

STATE OF MICHIGAN

IN THE 22<sup>nd</sup> CIRCUIT COURT FOR THE COUNTY OF WASHTENAW

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff

Case No. 04-2017 FC

V

GARY EARL LEITERMAN,  
Defendant

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JURY TRIAL CONTINUED

BEFOR HONORABLE DONALD E. SHELTON, CIRCUIT COURT JUDGE

Ann Arbor, Michigan - Wednesday, July 13, 2005

APPEARANCES:

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1 Ann Arbor, Michigan

2 Wednesday, July 15, 2005 - at 8:02 a.m.

3 COURT CLERK: People versus Gary Earl Leiterman,  
4 case number 04-2017 FC.

5 MR. HILLER: Good Morning, Your Honor, Steven  
6 Hiller for the People.

7 MR. GABRY: Good Morning, Your Honor, Gary Gabry  
8 here with Mr. Leiterman.

9 THE COURT: Good Morning. The record should  
10 reflect that after Court recessed yesterday one of the  
11 jurors did approach Ms. Washington with regard to--with  
12 some information. I did share that with counsel and with  
13 counsel's consent we did talk with the juror briefly in  
14 chambers. Basically--first of all, is that correct,  
15 counsel?

16 MR. HILLER: It is.

17 MR. GABRY: It is, Your Honor.

18 THE COURT: Juror number 262, Ms. Clark indicated  
19 she had recalled when she heard the testimony yesterday--  
20 let's see if I can get the relationships right here - that  
21 her father's first wife, not the juror's mother, her  
22 father's first wife had a sister who was Ms. Shell, one of  
23 the victims in the other cases testified to. She  
24 indicated to me while counsel was present that she didn't  
25 know--did not know Ms. Shell and actually did not even

1 know the first wife. It wouldn't affect her. I  
2 instructed her not to discuss that with any of the jurors  
3 and indicated that we would bring her in this morning and  
4 put that on the record. Are you ready to proceed to do  
5 that, counsel?

6 MR. GABRY: I am, Your Honor.

7 MR. HILLER: Yes, Your Honor.

8 THE COURT: All right. Bring Ms. Clark in, would  
9 you please? Why don't you just move up to one of those  
10 chairs in the front, just for a minute so we can--

11 MS. CLARK: Shall I sit, Your Honor.

12 THE COURT: Yes, please. Good Morning, Ms.  
13 Clark.

14 MS. CLARK: Good Morning.

15 THE COURT: Yesterday counsel and I met with you  
16 in chambers because you had given some information to Ms.  
17 Washington about a recollection of one of the victim's in  
18 one of the cases that was testified to yesterday. Why  
19 don't you tell us that.

20 MS. CLARK: My father had a first wife before I  
21 was even born and his first wife's sister - so his sister-  
22 in-law was Joan Shell, one of the young women who was  
23 murdered. I think in--the Michigan Murderers.

24 THE COURT: Okay, and when did that come back to  
25 you? Yesterday when you heard her name?

1 MS. CLARK: I heard the name. I never knew--I  
2 vaguely remembered from when I was younger. He told me  
3 that that had happened. Again, I never met his first wife  
4 so I don't really have any connection with them but I  
5 remembered the name and so when the name came up I was a  
6 little concerned.

7 THE COURT: Okay. So, you didn't know his first  
8 wife or her family?

9 MS. CLARK: No, not at all.

10 THE COURT: All right. So, anything about that  
11 incident or that event that's going to effect your  
12 judgement in this case in any way?

13 MS. CLARK: I don't believe so, Your Honor. No.

14 THE COURT: Can you assure us?

15 MS. CLARK: Yes, I can.

16 THE COURT: Counsel, did you want to ask Ms.  
17 Clark any questions?

18 MR. HILLER: No questions, Your Honor.

19 MR. GABRY: Just a few, Your Honor.

20 THE COURT: All right.

21 VOIR DIRE

22 BY MR. GABRY:

23 Q Ms. Clark, do you--I realize you did not know--have you  
24 had contact with what would be Ms. Shell's sister, your  
25 dad's ex-wife?

1 A No.

2 Q Are there any relationships such as step-brothers or step-  
3 sisters that may bring the family together in a bigger  
4 fashion?

5 A No. There's no--I was my father's first child. When they  
6 divorced there were no children. I don't even know her  
7 last name. (INAUDIBLE)

8 Q Other than the fact of Ms. Shell's death, have there -  
9 particularly since we talked yesterday, anymore  
10 recollections come to mind? Your father relating anything  
11 about this young lady or having any particular feelings  
12 about this young lady that he passed onto you?

13 A No, we haven't talked about it since I think I was about  
14 eight or nine years old and again, I just remembered the  
15 name. (INAUDIBLE)

16 Q So, the fact that this relationship existed between your  
17 dad back in the past, that's not going to effect your  
18 ability to sit and listen to the facts of this case and  
19 render a verdict as it pertains to Mr. Leiterman?

20 A No, I don't.

21 Q If you were Mr. Leiterman would you have any problem with  
22 you being on the jury?

23 A No.

24 MR. GABRY: Thank you, ma'am. Thank you, Your  
25 Honor.

1 THE COURT: All right. All right, I'm going--  
2 unless there's an objection I'm going to allow Ms. Clark  
3 to continue as a juror.

4 MR. HILLER: I have no objection.

5 MR. GABRY: I don't see a basis for cause, Your  
6 Honor.

7 THE COURT: All right. Bring in the rest of the  
8 jurors. Now you can go back to your regular seat.

9 MS. CLARK: Thank you, Your Honor.

10 THE COURT: And, we're ready for Detective  
11 Taylor.

12 MS. WASHINGTON: All rise for the jury, please.

13 THE COURT: Please be seated. Good Morning,  
14 Ladies and Gentleman.

15 THE JURORS: Good Morning.

16 THE COURT: It seems like we have this now a two-  
17 day habit of pulling one juror out each morning to start  
18 the day. But, I assure you that it's not anything painful  
19 and it won't effect--it doesn't effect your deliberations  
20 in any way. We're going to resume the trial this morning  
21 with the cross-examination of Mr. Taylor. Just come right  
22 back up and resume the stand, Mr. Taylor. You took an  
23 oath yesterday. I remind you you're still under that  
24 oath.

25 THE WITNESS: Yes, sir.



1 THE COURT: All right. Your cross examination,  
2 Mr. Gabry.

3 CROSS EXAMINATION

4 BY MR. GABRY:

5 Q Thank you, Your Honor. Good Morning, Mr. Taylor.

6 A Good Morning. Pardon?

7 Q Good Morning, sir.

8 A Good Morning.

9 Q I would--I'd ask you, did you have an opportunity to  
10 review any reports provided by the Prosecutor of the State  
11 Police?

12 A I'm sorry, I can't understand you.

13 Q Did you have an opportunity to review your police report  
14 from 1969?

15 THE WITNESS: The police report?

16 MR. GABRY: Yes, sir.

17 THE WITNESS: Yes.

18 BY MR. GABRY:

19 Q On that particular morning, March 21<sup>st</sup>, do you recall what  
20 the weather conditions were?

21 A It was cool. As I remember there was possibly snow  
22 flurries in the area. No snowfall but there was blowing  
23 snow a little bit.

24 Q When you say cool, did you note in your report the  
25 temperature at the time?

1 A No.

2 Q Detective Taylor, I'm handing you a page of your police  
3 report. It's numbered in blank ink, page 30. I've shown  
4 that to Mr. Hiller. First of all, does this appear to be  
5 the original page of your police report?

6 THE WITNESS: What do you call an original page?  
7 This is what we call a supplement. The original is the  
8 first day we were there - the first report I typed out.  
9 This is a supplement to what we did then, okay?

10 BY MR. GABRY:

11 Q Okay.

12 What is the date of that supplement?

13 A 3-24-69.

14 Q Does it document the events of your arrival?

15 A Yes.

16 Q Would you please review the second to the last paragraph,  
17 sir, and tell me if that refreshes your recollection?

18 A Yes.

19 Q And did you indicate what the temperature was at the time?

20 A I said temperature was in the area of 35 degrees.

21 Q Okay.

22 So, it was just above freezing?

23 A Yes. It was very cool actually is what I would call it.

24 Q In fact it got pretty cold as everyone was standing around  
25 out there, didn't it?

1 A Yes.

2 Q In addition to that the weather conditions as it pertained  
3 to the ground had been impacted by heavy rains the  
4 proceeding day?

5 A I--it rained during the night I believe.

6 Q I indicate you say that the ground was damp due to a heavy  
7 rain?

8 A Okay. Yes.

9 Q One of the first acts or I guess, contacts you had was  
10 with a lady by the name of Nancy Grow, is that correct?

11 A I'm sorry. I can't understand you.

12 Q One of the first civilian contacts you had was with a lady  
13 by the name of Nancy Grow?

14 A The lady that called into the post.

15 Q And she presented or explained to you about the finding of  
16 the bag?

17 A Yes.

18 Q Can you describe this bag for the jury?

19 A No.

20 Q You have no recollection of it?

21 A As I remember it was something like what we call the JL  
22 Hudson Company bag that you would get shopping at JL  
23 Hudson's in downtown Detroit.

24 Q When you acquired the bag from Mrs. Grow, you got a hold  
25 of it, did it appear to be wet?

1 A I don't know.

2 Q Would that have been something you would have noted in a  
3 report if it was wet?

4 A Yes.

5 Q I want to ask you when you arrived with Detective Taylor--

6 A No, I'm Detective Taylor.

7 Q You're right. I'm sorry. You heard that part--

8 A It was Kraus.

9 Q Kraus - You're both Ken?

10 A Yes.

11 Q So, you arrived with Detective Ken Kraus?

12 A Yes.

13 Q And there was a cadet?

14 THE WITNESS: Pardon?

15 BY MR. GABRY:

16 Q There was a cadet with you - Beauprey? Cadet Beauprey?

17 THE WITNESS: I'm sorry.

18 BY MR. GABRY:

19 Q Were there three of you that arrived there that morning?

20 A Well, Ken Kraus and I were in my car and other people were  
21 arriving behind us I would say. There were two others in  
22 my car.

23 Q I just thought yesterday when you testified you told the  
24 jury that you took a cadet, somebody named Beauprey with  
25 you?

1 THE WITNESS: I'm sorry. I really can't  
2 understand you very well. My hearing is not good.

3 MR. GABRY: I understand.

4 BY MR. GABRY:

5 Q My question is regarding when you drove up. Who drove the  
6 car, do you remember?

7 A I did.

8 Q When you drove your car up to the area do you remember  
9 where the State Police cruiser was parked?

10 A No.

11 Q Did you tell Trooper Lulan to move the cruiser away from  
12 the crime scene?

13 A I probably did.

14 Q You--you mentioned yesterday that you determined that the  
15 lady was--or that the body was indeed dead. How did you  
16 determine that?

17 A I did not touch the body. I did not go out to the body.  
18 One of the officers--one of the troopers that was there  
19 had gone out to the body and determined that she was dead.

20 Q And they told you that?

21 A Yes.

22 Q And then you remained in what area? Where were you--where  
23 were you guys all congregated?

24 A Well, we were talking to the lady that had called us. We  
25 were discussing calling the crime lab. We were probably

1 on the shoulder of the little road right in front of the  
2 complainant's house. The first troopers that were there -  
3 the one that had gone out to the body would have made what  
4 we would consider a trail or a track that we would use to  
5 get to the body. We would tell the crime lab this is the  
6 track to the body. As far as we know none of our men have  
7 been outside of this track. We haven't done any checking  
8 of the area. We were basically waiting for the crime lab  
9 to arrive and when that happened we normally turned the  
10 information over to them and they were the ones that took  
11 pictures, decided if we were to do a sweep of the area.  
12 And, in the meantime we're talking to some of the  
13 residents on the street that faces onto the cemetery.  
14 We're talking to some of the residents. Ascertain if  
15 there was any traffic in the area. Then we had to discuss  
16 what was going--what we're going to do with this body.  
17 Q Before we go there I want to ask you, at some point the  
18 body was identified tentatively out on this--at the  
19 cemetery, correct?

20 THE WITNESS: Pardon?

21 BY MR. GABRY:

22 Q The body was identified there at the cemetery?

23 A Not definitely as I remember. There was--when I went into  
24 the post that morning there was a teletype concerning a  
25 missing girl from Ann Arbor. When we got out there to the

1 cemetery we called Ann Arbor--Ann Arbor PD and they--I  
2 think Bill Canada came to the scene as I remember and  
3 when--I know when the crime lab got there and went out to  
4 the body and they discovered a purse and in that purse  
5 there was some identification to a Jane Mixer. I would  
6 say that's what happened - somebody from a crime lab and  
7 discovered this purse because they said--I hadn't gone out  
8 to the body.

9 Q All right. Do you know if--

10 A And the troopers hadn't gone out to the body again.

11 Q Did Officer or Sergeant--I'm not sure what his title was--  
12 Canada from the Ann Arbor Police go out and look at the  
13 face of the young lady?

14 A I don't believe so.

15 Q Was the body left exposed to the elements until the lab  
16 arrived?

17 THE WITNESS: Pardon me? I can't understand it.

18 BY MR. GABRY:

19 Q Had anyone placed any other covering over the body?

20 A Eventually the--we carry in the patrol cars what we call  
21 paper blankets which were used at accident scenes and  
22 something like this I guess we would call it. And, one of  
23 those were placed over the body, I think just before the  
24 crime lab got there. We were--the crime lab had to come

1 from Lansing. So, we had some time and I think one of the  
2 troopers walked out, spread it over the body.

3 Q Okay so someone else went back up to the body then before  
4 the--

5 A As I remember it was either Lulan or Schoenberger went out  
6 to do that so we didn't have anymore people involved.

7 Q Did Mrs. Grow, the lady with the bag, did she ever tell  
8 you she went out by the body?

9 THE WITNESS: Did she go out by the body?

10 BY MR. GABRY:

11 Q Did she tell you she did?

12 A No.

13 Q Upon the arrival of the crime lab, they take over the  
14 scene as far as investigating the body and having contact  
15 with it, is that correct?

16 A Yes.

17 Q Did anyone ever show you where this bag was found?

18 A No.

19 Q Were you involved in any canvas of the area where the bag  
20 was found?

21 A No.

22 Q Did you remain out there by the body until the body was  
23 transported to the morgue?

24 A Yes.



1 Q There was some problems between the two ambulance  
2 companies - or the transport of the body wasn't there?

3 A Well, I wouldn't say there was a problem.

4 MR. GABRY: Okay.

5 THE WITNESS: I had called Doctor Hendricks and I  
6 had called Doctor Burton. I know them both and then the  
7 prosecutors got together between Washtenaw County and  
8 Wayne County and at this point the decision was made that  
9 the body would go to the University of Michigan Hospital  
10 where Doctor Hendricks would perform the autopsy. Well,  
11 the Wayne County has, I'll call it a morgue wagon that  
12 comes out to the scene of something like this and they  
13 arrived and we told them what was going on. We were  
14 having this discussion back and forth and would they wait  
15 and then the Super--I think it was Superior Ambulance came  
16 in and we told them what happened and that they were to  
17 take the body to the U of M Hospital in Ann Arbor. That  
18 was--as I remember that was really the only discussion.  
19 There wasn't really a problem as telling each one what was  
20 going to happen on the deal.

21 BY MR. GABRY:

22 Q Didn't they load Jane Mixer's body in the Wayne County?

23 THE WITNESS: Pardon?

24 BY MR. GABRY:

1 Q Did they not load--put Jane Mixer's body in the Wayne  
2 County morgue wagon?

3 A I don't believe so.

4 MR. GABRY: Detective Taylor, I'd like you to  
5 take a moment and review this part of the police report.  
6 I brought two pages up so that you see it's actually  
7 signed by Max Little.

8 THE WITNESS: Right.

9 MR. GABRY: But, I'd still ask you to review the  
10 highlighted part and see if that refreshes your  
11 recollection.

12 THE WITNESS: Well, yes. Basically that's it.  
13 You want me to explain this?

14 BY MR. GABRY:

15 Q Well, that does refresh your recollection?

16 A Actually, no. But, I don't disagree with what that says.

17 Q Okay.

18 We'll move on. Ultimately the body was then  
19 transported to the University of Michigan, correct?

20 A Yes.

21 Q And you were present--before that you had an opportunity  
22 to meet with Mr. and Mrs. Mixer?

23 THE WITNESS: Pardon?

24 BY MR. GABRY:

1 Q Before going to the autopsy you then had a chance to meet  
2 with Dr. and Mrs. Mixer?

3 THE WITNESS: Who are you talking about by  
4 Doctor?

5 MR. GABRY: Jane Mixer's father, did you meet  
6 them at the post before the autopsy?

7 THE WITNESS: I really don't remember when I met  
8 him at the post whether it was--I don't remember when I  
9 met him.

10 BY MR. GABRY:

11 Q Were there reporters around there at the cemetery?

12 THE WITNEES: Pardon?

13 BY MR. GABRY:

14 Q Were there news reporters, media people at the cemetery?

15 A I don't remember that either.

16 Q Do you know how the media would have known that Jane  
17 Mixer's body had been discovered before the family was  
18 told?

19 A Well, I would say that most of the news media had police  
20 scanners. I don't believe any mention was made as to who  
21 this individual would be because I don't believe we were  
22 able to say with any certainty who it was. So, I don't  
23 really remember that was any news media there at the scene  
24 when we were waiting to take her to the U of M Hospital.

1 Q So you're not aware of anybody releasing a picture of Jane  
2 Mixer to the Ann Arbor News that day?

3 A No.

4 Q Did you attend the autopsy?

5 A Yes.

6 Q Did you remain there the entire time or were you in and  
7 out?

8 A I was there the entire time.

9 Q What did you--well, let me strike you and ask - who were  
10 you partnered with at that time?

11 A Well, I really didn't have a partner at this time. As I  
12 remember, Captain Bennett--or Sergeant Bennett from the  
13 crime lab was there. There might have been someone else  
14 but you can't have too many people in this autopsy room.  
15 So, I was there and as I remember Bennett was there.  
16 That's all I can really remember.

17 Q Do you remember a Detective Little being there?

18 THE WITNESS: Ritter?

19 MR. GABRY: Little. Max--

20 THE WITNESS: Little? He very easily could have  
21 been there.

22 BY MR. GABRY:

23 Q Detective, don't you recall that you and Detective Little  
24 left the autopsy and went to the Ann Arbor Police

1 Department where you looked over the clothing worn by the  
2 victim?

3 THE WITNESS: Looked over what?

4 MR. GABRY: The clothing worn by the victim.

5 THE WITNESS: No.

6 BY MR. GABRY:

7 Q Again, I'm going to show you your report under your  
8 signature.

9 A Okay.

10 Q And I'd ask you to look at Officer's Actions, the top of  
11 page three. Read that to yourself and then tell me if  
12 that refreshes your recollection.

13 A It says, after the officers--after the autopsy we went to  
14 the Ann Arbor PD and looked over the clothing.

15 Q All right. I know that's what it says, do you remember  
16 doing that?

17 A No. I'd have to agree with it. I typed it out. But--

18 Q So, you typed it and put it in your report because you did  
19 it?

20 A Yes.

21 Q But, you don't remember what you did specifically  
22 regarding the clothing?

23 A Now I don't. No. Absolutely.

24 Q And, is it also fair to say that you don't put anymore  
25 detail in your report as to what you saw?

1 A I would--yes, that's true.

2 Q Isn't it true that after you and the rest of the officers  
3 met at the Ann Arbor Police Department, you decided to go  
4 search Jane's room?

5 A I would say probably that's true because that would be one  
6 of the first things we would try to do.

7 Q In this group of officers that's going from the autopsy to  
8 the Ann Arbor Police Department to the Law Quad, does it  
9 include the crime lab people?

10 A I don't know whether they went with us or not.

11 Q What did you do with the bag that Mrs. Grow had given you  
12 - the Hudson's bag you called it?

13 A As I remember we turned any items like that to the crime  
14 lab. This is the normal procedure that we would do. So,  
15 I guess that's all I could say. That's what we did. We  
16 turned that bag over to one of the crime lab men.

17 Q And the crime lab's divided into the specialties, correct?

18 A Well, I guess you could call it that. Each man at a crime  
19 scene has probably--we'll call it a certain aspect that  
20 they're going to cover and as I remember I turned it over  
21 to George Hein who is a fingerprint man. I guess that's  
22 what I would say happened. That's probably what happened.  
23 That was our normal procedure to keep a chain of evidence  
24 going.

1 Q So, out of the crime lab people, Hein was one who was  
2 involved in fingerprints?

3 A Yes.

4 Q And he had another officer with him named Knobber?

5 THE WITNESS: Knobber?

6 MR. GABRY: Knobber? Jack?

7 THE WITNESS: I don't know what Knobber does.

8 No. I know him but I don't know what he was doing in this  
9 matter.

10 BY MR. GABRY:

11 Q Do you recall that he was involved in this matter?

12 A No.

13 Q As to going to Jane Mixer's room. Were you present when a  
14 phonebook was found in her room?

15 A I don't remember a phonebook being found.

16 Q Do you recall anyone indicating a phonebook with a check  
17 mark of David Johnson next to the name?

18 A I don't recall it other than I think it was in one of my  
19 typed reports that that was found because we checked out a  
20 number of Johnsons in and around the law quad.

21 Q Well, actually what you did was get a group of officer's  
22 and you and Max Little went over to the fraternity house  
23 around midnight, didn't you?

24 A Very easily could have, yes.

1 Q And you were looking for this David Johnson who had a  
2 phone number there?

3 A Very easily could have. Yes, we did.

4 Q Did anyone tell you over there that they had gotten a  
5 phone call from someone identifying themselves as Janie  
6 Mixer?

7 A I don't remember.

8 Q Had that occurred would that have been significant and put  
9 in a police report?

10 A Yes.

11 Q We heard testimony yesterday about the phonebook that we  
12 have a picture of. Do you recall that?

13 A Yes.

14 Q You mentioned that according to everything I did, you did-  
15 -according to everything I did, you were the person that  
16 found that phonebook?

17 THE WITNESS: Was I the person?

18 MR. GABRY: Yes?

19 THE WITNESS: Yes, as far as I remember.

20 BY MR. GABRY:

21 Q Where did you find it?

22 THE WITNESS: Where did I find it?

23 MR. GABRY: Right.

24 THE WITNESS: The law quad is a big building in a  
25 square and you come in off of one street, you walk across



1 a big, I'll call it a courtyard. You go up some stairs.  
2 Go through double doors and you go down the stairs and  
3 there's a long hallway and there are big bulletin boards  
4 on either side of two pay phone booths that are just to  
5 the right of where these stairs come down. And, in those  
6 days the payphones had telephone books in them. They were  
7 side by side and separated by one way and this one  
8 telephone book was laying on like a counter underneath the  
9 payphone and that's where we saw it. I also remember  
10 there was a phonebook on the other side, too.

11 BY MR. GABRY:

12 Q Now, this phonebook that Mr. Hiller showed you a picture  
13 of was taken because of something that was written on it?

14 THE WITNESS: That was on it?

15 BY MR. GABRY:

16 Q There was writing on it, correct? Correct?

17 A Yes.

18 Q All right and that writing was significant to what you  
19 were investigating, correct?

20 A I would say yes.

21 Q Has anyone shown you a police report that indicates you  
22 finding that phonebook?

23 A I don't know.

1 Q Well, you know whether someone's shown you the report or  
2 not? You have not been shown a report that documents what  
3 you've testified to. Is that correct?

4 A No.

5 Q You did not document finding this phonebook, correct?

6 A No.

7 Q We don't have the phonebook if you know, correct?

8 A Correct.

9 Q Were you with the State Police when the phonebook was  
10 destroyed?

11 THE WITNESS: Was I in the State Police?

12 MR. GABRY: At that time?

13 THE WITNESS: I don't know when it was destroyed  
14 so I really couldn't answer.

15 BY MR. GABRY:

16 Q Do you recall who--

17 THE WITNESS: Pardon?

18 BY MR. GABRY:

19 Q Who were you--were you on your own when you were going  
20 around the law quad looking in the phone booths?

21 A I would say no. Normally we worked together doing it so we  
22 know what each of us were doing. So, I would say no. I  
23 don't know who was with me.

24 Q Are you describing for us if you know what would have been  
25 the old University of Michigan Law Library?

1 THE WITNESS: What?

2 BY MR. GABRY:

3 Q Are you describing the old law library as far as the  
4 building you go into to get to the phone booths?

5 A I have no idea what it is. To me it's just part of the  
6 law quad and that's what we were there for.

7 Q Okay.

8 When you walked up those steps to go into those doors  
9 are there signs that direct people downstairs for any  
10 reason?

11 A I don't believe so.

12 Q Detective Taylor, you continued to work on this case for  
13 how long?

14 A I have no idea. We ended up interviewing a lot of people  
15 and we came to a dead end and that was it. I have no idea  
16 how long.

17 Q There were more than one David Johnson that was contacted,  
18 correct?

19 THE WITNESS: Pardon?

20 BY MR. GABRY:

21 Q There was more than one David Johnson that was contacted,  
22 correct?

23 A Yes.

24 Q Were you looking for particular firearms in this  
25 investigation?

1 A Were we looking for firearms - yes.

2 Q What kind of firearm?

3 A The--at the autopsy Doctor Hendricks as I remember  
4 recovered fragments of what appeared to be a 22 caliber  
5 slug and that's what we would have been looking for.

6 Q Okay.

7 And, that lab advised you to look for any 22,  
8 correct?

9 A Yes.

10 Q They didn't give you any idea what brand, what make or  
11 model?

12 A No.

13 Q There was no further identification other than a 22  
14 caliber with six lands and six grooves, correct?

15 A Yes, as far as I remember that was it.

16 Q You mentioned in yesterday's testimony that you also  
17 worked on another one of the homicides and I think you  
18 called it the last one?

19 THE WITNESS: I'm sorry I did what?

20 MR. GABRY: When you were--Mr. Hiller asked you  
21 questions about the other cases you worked on.

22 THE WITNESS: Yes.

23 MR. GABRY: You talked to him about the last one.  
24 You mentioned that in the last one that person had a  
25 stocking around their neck also.

1 THE WITNESS: Yes.

2 BY MR. GABRY:

3 Q Do you remember the name of that young lady?

4 A No.

5 Q Was that the case that went to trial?

6 A No.

7 Q Where was that body found?

8 A As I remember this body--that body was found north of--do  
9 you know where Concordia College is?

10 MR. GABRY: Yes.

11 THE WITNESS: North of Concordia College there  
12 was a subdivision under construction up in that area - up  
13 on the hills behind their football field. As I remember  
14 some of the construction people found it and I think a  
15 Glacier Way comes across there some place and it might  
16 have been just off of Glacier Way.

17 BY MR. GABRY:

18 Q Glacier Way near Earhart?

19 THE WITNESS: Pardon?

20 BY MR. GABRY:

21 Q Near Earhart? It's okay if you don't know.

22 A I know--well, I don't know whether Earhart--I don't know  
23 how Earhart runs out there. I know it crosses Ann Arbor  
24 Road but I don't know how it runs.

1 Q And this body was found after the one at Denton Cemetery,  
2 correct?

3 THE WITNESS: The one after when?

4 MR. GABRY: After Jane Mixer's body. This one  
5 occurred later in time.

6 THE WITNESS: I don't know whether it was before  
7 or after.

8 BY MR. GABRY:

9 Q Were you involved in any other homicides where any other  
10 homicide investigations of young women after John Norman  
11 Collins was arrested?

12 THE WITNESS: When was he arrested?

13 MR. GABRY: In August I believe of 1969.

14 THE WITNESS: I would say yes. I can't define  
15 one but I would say yes.

16 BY MR. GABRY:

17 Q When?

18 THE WITNESS: Pardon?

19 BY MR. GABRY:

20 Q How soon after that?

21 A I have no idea.

22 Q Are you just guessing?

23 THE WITNESS: Pardon?

24 BY MR. GABRY:

25 Q Are you just guessing?

1 A Yes, I don't remember whether any that I would be involved  
2 in.

3 MR. GABRY: Thank you. Nothing further, Your  
4 Honor.

5 DIRECT EXAMINATION

6 BY MR. HILLER:

7 Q Good Morning.

8 You talked to Mr. Gabry about--I'm sorry. You talked  
9 to Mr. Gabry about identifying or trying to identify  
10 Jane's body at the scene and you mentioned that Sergeant  
11 Canada from the Ann Arbor Police came out to the scene.  
12 Do you recall if Sergeant Canada brought anything with  
13 him?

14 A Canada had a picture of some type. I don't know where he  
15 got the picture. Probably the University of Michigan I  
16 think issued cards of some type and I think that's where  
17 he had gotten this picture. It wasn't a very good picture  
18 as I remember.

19 Q Do you remember if anyone--while you were present if  
20 anyone showed that picture to Nancy Grow?

21 A No. I'm not aware of any.

22 Q The issue about the ambulance or the coroner's wagon  
23 coming out from Wayne County, to your recollection did the  
24 attendants from Wayne County put Jane's body on a gurney?

25 A From my recollection I don't remember really.

1 MR. HILLER: Thank you. I have no further  
2 questions.  
3 THE COURT: Anything further, Mr. Gabry?  
4 MR. GABRY: No, Your Honor. Thank you.  
5 THE COURT: Thank you. You may step down. You  
6 are excused.  
7 THE WITNESS: All right.  
8 (At 8:50 a.m., witness excused)  
9 THE COURT: Call your next witness.  
10 MR. HILLER: Max Little, Your Honor.  
11 THE COURT: Sir, face the clerk and raise your  
12 right hand.  
13 COURT CLERK: Do you solemnly swear or affirm to  
14 tell the truth, the whole truth and nothing but the truth?  
15 MR. LITTLE: I do.  
16 COURT CLERK: Have a seat right up there.  
17 THE COURT: Sir, state and spell both your first  
18 and last names.  
19 THE WITNESS: My name is Maxwell M. Little. L-I-  
20 T-T-L-E.  
21 THE COURT: Okay. Maxwell?  
22 THE WITNESS: Yeah.  
23 THE COURT: All right. Prosecutor?  
24 MR. HILLER: Thank you, Your Honor.  
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MAXWELL LITTLE

(at 8:51 a.m., sworn in by clerk)

DIRECT EXAMINATION

BY MR. HILLER:

Q Good Morning, sir.

A Good Morning.

Q In what community do you currently live?

THE WITNESS: I beg your pardon?

BY MR. HILLER:

Q Where do you currently live?

A I live in Iron Mountain, Michigan.

Q Are you retired?

A Yes I am.

Q Where are you retired from?

A The Michigan State Police.

Q When did you hire into the Michigan State Police?

A I hired in in 1947.

Q When did you retire?

A 1977 - April of 1977.

Q What was your rank when you retired?

A Lieutenant.

Q Were you ever assigned to the Ypsilanti State Police post?

A I was.

Q For how long?

A About a year.

1 Q And what were your duties when you were assigned to the  
2 Michigan State Police Post?

3 A I was in charge of the Detective Division of the Ypsilanti  
4 Post.

5 Q What was your rank at that time?

6 A Detective Sergeant.

7 Q Do you recall going to a murder scene or where a body had  
8 been found at Denton Cemetery on March 21, 1969?

9 A I do.

10 Q About what time did you go out there?

11 A About 9:30 in the morning.

12 Q Who else was out there when you were--was there anyone  
13 else there when you got there?

14 A Yes. Two other detectives that worked for me were there  
15 and two troopers - Malone and the other name I can't  
16 pronounce it.

17 Q Schoenberger?

18 A Yes.

19 Q And who were the detectives?

20 A Detective Kraus--Kenneth Kraus and Detective Kenneth  
21 Taylor.

22 Q When you would go to a crime scene of this kind, what  
23 would you--what were your responsibilities? What would  
24 you normally do?

1 A To protect the scene and to get the lab people there to  
2 analyze the evidence that was there.

3 Q And what did you do on the morning of March 21<sup>st</sup> of 1969?

4 A Arranged for the lab to come from Lansing - lab people who  
5 come and take charge of the evidence. I took photographs  
6 of the scenes. While I was waiting for them I took other  
7 photographs after they left.

8 Q Did you approach the body at all? Did you personally go  
9 up to the body?

10 A No, I didn't touch the body. I didn't even go inside the  
11 fence until after the lab people were done.

12 Q And why not?

13 A I did not want to disturb the body or destroy any  
14 evidence.

15 Q Do you recall about what time the people from the crime  
16 lab arrived?

17 A It was an hour and a half later.

18 Q So, somewhere around 11 o'clock in the morning?

19 A Yes.

20 Q During that time was the body protected in any way? Were  
21 people allowed to approach it?

22 A Yes we had people there and wouldn't let anybody go near  
23 it.

24 Q Did you stay at the scene while the crime lab people did  
25 their work?

1 A Yes I did.

2 Q And once they were finished, do you remember who came down  
3 from the lab?

4 A Versailles and Bennett.

5 Q Do you remember anyone else from the laboratory?

6 A Those are the only two I can remember right now.

7 Q How long do you believe the lab people were there working,  
8 collecting evidence, documenting things?

9 A Probably an hour and a half.

10 Q And, once they had finished their work what happened?

11 A We made arrangements to remove the body and we--there was  
12 kind of a mix-up. They got an ambulance come from Wayne  
13 County and loaded the body and was going to take her to  
14 University of Michigan Hospital for an autopsy and they  
15 checked in with their dispatcher and they advised them  
16 don't load the body and so I had to wait there with the  
17 body until we got another ambulance to take her to the  
18 University of Michigan Hospital for autopsy.

19 Q And, eventually did an ambulance from Superior Ambulance  
20 Company come?

21 A Yeah.

22 Q During the time that you were waiting with the body did--  
23 was it disturbed in anyway?

24 A No. It had been loaded on one of those stretchers that  
25 they used and it was sitting on that and when the second

1 ambulance arrived they just loaded that in the second  
2 ambulance on the same piece of equipment they had her on.  
3 Q Was Jane's body while it was on the gurney--on the  
4 stretcher, was it covered in any way or was it in a bag?  
5 A Yes it was covered.  
6 Q Once that was done what did you do?  
7 A Followed it to--followed the ambulance to the University  
8 Hospital.  
9 Q Do you know if Trooper Lalone also did that?  
10 A Yeah. He was at the scene--the first officer at the  
11 scene. Him and his partner.  
12 Q Do you know if Trooper Lalone also followed the ambulance?  
13 A I didn't realize--if he did I didn't know it.  
14 Q Did you attend the autopsy?  
15 A Yes.  
16 Q Was--were there people from the laboratory there as well?  
17 A Yes.  
18 Q What else did you do that day to investigate this crime?  
19 A Well, I talked to her parents - interviewed them.  
20 Q Did you go to the law school?  
21 A Yes.  
22 Q And, what did you do at the law school?  
23 A We checked her--the room that belonged to Jane Mixer and  
24 found a open phonebook in there.  
25 Q Did the phonebook lead you to do anything else?

1 A Yes (INAUDIBLE). Investigated a name that was checked in  
2 the phonebook.

3 Q What did you do to investigate this man?

4 A Well, we tried to contact him that night. The name was  
5 David Arnold Johnson. There were two David Johnson's in  
6 the phonebook and we had--we did check them both out.  
7 But, the one we couldn't check that night. We had to wait  
8 until the following day.

9 Q And, was the one that you couldn't check out that night  
10 was--

11 A He was a major in the Army and they were doing some type  
12 of work--some type of classes at the University.  
13 Something to do with Army work.

14 Q Did you also talk to the David Johnson whose--there was a  
15 check mark by his name?

16 A Yeah, we talked to him on the phone and made arrangements  
17 to meet him the next morning at his house--at his  
18 apartment.

19 Q And, where was that?

20 A I can't give you the address without looking it up in my  
21 reports--in the notes.

22 Q Did you investigate those David Johnson's?

23 A Yes we did.

24 Q And, were you able to clear them?

25 A We were able to clear both of them, yes.

1 Q How long did you work on the investigation of this case?  
2 A Of this case - seven months.  
3 Q Were there other David Johnson's identified and  
4 interviewed and--  
5 A We checked out David Johnson's all over the state. People  
6 would call in and give us tips and we did check them all  
7 out.  
8 Q It was not a good time to be named David Johnson in the  
9 State of Michigan?  
10 A No, it was not.  
11 Q Were you able to clear all of those David Johnson's as  
12 well?  
13 THE WITNESS: I beg your pardon?  
14 BY MR. HILLER:  
15 Q Were you able to clear all of those David Johnson's as  
16 well?  
17 A I couldn't hear you. I'm sorry.  
18 Q I'm sorry. Through your investigations of these other  
19 David Johnson's, were you able to clear all of them as  
20 well?  
21 A Yes we were. We cleared them all.  
22 Q Detective Little, what is a UD 14?  
23 A It's a property receipt. A property that we confiscated  
24 or are holding for some reason.  
25 Q Something you use in the State Police?

1 A Yes.

2 Q If--if property is released to, say a homicide victim's  
3 family, would there be a UD 14 created for that?

4 A Yes there would be.

5 Q Do you recall releasing any property to Jane Mixer's  
6 father?

7 A Yes I do.

8 Q Do you remember what you released to him?

9 A Articles of clothing--several articles.

10 Q Sergeant Little, let me show you what's been marked at  
11 proposed exhibit number 70. I'm sorry, Lieutenant Little.  
12 Forgive me. It's not a very good copy but do you  
13 recognize it?

14 A Yes I do.

15 Q And what is that?

16 A This is a UD 14 describing articles, item number two  
17 through item number seven.

18 Q And, did you generate this document?

19 A Yes I did.

20 Q And, does it have your signature on it?

21 A Yes it does.

22 Q And is it also Daniel Mixer's signature?

23 A Yes.

24 Q Does this document the property that you released to Dr.  
25 Mixer?



1 A Yes it is.

2 MR. HILLER: Your Honor, I'd move for the  
3 admission of People's exhibit 70.

4 THE COURT: Is it 7 or 7-0?

5 MR. HILLER: 70. 7-0.

6 MR. GABRY: No objection, Your Honor.

7 THE COURT: 70 is admitted.

8 (At 9:06 a.m., People's exhibit 70 is admitted)

9 BY MR. HILLER:

10 Q Lieutenant Little, can you please tell the jury what  
11 articles of property you released to Dr. Mixer on June 2,  
12 1969?

13 A Item two was a green shopping bag from Hudson's containing  
14 a gift-wrapped box with (INAUDIBLE) slip, birthday card  
15 with envelope and various school papers and notes. Item  
16 number three was a pair of brown leather shoes. Item  
17 number four, blue paperback covered book - Catch 22. Item  
18 number five was a brown suede ladies purse containing a  
19 pair of black gloves and various make-up. Item number six  
20 is clothing on hangers - a yellow raincoat from friend's  
21 suburban, Ron Muskegon. Orange, Grey and black plaid  
22 dress, a green dress, a blue-yellow dress, a red white and  
23 blue plaid shirt. Item number seven is rather lengthily  
24 contents - a light green leather suitcase, a pair of green  
25 paten leather shoes, box of ten super tampons, blue long-

1 sleeved sweater, pink nightgown, a white long-sleeved  
2 blouse, yellow plaid skirt, woman's silk underpants with  
3 an FRAME garderbelt, pink hall slip, green with something  
4 (INAUDIBLE), tan slipper, gray pantyhose, a pair of blue  
5 stockings, brown striped dress, blue shoes, (INAUDIBLE),  
6 white (INAUDIBLE) containing green stone broach, five hair  
7 ribbons of various color, a paper book on New York  
8 University, New York Times Magazine dated 3-9-69, white  
9 underpants, light blue bra, seven blue super (INAUDIBLE),  
10 white envelope address to Jane Mixer containing letters.  
11 Nothing further.

12 MR. HILLER: Thank you, Lieutenant. I don't have  
13 any further questions for you. Mr. Gabry might have some  
14 questions.

15 THE COURT: Cross-examination.

16 MR. GABRY: Thank you, Your Honor.

17 CROSS EXAMINATION

18 BY MR. GABRY:

19 Q Detective Little, in your role as head of the Detective  
20 Bureau at the Ypsilanti Post, did you make assignments on  
21 what certain detective's were supposed to do in the  
22 investigation in this case?

23 A Yes.

1 Q Can you tell the jury how did you break up--in other  
2 words, what kind of directions or assignments did you give  
3 out?

4 A As things came up I assigned certain people to certain  
5 tasks.

6 Q Were there certain people that were involved in trying to  
7 obtain fingerprints?

8 THE WITNESS: In what?

9 MR. GABRY: Obtaining fingerprints from a lot of  
10 people in Ann Arbor.

11 THE WITNESS: In the service?

12 MR. GABRY: No. As a result of the investigation--

13 -

14 THE WITNESS: Yes.

15 MR. GABRY: --and the information that you  
16 received from the lab--

17 THE WITNESS: Yes.

18 MR. GABRY: Were--did you direct officers to go  
19 out and gather fingerprints from people?

20 THE WITNESS: Yes we did. Lots of fingerprints.

21 BY MR. GABRY:

22 Q Right. To match to what? Do you know where prints were  
23 found?

1 A We found a palm print on a suitcase that the victim had  
2 with her and we printed people--numerous people trying to  
3 compare with that palm print.

4 Q And that was the only unidentified latent print that you  
5 were notified of?

6 A Right.

7 Q Then there were a lot of officer's directed to obtain  
8 handwriting samples, is that correct?

9 A You'll have to--handwriting sample I wasn't involved with  
10 I don't think.

11 Q All right. Going back to the scene of the crime, the  
12 ambulance people from Wayne County actually moved Jane's  
13 body - Ms. Mixer's body? Picked it up off the ground?

14 A Yes.

15 Q You were there when that happened?

16 A Yes.

17 Q How does that occur? What did they actually do?

18 A Wayne County didn't want their ambulance going into  
19 Washtenaw County - wasn't allowed to.

20 Q I understand that but what did the people do? Did they  
21 slide the body onto something?

22 A They had her on one of those carts with wheels on it that  
23 they put bodies on and they put her on--had her in a bag,  
24 had her covered and put her in that and put her in an  
25 ambulance and they--and I told them I wanted her to go to

1 the University Hospital. They checked in by phone first -  
2 or radio it was. (INAUDIBLE)

3 Q Okay.

4 What I'd like you to do is though I want to go back.  
5 At some point in time Ms. Mixer's body is on the ground,  
6 correct?

7 A Yes it was on the ground when I got there.

8 Q All right and it got put on the gurney, correct?

9 A Yes.

10 Q How does that happen? Is her body placed in something?  
11 On something or is she picked up? Physically touched?

12 A She was placed in one of those bags and placed on the  
13 cart.

14 Q So, some ambulance attendant's had to pick up the body?

15 A Yes they did. Right.

16 Q Place her in this bag?

17 A Yup.

18 Q And then pick up the bag?

19 A And put in on the gurney.

20 Q Detective Little, you prepared some police reports in this  
21 matter, correct?

22 A Yes.

23 Q You also wrote notes as you were involved in the  
24 investigation, is that correct?

25 A Yeah.

1 Q Do you remember finding the name or being advised that the  
2 name of Steven Combs was found in the material in this bag  
3 that was found at the side of the road?

4 A I don't, no. David Combs?

5 Q Steven--Steve Combs.

6 A Steven Combs - no, I don't remember that.

7 Q Detective Little, I'm going to hand you some documents to  
8 review to see if you recall them. First of all, do you  
9 recognize the handwriting there?

10 A Yes, it's my handwriting.

11 Q And, it's dated 4-2-69, correct?

12 A (INAUDIBLE)

13 Q There's a date here.

14 A 4-2-69, Steven B. Combs.

15 Q And then up here we have some other numbers?

16 A 3-31-69.

17 Q All right. Could you review that and tell me if that  
18 refreshes your recollection?

19 A No, it's the only thing I have on him. It's my writing  
20 there's no question about it but I don't remember him. I  
21 have no record in the file that says on parole (INAUDIBLE)

22 MR. HILLER: Your Honor.

23 THE WITNESS: John (INAUDIBLE). He must have  
24 been a probation officer.

1 MR. GABRY: Well, let me. All right. Let me ask  
2 you, did you write that down?

3 THE WITNESS: Yes.

4 BY MR. GABRY:

5 Q Was it true when you wrote it?

6 A Yes it was.

7 Q And what--

8 A I wouldn't have wrote it if--it's my writing. There's no  
9 question about it.

10 Q And it says Steven B. Combs, 8-17-46.

11 MR. HILLER: Well, wait a minute, Your Honor. At  
12 this point you're dealing with hearsay unless there's an  
13 exception of the hearsay rule.

14 THE COURT: Let me see the document.

15 MR. GABRY: Certainly, Your Honor. It's site 8-  
16 03-5, recorded recollection.

17 THE COURT: Approach the bench, please.

18 (At 9:18 a.m., bench conference)

19 (At 9:19 a.m., court resumes)

20 THE COURT: Do you recall investigating a Steven  
21 Combs?

22 THE WITNESS: I remember Steven Combs but that's  
23 all I can say that I remember.

24 THE COURT: The name?

1 THE WITNESS: Yeah. There would be a report on  
2 it - a written report with details. Often times just in  
3 your handwritten notes you just put down a few things to  
4 remind you to do your written report with.

5 THE COURT: And did that investigation go  
6 anywhere in the report?

7 THE WITNESS: No, it did not.

8 THE COURT: All right. The objection is  
9 sustained.

10 BY MR. GABRY:

11 Q You had mentioned that--in response to Mr. Hiller's  
12 questions as far as investigating the number of David  
13 Johnson's.

14 A Yes.

15 Q And he made the remark that it wasn't a good time to be a  
16 David Johnson, correct? That's what he said? My question  
17 is did you discover in your investigation that John Norman  
18 Collins had a roommate named David Johnson?

19 A I don't have no information on that whatsoever. (sic)

20 Q Detective Little, I'd ask you to please review this but  
21 please read it to yourself. Don't read it out loud nor  
22 say anything. Having reviewed this, Lieutenant Little,  
23 does this refresh your memory?

24 THE WITNESS: About what?



1 MR. GABRY: About John Norman Collins having a  
2 roommate by the name of David Johnson?

3 THE WITNESS: No, it does not. It doesn't say  
4 so.

5 BY MR. GABRY:

6 Q It doesn't?

7 A I don't think so.

8 MR. HILLER: Your Honor. I'm going to object at  
9 this point.

10 THE COURT: He's answered the question. Let's  
11 move on.

12 MR. GABRY: I have no further questions, Your  
13 Honor.

14 THE COURT: Anything further, Mr. Hiller?

15 MR. GABRY: Well, I guess I do, Your Honor, if I  
16 please the Court. Your response back to me was that this  
17 doesn't say so, correct?

18 THE WITNESS: (INAUDIBLE) doesn't. Let me  
19 analyze it again.

20 MR. HILLER: Well, Your Honor. I'm going to  
21 object at this point. I think the issue is whether or not  
22 it refreshes his recollection.

23 THE COURT: Well, he can try again. Give him the  
24 time. He can try again.

25 THE WITNESS: I certainly didn't write that.

1 MR. GABRY: I understand that. The second  
2 paragraph.  
3 THE WITNESS: It doesn't say that they were were  
4 roommates.  
5 MR. GABRY: All right. Nothing further, Your  
6 Honor.  
7 THE COURT: Okay, anything further, Mr. Hiller?  
8 MR. HILLER: Nothing further, Your Honor.  
9 THE COURT: You may step down, sir. You are  
10 excused.  
11 THE WITNESS: Thank you.  
12 (At 9:25 a.m., witness excused)  
13 MR. HILLER: Your Honor, the People call Don  
14 Bennett.  
15 THE COURT: Come in here, sir, please. Face the  
16 clerk. Raise your right hand.  
17 COURT CLERK: Do you solemnly swear or affirm to  
18 tell the truth, the whole truth and nothing but the truth?  
19 MR. BENNETT: I do.  
20 COURT CLERK: Have a seat right up there.  
21 THE COURT: Sir, state and spell both your first  
22 and last names.  
23 THE WITNESS: Donald Bennett. D-O-N-A-L-D B-E-N-  
24 N-E-T-T.  
25 THE COURT: Thank you. Mr. Hiller?

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DONALD BENNETT

(At 9:27 a.m., witness sworn in by clerk)

DIRECT EXAMINATION

BY MR. HILLER:

Q Good Morning, sir.

A Good Morning.

Q In what community do you currently live?

A I live in Dewitt, Michigan.

Q And what was your occupation?

A I've had several. I was with the Michigan State Police  
for 25 years then I was with Michigan National Bank as a  
Security Direction for 10 years and then I finally retired  
for good.

Q When did you start with the Michigan State Police?

A It would have been February of 1954.

Q And when did you retire?

A April of 1979.

Q What was your rank when you retired?

A Captain.

Q Captain Bennett, were you--during your State Police career  
were you ever assigned to the crime laboratory?

A Yes I was.

Q When did you start at the crime laboratory?

A I started in January of 1966.

Q And how long did you stay at the lab?

1 A About 11 years - 11 to 12 years.

2 Q Was that your assignment then on March 21<sup>st</sup> of 1969?

3 A Yes.

4 Q On that day did you respond to the Denton Cemetery in Van  
5 Buren Township, Wayne County?

6 A Yes.

7 Q What was your purpose for going there?

8 A We were called to come to the scene where a body was found  
9 to do a crime scene investigation.

10 Q You say we?

11 A Yes.

12 Q Who else went with you?

13 A There was a team of five. There were three of us from the  
14 crime laboratory and then there were two fellows from  
15 Latent Print Unit, which was part of our entire crime  
16 laboratory.

17 Q Now, at that time was the crime laboratory the only  
18 laboratory in the state that processed evidence for court  
19 purposes?

20 A No, there was a laboratory in the Department of Public  
21 Health in Lansing that did that--different types of  
22 examinations but related to criminal matters.

23 Q What sort of things did the Michigan State Police  
24 laboratory do and what sort of things did the Public  
25 Health Laboratory do?

1 A The State Police laboratory did certain physical  
2 examinations like firearms identification, latent  
3 fingerprints, hairs, bloods, fibers - things of that  
4 nature in which was called trace evidence. Document  
5 examination and then we all did crime scene investigation  
6 as part of our overall responsibility. The Department of  
7 Public Health was staffed by--we were enlisted people,  
8 Department of Public Health was staffed by civilian folks  
9 who were scientists by their background. They did blood  
10 work, body tissue work, fire--arson examinations and  
11 things of that nature.

12 Q Who is Walter Holz?

13 A He was a scientist at the Public Health laboratory.

14 Q Now you indicated that there were give people from the--  
15 let me ask you one other question about the Public Health  
16 laboratory first. Would they typically go to crime  
17 scenes?

18 A On occasion but not very often.

19 Q Did they--did anyone from the Public Health laboratory go  
20 to the crime scene on March 21, 1969?

21 A No.

22 Q So there were five people that came down from the State  
23 Police laboratory?

24 A Yes.

25 Q And where was that laboratory located at that time?

1 A It was located in East Lansing, Michigan.

2 Q About what time did you arrive?

3 A Oh around 10:30 in the morning.

4 Q And, who were the other people from the lab that came with

5 you?

6 A There was Detective John Versailles and Trooper David

7 Larson, Detective Sergeant George Hein and Trooper Jack

8 Knobber and myself.

9 Q Who were the latent print people?

10 A George Hein and Jack Knobber.

11 Q And then Detective Versailles and Trooper Larson were in

12 your crew?

13 A Yes.

14 Q What was Detective Versailles job at the crime scene?

15 A Well, we had a set procedure. The senior person would

16 gather evidence from the body if that be the case at hand.

17 The next person in line by seniority probably, normally

18 unless you decided to change it, would take the

19 photographs and do the measurements and my best recall was

20 that Trooper Larson was a trainee and he was there to

21 observe and be aware of what we were doing.

22 Q I take that to mean he wasn't doing much at all?

23 A Well, I don't recall.

24 Q When you got to the scene, first of all, do you recall

25 what the weather was like that morning?

1 A I think it had been raining but it was an overcast day,  
2 damp and chilly. There was no snow on the ground.

3 Q Captain Bennett, I've placed People's exhibit number 3  
4 behind you. That's been identified as an overhead  
5 photograph of the Denton Cemetery area. The difference  
6 between then and now would be that this house was not  
7 present at that time. Does that photograph appear to be  
8 accurate with that exception?

9 A Yes, that's consistent with my recall of what the cemetery  
10 looked like in general.

11 Q Where was the body located?

12 A The body was just inside an open area--inside a fence  
13 line--chain linked fence into the cemetery. There was no  
14 gate, just an open area that one could drive through.  
15 There would have been on - if this is oriented north, it  
16 would have been on the south edge of the cemetery.

17 Q And, are you able to locate the area on the map?

18 A Yes. I would say it's just inside this opening pointing  
19 with my finger.

20 Q You're indicating an area about three quarters of the way  
21 down the center of the map?

22 A That would be correct.

23 Q You've told us that there was a procedure to follow that  
24 generally the most senior person would collect evidence

1       and the next person would take photographs. Were you the  
2       senior person that day?

3   A    Yes.

4   Q    Did you have a set procedure that you would follow when  
5       you process a crime scene as to how you would go about  
6       doing that work?

7   A    In general they had a procedure. It would vary by the  
8       crime scene whether it was outside or whether it was in a  
9       closed room or something. But, there was a general  
10      acceptable procedure we followed.

11   Q    And normally what would that be?

12   A    We would start at the outer part--outer most part of the  
13      crime scene in question. Look it over very carefully. We  
14      would be careful where you walked as you entered into that  
15      area so you didn't step or trample on any evidence. One  
16      person, mainly the senior person would carefully go in and  
17      assess what type of scene you had. Then the team would  
18      work from the outside and work concentrically in towards  
19      the center of the crime scene. Every time you found a  
20      piece of evidence which you thought would be valuable it  
21      would be measured, photographed and collected--marked and  
22      collected. And then you would proceed on into the next  
23      area until you get to the point of the center which in  
24      this case was the body laying on a gravesite.

25   Q    Would you work in tandem with the latent print people?



1 A Yes.

2 Q Were there certain articles that latent print would  
3 collect and certain articles that your team would collect?

4 A Yes there were.

5 Q How would that be split up?

6 A Generally we knew--had a good idea of what type of  
7 articles would--could sustain fingerprint evidence. If  
8 was something smooth, or something that you thought might  
9 bare a fingerprint that could be identified than a latent  
10 fingerprint people would handle that piece of evidence,  
11 collect it and protect it by their own methods so they  
12 didn't destroy anything. Other articles would be to the  
13 other members of the crew.

14 MR. HILLER: If I could have just a moment, Your  
15 Honor. Captain Bennett I'd like to show you People's  
16 proposed exhibits 4-16. I'd like you to look through them  
17 and tell me if you recognize them and if they're a fair  
18 and accurate representations of what they show.

19 THE COURT: The numbers again?

20 MR. HILLER: 4 through 16, inclusive.

21 THE COURT: Thank you.

22 THE WITNESS: I recognize them.

23 BY MR. HILLER:

24 Q And, what do those show?

1 A These portray the body as we saw it when we first  
2 approached it from outside the fence line and also as we  
3 progressed in our examination and removed various pieces  
4 of articles from the body and we took pictures as did them  
5 - as we removed those articles.

6 Q Do they fairly and accurately depict what you saw that  
7 morning?

8 A Yes.

9 MR. HILLER: Your Honor, I'd move for the  
10 admission of People's exhibits 4 through 16 inclusive.

11 MR. GABRY: No objection, Your Honor.

12 THE COURT: May I see them for a second? Are  
13 these ones you took or--

14 THE WITNESS: Our crime scene did. I can't say I  
15 did personally but they were taken at the scene.

16 THE COURT: Prosecution exhibits 4-16 are  
17 admitted.

18 MR. HILLER: Thank you, Your Honor. Your Honor,  
19 with the Court's permission I have loaded those pictures  
20 onto a computer presentation--

21 THE COURT: You can display them for the jury.

22 MR. HILLER: Everyone can see them.

23 THE COURT: Do you want to turn the lights down a  
24 little bit?

1 MR. HILLER: Are you able to see that well enough  
2 Captain Bennett?

3 THE COURT: You want to turn the lights down a  
4 little bit?

5 MR. HILLER: That would be helpful.

6 THE COURT: Officer, would you turn them down a  
7 little bit. There you go. Thank you.

8 BY MR. HILLER:

9 Q Captain Bennett, there is a laser pointer up there--don't  
10 do it in your eyes.

11 A Thank you.

12 Q Now, this is People's exhibit number 4. Can you describe  
13 what we see here?

14 A It's a scene - a view of the fence line from the road on  
15 the south side of the cemetery looking north and just  
16 inside the fence line where you see the yellow articles,  
17 right here, is the body lying in an orientation of east to  
18 west on a grave.

19 Q East in this photograph would be in this direction?

20 A To the right. My recall, this would be east. This way  
21 would be west.

22 Q And this photograph?

23 A It would be the same general view. It would take--would  
24 have been a little bit further west on the road, still

1 looking through the fence at the body, underneath what  
2 that yellow object is.

3 Q What is that yellow object?

4 A It was later determined to be a yellow raincoat.

5 Q And there appears to be something draped over the bottom  
6 half of the body as well?

7 A To the right of the raincoat is a gray wool cloth coat  
8 covering the lower part of the body. The raincoat covers  
9 the up--nearly most of the upper part of the body.

10 Q And this view?

11 A This would be a view further away but the body had not  
12 been disturbed at that point. It's the same evidence  
13 there just taken from a little different orientation.

14 MR. GABRY: Your Honor, can I ask that we  
15 correspond these views with the exhibit?

16 THE WITNESS: Pardon me?

17 MR. GABRY: I assume we're going in order.

18 MR. HILLER: All right. This is number 6. If I  
19 could have a moment, Your Honor. Captain Bennett, let me  
20 show you four additional exhibits, People's 69, 72, 73 and  
21 74. I ask you if you recognize those? 69 has already  
22 been admitted.

23 THE WITNESS: Yes. I recognize them.

24 MR. HILLER: And are they fair and accurate  
25 representations of what you saw that morning?

1 THE WITNESS: Yes they are.

2 MR. HILLER: Your Honor, I'd move for the  
3 admission of People's exhibits--69 is already admitted,  
4 72, 73 and 74?

5 THE COURT: Any objection?

6 MR. GABRY: No Your Honor. We've had an  
7 opportunity to review them (INAUDIBLE)

8 THE COURT: They're admitted.

9 (At 9:47 a.m., People's exhibits 72, 73 and 74  
10 admitted)

11 BY MR. HILLER:

12 Q Captain Bennett, this is described as People's exhibit 8.  
13 Can you describe what you--what we see there?

14 A This is a view of the body from inside the fence line  
15 (INAUDIBLE) cemetery proper taken in an easterly direction  
16 over the top of a tombstone and the body was lying east of  
17 the at tombstone.

18 Q And this is People's exhibit 72?

19 A It's the same view taking back--taken from a little  
20 further to the west.

21 Q The article that's seen here, can you tell us what that  
22 is?

23 A It's the top of the head of the victim with the left arm  
24 crossed over the forehead making the whole area appear  
25 dark in the photograph.

1 Q And People's exhibit 73? Can you explain that picture for  
2 us?

3 A That's a close-up view showing the raincoat, which was  
4 still on a hanger but draped over the body with the top of  
5 the hanger on a leather case beside the body. The body is  
6 oriented with the right arm backward up over the head of  
7 the victim resting on its back and the left arm is crossed  
8 over the forehead or face of the victim, resting on the  
9 point of the right elbow.

10 MR. HILLER: If I may have just a moment, Your  
11 Honor. People's exhibit number 9, can you tell us about  
12 that please?

13 THE WITNESS: This is a view of the body taken--  
14 look from inside the fence line looking south towards the  
15 high--the road, showing the body in the same configuration  
16 with the yellow raincoat over the upper portion and the  
17 gray or blue colored cloth coat over the lower portion of  
18 the body.

19 BY MR. HILLER:

20 Q Now Captain Bennett, there appears to be things sticking  
21 out from underneath the yellow raincoat. Can you tell us  
22 what those are?

23 A These were found to be other clothing on hangers lying on  
24 top of the victim yet underneath the raincoat. The  
25 raincoat covered those items at this point.

1 Q The articles of clothing here - the raincoat and the other  
2 "articles that were underneath it that was on hangers, who  
3 collected those?

4 A Those would have been collected from by the people from  
5 our Latent Print Unit at the scene.

6 Q This is People's exhibit 11. I'm sorry, 10. Can you  
7 describe that for us please?

8 A Well, that's a closer up view of the--of the victim with  
9 the upper portion of the victim showing the right hand  
10 flung out above the north side of the head of the victim  
11 laying on the ground.

12 Q She's wearing her watch on her right hand?

13 A Yes she was.

14 Q This line here, can you explain that?

15 A That line is a blue headband that was--she held her hair  
16 in place with.

17 Q People's exhibit 11. Explain what you see in this  
18 picture.

19 A This was taken from again, inside the fence. The raincoat  
20 has--and the articles had been removed off the top of the  
21 victim at this point. It shows her feet with hose on  
22 pretuding from underneath the cloth coat and an article  
23 that was later found to be a towel--cloth towel. When the  
24 raincoat was lifted there was a leather--leatherette  
25 suitcase and a purse by her right side. The feet you see

1       here are from the detectives that were called to the scene  
2       as investigators but they stayed outside the scene and  
3       were not inside where processing was going on.

4   Q   Did you make any observations about her feet and their  
5       condition?

6   A   They did not have any--she did not have shoes on. They  
7       were found later underneath the gray coat. But, on the  
8       heel of the left foot there were smudge marks--dirt marks  
9       in the heel area that I did not see on the right foot.

10  Q   Did you observe anything on the ground in the area near  
11       the body between the body and the road that would  
12       correspond to the heel mark--the marks on the heel?

13  A   I don't recall seeing anything that would indicate a drag  
14       mark. But, that's what I was looking for.

15  Q   Captain Bennett, let me show you (INAUDIBLE)--the last  
16       paragraph of the first page and if you just read that to  
17       yourself and see if that refreshes your recollection.

18  A   It refreshes my memory.

19  Q   Now, do you recall having an opportunity to review that  
20       portion of your report, do you recall whether or not you  
21       found drag marks at the scene?

22  A   My report indicates that drag marks were seen leading from  
23       this partial heel impression into the cemetery.

24  Q   People's exhibit number 12. Can you describe this for us?



1 A This is a view of the victim from east to west showing the  
2 brown leather case and the leatherette--I believe it's  
3 leather purse lying against the victim's right side. The  
4 purse was partially pulled open and the open area was  
5 towards her feet.

6 Q The purse and the case, who would have collected those?  
7 Who did collect those?

8 A Those would have been collected by the latent fingerprint  
9 technicians.

10 Q And this is People's exhibit 13.

11 A That's a similar view taken a little bit off to one side -  
12 to the right, showing the towel that was protruding from  
13 underneath the bottom of the gray coat and her left and  
14 right foot still clad in pantyhose.

15 Q Have the purse and the suitcase been removed at this  
16 point?

17 A Yes they have.

18 Q And you indicated that would have been by the latent print  
19 people?

20 A Yes.

21 Q People's exhibit 14.

22 A When the cloth coat was removed, we saw a blue garment for  
23 the upper part like a sweater I believe or I guess a  
24 jumper one might call it and there were some towels on  
25 there and they were covered with blood.

1 Q You said towels, was it more than one towel?

2 A Well, there was one for sure. There may have been two.

3 Q If I may have a moment, Your Honor.

4 Do you have your report with you?

5 A Yes, I have it here.

6 Q Would you refer to page two of your report - indented list

7 about two-thirds of the way down.

8 A Yes.

9 Q Does that refresh your recollection as to what the blue

10 object is that's shown?

11 A It was a blue silk scarf. What can be seen is the blue

12 silk scarf, a striped towel. What can't be seen clearly

13 are two other articles that were uncovered, which were a

14 pair of brown leather shoes and a paperback book.

15 Q People's exhibit 15, can you describe that for us please?

16 A It's a view showing the articles I previously described

17 that were by her legs but in this view her slip was pulled

18 upwards which that would expose the top of her pantyhose

19 and her genitalia.

20 Q Is that how she was found - with the slip pulled up and

21 the pantyhose pulled down?

22 A Yes.

23 Q People's exhibit 74 is on the screen now. Can you

24 describe what that shows?

1 A Here again we have the paperback book, which was titled,  
2 Catch 22. The scarf, the blood--the towel that extended  
3 on down. And, when I said another towel I was probably  
4 referring to the fact that it extended down further  
5 protruding out from underneath the blanket. Now, there  
6 were a pair of shoes. I can't recall whether they had  
7 been taken off at this time or if they were still trapped  
8 underneath these garments.

9 Q Is this dark spot here the color of one of the shoes?

10 A It could be. It could be the--they were higher up on the  
11 legs. It could be the crotch of the pantyhose.

12 Q Now, Captain Bennett, did you collect any evidence--did  
13 you or your crew collect any evidence at the scene? I'm  
14 not talking about the latent print people, I'm talking  
15 about you yourself?

16 THE COURT: Are you done with the photographs?

17 MR. HILLER: There will be some more.

18 THE COURT: Let's turn the lights back up.

19 THE WITNESS: I don't recall taking any evidence  
20 from the scene. The body was removed and then evidence  
21 was taken later.

22 BY MR. HILLER:

23 Q Did you stay until the body was removed?

24 A I stayed until the body was removed from its location by  
25 an ambulance crew. At that time we would have identified

1 the body with a tag saying what our laboratory number was  
2 and more than likely her name attached to one--later on it  
3 could be identified as the same person.

4 Q Had you established her name at that time?

5 A No, I did not know her name?

6 Q Was a tag put on her body before it was loaded by the  
7 ambulance?

8 A Yes.

9 Q Who did that?

10 A One of our crime scene crew would have made the tag and  
11 put our lab number on it. I couldn't say for sure if we  
12 put her name on there or not. But, the lab number would  
13 be on there for sure. If we didn't know her name it would  
14 have been unidentified body.

15 Q And, was the body--was Jane's body enclosed in come way?  
16 Was it protected in some way once it was being ready to be  
17 moved by the ambulance attendants?

18 A There would have been a cloth put on the stretcher - the  
19 body put on the cloth so anything falling off the body  
20 would be trapped and then covered up and taken in that  
21 fashion where it was examined later.

22 Q And was it your practice and did you observe this being  
23 done on this day?

24 A Yes.

25 Q Once that had been done, did you leave the scene?

1 A We searched the gravesite again after the body was removed  
2 "to see if we could find anything there. All I recall was  
3 that there was some wet blood underneath the area where  
4 her head was but nothing else was observed.

5 Q Did you observe anything else at the scene that was of  
6 possible evidentiary use?

7 A It was pointed out to me when I arrived at the scene,  
8 there was a plastic bucket over an object and the dirt  
9 "leading almost into the cemetery. That was placed by the  
10 first officer's at the scene I presume. I lifted it off  
11 and there was a tire track in the dirt that apparently had  
12 run over a footprint. But, you could see the tire track  
13 and you could still see the outline of the heel of the  
14 footprint. It had been protected until we got there.

15 Q What did you do with the footprint?

16 A The footprint was photographed and then it was cast with  
17 plaster cast and collected for future possible  
18 identification.

19 Q Once you had inspected where Jane's body had been found,  
20 after she had been moved to the ambulance stretcher, what  
21 did you do?

22 A What we would have done--we went to the autopsy--went to  
23 the University of Michigan Medical Center Morgue for the  
24 autopsy. That would have started around sometimes in the  
25 afternoon. I don't recall when.

1 Q Who was Robert Hendricks?

2 A Robert Hendricks was a doctor - a pathologist at--on the  
3 staff at the University of Michigan Medical School.

4 Q Did he perform the autopsy in this case?

5 A Yes he did.

6 Q Were you present during the autopsy?

7 A Yes I was.

8 Q Was anyone else from your crew present?

9 A All the members of our crew were there when the autopsy  
10 was conducted.

11 Q When you attend the autopsy, what's your purpose for going  
12 there?

13 A Our purpose is to obtain photographs of the victim as the  
14 autopsy is being conducted and to retrai--retrieve or  
15 retain evidence that would be taken from the victim that  
16 could be used later for comparison purposes for--with the  
17 suspect.

18 Q And, how would you go about doing this?

19 A Well, the senior person of the lab crew being myself would  
20 put on rubber gloves and be with the pathologist as he  
21 recovered evidence as we talked about what we were looking  
22 for and as he recovered it, I would have received the  
23 evidence, another member of the crew would have held open  
24 a bag or vile or whatever we were going to use to collect  
25 it. Drop the evidence in that - it would then be sealed

1           and the laboratory number would be written on the bag or  
2           the article containing the evidence.

3   Q   And, once you had collected all the evidence at the  
4           autopsy, the autopsy was finished, what would you do with  
5           that evidence? What did you do with the evidence in this  
6           case?

7   A   The evidence was transported back to the East Lansing  
8           laboratory later that evening and put in our locked  
9           evidence room which was in the locked laboratory.

10   Q   Did you remain in the autopsy room for the entire  
11           procedure?

12   A   Yes.

13   Q   Were the latent prints people also at the autopsy?

14   A   Yes.

15   Q   What was their purpose for being there?

16   A   They would have fingerprinted and palm printed the victim  
17           for their elimination purposes there after or whatever  
18           purpose they did. They would have retrieved--taken any  
19           evidence with them that we thought might bare  
20           fingerprints.

21               MR. HILLER: If I may have a moment, Your Honor.

22               MR. GABRY: May we approach, Your Honor?

23               THE COURT: Yes.

24               (At 10:11 a.m., bench conference)

25               (At 10:12 a.m., court resumes)

1 MR. HILLER: If I may have a moment, Your Honor.

2 THE COURT: Please. You want to stay? All  
3 right.

4 BY MR. HILLER:

5 Q Let me show you what would have been marked as People's  
6 proposed exhibit 19--18, 19, 17, 21, 62, 63 and 75. If  
7 you could look at those please and see if those  
8 photographs are something you recognize and whether they  
9 are a fair and accurate representation of each.

10 THE COURT: Did you also say 63?

11 MR. HILLER: (INAUDIBLE) Captain Bennett, do you  
12 recognize the scenes that are depicted in these  
13 photographs?

14 THE WITNESS: Yes I do.

15 BY MR. HILLER:

16 Q And, are they fair and accurate representation's of what  
17 they reportedly show?

18 A Yes.

19 MR. HILLER: Your Honor, I'd move for the  
20 admission of exhibits--Well, first of all where were these  
21 photographs taken?

22 THE WITNESS: At the autopsy.

23 BY MR. HILLER:

24 Q And you were present when you saw this--

25 A Yes.



1 Q --taken place? And these photographs show Jane Mixer's  
2 body as you remember it?

3 A Yes.

4 MR. HILLER: Your Honor, I'd move for the  
5 admission--

6 THE COURT: I need the numbers again.

7 MR. HILLER: Move for the admission of 17, 18,  
8 19, 21, 63, 62 and 75.

9 THE COURT: Any objection to--

10 MR. GABRY: As I indicated, Your Honor, I believe  
11 that they're cumulative series here that the relevant  
12 value is more prejudicial than probative. I understand  
13 the Court's ruling.

14 MR. HILLER: I'm willing to make and offer of  
15 proof as to probative nature of these photographs, Your  
16 Honor.

17 THE COURT: Well, I think we've previously  
18 covered part of this. I'm satisfied with the number of  
19 photographs have been recently limited and that they do  
20 have an appropriate value, although difficult to look at  
21 are essential in this case. The objection is overruled an  
22 they're admitted. We're going to take our morning break  
23 before we do that.

24 MR. HILLER: Thank you, Your Honor. May counsel  
25 approach?

1 THE COURT: Yeah.  
2 (At 10:16 a.m., bench conference)  
3 (At 10:16 a.m., court resumes)  
4 THE COURT: We'll take our morning break and  
5 we'll be in recess for approximately 15 minutes. Please  
6 go with Ms. Washington.  
7 JUDICIAL ATTORNEY: All rise, please.  
8 (At 10:17 a.m., court in recess)  
9 (At 10:39 a.m., court reconvenes)  
10 JUDICIAL ATTORNEY: Washtenaw County Trial Court  
11 is now back in session.  
12 THE COURT: Bring the jury.  
13 MR. HILLER: May we approach?  
14 THE COURT: Yes.  
15 (At 10:39 a.m., bench conference)  
16 (At 10:39 a.m., court resumes)  
17 THE COURT: All right. So, I understand that you  
18 want to take a witness out of order. Is that correct?  
19 MR. HILLER: Yes, Your Honor. To please the  
20 Court, Dr. Cassin is here. The autopsy photos that we'll  
21 need for his testimony have been admitted.  
22 THE COURT: Any objection, Mr. Gabry?  
23 MR. GABRY: No, Your Honor.

1 THE COURT: All right. We'll interrupt his--the  
2 detective testimony and--the Captain's testimony and then  
3 resume after Dr. Cassin is finished.

4 MR. HILLER: Thank you, Your Honor - and Captain  
5 Bennett will be a while.

6 JUDICIAL ATTORNEY: All rise for the jury,  
7 please.

8 THE COURT: Please be seated. Ladies and  
9 gentleman, for scheduling purposes and to move the trial  
10 along a little more efficiently I'm allowing counsel to  
11 call a witness out of order. We'll interrupt Mr.  
12 Bennett's testimony and you'll hear the testimony of Dr.  
13 Bader Cassin and then after that testimony is finished  
14 we'll resume Mr. Bennett's testimony. Are you ready to  
15 proceed?

16 MR. HILLER: We are Your Honor. Thank you,  
17 please call Dr. Cassin.

18 THE COURT: Please face the clerk, raise your  
19 right hand and be sworn, sir.

20 COURT CLERK: Do you solemnly swear or affirm to  
21 tell the truth, the whole truth and nothing but the truth?

22 MR. CASSIN: I do.

23 THE COURT: State and spell your first and last  
24 names, sir.

1 THE WITNESS: My name is Bader Cassin. B-A-D-E-R  
2 C-A-S-S-I-N.

3 THE COURT: Okay. Prosecutor?

4 MR. HILLER: Thank you, Your Honor.

5 BADER CASSIN

6 (At 10:42 a.m., witness sworn by clerk)

7 DIRECT EXAMINATION

8 BY MR. HILLER:

9 Q Sir, what is your profession?

10 A I'm a physician. I work full-time as a pathologist - a  
11 forensic pathologist actually and here I am the medical  
12 examiner for Washtenaw County.

13 Q Are you the medical examiner in any other counties?

14 A Yes, in Lenawee County area.

15 Q Can you tell the jury your educational background starting  
16 with college?

17 A I went to college and graduate school a couple of times  
18 and medical school all in Chicago. I came into the State  
19 of Michigan in 1972 to complete my education in pathology.  
20 I worked as a hospital pathologist on the western side of  
21 the state and eventually pursued my avocation which is  
22 forensic pathology and trained in Detroit for that purpose  
23 - to (INAUDIBLE) examinations in that as well as my  
24 previous board examinations and was certified in 1983. In  
25 1988 I became the Chief Medical Examiner in Detroit, in

1       the Wayne County office and came to Ann Arbor for that  
2       purpose in 1995 and I've been here ever since.

3   Q     Have you testified as an expert in the field of forensic  
4       pathology previously in court's in this state?

5   A     Yes.

6   Q     Approximately how many occasions?

7   A     A thousand.

8   Q     Have you testified in other states?

9   A     Yes.

10  Q     As a expert forensic pathologist?

11  A     Yes.

12  Q     Approximately how many occasions other than in state  
13       courts--Michigan State Courts?

14  A     30--20 or 30.

15  Q     And what does it mean to be board certified in forensic  
16       pathology?

17  A     It means that you have the requisite training in forensic  
18       pathology which is beyond the training to be a pathologist  
19       and you have passed board examinations and have been  
20       accepted into the group of people in that particular sub-  
21       specialty.

22  Q     You are board certified in forensic pathology?

23  A     Yes.

24                 MR. HILLER: Your Honor, I'd offer Dr. Cassin as  
25       an expert in the field of forensic pathology?

1 THE COURT: Any objection?

2 MR. GABRY: No, Your Honor.

3 THE COURT: Ladies and gentleman, witnesses are  
4 usually allowed to testify only as to fact that is what.  
5 they saw or heard. Expert witnesses are allowed to give  
6 you their opinion testimony in fields in which they have  
7 expertise. I'm going to allow Dr. Cassin to testify as an  
8 expert in the field of forensic pathology and to give you  
9 his opinions as they relate to this case.

10 MR. HILLER: Thank you, Your Honor.

11 BY MR. HILLER:

12 Q Dr. Cassin can you briefly tell the jury what forensic  
13 pathology is?

14 A Forensic pathology as I indicated before is a sub-  
15 specialty of pathology. Pathology being a specialty of  
16 medicine. Most pathologist in this country and elsewhere  
17 in the world work as consultants to treating physicians.  
18 They work in hospital laboratories and other laboratories  
19 over-seeing laboratory testing, interpreting biopsies and  
20 occasionally doing the few autopsies that are done in  
21 hospitals. Forensic pathology is a sub-specialty of that  
22 as I said and it focuses upon the interactions between the  
23 law and medicine such as occasions like this. This very  
24 one now this morning. Forensic pathologists is trained in  
25 the recognition and interpretation of injury as well as

1 disease, which other pathologists are trained in. And,  
2 when a forensic pathologist works as a medical examiner or  
3 in those state that have coroners. As a coroner is  
4 responsible also for certifying the cause and matter of  
5 death.

6 Q You were not the medical examiner in Washtenaw County in  
7 1969?

8 A Right.

9 Q Do you know the name Robert Hendricks?

10 A I do.

11 Q Who was Robert Hendricks?

12 A Robert Hendricks was an esteemed pathologist. I think  
13 virtually all of his professional life was spent on the  
14 faculty of the University of Michigan. I knew him during  
15 some of his time and up until his death a few years ago.  
16 I always respected him for the work that he did. He has  
17 worked specifically in the medical examiner's system as  
18 well in Washtenaw County during some of those years.

19 Q Have you have an occasion to review some materials  
20 pertaining to the autopsy in the death of Jane Louise  
21 Mixer on March 21, 1969 - and that would be Washtenaw  
22 County autopsy file number A505BU?

23 A Correct, I have.

24 Q What materials have you reviewed?

1 A I have reviewed the autopsy report that Dr. Hendricks  
2 composed. I have reviewed a number of photographs made at  
3 the scene where the body was found in Wayne County, in Van  
4 Buren Township as well as autopsy room photographs that  
5 were made at the time of the examination of the body  
6 specifically. In addition to that I have reviewed some  
7 random but very few police reports.

8 Q Now, based upon your review of the information that's been  
9 provided to you - the autopsy report, the police reports  
10 and the photographs, are you able to express an opinion as  
11 to the cause and manner of Jane Mixer's death?

12 A Yes I am.

13 Q And what is your opinion as to the cause of her death?

14 MR. GABRY: Your Honor, I'll place an objection  
15 as this point. I guess maybe the Court would prefer we  
16 approach? My objection is under--

17 THE COURT: You can go ahead and state it from  
18 there.

19 MR. HILLER: Michigan Court Rule 703 as far as  
20 the basis of an opinion under the court rule - before the  
21 opinion testimony can be provided the factual basis of the  
22 opinion must be admitted into evidence. I assuming we've  
23 got the pictures into evidence but on the review of the  
24 autopsy report we don't have that in evidence yet.

25 MR. HILLER: I'm happy to offer that, Your Honor.



1 THE COURT: Let's lay that foundation before I  
2 rule on the objection.

3 MR. HILLER: Dr. Cassin, pardon me, I'd like you  
4 to take a look at these 15 photocopied pages of the report  
5 to be copies pertaining to the autopsy of Jane Mixer. If  
6 you could take a moment to review those and tell me if the  
7 documents (INAUDIBLE).

8 THE WITNESS: The front two pages of these 15  
9 are--are file documents or notes that are attached to the  
10 file that refer to this case. The additional--the second  
11 two pages are preliminary reports of the cause of death  
12 and then the remaining document pages are the autopsy  
13 protocol itself.

14 BY MR. HILLER:

15 Q And, did you review all of those documents in preparing  
16 for your testimony?

17 A I did.

18 MR. HILLER: Your Honor, I'd move for the  
19 admission of People's exhibit 76.

20 THE COURT: Any objection?

21 MR. GABRY: Well, yes, Your Honor. I guess I'd  
22 just like some representation of the prosecutor under what  
23 exception of the hearsay rule he's moving these.

24 THE COURT: Let me see it, please.

1 MR. HILLER: Your Honor, I believe that the--an  
2 expert can testify as to his opinion based upon anything  
3 he considers.

4 THE COURT: Well, the question is really did  
5 these come from the Washtenaw County Health Department as  
6 indicated by the certification at the top?

7 MR. HILLER: They did. That's where we received  
8 them, Your Honor. Dr. Cassin are you familiar with the  
9 records of the medical examiner's office?

10 THE WITNESS: I am.

11 MR. HILLER: With each record but--

12 THE WITNESS: Yes.

13 MR. HILLER: correct procedures, do those appear  
14 to be (INAUDIBLE).

15 THE WITNESS: The autopsy protocol is in the  
16 format that was used at the time at the University of  
17 Michigan and the supporting documents indicate that it--  
18 these were maintained on file at the health department  
19 which was where the medical examiner's office was.

20 THE COURT: All right. On that basis I'm going  
21 to allow People's exhibit 76 at least for the purposes of  
22 Dr. Cassin's expert opinion.

23 MR. HILLER: Thank you, Your Honor.

24 BY MR. HILLER:

1 Q Now Dr. Cassin, can you tell us please what your opinion  
2 is as to the cause of Jane Mixer's death?

3 A Jane Mixer died of gunshot wounds of the head. There were  
4 two bullets that entered the head from two different  
5 shots. One from--through the left forehead, one in the  
6 back of the left side of the head. One of the wounds, the  
7 one that entered through the forehead was far more  
8 destructive than the other but it's best to say that both  
9 wounds contributed to her death?

10 Q And, do you have an opinion as to the manner of her death?

11 A The manner would be homicide.

12 Q Homicide means what to you?

13 A Homicide means that an act has been perpetrated by one  
14 person upon another. That there is an intent by the  
15 person perpetrating the act to at least injure the victim.  
16 That the injury produced is through that act and that the  
17 injury results in death.

18 Q Can you tell the jury please what forms the basis of those  
19 opinions?

20 A I've looked at the autopsy report carefully. I've looked  
21 at the photographs carefully and I believe that everything  
22 fits that particular interpretation - the gunshot wounds  
23 are of the same type that is to say the same caliber  
24 bullet. As I indicated, one is far more destructive than  
25 the other and passes through the brain in such a way where

1 she would have died within a few minutes. And, the other  
2 injuries of the body, few as they were, appear to have  
3 been related to a post-mortem application of ligature  
4 around the neck for instance and no other injuries were  
5 found.

6 Q By post-mortem you mean after death?

7 A I do.

8 Q Dr. Cassin I'd like to show you some photographs that have  
9 been previously admitted that were taken during the  
10 autopsy. In particular I'd like to start with People's  
11 exhibit number 18. Could we have the lights down just a  
12 bit, please? There's a laser pointer up there for you to  
13 use if you need to. Dr. Cassin, in your opinion what is  
14 this--these markings on Jane Mixer's face?

15 A There two dark lines--they can be described generally  
16 anyway as two dark lines that look like rivers on a map,  
17 are blood trails and they would have been coming from the  
18 bullet wound just inside the hair line on the left  
19 forehead.

20 Q Are you able to draw any conclusions based upon the way  
21 the blood flows - the direction of the blood trails?

22 A I think so. I can propose this, that at approximately the  
23 point I'm pointing with my tremor - I apologize for that,  
24 there is a--an entrance wound that causes blood to run in  
25 a vertical pattern down the side of her face. This would

1 have indicated that her head was upright at the time of  
2 the reception of that gunshot wound. Upon blood also  
3 flows down inside the hair because that's the way hair  
4 diverts blood in running from an open wound. It  
5 distributes it in different directions. Some of it would  
6 have followed the hairline a little bit. As her head then  
7 fell forward on loss of consciousness, blood would have  
8 run out of the hairline in this fashion, obliquely across  
9 the face and down towards the chin.

10 Q How quickly would she have lost consciousness?

11 A Virtually immediately upon delivery of this particular  
12 gunshot wound.

13 Q Dr. Cassin, the eyes appear to be darkened. Do you have  
14 an opinion as to what that is?

15 A Yes, that is blood that collects in--behind the upper  
16 eyelids and it relates to linear fractures - cracks in the  
17 thinnest part of the skull which is the top of the orbit--  
18 the eye socket that surrounds the eyeball.

19 Q Is that consistent with gunshot wounds?

20 A It is consistent with gunshot wound and it is a shock  
21 effect of the sudden impact elsewhere in the skull of a  
22 closely held firearm.

23 Q Can you describe for the jury, please, where the two  
24 gunshot wounds were located again?

1 A Yes, I've indicated that you know, I can point to the  
2 approximate location of one gunshot being delivered here,  
3 from the left side of the forehead, about three inches  
4 according to Dr. Hendricks report above the lateral edge  
5 of the eyebrow. And, the other gunshot which he describes  
6 as being exactly the same in appearance was on the left  
7 side of the head in the rear, again inside the hairline  
8 and where the skull bulges out on the left side--bulges  
9 out across the back but it's to the left of the midline.

10 Q Doctor, this is People's exhibit number 75. Can you  
11 describe what we're looking at?

12 A This is the rear gunshot wound. It is depicted here  
13 within the hairline as I indicated. The lower part of the  
14 hairline is here and this is where the--where the neck  
15 that has no hair and the neck that does have hair meet.  
16 So, just above that and here it is approximately an inch  
17 to two. There is this round hole in the scalp with an  
18 abrasion on the skin or scalp just outside of the--

19 Q Do you have an opinion as to how far the gun that killed  
20 Jane Mixer was from her head?

21 A Yes.

22 Q When the shots were fired?

23 A I do. This gunshot is characteristic of a contact range  
24 gunshot which is to say the muzzle of the firing weapon

1        was held up against the entry wound that we now see when  
2        fired.

3    Q    And how do you conclude that?

4    A    I conclude that because of this external scalp abrasion or  
5        rubbing of the skin away which is a feature both of  
6        movement of the suddenly change--moving weapon upon firing  
7        as well as the heat generated in the barrel at the time it  
8        is fired. There is no other indication that the bullet  
9        was delivered from a distance. There's no powder on the  
10       outside of the wound; rather powder was described as being  
11       inside the wound as well as fragments of lead.

12   Q    The other gunshot wound--were there any pictures of that  
13        wound?

14   A    I never saw any pictures of the other wound and I believe  
15        I've been shown all pictures that are available. However,  
16        I base my conclusion that they are both contact wounds by  
17        a statement Dr. Hendricks made saying that the external  
18        appearance of the two entrance wounds was identical.

19   Q    Now, I believe Dr. Hendricks wrote in his report that he  
20        felt that the gun was some distance away from Jane Mixer  
21        when the shot was fired?

22   A    He did interpret it that way, yes.

23   Q    Do you agree with him?

24   A    No, obviously I don't.

25   Q    Why not?

1 A I don't for the reason that I have enough experience I  
2 believe to--in fact I'm sure to be conclusive about this.  
3 There is no evidence of a distance gunshot wound. A  
4 distant gunshot wound would either leave powder on the  
5 external surface or if delivered from far enough away such  
6 as gained a couple of feet, would not have the abrasion  
7 collar - that little loop or circle on the scalp around  
8 the entrance wound. Even in this photograph where the  
9 hair is parted but not shaved, still it is evident that  
10 this is a contact gunshot wound.

11 Q The darkening of the eyelids that you described for us  
12 earlier, is that consistent or inconsistent with your  
13 opinion?

14 A It is consistent as I indicate--it is a shock effect. The  
15 orbital roofs or plates--the top of the eye socket is very  
16 thin boned. It has the diameter of the tissue paper  
17 although it is still a bone. But, if fractures very  
18 easily and it does so when the skull is suddenly impacted.  
19 In a low-caliber weapon there is still recoil of the  
20 weapon upon firing it and when held up against the skull,  
21 that re-coul will suddenly jar the skull and will cause  
22 fracturing--cracking occasionally in the orbital plates.  
23 Both were fractured according to the description  
24 internally in the skull and both were probably the result  
25 of this very gunshot - the one in the back of the head.



1 Q In your opinion the other gunshot wound was also a contact  
2 wound?

3 A It was also although its destruction of the brain tissue  
4 was far worse than this one.

5 Q Now, you have indicated that based on the direction of the  
6 blood flow you believe that Jane was upright--that her  
7 head was upright when she was shot and then her head went  
8 forward causing the flow direction to change?

9 A Correct.

10 Q Did you find any indication that she had fallen forward  
11 onto a surface?

12 A If you mean by that some other injury, some other mark on  
13 the body that would be interpreted that way or could be I  
14 would say no. I found no other injury other than those I  
15 mentioned.

16 Q You indicated also that there was a ligature around her  
17 neck?

18 A Yes there was.

19 Q Stocking?

20 A It was described as a silk stocking by Dr. Hendricks. It  
21 was wrapped twice around her neck and knotted tightly  
22 underneath the angle of the jaw on the right side.

23 Q Can you describe what we're seeing here, doctor?

24 A This is the ligature. You can see, first of all, then  
25 lead marks in the face - this being the point of the chin,

1 the central chin. This is the right ear. So, we're  
2 looking at the ride side of the face and we see here this  
3 stocking material. It was drawn tightly and that's what  
4 happens when you pull it tightly it narrows down to the  
5 width of a rope and it is knotted here very firmly with a  
6 depression of the skin as a result. For instance, drawing  
7 of the skin is accentuated by this vertical line - this  
8 crease on the right side of the neck.

9 Q If I may have just a moment, Your Honor.

10 Dr. Cassin, you've indicated that you believe the  
11 ligature was placed on Jane's neck post-mortem?

12 A I do.

13 Q And, how is it that you draw that conclusion?

14 A I say that because in itself one might conclude that if  
15 this were the only thing found on this body, it would be  
16 enough to cause her death. It is drawn tightly, it is  
17 placed properly to obstruct blood flow to the brain which  
18 is the way you garret somebody or strangle with a ligature  
19 and it is fixed permanently to tell us how firmly it was  
20 applied to the neck as well as being wound twice around  
21 the next. So, we have a pretty good idea of the force  
22 applied and it was maintained this way by the knot. It  
23 would have produced death. On the other hand, the  
24 description of injury on this body and the photographs  
25 themselves do not reveal the more subtle findings that are

1 associated with asphyxia death - the busting of blood  
2 vessels in the eyelids or the membranes inside the eyes as  
3 well as the change in color of the head and face that  
4 would occur dramatically in a person who was strangled  
5 without any other serious proceeding injury. Also, the  
6 wounds of the head that are delivered by gunshot are  
7 sufficiently reactive to have indicated that blood was  
8 probably flowing at the time that the gunshots were  
9 delivered to her head. And one further thing is that the  
10 description of the lungs after death is consistent with  
11 somebody with a severe head injury as opposed to somebody  
12 who had been strangled. So, for those reasons I conclude  
13 that the application of the ligature around the neck is  
14 one that happened when she was virtually dead or  
15 completely lifeless.

16 Q Doctor, this picture shows Jane with the ligature having  
17 been removed. Can you describe what we see in this  
18 picture?

19 A Here we see the ligature mark - the compression of the  
20 skin underneath this. The reason you see a line here and a  
21 line above it a little deeper is that, you remember I said  
22 that it was described as being wound twice around the  
23 neck. So, that is two wraps around the neck. This little  
24 folding right in here that spans the two lines is where  
25 the skin was drawn together and pinched and it was

1 produced by the knot. You see in this photograph a  
2 relaxation of the right side of the neck that I mentioned  
3 before. That is what happens when the skin is released  
4 and it has the normal contour of a normal neck as opposed  
5 to a drawn skin. This furlough here is linear, relatively  
6 straight and shows some pinching of skin. It is important  
7 to comment here that this furlough is without other  
8 injury. It does not have any other abrasions or scrapes  
9 in the skin. Either inside the furlough or outside the  
10 furlough indicating to me that there was no movement of it  
11 that it was significant at all. That the assault occurred  
12 on a relatively lifeless body who was not resisting such  
13 of an application as a ligature which is most often found.

14 Q Dr. Cassin, the fact that there does not appear to be any  
15 bruising present, is that significant in your opinion as  
16 to whether or not the ligature was applied post-mortem or  
17 not?

18 A Yes, as I indicated bruising would be a sign that there  
19 was rubbing of the ligature as it was being applied to the  
20 skin. Both because of a subtle change in position by both  
21 assailant and victim. Perhaps as a result even of  
22 resistance to the application such as ligature without of  
23 course any other serious injury allowing such behavior.  
24 No injury is also explained by the fact that in many  
25 ligature strangulation's as well as manual strangulation's

1 with a hand, there are often other marks such as with  
2 fingernails or other debris in the area that might scrape  
3 the area in the process of applying and firming up the  
4 ligature.

5 Q Dr. Cassin here again we see the other side of Jane's face  
6 with the ligature removed, can you describe for us what we  
7 are seeing here?

8 A Here we see the indications of blood trails from the  
9 gunshot wound up in the hairline here as we talked about  
10 before. They end approximately in this area. Sure her  
11 body was clothed pretty completely because of the weather  
12 right up to her face. Her body was also found with  
13 clothing lying on top of it as well as her arms - her left  
14 arm particularly lying across her face. Here we see a  
15 dark ligature mark. This is the left side of the neck.  
16 It runs here and here. Again, the two paths associated  
17 with a double wrap around the neck. This darkened area  
18 within the furlough is most likely an artifact of  
19 photography - film--photography done on film often shows  
20 more contrast and especially when it is printed several  
21 times or when prints are re-printed and that--the quality  
22 of this photograph is typical of that. It's been  
23 reprinted a number of times over the years and so it  
24 excentuates more the dark areas. If you look at the  
25 autopsy table here you would see in a fresh photograph

1           very clear markings. Here they have kind of faded into  
2           the darkness of what we call contrast in printing.

3                       MR. HILLER: Dr. Cassin, I don't believe I have  
4           any further questions for you. Mr. Gabry might have some  
5           questions for you.

6                       THE COURT: Cross-examination?

7                       MR. GABRY: Thank you, Your Honor.

8                               CROSS EXAMINATION

9 BY MR. GABRY:

10 Q     Dr. Cassin, since we have that photograph up there I just  
11     want to verify, in the photograph when you were referring  
12     earlier to the impact causing the darkening of the eyes--

13 A     Yes.

14 Q     That's not--forgive me, but that's not blue eye shadow?

15 A     No. That would be more evident perhaps in another  
16     photograph that we also saw and that was a front  
17     photograph that showed both eyelids. Actually, the eyelid  
18     on the left which we see depicted here has a much darker  
19     area than on the right. But, even with that eye shadow  
20     does not look like this. It's powdery or pasty, which is  
21     evident under my magnifying glass, which I did apply to  
22     these photographs and that is not the case. This is  
23     typical of blood that collects behind the eyelid.

24 Q     Okay, I'm not saying that the blood didn't collect or  
25     anything like that. I just want to make sure that when

1 the jurors actually see the photographs that it's not that  
2 condition that you've described with make-up on top of it  
3 and it's your opinion that it is not.

4 A It is my opinion. I do not detect make-up on this lady  
5 with one possible exception and there was some powder on  
6 her cheeks.

7 Q Okay. (INAUDIBLE) The autopsy report or protocol that you  
8 reviewed as a medical examiner when one actually performs  
9 the autopsy those notes are kept and then documented in  
10 the form of a protocol, correct?

11 A That is the usual procedure, yes.

12 Q And then that protocol is kept with the medical examiner's  
13 office?

14 A That's correct.

15 Q And--

16 A That is the place that it's supposed to by law be filed.

17 Q And today we see it here as a business record in essence  
18 that you've reviewed?

19 A That's correct.

20 Q Okay.

21 In that business record on the last, I believe it's  
22 the second to the last page, right above--well, there's  
23 two pages towards the end that have Dr. Hendricks' type  
24 name. This one has two paragraph's and the last sentence

1        says, "police officer's present. Commented that they had  
2        re-adjusted the clothing to some extent."

3        A        I read that yes.

4        Q        Okay.

5                Now, again has there been anything in the study of  
6        forensic medicine that has changed your opinion versus Dr.  
7        Hendrick's opinion as to the close nature of the gunshot  
8        wound?

9        A        I don't think so. If I understand your question.

10       Q       Well--

11       A       In other words, has the science of forensics' changed  
12       since that time to have allowed me to say something that I  
13       said that was different from him?

14       Q       Right, the basis upon which you make your opinion was in  
15       place and in same type of evidence that Dr. Hendricks  
16       would have looked for?

17       A       Well, I was using the evidence that he presented as well  
18       as the evidence presented to me in photographs. The  
19       science I don't believe of interpreting gunshot wounds at  
20       least at this level has changed in those intervening  
21       years.

22       Q       That's---that was my point. And, in fact Dr. Hendricks has  
23       the additional ability and you have to rely on his report  
24       for the actual internal examination of the bullet path and  
25       the direction that it proceeded in, correct?



1 A Indeed. I read that in his report. Yes.

2 Q And, that examination as it indicates in the report  
3 included some metal fragments but there is no indication  
4 in the report that there was the finding of any gunshot  
5 residue either outside at the entry point or is it noted  
6 as being in the wound track itself, correct?

7 A That is correct. There is no powder residue described as  
8 being found outside the wound track. But, it is being--it  
9 is noted as being inside.

10 Q Are you in a position, Doctor, to determine from the  
11 material you've had a chance to review and the photographs  
12 as to which gunshot wound occurred first?

13 A I am not with certainty, but recall please that I did say  
14 that her head most likely changed positions between the  
15 time of reception of the gunshot wound in the forehead and  
16 subsequently which leads me to believe that she was not  
17 seriously injured. Perhaps not injured at all at the time  
18 she received the left forehead gunshot wound. So, I would  
19 conclude with some reservation but not a lot that that  
20 might be very well interpreted as the first entry.

21 Q Which then is the result of her head falling down changes  
22 the placement of the gun and then we have a different  
23 directional wound track, is that correct?

24 A We have a wound track--no, the wound track itself doesn't  
25 change but the blood trail changes on the face.

1 Q I was talking about now the second shot.

2 A Okay, the second shot enters the back of the head but only  
3 goes in about an inch. It does not go very far and so  
4 it's impossible to interpret a direction from the notes  
5 made.

6 Q I'm not trying to belabor a point here but I want to make  
7 sure I understand that second shot came from the back?

8 A It did.

9 Q of the head? And did it travel from left to right or stay  
10 more or less within the left quadrant?

11 A It entered the scalp and skull and went into the brain but  
12 only about an inch or less before it was lost. In other  
13 words, a direction cannot be determined from the  
14 description of the wound track. Probably because the  
15 bullet itself fragmented as it did in the other one and  
16 disintegrated enough. The reason for that again is that  
17 the skull is thicker in the back than it is in the front  
18 and probably contributes to that fragmentation.

19 Q That would be more of a force there because we have a  
20 heavier bony structure?

21 A Yes, the thickness of the back of the skull--the increased  
22 thickness would contribute to the loss of energy of the  
23 bullet.

1 Q Dr. Hendricks is also obviously accompanied by a number of  
2 police officers that are listed in that autopsy report  
3 that were there, correct?

4 A That's correct.

5 Q So, in addition while you've indicated that you've had an  
6 opportunity to review some pages of the police report, he  
7 had the benefit of talking to all of the officers or at  
8 least those that came to the autopsy?

9 A Presumably they were speaking to each other and so he did  
10 have that benefit anyway.

11 Q And, it's not unusual even now to receive some form of a  
12 history from law enforcement prior to conducting the  
13 autopsy?

14 A It is common, yes.

15 Q Dr. Hendricks gives some conjecture to the thought that  
16 the ligature may have been placed as a result of the  
17 perpetrator not believing the wounds to be fatal. Do you  
18 recall that?

19 A I do.

20 Q Is that a possibility?

21 A It is a possibility. I was asked before and I answered  
22 positively the question of how soon did she lose  
23 consciousness and I indicated virtually immediately. But,  
24 loss of consciousness does not change vital signs, blood  
25 flow, perhaps some seizure activity and therefore death is

1       delayed by several minutes. So, there may have been some  
2       life signs in the unconscious body.

3   Q     That autopsy report also indicates I believe that the body  
4       was in full rigger at the time the autopsy was conducted?

5   A     It does.

6   Q     Now, riggermortus means what to the jury?

7   A     Riggermortus is the rigidity that occurs in skeletal  
8       muscle, which is those muscles that move all of our limbs  
9       in the positions of our body. It's a rigidity that occurs  
10      after sometime depending on environmental conditions and  
11      the eventually goes away after some time when  
12      decomposition begins to set in.

13   Q     Are there any guidelines as to the length of time before  
14      riggers sets in?

15   A     There are some guidelines but they are related as I  
16      indicated to environmental conditions because they are  
17      virtually entirely related to that. That's the reason we  
18      for instance refrigerator our food so as to keep bacterial  
19      decomposition and activity down and so we refrigerate  
20      bodies that are dead so as to preserve changes that are  
21      close to the time of the discovery of the body. There are  
22      rules of thumb that can be used but they all have to  
23      relate to the environmental conditions, which by the way I  
24      do not know very well except by what we might all assume  
25      from common sense, the calendar and so on - knowing that

1 it was night time, knowing that it was in March because I  
2 don't remember reading that there was an environmental  
3 temperature made.

4 Q Okay.

5 Doctor, the jury has heard testimony of a police  
6 witness who documented in his report that the temperature  
7 was above freezing and again, the jury's heard it - my  
8 recollection without taking the time to dig it up is that  
9 it was around 35 degrees Fahrenheit. I think the jury's  
10 also heard testimony that the body remained outside until  
11 such time it was directed right to the University of  
12 Michigan for the autopsy. So, no storage overnight or  
13 refrigeration. Dr. Hendricks also indicated in his  
14 autopsy that a rectal temperature was taken which I  
15 believe was 65?

16 A Right.

17 Q Under those conditions, are you able to approximate  
18 anything about the time of the fatal wounds being  
19 inflicted and how much time it would be for rigger to set  
20 in, in a young lady Ms. Mixer's size and weight?

21 A Rigger would set in over the course of several hours. It  
22 may--it be anywhere from subtle changes of rigger will  
23 occur within an hour or two. General rigidity of the body  
24 will not occur for perhaps 12 to more hours - 12 to 15  
25 hours.

1 Q Other than then working back within that ballpark from the  
2 time we've heard the autopsy was conducted that afternoon,  
3 is there any other material that you've been provided or  
4 had an opportunity to review that in conjunction with your  
5 opinion enables you to give an approximate time of death  
6 of Ms. Mixer?

7 A The only other time we haven't mentioned, though it is in  
8 the record is that her body was found at approximately 8  
9 a.m.

10 Q 7:30?

11 A Okay, and the--I'm telling you the things that I've read--

12 MR. GABRY: I'm sorry.

13 THE WITNESS: And then her autopsy time is  
14 reported as 3:30 p.m. She was last seen alive or known to  
15 be live again according to the documents I saw, somewhat a  
16 few minutes after 6 p.m. on March 20<sup>th</sup>. So, death obviously  
17 occurred between 6:15 p.m. on the 20<sup>th</sup> and 8 or 7:30 a.m. I  
18 can't get too much more specific than that but my  
19 inclination is to believe that it would of occurred  
20 approximately midway or even between those two times or  
21 even closer to the time she was last known to be alive.

22 BY MR. GABRY:

23 Q Closer to the 6:30?

24 A Right and I'm saying that because the rectal temperature  
25 which I believe and have to believe at 65 degrees is a far

1 drop--more than 30 degrees drop from normal and even at 35  
2 degree ambient temperature that's a lot. So, I believe  
3 her body was out there for some hours - maybe as many as  
4 10 hours or so before discovery.

5 MR. GABRY: Okay. Thank you, Your Honor.

6 THE COURT: Anything further?

7 RE-DIRECT EXAMINATION

8 BY MR. HILLER:

9 Q Ten hours before discovery?

10 A Yes, discovery being at in the morning of--7:30 or 8:00 in  
11 the morning of March 21<sup>st</sup>.

12 Q How precise can you be about that?

13 A Not at all because you have told me or I have heard today  
14 that her body was maintained out there. However, at the  
15 scene that Dr. Hendricks reports, the temp--the rectal  
16 temperature was 65 degrees. What he doesn't report is at  
17 what time that temperature was made which introduces a  
18 variable in my opinion. I can't be very precise.

19 Q Does he indicate who took the temperature?

20 A No.

21 Q So, 10 hours from 7:30 would be 9:30 p.m.?

22 A Yes.

23 Q Could it have been as early as 8:30?

24 A Sure.

25 Q Could it have been as late as 10:30?

1 A Sure.

2 Q Midnight?

3 A Yes.

4 Q 2 a.m.?

5 A If it were 2 a.m. I would say that either the temp--the  
6 rectal temperature is incorrect or it is done some time--  
7 several hours following discovery of the body.

8 Q If it were done several hours following the discovery of  
9 the body, would that then move the possible time of her  
10 death forward in your opinion?

11 A It would widen the range of estimation which of course  
12 would move it into March 21<sup>st</sup> easily.

13 Q So, if it were done--if the temperature was taken at--  
14 well, say early to mid-afternoon, that would move the  
15 range into March 21<sup>st</sup>?

16 A Oh yes.

17 Q And the later the temperature was taken I assume the  
18 further into March 21<sup>st</sup> that range moves?

19 A That's correct.

20 Q Mr. Gabry asked you about the blue tint to her eyes and  
21 Your Honor, could we have the lights down one more time?  
22 You've indicated that it was easier to see on the front  
23 photograph that we have. Is this the photograph you're  
24 referring to?



1 A Yes that's a good photograph. It may not be the only one  
2 I saw but it does show not only the tint in both upper  
3 eyelids, not lower eyelids but upper eyelids and it still  
4 gives you I think if you look carefully enough an  
5 impression of difference, it being more prominent on the  
6 side of injury than on the opposite side.

7 MR. HILLER: Thank you, Dr. Cassin. I don't have  
8 any further questions for you.

9 THE COURT: Anything further, Mr. Gabry?

10 RE-CROSS EXAMINATION

11 BY MR. GABRY:

12 Q Let me just inquire, Doctor, in your experience are rectal  
13 temperatures taken out at a crime scene or location where  
14 a body is found?

15 A Well, they are in some cases. All investigations have  
16 their own features so I would say there's virtually  
17 nothing that's absolutely standard but it is one thing  
18 that is done there to give you an idea of the range of  
19 possibility. There have been proposals and in fact  
20 studies done where temperatures are made from the center  
21 of the liver so a thermometer is plunged into the center  
22 of the liver so as to get--and this is the effort to get a  
23 core body temperature. The body cools from the outside  
24 obviously because it'd defendant upon the environmental

1 condition. But, sometimes temperatures aren't made at  
2 all.

3 Q And sometimes they're made at the autopsy?

4 A Sometimes they're made at the autopsy and a rectal  
5 temperature I might also add since you're asking me about  
6 these details, a rectal temperature is not necessarily a  
7 core body temperature. It's pretty close to the outside  
8 of the body.

9 Q Okay.

10 A It's close to the ground which was perhaps frozen on that  
11 date or partially frozen even though clothes it would  
12 still reflect or would still drop more rapidly than a core  
13 body temperature.

14 Q So, to paraphrase, really from your opinion we know from  
15 what we understood that she was last scene around 6 that  
16 evening and you're really not able to give us any gages to  
17 the time of death other than we know it was before the  
18 body found?

19 A You're going to force me to say, I don't know and that is  
20 my best answer. But, you did ask me to make an estimate I  
21 think.

22 MR. HILLER: I'm sorry, there's something that  
23 was brought up (INAUDIBLE)

24 RE-DIRECT EXAMINATION

25 BY MR. HILLER:

1 Q Doctor, would it make a difference in the cooling of the  
2 body, the rate at which the body cooled for rectal  
3 temperature purposes if the body were laying--if Jane were  
4 laying on her back and her wool jumper was pulled up and  
5 her panties and pantyhose had been pulled down low enough  
6 to expose her genitals. Would that result in the body  
7 cooling faster or slower if it were on cool ground?

8 A Anytime the skin is in direct contact with a cold surface  
9 including the air, but in this case I would believe  
10 probably a partially frozen if not completely frozen but  
11 certainly cold ground, that would enhance the cooling of  
12 the body. I point out that particular aspect from the  
13 standpoint of a rectal temperature because the rectum is  
14 close to the body versus the core of the body - it's  
15 closer than the core of the body.

16 Q And, if the body is cooling faster as a result of this,  
17 does that shorten or lengthen the window of time between  
18 discovery and death - between rigormortus and death I  
19 guess is the pertinent question.

20 A Well, we're mixing body temperature and rigormortus. We  
21 shouldn't do that. Can we ask the question in a little  
22 different way?

23 Q I'll withdraw the question and just go back to my original  
24 thought which was--does the window of time, the window of  
25 estimated time of death change if the body is--if the

1       rectal temperature is falling faster because of the body  
2       being in contact with cold ground?

3   A    Theoretically it does. But, it's difficult for me to be  
4       anymore precise than a varied wide range of time.

5   Q    All right. Last question I hope. If someone were to have  
6       reported speaking with Jane Mixer as late as - shortly  
7       before 10:00 in the evening. Is there anything based upon  
8       your examination of the records what you know about this  
9       case that would cause you to conclude that that was  
10      incorrect?

11   A    No. I still believe that what we have here in the  
12       documents that I've reviewed would still permit death to  
13       have occurred subsequent to that time.

14               MR. HILLER: Thank you. I have no further  
15       questions.

16               THE COURT: Further questions, Mr. Gabry?

17               MR. GABRY: No, Your Honor.

18               THE COURT: All right. Thank you, you may step  
19       down. You're excused.

20               THE WITNESS: Thank you.

21               (At 11:39 a.m., witness excused)

22               MR. HILLER: Recall Don Bennett, Your Honor.

23               THE COURT: Sir, come back in here and resume the  
24       stand. You previously taken oath. I remind you you're  
25       still under oath.

1 THE WITNESS: Thank you.

2 THE COURT: Please continue Mr. Hiller.

3 MR. HILLER: Thank you, Your Honor

4 RECALL DON BENNETT

5 (At 11:40 a.m., witness resumes the stand)

6 CONTINUED DIRECT EXAMINATION

7 BY MR. HILLER:

8 Q Captain Bennett, before we interrupted your testimony, I  
9 believe we were talking with, we had just spoken about  
10 your attending the autopsy and I want to go back to the  
11 crime scene for just a moment if you may. Do you recall  
12 whether or not--do you recall the rectal temperature of  
13 the victim being taken at the crime scene?

14 A I don't recall that.

15 Q Is that something that your crew ever did?

16 A No.

17 Q Other than your--the crime lab people while you were  
18 there, did anyone else touch the body?

19 A I think a medical examiner from possibly Wayne County was  
20 there and would have.

21 Q Do you recall about what time that person was there?

22 A My best recall would be around noon.

23 Q Do you know if he checked the rectal temperature of the  
24 body?

25 A I don't know.

1 Q All right. Now, the purpose of you going to the autopsy  
2 is what?

3 A To collect evidence, to view the body before and after the  
4 autopsy, to assist the pathologist with whatever we could.

5 Q And perhaps I've asked you this already and I apologize if  
6 that's the case but did you remain in the autopsy room  
7 during the entire procedure?

8 A Yes.

9 Q How would you interact with Dr. Hendricks in terms of  
10 collecting evidence and--

11 A Well, we would be--we would have told him we were  
12 interested in retrieving bullet fragments, anything that  
13 would lead for a further identification we would be  
14 interested in. Be it blood spots or fragments or articles  
15 of clothing that may have had an impact on her death.

16 Q And did you do that in this case?

17 A Yes we did.

18 Q When you would collect evidence at the autopsy, when you  
19 collected evidence at this autopsy, what procedure did you  
20 follow?

21 A Well, I would have put on a pair of rubber gloves and as  
22 evidence was taken from the body like as it was undressed  
23 we would either remove the garments or cut them as you  
24 would have to and then they would be dropped into a  
25 plastic bag held by one of our lab folks, marked, secured

1 and as each individual piece of clothing as it was removed  
2 would have been collected in that fashion.

3 Q Once you were done collecting the evidence, putting it in  
4 the bags, marking it, once the autopsy procedure was  
5 finished, what then would you do with the evidence that  
6 you had collected?

7 A All the small bags would have been put into a large  
8 evidence bag which would be--maybe 40 inches high and 25  
9 inches diameter, big enough to hold articles marked and  
10 then that would be used--put in our van and taken back to  
11 our laboratory.

12 Q I'd like to show you some articles that we have there.  
13 Let me ask you if you recognize them as things that were  
14 collected during the autopsy. Let me give you some  
15 gloves. Captain Bennett, you indicated earlier this  
16 morning that you and your crew did not collect anything at  
17 the crime scene. Did you have an occasion to refresh your  
18 recollection about that?

19 A Yes, I reviewed my lab crime scene report and see that we  
20 did collect certain articles at the scene.

21 Q What articles did you collect at the crime scene, Captain  
22 Bennett?

23 A The blue silk scarf that was on her legs. The  
24 white/yellow towel that were on her legs. The cloth gray

1 wool coat and the plastercast of the heel impression taken  
2 at the entrance to the lab--the cemetery.

3 Q Captain Bennett let me show you what's been marked as  
4 People's proposed exhibit number 23. Take a moment to  
5 examine that.

6 THE COURT: Question?

7 BY MR. HILLER:

8 Q Did you examine that?

9 A This is the blue cloth coat that was removed from the body  
10 of the victim.

11 Q Can you--that was removed from Jane Mixer's body on March  
12 21' 1969?

13 A Yes.

14 MR. HILLER: Your Honor, I'd move for the  
15 admission of People's exhibit 23?

16 THE COURT: Any objection?

17 MR. GABRY: Your Honor, all I--did you see a  
18 marking? Did you place a marking on that coat?

19 THE WITNESS: I looked for a marking, counselor  
20 and I did not see a marking. I see other markings from  
21 other laboratory personnel. I'm looking for the  
22 laboratory number that would have been put on this garment  
23 and I don't see it.

24 MR. GABRY: All right. May I voir dire then  
25 briefly, Your Honor?



1 VOIR DIRE

2 BY MR. GABRY:

3 Q I'm assuming you've seen a lot of wool coats and cloth  
4 coats in your time with the lab?

5 A Yes I have.

6 Q Do you recall back in 1969 if you actually collected the  
7 coat?

8 A It would--no.

9 Q Who would have?

10 A It would have been collected by one of the people from our  
11 crime crew because it was turned over to the Department of  
12 Public Health by us.

13 Q So, it wouldn't have been--at some point in time I thought  
14 you mentioned the senior person does the collection?

15 A Right.

16 Q You didn't in this case?

17 A I don't remember.

18 Q Then for purposes of the record, what about that coat do  
19 you note that allows you to identify it as being the one  
20 taken by your crew that morning?

21 A Well, there are brass buttons on it. I remembered that.  
22 And without finding my laboratory mark on it, I can't say  
23 anymore than that.

24 MR. GABRY: Then Your Honor, we'd object and  
25 allow the Court to rule.

1 MR. HILLER: Can I approach the witness?

2 BY MR. HILLER: .

3 Q Captain Bennett, have you had a chance to inspect the coat

4 further?

5 A Yes I have.

6 Q And do you find anything?

7 A Down in the corner of the lining which is dark colored

8 there are the laboratory number 728-69 in a black marker

9 which I did not see in my first review.

10 Q Do you recognize that as your mark in this coat?

11 A Yes I do.

12 Q Is that the coat that was collected from Jane Mixer's body

13 on March 21, 1969?

14 A Yes.

15 MR. HILLER: Your Honor, I'd re-new my motion.

16 MR. GABRY: No objection, Your Honor.

17 THE COURT: Admitted as 23.

18 (At 11:52 a.m., People's exhibit 23 admitted)

19 BY MR. HILLER:

20 Q Can you indicate in this photograph where that coat is

21 down?

22 A Well it's right above her knees going up to her waste

23 which is the outer garment here.

24 Q Did you also collect the--did you also collect the towel

25 at the scene?

1 A Yes.

2 Q Let me show you what's been marked as People's proposed

3 exhibit 31. If you can inspect that please and tell me if

4 that--well, go ahead and open the package if you need to.

5 THE COURT: Number again Mr. Hiller?

6 MR. HILLER: Pardon me?

7 THE COURT: Number.

8 MR. HILLER: That is number 31.

9 THE COURT: 31.

10 THE WITNESS: I recognize it.

11 BY MR. HILLER:

12 Q And what is that?

13 A It's a blue and white towel identified by the laboratory

14 number 728-69.

15 Q Is it blue?

16 A I'm not color blind. I'm sorry. Yellow and white towel.

17 Q Was this connected with the crime scene of Jane Mixer

18 (INAUDIBLE)?

19 A Yes it was.

20 MR. HILLER: Your Honor, I'd move for the

21 admission of People's exhibit 31.

22 THE COURT: Any objection?

23 MR. GABRY: No, Your Honor.

24 THE COURT: Admitted.

25 (At 11:58 a.m., People's exhibit 25 admitted)

1 BY MR. HILLER:

2 Q Did you also collect a blue scarf at the scene?

3 A Yes.

4 Q Let me show you what's been parked as People's proposed  
5 exhibit 25.

6 A I identify this scarf as the same one taken from the  
7 scene. It's identified with the lab number 728-69.

8 Q That was the blue scarf shown in this photograph?

9 A Yes. Right on top of her legs.

10 Q Here?

11 A Correct.

12 Q And what's this article?

13 A Underneath it is the yellow towel.

14 Q The towel that we just saw?

15 A Yes.

16 Your Honor, I'd move for the admission of  
17 People's exhibit 25.

18 MR. GABRY: No objection, Your Honor.

19 THE COURT: 25 is admitted.

20 (At 11:58 a.m., People's exhibit 25 admitted)

21 BY MR. HILLER:

22 Q Now, you went to the autopsy and collected some additional  
23 evidence?

24 A Yes we did.

1 Q Is that correct? Let me show you what's been marked as  
2 People's proposed exhibit 24. Can you examine that and  
3 tell me if you recognize that?

4 A Yes, it's the gray colored jumper that was taken from the  
5 body and it's identified with lab number 728-69.

6 MR. HILLER: Your Honor, I'd move for the  
7 admission of People's exhibit 24.

8 THE COURT: Any objection?

9 MR. GABRY: Before I respond can I ask when you  
10 indicate the lab number, is there any initials associated  
11 with that lab number?

12 THE WITNESS: No, just the lab number, which is  
13 specific to all evidence on this case.

14 MR. GABRY: So, no individual seizing officer  
15 initials?

16 THE WITNESS: No.

17 MR. GABRY: No objection in light of--

18 THE COURT: 24 is admitted.

19 (At 12:00 noon People's exhibit 24 admitted)

20 BY MR. HILLER:

21 Q Captain Bennett, that was also in the bag with. I've  
22 handed you a small pin marked People's proposed exhibit  
23 24a. Do you recognize that?

1 A I recognize it as being the same type of pin that was on  
2 this jumper at the autopsy but I do not see my lab number  
3 on it?

4 Q Do you recall of when you collected that evidence whether  
5 you removed the pin from it at that time or did you seize  
6 it as all as one piece?

7 A It was all seized as one piece. It was attached to the  
8 garment.

9 Q Do you see any differences between the pin that was on the  
10 garment at that time and what you have now?

11 A I don't recall any differences.

12 MR. HILLER: Your Honor, I'd move for the  
13 admission of People's 24a.

14 MR. GABRY: No objection, Your Honor.

15 THE COURT: 24a is admitted.

16 (At 12:01 p.m., People's exhibit 24a admitted)

17 BY MR. HILLER:

18 Q Let me show you what's been marked as People's proposed  
19 exhibit 26. Let me ask you if you recognize that.

20 A This was a blue headband that was taken from the head of  
21 the victim identified with the same lab number 728-69.

22 MR. HILLER: Your Honor, I'd move for the  
23 admission of People's exhibit 26.

24 MR. GABRY: No objection, Your Honor.

25 THE COURT: 26 is admitted.

1 (At 12:02 p.m., People's exhibit 26 admitted)

2 BY MR. HILLER:

3 Q This has been marked at People's proposed exhibit 27.

4 A This is a blue turtleneck shirt, garment taken from the  
5 body identified with lab number 728-69.

6 Q And there are various markings and cuttings removed from  
7 it?

8 A That has to have been done sense. It was intact when we  
9 removed it.

10 MR. HILLER: Your Honor, we move to the admission  
11 of People's exhibit 27.

12 THE COURT: Any objections?

13 MR. GABRY: Your Honor, I would understand that  
14 with the evidence that ultimately went to the lab would be  
15 time that chain up, subject to the chain being tied I have  
16 no objection.

17 THE COURT: Well, he's identified it with his  
18 number. I'm going to admit it as it is. 27 is admitted.

19 (At 12:04 p.m., People's exhibit 27 admitted)

20 BY MR. HILLER:

21 Q Let me show you People's proposed exhibit 28.

22 A This is a yellow, what I would call a half-slip and I  
23 identify it as yellow flowered. I identified the lab  
24 number 728-69 as being removed from the victims body.

25 Q People's proposed exhibit 29.

1 A This is a pair of yellow flowered panties that I've  
2 removed from the victim. Lab number 728-69 is how I would  
3 identify it.

4 MR. HILLER: Your Honor I'd move for the  
5 admission of 29.

6 MR. GABRY: No objection, Your Honor.

7 THE COURT: You did not move 28, did you intent  
8 to?

9 MR. HILLER: Yes.

10 THE COURT: Any objection to 28?

11 MR. GABRY: No, Your Honor.

12 THE COURT: Admitted as well.

13 (At 12:06 p.m., People's exhibits 28 & 29  
14 admitted)

15 BY MR. HILLER:

16 Q I'm sorry, Your Honor sometimes these tags fall off.  
17 People's proposed exhibit 30.

18 A The matching yellow flowered brassiere taken from the  
19 body, identified with my lab number 728-69.

20 MR. HILLER: Your Honor, I'd move for the  
21 admission of People's exhibit 30.

22 MR. GABRY: No objection, Your Honor.

23 THE COURT: Admitted.

24 (At 12:08 p.m., People's exhibit 30 admitted)

25 BY MR. HILLER:



1 Q Captain Bennett I'm going to show you a sealed envelope  
2 marked as 32a. And I'm going to ask you to open it and  
3 see if you recognize the contents.

4 A It's contained within the package is a pair of ladies  
5 pantyhose, brown--brownish colored - removed from the  
6 body, identified with the lab number 728-69.

7 Q Are these the pantyhose that were removed from Jane  
8 Mixer's body?

9 A Yes they are.

10 MR. HILLER: Your Honor, I'd move for the  
11 admission of People's exhibit 32.

12 THE COURT: Any objection?

13 MR. GABRY: No, Your Honor.

14 THE COURT: 32 is admitted.

15 (At 12:10 p.m., People's exhibit 32 admitted)

16 THE COURT: Pantyhose.

17 BY MR. HILLER

18 Q Captain Bennett, I'm now going to show you what's marked  
19 People's exhibit 33b. Open it cutting along this edge  
20 please.

21 MR. GABRY: B like in bullet? B?

22 BY MR. HILLER:

23 Q Now, when the ligature was removed from Jane Mixer's neck,  
24 did you do that or did Dr. Hendricks do that in the  
25 autopsy?

3

1 A Dr. Hendricks cut it off and handed it to me.

2 Q And, how many pieces did it get cut into?

3 A It was cut as far as I know it was cut into one piece. He  
4 cut the ligat--he cut it just beyond where the stocking  
5 was tied so when it was cut it fell off but it all came in  
6 one piece.

7 Q First of all, the plastic bag is marked People's exhibit  
8 33. Do you recognize your mark on that?

9 A Yes, my mark 728-69 is on the plastic bag.

10 Q All right and please open the envelope inside which are  
11 marked 32a, b, c and d. (sic)

12 THE COURT: 33?

13 MR. HILLER: 33a, b, c, d. Now, if you would  
14 please starting with 33a, open those and inspect the  
15 contents please.

16 THE WITNESS: People's proposed exhibit 33a  
17 contains a fragment of hosiery that's been cut. It's been  
18 identified with someone else's laboratory number.

19 BY MR. HILLER:

20 Q Do you recognize the writing on that laboratory slip?

21 A It's from the Department of Public Health crime laboratory  
22 with their number and it looks like it's Walter Holz  
23 writing.

24 Q The evidence that you collected from Jane Mixer's autopsy  
25 was that eventually taken to the Public Health laboratory?

1 A Yes it was.

2 Q And to whom was it given to?

3 A It was given to Walter Holz and tagged. I have another

4 section, small section of cut fabric from pantyhose--

5 Q And that's envelope 33?

6 A That's 33b.

7 Q And 33c?

8 A 33c contains another small section of cut pantyhose.

9 Q And 33d?

10 A Also contains a cut section of pantyhose.

11 Q Do you recognize those sections of pantyhose?

12 A I recognize them as pantyhose. They're in envelope--

13 Q I'm sorry, not pantyhose but stockings.

14 A Stocking - they were--they're in envelopes that are

15 identified with a lab number of 728-69. However, I did

16 not author the document the identification on the

17 envelopes.

18 MR. HILLER: If I could have a moment, Your

19 Honor.

20 THE COURT: Yes.

21 BY MR. HILLER:

22 Q The four pieces of woman's stocking that you have in front

23 of you, is there a knot in any of them?

24 A I did not see a knot in either of these four sections.

25 Q All right.

1           Let me ask you to open that package and remove the  
2 contents. Do you recognize the writing on the outside of  
3 the envelope?

4 A   Part of the writing on the outside of the envelope says  
5 lab number 728-69, dot 22 question mark, Jane Mixer.

6 Q   Do you know who's writing that is? Do you recognize that?

7 A   I recognize the lab writing as mine.

8 Q   The lab number?

9 A   The lab number is mine.

10 Q   Would you open that and inspect the contents please? Do  
11 you recognize these vials, Captain Bennett?

12 A   Yes, these vials were obtained at the autopsy and  
13 fragments of evidence bullets removed from the head of  
14 Jane Mixer were put in these vials and sealed and my  
15 laboratory number 728-69 in my writing is on all three of  
16 them.

17 Q   Starting with People's proposed exhibit number 41, can you  
18 take out the contents please and see if you recognize  
19 those (INAUDIBLE)?

20 A   People's proposed exhibit 41 is a glass scene bag and  
21 within it are several fragments of bullet. It's  
22 identified with laboratory number 728-69 but however I did  
23 not put that on the glass scene envelope.

24 Q   Are the fragments consistent with what originally into  
25 this vile?

1 A Fragments would have been removed from the head of the  
2 victim by Dr. Hendricks and given to me and placed in this  
3 vile.

4 Q And exhibit number 42?

5 A Again, there's a portion of a lead bullet that's  
6 identified with the laboratory number, same number 728-69  
7 but not in my writing.

8 Q Is that fragment removed from Jane Mixer's head by Dr.  
9 Hendricks?

10 A Yes it was.

11 Q And 43?

12 A Same, a glass scene envelope containing a small portion of  
13 a fired bullet identified with 728-69 by other persons  
14 than myself.

15 Q Is that also removed--from the bullet removed from Jane  
16 Mixer's body during the autopsy?

17 A Yes it was.

18 MR. HILLER: Your Honor, I'd move for the  
19 admission of People's exhibit 41, 42, and 43.

20 THE COURT: Any objection?

21 MR. GABRY: Brief Voir Dire, Your Honor?

22 THE COURT: Briefly.

23 VOIR DIRE

24 BY MR. GABRY:

1 Q Captain Bennett, are there any other markings to  
2 differentiate like whether one is an F1 or and f2 or?

3 A There are on the markings in ink with the lab number and  
4 the initials RP. On People's proposed exhibit 41 it says,  
5 F3 with an arrow to F6.

6 MR. GABRY: Okay.

7 THE WITNESS: People's proposed exhibit 42, same  
8 lab number, initial RP, it says, F2.

9 MR. GABRY: Thank you.

10 THE WITNESS: People proposed exhibit 43, same  
11 lab number, RP, F1.

12 MR. GABRY: Thank you. No objection, Your Honor.

13 THE COURT: Prosecutions exhibits 41, 42 and 43  
14 are admitted. We're going to break at this time. Mr.  
15 Bennett would you step down, sir? We're going to take our  
16 lunch break, ladies and gentleman. As I indicated to you,  
17 you will have a long lunch break. I have some other  
18 matters I need to take up at 1:30. I'm going to ask you  
19 to return here at 2:30 and we will resume as soon after  
20 that as we can. Remember my instructions. You're free to  
21 go where you'd like for lunch. The coffee shop has  
22 excellent food but probably not a good idea for you to go  
23 there given my instructions about not having any contact  
24 with any of the participants but in any event, while  
25 you're not in the jury room, don't stand in the hallways

1 or whatever. Just either be in the jury room or out of the  
2 building. All right? You're excused until 2:30. Please  
3 go with Ms. Washington.

4 JUDICIAL ATTORNEY: All rise, please.

5 (At 12:24 p.m., court in recess)  
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1 STATE OF MICHIGAN )

2 COUNTY OF WASHTENAW )

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5 I certify that this transcript, consisting of 127 pages,  
6 is a complete, true and correct transcript to the best of  
7 my ability, of the proceedings held in this case on  
8 Wednesday, July 13, 2005, before the Honorable Donald E.  
9 Shelton, Circuit Court Judge.

10

11 Dated: March 1, 2006

12

13 Katherine Tait  
Katherine Tait (CER 7308)

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