

1 CRIMINAL DISTRICT COURT

2 PARISH OF ORLEANS

3 STATE OF LOUISIANA

4
5 STATE OF LOUISIANA

NO.: 278-951

6 VS.

VIO: 14:30

7 REGINALD ADAMS

SECTION 1

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12 Excerpt of Trial Proceedings in the
13 above-entitled and numbered matter, held in open
14 court on Tuesday, August 8, 1983, before the
15 HONORABLE MIRIAM G. WALTZER, Judge presiding.

16
17 APPEARANCES:

18 RONALD BODENHEIMER
19 HAROLD GILBERT

Assistant District
Attorneys for the
Parish of Orleans

20 PHILLIP JOHNSON
21 FRANK J. LARRE

Attorneys for the
Defendant

22 REPORTED BY:

23 Jack E. Lawrence
24 Court Reporter
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1 MR. BODENHEIMER:

2 Detective Gebbia. (Indicating
3 swear-in)

4 DETECTIVE SAM GEBBIA, was called as a witness,
5 and after having first been duly sworn, was examined
6 and testified on his oath as follows:

7 DIRECT EXAMINATION

8 BY MR. BODENHEIMER:

9 Q Officer, would you state your name for the
10 record, please?

11 A Sam Gebbia.

12 Q Your occupation?

13 A Police Officer.

14 Q Assigned to what division?

15 A Homicide Division.

16 Q Officer, how long have you been employed by the
17 New Orleans Police Department?

18 A Fourteen years.

19 Q And where are you currently assigned?

20 A Homicide Division.

21 Q How long have you been there?

22 A Twelve years.

23 Q And where were you before that?

24 A I was in the Seventh District for about nine
25 months and then the remaining time in
26 the First District area, French Quarter.

27 Q And you went through the New Orleans Police
28 Academy, did you not?

29 A Yes, I did.

1 Q And you were trained in writing police reports
2 in powers of observations?
3 A Yes, sir.
4 Q Thank you. Now, Officer, I want to call your
5 attention, if I might, back to October 7th,
6 1979. Did you become involved with a
7 homicide investigation at that time?
8 A Yes, sir. That was my investigation.
9 Q How did you become involved with it, Officer?
10 A I was in the area where the incident occurred,
11 handling another follow-up investigation
12 at that time, and when I heard the
13 dispatcher give out the signal of a 94
14 which is a discharging of firearms, in
15 the general area, I was about five or
16 ten minutes away when I heard Officer
17 Bowman on the radio. And hearing he
18 acknowledged the call and he said that
19 he was not sure at the time but he thought
20 it was a police officer's residence that
21 the call was coming from.
22 Q How do you know that it was Detective Bowman
23 on the radio?
24 A Detective Bowman at the time was assigned to
25 the Crime Lab Division. He worked the
26 same shift I did and I recognized his
27 voice on the police radio.
28 Q You had worked with him before?
29 A Yes, many times.

1 Q By the way, Officer, in your experience with
2 the Homicide Division, how many homicide
3 investigation or cases have you handled,
4 roughly?

5 A Roughly, close to 600.

6 Q Okay. But what did you do after you heard
7 his voice, Officer?

8 A I immediately started to go toward the scene,
9 towards the address that was given and
10 see if I could lend any assistance. And
11 I heard him on the radio say he was
12 getting out. And prior to my arrival,
13 he said that there was a female, I believe
14 the female was down, apparently shot, to
15 notify Homicide.

16 Q And what was the location of the scene that he
17 was coming from?

18 A It was the 3900 block. I am not sure of the
19 exact address. It was, I believe, 3914
20 or 3941 Downman Road. It was on the
21 corner of Downman and Timoleon.

22 Q Do you know whose house that was?

23 A At the time.

24 Q Now do you know whose house that is?

25 A Now, yes, I do.

26 Q Please tell us whose house was --

27 A It was Officer Ronald Olfers' house.

28 Q Okay. Did you proceed to that location?

29 A Yes, I did.

1 Q What did you do when you arrived?

2 A I arrived on the scene, I met with Officer
3 Bowman, he pointed out to me that the
4 front door had been broken into and he
5 says he believed -- he said -- he had
6 mentioned the lady's name, the victim's
7 name. He knew -- apparently, he knew
8 them socially.

9 MR. JOHNSON:

10 Your Honor, I object.

11 THE COURT:

12 You may not tell us what Officer
13 Bowman said to you. You may only tell
14 us what you did in response to what he
15 said.

16 THE WITNESS:

17 I interviewed him on the scene as
18 to what had happened or what he had
19 observed, to conduct my investigation
20 whether Homicide was needed or not; at
21 which time, he, um --

22 MR. JOHNSON:

23 Objection.

24 THE COURT:

25 You may not tell us what he said.
26 You may only tell us what you did in
27 response to what he said.

28 THE WITNESS:

29 At that time, I went into the house

1 and started my investigation.

2 Q All right. You said something about a front
3 door with a broken glass, is that correct?

4 A Yes, sir.

5 Q All right. Did you actually see this front
6 door with the broken glass?

7 A Yes, sir, I did.

8 Q And where was the glass? Was it inside or
9 outside the residence?

10 A There was a very small amount on the outside.
11 The majority of the glass was on the
12 inside.

13 Q I see. And what door was that?

14 A That was the front entrance door on Downman
15 Road.

16 Q Entrance on Downman Road. Okay. What else?
17 Did you go inside the house?

18 A Yes, sir, I did.

19 Q Okay. I'd like to show you now. Officer,
20 what's already been introduced into
21 evidence - State's Exhibit 1 through 26 -
22 and I am going to ask you to go through
23 these and tell us which number you are
24 on and tell us what it is and where it
25 is located inside the house.

26 A Yes, sir. All right. S.1; this is the
27 entrance door to the residence, but this
28 is a shot taken from the interior looking
29 out toward Downman Road. And behind that

1 broken pane glass here (indicates) is
2 the screen door which is the outer door.

3 All right. This is S.2. S.2 is
4 to the immediate left to the entrance
5 door and it's bearing the residence
6 numbers 3973 which is the address of the
7 house; and it's a partial photograph of
8 the front window. It's -- immediately
9 right of this would be the front entrance
10 door which is in S.1.

11 S.3 is an overall shot of the whole
12 front entrance of the residence with the
13 outer screen door and the window that was
14 in S.2. And there is a small brick wall
15 in front of the residence.

16 S.4. S.4 is going to be the locking
17 mechanism on the front entrance door area.
18 That is the front entrance door on the
19 lock itself. Okay.

20 S.5. As you proceeded through the
21 house, S.5 is a photograph of the floor
22 area of the den where there were several
23 citations of Officer Olfers hanging on
24 the wall in his den. These had apparently
25 had been taken off the wall.

26 MR. JOHNSON:

27 Objection.

28 THE COURT:

29 Well, you may tell us what you see

1 in that picture. Let's not guess at
2 things.

3 THE WITNESS:

4 I see a broken framed glass that
5 was stomped into the carpet.

6 S.6 is an overall shot of the same
7 broken glass that was stomped into the
8 carpet in the den area.

9 MR. JOHNSON:

10 Your Honor, I am going to object to
11 this idea of "stomping." There is no
12 grounds for that and I don't see any
13 reason why that has to be in the record.

14 THE COURT:

15 Objection is too late. Let's move
16 on.

17 THE WITNESS:

18 Okay. S.7. This is immediately
19 inside the front room. Inside of the
20 front room to the immediate right side
21 of the entrance room, there is a locker,
22 a metal locker that had children's clothes
23 and some toys were kept, with the door
24 open.

25 S.8 is an overall shot of the den
26 area, again, shooting back towards the
27 front room, towards the entrance room.

28 There is a doorway at the top of
29 S.8 which leads into this children's

1 room which is S.7. On the floor, some
2 citations, a diploma from the New Orleans
3 Police Department and some clothes
4 scattered on the floor.

5 S.9. S.9 is the master bedroom
6 area. This is to the -- if you were
7 standing at the foot of the mirror -- at
8 the bed in the master bedroom, against
9 the river wall is a night stand. This
10 is to the immediate left of the bed and
11 there is a partial shot here of the
12 dresser. That's in the master bedroom.

13 S.10 is an overall shot of the same
14 area just backed up from S.9, taking an
15 overall shot where you can see where the
16 bedroom had been ransacked with the
17 drawers in the dresser pulled out.

18 S.11. S.11 is another shot of the
19 den paying more particular attention to
20 the lake wall, and again, the broken
21 frames of glass laying on the carpet.

22 S.12 is the master bedroom. It's
23 taken from the entrance door into the
24 master bedroom. Into the right side is
25 another similar night stand as was on the
26 left side in the other picture. This is
27 a bed with clothing and paper strewn
28 about on the bed - dumped.

29 S.13 is the shot of the master

1 bedroom. This is the dresser area that
2 had the drawers pulled out and dumped
3 onto the bed; and as the picture shows,
4 everything had been ransacked on top of
5 the dresser.

6 S.14 is an open cabinet area in the
7 bathroom area. This appeared to be a
8 storage area for paper bags and little
9 knickknacks. This is the only place in
10 the bathroom that appeared to have been
11 tampered with. There were some papers
12 thrown on the floor from that.

13 S.15. This again, is in the
14 children's room or the entrance room.
15 There is a small black and white color
16 T.V. which is unplugged and left in the
17 middle of the floor right near the
18 entrance door.

19 BY MR. BODENHEIMER:

20 Q It was a black and white color T.V.?

21 A Black and white T.V. I'm sorry. Small black
22 and white T.V.

23 S.16 is a picture from the den area
24 looking into the children's room or the
25 entrance room; and again, you can see the
26 position of the little black and white
27 set and that area also had been ransacked.

28 S.17 is the bedroom. It's a shot at
29 the foot of the bed with jewelry boxes,

1 watch boxes, bracelet boxes, things that
2 had been taken off or out of the dresser
3 and just turned over onto the bed.

4 S.18 is the chest of drawers in the
5 master bedroom - and that's at the foot
6 of the bed - and those drawers had been
7 taken out and tossed and gone through.

8 S.19 is -- looks like a duplicate
9 of one of the other photographs -- and
10 it's to the master bedroom, again, with
11 the night stand and various papers and
12 things thrown about the bed and some
13 clothes that were taken out of the
14 dresser and thrown onto the bed.

15 S.20 is a side entrance. The
16 photograph shows this was from the inside
17 of the house looking toward the outside
18 or looking at Timoleon Street. The
19 victim's car is parked right outside the
20 door.

21 Q And which way is the victim's car facing --
22 towards which street?

23 A The victim's car is facing toward Downman
24 Road. Timoleon Street is a dead end.

25 Q Okay. Behind the car is a dead end?

26 A Yes, sir. She had to pull in and turn around.

27 Q Okay.

28 A Okay. S.21 is a shot of the victim in the den
29 area. She's lying face-down. To her

1 immediate rear is the entrance door to
2 the rear of the house. This is from the
3 S.21 is from the den looking towards the
4 back of the house.

5 Q Is that a front door or side door?
6 A That's a rear door.

7 Q What is this? (Indicates.) Which door is
8 this in S.22?
9 A That's a side door. S.22 is a -- there's a
10 room -- S.22 is from inside of the room
11 and it was used as a storage room. We
12 found out that that door itself -- that
13 leads onto Timoleon Street. But this
14 room that this particular photograph was
15 taken from is a storage type room. You
16 would have to walk through this area
17 about twelve feet into your immediate
18 right up three steps which leads to this
19 door. (Indicates.)

20 Q Let's try it this way. From the victim's car,
21 how would she get to where she was found
22 lying, Officer?
23 A She would come up through a chain link fence,
24 a gate - swing gate - through here.
25 (Indicates.) She would walk straight-
26 forward and then take an immediate right
27 and then at her immediate right would be
28 three steps which led up to this door
29 here. (Indicates.) So from S.21 to get

1 back to S.20, you would walk it down
2 three steps and you would take an
3 immediate left and you would walk right
4 out of this doorway. (Indicates.)

5 Q I see. Thank you.

6 A S.22 is a close-up shot from the victim's
7 right side. And in this picture, you can
8 see -- you can see a little more clearly,
9 the three steps that lead down to the
10 storage room.

11 S.23 is a close-up of the victim's
12 right side with her keys on a key ring
13 and approximately two feet away from her
14 right arm. And her purse is still in the
15 crook of her arm, right arm.

16 S.24 is a close-up of the victim's
17 back - two apparent gunshot wounds in the
18 back with strifling or tattooing around
19 the wounds.

20 Q What is strifling or tattooing, Officer?

21 A Strifling or tattooing, it's basically the
22 same thing. It's a term -- strifling
23 is a term, we use it -- we call the term
24 tattooing -- it's done when a gun is
25 discharged within approximately seven
26 feet of anything with the explosion or
27 the trajectory coming out of the barrel.
28 You also have hot powder residue that's
29 coming out. And this way, it would be

1 evident up to about seven feet. It will
2 leave marks.

3 Q You can observe those marks on the body?

4 A Yes, sir, you can.

5 Q That's on the victim's body?

6 A Yes, sir. These are at very close range.

7 Q Thank you, Officer. Go on.

8 A S.25 is taken from the rear storage area
9 looking into the house, into the den
10 area. You can see the back of the
11 victim's body and there is the steps
12 leading up to it. Okay.

13 Q Just a second, Officer. Do you recall looking
14 at S.25? Is there any vacant space from
15 the inside into the right or left of this
16 door?

17 A To the left of this door here (indicates)
18 there is a wall that this door -- when
19 it's opened, position here would be dead
20 up against the wall here. (Indicates.)
21 And you couldn't open it any further.
22 To the right side is an open area, yes,
23 sir.

24 Q Okay. Could a person fit behind this door or
25 could a person fit behind here?
26 (Indicates.)

27 MR. JOHNSON:

28 Objection, Your Honor.

29 THE COURT:

1 Only if the Officer knows.

2 MR. JOHNSON:

3 A foundation has to be laid for that

4 question, to begin with. He is talking

5 about a scene that he saw on the day of

6 this incident --

7 THE COURT:

8 If he knows. If he remembers.

9 THE WITNESS:

10 I remember very well.

11 MR. BODENHEIMER:

12 I'll rephrase the question.

13 THE COURT:

14 Sure.

15 BY MR. BODENHEIMER:

16 Q Officer, is there room for a person to hide

17 behind here? (Indicates.)

18 A No, sir.

19 Q Is there room for a person to hide to the

20 right of that door?

21 A Positively.

22 Q Thank you, Officer. Go on.

23 A S.26 is a close-up of the victim's head and

24 the wounds in the victim's head.

25 Q Okay. Was there tattooing there also, Officer?

26 A There was some, yes, sir. There was tattooing

27 on these, also. (Indicates.)

28 Q Again, that was strifling you were talking

29 about earlier?

1 A Strifling and tattooing - powder residue.
2 Q Officer, when you entered the residence, that's
3 the things that you observed?
4 A Yes, sir. That's the things I observed.
5 Q Do those photographs, S.1 through S.26,
6 adequately and depict the scene, the
7 murder scene, as you saw it that night?
8 A Yes, sir, I do.
9 Q Okay. Officer, what did you do after you
10 entered the house?
11 A After I had gone into the house, we started --
12 I started an immediate scene investigation
13 by which I took a Crime Lab man with me.
14 I directed all the photographs I through
15 26 as I have just shown and directed
16 several of the other homicide detectives
17 to start processing the scene, to take
18 a print man with them, to have things
19 dusted and to have things photographed,
20 as I was doing. To start a canvass of
21 the entire area, going up and down the
22 neighborhood seeing if anyone had seen
23 anybody or heard anything - a general
24 investigation.
25 Q Okay. And all of this was done at your
26 discretion - the pictures, the finger-
27 prints, the whole investigation --
28 A I was responsible for the investigation.
29 Q I see. Officer, did you in fact speak to

1 Officer Al Bowman that night?

2 A Yes, sir, I did.

3 Q Okay. Now, Officer, you controlled the scene
4 at that point, did you not?

5 MR. JOHNSON:

6 Objection. Leading, Your Honor.

7 THE COURT:

8 You may not lead. Please rephrase
9 your question.

10 BY MR. BODENHEIMER:

11 Q Officer, who controlled the scene that night?

12 A I was supposed to be in control but it had
13 gotten out of hand.

14 Q Explain. What do you mean by got out of hand?

15 A It got out of hand because when it came over
16 the radio, other police officers heard
17 the same thing I did, about a policeman's
18 family involved, and shortly there, when
19 I arrived, my attention was to ascertain
20 as much information as I could from
21 Officer Bowman, being as he was the
22 original officer on the scene - in that
23 I wanted to know from him what he had
24 touched, what he had done, his exact
25 moves through the house so I would not
26 have to go over it again unless it was
27 contaminated to a point that I would know
28 what was there. When I did that, I had
29 spoke to Bowman and conducted an active --

1 I told the other police officers what
2 I wanted of them at that time.

3 Q I see. Now, when you were talking to Bowman,
4 whose duty was it to secure the scene?

5 A The procedure was: The first officer or
6 First District working officers on the
7 scene, are supposed to secure it; but
8 there was hoards of policemen that had
9 arrived that were going in and out. And
10 enough of my people weren't there at the
11 time. The initial time when I got there,
12 it was myself, Officer Bowman, and I
13 believe, one other police unit, working
14 police unit. Officer Bowman at that time
15 was not working. He was on the way to a
16 paid detail. He wasn't in an official
17 capacity at that time but he had his
18 radio on and he had heard it.

19 Q I see. Well, Officer, was the scene, in fact,
20 successfully secured or was --

21 A No, it was not. The scene was totally
22 contaminated.

23 Q What does that mean when a scene is contaminated?

24 A There are police officers in and out of the
25 scene. People were touching things.
26 People were stepping on things, kicking
27 things around and caused somewhat of a
28 problem because I did not, at that point,
29 I had not had a very accurate picture of

1 exactly what it was when Officer Bowman
2 had got there.

3 Q I see. Officer, do you have any recollection
4 as to how many police officers may have
5 responded to that house that night?

6 A I would say approximately fifteen - ten.
7 fifteen officers were on the scene at
8 that time where we started to get things
9 under control and weed them out and tell
10 them if you were not directly involved
11 with this investigation, please get off
12 the scene.

13 Q The second question is: How many officers
14 were actually involved in the operation
15 that night?

16 A That night, Homicide people; I think we had
17 five or six on the scene plus the Crime
18 Lab people which was about three or four.

19 Q Well, what were these other officers doing
20 there?

21 A The other police officers that were with --
22 under my direction?

23 Q Correct.

24 A I had two other people in the house with me
25 checking for possible materials that I
26 could use for latent prints, pick up
27 prints on. Checking for pry marks. And
28 the rest of them were sent out into the
29 street to canvass the neighborhood.

1 Q All right. What I meant to ask you, Officer,
2 the ones who weren't under your direct
3 instructions, the ones who --
4 A The ones who had nothing to do --
5 Q What were they doing there?
6 A Sightseeing, really. That's all they were
7 doing, is coming in sightseeing.
8 Q That's because it was a policeman's home?
9 MR. JOHNSON:
10 Objection. Leading.
11 THE COURT:
12 You may not lead.
13 MR. BODENHEIMER:
14 I'm sorry.
15 THE COURT:
16 The Jury is to disregard that.
17 MR. BODENHEIMER:
18 I will withdraw the question, Your
19 Honor.
20 BY MR. BODENHEIMER:
21 Q One last question, Officer. Was that case in
22 Orleans Parish?
23 A Yes, it was.
24 MR. BODENHEIMER:
25 Thank you, Officer. I tender.
26 THE COURT:
27 Cross examination, Mr. Johnson.
28 CROSS EXAMINATION
29 BY MR. JOHNSON:

1 Q Officer, what time did you get to the scene?
2 A Shortly after 10:00.
3 Q And how long had Officer Bowman been there
4 when you got there?
5 A I would guess around five or ten minutes at
6 the longest.
7 Q Okay. And there were a number of other police
8 officers at the scene when you got there?
9 A As I arrived, there were other police units
10 arriving, yes, sir.
11 Q Were they in uniform?
12 A Yes, sir, they were.
13 Q Did you make a list of property, while you
14 were there, that was taken from the
15 house?
16 A We made a partial list as best as Officer
17 Olfers could give us that night.
18 Q What time did he arrive on the scene?
19 A Shortly after.
20 Q And did he help you make this list up on the
21 spot?
22 A At that time?
23 Q Yes.
24 A It wasn't until after we had completely
25 processed the scene when I had time to
26 talk to Officer Olfers and get a list.
27 Q So you didn't talk to him at all then, before
28 the crime scene had been thoroughly
29 investigated?

1 A I had seen him and I had said some words to
2 him, but nothing directly involved with
3 the investigation at that time. Some
4 other police officers were talking to
5 him.

6 Q What time do you recall, if you do, making
7 out a report about -- an inventory report
8 of stolen property?

9 A I don't recall when it was. We had made a
10 partial that night because I had got
11 there shortly after 10:00. We had
12 processed the scene. I didn't leave
13 until probably 6:00 or 7:00 o'clock the
14 next morning.

15 Q Now, do you recall what the list of items were
16 at that time, that partial list of items
17 that were missing? Do you recall what
18 they were?

19 A The partial list. I don't recall all of them
20 offhand.

21 Q To the best of your recollection.

22 A A bracelet - his wife's bracelet - a charm
23 bracelet and another lighter weight
24 bracelet. I think he said her class ring.
25 He was missing a wedding band, his police
26 radio and between twenty-five hundred
27 and three thousand dollars in cash; and
28 a few other small things.

29 Q Okay. And that was the list you got that

1 evening, right?

2 A That's the best we could get that evening,
3 yes, sir.

4 Q Okay. Did you perfect that list later on or
5 do you recall whether or not a supple-
6 mental report was made about the stolen
7 property?

8 A I believe a supplemental report was made. I
9 am not sure. I know we incorporated it
10 all into the report, I believe.

11 Q All right. But to the best of your knowledge,
12 were there any additional items that were
13 actually put down on the list?

14 A I believe, later on. I believe he mentioned
15 something about a bracelet was missing,
16 a man's bracelet - a man's gold bracelet.

17 Q So we are talking about three bracelets, a
18 class ring, a wedding band, a police
19 radio, some money and several other small
20 miscellaneous items?

21 A Best I could recall, yes, sir.

22 Q Do you recall whether or not any firearms were
23 missing?

24 A Were missing?

25 Q Yes.

26 A Not that I recall, no, sir.

27 Q Let me ask you, he didn't report any missing,
28 right?

29 A Not to my knowledge, no.

1 Q Did you talk to anybody else about the missing
2 property after this initial report was
3 made?
4 A Did I speak to anybody else about missing
5 property?
6 Q As an attempt to follow up where this property
7 might have belonged or the disposition of
8 it, if any? Were any sort of circulars
9 sent out to see if this property could be
10 recovered?
11 A Yes, sir. I believe we did make up a flyer --
12 some sort of a flyer; and we got a
13 description from Officer Olfers.
14 Q And do you happen to recall the description
15 that was made on the flyer, concerning --
16 well, first of all, can you describe to
17 the Jury what a flyer is, concerning this
18 incident?
19 A Well, I believe it -- as best I can recall,
20 now, a flyer was made up and, I think we
21 had circulated several of them to the
22 pawn shops and the secondhand stores,
23 on the major things that we had a
24 definite description on - like, his
25 wedding band, things like that.
26 Q Did you happen to see one of these flyers at
27 that time?
28 A Did I happen to see one?
29 Q Yes.

1 A Yes, sir.

2 Q Do you recall -- well, let me ask it this way:

3 Did the description of property that was
4 reported missing, you were relying in
5 large part upon the description that was
6 put in the flyer, to recall now what that
7 property was?

8 A Just the expensive items like the wedding band
9 and the bracelet, as best as he could
10 describe it, and ring, things like that.

11 Q All right. Do you recall if there was any
12 kind of circulation put out concerning
13 any missing firearms or, do you know?

14 A No. Not to my knowledge.

15 Q So there were no guns actually missing as far
16 as you're concerned, in this investigation?

17 A As best I could recall, no.

18 Q Officer, did you notice how many lights were
19 on in the house when you got there?

20 A Yes, I did.

21 Q How many?

22 A Just about all of them.

23 Q All of them?

24 A (Witness nods head affirmatively.)

25 Q And did you notice whether or not there were
26 any auto parts in the house?

27 A Any what, sir?

28 Q Auto parts? Car parts - at the time or later
29 on?

1 A There may have been some in that rear room.
2 There was a storage room. There was a
3 bunch of, I just consider, junk back
4 there. There were children's toys and
5 things like that back there.
6 Q Well, were there any specific type of auto
7 parts that you recall?
8 A The only thing that I could recall for an
9 auto part, would be - looked like a
10 taillight or something; but I didn't pay
11 too much attention to it.
12 Q All right. How long did you stay at the house
13 that evening?
14 A Until about 6:00 the next morning.
15 Q Did you go back to the house after that
16 evening?
17 A Yes, sir, I did.
18 Q In a follow-up investigation?
19 A Yes, sir, I did.
20 Q And was this investigation into the murder
21 the only reason why you went back out
22 to the house?
23 A To the murder?
24 Q Yes.
25 A Yes, sir. I was investigating the murder.
26 Q Is that the only reason why you went out there?
27 A Yes, sir.
28 Q How many times did you go back to the house,
29 Officer?

1 A About three.

2 Q What?

3 A About three.

4 Q Three times?

5 A (Witness nods head affirmatively.)

6 Q Do you recall the dates?

7 A No, sir. It was three -- two or three

8 consecutive days after the murder because

9 I had lined up criminals to bring back

10 with me and that was the problem. That

11 night, I didn't have time. By the time

12 I had criminals to get out there that

13 night, we didn't do a thorough enough

14 thing, enough job that night. Time had

15 run out on us and we had gone back two

16 or three days after that.

17 Q But you did go back in consecutive days? It

18 would be October 8th, 9th --

19 A As best I can recall, yes, sir.

20 Q After the 10th of October or whenever it was,

21 you wrapped up the investigation at the

22 scene, did you ever have occasion to go

23 back out to that house again?

24 A No, sir.

25 Q Never?

26 A No, sir.

27 Q Did you talk to Detective Vanetia concerning

28 this investigation that evening?

29 A That evening?

1 Q Yes.
2 A No.
3 Q When did you first talk to him about this
4 murder?
5 A It may have been a day or so afterwards
6 because at the time, we were - the
7 Homicide Division - had gone to a
8 procedure of working single men. We
9 worked in teams at one time and we were
10 working shorthanded so each man -- we
11 worked homicides on a rotation type basis
12 and that particular night, the 7th was my
13 turn up or my rotation time up. I caught
14 the murder. The other officers, other
15 detectives that were working, came to
16 assist. And the case being the magnitude
17 that it was, the degree, and involved as
18 it was, I asked for assistance. And I
19 think Officer Vanetia was another watch,
20 another platoon; and he was -- that he
21 was assigned to work with me on.
22 Q Okay.
23 A So it was a day or so later or, two days later.
24 Q All right. In other words, he didn't, as far
25 as you know he did not go out to the
26 house on this investigation until at
27 least a day later?
28 A As the best I can recall, yes, sir. I don't
29 recall him being there that night because

1 he was on a different shift than I was.

2 Q All right. And what shift was he on, do you
3 recall?

4 A I don't recall, no.

5 Q Do you recall the date that he actually did
6 go out to the house and, did he go out
7 there with you?

8 A I don't recall the date.

9 Q Did you go out to the house together?

10 A Yes, sir.

11 Q How many times?

12 A Several times.

13 Q But, do you recall whether or not -- had
14 Detective Vanetia gone out to the house
15 to investigate this without you being
16 along there with him?

17 A Yes, sir.

18 Q And did he relate to you anything about what
19 he observed or found in his part of the
20 investigation?

21 THE COURT:

22 I think you should ask Officer
23 Vanetia that. He does not know what the
24 officer saw and everything that he would
25 relate to would be rank hearsay.

26 MR. JOHNSON:

27 Right. The only thing I am asking,
28 Your Honor, did he relate anything to you.

29 THE WITNESS:

1 Not that I can recall.

2 BY MR. JOHNSON:

3 Q Okay. In your subsequent visits, either by
4 yourself or working in the company of
5 Detective Vanetia, Officer, did you
6 happen to notice any other items of
7 evidence in the house?

8 A No, sir.

9 Q That was it?

10 A That was it. We had secured the house. I
11 obtained a key from, I believe it was
12 Officer Offers, and we had requested him
13 and the family not to go into the house
14 until we had released it and told them it
15 was okay to go back. And we took two or
16 three or four days to complete our
17 investigation; at which time, we turned
18 the house back over to him.

19 Q Did you find any, at that time or later on,
20 did you find any evidence with any
21 fingerprints in the house?

22 A Did I?

23 Q Or did anybody under your direction?

24 A I believe the Crime Lab did. I didn't find --
25 I directed what I had wanted printed and
26 I do believe that they had found some
27 fingerprints.

28 Q All right. Did Ronald Offers reside at this
29 house at the time this happened?

1 A Yes, sir, he did.

2 Q Do you know, to the best of your knowledge,
3 did he continue to reside there after?

4 A To the best of my knowledge, he did.

5 Q And the last time that you recall, to the best
6 of your knowledge, that you went out to
7 this house, was on or before the 10th of
8 October of 1979?

9 A No. Because the investigation -- we didn't
10 stop on the 10th of October. It dragged
11 out for some time. We were in the
12 neighborhood for approximately a month
13 after that.

14 Q Okay. So you didn't --

15 A We covered from one end of Downman Road all the
16 way to Dwyer Road which is quite an
17 extensive area.

18 MR. JOHNSON:

19 Your Honor, may we approach the
20 Bench, please?

21 THE COURT:

22 Sure.

23 (Off the record Bench Conference)

24 (On the record)

25 BY MR. JOHNSON:

26 Q Officer, as far as you can recall, were your
27 visits made to 3973 Downman Road only in
28 connection with the further investigation
29 of the Kathy Olfers murder?

1 A Could you rephrase that? I don't understand
2 what you're saying.

3 Q Sure. As far as you can recall, because this
4 was four years ago - but as far as you
5 can recall, from whatever sources you
6 get your information from, is it only
7 the reason why you went out to the house
8 at 3973 Downman Road because, and was
9 incidental to, the Kathy Olfers murder?

10 A Yes, sir. That was the investigation that was
11 going on at that time.

12 Q Was that the only investigation going on at
13 that time?

14 MR. BODENHEIMER:

15 Objection. Irrelevant.

16 MR. JOHNSON:

17 I don't think it's irrelevant, Your
18 Honor. It can --

19 THE COURT:

20 What's the relevancy of that? We're
21 talking about a murder case. The man has
22 said that he did at the time, at that
23 house, was for the murder.

24 MR. JOHNSON:

25 Well, that's what I just asked him.

26 THE COURT:

27 That's what he just said. He went
28 to the house because of the murder
29 investigation. Move on to something else.

1 BY MR. JOHNSON:

2 Q Officer, did you go out to the house on the
3 22nd of October 1979, to the best of your
4 knowledge? That would have been three
5 weeks after the murder?

6 A I was in that neighborhood approximately a
7 month after that.

8 Q Do you recall on that date whether or not you
9 and Martin Vanetia went to the house
10 together two weeks after the murder?

11 A Myself and Detective Vanetia was there. That
12 is something you're missing. His -- at
13 that particular time, that was the only
14 investigation -- I had -- all of my other
15 cases were put on the side. That was the
16 only case that I handled. All of my
17 efforts were directed toward that one
18 investigation. I stayed on that for
19 approximately two months.

20 Q All right. Okay. So that was only --

21 A On a murder investigation itself, for two
22 months.

23 Q That was the only investigation you were doing
24 for that period of time?

25 A Yes, sir. I was handling the murder.

26 Q And was that, to the best of your knowledge,
27 the only investigation that Martin
28 Vanetia was doing at that time?

29 A Vanetia was working with me, yes, sir. He was

1 assisting me.

2 Q Is it not a fact then, Officer, that on the
3 22nd of October, 1979, you and Martin
4 Vanetia went out to the house, 3973
5 Downman Road, and served search warrants
6 on Ronald Olfers?

7 MR. BODENHEIMER:

8 Objection. Irrelevant.

9 THE COURT:

10 If he can recall if he did that, he
11 may answer.

12 MR. JOHNSON:

13 Your Honor, I submit it is relevant.

14 THE COURT:

15 Well, objection is overruled.

16 If you recall, you may answer.

17 BY MR. JOHNSON:

18 Q Do you recall, Officer?

19 A I don't -- I don't recall it at total all.

20 Q Do you recall, in pursuant to this investigation
21 which you have entitled being the only
22 one you've been on, serving any search
23 warrants on anybody?

24 A On anybody? Not that I recall, no, sir.

25 Q Do you recall whether Mr. Martin Vanetia did
26 on that day or any other day?

27 A I can't answer for Detective Vanetia. I don't
28 know.

29 Q Can you -- all right. Do you deny ever serving

1 singular or jointly, a search warrant on
2 Ronald Olfers?

3 A Do I deny it?

4 Q Yes, sir.

5 A No, sir. I can't deny it. I don't recall it.
6 I don't deny it.

7 Q Okay. Officer, in connection with your
8 investigation, do you recall whether or
9 not you were able to come up with any
10 suspects because of this murder, by name
11 or address?

12 MR. BODENHEIMER:

13 Objection. It's irrelevant.

14 THE COURT:

15 Any suspects that developed, the
16 Officer may tell us.

17 BY MR. JOHNSON:

18 Q Do you recall whether or not you came up with
19 any suspects?

20 A Did I come up with a suspect?

21 Q Well, let me put it -- well, yes. Did you come
22 up with any?

23 A No. I did not.

24 Q Do you know of anybody under your -- I assume
25 then, you could reasonably be fair to say,
26 you were in charge of this investigation?

27 A Yes, sir, I was.

28 Q All right. Did you have any reason to believe
29 that Ronald Olfers was involved in this?

1 A Did I have any reason to believe he was?
2 Q Yes.
3 A No, sir.
4 Q All right. Did you turn up, the names up
5 through anybody that worked under you,
6 anybody else who was suspected of this
7 particular crime?
8 A No, sir.
9 Q To the best of your knowledge then, the finger-
10 prints were not of any assistance to you,
11 is that correct?
12 A No. Not at that time they were not.
13 Q Well, were they valuable later?
14 A No, sir.
15 Q To the best of your knowledge, Officer, as a
16 result of your investigation, do you know
17 whether or not Ronnie Olfers was charged
18 with any --
19 MR. BODENHEIMER:
20 Objection. Totally irrelevant.
21 MR. JOHNSON:
22 Wait. I said "was charged with" --
23 THE COURT:
24 Are you talking about the murder
25 investigation now?
26 MR. JOHNSON:
27 Yes, Your Honor.
28 BY MR. JOHNSON:
29 Q As a result of this investigation, was Ronnie

1 offers ever charged with any crime?

2 MR. BODENHEIMER:

3 Objection. Irrelevant. If the
4 question is, was he charged with this
5 murder --

6 THE COURT:

7 That's --

8 MR. BODENHEIMER:

9 But that's not the question he asked.
10 He said, "With any crime."

11 THE COURT:

12 Well, I would like to know whether
13 it's in relationship to this murder. I'm
14 not interested in anything else.

15 MR. JOHNSON:

16 That's what I said, Your Honor.
17 I predicated that by saying, "As a result
18 of this investigation" --

19 THE COURT:

20 I'm talking about a murder case,
21 Mr. Johnson.

22 MR. LARRE:

23 Your Honor, might I respond, please.
24 I believe that the question for the
25 predicate was laid, that this officer
26 spent the entire two months of doing
27 nothing but investigating this particular
28 murder; and the question that we asked,
29 as a result of this two month investigation

1 in this particular murder, was anyone
2 charged with any crimes, more particularly,
3 Officer Olfers. It's all in connection
4 with the evidence that he discovered in
5 his two month intensive investigation of
6 the murder - the murder scene, the crime
7 Lab, the fingerprints, the technical
8 investigation and photographs. This man
9 has spent two whole months working on
10 nothing but a murder investigation. And
11 I think it's very relevant to find out
12 if that investigation turned up some
13 evidence that would show that there would
14 be an ancillary crime or if a person
15 was charged with an ancillary crime.

16 MR. BODENHEIMER:

17 The State reurges its objection that
18 that is totally irrelevant.

19 THE COURT:

20 Objection is sustained unless you
21 can show me that there was a charge of
22 murder brought against someone.

23 MR. JOHNSON:

24 All right. I will rephrase the
25 question, Your Honor, in view of that
26 ruling.

27 BY MR. JOHNSON:

28 Q Officer, this was initially a response to -
29 I believe you call it a 94, which is a

1 discharge of a firearm, is that correct?
2 A That's correct.
3 Q And then it was ultimately determined through
4 your investigation and I believe Officer
5 Bowman's, that this was a burglary in
6 progress, is this not also true?
7 A Possibly, yes, sir.
8 Q Well, was it or wasn't it?
9 A I can't answer that.
10 Q Well, what?
11 A It was an apparent burglary.
12 Q Apparent burglary.
13 A Apparent burglary.
14 Q A break-in. There was property supposedly
15 missing and you indicated that there was
16 * mess in the house?
17 A Right.
18 Q And as a result of that, a stolen item report
19 was made, is that not true?
20 A That's true.
21 Q And as a result of that, a flyer was distri-
22 buted among the various pawn shop outlets
23 to find out if any of this property was
24 recovered?
25 A Correct.
26 Q Is that also true?
27 A That's correct.
28 Q And as a result of that, an investigation was
29 made because the burglary was obviously

1 incidental to or, at least, a concomitant
2 part of a murder, is that also not true?

3 A Correct.

4 Q Therefore, Officer, would it not be fair to
5 say, that if you were going to look for
6 a suspect in this particular case, he
7 would also be charged with burglary?

8 A No. We wouldn't charge him with burglary.
9 I'd charge him with the greater crime
10 which is murder.

11 Q Which is murder committed in the form of a
12 burglary, is that not true? I mean,
13 why send out this stolen item report and
14 the pawn shop flyers?

15 A Evidence relating to my murder.

16 MR. ROSENHEIMER:

17 Your Honor, I am going to object.
18 Counsel is now arguing.

19 THE COURT:

20 No. He isn't arguing. He just said,
21 "Why," right?

22 MR. JOHNSON:

23 Right.

24 THE COURT:

25 He just asked why.

26 THE WITNESS:

27 It would have evidentiary value
28 towards my murder.

29 BY MR. JOHNSON:

1 Q Well, Officer, let me put it this way --

2 A I wasn't interested in the burglary at the
3 time. I was interested in the murder.

4 Q Oh. At the time you weren't interested in
5 the burglary?

6 A The murder was the greater crime as far as I
7 was concerned.

8 Q I understand that. But if this had not been
9 a murder, if this had just been a plain
10 old residence burglary, would you have
11 distributed flyers to pawn shops?

12 A I have no idea. I've never worked in burglary.

13 Q Would you have or anybody in your experience,
14 would you have had a -- well, an item
15 report made?

16 A If I was handling a burglary?

17 Q Yes.

18 A I probably would, yes.

19 Q And if you, with your depth of experience,
20 had been investigating this crime -- and
21 again, this is a hypothetical -- but if
22 this had been an investigation of a plain
23 old house burglary, would you not then do
24 whatever is necessary to charge someone
25 with a burglary?

26 MR. BODENHEIMER:

27 Objection. Counsel, this was a
28 hypothetical question.

29 MR. JOHNSON:

1 He's a professional, Your Honor.

2 He can answer --

3 THE COURT:

4 Yes. But he has also told you that
5 he has never handled a burglary.

6 MR. JOHNSON:

7 All right. I'll backtrack and lay
8 a predicate for that, Your Honor.

9 BY MR. JOHNSON:

10 Q Officer, in your - I believe you said it was
11 fourteen years you've been on the force --

12 A Yes, sir.

13 Q -- and have you, in your graduation through
14 the ranks, entailed any burglary
15 investigations?

16 A Yes, sir. My investigation initially --
17 initial investigation, yes; but no
18 follow-up.

19 Q No follow-up, okay. And could you estimate
20 to the Jury, approximately how many of
21 those you've handled?

22 A Burglary reports?

23 Q Uh-huh.

24 A Probably a hundred or so.

25 Q And as a result of those particular investi-
26 gations, initial or otherwise, is it not
27 true, Officer, that a supplemental or
28 a properties - stolen property report,
29 is made up for the investigation records?

1 A Positively.

2 Q And is it not true that on various occasions,
3 pawn shops would get information about
4 the stolen property that is being looked
5 for?

6 A Yes, it is.

7 Q All right. And if in fact a suspect was
8 found, do you not then charge him with
9 either a burglary or a possession of
10 stolen property?

11 MR. BODENHEIMER:

12 Objection, Your Honor. It's
13 hypothetical of the suspect.

14 MR. JOHNSON:

15 That's why I am asking it. It's --

16 MR. BODENHEIMER:

17 Totally field --

18 THE COURT:

19 All right. I --

20 MR. JOHNSON:

21 That's an irrelevant position.

22 THE COURT:

23 I think the answer has been given
24 previously that this particular officer
25 in this case, looked for a murder suspect,
26 okay, and he was interested in the murder.
27 It's been asked and answered. We don't
28 know what the officer would have done
29 under the circumstances.

1 MR. JOHNSON:

2 Well, let me ask one more question,
3 Your Honor, and I'll get off of it.

4 THE COURT:

5 And the objection is sustained.

6 MR. JOHNSON:

7 I'll rephrase it.

8 THE COURT:

9 All right.

10 BY MR. JOHNSON:

11 Q Officer, this, and again this is hypothet
12 because this has never happened - at least
13 from what you're telling me - but, if in
14 fact you had gotten a report from your
15 investigation that certain property had
16 been recovered at a pawn shop or had been
17 found in possession of somebody who
18 initially had nothing to do with this
19 scene and that person was arrested, what
20 would he be charged with?

21 MR. BODENHEIMER:

22 Your Honor, I am going to object
23 again. I don't see the relevance of that
24 question even as a hypothet. This officer
25 has stated that he's never handled a
26 burglary; that he was looking for a murder
27 suspect --

28 MR. JOHNSON:

29 Your Honor, that's not true. He said

1 he handled a hundred of them.

2 MR. BODENHEIMER:

3 He never did follow up on a burglary.
4 He handled initial reports as a uniform
5 officer, is what the testimony was --

6 MR. JOHNSON:

7 That's not true --

8 MR. BODENHEIMER:

9 Never as a detective did he --

10 THE COURT:

11 All right. Let's not testify, folks.

12 Let's not testify. Okay.

13 Q Officer, do you know the answer to that
14 question?

15 BY MR. JOHNSON:

16 Q What would have happened to them if someone
17 had been found in possession of this
18 property?

19 A I could make it clear, Your Honor, if you
20 allow me to answer it.

21 THE COURT:

22 I'd like to have it clear myself.

23 THE WITNESS:

24 Initially, when I work in uniform,
25 the burglaries that I handled were initial
26 burglary reports. The only time that I
27 have ever handled any follow-up type of
28 investigation is in October of 1971, at
29 which time I was assigned to the Homicide

1 Division. Prior to that, anyone that
2 would handle, myself included, in uniform,
3 taken a residence burglary or a car
4 burglary, I would follow that paperwork
5 to headquarters where burglary detectives
6 would take that and do whatever they do
7 with it. I do not know how burglary
8 works. I can answer homicide questions
9 because I have been there twelve years.

10 MR. JOHNSON:

11 All right. Well, --

12 THE WITNESS:

13 I don't know anything about Burglary
14 Procedures.

15 BY MR. JOHNSON:

16 Q All right. I can understand your predicament.
17 Now, in this case, had any property been
18 recovered through the flyer system that
19 you talked about?

20 THE COURT:

21 I didn't hear your question.

22 BY MR. JOHNSON:

23 Q Had any property been recovered, to the best
24 of your knowledge, via the flyer that you
25 had distributed?

26 A Had any property been recovered as a result of
27 my flyers?

28 Q As a result of these flyers --

29 A Not that I can recall, no.

1 Q Has any property, to the best of your knowledge,
2 been recovered, or any of the stolen
3 items, in any manner?
4 A Not to my knowledge.
5 Q There was, in fact, a police radio missing,
6 was there not?
7 A Yes, there was.
8 Q And was there any kind of identification on
9 the police radio?
10 A There was a number that is assigned to every
11 police radio.
12 Q And, what if any procedure that you might be
13 aware of, is that in an effort to find
14 that police radio, do you distribute that
15 information to pawn shops also?
16 A It's disseminated to the pawn shops but, then
17 again, we would turn to the Burglary
18 Division or to the Robbery Division
19 people that work with street informants
20 more than Homicide people do, to see if
21 anyone had heard of anyone having a radio,
22 a police radio on the streets.
23 Q Was this done in this case, Officer?
24 A Yes, it was.
25 Q And what was the result?
26 A Negative, to my knowledge.
27 Q How long a period of time was there made to
28 recover this item?
29 A I don't understand the question, Mr. Johnson.

1 Q From the time that you knew it was missing
2 until whatever, how long was an active
3 attempt made to recover this --

4 A The request was made that night.

5 Q And spread out onto the street, so to speak?

6 A Yes, sir.

7 Q And the streets didn't respond, is that
8 correct?

9 A Not to my knowledge, no, sir. I really didn't
10 know.

11 Q Okay. It might have, but you wouldn't know
12 as you sit there?

13 A I have no knowledge of it ever being recovered.

14 Q All right. Did you in fact, after Reginald
15 Adams was arrested for this, serve any
16 search warrants upon his house for the
17 recovery of any of these items?

18 A No, sir, I did not.

19 Q Do you know if anybody else did?

20 A I have no knowledge of that.

21 Q Officer, can you tell with any degree of
22 certitude, since your experience has been
23 around about this --

24 MR. BODENHEIMER:

25 Your Honor, I'm going to object --

26 THE COURT:

27 I don't know what the question is
28 going to be.

29 MR. BODENHEIMER:

1 Just the Counsel's snide remarks.

2 That's my objection.

3 THE COURT:

4 I didn't hear anything except the
5 beginning of the question. I have to --

6 MR. JOHNSON:

7 I'm trying to get it out, Your Honor.

8 THE COURT:

9 All right. Get it out.

10 Don't answer until he has gotten it
11 out so I can rule on it.

12 THE WITNESS:

13 Yes, Your Honor.

14 BY MR. JOHNSON:

15 Q I prefaced my remark by saying, could the
16 officer reply with any degree of certitude
17 because of his obvious expert and back-
18 ground professionalism --

19 THE COURT:

20 Could the Officer do what? Can you
21 speak into the microphone? We're having
22 a real hard time up here. And I wonder
23 whether the Jury can hear.

24 Can you all hear?

25 MR. JOHNSON:

26 Can you hear me, Ladies and Gentlemen
27 of the Jury?

28 THE COURT:

29 Boom it out, Mr. Johnson.

1 MR. JOHNSON:

2 I'll rephrase it.

3 BY MR. JOHNSON:

4 Q Officer, -- I forgot what I was going to ask.

5 THE COURT:

6 That's what happens.

7 MR. JOHNSON:

8 I completely got derailed, Your
9 Honor. I am going to have to think a
10 second.

11 BY MR. JOHNSON:

12 Q Officer, was there any kind of key top lock
13 on the back door of this house?

14 A There is two doors which can be construed as
15 back doors. Now, which one are you
16 speaking of?

17 Q Either one.

18 A There was a deadbolt lock that Miss Olfers
19 had to use to gain entrance into her den
20 area after climbing those three steps.

21 Q All right. And this deadbolt lock is a single
22 cylinder, outside open only with a key
23 lock, is that right?

24 A I don't recall. I know it was a deadbolt type
25 lock that she had -- she had to open to
26 come into the house. I am not really
27 familiar with it. If I had a picture I
28 could give you ...

29 Q I don't know if the State has a picture or not.

1 Officer, I --
2 A There was a picture of the back door, I
3 believes.
4 Q Okay. Do you recall what the other door on
5 the backside of the house had in the way
6 of a lock?
7 A I believe it had a lock on it that we were
8 told that it was -- that particular door
9 was never closed with a lock. It didn't
10 lock or they just didn't lock it - the
11 door that led into the storage room.
12 Q It didn't have a key lock on it?
13 A It had a key lock, but either it was non-
14 functional or it just wasn't locked
15 because nothing of value was kept in that
16 particular area.
17 Q All right. Now, do you remember seeing on the
18 scene, a purse on the ground near where
19 Kathy Olfers was lying?
20 A The purse was in the crook of her right arm.
21 Q Okay. Did it look like to - and I think this
22 is what I wanted to ask you before - did
23 it look like to you, from your profes-
24 sional eye, that it had been disturbed
25 or ransacked or in any way messed around
26 with?
27 A Not to my knowledge it didn't.
28 Q Do you know whether or not an inventory was
29 taken of the purse?

1 A Yes, sir, there was.

2 Q Are you aware of the contents of that
3 inventory?

4 A Not exactly. I just knew that her wallet was
5 intact. There was several dollars in it,
6 nothing substantial. All of her personal
7 papers - driver's license, lipstick,
8 makeup, things like that.

9 Q Okay. Officer, just one other very short
10 subject. Did you know Ronald Olfers
11 personally?

12 A No, sir, I did not.

13 Q Did you know his family?

14 A No, sir, I did not.

15 Q All right. Were you aware of any information
16 when you got to the house -- by the way,
17 was this the first time you had went out
18 to the house, was that evening?

19 A Yes, sir, it was.

20 Q All right. Was there any evidence in the
21 house concerning a pet of any kind?

22 A A pet?

23 Q Yes.

24 A Not to my recollection.

25 Q Mr. Olfers did not make any mention of any
26 pet to you, whatever it was?

27 A I didn't see anything about a pet or hear
28 anything about a pet. They could have
29 one in the rear yard or something. That

1 I couldn't testify to.

2 Q He made no mention of the dog to you?

3 A Not to me, no, sir.

4 Q Officer, did you have any part in the

5 ballistics tests that were done at the

6 scene? Are you aware of any ballistic

7 tests that were done or the results of

8 them?

9 A The only ballistic tests that may have been

10 done on the scene -- there wouldn't have

11 been ballistics, no, sir. Not that I

12 can recall.

13 Q Was there a weapon recovered, to your knowledge?

14 A Not to my knowledge, no.

15 Q Do you recall any information regarding the

16 retrieval of bullets or fragments at the

17 scene?

18 A No, sir.

19 Q Officer, I believe you said you were not aware,

20 personally, of any ballistic tests that

21 were done or, there weren't any done?

22 I didn't quite get your answer.

23 A I don't understand completely what you mean

24 by ballistics.

25 Q All right. Were there any bullets or

26 fragments that you recall being retrieved

27 from the scene and, only from the scene?

28 While you were there?

29 A I don't recall any bullets being recovered

1 from the scene, no, sir.

2 Q All right. Are you aware of any bullets that
3 were recovered from the body?

4 A Yes. There were bullets recovered from the
5 body.

6 Q All right. To the best of your knowledge,
7 were any tests done on those bullets?

8 A Yes, sir, there were.

9 Q All right. And were you aware of the results
10 of those tests?

11 A No, sir, I'm not. Technical results of the
12 tests?

13 Q Right. To show where they came from and that
14 sort of thing.

15 A Not that I recall. There were technical tests
16 done by the Crime Lab but I don't
17 remember the technicalities involved in
18 the tests.

19 Q Do you recall any details of the tests them-
20 selves, the results of them?

21 A No, sir.

22 Q Do you recall how many bullets were recovered?

23 A I believe six or seven.

24 Q Officer, did you have a chance to refresh your
25 memory concerning this investigation,
26 today or earlier, before this trial?

27 A Yes, sir.

28 Q All right. In your refreshing your memory
29 on this report - incident, would you have

1 in your report any of your references
2 to or copy of the ballistic tests that
3 were done?
4 A They would probably be in the original report.
5 Q Would you happen to have a copy of that report?
6 A It would be in my office.
7 Q So you don't have it with you?
8 A No, sir, I don't.
9 Q If you had a chance to review that report,
10 would it refresh your memory concerning
11 the details of the ballistic tests that
12 were done?
13 A It depends on how the ballistics man listed it.
14 Q Well, only you would know that, Officer. From
15 what you know, would it refresh your
16 memory?
17 A Not really. Because at times, they put
18 different results and different termi-
19 nologies which I am not familiar with.
20 Q Well, was there more than one test done?
21 A Not to my knowledge.
22 Q Would your report, from your recall, reflect
23 how many guns and what types of guns were
24 used?
25 A It probably would.
26 Q And you don't recall from sitting there now,
27 what that report would say?
28 A No, sir. The only thing I can recall
29 ballistically about the tests that were

1 done -- it would be hearsay, wouldn't it --

2 THE COURT:

3 That's exactly what it is --

4 THE WITNESS:

5 He told me. I'm --

6 THE COURT:

7 He's only going to tell you what
8 somebody else told him and that's not
9 permissible.

10 MR. JOHNSON:

11 Your Honor, I would submit that that
12 information if nothing else, would be,
13 of course, under the nature of an
14 exculpatory --

15 THE COURT:

16 I beg your pardon?

17 MR. JOHNSON:

18 Would be under the nature of an
19 exculpatory --

20 THE COURT:

21 You have opportunity to subpoena
22 the ballistics man. You want to send a
23 subpoena out to him? I'll give it to you
24 right now.

25 MR. JOHNSON:

26 I would appreciate that, Your Honor,
27 except that the Officer -- well, the
28 ballistics man, perhaps, would be the
29 fastest way to get it.

1 THE COURT:

2 Officer, would you please check your
3 report and give us the name of the man
4 that did whatever was done so that we
5 can --

6 THE WITNESS:

7 I know -- he's a Sergeant now. He's
8 Sergeant Alan Tidwell.

9 THE COURT:

10 Sergeant Tidwell.

11 MR. BODENHEIMER:

12 I believe Sergeant Tidwell is on the
13 State's subpoena list, Your Honor.

14 THE COURT:

15 All right. Let's get a status
16 (spelled phonetically) out to Sergeant
17 Tidwell.

18 THE WITNESS:

19 He's assigned to the Crime Lab and
20 I believe he got off at 4:00.

21 THE COURT:

22 In the Crime Lab. He's in the
23 Crime Lab, located in the Crime Lab. He
24 got through at 4:00, the officer thinks.

25 THE WITNESS:

26 He works the day shift.

27 MR. BODENHEIMER:

28 We can have him subpoenaed at 9:00
29 o'clock tomorrow morning.

1 THE COURT:

2 No problem.

3 BY MR. JOHNSON:

4 Q Officer, did you converse with Ronald Olfers
5 about this incident at a time after this
6 initial investigation?

7 A Yes, I did.

8 Q All right. And were you able to ascertain
9 his whereabouts that evening?

10 A Yes, sir.

11 Q And where was that, Officer?

12 MR. BODENHEIMER:

13 Objection. Hearsay.

14 THE COURT:

15 You can't tell us that because that
16 would be rank hearsay.

17 MR. JOHNSON:

18 I will rephrase the question.

19 BY MR. JOHNSON:

20 Q As a result of what you were told, Officer,
21 did you make any investigation to
22 ascertain whether he was in fact telling
23 you the truth?

24 A Yes, sir, I did.

25 Q And was he telling you the truth?

26 A Yes, sir, he was.

27 Q All right. Did you notice -- I think you
28 mentioned it took at least one man to
29 canvass the scene and another man to

1 check to see if there was any signs of
2 forced entry, is that correct?
3 A Yes, sir.
4 Q Did you find any signs of forced entries in
5 the house other than the front door?
6 A The front door was the only thing with enough
7 evidence or evidence of a forced entry.
8 Q And that was because of the broken glass that
9 you found on the floor?
10 A Yes, sir.
11 Q Nothing else? No crowbar marks, hammer marks,
12 that sort of thing?
13 A The way the pane was broken, they didn't need
14 to pry in. They had access to the
15 locking mechanism once they broke the
16 small pane.
17 Q The screen door that was on the inside, is
18 that latched or, opened or closed?
19 A At the time that I had got there, it appeared
20 it was open, that there weren't any signs
21 of stress marks or any pry marks on the
22 door.
23 Q Did you go out to the house at anytime after
24 an alleged fire had occurred there?
25 A No, sir.
26 Q Were you aware that the house had a fire in it?
27 A Yes, sir, I was.
28 Q When were you made aware of that?
29 A I passed by everyday going home.

1 Q Oh. Where do you live, Officer?

2 A New Orleans East.

3 Q Well, Downman Road, I mean you are familiar
4 with the area?

5 A Very familiar.

6 Q And when did you first notice the fire or the
7 results of the fire?

8 A I don't recall a date but it was shortly
9 thereafter.

10 Q Shortly thereafter?

11 A Yeah. A day or so after the fire.

12 Q Okay. You say you pass there everyday or
13 every evening after you come into and
14 from work, right?

15 A Not everyday. I pass by there quite often,
16 several times a week.

17 Q Okay. And did you happen to notice whether
18 or not there was any German shepherds in
19 the area of the house?

20 A No, sir. I didn't notice any German shepherds.

21 Q At anytime?

22 A No, sir.

23 MR. JOHNSON:

24 Thank you, Officer. That's all the
25 questions I have at this time.

26 THE COURT:

27 It is almost as if we are running
28 like a clockwork.

29 Do you have any questions of Officer

1 Gebbia? It is twenty-five after 6:00.

2 The shop is closing in five minutes.

3 MR. BODENHEIMER:

4 Just one or two, Your Honor.

5 REDIRECT EXAMINATION

6 BY MR. BODENHEIMER:

7 Q Officer, I believe you testified from talking
8 to Mr. Johnson, that something about a
9 locking mechanism was accessible. What
10 do you mean by that statement?

11 A There were three panes of glass, as you can
12 see in one of the State's exhibit photos.
13 They were approximately twelve inches by,
14 maybe five inches but they were staggering
15 in a stair type arrangement on the front
16 door. The bottom glass was broken out
17 and from that you could stand on the
18 door sill and reach inside. And right
19 inside of the door, you can reach the
20 locking mechanism plus, there is a little --
21 I don't know the correct terminology for
22 it but, it's a little friction type of
23 locking system. There is one on the
24 frame and one on the doorway. You just
25 slide it over and from there, you can just
26 grab it with your hand. We did it several
27 times.

28 Q You tried it yourself and did it?

29 A Yes, sir. Several times.

1 Q Officer, was there any other evidence relative
2 to the murder that we haven't talked
3 about today?

4 A No, sir.

5 MR. BODENHEIMER:

6 All right. Thank you, Officer.

7 THE COURT:

8 Recross? One question, please.

9 RECROSS EXAMINATION

10 BY MR. JOHNSON:

11 Q In your investigation at this scene, Officer,
12 was there any confusion from what people
13 told you about what they saw and heard,
14 that the front door and the rear door or
15 the side door could actually be confused
16 one from the other at anytime?

17 A I don't understand your question, Mr. Johnson.
18 Confusing what doors?

19 Q Well, that's what I am asking about. The
20 house is on the corner of Timoleon and
21 Downman Road, is it not?

22 A Yes, sir.

23 Q One door fronted Timoleon Road and the other
24 door fronted Downman Road?

25 A Right. The side door fronted Timoleon. The
26 front door was Downman Road.

27 Q Okay. Well, from what you know and what you've
28 seen and you heard from people who were
29 there, was there a possibility that the

1 side door and the front door could be
2 interchanged because both of them fronted
3 the street?

4 A No, sir. Not at all. I don't recall any
5 confusion about any other doors at any-
6 time.

7 Q But there were both doors facing the street,
8 right?

9 A Well...

10 Q Both doors are facing a street, right?

11 A Yeah. Both doors are facing a street.

12 MR. JOHNSON:

13 Thank you, Officer.

14 THE COURT:

15 All right. Any further questions
16 of Officer Gebbia?

17 MR. BODENHEIMER:

18 No, Your Honor.

19 THE COURT:

20 All right. Is there any further
21 need for him, Mr. Johnson?

22 MR. JOHNSON:

23 Your Honor, I would like to honor
24 Officer Gebbia's request to be released;
25 however, I would also request that if he
26 could be on standby where we could reach
27 him on a moment's notice.

28 THE COURT:

29 Would you leave your number where we

1 might reach you and when we need you,
2 we'll get that number from the District
3 Attorney and we'll have you here in about
4 fifteen, twenty minutes when we need.

5 THE WITNESS:

6 Yes, ma'am. I worked midnight to
7 8:00.

8 THE COURT:

9 We'll give you notice. Thank you
10 very much. You may step down.

11 Recess until 8:30. This Jury will
12 be here at 9:00 o'clock.

13 * * *