981		JA07814
33	264. Probation Officer's Report, Case No. 23042, Juvenile Division, Clark County, Nevada, filed April 29, 1981		JA07815-JA07823
33	265. Baseline Psychiatric Evaluation, Southern Desert Correctional Center, by Franklin D. Master, M.D., dated April 9, 1982		JA07824
33	266. Confidential Psychological Evaluation by Eric S. Smith, Ph.D., Timothy L. Boyles, M.A., James F. Triggs, Ed.D., dated February 11, 1982		JA07825-JA07827
33	267. Petition, Case No. 23042, Juvenile Division, Clark County, Nevada, filed January 27, 1982		JA07828-JA07829
33	268. Petition, Case No. 23042, Juvenile Division, Clark County, Nevada, filed January 27, 1982		JA07830-JA07831
33	269. Petition, Case No. 23042, Juvenile Division, Clark County, Nevada, filed January 27, 1982		JA07832-JA07833
33	270. Petition, Case No. 23042, Juvenile Division, Clark County, Nevada, filed January 27, 1982		JA07834-JA07835
33	271. Petition, Case No. 23042, Juvenile Division, Clark County, Nevada, filed January 27, 1982		JA07836-JA07837

Vol.	Title	Date	Page
33	272. Petition, Case No. 23042, Juvenile Division, Clark County, Nevada, filed January 27, 1982		JA07836-JA07837
33	273. Las Vegas Metropolitan Police Department Arrest Report dated January 27, 1982		JA07838
33	274. Petition, Case No. 23042, Juvenile Division, Clark County, Nevada, filed January 29, 1982		JA07839-JA07840
33	275. Certification Report, Case No. 23042, Juvenile Division, Clark County, Nevada, filed February 23, 1982		JA07841-JA07853
33	276. Petition, Case No. 23042, Juvenile Division, Clark County, Nevada, filed February 2, 1982		JA07854
33	277. Judgment of Conviction, Case No. C57388, <u>State v. Rippo</u> , Clark County, Nevada, filed May 28, 1982		JA07855
33	278. Psychological Report: Corrections Master, dated June 2, 1982		JA07856-JA07859
33	279. Test of Educational Development dated March 9, 1983		JA07860-JA07862
33	280. Psychological Evaluation dated December 2, 1983		JA07863
33	281. Parole Progress Report, March 1985 Agenda		JA07864-JA07865
33	282. Institutional Progress Report, March 1987 Agenda		JA07866-JA07868
33	283. Psychological Evaluation for Parole dated January 29, 1987		JA07869
33	284. Psychological Evaluation for Parole dated August 12, 1988		JA07870
33	285. Parole Progress Report, September 1988 Agenda		JA07871-JA07872

Vol.	Title	Date	Page
33	286. Psychological Evaluation dated August 23, 1989		JA07873
33	287. Parole Progress Report, September 1989 Agenda		JA07874-JA07875
33	288. Parole Officers' Notes beginning December 4, 1989		JA07876-JA07884
33	289. Institutional Progress Report dated May 1993		JA07885-JA07886
33	290. Health Services, Psychology Referral Form dated April 28, 1993		JA07887
33	291. Handwritten notes dated February 17, 1994		JA07888
33	292. Handwritten notes dated March 9, 1994		JA07889
33	293. Handwritten exam notes (Roitman) dated January 13, 1996		JA07890-JA07894
33	294. Psychological Panel Results Notification dated January 10, 1996		JA07895
33	295. Norton A. Roitman, Addendum, dated March 11, 1996		JA07896-JA07897
33	296. Bongiovanni Off the Bench, <i>Las Vegas Sun</i> , April 18, 1996		JA07898-JA07899
33	297. Fraud probe led to judge, <i>Las Vegas Sun</i> , April 18, 1996		JA07900
33	298. Charge opens judge's race, <i>Las Vegas Sun</i> , April 18, 1996		JA07901-JA07902
33	299. Judge Bongiovanni Indicted, <i>Las Vegas Sun</i> , April 18, 1986		JA07903
33	300. Judge's actions examined, <i>Las Vegas Review-Journal</i> , April 19, 1996		JA07904-JA07906
33	301. Mental Health Progress Notes dated June 20, 1993		JA07907
33	302. Affidavit of David M. Schieck dated March 16, 1998		JA07908

Vol.	Title	Date	Page
33	303. Declaration of Carole A. Duncan dated January 19, 2000		JA07909-JA07910
33	304. Union Free School #24, Pupil History Record, Michael Campanelli		JA07911-JA07912
33 34	305. <u>United States v. Bongiovanni</u> , CR-S-96-98-LDG(RJJ), Transcript of Jury Trial Day 7, October 27, 1998		JA07913-JA08006 JA08007-JA08039
34	306. <u>United States v. Bongiovanni</u> , CR-S-96-98-LDG(RJJ), Transcript of Jury Trial Day 8, October 28, 1998		JA08040-JA08155
34	307. <u>United States v. Bongiovanni</u> , CR-S-96-98-LDG(RJJ), Emergency Motion to Disqualify John Fadgen, Esq. From Representing Defendant Bongiovanni at Trial, July 24, 1997		JA08156-JA08225
	308. OMITTED		
34	309. <u>United States v. Bongiovanni</u> , CR-S-96-98-LDG(RJJ), Notice of Tape Recordings Intended for Use in Government's Case in Chief, filed August 2, 1996		JA08226-JA08246
35	310. Letter from Donald J. Green requesting additional discovery dated July 9, 1996		JA08247-JA08253
35	311. <u>United States v. Bongiovanni</u> , CR-S-96-98-LDG(RJJ), Transcript of Jury Trial Day 5, December 9, 1997		JA08254-JA08399
35	312. <u>State v. Rippo</u> , Eighth Judicial District Court, Clark County, Nevada, Case No. 106784, Answer in Opposition to Motion for New Trial, filed May 1, 1996		JA08400-JA08405

Vol.	Title	Date	Page
35	313. <u>State v. Rippo</u> , Eighth Judicial District Court, Clark County, Nevada, Case No. 106784, Defendant's Motion to Strike Aggravating Circumstances Numbered 1 and 2 and for Specificity as to Aggravating Circumstance Number 4, filed August 20, 1993		JA08406-JA08413
35	314. <u>State v. Rippo</u> , Eighth Judicial District Court, Clark County, Nevada, Case No. 106784, State's Response to Defendant's Motion to Strike Aggravating Circumstance Numbered 1 and 2 and for Specificity as to Aggravating Circumstance Number 4, filed February 11, 1994		JA08414-JA08417
35	315. <u>State v. Rippo</u> , Eighth Judicial District Court, Clark County, Nevada, Case No. 106784, Special Verdict filed March 14, 1996		JA08418-JA08419
35	316. <u>State v. Rippo</u> , Eighth Judicial District Court, Clark County, Nevada, Case No. 106784, Special Verdict filed March 14, 1996		JA08420-JA08421
35 36	317. Social History		JA08422-JA08496 JA08497-8538
36	318. Parental Agreement, Case No. 23042, Juvenile Division, Clark County, Nevada, dated April 29, 1981		JA08539
36	319. Mark D. Cunningham, Ph.D., and Thomas J. Reidy, Ph.D., <u>Integrating Base Rate Data in Violence Risk Assessments at Capital Sentencing</u> , 16 Behavioral Sciences and the Law 71, 88-89 (1998)		JA08540-JA08564
36	320. Letter from Michael Rippo to Steve Wolfson dated April 17, 1996		JA08565
36	321. Report of Jonathan Mack, Ph.D.		JA08566-JA08596

Vol.	Title	Date	Page
36	322. Trial Exhibit: Photograph of Michael Rippo		JA08597
36	323. <u>State v. Rippo</u> , Eighth Judicial District Court, Clark County, Nevada, Case No. 106784, Application and Order for Fee in Excess of Statutory Amount for Investigator, filed December 3, 1996		JA08598-JA08605
36	324. Wiretap Transcript, Tommy Simms [sic], dated June 8, 1992		JA08606-JA08609
36	325. <u>State v. Rippo</u> , Eighth Judicial District Court, Clark County, Nevada, Case Nos. 57388, 57399, Reporter's Transcript of Proceedings -- Continued Initial Arraignment, heard March 25, 1982		JA08610-JA08619
36	326. <u>State v. Rippo</u> , Eighth Judicial District Court, Clark County, Nevada, Case Nos. 57388, 57399, Reporter's Transcript of Further Proceedings and/or Continued Initial Arraignment heard March 30, 1982		JA08620-JA08626
36	327. <u>State v. Rippo</u> , Eighth Judicial District Court, Clark County, Nevada, Case No. C106784, Instructions to the Jury, filed March 14, 1996		JA08627-JA08652
36	328. Declaration of Elisabeth B. Stanton, dated January 15, 2008		JA08653-JA08664
48	Reply to Opposition to Motion to Dismiss	06/09/08	JA11564-JA11574
48	Reply to Opposition to Motion for Leave to Conduct Discovery	09/16/08	JA11575-JA11585
1	Reporter's Transcript of Arraignment	07/06/92	JA00242-JA00245
2	Reporter's Transcript of Arraignment	07/20/92	JA00246-JA00251
36	Reporter's Transcript of Defendant's Motion for Appointment of Counsel	02/11/08	JA08665-JA08668
2	Reporter's Transcript of Defendant's Motion to Continue Trial Proceedings; Defendant's Motion to Disqualify District	02/14/94	JA00378-JA00399

Vol.	Title	Date	Page
	Attorney's Office		
19	Reporter's Transcript of Evidentiary Hearing	09/10/04	JA04347-JA04408
48	Reporter's Transcript of Hearing	09/22/08	JA11586-JA11602
2	Reporter's Transcript of Hearing in re Attorney General's Motion to Quash and for Protective Order	09/20/93	JA00316-JA00319
2	Reporter's Transcript of Hearing in re Motion to Continue Jury Trial	09/10/93	JA00304-JA00315
3	Reporter's Transcript of Motions Hearing	03/09/94	JA00565-JA00569
18	Reporter's Transcript of Preliminary [sic] Hearing	11/27/02	JA04202-JA04204
19	Reporter's Transcript of Proceedings before the Honorable Donald M. Mosely	08/20/04	JA04321-JA04346
17	Reporter's Transcript of Proceedings: Argument and Decision	05/02/02	JA04048-JA04051
1	Reporter's Transcript of Proceedings: Grand Jury	06/04/92	JA00001-JA00234
3	Reporter's Transcript of Proceedings: Jury Trial, Vol. I; 10:00 a.m.	01/30/96	JA00634-JA00641
3 4	Reporter's Transcript of Proceedings: Jury Trial, Vol. II; 1:30 p.m.	01/30/96	JA00642-JA00725 JA00726
4	Reporter's Transcript of Proceedings: Jury Trial, Vol. III; 3:30 p.m.	01/30/96	JA00727-JA00795
4	Reporter's Transcript of Proceedings: Jury Trial, 11:15 AM	01/31/96	JA00796-JA00888
4 5	Reporter's Transcript of Proceedings: Jury Trial, 2:30 PM	01/31/96	JA00889-JA00975 JA00976-JA01025
5	Reporter's Transcript of Proceedings: Jury Trial, Vol. I; 10:20 a.m.	02/01/96	JA01026-JA01219
5	Reporter's Transcript of Proceedings: Jury Trial, Vol. VI; 10:20 a.m.	02/02/96	JA01220-JA01401
5B	Reporter's Transcript of Proceedings: Jury Trial, Vol. 1, 1:30 p.m.	02/05/96	JA01401-001 to JA01401-179
5 6	Reporter's Transcript of Proceedings: Jury Trial, Vol. II; 2:30 p.m.	02/02/96	JA01402-JA01469 JA01470-JA01506

Vol.	Title	Date	Page
7	Reporter's Transcript of Proceedings: Jury Trial, 10:15 AM	02/06/96	JA01507-JA01688
8	Reporter's Transcript of Proceedings: Jury Trial, 2:30 PM	02/06/96	JA01689-JA01766
8	Reporter's Transcript of Proceedings: Jury Trial, 1:45 PM	02/07/96	JA01767 JA01872
8 9	Reporter's Transcript of Proceedings: Jury Trial, 10:15 AM	02/08/96	JA01887-JA01938 JA01939-JA02054
9 10	Reporter's Transcript of Proceedings: Jury Trial, 10:45 AM	02/26/96	JA02055-JA02188 JA02189-JA02232
10	Reporter's Transcript of Proceedings: Jury Trial, 11:00AM	02/27/96	JA02233-JA02404
11	Reporter's Transcript of Proceedings: Jury Trial, Vol. I, 10:30 a.m.	02/28/96	JA02405-JA02602
12 13	Reporter's Transcript of Proceedings: Jury Trial, Vol. I, 10:35 a.m.	02/29/96	JA02630-JA02879 JA02880-JA02885
13	Reporter's Transcript of Proceedings: Jury Trial 9:00 AM	03/01/96	JA02886-JA03064
13	Reporter's Transcript of Proceedings: Jury Trial Vol. I, 10:30 a.m.	03/04/96	JA03065-JA03120
14	Reporter's Transcript of Proceedings: Jury Trial, 11:00 a.m.	03/05/96	JA03121-JA03357
16	Reporter's Transcript of Proceedings: Jury Trial Vol. 1 11:30 a.m.	03/13/96	JA03594-JA03808
17	Reporter's Transcript of Proceedings: Jury Trial, 9:30 AM	03/14/96	JA03841-JA04001
3	Reporter's Transcript of Proceedings: Motions Hearing	03/18/94	JA00575-JA00582
3	Reporter's Transcript of Proceedings: Motions Hearing	04/14/94	JA00591-JA00618
15	Reporter's Transcript of Proceedings: Penalty Phase 10:00 a.m.	03/12/96	JA03413-JA03593
2 3	Reporter's Transcript of Proceedings Re: Defendant's Motion to Disqualify District Attorney's Office	03/07/94	JA00403-485 JA00486-564

Vol.	Title	Date	Page
2	Reporter's Transcript of Proceedings re: Oral Request of District Attorney	01/31/94	JA00322-JA00333
3	Reporter's Transcript of Proceedings: Ruling on Defense Motion	03/11/94	JA00570-JA00574
17	Reporter's Transcript of Proceedings: Sentencing	05/17/96	JA04014-JA04036
15	Reporter's Transcript of Proceedings: Verdict	03/06/96	JA03403-JA03411
2	Response to Defendant's Motion for Discovery of Institutional Records and Files Necessary to His Defense	02/07/94	JA00351-JA00357
36 37	State's Motion to Dismiss and Response to Defendant's Petition for Writ of Habeas Corpus (Post-Conviction)	04/23/08	JA08673-JA08746 JA08747-JA08757
2	State's Motion to Expedite Trial Date or in the Alternative Transfer Case to Another Department	02/16/93	JA00268-JA00273
2	State's Opposition to Defendant's Motion for Discovery and State's Motion for Reciprocal Discovery	10/27/92	JA00260-JA00263
2	State's Opposition to Defendant's Motion to Exclude Autopsy and Crime Scene Photographs	02/07/94	JA00346-JA00350
18	State's Opposition to Defendant's Supplemental Points and Authorities in Support of Petition for Writ of Habeas Corpus (Post-Conviction)	10/14/02	JA04154-JA04201
2	State's Response to Defendant's Motion to Strike Aggravating Circumstance Numbered 1 and 2 and for Specificity as to Aggravating Circumstance Number 4	02/14/94	JA00367-JA00370
18	State's Response to Defendant's Supplemental Petition for Writ of Habeas Corpus (Post-Conviction)	04/06/04	JA04259-JA04315
2	State's Response to Motion to Disqualify the District Attorney's Office and State's Motion to Quash Subpoenas	02/14/94	JA00358-JA00366
18	Supplemental Brief in Support of Defendant's Petition for Writ of Habeas Corpus (Post-Conviction)	02/10/04	JA04206-JA04256

Vol.	Title	Date	Page
17 18	Supplemental Points and Authorities in Support of Petition for Writ of Habeas Corpus (Post-Conviction)	08/08/02	JA04052-JA04090 JA04091-JA04153
15	Verdicts	03/06/96	JA03399-JA03402
16	Verdicts and Special Verdict	03/14/96	JA03835-JA03840

13

1 Remember: Don't discuss the
2 case among yourselves or with anyone else;

3 Read, watch, listen to any
4 report or commentaries on this case; or

5 Form any opinions on the case
6 until this matter is finally submitted to you.

7
8 (Whereupon, a recess was had in
9 the proceedings, at the
10 conclusion of which the
11 following was had:)

12 THE COURT: Okay. Do you stipulate to the
13 presence of the Jury?

14 MR. SEATON: Yes, Judge.

15 MR. WOLFSON: Yes, Your Honor.

16 THE COURT: Cross-examination, Mr. Wolfson.

17 MR. WOLFSON: Thank you, Judge.

18
19 CROSS-EXAMINATION

20 BY MR. WOLFSON:

21 Q Good afternoon, Analyst Cabrales.

22 A Good afternoon.

23 Q Mr. Cabrales, are you a police officer?

24 A No, I'm not.

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MR: PPO-07058-R0001981

13

1 Q Would it be fair to say that your primary
2 purpose, as a crime scene analyst, is to preserve, gather
3 and analyze evidence from a crime scene?

4 A Yes.

5 Q What time did you arrive at this crime
6 scene?

7 A I arrived approximately 11:20.

8 Q In the morning?

9 A Excuse me. I think it was approximately
10 11:40 in the morning that I arrived.

11 Q Do you have a vivid memory of who was inside
12 this apartment when you arrived?

13 A When I arrived, it was Sheree Norman,
14 Detective Steve Scholl -- crime scene analyst Sheree Norman.

15 Q To your knowledge, were those the only two
16 people inside the apartment when you stepped inside?

17 A Yes.

18 Q Now, you have since learned that there were
19 a number of other police officers that had entered and
20 viewed the crime scene; isn't that right?

21 A Yes.

22 Q What transpired before you arrived, you have
23 no control over; isn't that right?

24 A Yes.

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13

1 Q So if a crime scene was contaminated before
2 you arrived, you would have no control over that; isn't that
3 an accurate statement?

4 A Yes.

5 Q Was the crime scene contaminated before you
6 arrived?

7 A Later evidence was developed that indicated
8 that.

9 Q Who is Captain Barbara Connett,
10 C-o-n-n-e-t-t?

11 A At the time, she was my captain.

12 Q At the time, meaning back in February of
13 1992?

14 A Correct.

15 Q She was your supervisor?

16 A Yes.

17 Q Isn't it true that you authored a Las Vegas
18 Metropolitan Police Department memorandum to her dated
19 February 24th, 1992?

20 A Yes.

21 Q Isn't it true that you stated, quote:

22 "Obviously, the crime scene was
23 not protected and the integrity of all evidence
24 recovered from the scene has been compromised."

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NR1P0-07058-R0001983

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1 A Yes, that's a portion of that memo.

2 Q As a result of that statement by yourself,
3 you asked for other crime scene processing and investigation
4 to take place, did you not?

5 A Yes.

6 Q What types of things did you ask to be
7 conducted?

8 A I asked that certain elimination evidence be
9 gathered from the officers that were at the scene; mainly, I
10 was concerned with fingerprints, palm prints, hairs, fibers,
11 footwear. Those are my concerns.

12 Q Let's talk about fingerprints for a few
13 minutes.

14 Can only a human being leave a
15 fingerprint?

16 A No. The primates have ridge detail on their
17 hands and feet.

18 Q Generally speaking though, your work deals
19 with the human being's leaving a latent fingerprint; isn't
20 that right?

21 A Yes.

22 Q Is there a difference in the manner in which
23 a human will leave a finger versus a palm print?

24 A Well, that would refer to, you know, the --

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14

1 the size of the surface, the manner in which it was handled,
2 and, of course, the portion of the hand which touched the
3 surface.

4 Q But it's the same transfer, is it not, of
5 moisture from a human's hand that would leave either a
6 fingerprint or a palm print; isn't that accurate?

7 A Yes.

8 Q Were you and Sheree Norman the only
9 fingerprint latent lifters that worked this crime scene?

10 A Yes.

11 Q Now, you've testified that you have been a
12 crime scene analyst for 16 years; is that correct?

13 A Yes.

14 Q So back in February of '92, you would have
15 been one for 12 years?

16 A Correct.

17 Q Back in February of '92, how long had Sheree
18 Norman been a crime scene analyst?

19 A Say, approximately eight years.

20 Q From what I gather from direct examination,
21 you and she divided up areas from which to process this
22 crime scene; is that right?

23 A Yes.

24 Q Whose decision was it to process one thing

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14 1 versus the other person processing the other?

2 A I would say it would be my decision on the
3 surfaces. Since she was involved in the evidence
4 collection, it would be best for her to process those areas,
5 while I would pick up the other areas.

6 Q If I were to ask you how many latent prints
7 you lifted, would you be able to tell us how many?

8 A I could give you an approximate number.

9 Q What would you base your approximation on?

10 A From reviewing the latent prints prior to
11 court.

12 Q And did you review the latent prints prior
13 to court?

14 A Yes.

15 Q Are we talking about the latent print tape
16 that you mentioned earlier in your examination?

17 A Correct.

18 Q And do you have a separate piece of tape for
19 every fingerprint that you lifted from this crime scene?

20 A Some of the lifts would have had multiple
21 latent prints on them. If there was several fingerprints
22 together, it would be lifted as one lift.

23 Q I want you to try and be as accurate as you
24 can.

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14 1 So with that backdrop, are you
2 able to give a good estimate of how many total latent prints
3 you lifted from this crime scene?

4 And I'm excluding the vehicles.
5 I'm just talking about the apartment.

6 A Combined with Sherree Norman's lifts, there
7 are approximately 50 lifts from the scene.

8 Q Fifty, 5-0?

9 A Correct.

10 Q And are we talking about both fingerprints
11 and palm prints?

12 A Yes.

13 Q If I were to ask you how many different
14 locations you and Ms. Norman recovered latent fingerprints
15 from this apartment, how many separate locations would that
16 have been from?

17 A There were areas -- as I recall, the latent
18 prints were developed from the items found in the trash can,
19 from the refrigerator, from the stove, from items on the
20 counter, including glasses, cups, things like that, in the
21 bathroom area from a bottle, which was on the sink, from a
22 door jamb in the bathroom, from the west wall of the closet,
23 from items found on the dressing table, from the south wall
24 of the living room, from the west wall of the kitchen, and

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1 from several items found in the living room.

2 I think there was a mirror, an
3 item or two that was on the floor, a piece of broken mirror
4 from the TV entertainment center, and there may have been
5 one or two other areas.

6 Q I have your crime scene report dated
7 February 20th, 1992, where, on page five, you list latent
8 prints were recovered from the following areas.

9 Are you familiar with this
10 report?

11 A Yes.

12 Q Do you have it in front of you?

13 A Yes.

14 Q If I were to ask you to count how many
15 different locations you've listed in your report that you
16 recovered latent fingerprints from, could you do that for
17 me?

18 A Yes.

19 Q Please do it.

20 A There were 17 areas from which latent prints
21 were --

22 Q That's the same number I counted.

23 Is that 17 separate areas where
24 latent fingerprints were recovered from?

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1 A Yes.

2 Q And those are only the 17 locations that you

3 personally lifted prints from; is that right?

4 A Myself, and some of those items, Sheree

5 Norman would have been included in.

6 Q Well, did Sheree Norman lift latent

7 fingerprints from other locations other than these 17 listed

8 in your report?

9 A No. That would include --

10 Q So this report includes what she did as

11 well?

12 A Correct.

13 Q Now, one of these locations you describe as

14 sides of mugs, glasses, coffee cups on the kitchen counter

15 and sink; is that right?

16 A Correct.

17 Q So within these 17 locations, if you will,

18 there are subcategories of specific places where you were

19 able to lift a latent fingerprint from; is that right?

20 A Yes.

21 Q Did you note anywhere in any of your reports

22 that it appeared that any of these surfaces have appeared to

23 have been wiped down?

24 A No, not at the crime scene.

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15 1 Q You did go to the trouble to note, in your
2 report, as was brought out by the prosecutor, that you
3 thought that the door window to the 1987 Nissan appeared to
4 have been wiped down.

5 You put that in your report,
6 didn't you?

7 A Yes, I did.

8 Q But you didn't make any statement like that
9 in your crime scene report regarding the apartment; isn't
10 that accurate?

11 A Yes.

12 Q The latent prints we're talking about that
13 were recovered from these 17 locations, does that include
14 palm prints as well?

15 A Yes.

16 Q So all of the prints from a human hand are
17 from these 17 locations; is that right?

18 A Yes.

19 Q You also observed some partial footwear
20 patterns, did you not?

21 A Yes.

22 Q Why is a footwear pattern important in a
23 crime scene investigation?

24 A Well, footwear evidence, at times, can be

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1 Just as good as fingerprint evidence, in the sense that a
2 shoe, when it leaves a mark behind, can be classified into
3 two different types of comparisons.

4 In other words, an examiner
5 could look at that footwear pattern and determine the type
6 of shoe, or they could even go further, if there is enough
7 specific information in that shoe pattern left behind, to
8 identify it to a specific shoe.

9 Q Did you recover footwear impressions from
10 this crime scene?

11 A There were some developed and photographed.

12 Q How many?

13 A There were two located in the kitchen area.

14 Q Two separate footwear impressions?

15 A Yes.

16 Q Did you look for footwear impressions in
17 other places?

18 A Yes.

19 Q Is it possible to leave a footwear
20 impression on something like a carpet surface?

21 A No.

22 Q Would it be fair to say that it needs to be
23 a flat surface, such as a linoleum or tile type of surface?

24 A Yes.

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15

1 Q A surface such as we might find in a kitchen
2 or a bathroom?

3 A Correct.

4 Q Do you remember what kind of surface was in
5 the bathroom of this apartment?

6 A I believe it was linoleum.

7 Q Did you look for any footwear impressions on
8 this linoleum?

9 A Yes.

10 Q And you didn't find any?

11 A No.

12 Q Were you responsible for the finding and
13 retrieving of hair or fiber evidence?

14 A No.

15 Q Do you know who was?

16 A No. The only time when we would refer to
17 something like that, if it was specifically separate and we
18 recovered articles of clothing that had potential hairs and
19 fibers, but we would recover the article intact, at which --
20 at a later time, it would be examined for those.

21 Q Do you know if any hair and fiber evidence
22 was recovered in this case?

23 A At the original crime scene?

24 Q Yes.

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15

1 A No.

2 Q You don't know or there wasn't any?

3 A Nothing that's reflected from the items that
4 we recovered.

5 Q Do you know if any hair and fiber evidence
6 was recovered from any other location relative to this
7 investigation?

8 A Yes.

9 Q Isn't it true that there was hair and fiber
10 evidence recovered pursuant to the autopsy that was formed
11 on these two women?

12 A Yes, there should be.

13 Q What is the importance of hair evidence?

14 A The whole idea in a crime scene, when you
15 are dealing with trace evidence, is when something comes in
16 contact with something else, there is always a trace left
17 behind.

18 When we're looking at hairs and
19 fibers, we're looking at trace evidence that may have fallen
20 off of one individual on to another individual, say, from a
21 suspect to victim.

22 Then we have to look at it from
23 the other end also: Any time the victim comes in contact
24 with a suspect, there could be a transfer of evidence, hairs

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15

1 and fibers.

2

So that's the significance.

3

We're looking at evidence that's transferred from one

4

individual to another individual or to another item.

5

Q Forgive me. I'm not sure if I understand.

6

But is it your testimony that

7

there was no hair or fiber evidence recovered from the scene

8

or you didn't recover it?

9

A I did not recover it.

10

Q Do you know if any other crime scene

11

analysts recovered hair and fiber evidence from the crime

12

scene?

13

A No.

14

Q You don't know or there wasn't any

15

recovered?

16

16

A There wasn't any recovered, unless, as I

17

stated earlier, it was adhering to the clothing and things

18

that were recovered from the scene.

19

Q In other words, if clothing or other things

20

were taken from the crime scene to another location, and

21

hair and fiber were taken from those items at that time,

22

you're excluding that from your answer; is that what you are

23

saying?

24

A Yes.

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16

1 Q How do you look for hair and fiber evidence
2 at a crime scene?

3 A What we would do -- well, there is a couple
4 of methods that can be utilized, but usually visual, using
5 high intensity light at low angles to see if there is any
6 hairs or fibers present in the carpeting or on an object.

7 Or we can approach it from a
8 different perspective, in that if we think that hairs or
9 fibers are on an object or on a piece of carpet or on
10 clothing or something like that, we can recover the whole
11 item of evidence and have it later examined for those
12 traces.

13 Q Have you ever conducted a hair or fiber
14 comparison?

15 A No, sir.

16 Q That is not within your field of expertise?

17 A That's correct.

18 Q It is within your field to gather that
19 evidence though?

20 A Yes.

21 Q Did you attend the autopsy?

22 A No, sir.

23 Q Isn't it true that blood-like substances
24 were recovered from this crime scene?

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1 A Yes.

2 Q Did you do that recovery?

3 A That recovery was done by crime scene
4 analyst Sheree Norman.

5 Q Are you familiar with where this blood-like
6 substance was located from?

7 A Yes.

8 Q Did you see it at the crime scene?

9 A Yes.

10 Q Tell us what you saw.

11 A There were two areas for -- where blood-like
12 substance was recovered:

13 First of all, in the bathroom,
14 on the sink counter, there was a small spot of blood-like
15 substance.

16 In the living room area, on the
17 south day bed, there was a pillow, and on this pillow there
18 was a stain of a blood-like substance.

19 Q So two separate areas?

20 A Correct.

21 Q Did you remove that blood-like substance
22 yourself?

23 A No.

24 Q Sheree Norman did?

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16

1 A Yes.

2 Q Did you observe her do it?

3 A Yes.

4 Q How did she retrieve this blood-like
5 substance?

6 A The sample that was recovered from the
7 bathroom was recovered by means of a cotton swab or cotton
8 gauze.

9 In other words, the small drop
10 of the blood-like substance was touched with a wet cotton
11 swab so that the blood-like substance would be soaked up or
12 transferred onto the swab from the surface of the -- of the
13 bathroom counter.

14 Now, the other item, the
15 pillowcase that was on the living room -- on the south day
16 bed, that piece of fabric was cut out of that pillow and
17 impounded as is.

18 Q What is the purpose for gathering those
19 pieces of evidence?

20 A To determine the source; to see -- look at
21 the blood typing and do other analyses on it, to see if they
22 can identify an individual or a group of individuals where
23 this blood may have come from.

24 Q Were you able to determine yourself -- or

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16

1 let me rephrase, please.

2 Were you able to form an
3 opinion whether these blood-like substances that we're
4 talking about were freshly left?

5 A No.

6 Q Can you, at times, determine from the naked
7 eye whether a blood-like substance has been freshly left, if
8 you will, versus been at this location for weeks or months?

9 A The only way to determine that would be if
10 the blood was still liquid, had not dried yet.

11 Q The dryer, I believe you said, had been
12 examined for latent fingerprints, did you not?

13 A Yes.

14 Q And did you perform that process or did
15 Sheree Norman?

16 A Sheree Norman did.

17 Q Same question about the iron: Had it been
18 processed and was it processed by Sheree Norman?

19 A It was processed; and it was processed by
20 Sheree Norman.

21 Q You had occasion to remove four pieces of
22 drywall from the west wall of the closet, did you not?

23 A Yes, I did.

24 Q Now, you did that because these pieces of

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16

1 drywall contained fingerprint evidence; isn't that right?

2 A Correct.

3 Q And these pieces of drywall are among the 17
4 locations that we were talking about earlier, where latent
5 fingerprints will be lifted; is that right?

6 A Yes.

7 Q And you testified earlier that no
8 fingerprint or palm print had been lifted from either of
9 these items, the iron or the hair dryer?

10 A Correct.

11 Q Did you see the hair dryer under the day
12 bed --

13 A Yes.

14 Q -- before Sheree Norman removed it from that
15 location; or did you remove it?

16 A She removed it.

17 Q So she removed it and she dusted it for
18 prints.

19 A Correct.

20 Q But before that, you saw it; is that right?

21 A Yes.

22 MR. WOLFSON: With the Court's permission,
23 could I have Mr. Cabrales step down?

24 THE COURT: Will you step down, please.

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1 MR. WOLFSON: Please, sir, could you show
2 the jury -- and if I may slide this a little closer?

3 THE COURT: You may.

4 BY MR. WOLFSON:

5 Q Could you please show the jury the location
6 that you recovered this iron from?

7 A The iron?

8 Q I mean the hair dryer. Excuse me.

9 A Okay. As I recall, it was in this area
10 right in here, underneath the day bed. (Indicating)

11 Q Now, this is the day bed; is that right,
12 this rectangle as I am drawing?

13 A Yes.

14 Q Do you remember where, under that day bed,
15 you recovered the hair dryer? Is it where you put 79-A?

16 A As I recall, in this general area, yes.

17 Q Would it be fair to say then -- and please,
18 Just slide a little -- I want all the jurors to see -- would
19 it be fair to say then that you recovered it from
20 approximately the middle of the bed on the floor -- the
21 middle of the floor under the bed, I guess I should say?

22 A Yes.

23 Q Did you take any measurements of this day
24 bed?

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1 A Of the day bed?

2 Yes, there should have been
3 measurements taken.

4 Q Okay. Would it be fair to say that this is
5 a single size bed?

6 A Yes.

7 Q Okay. Thank you.

8 A (Witness resumed the witness stand.)

9 Q I want to ask you about State's Proposed
10 Exhibit 80-A, which I think has been described as a black
11 leather strip, which was taken from the trash can in the
12 bathroom,

13 A Yes.

14 Q Do you know which item of evidence I'm
15 talking about?

16 A Yes, sir, I do.

17 MR. WOLFSON: Miss Clerk, could you please
18 produce Exhibit proposed 80-A? Is it within your control?

19 BY MR. WOLFSON:

20 Q Showing you what's been marked as proposed
21 80-A, did you recover that piece of evidence or did Sheree
22 Norman?

23 A Sheree Norman did.

24 Q Have you ever examined it yourself? Did you

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17 1 ever take it out, pick it up and look at it in your hand?

2 A No.

3 Q Never looked at it at all or you looked at
4 it in another manner?

5 A I looked at it at the scene when it was
6 recovered from the trash can, but I did not pick it up and
7 stretch it out.

8 Q Is it leather?

9 A It appears to be, yes, or leather-like
10 substance.

11 Q Does it appear to be a porous type surface
12 that could receive a latent fingerprint?

13 A No. Due to its texture, it would not be
14 conducive for processing.

15 Q Do you know if it was processed at all?

16 A I do not believe it was.

17

18 (Whereupon, a sotto voce at
19 this time.)

20 BY MR. WOLFSON:

21 Q Were you present when any electrical cords
22 were recovered and taken into evidence?

23 A Yes.

24 Q Did you do that or did Analyst Sheree
Norman?

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1 A Sheree Norman.

2 Q Did you have a chance to view the electrical
3 cords?

4 A Yes.

5 Q What type of a surface did the electrical
6 cords have?

7 A It was a telephone type cord. It was very
8 small, thin; very small surface to work with.

9 Q From your experience, could a person have
10 left a latent print on this electrical cord?

11 A Probably not, just due to the diameter of
12 the wire itself; very small.

13 Q But it is possible that a print could have
14 been transferred from a human being on to that cord?

15 A It's possible, yes.

16 Q Was that cord processed for the presence of
17 latent fingerprints?

18 A No, it does not appear to be.

19 Q So the killer's fingerprint could be on that
20 cord.

21 A There is a possibility of latent prints
22 being on that cord.

23 Q I believe you said that a pair of white
24 briefs and a strip of knotted black leather were found in

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17 1 the small trash basket on the bathroom floor; is that right?

2 A Yes.

3 Q And that this small trash basket was full
4 when you observed it?

5 A Correct.

6 Q Do you recall where the knotted black
7 leather was located amongst the other pieces of trash in the
8 trash basket?

9 A No.

10 Q So you don't know whether it was on the top
11 or the bottom, if I can describe items, how they might sit
12 on one another?

13 A That's correct.

14 Q Did you take a photograph of this trash
15 basket?

16 A Sheree Norman should have.

17 Q How long did you spend in the apartment on
18 February 18th, 19- -- or excuse me, February 20th, 1992?

19 A Approximately eight hours.

20 Q And was that a consistent eight hours? Did
21 you ever leave and come back?

22 A No, we did not.

23 Q When you said, in your memorandum to your
24 superior officer, four days after you examined this crime

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17 1 scene, that the crime scene was not protected and the
18 2 integrity of all evidence recovered had been compromised,
3 what did you mean by using the word integrity?

4 A What I meant was any time that an individual
5 enters a crime scene, you always have the risk of
6 contamination, as we talked earlier, about hairs, fibers,
7 things like that.

8 In any given situation, we
9 expect a certain amount of items being compromised by
10 individuals that have to discover the scene, by paramedics,
11 things like that. But when it comes to the evidence
12 integrity, we must be able to preserve that or say it
13 existed as best as we can when the incident occurred.

14 And that's what I was referring
15 to as integrity. It's got to be -- try to keep it in the
16 same condition as it was when the act or the incident
17 occurred. We must preserve that to show how it really was.

18 Q Why must we do that?

19 A Because if evidence is altered at a later
20 time, it could affect the outcome of the case or affect the
21 direction of the investigation. That's why it's so critical
22 that we preserve things as best as can be done.

23 Q Is it critical to a man who's on trial for
24 double murder?

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1 A Sure.

2 Q Do you know how many police officers'
3 fingerprints were found within this crime scene?

4 A There were two uniform officers, which were
5 identified from fingerprints.

6 Q Anybody else besides two uniform officers?

7 A There was one homicide detective.

8 Q What's his name?

9 A Steve Scholl.

10 Q So the lead homicide detective's
11 fingerprints were found at the crime scene?

12 A Yes.

13 Q Would it be fair to say that you didn't see
14 any evidence of wiping down of fingerprints, because if you
15 had, you would have put it in your report, like you did in
16 your report regarding the 1987 Nissan?

17 A Yes, I would have.

18 MR. WOLFSON: Thank you.

19 That concludes my examination.

20 THE COURT: Redirect?

21 MR. HARMON: Thank you, Judge.

22 REDIRECT EXAMINATION

23 BY MR. HARMON:

24 Q In your memorandum directed to Captain

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1 Barbara Connett, which is dated February the 24th, 1992,
2 Analyst Cabrales, when you said the crime scene was not
3 protected and the integrity of all evidence recovered from
4 the scene has been compromised, what were you referring to,
5 and in what sense, in your opinion, had the integrity of the
6 scene been compromised?

7 A My concern in this case was we had numerous
8 officers that entered in the scene who knew better. We
9 realized that certain officers have to go into a scene to
10 document -- see what's taking place to make the proper
11 notification, but with additional officers entering into the
12 scene and some of them depositing fingerprints in various
13 locations at the scene, they know better. They're trained
14 to preserve that scene and to protect that integrity of the
15 evidence.

16 Q Are you saying that, in your opinion, too
17 many officers entered at the time prior to the arrival of
18 crime scene analysts?

19 A Yes, sir.

20 Q Did you learn how many officers had preceded
21 you into Apartment 317?

22 A Homicide detectives later advised me of six
23 officers which entered the scene.

24 Q Now, you've mentioned that on -- as a result

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1 of questions asked on cross-examination, that the latent
2 prints identified to three police officers were found inside
3 Apartment 317?

4 A Yes.

5 Q Do you recall where those prints were found?

6 A Two officers' prints were found on the west
7 wall of the closet; and one officer's prints was found on a
8 glass mirror, which was on the east day bed.

9 MR. HARMON: Your Honor, may we have the
10 witness, again, come down to the board?

11 THE COURT: Would you do so, please.

12
13 (Witness complies.)

14
15 BY MR. HARMON:

16 Q Analyst Cabrales, direct your attention to
17 Exhibit Number 3. You've referred to the prints of two of
18 the officers coming from a west wall.

19 Did you say the closet?

20 A Correct.

21 Q Would you identify what area you are
22 referring to?

23 A Here is where the officers' prints were
24 found, (indicating), anywhere from about ten inches on this

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1 wall up to about three and a half, four feet into the
2 closet. (Indicating)

3 Q That was in a wall which was in quite close
4 proximity to the bodies of the victims?

5 A Correct.

6 Q Do you have any way of knowing what the
7 precise circumstances were or what these officers were
8 attempting to do at the time their prints were left on the
9 west wall of the closet?

10 A No, sir.

11 Q It is, as closets go, a fairly large walk-in
12 closet?

13 A Yes.

14 Q Do you know how much space there would be
15 from the body of the victim closest to that wall, whom you
16 have identified as Denise Lizzi, to the wall?

17 A I would have to refer to a photograph, but
18 she was very close to this wall. (Indicating)

19 Q Do you have any way of knowing what the
20 concern was of initial officers at the scene regarding the
21 condition of these victims; that is, whether they were alive
22 or dead?

23 A No.

24 Q Now, you also mentioned there was a second

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1 area where -- and I think you referred -- was it to a
2 mirror?

3 A Correct.

4 Q Will you identify with the pointer where
5 that was in the apartment.

6 A There was a plate glass mirror that was
7 resting on the bed against the wall, and it was on this
8 mirror here where another officer's fingerprints were
9 identified. (Indicating)

10 Q You're referring now to the -- the day bed
11 which is identified on the Exhibit 3 as brown tweed day bed?

12 A Yes.

13 Q Do you know whose prints were found at that
14 location?

15 A Specifically, the officer, no.

16 Q You don't remember whether that was the
17 homicide detective or --

18 A It was not the homicide detective.

19 Q It was one of the other officers?

20 A Uniform officers, yes.

21 Q Since you're focused on the day bed, there
22 is reference on the diagram to a knife and a wood sheath.

23 I don't know that we've asked
24 you yet to explain, if you -- what that has reference to.

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1 A Found on this day bed was a machete type
2 knife and a wood sheath that went to the knife.

3 Q So it was your opinion that the machete
4 would have fit inside the wood sheath?

5 A Yes.

6 Q When you refer to a machete, can you give us
7 an estimate on the width and length of the instrument?

8 A As I recall the blade, I think it was
9 approximately 29 inches in length; and in width, I don't
10 recall.

11 Q Thank you. You may return again to the
12 witness chair.

13 A (Complies.)

14 Q Now you've mentioned that it's always
15 necessary for a certain number of persons to go inside.

16 A Correct.

17 Q But, in your judgment, six officers was too
18 many in this instance?

19 A In my opinion, yes.

20 Q Whenever persons enter the scene of a crime,
21 such as Apartment 317, on February the 20th, 1992, is there
22 always the potential that those persons, to some extent,
23 whether it's a fingerprint or perhaps a hair or fiber
24 falling from their bodies or footwear impressions or

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19

1 anything that might be left, is there always the potential
2 that to some extent the scene may be compromised?

3 A Yes.

4 Q Is that why it's so important to minimize
5 the number of persons who enter?

6 A Correct.

7 Q When you and Analyst Norman went inside did
8 you do your best to avoid changing the condition of the
9 scene?

10 A Yes.

11 Q Other than the three prints of officers who
12 had responded to the scene after the discovery of the
13 crimes, are you personally aware of any other way in which
14 the crime scene depicted in the diagram, Exhibit 3, was
15 compromised?

16 A No.

17 Q You've mentioned that a number of items were
18 observed by you at the scene and personally impounded by
19 Analyst Norman.

20 You identified Exhibit 79-A and
21 79-B, the hair dryer and the iron.

22 Do you have any evidence, any
23 opinion, that somehow the location of those items was
24 altered as a result of the investigation?

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19

1 A No.

2 Q What about the other items?

3 You've identified Exhibits --
4 proposed Exhibits 80-A, -B and -C; and I think that was the
5 leather strap that was found in, I believe that you
6 mentioned, the bathroom trash can?

7 A Yes.

8 Q You mentioned the electrical cord in the
9 living room area?

10 A Yes.

11 Q And also proposed 80-C, the pieces of
12 shoelace.

13 Do you have any reason to think
14 that their location and condition was somehow altered by the
15 manner in which this case was investigated?

16 A No.

17 Q What about proposed Exhibits 81-A, -B, -C
18 and -D; any reason to think that the investigation changed
19 the location and condition of those items?

20 A No.

21 Q So I take it this memorandum to Captain
22 Connett, from what you've explained to us, is based solely
23 upon the opinion by you that too many officers entered the
24 scene and you were concerned about their prints having been

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1 deposited on the west wall of the closet and also on a
2 mirror which was on the brown tweed day bed?

3 A That's correct.

4 Q You've been asked on cross-examination about
5 some footwear impressions that were observed on the floor, I
6 think you said, in the kitchen?

7 A Correct.

8 Q Did you know either of the victims, Denise
9 Lizzi and Lauri Jacobson, personally?

10 A No.

11 Q Would it be accurate to say you first
12 encountered them in this particular apartment on February
13 the 20th, 1992?

14 A Yes.

15 Q You don't have any knowledge about what type
16 of housekeeper Miss Jacobson was?

17 A No.

18 Q I asked you a number of questions about
19 whether you could tell how long palm or fingerprints had
20 been on a surface; and I think you indicated, that, no, that
21 you couldn't.

22 A That's correct.

23 Q What about footwear impressions; was there
24 any way you could tell by looking at them how long they had

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1 been there?

2 A No.

3 Q Was there any way to tell, just by looking
4 at them, whether they were connected to the murder of these
5 two young women in any way?

6 A No.

7 Q But as I understand what you are telling us,
8 if they are there and if they might have some relevance,
9 then you attempt to preserve them?

10 A That's correct.

11 Q You've been asked about hairs that may have
12 been adhering to clothing, the victims, for example.

13 A Yes.

14 Q Were you involved in analyzing any hair that
15 may have been on clothing worn by the victims in this case?

16 A No.

17 Q Is hair also something that can remain,
18 whether it's on the floor or clothing or some other
19 location, for significant periods of time?

20 A Yes.

21 Q You also have been asked about some
22 blood-like substances that were located at Apartment 317.

23 A Yes.

24 Q The phrase I think was blood-like.

002011

1 Do you know that they, in fact,
2 were blood?

3 A No.

4 Q Did you ever subject these substances to any
5 type of examination to confirm that they were, in fact,
6 blood?

7 A No.

8 Q Do you have an expertise in examining
9 serology?

10 A No.

11 Q You've mentioned that you came back on the
12 24th with Analyst Norman and it was at that time that the
13 glass fragments were recovered.

14 A Yes.

15 Q Had you observed the glass fragments on the
16 first day you were there, February the 20th?

17 A Yes.

18 MR. HARMON: Your Honor, that concludes
19 redirect.

20 THE COURT: Recross.

21 MR. WOLFSON: May I have Exhibit Number 106,
22 please.

23

24

RE CROSS-EXAMINATION

002012

1 BY MR. WOLFSON:

2 Q Mr. Cabrales, let me hand you Exhibit Number
3 106, which I believe is the evidence impound report authored
4 by Analyst Sherree Norman, is it not?

5 A Yes, it is.

6 Q If I were to ask you to review that document
7 and estimate how many pieces of evidence were recovered that
8 are listed on that report, could you do that for me, please?

9 A There are 37 items of evidence which were
10 recovered.

11 Q So 37 separate pieces of evidence or 37
12 separate things; is that right?

13 A Yes.

14 Q Thank you.

15 And all 37 of these things were
16 recovered from inside the apartment; is that right?

17 A Yes, sir.

18 Q We had, I believe you said, six police
19 officers that you learned had entered and contaminated this
20 crime scene before your arrival?

21 A Correct.

22 Q But you have the opinion that they could
23 not -- none of these six officers could not have
24 contaminated any of the things within this apartment?

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1 MR. HARMON: Objection. That wasn't his
2 testimony.

3 I asked -- he said that it was
4 contaminated in the sense of three sets of prints.

5 I asked him if he had any
6 opinion or any evidence that other items had been altered.

7 THE COURT: Objection sustained.

8 MR. WOLFSON: And he said no; and that's the
9 purpose of my question.

10 THE COURT: Ask --

11 MR. HARMON: Well, I'm objecting to the form
12 of the question.

13 THE COURT: Rephrase the question.

14 MR. WOLFSON: Well, I'll rephrase.

15 THE COURT: Thank you.

16 BY MR. WOLFSON:

17 Q You can say with certainty that six officers
18 who go inside an apartment, a small apartment, would not
19 have contaminated any of the items of evidence that were
20 recovered?

21 A No, I could not say that.

22 Q What were the names of the three police
23 officers whose prints were identified within this apartment?

24 A I'd have --

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1 Q Do you know?

2 A I'd have to refer to some other reports.

3 As I mentioned, one was Steve
4 Scholl --

5 Q If I mention their names, would you remember
6 them?

7 A I believe so.

8 Q Were they officers Richard Gosler and Darrel
9 Flenner?

10 A Yes.

11 (Whereupon, a sotto voce at
12 this time.)

13 BY MR. WOLFSON:

14 Q Those 37 items that we've mentioned from
15 State's Exhibit 106, that list didn't include the brown vial
16 that you went back and recovered days later, does it?

17 A The brown glass fragments?

18 Q Yes.

19 A No, it does not.

20 Q When you authored this memorandum,
21 (indicating), of February 24th, 1992 to Captain Barbara
22 Connett, your concern was more than just fingerprint
23 contamination, wasn't it?

24 A No, sir.

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Q Did you not say in this report:

"Obviously, the crime scene was not protected and the integrity of all evidence recovered from the scene had been compromised.

"As a result, it is requested that major case fingerprint exemplars, head hair standards, facial hair standards and footwear pattern exemplars be obtained from the below listed officers for elimination purposes."

A Yes.

MR. WOLFSON: That concludes my questions.

THE COURT: Anything else?

MR. HARMON: Nothing further, Your Honor.

THE COURT: Thank you, Mr. Cabrales.

You are excused.

THE WITNESS: Thank you

(Whereupon, the witness was excused.)

MR. HARMON: Your Honor, the Court had reserved ruling on a number of items.

The physical evidence had been marked as proposed Exhibit 79, and 79-A and -B.

The State offers -- reoffers those pieces of evidence at this time.

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MR. WOLFSON: Submit for the Court's

2

discretion.

3

THE COURT: 79 and 79-A will be admitted.

4

MR. HARMON: It's also 79-B, Your Honor.

5

THE COURT: And -B.

6

MR. HARMON: Also, Your Honor, the evidence

7

bag, proposed 80, and proposed Exhibits -A, -B and -C.

8

THE COURT: They will be admitted.

9

MR. HARMON: Proposed Exhibits 81 and

10

81-A, -B, -C and -D.

11

THE COURT: 81, -A, -B, -C and -D will also

12

be admitted.

13

MR. HARMON: And proposed 82, 82-A.

14

THE COURT: That will be admitted.

15

(Whereupon, State's Exhibits

16

79, 79-A, 79-B, 80, 80-A,

17

80-B, 80-C, 81, 81-A, 81-B,

81-C, 81-D, 82 and 82-A

were admitted into evidence.)

18

MR. HARMON: Your Honor, also the witness

19

identified the photographs at the scene. They're proposed

20

Exhibits 5 through 22, and we offer those.

21

MR. WOLFSON: Your Honor, at this time, we'd

22

ask Your Honor to reserve until you've had a chance to meet

23

with counsel.

24

THE COURT: I'll reserve until I hear from

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1 counsel.

2 MR. HARMON: That's fine, Your Honor.

3 Thank you.

4 THE COURT: Okay. Wasn't there a

5 stipulation as to 5 through 22, some of the photographs?

6 Those are the photographs,

7 right?

8 MR. HARMON: Yes.

9 MR. DUNLEAVY: We have no objection to some

10 of them, Your Honor.

11 May we approach?

12 THE COURT: Well, why don't you let me know

13 which ones you don't object to?

14 MR. WOLFSON: It should be done outside the

15 presence.

16 THE COURT: This way, I'll go over the --

17 MR. WOLFSON: It should be done out of the

18 presence.

19 THE COURT: All right. At this time, we'll

20 recess for the evening.

21 Remember: Don't converse among

22 yourselves are with anyone else on any subject connected

23 with the trial;

24 Read, watch, listen to any

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1 report or commentary on the trial; or
2 Form an opinion on this trial
3 until the matter is finally submitted to you.

4 Have a good evening. We'll
5 restart tomorrow at approximately 10:15.

6
7 (The following proceedings
8 were had in chambers outside
the presence of the jury:)

9 THE COURT: Where are the photographs?

10 All right. On the record in
11 the Rippe case, outside the presence of the jury.

12 We're in chambers. Counsel for
13 both sides are here, for the defense and the State.

14 We've reached a stipulation as
15 to Exhibits 19, 20, 21 and 22; is that right?

16 MR. DUNLEAVY: We have, Your Honor.

17 19 and 21 will be admitted and
18 20 and 22 will be excluded.

19 MR. HARMON: That's correct, Your Honor.

20 THE COURT: Is that correct?

21 THE CLERK: 19 and 22 admitted and --

22 THE COURT: 19 and 21 are admitted.

23 THE CLERK: Okay.

24 THE COURT: 20 and 22 are excluded.

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THE CLERK: Okay.

THE COURT: Upon stipulation of counsel.

MR. HARMON: Thank you.

THE CLERK: Okay. Thank you.

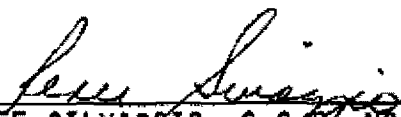
THE COURT: That concludes it.

(Whereupon, State's Exhibits
19 and 21 were admitted into
evidence.)

(The proceedings were recessed until
Tuesday, February 27, 1996, at 10:15 p.m.)

* * * * *

ATTEST: Full, true and accurate transcript of proceedings.


RENEE SILVAGGIO, C.C.R. NO. 122
OFFICIAL COURT REPORTER

002020

COPY

DISTRICT COURT
CLARK COUNTY, NEVADA

The State of Nevada,)	
)	
Plaintiff,)	
)	Case No. C106784
vs.)	Dept. No. IV
)	Docket No. "C"
Michael Damon Ripppo,)	
#0619119)	
Defendant.)	
)	
)	

Before the Honorable Gerard J. Bongiovanni
Tuesday, February 27, 1996, 11:00 o'clock a.m.
Reporter's Transcript of Proceedings

JURY TRIAL

VOLUME I

REPORTED BY: Renee Silvaggio, C.C.R. No. 122

002021

RENEE SILVAGGIO, CCR 122 391-0379

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7 Law Clerk: Delwin Potter
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002022

I N D E X

WITNESSES ON BEHALF OF THE STATE:

PAGE

CONNELL, Dan

Direct Examination by Mr. Harmon	8
Voir Dire Examination by Mr. Wolfson	29
Direct Examination (Resumed)	30
Cross-Examination by Mr. Wolfson	34
Redirect Examination by Mr. Harmon	49
Recross-Examination by Mr. Wolfson	52

GREEN, Giles Sheldon

Direct Examination by Mr. Seaton	55
Cross-Examination by Mr. Wolfson	127
Redirect Examination by Mr. Seaton	149
Recross-Examination by Mr. Wolfson	157
Voir Dire Examination by Mr. Harmon	160
Recross-Examination (Resumed)	161

BIRCH, Tracy

Direct Examination by Mr. Harmon	164
Cross-Examination by Mr. Dunleavy	168

EXHIBITS ON BEHALF OF THE STATE:

Marked

Admitted

24	Photograph	14
26	Photograph	14
27	Photograph	14
28	Photograph	14
31	Photograph	14
32	Photograph	14
34	Photograph	14
38	Photograph	14
39	Photograph	14
40	Photograph	14
41	Photograph	14
42	Photograph	14
45	Photograph	14
46	Photograph	14
47	Photograph	14
48	Photograph	14
51	Photograph	17
53	Photograph	7
54	Photograph	7
56	Photograph	17

002023

I N D E X (Continued)

EXHIBITS ON BEHALF OF THE STATE:			Marked	Admitted
57	Photograph			17
58	Photograph			17
60	Photograph			17
61	Photograph			17
62	Photograph			17
86	Evidence Bag			22
86-A	Black Scarf with Twine	21		22
87	Evidence Bag			25
87-A	Blue Sweat Pants	23		25
88	Evidence Bag			27
88-A	Black Sock	26		27
89	Evidence Bag			29
89-A	Black Underwear	29		29
90	Evidence Bag			32
90-A	Vial with Glass Shards	31		32
EXHIBITS ON BEHALF OF DEFENDANT:				
I	Criminology Report	169		

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002024

Las Vegas, Nevada, Tuesday, February 27, 1996, 11:00 a.m.

* * * * *

(The following proceedings
were had in chambers:)

THE COURT: Let the record reflect we're in
chambers.

Counsel for the defense and the
State are all present. We are discussing certain
photographs, that defense has objections to, from being
entered into evidence.

MR. DUNLEAVY: Your Honor, we had objections
to State's Proposed Exhibits 53 and 54. It's my position
that they are highly prejudicial and really not probative of
anything, other than the fact of the body decomposed
substantially prior to it being discovered.

I think the prejudicial nature
of these pictures far outweighs any probative value they
could have. This does not show anything that the doctor
cannot testify to clearly. And the pictures do not reflect
what the bodies looked like when the crime occurred. They
reflect what the body looked like several days later in a
highly decomposed state. And I think that's highly

002025

5 1 prejudicial to the jury and really of no relevant probative
2 value.

3 MR. SEATON: Judge, they both have probative
4 value.

5 To set the record straight, 53
6 is a head and shoulders photograph of the victim, Lauri
7 Jacobson; and 54 is a view of behind her head, under her
8 right ear, where there appears to be a hole.

9 Both of them show decomposition
10 to some extent. 53 particularly shows it.

11 54 is utilized to describe the
12 wound that is immediately under the ear of a woman who both
13 got hit over the head with a bottle and got drug through a
14 living room, perhaps hitting her head on objects as she went
15 through.

16 53 is going to be very
17 important because it needs to be compared and contrasted
18 with a similar photograph of Denise Lizzi. And the doctor
19 is going to testify as to the -- what appears to be a large
20 visible difference in the stage of decomposition; and yet he
21 will be able to say it may be that they died both at
22 approximately the same time.

23 And time of death becomes very
24 important because the one co-defendant, Diana Hunt, has come

002026

1 in and testified and indicated that these crimes happened
2 two days before the bodies were discovered, on the 18th of
3 February, and the -- and -- the crimes were done on the
4 18th. They were discovered on the 20th of February.

5 Therefore, both of them should
6 come in for jury viewing so that they can see what precisely
7 these -- the bodies looked like.

8 THE COURT: All right. They will be
9 admitted.

10 (Whereupon, State's Exhibits
11 53 and 54 were admitted
12 into evidence.)

13 (The following proceedings were
14 had in open court in the
15 presence of the jury:)

16 THE COURT: Case Number C106784, State of
17 Nevada versus Michael Rippo.

18 Do counsel stipulate to the
19 presence of the jury?

20 MR. SEATON: Yes, Judge.

21 MR. WOLFSON: Yes.

22 THE COURT: Good morning.

23 Call your next witness.

24 MR. HARMON: Dan Connell.

THE BAILIFF: Thank you, sir.

002027

5

1 Whereupon,

2 DAN CONNELL

3 having been called as a witness by the Plaintiff and
4 having been first duly sworn to tell the truth, the
5 whole truth and nothing but the truth, was examined
6 and testified as follows:

7 THE CLERK: Would you state your name and
8 spell it for the record, please.

9 THE WITNESS: Yes, ma'am. My name is Dan
10 Connell; C-o-n-n-e-l-l.

11 THE CLERK: Thank you.

12

13 DIRECT EXAMINATION

14 BY MR. HARMON:

15 Q Mr. Connell, what is your business or
16 occupation?

17 A Currently, I'm employed with the Las Vegas
18 Metropolitan Police Department, in the latent print section.

19 Q How long have you worked with the Las Vegas
20 Metropolitan Police Department?

21 A Ah, this past time, probably 14 months;
22 prior to that, for 28 years. I retired from the police
23 department in April of 1994. I was assigned to the
24 criminalistics bureau for 22 of that 28 years.

002028

5 1 Q Would it be correct to say that in all,
2 accounting the last 14 months, that you have been employed
3 in excess of 29 years with the Las Vegas Metropolitan Police
4 Department?

5 A That is correct.

6 Q You have mentioned that you are involved in
7 latent print examination now.

8 A That is correct.

9 Q But you also said that for 22 of the over 29
10 years, you were assigned to the crime lab?

11 A That is correct, sir.

12 Q What were your duties during those 22 years?

13 A To respond to crime scenes when requested,
14 for the purposes of documenting the scene with photography,
15 the investigation of the scene for evidence, the collection
16 of evidence, the preservation of evidence, the examination
17 of some item of evidence, the processing for fingerprints;
18 also to respond to the Clark County medical examiner offices
19 during post-mortem examinations.

20 Q Were you a crime scene analyst during that
21 22 year period of time?

22 A Yes, I was.

23 Q I want to direct your attention to February
24 the 21st, 1992.

002029

6

1 On that date, were you a crime
2 scene analyst?

3 A I was.

4 Q Did you respond to the Clark County morgue
5 here in Las Vegas?

6 A Yes, I did.

7 Q What was your reason on February the 21st,
8 1995 for going to the Clark County morgue?

9 A That was for the purposes of documenting a
10 post-mortem examination with photography and a collection of
11 evidence. I was involved over a two-day period, the 20th as
12 well as the 21st.

13 Q During that time frame, were you present
14 when autopsy examinations were performed upon two young
15 women identified as Denise Lizzi and Lauri Jacobson?

16 A Yes, I was.

17 Q Did you take photographs documenting the
18 appearance and condition of those victims?

19 A I did.

20 Q Did you also recover certain evidence?

21 A I did.

22 Q In connection with evidence you recovered,
23 did you prepare an impound report?

24 A Yes, sir.

002030

6

1 Q Did that report list all of the evidence
2 that you recovered during the autopsies of Miss Lizzi and
3 Miss Jacobson?

4 A Yes.

5 MR. HARMON: May I approach the witness,
6 Your Honor?

7 THE COURT: You may.

8 BY MR. HARMON:

9 Q Analyst Connell, I want to show you a number
10 of photographs. They've been marked as proposed Exhibits --
11 perhaps I can just hand them to you -- 24, 26 -- we'll try
12 to keep them in this order -- 27, 28, 31, 32, 34, 38, 39 and
13 40, 41 and 42, and 45, 46, 47 and 48..

14 Analyst Connell, have you had
15 an opportunity to view the photographs which have just been
16 identified for the record?

17 A Yes, I have.

18 Q Do you recognize what they are?

19 A Yes. These are photographs that I took
20 during the post-mortem examination.

21 Q Are these pictures taken of the victim
22 identified to you as Denise Lizzi?

23 A That is correct.

24 Q Are all of the photographs identified, for

002031

6

1 the record, true and accurate representations of the
2 appearance and condition of Miss Lizzi as you observed her,
3 at the time of the autopsy examinations, February the 20th
4 and 21st, 1992?

5 A That is correct.

6 Q Were you present throughout the autopsy
7 examination performed upon Denise Lizzi?

8 A Yes, I was.

9 Q Who performed the autopsy examination?

10 A Dr. Sheldon Green.

11 MR. HARMON: Your Honor, at this time, for
12 the record, the State offers the proposed exhibits
13 identified for the record.

14 MR. WOLFSON: Your indulgence for a moment.

15 THE COURT: Okay.

16

17 (Whereupon, a sotto voce at this time.)

18

19 MR. WOLFSON: May counsel approach?

20 THE COURT: Yes.

21

22 (Discussion off the record.)

23

24 (Proceedings recessed.)

002032

(The following proceedings
were had in chambers:)

THE COURT: All right. Go ahead.

MR. WOLFSON: For purposes of the record I
want to voice an objection to the admission of all of these
photographs. I believe that they are very prejudicial and
have no probative value and should not be admitted.

I understand that the Court has
already made its ruling in camera for their motion, but I'm
objecting out of the presence of the jury based upon their
prejudicial effect.

MR. SEATON: Your Honor, I just want the
record to reflect we went over each picture individually and
collectively, and we all made our arguments as to the
admissibility. The Judge has made his rulings on these
pictures.

MR. WOLFSON: That is true.

THE COURT: Okay.

MR. WOLFSON: Thanks.

MR. SEATON: And we should probably say the
same thing about the -- the Lauri Jacobson pictures that
will be coming up.

There is a number of them that
Mr. Harmon will present to this witness, and, they, just

002033

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1 like these Lizzi pictures, have been contemplated in the
2 Judge's chambers and many have been removed; and those that
3 are remaining, we have argued about and the Judge has ruled
4 in our favor; and I think they have a continuing objection
5 to that.

6 THE COURT: Mr. Wolfson has the same
7 objection, as stated, as to these pictures as to Lauri
8 Jacobson -- the photos of Lauri Jacobson.

9 MR. WOLFSON: Thank you.

10 (The following proceedings were
11 had in open court in the
presence of the jury:)

12 MR. HARMON: Your Honor, are the photographs
13 in the series identified by Analyst Connell of Denise Lizzi
14 admitted?

15 THE COURT: They are admitted.

16 MR. HARMON: Thank you.

17
18 (Whereupon, State's Exhibits
19 24, 26, 27, 28, 31, 32, 34,
20 38, 39, 40, 41, 42, 45, 46,
47 and 48 were admitted into
evidence.)

21 MR. HARMON: Your Honor, may we publish the
22 photographs of Miss Lizzi to the jurors?

23 THE COURT: Yes, you may.

24 MR. HARMON: Will the Court instruct the

002034

6 1 Jurors to view one picture and then pass it along.

2 THE COURT: Would you do so?

3 Then make it -- bring it to the
4 attention of Mr. O'Leary, the bailiff, and he'll pick up the
5 pictures.

6 (Whereupon, the foregoing
7 admitted exhibits were
published to the jury.)

8 MR. HARMON: As that is happening, Your
9 Honor, may I continue the examination of Analyst Connell?

10 THE COURT: You may.

11 BY MR. HARMON:

12 Q Mr. Connell, I'm showing you now another
13 series of photographs, which I will identify for the record
14 once more -- if we can keep them in the order I'm passing
15 them to you -- proposed Exhibit 51, proposed Exhibit 53,
16 proposed Exhibit 54, proposed Exhibits 56, 57 and 58, and
17 proposed Exhibits 60, 61 and 62.

18 Are you able to identify the
19 photographs in that series?

20 A Yes. These were the photographs that I took
21 of Lauri Jacobson during the post-mortem examination.

22 Q Do the photographs in this series truly and
23 accurately portray the appearance and condition of the
24 victim identified as Lauri Jacobson?

002035

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1 A Yes, they do.

2 Q Were you present throughout the autopsy
3 examination performed upon this victim?

4 A I was.

5 Q Did the chief medical examiner, Dr. Green,
6 also conduct this autopsy examination?

7 A Yes, he did.

8 MR. HARMON: Thank you.

9 Your Honor, the State offers
10 the proposed exhibits, identified for the record by the
11 witness, of Lauri Jacobson.

12 MR. WOLFSON: Based upon previous
13 discussions, I'll submit it.

14 THE COURT: Subject to the objection placed
15 on the record outside the presence of the jury, they will be
16 admitted.

17 MR. HARMON: Thank you, Judge.

18 May the photographs in this
19 series of Lauri Jacobson also be published to the jury?

20 THE COURT: They may be, but I wish you
21 would do them separately, after those -- the others are
22 collected.

23 MR. HARMON: Very well.

24

002036

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(Whereupon, State's Exhibits 51, 53, 54, 56, 57, 58, 60, 61 and 62 were admitted into evidence and published to the Jury.)

BY MR. HARMON:

Q Analyst Connell, I'm showing you a three-page document, which is marked as proposed Exhibit 107.

Are you able to tell us, for the record, what that is?

A Yes. This is an evidence impound report that I prepared of the evidence that I collected during the post-mortem examination.

Q Does proposed Exhibit 107 include a complete list of all evidence you recovered during the autopsy examinations performed upon both Denise Lizzi and Lauri Jacobson?

A That is correct.

Q Is the list of evidence recovered by you true and correct?

A Yes.

Q In addition to identifying items recovered, does your impound report also explain the location and, in fact, the victim from which the evidence was recovered?

A That is correct.

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1 Q Is that information also true and correct?

2 A Yes, it is.

3 MR. HARMON: Your Honor, the State offers
4 proposed Exhibit 107.

5 MR. WOLFSON: I don't have an objection to
6 the admission of this exhibit.

7 THE COURT: It will be admitted.

8 MR. HARMON: Thank you.

9 (Whereupon, State's Exhibit 107
10 was admitted into evidence.)

11 BY MR. HARMON:

12 Q Analyst Connell, I'm showing you now a
13 number of evidence containers. You will find that the clerk
14 has marked them as proposed Exhibits 86 through 90.

15 Will you examine each of the
16 evidence containers and tell us if you recognize what they
17 are.

18 A Yes, these are evidence envelopes and
19 evidence bags that are utilized by the Metropolitan Police
20 Department for the purposes of containing evidence that is
21 recovered at a scene.

22 Q Are you able to recognize each of the
23 envelopes and bags as containers utilized by you to place in
24 to them evidence recovered during the autopsy examinations

002038

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1 of Denise Lizzi and Lauri Jacobson?

2 A Yes, I am. They contain the -- my
3 handwriting, the report number, the location, my signature,
4 and personnel number at the time.

5 Q Are each of the containers, marked as
6 proposed Exhibits 86 through 90, in a sealed condition at
7 this time?

8 A Yes, they are.

9 Q Let's begin then with proposed Exhibit 86.
10 What was placed into this
11 evidence bag?

12 A A black scarf.

13 Q I am handing you a pair of scissors the
14 clerk has furnished us.

15 Leaving the seals intact, will
16 you cut this bag open at the bottom and then remove the
17 contents.

18 A (Complies.)

19 I have removed the -- or cut
20 open the bottom and I am removing a black scarf with
21 additional white twine added to it.

22 Q You've mentioned that the black scarf has
23 additional white twine added to it.

24 What do you have reference

002039

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1 to --

2 A This will be twine that is on the scarf
3 itself, which was added by Dr. Green.

4 Q Do you know why the twine was added?

5 A This was removed from -- I believe this was
6 removed from Miss Lizzi, Denise Lizzi.

7 Q My question is: Why was the string or twine
8 added by the medical examiner?

9 A Oh. When he removed the scarf, he did not
10 undo the knot and he tied the ends together to indicate how
11 they were in place.

12 Q So you are saying, to remove the scarf, it
13 was cut?

14 A That is correct.

15 Q But the knot was left intact?

16 A That is correct.

17 Q So the string was used to show how it was
18 originally fastened together?

19 A Yes.

20 MR. HARMON: Your Honor, may we have the
21 black scarf marked as proposed Exhibit 86-A?

22 THE COURT: Yes, you may.
23
24

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(Whereupon, as requested by counsel, State's Exhibit 86-A was marked for identification.)

BY MR. HARMON:

Q Analyst Connell, are you able to identify the black scarf, which is now going to be marked as proposed Exhibit 86-A?

A Yes, I am, by the scarf itself and also by a section of tape that is stapled to the scarf containing my initials and personnel number.

Q Is this an item recovered by you at the time of the autopsy examination performed upon Denise Lizzi?

A That is correct.

Q Where was the black scarf when it was recovered?

Let me change the question.

Where did it come from?

A It came -- I believe this is either, I think, on her arms -- could I refer to my report just to --

Q Yes. I'll show you 107.

A Okay.

Q Analyst Connell, please refer to Exhibit 107 for the purpose of refreshing your memory.

A I have examined the report and refreshed my memory.

002041

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1 Q Where did the black scarf, which will be
2 marked as proposed Exhibit 86-A, come from?

3 A The left wrist of Denise Lizzi.

4 Q Is it in substantially the same condition
5 now as it was when it was on the left wrist of Miss Lizzi,
6 except for the white twine that you've already identified
7 and the tape that you put on it for identification purposes?

8 A Yes, it is.

9 MR. HARMON: Your Honor, the State offers
10 proposed Exhibits 86 and 86-A.

11 MR. WOLFSON: I have no objection.

12 THE COURT: They will be admitted.

13 (Whereupon, State's Exhibits
14 86 and 86-A were admitted
into evidence.)

15 BY MR. HARMON:

16 Q Analyst Connell, I'm showing you now the bag
17 marked as proposed 87.

18 Using the scissors, will you
19 cut that bag open.

20 Strike that.

21 Before you do that, what did
22 you place inside this bag?

23 A A pair of blue sweat pants with the leg cut
24 off.

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1 Q Use the scissors now and cut this bag open,
2 leaving the seals intact.

3 A (Complies.)

4 Q For the record, what have you removed?

5 A I have removed the top portion of a pair of
6 blue sweat pants.

7 MR. HARMON: Your Honor, may the top portion
8 of the blue sweat pants be marked as proposed 87-A?

9 THE COURT: It may.

10 (Whereupon, as requested by
11 counsel, State's Exhibit
12 87-A was marked for
identification.)

12 BY MR. HARMON:

13 Q I notice that this item also has some white
14 twine or string on it.

15 A That is correct.

16 Q Was that also placed there by the medical
17 examiner?

18 A Yes, it was.

19 Q Is this another item which was cut in order
20 to facilitate its removal from the body of one of the
21 victims?

22 A That is correct.

23 Q Where was proposed Exhibit 87-A when you
24 recovered it?

002043

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1 A May I refer to my report for the exact
2 location?

3 Q Yes.

4 A Thank you.

5 Q Are you now looking at Exhibit 107, your
6 impound report?

7 A That is correct.

8 I have reviewed the report.

9 Q Now, where was the exhibit, which will be
10 marked as proposed Exhibit 87-A, the top portion of the blue
11 sweat pants?

12 A That was removed from the right wrist of
13 Denise Lizzi.

14 Q Except that it is cut and that there is
15 white string on it, is it in substantially the same
16 condition now as it was when it was removed from the right
17 wrist of Denise Lizzi?

18 A That is correct.

19 Q Have you placed identifying marks upon the
20 blue sweat pants?

21 A I have -- I have -- oh, yes. That's -- I
22 don't notice the mark right -- oh, that's Linda Archetto.

23 Q You referred to someone else.

24 Who is Linda Archetto?

002044

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1 A Linda Archetto is the director of the
2 forensics lab for the criminalistics bureau of the Las Vegas
3 Metropolitan Police Department.

4 Q Oh, I'm sorry.

5 Is she a criminalist?

6 A Yes.

7 Q Does it appear that Miss Archetto has
8 examined proposed Exhibit 87-A subsequently to your
9 impounding the item?

10 A That is correct.

11 MR. HARMON: Your Honor, the State offers
12 proposed Exhibit 87 and 87-A.

13 MR. WOLFSON: No objection.

14 THE COURT: They will be admitted.

15 MR. HARMON: Thank you.

16 (Whereupon, State's Exhibits
17 87 and 87-A were admitted
 into evidence.)

18 BY MR. HARMON:

19 Q I'm showing you, Analyst Connell, proposed
20 88.

21 Did you place something inside
22 that evidence container?

23 A That is correct.

24 Q What did you put inside, sir?

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1 A This would have been a black sock.

2 Q Will you cut this envelope open, leaving any
3 seals intact, and then remove the contents.

4 A (Complies.)

5 Q For the record, what have you removed?

6 A I have removed one black sock.

7 MR. HARMON: Your Honor, may the sock be
8 marked as proposed Exhibit 88-A?

9 THE COURT: It may.

10 MR. HARMON: Thank you.

11 (Whereupon, as requested by
12 counsel, State's Exhibit
13 88-A was marked for
identification.)

14 BY MR. HARMON:

15 Q Where was the black sock recovered from,
16 which will be marked as proposed Exhibit 88-A?

17 A May I again refer to the report for the
18 exact location?

19 Q Will that refresh your memory?

20 A Yes.

21 Q Are you examining Exhibit 107?

22 A Yes, I am.

23 This particular item was
24 removed from the mouth of Denise Lizzi.

Q Is the black sock, which was removed from

002046

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1 the mouth of Denise Lizzi, in substantially the same
2 condition now as it was at the time it was recovered by you?

3 A Yes, it is.

4 MR. HARMON: Your Honor, the State offers
5 proposed Exhibits 88 and 88-A.

6 MR. WOLFSON: I don't have an objection.

7 THE COURT: They will be admitted.

8 MR. HARMON: Thank you.

9 (Whereupon, State's Exhibits
10 88 and 88-A were admitted
into evidence.)

11 BY MR. HARMON:

12 Q I'm showing you now, sir, proposed
13 Exhibit 89.

14 What was placed into the
15 envelope marked proposed Exhibit 89?

16 A This would have been a pair of black
17 panties.

18 Q Will you cut the envelope open of proposed
19 89, leaving any seals intact.

20 A (Complies.)

21 THE COURT: Excuse me. Do you have all the
22 photographs? The Jury saw the first series.

23 A VOICE: He has them.

24 THE COURT: Okay. Did the Jury see the

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1 second series?

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(Affirmative response.)

4

5

THE COURT: Okay.

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BY MR. HARMON:

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Q For the record, Analyst Connell, what have
8 you removed from proposed Exhibit 89?

9

A I have removed a pair of black panties that
10 are knotted and contain some strands of hair.

11

Q Is it possible that this is a bra, not
12 panties?

13

A Possibility.

14

Q Is it some type of black underwear?

15

A That is correct.

16

MR. HARMON: Your Honor, may this item be
17 marked as proposed Exhibit 89-A?

18

MR. WOLFSON: May I have the Court's
19 indulgence?

20

Mr. Harmon, may I see the
21 evidence bag that that came out of, please?

22

MR. HARMON: Of course.

23

MR. WOLFSON: May I ask the witness a quick
24 question on voir dire?

002048

THE COURT: You may.

VOIR DIRE EXAMINATION

BY MR. WOLFSON:

Q Mr. Connell, how do you refer to this item, which is State's Proposed Exhibit 89, in Exhibit 107 of the State -- or do you refer to it as package number, item number, in your report?

A Yes, sir, I do.

Q And how do you refer to it in your report, please?

A As package 10, item number 25, one pair of probable panties, Fredericks logo, black.

MR. WOLFSON: Thank you very much.

I have no objection to the admission.

THE COURT: It will be admitted.

MR. HARMON: Your Honor, may that be marked and admitted as Exhibit 89 and 89-A? That would be the black underwear.

THE COURT: Right.

(Whereupon, State's Exhibit 89-A was marked for identification and State's Exhibits 89 and 89-A were admitted into evidence.)

002049

DIRECT EXAMINATION (Resumed)

BY MR. HARMON:

Q Analyst Connell, where was Exhibit 89-A recovered from, the black material? (Indicating)

A That would have been from the head of Denise Lizzi.

Q Do you remember where in the head area, sir?

A No. I'd have to refer to the photograph for the exact location.

Q May we presume that the white twine or string was also added to 89-A?

A That's correct.

Q It wasn't originally there when this object was fastened to the head of Miss Lizzi?

A No, it was not.

Q Finally, I'm showing you proposed Exhibit 90.

What was placed inside this evidence envelope?

A A vial containing glass shards.

Q Will you cut it open, leaving the seals intact.

A (Complies.)

002050

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1 I have removed a clear vial
2 containing a couple of glass shards.

3 MR. HARMON: Your Honor, may the clear vial
4 and its contents be marked as proposed Exhibit 90-A?

5 THE COURT: They may be.

6 MR. HARMON: Thank you.

7 (Whereupon, as requested by
8 counsel, State's Exhibit
9 90-A was marked for
identification.)

10 BY MR. HARMON:

11 Q Are you able to identify what will be marked
12 as proposed Exhibit 90-A?

13 A Yes, I am, again by my personnel number at
14 the time and initials.

15 Q The fragments of glass were recovered by
16 you?

17 A That is correct.

18 Q Where did you find them?

19 A These came from the torso of Lauri Jacobson.

20 Q When you say torso, will you indicate what
21 part of the body you have reference to?

22 A This would be in the upper part of the body,
23 from about the waist to the neck. (Indicating)

24 Q Do the glass fragments appear to be in
substantially the same condition now as they were at the

002051

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1 time they were recovered by you?

2 A Yes, they do.

3 MR. HARMON: Your Honor, the State offers
4 proposed Exhibits 90 and 90-A.

5 MR. WOLFSON: No objection.

6 THE COURT: They will be admitted.

7 MR. HARMON: Thank you.

8 (Whereupon, State's Exhibits
9 90 and 90-A were admitted
into evidence.)

10 BY MR. HARMON:

11 Q Do you recall, Analyst Connell, if there was
12 an effort to scrape the fingernails of the two victims?

13 A Yes.

14 Q What is the purpose of that?

15 A To ascertain if there is any foreign
16 material under the nails.

17 Q Did you scrape under the nails of each
18 finger of each victim?

19 A Yes.

20 Q When you do that, do you know if there is
21 anything of serological value under the nails?

22 A No, I do not.

23 Q Is this part of the standard procedure that
24 occurs in homicide cases?

002052

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1 A Yes, sir.

2 Q As a precaution, is it also a standard
3 procedure to have a so-called sexual assault kit recovered?

4 A That is correct, in the cases that require
5 it.

6 Q Was that done in this case?

7 A Yes, it was.

8 Q What is a sexual assault kit?

9 A A sexual assault case contains --

10 Q Kit?

11 A Excuse me. A sexual assault kit contains
12 those items including swabs, which are taken from the mouth,
13 the vagina and rectal areas of the victims.

14 It also contains head hair,
15 pubic hair, and, in this case, it also contained the
16 underwear of the victims.

17 (Whereupon, a sotto voce at
18 this time.)

18 MR. HARMON: Thank you.

19 Your Honor, that concludes
20 direct examination.

21 THE COURT: Cross-examination.

22

23 CROSS-EXAMINATION

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1 BY MR. WOLFSON:

2 Q Good morning, Mr. Connell.

3 How important is crime scene
4 preservation to a crime scene analyst?

5 A I would say it would be very important.

6 Q Why?

7 A Because if you compromise the evidence, then
8 the evidence may not be admissible in court.

9 Q Could it affect a person's rights who is on
10 trial in a murder case?

11 A I would say definite -- a possibility may
12 exist.

13 Q Can the lack of crime scene preservation
14 affect the reliability of evidence?

15 A There exists that possibility.

16 Q In State's Proposed Exhibit Number 107 --
17 I'm sorry -- State's Exhibit Number 107, which is your
18 evidence impound report, you list every single item that you
19 retrieved from your connection with this case at the Clark
20 County morgue; is that right?

21 A That is correct, sir.

22 Q In addition to what Mr. Harmon asked you
23 about what you retrieved, there were other things that you
24 retrieved as well; isn't that right?

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1 A That is correct.

2 Q You retrieved certain hair and fiber
3 evidence, did you not?

4 A That is correct.

5 Q Isn't it true that hair and fiber evidence
6 can be very important in a criminal investigation?

7 A Yes, sir, that is a possibility.

8 Q Isn't it true that hair and fiber evidence
9 can be used in comparisons in a criminal investigation?

10 A Yes.

11 Q Isn't it true that that's the reason why you
12 would retrieve certain hair and fiber evidence from a crime
13 scene or an object that is being examined as part of a crime
14 scene investigation?

15 A Yes, sir.

16 Q Isn't it true that you retrieved six
17 different vials -- excuse me -- that you retrieved six hair
18 and fiber samples that you placed in six different vials on
19 this case?

20 A Um, would that -- what person would that be
21 referring to, sir?

22 Q Let me rephrase. That was a misleading
23 question.

24 From your evidence impound

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10
1 report, you have listed the retrieval of six -- the
2 retrieval of hair and fiber evidence that you placed in six
3 different vials; isn't that true?

4 A Yes, referring to the report on Denise
5 Lizzi, there were six.

6 Q Okay. Now, just focusing on Denise Lizzi,
7 isn't it true that you retrieved hair and fiber evidence
8 from different locations pertaining to Denise Lizzi?

9 A That is correct.

10 Q Could you please tell the ladies and
11 gentlemen of the Jury, starting with package two, item two,
12 what you retrieved, as far as hair and fiber evidence,
13 concerning Denise Lizzi and from where you retrieved this
14 hair and fiber evidence?

15 A May I use the report, sir?

16 Q Please.

17 A Package two, item number two, was a vial
18 containing hairs and fibers. This was from the back of the
19 sweat shirt of Denise Lizzi.

20 Q Let me stop you there.

21 How did you come to a point
22 where you determined that you should retrieve hair and fiber
23 from the sweat shirt of Denise Lizzi?

24 A Ah, it was a foreign item on the shirt.

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1 Q Was this shirt -- were the hairs and fibers
2 taken off the shirt after the shirt had been removed from
3 Denise's body?

4 A I believe these were still on her when he
5 removed them -- or the shirt was still on her.

6 Q Does your examination, and your crime scene
7 work, occur before the actual autopsies?

8 A In this instance, the examination of the
9 clothing did occur before the post.

10 Q And why is -- your examination, your crime
11 scene gathering process, why does that occur before the
12 autopsies?

13 A To eliminate destruction or the loss of any
14 evidence that might be potentially valuable to the
15 investigation.

16 Q What information did you have, as a crime
17 scene analyst, regarding the crime itself when you performed
18 your task at the Clark County morgue?

19 A In this particular instance, I was only
20 apprised that there were two female victims and they were
21 found in the closet of a residence.

22 Q Who told you that information?

23 A I believe it was Detective Chandler.

24 Q Was there not another detective that

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11
1 attended this -- these autopsies?

2 A Ah, yes, there was.

3 Q Wasn't that Detective Scholl?

4 A That is correct, sir.

5 Q Was it Scholl that told you this information
6 or Chondler?

7 A Possibly could have been either one. It may
8 have been Detective Scholl.

9 Q And this conversation that you had with the
10 detective would have occurred before you began your work;
11 isn't that right?

12 A That is correct.

13 Q Regarding package number two, item number
14 two, which you list as a vial containing hairs and fibers
15 you now have told us you retrieved from the back of the
16 sweat shirt of Denise Lizzi --

17 A Yes, sir.

18 Q -- how many hairs and fibers did you
19 retrieve?

20 A I did not count them, sir.

21 Q Did you note that anywhere in --

22 A No.

23 Q -- in any of your notes?

24 A No, sir.

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1 Q Now, isn't it true that you list, on some of
2 these vials, that you retrieved hairs and fibers compared to
3 another vial, which says hair strands?

4 A Yes, sir. In the last three vials, which
5 would have been items number five, six and seven, they were
6 hair strands only, what I perceive to be hair. Vials that
7 contain items as listed as number two, three and four
8 contained some fibers as well as the hair strands.

9 Q So in your report, when you list hairs, that
10 means hair strands and fibers; or are we drawing a
11 distinction between hairs and hair strands?

12 A No, I would say they probably would be
13 synonymous.

14 Q Did you make any notation of the size of
15 these hair strands?

16 A No, I did not, sir.

17 Q What if the murderer had a crew cut and it
18 could be readily determined that the person who committed
19 the crime, that the longest hair he had on his body was two
20 inches, but your hair strands were six inches long, would
21 that be important?

22 A Ah, I couldn't say, sir, because I was
23 unaware of who any possible suspect was that was involved at
24 the time.

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1 Q Under my hypothetical, might it be
2 important?

3 A It might be.

4 Q But you didn't note the lengths of the hairs
5 that you retrieved from the locations that are noted in your
6 report?

7 A No, sir, I did not.

8 Q Nor did you note the number of hairs that
9 you retrieved from each particular location.

10 A No, sir, I did not.

11 MR. WOLFSON: Would you -- your indulgence,
12 please.

13 (Whereupon, a sotto voce at
14 this time.)

BY MR. WOLFSON:

15 Q Did you note the color of the hairs that you
16 retrieved?

17 A No, sir, I did not.

18 Q Moving on to the next vial as listed in your
19 report, what did you retrieve and from where?

20 A This again would have been a vial containing
21 hairs and fibers and this would have been removed from the
22 black scarf on the left hand of Denise Lizzi.

23 Q Did you use your naked eye to look for these
24 hairs and fibers or did you use some instrument?

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1 A I used my naked eye, plus a light source.

2 Q Plus a what?

3 A Light source.

4 Q What kind of light source?

5 A In this particular instance, it's a light
6 source that we call an alt- -- an alternate light source.
7 It contains a high intensity white light. There are also
8 filters that will give other light bands within the light
9 spectrum.

10 Q How do you use that instrument? Do you
11 literally hold it in your hand over the location you are
12 viewing?

13 A That is correct, sir.

14 Q Please describe the next vial.

15 What did you retrieve and where
16 from?

17 A Again, it would have been one vial
18 containing hairs and fibers; and this was from the front of
19 the sweat shirt of Denise Lizzi.

20 Q Were you able to determine, with your naked
21 eye, the difference between a hair and a fiber?

22 A There was some instances, yes, sir; in other
23 instances, if it was maybe a short fiber or something -- or
24 hair, um, maybe not.

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1 Q Going back to item two, package two, the
2 vial with hairs and fibers retrieved from the back of the
3 sweat shirt of Denise Lizzi, would it be fair to say that
4 when you mentioned fibers you retrieved from this sweat
5 shirt, we're talking about fibers other than the sweat shirt
6 fibers?

7 A Yes, that's -- that would be the normal
8 indication.

9 Q There would be no evidentiary value for you
10 to retrieve a fiber from the sweat shirt itself; isn't that
11 accurate?

12 A In some --

13 Q We're talking about foreign objects on this
14 piece of clothing, are we not?

15 A Ah, I would say yes, with the exception that
16 if there are loose fibers from the article of clothing
17 itself that are just resting on that clothing --

18 Q You might retrieve that as well?

19 A That -- that's a -- a possibility does exist
20 there, yes.

21 Q Did the Las Vegas Metropolitan Police
22 Department have a hair and fiber comparison expert on their
23 staff in February of '92?

24 A To the best of my knowledge, yes.

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1 Q Please move on to the next vial.

2 What did you retrieve and from
3 where?

4 A Referring to number five, sir?

5 Q Please.

6 A Okay. That would be one vial containing
7 hair strands; and this one would have been from the black
8 sweat shirt under the sweat shirt of Denise Lizzi.

9 Q You said the black sweat shirt?

10 A Excuse me. Black shirt.

11 Q Under the sweat shirt of Denise Lizzi; is
12 that right?

13 A That is correct.

14 Q And move on to the next vial, please.

15 A One vial containing hair strands. That
16 would have been item number six. This would have been from
17 the right sock of Denise Lizzi.

18 Q And the last one, please, Mr. Connell.

19 A Again, item number seven, one vial
20 containing hair strands. This would have been removed from
21 the left sock of Denise Lizzi.

22 Q State's Exhibit Number 107 is your work
23 product, is it not?

24 A Yes, sir.

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1 Q How do you make this report up? Do you
2 literally sit at a typewriter or a computer and produce
3 this; do you dictate it to a staff person who produces this?

4 A No. I type this, sir, myself.

5 Q When you conduct your investigation though
6 at the morgue, are you making notes along the way?

7 A I would have made the notes on exactly the
8 same type of form and I then just transferred those notes to
9 this -- to this form itself.

10 Q You didn't feel the need, however, to note
11 how many hairs and how many hair strands you retrieved from
12 the particular locations?

13 A No, sir, I did not note that.

14 Q Why are fibers retrieved as part of a crime
15 scene investigation?

16 A Because there are instances that fibers may
17 be able to be matched to a -- a standard or a sample of
18 material that would shed that particular type of fiber.

19 Q Now, you obtained fingernail scrapings from
20 both the fingers of Denise Lizzi and Lauri Jacobson, did you
21 not?

22 A That is correct.

23 Q How many autopsies have you attended in your
24 career, Mr. Connell?

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1 And, of course, I'm not looking
2 for the exact number.

3 A I would say in excess of a hundred.

4 Q Okay. Is it more common than not for you to
5 obtain fingernail scrapings?

6 A I would say fingernail scrapings would
7 probably be maybe 20 to 25 percent of the cases.

8 Q And what percentage of those cases, in your
9 experience, do you obtain fingernail scrapings from a woman
10 victim versus a male?

11 A That I couldn't indicate to you, sir, as far
12 as percentage.

13 Q Do you have an opinion as to whether it's
14 more common for something of value to be found under a
15 woman's fingernails versus a man's?

16 A In this instance -- not in this instance;
17 but I would say no, because I have done both.

18 Q Did somebody direct you to obtain the
19 fingernail scrapings or was that your decision?

20 A I think it was a combined decision between
21 me and -- it was either Detective Scholl or Detective
22 Chandler.

23 Q How did you obtain the scrapings?

24 A We have Q tips that have a wooden handle.

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1 They're, generally, maybe four to five inches long.

2 (Indicating)

3 What I would do is cut a short
4 section of that Q-Tip handle off. This will be done on an
5 angle.

6 Then I would take that end of
7 the Q tip and scrape under the fingernail. As I removed
8 that, that would immediately go into a vial; the small Q tip
9 handle as well.

10 Q Do you scrape under each of the nails of
11 each of the hands of each of the girls?

12 A Individually, yes.

13 Q One finger scrapings go in one vial; another
14 finger scrapings go in another vial?

15 A That is correct, sir.

16 Q And that is why on Exhibit Number 107 -- and
17 this is a question -- you've noted package number four,
18 items nine through 18.

19 Does that mean that each of
20 those items are separate vials for the separate fingers?

21 A Yes, sir.

22 Q Same question for the fingernail scrapings
23 of Lauri, items 31 through 40 of package 14 pertain to
24 separate finger scrapings.

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1 A That is correct, sir.

2 Q Did you note anywhere in your findings the
3 color of the substance that was removed from the fingernails
4 of either of these girls?

5 A No, sir, because I did not microscopically
6 examine each sample.

7 Q You also obtained a number of earrings from
8 Lauri Jacobson, did you not?

9 A Okay. May I refer to the report, sir?

10 Q Please. And I'll direct you to page three,
11 at the bottom.

12 A Thank you.

13 Yes, I did, sir.

13

14 Q Would you please tell the jury what you
15 retrieved; and just go down package number 21, 50, 51 and
16 52.

17 A Okay.

18 Q Please describe what you retrieved and
19 where.

20 A Package 21, as you indicated, item 49 is a
21 large circular gold earring, pierced style. That would have
22 been from the right ear of Lauri Jacobson.

23 Q Now, before you move on, Mr. Connell, are
24 you telling us that this earring was intact on her ear in

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1 its normal position, if you will, when you retrieved it?

2 A As I recall, yes.

3 Q Thank you. Please continue.

4 A Item number 50 would, again, have been one
5 small circular gold colored earring, the pierced style. It
6 would have been from the left ear of Lauri Jacobson.

7 Item number 51 would have been
8 one gold colored pierced earring, fish design. It would
9 have been from the left ear of Lauri Jacobson.

10 And then item number 52 would
11 have been one yellow metal ring with a white stone; and this
12 would have been from the left ring finger of Lauri Jacobson.

13 Q Mr. Connell, the physical items of evidence
14 that you have been asked by the District Attorney to testify
15 about this morning, did you bring those items with you to
16 court?

17 A No. They were brought, I believe, by
18 Detective Chandler.

19 Q To your knowledge, did you -- did you see
20 Detective Chandler bring those items to the courtroom?

21 A No, I did not.

22 Q Is it fair to say, the first time you've
23 seen those items recently is when the District Attorney
24 presented them to you at the witness stand?

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1 A That is correct, sir.

2 Q As a crime scene analyst and investigator,
3 would it be fair to say that you can only do so much based
4 upon the condition of something that is presented to you at
5 the time, and what effect or what has happened to that
6 object prior to your examination, you have no control over?

7 A As to the prior condition or effects of
8 handling or whatever, no, no, I do not.

9 MR. WOLFSON: Okay.

10 (Whereupon, a sotto voce at
11 this time.)

12 MR. WOLFSON: That concludes my examination.

13 Thank you, sir.

14 THE WITNESS: Okay.

15 THE COURT: Redirect.

16 MR. HARMON: Thank you, Your Honor.

17

18 REDIRECT EXAMINATION

19 BY MR. HARMON:

20 Q Analyst Connell, regarding -- Just to use an
21 example of this, you've mentioned recovering hair and fiber
22 from various places on the clothing and body of Denise
23 Lizzi.

24 A Yes, sir.

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1 Q When you recover some items, is it accurate
2 to say you have no idea when or under what circumstances the
3 hair or fiber was deposited at the location where you found
4 it?

5 A That is correct, sir.

6 Q When you recover it, do you know whether it
7 relates in any way to the cause and manner of the death of a
8 particular victim?

9 A No, sir, I do not.

10 Q Is it correct to say, it's there, so you
11 recover it?

12 A Correct.

13 Q Were you involved at any time in comparing
14 hair or fiber or fingernail scrapings or any other type of
15 evidence impounded by you at the time of the autopsies of
16 Denise Lizzi and Lauri Jacobson with any other evidence?

17 A No, I was not.

18 Q Are you a criminologist?

19 A No, I am not.

20 Q Do you have the expertise to perform hair
21 examinations and comparisons?

22 A I do not.

23 Q Counsel has asked you if you counted the
24 hairs you recovered, if you counted the fibers, if you noted

002079

13

1 the length of the hairs or the color of the hairs.

2 Is it correct to say that you
3 did not?

4 A That is correct.

5 Q Did you feel it was pertinent to you to go
6 beyond -- to your examination to go beyond the actual
7 recovery of the physical evidence?

8 A No.

9 Q Once you placed the hair and fiber in to
10 various plastic vials, is the color and do the number and do
11 the length of the items of evidence speak for themselves,
12 from inside the container in to which you have placed it?

13 A That is correct.

14 MR. HARMON: Your Honor, that concludes
15 redirect.

16 MR. WOLFSON: Your indulgence for a moment.

17 THE COURT: Recross?

18 MR. WOLFSON: May I approach?

19 THE COURT: You may.

20
21 RECROSS-EXAMINATION

22 BY MR. WOLFSON:

23 Q Mr. Connell, showing you what's been marked
24 and admitted as State's Exhibit Number 99.

002071

1 Will you take a moment to look
2 at that photograph.

3 A (Complies.) Yes, sir.

4 Q I believe that it has previously been
5 represented that this is a picture of the defendant Michael
6 Rippo, who is seated over there in the sweater.

7 My question, sir, is: Would
8 you describe him as having long hair in that picture?

9 A Yes, sir.

10 Q Thank you very much.

11 Would it be fair to say that
12 perhaps some of these strands of hair might be as long as
13 two, four, six or eight inches?

14 MR. HARMON: Your Honor, this is calling for
15 speculation.

16 Counselor is asking the witness
17 to guess from the photograph how long the hair is.

18 MR. WOLFSON: It's not a guess. He can look
19 at the photograph. He can say what he thinks he sees from
20 his naked eye. That's not a guess.

21 MR. HARMON: Your Honor, furthermore, it is
22 not relevant.

23 THE COURT: Objection sustained.

24 MR. WOLFSON: I have no further questions.

002072

MR. HARMON: That's all, Judge.

THE COURT: Thank you.

You are excused.

THE WITNESS: Thank you, sir.

(Whereupon, the witness
was excused.)

THE COURT: All right. At this time, we'll
take our lunch recess.

Remember: Do not discuss this
case among yourselves or with anyone else;

Read, watch, listen to any
report or commentary on this trial or any subject connected
with the trial; or

Form any opinion on this trial
until the matter is finally submitted to you.

We'll reconvene at 1:30.

(Whereupon, a recess was had in
the proceedings, at the
conclusion of which the
following was had:)

002073

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Las Vegas, Nevada, Tuesday, February 27, 1996, 2:00 p.m.

* * * * *

THE COURT: Counsel stipulate to the presence of the jury?

MR. SEATON: Yes, Your Honor.

MR. WOLFSON: Yes, sir.

THE COURT: Call your next witness.

MR. HARMON: Call Dr. Green.

THE CLERK: Please remain standing and raise your right hand.

Whereupon,

GILES SHELDON GREEN

having been called as a witness by the Plaintiff and having been first duly sworn to tell the truth, the whole truth and nothing but the truth, was examined and testified as follows:

THE CLERK: Thank you.

Please be seated.

Would you state your full name and spell it for the record.

THE WITNESS: Giles Sheldon Green;

002074

G-r-e-e-n.

DIRECT EXAMINATION

BY MR. SEATON:

Q What is your profession or occupation?

A I am a physician; my specialty is forensic pathology.

Q Can you tell us what forensic pathology is?

A Forensic pathology, very briefly, is the medical part of the investigation of sudden, unexpected or violent death.

The job of the forensic pathologist is to examine the deceased human body to determine what caused the death, and if it is a violent death, what is the manner of death: Is this an accident; is it a suicide or what is it?

And to that end, we use a lot of technical material, techniques and, in many cases, a full autopsy.

Q And to that end, you do autopsies?

A Many.

Q Doctor, could you tell us briefly your qualifications that allow you to speak as an expert in these matters.

002075

1 A Okay. I received my degree of Doctor of
2 Medicine from the University of Oregon School of Medicine in
3 Portland in 1959.

4 I served one year of internship
5 at St. Mary's Hospital in San Francisco; and then one year
6 of post-graduate training in the field of obstetrics and
7 gynecology. That also was at St. Mary's.

8 At the end of that time, I
9 switched my field of interest to pathology and spent the
10 next two years in post-graduate training in pathology at St.
11 Joseph's Hospital, also in San Francisco, which brings us up
12 to mid 1963.

13 I moved to Houston, Texas and
14 spent the next three years in post-graduate training in
15 pathology at the University of Texas M.D. Anderson Hospital
16 and Tumor Institute. That's one of the largest cancer
17 research centers in the United States.

18 Following the training, I was
19 appointed to the staff of Anderson Hospital as assistant
20 pathologist and assistant professor of pathology in the
21 University of Texas system.

22 I remained on the staff there
23 for approximately two years, until the fall of 1968, when I
24 had the opportunity to join the Harris County Medical

002076

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1 Examiners Department, which also is in Houston. I served
2 with that department for approximately seven years, first as
3 assistant medical examiner, later as deputy chief medical
4 examiner.

5 And finally, in 1975, I moved
6 here to Las Vegas to join the Coroner/Medical Examiners
7 Department of Clark County.

8 I am certified by the American
9 Board of Pathology in the fields of anatomic pathology,
10 clinical pathology and forensic pathology.

11 I'm licensed to practice
12 medicine here in Nevada. I still have an active license in
13 California. I no longer pay for one over in Texas.

14 And I'm a member of most of the
15 major professional organizations in North America which deal
16 with the problems of forensic pathology and the forensic
17 sciences generally.

18 Q And over the years how many autopsies would
19 you estimate that you have performed?

20 A I think we're pushing pretty close to 11,000
21 by this time. I don't think about it. I think better than
22 that.

23 Q During that period of time, have you
24 testified in various courts of law?

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1 A Yes, many times.
2 Q Could you tell us some of them.
3 A Well, in Texas, we have, of course, the
4 district courts, same level of activity as we have here
5 today.

6 I've testified in the district
7 courts or -- we used to call them -- Arizona Superior Court,
8 in Utah, Arizona, and Nevada, of course. I was thinking
9 there was another state there, but there is not.

10 I have also testified in the
11 federal courts of Nevada, Arizona and Texas.

12 Q And have you qualified as an expert in the
13 field of forensic pathology --

14 A Yes.

15 Q -- in all of those situations?

16 A Yes.

17 Q And have you testified, as a matter of fact,
18 in this very courtroom before Judge Bongiovanni on other
19 occasions?

20 A I have, indeed.

21 Q And qualified as an expert on those
22 occasions?

23 A Yes.

24 MR. SEATON: Judge, I would offer Dr. Green

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1 as an expert in the field of forensic pathology at this
2 time.

3 MR. WOLFSON: He's qualified.

4 THE COURT: Got my vote.

5 MR. SEATON: I could ask him some more
6 questions, if you'd like.

7 THE COURT: Not necessary.

8 BY MR. SEATON:

9 Q On February the 21st, 1992, did you have an
10 occasion, Doctor, to perform two autopsies on the
11 individuals identified to you as Denise Lizzi and Lauri
12 Jacobson?

13 A Yes, I did.

14 Q And did those -- were both of those
15 conducted on the same day?

16 A Yes, they were.

17 Q And here in Clark County, Nevada?

18 A Correct.

19 Q Who was present at both of those autopsies?

20 A Well, aside from my own staff people, we had
21 Officer Dan Connell from the Las Vegas Metropolitan Police
22 Department crime lab --

23 Q That the man who was testifying in here
24 earlier today?

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1 A I heard that he was, yes. I didn't see him.

2 MR. DUNLEAVY: I object. He wasn't here.

3 There is no way he would know Dan Connell -- if he was here,
4 as a matter of fact. He just may not know.

5 BY MR. SEATON:

6 Q And who else was present?

7 A Detective Steve Scholl from homicide detail.

8 Q When you do autopsies, do you do external
9 and internal examinations of the people having autopsies
10 performed?

11 A Yes.

12 Q And did you do that with Denise Lizzi?

13 A Yes.

14 Q We are now going to focus our attention on
15 the autopsy of Denise Lizzi, if we might.

16 Were certain photographs taken
17 of her while -- prior to and during the autopsy?

18 A Yes. Mr. Connell, I believe, took quite a
19 large number of photographs.

20 Q All right.

21 A I don't know how many.

22 Q When the -- when the body of Denise Lizzi
23 come before you, was it clothed or not?

24 A Yes, she was at least partially clothed.

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1 Q Let me show you -- well, first of all,
2 State's Exhibit 24.

3 Do you recognize that as a
4 photograph of the person whom you have indicated was Denise
5 Lizzi?

6 A Yes, it certainly looks like her.

7 Q All right. And just briefly -- for the
8 Jury's edification, very briefly describe the clothing.

9 A Okay. We have a white -- looks like a
10 pullover type shirt. From this photograph, I can't tell you
11 the sleeve length. But there is a multi colored emblem on
12 the back of this white shirt. It has some writing on it,
13 which, from the particular point of view of the camera, you
14 really can't read here.

15 Other than that, about all we
16 can see is some light colored panties with a lace trim.

17 Q She had no pants on when she was brought to
18 you?

19 A That's correct.

20 Q Can you tell us her approximate height and
21 weight?

22 A We measured her height as five feet six and
23 a half inches, quite slender lady. She only weighed 118
24 pounds.

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1 Q When you examine someone from an external
2 examination point of view, do you look at all parts of the
3 exterior of their body?

4 A Yes.

5 Q And when you did that with Denise Lizzi,
6 were there things that you noticed about her that were in
7 addition to the clothing that she was wearing?

8 A Yes. There were several rather unusual
9 things.

10 Q Starting with the head, would you describe
11 what you observed.

12 A At the time, she had a gag, which had been
13 placed in her mouth; that was a sock which was pushed into
14 the mouth cavity and then secured by the gag, which
15 encircled her head. That was a black, kind of a loosely
16 woven thing. It looks like it might have been part of a
17 black brassiere.

18 She had some markings on her
19 neck --

20 Q Before we go to the markings, let's just
21 talk about the items that were present on her body.

22 And prior to going any further,
23 I'm going to show you State's Proposed Exhibit 26.

24 Are you able to identify what

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2 1 is shown in that photograph?

2 A Yes. This is a left side profile view of
3 her head, the gag still in place. It looks like it's made
4 out of some kind of real dark colored, almost black,
5 woven -- loosely woven material.

6 Q Would you show that to the jury while you
7 are explaining it so they know the exhibit we're talking
8 about.

9 A Okay. We got a left profile one of the
10 head, and the gag is in the mouth, of course, and this black
11 thing is tied around the head. (Indicating).

12 Can you all see in the back row
13 back there? Okay.

14 (Affirmative response.)
15

16 BY MR. SEATON:

17 Q And you indicated, Doctor, I believe, that
18 the black sock in her mouth was held in place by what you
19 thought was a portion of a black bra?

20 A It looked like it might have been at least.

21 Q And did you remove that item and give it to
22 Dan Connell to impound into evidence?

23 A I don't recall who removed it. I may very
24 well have done it myself.

002083

1 Q I'm showing you the envelope marked as
2 State's Exhibit 89, and the item that I've just taken from
3 it, 89-A.

4 Would you look at that, please,
5 and tell us if you recognize that item 89-A?

6 A Yes. This is what was around her mouth,
7 tied obviously with a knot. And I probably took this off
8 myself, because that's the way I typically secure the cut
9 ends of something that has to be cut.

10 We use a string -- the length
11 doesn't really matter -- but we at least maintain the
12 continuity of what was there to begin with.

13 Q So the string that you are holding up, that
14 seems to be attached to either end of the black item, is a
15 string which you put there yourself?

16 A Yes, I think -- I think I probably did. It
17 looks like my work.

18 Q And tell us the purpose of that.

19 A Just to keep the ends identified.

20 We've got a variety of other
21 things here. We've got a loop over here. We've got a free
22 end down here. So we use the string to identify the ends
23 which actually go around the person, whether it's the mouth,
24 the neck, whatever it is.

002084