

1 PHOENIX, ARIZONA
2 AUGUST 3, 1992
3
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5
6

7 (THE FOLLOWING PROCEEDINGS TOOK PLACE IN OPEN
8 COURT:)
9

10 THE COURT: THE RECORD WILL SHOW THE PRESENCE OF ALL
11 OF OUR JURORS, THE DEFENDANT, AND COUNSEL.

12 MR. LEVY, YOU MAY CALL YOUR NEXT WITNESS.

13 MR. LEVY: DR. JOHN PIAKIS.

14 THE COURT: PLEASE COME FORWARD, SIR, AND GIVE YOUR
15 NAME TO OUR CLERK.

16

17 JOHN A. PIAKIS,

18 CALLED AS A WITNESS HEREIN, HAVING BEEN FIRST DULY SWEORN,
19 WAS EXAMINED AND TESTIFIED AS FOLLOWS:

20

21 THE COURT: PLEASE HAVE A SEAT OVER HERE, SIR.

22

23 DIRECT EXAMINATION

24 BY MR. LEVY:

25 Q. PLEASE TELL THE JURY YOUR NAME.

1 A. DR. JOHN A. PIAKIS.

2 Q. AND WHAT IS YOUR OFFICE ADDRESS?

3 A. MY OFFICE ADDRESS IS 3202 EAST GREENWAY ROAD,
4 PHOENIX, ARIZONA.

5 Q. AND PLEASE TELL THE JURY YOUR EDUCATIONAL
6 BACKGROUND.

7 A. I GRADUATED FROM ST. JOHN'S UNIVERSITY, RECEIVED
8 A B.S. DEGREE IN CHEMISTRY, WENT ON TO DENTAL SCHOOL AT
9 GEORGETOWN UNIVERSITY DENTAL SCHOOL, AND GRADUATED IN 1968.

10 Q. AND DO YOU HAVE ANY PAST MILITARY SERVICE THAT
11 INVOLVES YOUR BEING A DENTAL DOCTOR?

12 A. YES. TWO YEARS, I WAS A CAPTAIN IN THE UNITED
13 STATES ARMY, AS A DENTAL OFFICER. ONE YEAR IN FORT HOOD,
14 TEXAS, AND ONE YEAR IN VIETNAM.

15 MR. LEVY: YOUR HONOR, IS THAT WHERE YOU WOULD PREFER
16 IT?

17 THE COURT: WELL, MR. JONES CAN'T SEE THE WITNESS AS
18 HE'S TESTIFYING BECAUSE OF THE EASEL.

19 MR. LEVY: I HAVE HIS CURRICULUM VITAE IF THAT WOULD
20 BE OF ANY ASSISTANCE.

21 MAY I MOVE IT BACK NOW?

22 MR. JONES: I WOULD LIKE TO STILL SEE HIM, IF
23 POSSIBLE.

24 THE COURT: MR. JONES, YOU MAY MOVE ABOUT THE
25 COURTROOM IF YOU WOULD.

1 MR. JONES: THANK YOU, YOUR HONOR.

2 THE COURT: YES, YOU MAY MOVE THE C.V. CLOSER TO THE
3 JURORS.

4 MR. LEVY: THANK YOU.

5 BY MR. LEVY:

6 Q. WHAT DID YOU DO IN THE ARMY? ON THE STATE SIDE?

7 A. ON THE STATE SIDE, I WAS AN ARMY DENTAL OFFICER,
8 IN CHARGE OF THE DEPENDENT DENTAL CLINIC AT FORT HOOD,
9 TEXAS.

10 Q. AND DID YOU HAVE ANY TIME OVERSEAS AS A DENTAL
11 DOCTOR?

12 A. YES, I DID. I WAS STATIONED APPROXIMATELY EIGHT
13 MONTHS IN CHU LAI, VIETNAM, AND APPROXIMATELY FOUR MONTHS
14 IN DA NANG ALSO AS A DENTAL OFFICER.

15 Q. WHAT IS YOUR PROFESSIONAL BACKGROUND?

16 A. AFTER DENTAL SCHOOL, I WORKED AS AN ASSOCIATE FOR
17 DR. SEYMORE BIRNBACH, MAXILLOFACIAL SURGEON, IN NEW YORK.
18 I WENT INTO PRIVATE PRACTICE IN GENERAL DENTISTRY IN NEW
19 YORK FROM 1971 TO 1984. I ALSO WAS CHAIRMAN OF THE
20 EDUCATION DEPARTMENT FOR HEMPSTEAD GENERAL HOSPITAL.
21 DEPARTMENT OF DENTISTRY. I ALSO WAS A TREASURER OF THAT
22 DENTAL STAFF.

23 I WAS A MEMBER OF THE PEER REVIEW OF THE
24 MALPRACTICE COMMISSION OF NASSAU COUNTY, WHICH IS IN NEW
25 YORK. ALSO, I WAS AN ALUMNA INTERVIEWER FOR GEORGETOWN

1 UNIVERSITY.

2 EDUCATIONAL BACKGROUND, I WAS ALSO A SUBSTITUTE
3 TEAM DENTIST FOR THE NEW YORK ISLANDERS HOCKEY TEAM.

4 I MOVED OUT TO ARIZONA IN 1984 AND BEGAN A
5 PRIVATE PRACTICE IN GENERAL DENTISTRY.

6 Q. ARE YOU A MEMBER OF PROFESSIONAL ORGANIZATIONS?

7 A. YES. I'M A MEMBER OF THE AMERICAN DENTAL
8 ASSOCIATION, ARIZONA STATE DENTAL ASSOCIATION, ALSO NEW
9 YORK STATE DENTAL ASSOCIATION. IN 1984, I THEN BECAME THE
10 FORENSIC DENTIST FOR MARICOPA COUNTY, UNDER THE MEDICAL
11 EXAMINER FOR PHOENIX.

12 Q. WERE YOU APPOINTED BY THE MEDICAL EXAMINER?

13 A. YES, I WAS, DR. HEINZ KARNITSCHNIG.

14 Q. AND IN THAT REGARD WHAT DO YOU DO?

15 A. AS A FORENSIC ODONTOLOGIST, I DO MOST OF THE
16 IDENTIFICATIONS FOR MARICOPA COUNTY. AS A FORENSIC
17 ODONTOLOGIST, WE DO HUMAN I.D.'S, WE DO BITE MARKS, WE DO
18 MASS DISASTER AND CHILD ABUSE CASES FOR THE MEDICAL
19 EXAMINER.

20 Q. DO YOU ALSO ASSIST ANY POLICE DEPARTMENTS?

21 A. YES, I DO. FOR MARICOPA COUNTY, FOR PHOENIX
22 POLICE DEPARTMENT, AND THE COUNTY SHERIFF'S DEPARTMENT.

23 Q. AND WHAT DO YOU DO IN THOSE REGARDS?

24 A. MOSTLY IT'S IDENTIFYING HUMAN REMAINS THAT CANNOT
25 BE IDENTIFIED OTHERWISE.

1 Q. HAVE YOU ASSISTED IN ANY BITE MARK CASES OTHER
2 THAN THIS ONE?

3 A. I'VE HAD ONE OTHER BITE MARK CASE IN 1990 IN
4 MARICOPA COUNTY.

5 Q. AND DO YOU ALSO ASSIST THE POLICE WITH REGARD TO
6 IDENTIFICATION THROUGH DENTAL -- THROUGH TEETH, DENTAL
7 RECORDS?

8 A. YES. I DO IT THROUGH RADIOGRAPHS, WHICH ARE
9 X-RAYS. WE COMPARE POST-MORTEM TO ANTE-MORTEM, BEFORE
10 DEATH AND AFTER DEATH, X-RAYS TO ESTABLISH IDENTIFICATIONS.

11 Q. ARE YOU A MEMBER OF ANY OTHER ASSOCIATIONS?

12 A. YES. I'M A MEMBER OF THE AMERICAN ACADEMY OF
13 FORENSIC SCIENCES AND ALSO A MEMBER OF THE AMERICAN SOCIETY
14 OF FORENSIC ODONTOLOGY.

15 Q. HAVE YOU BEEN A MEMBER OF THE ARMED FORCES
16 INSTITUTE OF PATHOLOGY?

17 A. YES.

18 Q. IN WHAT AREA?

19 A. IN FORENSIC DENTISTRY.

20 Q. WHAT IS FORENSIC DENTISTRY?

21 A. FORENSIC DENTISTRY OR FORENSIC ODONTOLOGY IS THAT
22 PART AND SCIENCE OF DENTISTRY THAT PERTAINS TO MATTERS OF
23 LAW, NAMELY, MASS DISASTER, CHILD ABUSE, HUMAN
24 IDENTIFICATION, AND BITE MARK CASES.

25 Q. HAVE YOU TESTIFIED AS AN EXPERT IN ANY COURTS OF

1 LAW PREVIOUSLY?

2 A. YES, I HAVE.

3 Q. WHEN AND WHERE?

4 A. MARICOPA COUNTY FOR IDENTIFICATION PURPOSES.

5 Q. AS AN EXPERT?

6 A. YES.

7 Q. MORE THAN ONCE?

8 A. IT'S BEEN ONCE BEFORE.

9 Q. WHEN DID YOU HAVE AN OPPORTUNITY TO FIRST ASSIST
10 IN THE HOMICIDE INVESTIGATION WITH PHOENIX POLICE
11 DEPARTMENT WITH REGARD TO VICTIM KIM ANCONA?

12 A. THAT WAS ON DECEMBER 29TH. I RECEIVED A CALL
13 FROM THE PHOENIX POLICE DEPARTMENT IN REFERENCE TO A
14 HOMICIDE IN ORDER TO RENDER AN OPINION ON A POSSIBLE BITE
15 MARK.

16 Q. WHAT DID YOU DO?

17 A. I WENT TO THE SCENE. I EXAMINED THE BITE MARK --

18 Q. EXCUSE ME, WHAT SCENE? WHERE?

19 A. OH, EXCUSE ME, THE HOMICIDE SCENE, AT 16TH AVENUE
20 AND CAMELBACK.

21 Q. WHAT WAS THERE?

22 A. I DID SEE THE VICTIM, A FEMALE HOMICIDE VICTIM.

23 Q. WHAT WAS THERE? WAS IT A BAR, LOUNGE?

24 A. IT WAS A BAR AND LOUNGE.

25 Q. AND DO YOU RECALL THE NAME?

1 A. C.B.S. LOUNGE.

2 Q. AND WHEN YOU WENT IN THE C.B.S. LOUNGE, WHERE DID
3 THE POLICE ASK YOU TO GO?

4 A. THEY TOLD ME FIRST TO JUST LOOK INSIDE THE
5 BATHROOM.

6 Q. AND DID YOU?

7 A. I DID.

8 Q. AND WHAT DID YOU SEE?

9 A. WITHOUT ENTERING THE SCENE, I DID PUT MY HEAD IN
10 AND I SAW THE VICTIM LYING UP AGAINST THE WALL WITH A BITE
11 MARK ON HER LEFT BREAST.

12 Q. FOR WHAT PURPOSE DID THE POLICE CALL YOU?

13 A. TO RENDER AN OPINION --

14 MR. JONES: OBJECTION, YOUR HONOR. EXCUSE ME. IT
15 CALLS FOR SPECULATION.

16 THE COURT: SUSTAINED.

17 BY MR. LEVY:

18 Q. WHEN YOU ARRIVED THERE, YOU LOOKED AT THE BODY
19 AND WHAT IN PARTICULAR DID YOU EXAMINE?

20 A. I EXAMINED THE LEFT BREAST OF THE VICTIM.

21 Q. AND DID YOU MAKE AN INITIAL STATEMENT TO THE
22 POLICE?

23 MR. JONES: OBJECTION, YOUR HONOR.

24 MAY WE APPROACH?

25 THE COURT: YES.

1 (AN OFF-THE-RECORD DISCUSSION ENSUED BETWEEN
2 COURT AND COUNSEL AT THE BENCH OUT OF THE HEARING OF
3 THE JURY.)

4 BY MR. LEVY:

5 Q. LET ME GO BACK TO THE AREA OF BITE MARKS AND
6 FORENSIC ODONTOLOGY.

7 A. UH-HUH.

8 Q. WOULD YOU SHARE WITH THE JURY ALL YOUR TRAINING
9 AND EXPERIENCE AND PARTICULARIZE TOWARD BITE MARKS.

10 A. THE LAST FOUR YEARS I HAVE ATTENDED ALL THE
11 MEETINGS AT THE AMERICAN ACADEMY OF FORENSIC SCIENCES.
12 WITHIN THOSE LECTURES THAT I HAVE BEEN TO, APPROXIMATELY A
13 QUARTER OF THOSE HAVE BEEN ON BITE MARKS, CASES THAT WERE
14 PRESENTED, TECHNIQUES. AND WITH THE AMERICAN SOCIETY OF
15 FORENSIC ODONTOLOGY, I HAVE ATTENDED THE SAME LECTURES ON
16 BITE MARKS.

17 Q. AND WHAT DO THESE LECTURES CONSIST OF?

18 A. VIEWING BITE MARKS, ANALYZING THE BITE MARKS,
19 SEEING THE PATTERN TYPE INJURY OF BITE MARKS, AND EDUCATING
20 OURSELVES IN BITE MARKS.

21 Q. HOW MANY HOURS HAVE YOU SPENT OR DAYS OR HOWEVER
22 YOU WISH TO MEASURE IT?

23 A. IN THE LAST FIVE YEARS, IT'S BEEN, OH,
24 APPROXIMATELY -- ABOUT 20 DAYS. NOT ONLY ON BITE MARKS,
25 BUT ON ALL OF FORENSIC ODONTOLOGY. ABOUT HALF OF THAT HAS

1 BEEN ON BITE MARKS.

2 Q. AND IN REGARD TO WHAT YOU DO AT THESE SEMINARS IN
3 LEARNING ABOUT BITE MARKS, WHAT ALL DO YOU GET -- DO YOU DO
4 HANDS-ON PARTICIPATION OR IS IT LECTURES?

5 A. IT'S MOSTLY LECTURES. IT'S INVOLVEMENT. IT'S
6 QUESTIONING THE PRESENTERS ON BITE MARKS, HOW THE
7 TECHNIQUES ARE DONE, TO DO IDENTIFICATION OF BITE MARKS.

8 Q. AND YOU SAY YOU HAVE DONE BITE MARK CASES BEFORE?

9 A. YES, I HAVE.

10 Q. AND HOW MANY?

11 A. I DID ONE OTHER BITE MARK CASE HERE IN ARIZONA.

12 Q. AND WAS THAT THE ONE YOU TESTIFIED AS AN EXPERT?

13 A. YES.

14 Q. IN MARICOPA COUNTY, SUPERIOR COURT?

15 A. NO. IT WAS SETTLED BEFORE IT WENT TO TRIAL. IT
16 WAS -- I WAS DEPOSED ON THAT, AND IT WAS SETTLED BEFORE.

17 Q. IN REGARD TO BITE MARKS, WOULD YOU SHARE WITH THE
18 JURY WHAT ALL YOU HAVE -- WHAT ALL YOUR TRAINING HAS
19 ALLOWED YOU TO CONSIDER IN YOUR -- WHAT ALL YOU UTILIZE TO
20 ARRIVE AT YOUR ANALYSIS?

21 A. OKAY. I WAS TRAINED TO, WHEN WE DO SEE A BITE
22 MARK, PHOTOGRAPH IT, AS WE DID IN THIS CASE USING OUR
23 STANDARD RULERS, ONE OF OUR AMERICAN BOARD OF ODONTOLOGY
24 RULERS, TAKE IMPRESSIONS OF THE BITE MARK, ENLARGING THE
25 PHOTOS TO ONE TO ONE OR LIFE SIZE SO WE CAN TAKE THE CASTS

1 OF A POSSIBLE SUSPECT TO PUT THEM DIRECTLY ON THE BITE MARK
2 OF THE PHOTOGRAPH, SIMILAR TO AN OVERLAY. AND THOSE ARE
3 THE THINGS THAT WE WERE TRAINED IN DOING.

4 Q. AS A FORENSIC ODONTOLOGIST, ARE YOU ALREADY
5 TRAINED IN CASTING TEETH?

6 A. YES, I AM.

7 Q. HAVE YOU CAST TEETH BEFORE?

8 A. YES, I HAVE.

9 Q. MANY TIMES?

10 A. MANY TIMES.

11 Q. HOW ABOUT BITES INTO FOAM FOR PURPOSES OF
12 COMPARISON OR IDENTIFICATION?

13 A. I HAVE DONE THAT MANY TIMES.

14 Q. IN THE PAST?

15 A. YES.

16 Q. HOW ABOUT EXAMINING HUMAN TISSUE FOR BITE MARKS,
17 WHAT ALL HAS YOUR EXPERIENCE BEEN?

18 A. THE ONLY IDENTIFICATION THAT I HAD WITH HUMAN
19 TISSUE WAS THE BITE MARK CASE THAT I HAD HERE IN ARIZONA.

20 Q. ARE YOU TRAINED TO IDENTIFY A HUMAN BITE MARK IN
21 HUMAN TISSUE?

22 A. YES, I AM.

23 Q. HOW WOULD YOU -- HOW WOULD YOU TRANSLATE THAT TO
24 THE JURY?

25 A. I FEEL THROUGH THE COURSES I HAVE TAKEN I CAN

1 IDENTIFY A HUMAN BITE MARK AND TRANSLATE THAT TO A POSSIBLE
2 SUSPECT.

3 Q. AND JUST GENERALLY IS A HUMAN BITE MARK DIFFERENT
4 THAN ANIMAL BITE MARK?

5 A. IT DEFINITELY IS.

6 Q. AND ONCE YOU ESTABLISH IT'S A HUMAN BITE MARK,
7 YOU HAVE THE KNOWLEDGE TO ANALYZE IT TO -- FOR
8 PARTICULARITY?

9 A. YES, I DO.

10 Q. AS TO AN INDIVIDUAL?

11 A. EXACTLY.

12 Q. WOULD THAT BE BASED UPON CASTING OF THE TEETH
13 SHOULD THAT BE AVAILABLE?

14 A. DEFINITELY.

15 Q. WAS IT IN THIS CASE?

16 A. YES, IT WAS.

17 Q. FOAM BITE MARKS?

18 A. FOAM BITE MARKS WERE AVAILABLE IN THIS CASE.

19 Q. PHOTOGRAPHS?

20 A. PHOTOGRAPHS THAT I HAVE TAKEN.

21 Q. PHOTOGRAPHS OF THE VICTIM'S HUMAN TISSUE?

22 A. YES.

23 Q. OF SPECIFICALLY THE LEFT BREAST?

24 A. EXACTLY.

25 Q. HAVE YOU HELD YOURSELF OUT TO THE POLICE

1 DEPARTMENT AS A BITE MARK EXPERT FOR -- AS A FORENSIC
2 ODONTOLOGIST?

3 A. I HAVE --

4 MR. JONES: OBJECTION, YOUR HONOR.

5 THE COURT: OVERRULED.

6 YOU MAY ANSWER.

7 THE WITNESS: I HAVE.

8 BY MR. LEVY:

9 Q. AND SO GETTING BACK TO DECEMBER 29TH, 1991, YOU
10 RESPONDED TO THE SCENE AND YOU LOOKED INTO THE RESTROOM AND
11 SAW KIM ANCONA; IS THAT CORRECT?

12 A. THAT'S CORRECT.

13 Q. NOW, SPECIFICALLY WITH REGARD TO HER LEFT BREAST,
14 DID YOU FOCUS YOUR ATTENTION ON THAT?

15 A. I DID SEE THE LEFT BREAST, AND I DID SEE THE BITE
16 MARK ON HER LEFT BREAST.

17 Q. HOW DID YOU KNOW IT WAS A BITE MARK?

18 MR. JONES: OBJECTION, YOUR HONOR. I STILL THINK
19 THERE'S A LACK OF FOUNDATION WITH REGARD TO ANY EXPERTISE.

20 THE COURT: THE OBJECTION IS OVERRULED.

21 MR. JONES: MAY I VOIR DIRE THE WITNESS?

22 THE COURT: YES.

23 //

24 //

25 //

1 VOIR DIRE EXAMINATION

2 BY MR. JONES:

3 Q. DID I UNDERSTAND YOU TO SAY, SIR, THAT YOU'VE
4 ONLY HAD EXPERIENCE IN ONE BITE MARK CASE SINCE YOU STARTED
5 THIS IN 1988?6 A. YES, I HAVE. IT WAS ONLY ONE BITE MARK CASE IN
7 MARICOPA COUNTY SINCE 1988, YES.8 Q. AND MOST OF THE WORK YOU HAVE BEEN DOING IS
9 IDENTIFICATION OF REMAINS, WHERE YOU HAVE TO FIND OUT WHO
10 THE --11 A. THAT'S PART OF THE ODONTOLOGIST, YES, WHAT HE
12 DOES.13 Q. BUT IN YOUR ASSOCIATION IN MARICOPA COUNTY WITH
14 THE MEDICAL EXAMINER'S CASE, YOU HAVE ONLY DONE ONE BITE
15 MARK CASE, AND THE OTHER THINGS CONSIST OF THE THINGS YOU
16 HAVE TALKED ABOUT?17 A. THEY CONSIST OF CHILD ABUSE, MASS DISASTER,
18 DEMONSTRATIONS, OTHER THINGS PERTAINING TO ODONTOLOGY.19 THE COURT: MR. JONES, I HAVE DETERMINED TO ALLOW THE
20 OPINION BASED ON THE FOUNDATION. THIS SOUNDS LIKE MORE
21 CROSS-EXAMINATION THAN VOIR DIRE. SO WE'LL SAVE THESE
22 QUESTIONS FOR CROSS-EXAMINATION.

23 MR. JONES: THANK YOU, YOUR HONOR.

24 //

25 //

1 FURTHER DIRECT EXAMINATION

2 BY MR. LEVY:

3 Q. WHEN YOU SAW HER LEFT BREAST, DID YOU MAKE A
4 PRELIMINARY STATEMENT TO THE PHOENIX POLICE DEPARTMENT WITH
5 REGARD TO THAT?6 A. SINCE I DIDN'T HAVE A GOOD LOOK AT THE LEFT
7 BREAST, AFTER ABOUT A HALF HOUR OR SO THEY BROUGHT THE BODY
8 OUT TO THE FLOOR OF THE LOUNGE. AT THAT TIME I OBSERVED
9 THE LEFT BREAST QUITE CLOSELY AND DETERMINED THAT IT WAS A
10 BITE MARK.

11 Q. DID YOU TAKE ANY PHOTOGRAPHS AT THAT TIME?

12 A. I DID.

13 Q. AND HAVE YOU -- OKAY.

14 WHAT BESIDES PHOTOGRAPHS -- DID YOU DO ANYTHING
15 ELSE OTHER THAN VIEWING AND THE PHOTOGRAPHS AT THAT TIME?16 A. THAT WAS THE ONLY THING. I JUST MADE MENTAL
17 NOTES OF THE ALIGNMENT OF THE BITE MARKS, THE SHAPES OF THE
18 INDENTATIONS, AND THEN I LEFT THE SCENE.

19 Q. AND WERE YOU CALLED BACK LATER IN THE DAY?

20 A. I WAS CALLED BACK.

21 Q. WHERE DID YOU GO?

22 A. THAT AFTERNOON TO THE C.B.S. LOUNGE. I WAS
23 HANDED A STYROFOAM BITE OF A SUSPECT. I LOOKED AT THE
24 STYROFOAM BITE. I LOOKED AT THE BITE MARK, AND I SAW A
25 DEFINITE CONSISTENCY WITH THE BITE MARK AND THE STYROFOAM

1 BITE.

2 MR. JONES: YOUR HONOR, THAT WAS NONRESPONSIVE, BUT I
3 WOULD LIKE TO SHOW A CONTINUING OBJECTION TO HIS TESTIMONY
4 THAT IT WAS A BITE MARK.

5 THE COURT: THANK YOU, SIR. THE OBJECTION IS
6 OVERRULED.

7 BY MR. LEVY:

8 Q. TO YOUR UNDERSTANDING AT THAT TIME, WHO DID YOU
9 UNDERSTAND HAD TAKEN THAT IMPRESSION?

10 A. THE DETECTIVE WHO TOOK THE IMPRESSION WAS
11 DETECTIVE GREGORY.

12 Q. I SHOW EXHIBIT 116-A IN EVIDENCE. I ASK IF THIS
13 APPEARS TO LOOK LIKE THE FOAM IMPRESSION THAT YOU'RE NOW
14 TALKING ABOUT?

15 A. YES, IT IS.

16 Q. AND AT THAT TIME WHAT WAS YOUR PRELIMINARY
17 ASSESSMENT?

18 A. I DID TELL THE POLICE DEPARTMENT THAT THERE WAS A
19 CONSISTENCY WITH THIS STYROFOAM BITE AND THE BITE MARK ON
20 THE LEFT BREAST OF KIM ANCONA.

21 Q. WHAT NAME DO YOU SEE ASSOCIATED WITH 116-A, THAT
22 IS TO SAY, THE TEETH IMPRESSION?

23 A. STYROFOAM BITE MARK FROM RAY M. KRONE.

24 Q. DID YOU DO ANYTHING FURTHER THAT DAY WITH REGARD
25 TO THIS CASE?

1 A. NO, I DID NOT.

2 Q. HOW ABOUT THE NEXT DAY? DECEMBER 30, 1991.

3 A. ON DECEMBER 30TH, I RECEIVED A CALL FROM THE
4 POLICE DEPARTMENT. WE HAD A SEARCH WARRANT, AND LATER ON
5 THAT EVENING, AT THE POLICE DEPARTMENT, I EXAMINED THE
6 TEETH OF MR. RAY KRONE. I ALSO TOOK IMPRESSIONS OF MR. RAY
7 KRONE'S TEETH.

8 Q. DID YOU TAKE PHOTOGRAPHS?

9 A. I DID.

10 Q. DO YOU SEE MR. KRONE IN THE COURTROOM?

11 A. YES, I DO.

12 Q. AND IF SO, WHERE IS HE SITTING AND WHAT IS HE --
13 WHAT KIND OF CLOTHING?

14 A. HE'S SITTING RIGHT OVER THERE (INDICATING) WITH A
15 WHITE SHIRT WITH A STRIPE AND PLAID, AND A PAISLEY PRINT
16 TIE.

17 Q. ARE YOU POINTING TO THE DEFENSE TABLE?

18 A. YES, I AM.

19 Q. AND OF THE THREE PEOPLE, WHICH ONE IS HE?

20 A. IN THE MIDDLE.

21 MR. LEVY: MAY THE RECORD SHOW IDENTIFICATION?

22 THE COURT: THE RECORD MAY SO REFLECT.

23 MR. LEVY: THANK YOU.

24 BY MR. LEVY:

25 Q. YOU INDICATED YOU MADE PHOTOS OF THE BITE MARK?

1 A. I DID.

2 Q. AND WHERE WERE THOSE PHOTOS MADE?

3 A. THE PHOTOS OF THE BITE MARK WERE MADE AT THE
4 LOUNGE. WE ALSO HAD PHOTOS TAKEN AT THE MEDICAL EXAMINER'S
5 ALSO.

6 Q. WHAT TYPE OF CAMERA DID YOU USE?

7 A. I USED THE YASHICA DENTAL EYE II.

8 Q. WHAT TYPE OF LENS?

9 A. 50 MILLIMETER LENS.

10 Q. WHAT TYPE OF FILM?

11 A. I USE THE KODAK 400 HIGH-SPEED FILM.

12 Q. AND IS THAT TYPE OF CAMERA, THAT TYPE OF LENS,
13 AND THAT TYPE OF FILM, GENERALLY UTILIZED BY FORENSIC
14 ODONTOLOGISTS TO TAKE PHOTOS OF BITE MARKS?

15 A. YES, IT IS.

16 Q. IS THAT WHY YOU UTILIZED THAT EQUIPMENT?

17 A. EXACTLY.

18 Q. WHAT ABOUT LIGHTING? DOES THE CAMERA HAVE A
19 SPECIAL FLASH?

20 A. IT DOES HAVE A RING LIGHT TO PREVENT ANY GLARE ON
21 THE BITE MARK.

22 Q. WOULD YOU SHARE WITH THE JURY WHAT YOU'RE TALKING
23 ABOUT.

24 A. THE LENS IS 50 MILLIMETERS, AND IT HAS A RING
25 LIGHT AROUND IT SO WHEN THE PHOTO IS TAKEN, THERE'S NO

1 GLARE AT ALL ON THE PHOTO.

2 Q. AND IN THE -- DID YOU CAREFULLY FOCUS ALL OF YOUR
3 PHOTOGRAPHS?

4 A. I DID.

5 Q. AND DID YOU USE A GAUGING RULER WHEN YOU TOOK THE
6 PHOTOGRAPHS?

7 A. YES, I DID. I USED THE AMERICAN BOARD OF
8 FORENSIC ODONTOLOGY RULER, WHICH IS A STANDARD REFERENCE
9 SCALE THAT WE USE, IN ORDER TO ENLARGE THE PHOTOS, SO WE
10 CAN ALWAYS HAVE A ONE TO ONE OR A LIFE-SIZE TYPE PHOTO OF
11 THE BITE MARK.

12 Q. WOULD ANY DISTORTION BE CREATED IN A WAY THAT YOU
13 TOOK THE PHOTOGRAPHS OR WITH REFERENCE TO THE TYPE OF
14 EQUIPMENT YOU USED?

15 MR. JONES: OBJECTION, YOUR HONOR. IT CALLS FOR
16 SPECULATION.

17 THE COURT: I'LL NEED MORE FOUNDATION ON HIS EXPERTISE
18 IN TAKING PHOTOGRAPHS TO ALLOW AN ANSWER TO BE GIVEN.
19 BY MR. LEVY:

20 Q. COULD YOU SHARE THAT WITH THE JURY.

21 A. I'D SAY MINIMAL DISTORTION.

22 Q. WELL, WAIT A MINUTE, YOUR BACKGROUND AND
23 EXPERIENCE IN TAKING PHOTOGRAPHS.

24 A. IN PHOTOGRAPHS?

25 Q. FOR PURPOSES OF FORENSIC ODONTOLOGY.

1 A. I'VE TAKEN OTHER PHOTOS OF THE -- OF OTHER BITE
2 MARKS. AND OTHER PHOTOS OF IDENTIFICATION, USING THE SAME
3 CAMERA.

4 Q. ISN'T THE PURPOSE OF THE RULER FOR THE VERY
5 PURPOSE OF DETERMINING WHETHER OR NOT THERE'S DISTORTION?

6 A. THAT'S ONE OF THE PURPOSES OF THE RULER ALSO.

7 Q. AND YOU ALSO VISUALLY LOOKED AT THE BITE MARK?
8 AND THE TISSUE OF KIM ANCONA?

9 A. I DID.

10 Q. DID YOU ALSO VISUALLY LOOK AT THE TEETH OF RAY
11 KRONE?

12 A. I DID.

13 Q. DID YOU ALSO LOOK AT THE PHOTOGRAPHS, FINISHED
14 PHOTOGRAPHS THAT YOU MADE?

15 A. I DID.

16 Q. DID YOU NOTICE IN VIEWING THE PHOTOGRAPHS,
17 COMPARED TO WHAT YOU RECOLLECT OF YOUR ACTUAL PERSONAL
18 VIEW, ANY DISTORTION?

19 A. I DIDN'T SEE ANY DISTORTION AT ALL.

20 Q. NOW, DR. PIAKIS, WITH REGARD TO THE PHOTOS, I
21 SHOW YOU WHAT'S MARKED FOR IDENTIFICATION THE FOLLOWING
22 PHOTOS.

23 DO YOU RECOGNIZE 118?

24 A. YES, I DO.

25 Q. AND WAS THAT TAKEN AT THE MEDICAL EXAMINER'S?

1 A. THIS WAS TAKEN AT THE MEDICAL EXAMINER'S OFFICE.

2 Q. BY YOU?

3 A. NO. THIS WAS TAKEN BY THE PHOENIX POLICE
4 DEPARTMENT.

5 Q. AND IS THAT THE RULER YOU'RE TALKING ABOUT?

6 A. THAT'S THE AMERICAN BOARD OF FORENSIC ODONTOLOGY
7 RULER.

8 Q. AND IS IT SIMILAR TO THE PHOTOGRAPHS YOU TOOK?

9 A. YES, IT IS.

10 Q. AND WHEN WAS IT TAKEN?

11 A. THIS PHOTO WAS TAKEN RIGHT AFTER THE AUTOPSY ON
12 DECEMBER 31ST.

13 Q. AND YOU RECOGNIZE THIS PHOTOGRAPH AS THE LEFT
14 BREAST OF KIM ANCONA?

15 A. I DO.

16 Q. NUMBER 119?

17 A. SAME.

18 Q. AND WHAT IS 120? IS THAT AN ACETATE OVERLAY THAT
19 YOU PREPARED?

20 A. EXACTLY.

21 Q. YOU RECOGNIZE IT AS SUCH?

22 A. I DO.

23 Q. AND 121, IS THAT THE SAME ALSO, AN ACETATE
24 OVERLAY THAT YOU PREPARED?

25 A. THAT'S CORRECT.

1 Q. AND IS -- 120 AND 121 ARE FROM WHAT?

2 A. THESE ARE FROM THE -- WHICH ONE NOW?

3 Q. 120. 120, 121.

4 A. THESE ARE FROM THE MODELS OF THE DENTAL CAST OF

5 RAY KRONE.

6 Q. AND 122?

7 A. YES. THAT'S ANOTHER PHOTO THAT WE TOOK.

8 MR. JONES: I COULDN'T HEAR THE ANSWER. I'M SORRY?

9 THE WITNESS: THE POLICE DEPARTMENT TOOK THAT PHOTO.

10 BY MR. LEVY:

11 Q. AND DO YOU RECOGNIZE THIS AS THE LEFT BREAST OF

12 KIM ANCONA.

13 A. YES, IT IS.

14 Q. AT THE TIME OF AUTOPSY?

15 A. AFTER AUTOPSY, RIGHT.

16 Q. AND DID YOU PUT THE VARIOUS NUMBERS DOWN RELATIVE

17 TO THE BITE MARK -- BITE MARKS?

18 A. I DID.

19 Q. I SHOW YOU THE NEXT SERIES OF PHOTOGRAPHS, 126.

20 A. YES.

21 Q. WHO TOOK IT?

22 A. THE PHOENIX POLICE DEPARTMENT.

23 Q. AND WHEN?

24 A. THE SAME DAY, DECEMBER 31ST, RIGHT AFTER THE

25 AUTOPSY.

1 Q. AND DO YOU RECOGNIZE -- YOU ARE FAMILIAR WITH THE
2 NEXT SERIES BECAUSE YOU BROUGHT THEM TO HAVE THEM MARKED,
3 DID YOU NOT, 126 THROUGH 130?

4 A. YES, I AM.

5 Q. ARE THEY ALL THE LEFT BREAST OF KIM ANCONA?

6 A. YES, THEY ARE.

7 Q. 127?

8 A. YES.

9 Q. WHO TOOK IT?

10 A. I TOOK THAT PHOTO.

11 Q. WHEN?

12 A. THAT WAS TAKEN AT THE -- AT THE SCENE.

13 Q. OKAY. ON DECEMBER 29TH?

14 A. YES.

15 Q. 128?

16 A. 128 WAS TAKEN AT THE SCENE ALSO.

17 Q. BY WHOM?

18 A. THAT WAS TAKEN -- I TOOK THAT PHOTO AND I HAD
19 THAT ENLARGED.

20 Q. TAKEN ON DECEMBER 29TH?

21 A. YES.

22 Q. AND 129?

23 A. 129 WAS TAKEN AFTER THE AUTOPSY.

24 Q. BY WHOM?

25 A. BY ME.

1 Q. WHEN?

2 A. DECEMBER 31ST.

3 Q. AND THERE'S SOMETHING NEXT TO IT.

4 A. NEXT TO THAT IS THE STYROFOAM BITE OF RAY KRONE
5 THAT I TOOK.

6 Q. 130?

7 A. THAT'S AN ENLARGED PHOTO THAT I DID TAKE.

8 Q. WHEN?

9 A. AT THE MEDICAL EXAMINER'S OFFICE.

10 Q. ALSO ON DECEMBER WHAT?

11 A. DECEMBER -- THAT COULD HAVE BEEN DECEMBER 30TH,
12 BEFORE THE AUTOPSY.

13 Q. AND 131?

14 A. 131 WAS TAKEN ON DECEMBER 31ST, AFTER WE HAD THE
15 STUDY MODELS OF MR. KRONE.

16 Q. BY WHOM?

17 A. BY ME.

18 Q. AND WHAT -- AND -- WHAT DOES IT PURPORT TO BE?

19 A. THIS IS THE STUDY MODEL OF MR. KRONE OVER THE
20 INDENTATIONS OR THE TOOTH MARKS ON THE LEFT BREAST.

21 Q. OF HER ACTUAL FLESH?

22 A. YES, IT IS.

23 Q. 132?

24 A. THAT'S THE SAME. THE STUDY MODEL PLACED OVER THE
25 LEFT BREAST.

1 Q. ALSO TAKEN ON --
2 A. ON THE 31ST.
3 Q. BY YOU?
4 A. YES.
5 Q. I NOW SHOW YOU MARKED FOR IDENTIFICATIONS 123 AND
6 124. DO YOU RECOGNIZE THOSE?
7 A. THESE ARE THE DENTAL CASTS OF MR. KRONE.
8 Q. WHICH IS UPPER?
9 A. THIS IS THE UPPER.
10 Q. 123?
11 A. THAT'S CORRECT.
12 Q. AND THE LOWER IS 124?
13 A. THAT'S CORRECT.
14 Q. AND WHO DID THE CASTS?
15 A. I DID. THESE CASTS WERE TAKEN FROM IMPRESSIONS
16 THAT I TOOK OF MR. KRONE'S TEETH.
17 Q. PERSONALLY?
18 A. YES.
19 Q. OF HIS ACTUAL TEETH?
20 A. EXACTLY.
21 Q. THE SAME MR. KRONE YOU IDENTIFIED IN THE
22 COURTROOM?
23 A. YES.
24 Q. WAS THIS ON DECEMBER 30?
25 A. THIS WAS ON DECEMBER 30.

1 Q. 1991?

2 A. YES.

3 Q. PHOENIX POLICE DEPARTMENT?

4 A. IT WAS DONE AT THE PHOENIX POLICE DEPARTMENT,

5 YES.

6 Q. WHAT TYPE OF MATERIALS DID YOU USE?

7 A. I USE THE STANDARD ALGINATE IMPRESSION MATERIAL
8 USED FOR DENTAL IMPRESSIONS, AND WE POUR THE MATERIAL UP IN
9 A TYPE 4 STONE USED FOR CASTS.

10 Q. DID YOU FOLLOW THE MANUFACTURER'S DIRECTIONS AND
11 INSTRUCTIONS ON MIXING IT?

12 A. I DO.

13 Q. AND DOES IT ACCURATELY REPLICATE THE ACTUAL TEETH
14 OF THE PERSON?

15 A. I DID. AS A MATTER OF FACT, I DID POUR THEM UP
16 IMMEDIATELY. I WENT RIGHT BACK TO MY OFFICE AND POURED THE
17 IMPRESSIONS UP IMMEDIATELY SO THERE WAS NO DISTORTION ON
18 THE MODELS.

19 MR. JONES: OBJECTION, YOUR HONOR. IT'S NOT
20 RESPONSIVE, AND WE OBJECT TO THAT CONCLUSION. ASK THAT THE
21 "DISTORTION" BE STRICKEN.

22 THE COURT: OVERRULED.

23 BY MR. LEVY:

24 Q. DO YOU FIND ANY DISTORTION IN THE CASTS OF THE
25 TEETH AS YOU PERSONALLY TOOK THEM?

1 A. NO, I DIDN'T.

2 Q. AND 125 FOR IDENTIFICATION PURPORTING TO BE A
3 BITE MARK IMPRESSION ON FOAM?

4 A. THAT WAS A STYROFOAM BITE THAT I TOOK ON MR.
5 KRONE.

6 Q. PERSONALLY?

7 A. YES, I DID.

8 Q. UPPER AND LOWER TEETH?

9 A. EXACTLY.

10 Q. WHEN?

11 A. WE TOOK THAT ON DECEMBER 30TH, THE SAME EVENING
12 AS WE TOOK THE -- AS I TOOK THE DENTAL IMPRESSIONS.

13 Q. DID YOU WATCH HIM AS YOU MADE THE CASTS?

14 A. I DID.

15 Q. AND DID YOU USE ALL THE STANDARD ACCEPTED CASTING
16 MATERIALS?

17 A. I DID.

18 Q. WHICH ARE?

19 A. WHICH ARE THE NORMAL ALGINATE, AND THE NORMAL
20 IMPRESSION MATERIAL, THE NORMAL IMPRESSION TRAYS, AND THE
21 NORMAL STONE THAT WE USE FOR POURING UP IMPRESSIONS.

22 Q. AND DID YOU ALSO PHOTOGRAPH THIS PROCESS?

23 A. I DID. I DID. THAT SAME EVENING.

24 MR. LEVY: I WOULD MOVE 118, 119, 120, 121, 122 AT
25 THIS MOMENT.

1 MR. JONES: AND THOSE ARE THE BLACK AND WHITES -- YOUR
2 HONOR, WITH REGARD TO THOSE, I BELIEVE THE TESTIMONY WAS
3 THOSE WERE TAKEN BY SOMEONE ELSE. WE WOULD REQUIRE WHOEVER
4 DID TAKE THEM COME IN AND TALK ABOUT THE DISTORTION ANGLE,
5 THE DISTORTION PROBLEM.

6 THE COURT: MAY I SEE THEM, PLEASE.

7 MR. LEVY: WITH THAT REGARD, I WONDER IF I COULD ASK
8 DR. PIAKIS --

9 BY MR. LEVY:

10 Q. OKAY. ON THE BLACK AND WHITES, DOCTOR? YOU
11 REMEMBER THE BLACK AND WHITES?

12 A. YES.

13 Q. ALL OF THOSE WERE TAKEN BY PHOENIX POLICE?

14 A. YES.

15 Q. DID YOU IN CHECKING WITH YOUR OWN PHOTOGRAPHS
16 NOTICE ANY -- OBSERVE ANY DISTORTIONS?

17 A. NO, I DID NOT. I HAVE MY AMERICAN BOARD OF
18 FORENSIC ODONTOLOGY RULER HERE, AND WE CAN PLACE THEM
19 DIRECTLY ON THE PHOTO TO SEE IF THERE'S ANY DISTORTION ON
20 THE PHOTOS.

21 Q. WHERE IS IT AT?

22 A. IT'S -- I THINK IT'S IN THE BAG.

23 WE WOULD PLACE THE --

24 MR. JONES: EXCUSE ME, DOCTOR. THERE'S NO QUESTION.
25 YOUR HONOR, I WOULD OBJECT TO HIM ATTEMPTING TO

1 SHOW LACK OF DISTORTION WITH A RULER. I BELIEVE WE HAVE
2 DR. RAWSON TO SHOW THAT'S NOT ACCURATE. I WILL SHOW A
3 CONTINUING OBJECTION TO THIS TYPE OF TESTIMONY.

4 MR. LEVY: YOUR HONOR, HIS OPINIONS I DON'T THINK WILL
5 BE BORNE OUT WITH DR. RAWSON, BUT THE QUESTION POSED TO DR.
6 PIAKIS WAS SUBJECT TO HIS OBJECTION, IS THERE ANY
7 DISTORTION.

8 MR. JONES: OBJECTION.

9 THE COURT: OVERRULED.

10 GO AHEAD, SIR.

11 THE WITNESS: THE STANDARD THAT WE USE --

12 THE COURT: EXCUSE ME, SIR. THE EXHIBITS HAVE NOT YET
13 BEEN ADMITTED. YOU MAY EXAMINE THEM AND DETERMINE IF THERE
14 IS ANY DISTORTION.

15 THE WITNESS: UH-HUH.

16 THE COURT: I THINK THAT WAS THE QUESTION IN FRONT OF
17 YOU.

18 THE WITNESS: I SEE NO DISTORTION ON THESE PHOTOS BY
19 THE GUIDELINES OF AMERICAN BOARD OF FORENSIC ODONTOLOGY
20 RULER.

21 THE COURT: AND THE OBJECTIONS ARE TO WHAT NUMBERS,
22 MR. JONES?

23 MR. JONES: IT'S MY UNDERSTANDING THAT THE PHOTOS ARE
24 118, 119, 122. I THINK THERE'S AN ACETATE OVERLAY THERE
25 THAT HE PREPARED THAT'S IN THE MIDDLE OF ALL OF THAT.

1 THE COURT: MAYBE TWO OF THEM, YEAH.

2 MR. JONES: THE BLACK AND WHITE PHOTOGRAPHS. IS THAT
3 118, 119, AND 122, DOCTOR?

4 THE WITNESS: YES.

5 THE COURT: AND SO, SIR, YOU ARE SAYING THOSE
6 PHOTOGRAPHS, 118, 119, AND 122, YOU HAVE COMPARED WITH YOUR
7 PHOTOGRAPHS, AND IT'S YOUR OPINION THAT THESE ACCURATELY
8 REFLECT EXACTLY WHAT YOUR PHOTOGRAPHS AND YOUR DENTAL
9 IMPRESSIONS ARE OF THOSE -- OF THAT BITE MARK?

10 THE WITNESS: CAN YOU SAY THAT AGAIN.

11 THE COURT: I DON'T THINK I COULD.

12 THE WITNESS: THAT QUESTION. I'M SAYING I SEE NO
13 DISTORTION ON THESE PHOTOGRAPHS, ACCORDING TO OUR AMERICAN
14 BOARD OF FORENSIC ODONTOLOGY RULER. THAT'S THE -- THAT'S
15 THE PURPOSE WE USE THE RULER.

16 THE COURT: I HAVE GONE PAST THE DISTORTION ISSUE.
17 I'M ALLOWING YOUR OPINION ON NO DISTORTION.

18 MY QUESTION TO YOU WAS DO THOSE THREE
19 PHOTOGRAPHS, SINCE YOU DID NOT ACTUALLY TAKE THEM, DO THEY
20 ACCURATELY REPRESENT AND CONTAIN THE DETAILS OF YOUR
21 RECOLLECTION FROM THE PHOTOGRAPHS THAT YOU TOOK? ARE THEY
22 ANY DIFFERENT? DO THEY DIFFER IN THE PHOTOGRAPHS THAT YOU
23 TOOK OR YOUR DENTAL IMPRESSION OF THE BITE MARK?

24 THE WITNESS: NOT AT ALL. NOT AT ALL.

25 THE COURT: ALL RIGHT.

1 118, 119, AND 122 ARE ADMITTED.

2 YOU WERE OFFERING THE -- GO AHEAD.

3 MR. LEVY: THE NEXT GROUP OF PHOTOGRAPHS THAT I'M
4 OFFERING, YOUR HONOR, ARE --

5 THE COURT: THE ACETATES ARE NOT BEING OFFERED AT THIS
6 TIME OR ARE THEY?

7 MR. JONES: THEY ARE.

8 THE COURT: ANY OBJECTION?

9 MR. JONES: NO OBJECTION TO THE ACETATES.

10 THE COURT: ALL RIGHT. 120 AND 121 ARE ADMITTED.

11 MR. JONES: NO OBJECTION TO THE FACT THAT HE PREPARED
12 THE ACETATES, NOT NECESSARILY THE ACCURACY. NO OBJECTION
13 TO THE FACT THAT HE DID PREPARE THOSE ACETATES.

14 THE COURT: ALL RIGHT. AND STATE THE OBJECTION NOW.

15 MR. JONES: I'M NOT WAIVING MY OBJECTION AS TO THE
16 ACCURACY OF ANY ACETATES. I WILL HANDLE THAT ON
17 CROSS-EXAMINATION.

18 THE COURT: OVERRULED.

19 120 AND 121 ARE ADMITTED.

20 MR. LEVY: I NOW MOVE 126 THROUGH 132.

21 BY MR. LEVY:

22 Q. DR. PIAKIS, 126 IS A BLACK AND WHITE. DID YOU
23 TAKE ANY BLACK AND WHITES?

24 A. NO, I DID NOT.

25 Q. DO YOU --

1 MR. LEVY: WITH THE THE COURT'S PERMISSION, MAY I HAVE
2 HIM COMPARE?

3 THE COURT: YES.

4 BY MR. LEVY:

5 Q. THE QUESTION TO YOU IS, ONE, DID THAT REASONABLY
6 AND ACCURATELY REPRESENT THE LEFT BREAST OF KIM ANCONA AS
7 YOU RECOLLECT IT FROM YOUR OWN PHOTOGRAPH, PHOTOGRAPHY?

8 A. YES, THAT IS.

9 Q. WOULD YOU CHECK IT WITH THE RULER, WHETHER
10 THERE'S ANY DISTORTION.

11 MR. JONES: CONTINUING OBJECTION, YOUR HONOR.

12 THE WITNESS: I SEE NO DISTORTION IN THIS PHOTO.

13 BY MR. LEVY:

14 Q. AND YOU HAVE CHECKED IT WITH THE RULER?

15 A. YES.

16 MR. LEVY: SO, YOUR HONOR, 126 THROUGH 132.

17 MR. JONES: SAME OBJECTION, YOUR HONOR, AS TO 126.

18 THE COURT: THE OBJECTION TO 126 IS OVERRULED.

19 IT IS ADMITTED.

20 ANY OBJECTION TO 127 THROUGH 132?

21 MR. JONES: I HAVE NO OBJECTION TO THE FACT THAT HE
22 TOOK THOSE PHOTOS AND THEY ACCURATELY REFLECT WHAT THE
23 NAKED EYE WOULD SHOW TO HIM AS FOR WHAT HE SAW ON THAT DAY.

24 THE COURT: 127 THROUGH 132 ARE ADMITTED.

25 MR. LEVY: AND, LASTLY, YOUR HONOR, I WOULD OFFER 123

1 AND 124 BEING THE TEETH CASTS OF RAY KRONE AND 125, THE
2 BITE MARK OF RAY KRONE ON FOAM.

3 MR. JONES: WITH REGARD TO THOSE, YOUR HONOR, WE WOULD
4 OBJECT TO THE ACCURACY WITH WHICH THEY WERE PREPARED. WE
5 HAVE NO DOUBT THAT DR. PIAKIS PREPARED THEM.

6 THE COURT: 123, 124, AND 125 ARE ADMITTED.

7 BY MR. LEVY:

8 Q. NOW, DR. PIAKIS, YOU HAVE ALSO PREPARED SLIDES?

9 A. I HAVE.

10 Q. ARE THEY IN THE SLIDE PROJECTOR?

11 A. YES, THEY ARE.

12 Q. HAVE THESE BEEN AVAILABLE ALL ALONG -- DID YOU
13 PREPARE THEM SOMETIME AGO AND THEY HAVE ALWAYS BEEN
14 AVAILABLE?

15 A. YES, THEY HAVE.

16 Q. AND THEY REPRESENT WHAT?

17 A. THE BITE MARK ON KIM ANCONA'S LEFT BREAST.

18 Q. ANYTHING ELSE?

19 A. WE ALSO HAVE SOME SLIDES -- I ALSO HAVE SOME
20 SLIDES OF THE MODELS OVER THE LEFT BREAST, THE DENTAL CASTS
21 OVER THE LEFT BREAST, AND I ALSO HAVE A SLIDE OF THE
22 STYROFOAM BITE NEXT TO THE BITE MARK ON KIM ANCONA.

23 Q. DO YOU HAVE ANY SLIDES OF THE TEETH OF RAY KRONE
24 AS -- A CLOSE-UP OF THE TEETH IN HIS MOUTH?

25 A. I DO.

1 Q. DO YOU HAVE A PHOTO OF RAY KRONE HIMSELF?

2 A. YES, I DO.

3 MR. LEVY: EXCUSE ME, YOUR HONOR.

4 (AN OFF-THE-RECORD DISCUSSION ENSUED BETWEEN
5 COUNSEL.)

6 BY MR. LEVY:

7 Q. ON ANY OF THE SLIDES, DID YOU TAKE A PICTURE OF
8 ANY OVERLAY IN THE SLIDES?

9 A. I DID NOT.

10 Q. JUST KIM ANCONA'S LEFT BREAST?

11 A. YES. THAT, THE STUDY MODELS OF RAY KRONE, AND
12 THE MODEL OVER THE BREAST AND THE STYROFOAM BITE, COMPARING
13 IT TO THE BREAST.

14 Q. YOU MEAN -- BY THE MODEL, YOU MEAN A CAST?

15 A. DENTAL CAST. THOSE ARE THE STUDY MODELS.

16 Q. I COUNT 31 SLIDES; IS THAT CORRECT?

17 A. THAT'S CORRECT.

18 Q. AND THEY'RE ALL IN THIS SLIDE PROJECTOR?

19 A. YES, THEY ARE.

20 Q. YOU HAVEN'T YET NUMBERED THEM, HOWEVER, HAVE YOU?

21 A. NO, I HAVE NOT.

22 Q. IN THE SEQUENCE OF HOW YOU WOULD PLAN TO SHOW
23 THEM, DO THEY START WHERE I'M POINTING NOW, WHICH IS ABOUT
24 A 2:00 O'CLOCK POSITION? IS THAT NUMBER 1?

25 A. YES, THERE IS. THERE SHOULD BE A NUMBER ON THE

1 SLIDE TOO.

2 Q. OH, THERE IS?

3 A. NO. RIGHT ON THE CARROUSEL.

4 Q. YEAH, THE CARROUSEL SHOWS 77 THROUGH -- WELL --

5 A. WHERE THE SLIDES BEGIN. THEY SHOULD BEGIN AT
6 SLIDE NUMBER 1 ON THE CARROUSEL.

7 Q. THERE'S FOUR OTHER SLIDES. 79 -- 77, 78, 79.

8 A. NO. THAT'S -- IT STARTS AT NUMBER ONE.

9 Q. THESE FOUR ARE NOT PART OF IT?

10 A. NO.

11 Q. THESE ARE NOT PART OF IT?

12 A. NO. LET ME SEE THEM JUST TO MAKE SURE.

13 NO.

14 Q. OKAY. SO IT'S 1, THEN, THROUGH 27?

15 A. THAT'S CORRECT.

16 MR. LEVY: THIS WOULD BE -- I WOULD OFFER AS THE NEXT
17 EXHIBIT NUMBER SLIDES, IN THIS CARROUSEL, 1 THROUGH 27 AND
18 I -- AS WITH THE PRIOR GROUPING, I WOULD OFFER THEM AS A
19 GROUP.

20 THE COURT: WHAT IS OUR NEXT NUMBER, PLEASE?

21 THE CLERK: 133.

22 MR. JONES: MAY WE APPROACH FOR JUST A MOMENT, YOUR
23 HONOR?

24 THE COURT: YES.

25 (AN OFF-THE-RECORD DISCUSSION ENSUED BETWEEN

1 COURT AND COUNSEL AT THE BENCH OUT OF THE HEARING OF
2 THE JURY.)

3 THE COURT: MEMBERS OF THE JURY, WE'RE GOING TO HAVE A
4 SHORT LEGAL RESOLUTION OF THE MATTER, APPROXIMATELY THREE
5 MINUTES OR SO. SO PLEASE REMEMBER THE ADMONITION, AND WE
6 WILL CALL YOU BACK IN A FEW SECONDS.

7 (THE JURY WAS EXCUSED FROM THE COURTROOM, AND THE
8 FOLLOWING PROCEEDINGS TOOK PLACE:)

9 THE COURT: THE RECORD WILL SHOW THE PRESENCE OF THE
10 DEFENDANT AND COUNSEL OUTSIDE OF THE PRESENCE OF THE JURY
11 AND WILL ALSO REFLECT THAT THE SLIDES ARE BEING SHOWN TO
12 COUNSEL AT THIS TIME.

13 PROCEED, MR. LEVY.

14 MR. JONES, DO YOU WANT TO STAND IN A DIFFERENT
15 SPOT.

16 MR. JONES: THANKS.

17 THE COURT: OKAY.

18 MR. LEVY: OKAY.

(WHEREUPON, EXHIBIT 133, WAS THEN SHOWN.)

20 THE WITNESS: THAT'S IT.

21 MR. LEVY: THAT'S IT, YOUR HONOR.

22 THE COURT: ALL RIGHT. MR. JONES, DO YOU WANT ANOTHER
23 LOOK AT THAT? ARE YOU --

24 MR. JONES: NO. I HAVE SEEN THEM.

COULD I ASK A QUESTION OR TWO SO I CAN MAKE AN

1 OBJECTION --

2 THE COURT: YES.

3 MR. JONES: -- OF THE DOCTOR?

4 THE COURT: DO YOU WANT IT ON THE RECORD? DO YOU JUST
5 WANT TO INTERVIEW HIM OR WHAT?

6 YES, GO AHEAD.

7 MR. JONES: I WOULD LIKE IT ON THE RECORD.

8 THE COURT: YES, GO AHEAD.

9

10 VOIR DIRE EXAMINATION

11 BY MR. JONES:

12 Q. DR. PIAKIS, WHO TOOK THOSE PHOTOS?

13 A. I DID.

14 Q. EVERY ONE OF THEM?

15 A. YES.

16 Q. THERE LOOKS LIKE SOMEONE IS ACTUALLY HOLDING THE
17 CAST AT ONE POINT. THAT WASN'T YOU?

18 A. THE TECHNICIANS AT THE MEDICAL EXAMINER'S WERE
19 HOLDING IT.

20 Q. AND ARE THEY SEPARATE FROM THE COLOR -- ARE THEY
21 SEPARATELY TAKEN? WERE THEY SEPARATELY TAKEN?

22 A. NO, THEY'RE INCORPORATED ALTOGETHER.

23 Q. WHAT I'M TRYING TO GET AT, DID THEY MAKE A
24 PHOTOGRAPH OUT OF THE SLIDE THAT YOU HAVE OR ARE WE TALKING
25 ABOUT TWO DIFFERENT CAMERAS AND TWO DIFFERENT PHOTOS?

1 A. TWO DIFFERENT PHOTOS. THE BLACK AND WHITES YOU
2 ARE TALKING ABOUT?

3 Q. YES.

4 A. THE BLACK AND WHITES WERE TAKEN BY THE POLICE
5 DEPARTMENT, AND THESE WERE TAKEN BY MYSELF. TWO SEPARATE
6 CAMERAS.

7 Q. AND THE PHOTOGRAPHS THAT WE SEE OF THE VICTIM,
8 WERE THESE TAKEN AT THE MEDICAL EXAMINER'S OFFICE THEN?

9 A. WHICH PHOTOS?

10 Q. THE ONES THAT ARE ON THE SLIDE?

11 A. THESE WERE TAKEN SOME AT THE SCENE -- THE DATES
12 ARE ON THERE. SO SOME ARE AT THE SCENE AND SOME ARE AT THE
13 MEDICAL EXAMINER'S OFFICE.

14 Q. OKAY.

15 MR. JONES: YOUR HONOR, AS FAR AS OBJECTION, I WOULD
16 LIKE TO JUST SHOW A CONTINUING OBJECTION IN TERMS OF THE
17 DISTORTION ASPECT. I HAVE NO OBJECTION, JUST TO BE CLEAR,
18 THAT HE TOOK THE PHOTOS. IF HE WANTS TO TESTIFY TO THAT,
19 THAT'S FINE. BUT WHEN THE COURT MAKES A DETERMINATION THAT
20 THEY ACCURATELY AND PROPERLY REFLECT THE SITUATION, THAT
21 MAY BECOME CRITICAL IN THE CROSS-EXAMINATION OF MY CASE.

22 THE COURT: THANK YOU.

23 133, WHICH IS SLIDES 1 THROUGH 27, WILL BE
24 ADMITTED.

25 LET'S BRING OUR JURORS BACK IN, PLEASE.

1 MR. JONES: THANK YOU, YOUR HONOR.

2 (A PAUSE.)

3 (THE FOLLOWING PROCEEDINGS TOOK PLACE IN OPEN
4 COURT:)

5 THE COURT: THE RECORD WILL REFLECT THE PRESENCE OF
6 COUNSEL, THE DEFENDANT, AND MEMBERS OF THE JURY, DR. PIAKIS
7 ON THE STAND.

8

9 FURTHER DIRECT EXAMINATION

10 BY MR. LEVY:

11 Q. DR. PIAKIS, AT THIS TIME I WOULD LIKE TO TURN ON
12 THE SLIDE PROJECTOR AND YOU ASK TO TESTIFY ABOUT THEM,
13 ACTIVATE THE PHOTOGRAPHS, AND NOT STAND IN THE WAY OF THE
14 JURORS.

15 THE COURT: CAN WE DIM ONE BANK OF THE LIGHTS, PLEASE.

16 BY MR. LEVY:

17 Q. GO AHEAD, DR. PIAKIS.

18 A. THIS IS THE BITE MARK ON THE LEFT BREAST OF KIM
19 ANCONA.

20 Q. YOU'LL HAVE TO SPEAK UP CONSIDERABLY MORE.

21 A. THIS IS -- WELL, I THINK I CAN SIT DOWN.

22 MR. JONES: YOUR HONOR, CAN WE HAVE QUESTION AND
23 ANSWER FORMAT?

24 MR. LEVY: OKAY. THAT'S FINE.

25 BY MR. LEVY:

1 Q. WHAT DOES THIS PHOTO REPRESENT?

2 A. THIS REPRESENTS THE BITE MARK ON THE LEFT BREAST
3 OF KIM ANCONA.

4 Q. AND FOR THE JURY'S EDUCATION, DOES IT SHOW UPPER
5 AND LOWER TEETH?

6 A. YES.

7 Q. WHERE WOULD THE UPPER TEETH BE?

8 MR. JONES: OBJECTION; LACK OF FOUNDATION.

9 THE COURT: OVERRULED.

10 YOU MAY ANSWER.

11 THE WITNESS: THE UPPER TEETH ARE IN THIS PATTERN AND
12 THE LOWERS ARE IN THIS PATTERN.

13 BY MR. LEVY:

14 Q. AND DOES THAT -- AND IS THAT THE LEFT BREAST OF
15 KIM ANCONA BEFORE AUTOPSY?

16 A. YES, THIS WAS DONE AT THE CRIME SCENE, THIS
17 PHOTO.

18 Q. AND THE NEXT PHOTO, NEXT SLIDE. WHERE WAS THIS
19 TAKEN?

20 A. THIS ALSO WAS TAKEN AT THE LOUNGE, AT THE SCENE.

21 Q. IS THAT JUST MORE OF A CLOSE-UP OF THE BITE MARK
22 OF THE LEFT BREAST?

23 A. YES, IT IS. WE CAN SEE THE PATTERN TYPE INJURY
24 ON THE BITE MARK ALSO.

25 Q. AND IS THIS WHAT YOU SAW WHEN YOU REPORTED TO THE

1 POLICE DEPARTMENT WHAT YOUR PRELIMINARY FINDINGS WERE?

2 A. YES, I DID. I REPORTED IT AS A BITE MARK.

3 Q. THE NEXT SLIDE. AND IS THAT ALSO AT THE SCENE?

4 A. YES, IT IS.

5 Q. TAKEN BY YOU?

6 A. YES.

7 Q. AND IS THAT THE FORENSIC ODONTOLOGIST RULER?

8 A. THAT'S THE AMERICAN BOARD OF FORENSIC ODONTOLOGY
9 RULER.

10 Q. AND WHAT IS THAT RULER SHOWING THE JURY IN TERMS
11 OF SCALE?

12 A. THE REASON WE USE THIS, WE EVENTUALLY WANT TO
13 ENLARGE THIS PHOTO TO LIFE SIZE OR ONE TO ONE TO ENABLE US
14 TO PUT THE DENTAL CAST DIRECTLY OVER THE PHOTO.

15 Q. AND DOES THAT ALLOW YOU TO ENLARGE IT TO AN
16 ACCURATE ONE-TO-ONE ENLARGEMENT?

17 A. THAT'S CORRECT.

18 Q. IN OTHER WORDS -- IN OTHER WORDS -- TELL THE JURY
19 WHAT IN OTHER WORDS MEANS?

20 A. IN OTHER WORDS, WHEN WE ENLARGE THIS PHOTO, WE
21 WANT TO PLACE THE RULER DIRECTLY OVER THE PHOTO, AND THE
22 SAME MILLIMETERS HERE WOULD BE PLACED OVER THE PHOTO AS
23 WITH THE AMERICAN BOARD OF FORENSIC ODONTOLOGY RULER.

24 Q. DO YOU HAVE YOUR RULER?

25 A. I DID HAVE IT.

1 Q. ASSUMING THAT THIS WAS -- YOU WERE ENLARGING IT
2 AND ASSUMING YOU PUT THIS OVER IT, IF THE PICTURE CAME OUT
3 TO BE THE SAME DIMENSIONS AS THE RULER, DOES THAT MEAN THEN
4 IT'S ONE TO ONE?

5 A. THAT'S EXACTLY RIGHT.

6 Q. NEXT SLIDE.

7 A. THIS IS ANOTHER VIEW OF THE LEFT BREAST. I PLACE
8 THE RULER AT A DIFFERENT ANGLE.

9 Q. AND DID YOU PLACE IT IN SUCH A WAY AS NOT TO HIDE
10 OR COVER UP, RATHER, ANY OF THE BITE MARKS?

11 A. THAT'S CORRECT.

12 Q. NEXT SLIDE. IS THIS ALSO TAKEN AT THE SCENE?

13 A. YES, IT WAS.

14 Q. ANOTHER VIEW OF THE LEFT BREAST WITH THE RULER?

15 A. EXACTLY.

16 Q. NEXT SLIDE. IS THIS MORE OF A CLOSE-UP TAKEN AT
17 THE SCENE WITH THE RULER?

18 A. YES.

19 Q. NEXT SLIDE. IS THIS EVEN MORE OF A CLOSE-UP
20 TAKEN WITH THE RULER?

21 A. YES. THIS SHOWS THE PATTERN INJURY THAT WE DO
22 GET WITH THE BITE MARK. THE UPPER ARCH ALONG WITH THE
23 LOWER ARCH.

24 Q. WHAT IS THE ARCH?

25 A. THE ARCH IS THE ALIGNMENT OF THE UPPER TEETH, THE

1 ARC ON THE UPPER AS COMPARED TO THE ARC ON THE LOWER.

2 Q. DOES THAT REVEAL MORE THAN ONE BITE MARK JUST
3 VISUALLY?

4 A. YES, IT DOES.

5 Q. AND JUST -- WOULD YOU SHARE THAT WITH THE JURY.

6 A. THE FIRST BITE MARK --

7 MR. JONES: EXCUSE ME, DOCTOR.

8 YOUR HONOR, TO AVOID INTERRUPTING, JUST SHOW A
9 CONTINUING OBJECTION TO HIS DISCUSSION, WHAT IT SHOWS
10 REGARDING THE BITE MARK.

11 THE COURT: THANK YOU.

12 MR. JONES: IT GOES BEYOND THE SCOPE OF HIS EXPERTISE.

13 THE COURT: OVERRULED.

14 YOU MAY ANSWER.

15 THE WITNESS: THE BITE MARK HERE SHOWS A DEFINITE
16 PATTERN. YOU CAN SEE ONE TOOTH HERE, OUT IN FRONT. THIS
17 TOOTH IS OUT TOWARDS THE LIP AS COMPARED TO THIS TOOTH. WE
18 DON'T SEE ANY MARKS HERE OR HERE SHOWING THAT EITHER HE'S
19 MISSING THESE TEETH OR THE TEETH ARE POSITIONED HIGHER.

30 BY MR. LEVY:

YOU MEAN THE OTHER TEETH THAT AREN'T SHOWING?

22 A EXACTLY

6 WHERE IS THE OTHER ALIGNMENT?

THIS IS ONE ALIGNMENT -- OF THE BITE MARK?

25 QM

1 A. YES. THIS IS ONE ALIGNMENT OF THE BITE MARK, AND
2 THE SECOND ALIGNMENT OF THE BITE MARK IS IN THIS PLANE.

3 Q. SO YOU HAVE INDICATED 12:00 O'CLOCK TO 4:00
4 O'CLOCK AND 10:00 O'CLOCK TO 4:00 O'CLOCK?

5 A. EXACTLY.

6 Q. IS THAT ALSO AT THE SCENE?

7 A. YES. THIS WAS AT THE SCENE. THIS IS A CLOSE-UP
8 OF THE UPPER ARCH.

9 Q. ALSO TAKEN BY YOU?

10 A. YES.

11 Q. AND DO THESE PHOTOGRAPHS ALL REASONABLY AND
12 ACCURATELY REPRESENT THE LEFT BREAST OF KIM ANCONA?

13 A. THEY DO.

14 Q. AND YOU SEE FURTHER -- IS FURTHER DEFINITION
15 REVEALED?

16 A. I SEE A ROUNDED TOOTH HERE. I SEE AN ABSENCE OF
17 A TOOTH HERE, I SEE THE ABSENCE OF A TOOTH HERE. I SEE
18 HERE, THIS TOOTH RIGHT HERE, WHICH IS SITTING TOWARD THE
19 PALATE AS COMPARED TO THE TOOTH WHICH IS SITTING TOWARD THE
20 LIP, THIS TOOTH HERE FROM THIS ANGLE IS WIDER THAN FROM
21 THAT ANGLE TO THIS SIDE.

22 Q. WHEN YOU SAY ABSENCE OF THE TOOTH, DO YOU MEAN
23 ABSENCE OF THE MARK?

24 A. YES.

25 Q. OR ABSENCE OF THE TOOTH ALTOGETHER?

1 A. YES, IT IS. AND WE SEE DEFINITE TOOTH MARKS HERE
2 ALSO.

3 Q. THE NEXT SLIDE.

4 AND THAT IS A PHOTO OF WHOM?

5 A. THAT'S A PHOTO OF THE -- RAY KRONE.

6 Q. AND WAS THAT TAKEN DECEMBER 30 OF 1991?

7 A. THAT'S CORRECT.

8 Q. AND WAS THAT AT THE TIME THAT YOU TOOK THE FOAM
9 IMPRESSION AND MADE THE CAST OF MR. KRONE?

10 A. THAT'S CORRECT.

11 Q. IS THAT HOW HE LOOKED AT THE TIME?

12 A. THAT'S CORRECT.

13 Q. NEXT SLIDE.

14 AND IS THAT A -- SHOW THE -- HIS ACTUAL MOUTH
15 WITH HIS TEETH REVEALED?

16 A. THAT IS CORRECT.

17 Q. UPPER AND LOWER TEETH?

18 A. YES.

19 Q. AND IS THERE ANYTHING ABOUT YOUR OBSERVATIONS OF
20 HIS TEETH THAT WERE NOTEWORTHY TO YOU AS A FORENSIC
21 ODONTOLOGIST WITH REGARD TO BITE MARKS?

22 A. YES.

23 Q. WHAT?

24 A. I SEE HERE THE FRONT TOOTH, WHICH IS THE UPPER
25 LEFT CENTRAL, WHICH IS HIS FRONT TOOTH.

1 Q. WHAT'S THAT CALLED?

2 A. THAT'S THE UPPER LEFT CENTRAL. TOOTH NUMBER 9.

3 Q. NUMBER 9.

4 A. I MUST SAY WE, AS ODONTOLOGISTS, MARK TEETH FROM

5 1 TO 16, AND 17 TO 32.

6 Q. 1 TO 16 IS RIGHT TO LEFT?

7 A. RIGHT TO LEFT ON THE UPPER, COMING DOWN ON THE

8 BOTTOM, 17 TO 32 ON THE LOWER RIGHT.

9 Q. LEFT TO RIGHT ON THE BOTTOM?

10 A. THAT'S CORRECT.

11 Q. THAT'S NUMBER 9.

12 A. THIS IS TOOTH NUMBER 9.

13 Q. AND IS THERE ANYTHING OUT OF -- NOTEWORTHY TO

14 YOU?

15 A. YES. TOOTH NUMBER 9 IS LONGER THAN TOOTH NUMBER

16 8. TOOTH NUMBER 9 --

17 Q. LONGER BY FROM THE ROOT OF THE GUM TO THE END OF

18 THE TOOTH?

19 A. EXACTLY. TOOTH NUMBER 9 IS ALSO OUT TOWARD THE

20 LIP, MORE THAN TOOTH NUMBER 8.

21 Q. PROTRUDING, AS IT WERE?

22 A. YES.

23 TOOTH NUMBER 6 -- EXCUSE ME, TOOTH NUMBER 7, IS

24 SITTING HIGHER, AS COMPARED TO THE INCISOR PLANE WHICH IS

25 THE BITE PLANE ACROSS HERE, IS TOOTH NUMBER 6, AND TOOTH

1 NUMBER 10 IS SITTING HIGHER. THIS IS TOOTH NUMBER 11.

2 Q. SO WHAT WOULD FIRST CONTACT THE -- IN THIS CASE
3 KIM ANCONA'S LEFT BREAST OF FLESH, WHAT WOULD FIRST CONTACT
4 IT? THE LONGER TEETH?

5 A. THE ALIGNMENT OF THE TEETH.

6 Q. THE LONGER THE TOOTH -- THE FIRST CONTACT IS THE
7 LONGER?

8 A. OH, EXCUSE ME, THE FIRST CONTACT? I DIDN'T HEAR
9 THE QUESTION.

10 THE FIRST CONTACT WOULD BE THE LONGER TOOTH. SO
11 THE CONTACT WOULD BE MADE BY THIS TOOTH HERE FIRST.

12 Q. ANYTHING ABOUT THE LOWER TEETH THAT WERE
13 NOTEWORTHY TO YOU?

14 A. COMING FROM THE SAME RELATIONSHIP FROM 17 TO 32,
15 THIS IS A BRIDGE AREA. VERY UNIQUE BRIDGE.

16 Q. WHY?

17 A. WHY? BECAUSE THE SIZE OF THESE TEETH ARE VERY
18 SMALL IN ORDER TO FIT BETWEEN THIS EYETOOTH AND THIS
19 EYETOOTH. HE HAS FOUR TEETH RIGHT IN BETWEEN HERE; IN A
20 SITUATION THAT WOULD THEORETICALLY FIT THREE TEETH.

21 Q. IS THERE ANYTHING UNIQUE ABOUT ANY OF THE UPPER
22 TEETH?

23 A. THE UPPER TOOTH? NUMBER 9 HAS A CROWN, WHICH IS
24 A CAP RIGHT THERE.

25 Q. SO IT'S CROWNED OVER THE ORIGINAL TOOTH?

1 A. EXACTLY.
2 Q. AND IT ALSO STICKS OUT?
3 A. IT PROTRUDES TOWARD THE LIP.
4 Q. ANYTHING ELSE THAT YOU NOTED ABOUT THE UPPER
5 TEETH?

6 A. NOT TO THIS SLIDE.
7 Q. NEXT SLIDE.

8 WAS THIS ALSO TAKEN DECEMBER 30, '91, WHEN YOU
9 WERE TAKING THE CASTS OF MR. KRONE'S TEETH?

10 A. YES.

11 Q. AND WHAT ARE YOU SHOWING HERE?

12 A. HERE I'M SHOWING A CLOSE-UP OF MR. KRONE'S UPPER
13 AND LOWER TEETH.

14 Q. AS ACTUAL LIVE PHOTOGRAPHED TEETH IN HIS MOUTH?
15 A. EXACTLY.

16 Q. AND IS THE SAME -- YOUR REMARKS FROM THE LAST
17 PHOTOGRAPHS ALSO APPLY TO THIS?

18 A. THAT'S CORRECT.

19 Q. ANYTHING ADDITIONAL THAT THIS PHOTOGRAPH MIGHT
20 REVEAL?

21 A. THIS MIGHT REVEAL THE POINTINESS OF THE LOWER
22 RIGHT CUSPID, WHICH IS THE LOWER RIGHT EYETOOTH. TOOTH
23 NUMBER 27. THAT TOOTH IS HIGHER ON THE PLANE THAN ANY
24 OTHER TOOTH.

25 Q. AND AGAIN I NOTICE YOU HAVE THE RULER THERE.

1 A. THAT'S CORRECT.

2 Q. FOR PURPOSES OF ANY ENLARGEMENTS YOU WISH TO MAKE
3 IN THE FUTURE?

4 A. THAT'S CORRECT.

5 Q. NEXT SLIDE. AND IS THIS EVEN MORE OF A CLOSE-UP
6 TAKEN DECEMBER 30, '91, BY YOU?

7 A. THAT'S CORRECT.

8 Q. ANYTHING FURTHER REVEALED OR NOTEWORTHY IN THIS
9 SLIDE?

10 A. AGAIN, I WILL POINT OUT THE LATERAL, WHICH IS THE
11 TOOTH NUMBER 10, IS HIGHER ON THE PLANE, ALONG WITH TOOTH
12 NUMBER 7. THE EDGE OF THIS TOOTH, TOOTH NUMBER 9, IS LOWER
13 THAN THE EDGE OF THIS TOOTH. THIS TOOTH IS OUT TOWARD THE
14 LIP.

15 Q. PROTRUDED?

16 A. PROTRUDED OUT TOWARD THE LIP. AND THE POINTINESS
17 OF THAT EYETOOTH ON THE LOWER RIGHT.

18 Q. NEXT SLIDE.

19 AND WAS THIS ALSO TAKEN DECEMBER 30 OF '91, BY
20 YOU WHEN YOU WERE TAKING THE CAST OF MR. KRONE?

21 A. THAT'S CORRECT.

22 Q. WHAT'S REVEALED IN THIS PHOTO WITH THE RULER
23 ABOVE IT?

24 A. THE SAME, AS FAR AS THIS TOOTH OUT FURTHER TOWARD
25 THE LIP, PROTRUDING OUT. WE ALSO CAN SEE ON THIS PHOTO A

1 NOTCH ON TOOTH NUMBER 8.

2 Q. IS THAT UNIQUE TO THAT TOOTH?

3 A. YES, IT IS.

4 Q. AND WOULD THAT NOTCH SHOW ITSELF IN A DIRECT
5 DOWNWARD PRESSURE AGAINST HUMAN FLESH OR DID YOU NOTE THAT
6 ON KIM ANCONA'S BREAST?

7 A. I NOTED THAT ON BITE MARK NUMBER 2, THE 10:00
8 O'CLOCK BITE.

9 Q. WAS THERE THE SAME NOTCH PATTERN?

10 A. YES. THERE'S A LITTLE T HERE. ALSO THE WIDTH OF
11 THIS TOOTH FROM HERE TO HERE IS WIDER -- IT MAY NOT SHOW ON
12 THIS SLIDE, BUT I HAVE ANOTHER SLIDE FOR IT -- THAN FROM
13 HERE TO HERE.

14 Q. I'M SORRY. SAY THAT AGAIN, I --

15 A. OKAY. THE EDGE OF THE TOOTH, THAT'S DIVIDED INTO
16 TWO. THIS HALF AS COMPARED TO THIS HALF.

17 Q. YES.

18 A. THIS HALF IS WIDER THAN THIS HALF. I'LL SHOW
19 THAT ON THE STUDY MODELS OR THE DENTAL CASTS.

20 Q. WIDER IN WHAT DIMENSION?

21 A. WIDER FROM THE LIP TO THE PALATE. THE WIDTH OF
22 THE EDGE OF THE TOOTH.

23 Q. NEXT SLIDE.

24 AND, AGAIN, WAS THIS ALSO DECEMBER 30, '91?

25 A. THAT'S CORRECT.

1 Q. AND THE TEETH OF RAY KRONE?

2 A. THAT'S CORRECT.

3 Q. WHAT'S REVEALED HERE THAT IS ANYTHING IN ADDITION
4 TO WHAT YOU HAVE ALREADY TESTIFIED TO, IF ANYTHING?

5 A. NO.

6 Q. THE NEXT SLIDE.

7 ANYTHING DIFFERENT HERE THAN WHAT YOU HAVE
8 ALREADY TESTIFIED TO?

9 A. NO.

10 Q. IS THIS ALSO THE UPPER TEETH OF RAY KRONE?

11 A. THAT'S CORRECT.

12 Q. THE NEXT SLIDE. AGAIN, UPPER TEETH OF RAY KRONE?

13 A. THAT'S CORRECT.

14 Q. ANYTHING DIFFERENT?

15 A. HERE WE CAN SEE THE PROTRUDING UPPER LEFT
16 CENTRAL, TOOTH NUMBER 9, AS COMPARED TO TOOTH NUMBER 8.

17 Q. NEXT SLIDE.

18 IS THIS THE LOWER TEETH OF RAY KRONE?

19 A. THAT'S CORRECT.

20 Q. AND WHAT'S NOTEWORTHY ABOUT THIS?

21 A. THIS IS THE BRIDGE AREA, HOW THESE FOUR TEETH ON
22 THE BRIDGE ARE VERY CLOSE TOGETHER IN PROXIMITY.

23 Q. AND WHAT ABOUT THEIR ALIGNMENT, ONE TO THE OTHER?

24 A. WE CAN SEE THAT ONE TOOTH IS TOWARD THE TONGUE
25 SIDE. THIS TOOTH IS OUT TOWARD THE LIP SIDE. AND THE

1 ROTATION OF THESE TEETH AREN'T IN LINE WITH THE ROTATION OF
2 THE NORMAL ARCH.

3 Q. AND IS THAT IN AND OF ITSELF UNIQUE?

4 A. YES, IT IS.

5 Q. NEXT SLIDE.

6 AND WHAT IS THIS?

7 A. THIS IS THE UPPER CAST OF MR. KRONE'S TEETH.

8 Q. IS THIS THE CAST OF HIS ACTUAL TEETH?

9 A. THAT'S EXACTLY RIGHT.

10 Q. WAS IT TAKEN APRIL 12TH OF '92?

11 A. YES, IT WAS.

12 Q. AND DOES IT REASONABLY AND ACCURATELY REPRESENT
13 HIS CASTED UPPER TEETH?

14 A. THAT IS CORRECT.

15 Q. WHAT IS NOTEWORTHY ABOUT THIS THAT YOU HAVEN'T
16 ALREADY TESTIFIED TO?

17 A. JUST TO REPEAT, THE EDGE OF THIS TOOTH IS LONGER
18 THAN THIS. THIS TOOTH IS SITTING HIGH.

19 Q. NOW, THIS CASTING COMPARED TO THE ACTUAL TEETH
20 SLIDES, ARE THEY THE SAME? IN OTHER WORDS, IS THE CAST
21 ACCURATE?

22 A. YES, THEY ARE.

23 MR. JONES: OBJECTION, YOUR HONOR. CONTINUING
24 OBJECTION.

25 THE COURT: OVERRULED.

1 THE ANSWER MAY STAND.

2 BY MR. LEVY:

3 Q. AND BASED UPON YOUR -- YOU'VE ACTUALLY CAREFULLY
4 VIEWED THE CASTS?

5 A. THAT'S CORRECT.

6 Q. ANY DISTORTION?

7 A. NONE.

8 Q. THE NEXT SLIDE.

9 AND IS THIS A BOTTOM PHOTO --

10 A. NO. THIS IS THE UPPER CAST OF MR. KRONE'S TEETH.

11 Q. I MEANT TO SAY WAS IT TURNED OVER UPSIDE-DOWN?

12 A. YES.

13 Q. AND DOES THAT ACCURATELY SHOW THE TEETH ARRANGED
14 AS THEY ARE SHOWN IN THE CAST?

15 A. THAT'S CORRECT.

16 Q. AND IN TURN, IS THE CAST ACCURATE AS TO HIS
17 ACTUAL TEETH?

18 A. THAT'S CORRECT.

19 MR. JONES: OBJECTION, YOUR HONOR.

20 THE COURT: OVERRULED.

21 BY MR. LEVY:

22 Q. ANYTHING NOTEWORTHY HERE FOR THE JURY?

23 A. HERE WE CAN SEE TOOTH NUMBER 9. REMEMBER, IT'S
24 INVERTED NOW. TOOTH NUMBER 9 IS PROTRUDED OUT TOWARD THE
25 LIP AS COMPARED TO TOOTH NUMBER 8.

1 Q. WHAT ABOUT THE -- ANYTHING YET HERE ON WIDTH? OR
2 IS THAT ANOTHER SLIDE?

3 A. THAT'S ANOTHER SLIDE. BUT I CAN -- THIS -- ALSO
4 NOTICE THE CURVATURE OF THE CROWN ON THIS TOOTH. REMEMBER,
5 THIS ISN'T HIS NATURAL TOOTH. THIS IS A CROWN WHICH IS A
6 CAP ON HIS FRONT TOOTH. AND THIS HAS A UNIQUE PATTERN TO
7 IT. IT'S CIRCULAR HERE.

8 Q. AND IS THERE ANY UNIQUENESS IN THE PATTERN OF THE
9 REMAINING TEETH?

10 A. YES.

11 Q. WHAT?

12 A. WE WILL SEE THAT NOTCH HERE ON THIS TOOTH, WHICH
13 IS TOOTH NUMBER 8. WE CANNOT SEE TOOTH NUMBER 7 AND 10 ON
14 THIS ANGLE BEING HIGHER, BUT WE SAW IT ON THE OTHER SIDE.

15 Q. BUT THEY IN FACT ARE HIGHER?

16 A. YES, THEY ARE.

17 Q. AND WHERE'S THE EYETEETH?

18 A. THIS IS TOOTH NUMBER 6, WHICH IS THE EYETOOTH,
19 AND TOOTH NUMBER 11, WHICH IS THE EYETOOTH. HIS UPPER
20 LEFT, UPPER RIGHT.

21 Q. NEXT SLIDE.

22 AND IS THIS THE LOWER CAST?

23 A. YES, IT IS.

24 Q. AND DOES THIS PHOTO ACCURATELY REPRESENT THE
25 ACTUAL CAST?

1 A. YES, IT DOES.

2 Q. DOES THE ACTUAL CAST ACCURATELY REPRESENT HIS
3 ACTUAL TEETH?

4 MR. JONES: SAME OBJECTION.

5 THE COURT: OVERRULED.

6 YOU MAY ANSWER.

7 THE WITNESS: THAT'S CORRECT.

8 BY MR. LEVY:

9 Q. WHAT'S NOTEWORTHY ABOUT WHAT THE JURY SEES HERE?

10 A. HERE, WE CAN SEE THE POINTINESS OF THE EYETOOTH,
11 TOOTH NUMBER 27. WE SEE THIS TOOTH HERE, A LITTLE HIGHER.
12 SO YOU WOULD PRESUME THAT THESE TEETH WOULD MARK BEFORE
13 OTHER TEETH, THE TEETH THAT ARE SITTING HIGHER ON THE
14 OCCLUSAL PLANE.

15 Q. THE NEXT SLIDE.

16 AND IS THIS THE UPPER AND THE LOWER TOGETHER?

17 A. THAT'S CORRECT.

18 Q. AND ARE THEY JOINED?

19 A. YES, THEY ARE.

20 Q. AND, AGAIN, DOES THAT PHOTO ACCURATELY REFLECT
21 THE CAST ITSELF?

22 A. THAT'S CORRECT.

23 Q. AND, AGAIN, THE CASTS, DO THEY ACCURATELY
24 REPRESENT THE TEETH IN RAY KRONE'S MOUTH?

25 A. THEY DO.

1 Q. NEXT SLIDE.

2 WHAT'S SHOWN HERE?

3 A. THIS IS THE UPPER MODEL OR DENTAL CAST OF MR.
4 KRONE'S TEETH.

5 Q. AND THEY SEEM TO BE PLACED ADJACENT TO THE BITE
6 MARKS ON KIM ANCONA'S BREAST?

7 A. EXACTLY.

8 Q. AND THIS WAS MADE 12/31 OF '91?

9 A. EXACTLY.

10 Q. THIS IS HER ACTUAL BREAST AT THE M.E.'S OFFICE?

11 A. THIS WAS MADE DIRECTLY ON THE BREAST.

12 Q. AND WHAT'S THE PURPOSE OF THIS PHOTO?

13 A. TO SHOW THE UPPER LEFT CENTRAL, WHICH IS TOOTH
14 NUMBER 9, OUT FURTHER THAN THE UPPER RIGHT CENTRAL, TOOTH
15 NUMBER 8. THIS ALSO SHOWS THE CURVATURE OF THIS TOOTH, THE
16 CROWN ITSELF.

17 WE ALSO SEE THIS LITTLE MARK HERE, A TOOTH MARK
18 FROM THE UPPER RIGHT EYETOOTH, TOOTH NUMBER 6. WE ALSO DO
19 NOT SEE MARKS IN THE AREA OF TOOTH NUMBER 7 AND TOOTH
20 NUMBER 10. THE REASON WE DON'T SEE MARKS THERE IS BECAUSE
21 THE TEETH ARE SITTING ON A HIGHER PLANE THAN THE EDGES OF
22 THE TEETH THAT MARKED.

23 Q. IS THERE ANY -- ARE THERE ANY MORE SLIDES?

24 A. YES.

25 Q. AND WAS THIS TAKEN ON DECEMBER 31 OF '91?

1 A. THAT'S CORRECT.

2 Q. DOES THAT SHOW THE CAST OF THE UPPER TEETH OF RAY
3 KRONE AND THE LEFT BREAST OF KIM ANCONA?

4 A. THAT'S CORRECT.

5 Q. WHAT'S THE PURPOSE OF THIS SLIDE?

6 A. THE PURPOSE OF THIS SLIDE WAS TO BE PLACED OVER
7 THE ACTUAL BITE MARK. THIS TOOTH MATCHING HERE. AND HERE
8 WE CAN SEE THE THICKNESS OR --

9 THE WITNESS: YOUR HONOR, CAN I GET UP?

10 THE COURT: YES.

11 THE WITNESS: AS I SAID BEFORE, DIVIDING THIS TOOTH --
12 BY MR. LEVY:

13 Q. SPEAK LOUDLY, DR. PIAKIS.

14 A. AS I SAID BEFORE, DIVIDING THIS TOOTH ON THE
15 EDGE, WE CAN SEE ON THE BITE MARK, THIS IS WIDER THAN THIS
16 HALF OF THE EDGE OF THE TOOTH. AND WE CAN SEE THAT ALSO ON
17 THE STUDY CASTS. FROM HERE TO HERE IS WIDER THAN FROM HERE
18 TO HERE. FROM HERE TO HERE IS WIDER THAN FROM HERE TO
19 HERE. SO THAT'S A UNIQUE FACTOR, ESPECIALLY ON TOOTH
20 NUMBER 8.

21 Q. ARE THERE ANY MORE SLIDES?

22 AND WAS THIS TAKEN ON DECEMBER 31 OF '91?

23 A. THAT'S CORRECT.

24 Q. AND IS THAT THE CAST, UPPER AND LOWER, AND THE
25 BREAST OF KIM ANCONA AS SHE LAY AT THE MEDICAL EXAMINER'S

- 1 OFFICE?
- 2 A. THAT'S CORRECT.
- 3 Q. AND WHAT WAS THE PURPOSE OF THIS PHOTO?
- 4 A. THIS WAS TO SIMULATE THE BITE, AND WE WANTED TO
- 5 PHOTOGRAPH HOW THE BITE WOULD BE ON THE BREAST.
- 6 Q. AND DO THE TEETH LINE UP IN THE SAME BITE MARK
- 7 PATTERN AS ON THE LEFT BREAST?
- 8 A. THEY DO.
- 9 Q. IS THAT THE 12:00 O'CLOCK POSITION YOU'RE
- 10 SHOWING?
- 11 A. YES, IT IS.
- 12 Q. ANY OTHER SLIDES?
- 13 AND IS THE FOAM TEETH PATTERN THAT YOU TOOK ON
- 14 DECEMBER 30, 1991 --
- 15 A. THAT'S CORRECT.
- 16 Q. -- OF RAY KRONE?
- 17 A. YES, IT IS.
- 18 Q. IS THIS THE UPPER?
- 19 A. THIS IS THE UPPER ARCH.
- 20 Q. WITH A RULER?
- 21 A. YES. OF MR. KRONE'S TEETH, TAKEN IN STYROFOAM.
- 22 Q. AND, AGAIN, YOU HAVE TAKEN THIS PHOTO?
- 23 A. THAT'S EXACTLY RIGHT.
- 24 Q. WHAT'S THE BLACK MARKING ON IT?
- 25 A. THE BLACK MARKING WE FILLED IN WHERE THE TOOTH

1 MARK WAS ON THE STYROFOAM BITE. SO WE FILLED IN THAT AREA
2 TO SHOW WHERE THE BITE OCCURRED ON THE STYROFOAM. ONCE
3 AGAIN WE CAN --

4 Q. IN OTHER WORDS, WITH REGARD TO THE LEFT BREAST
5 AND THE MARKS ON THE STYROFOAM, WHAT'S THE RELATIONSHIP?
6 WHAT'S THE CORRELATION BETWEEN THE BITE MARKS YOU SAW ON
7 KIM ANCONA'S LEFT BREAST AND WHAT YOU DARKENED ON THE FOAM
8 IMPRESSION?

9 A. A CONSISTENCY WITH THE STYROFOAM BITE AND THE
10 LEFT BREAST.

11 Q. AND ORIENTING -- THIS IS THE UPPER TEETH, RIGHT,
12 AS YOU FACE IT, AND LEFT IS AS YOU FACE IT?

13 A. THAT'S CORRECT.

14 Q. NEXT SLIDE.

15 WHAT'S -- DOES THIS SHOW THE BITE IMPRESSION
16 DARKENED AND THE BITE MARK ON THE LEFT BREAST OF KIM
17 ANCONA?

18 A. THAT'S CORRECT.

19 Q. WOULD YOU CORRELATE FOR THE JURY.

20 A. THIS TOOTH HERE WE TRY TO COMPARE THE STYROFOAM
21 BITE OF MR. KRONE TO THE BITE MARK LEFT ON KIM ANCONA'S
22 LEFT BREAST. TOOTH NUMBER 6, WHICH IS THAT UPPER RIGHT
23 EYETOOTH CORRESPONDING TO THIS NOTCH, CORRESPONDING TO THIS
24 MARK. TOOTH NUMBER 8, WHICH HAD THAT HALF WIDER THAN THE
25 OTHER HALF --

1 Q. EXCUSE ME. BEFORE YOU MOVE ON. IS THIS WHAT
2 YOU'RE TALKING ABOUT, THE HALF WIDER ON THIS SIDE OF THE
3 TOOTH THAN ON THIS SIDE?

4 A. YES. IT DOESN'T SHOW ON THE STYROFOAM BITE
5 THOUGH, BUT IT DOES SHOW IN MR. KRONE'S TEETH AND ALSO
6 SHOWS ON THE BITE MARK. AND ALSO THE RELATIONSHIP OF THE
7 TWO FRONT TEETH. ONCE AGAIN, TOOTH NUMBER 9, HIS UPPER
8 LEFT CENTRAL, IS OUT FURTHER THAN TOOTH NUMBER 8; SIMILAR
9 TO THE STYROFOAM BITE.

10 Q. NEXT SLIDE.

11 IS THAT -- THAT'S ALL THE SLIDES, I TAKE IT?

12 A. THAT'S IT.

13 Q. NOW, HAVE YOU PREPARED OVERLAYS?

14 A. YES, I DID.

15 Q. CONSIDERING THE TIME, DR. PIAKIS, YOU INDICATED
16 ON OTHER PHOTOS, 126, I BELIEVE, THROUGH 132, YOU WISHED TO
17 SHARE THOSE PHOTOS WITH THE JURY?

18 A. YES.

19 Q. I PLACE THEM HERE.

20 THEN, EXHIBITS 123, 124 BEING THE CASTS, OF MR.
21 KRONE'S TEETH, THAT YOU HAVE EARLIER TESTIFIED TO, AND 125,
22 THE FOAM BITE MARK, I PLACE IN FRONT OF YOU.

23 AT THIS POINT IN TIME, DO YOU WISH TO SHARE THE
24 PHOTOS WITH THE JURY OR THE ACTUAL TEETH CASTS?

25 A. I CAN SHOW THE PHOTOS TO THE JURY WITH THE TEETH

1 CASTS, IS THAT WHAT YOU MEANT? YES, I WOULD BE WILLING TO
2 DO THAT.

3 Q. AND DO YOU WISH TO STAY UP THERE OR SOMEWHERE
4 ELSE?

5 A. PROBABLY CONFRONTING THE JURY, WOULD THAT BE
6 OKAY, TO GO UP AND SHOW FOUR, FOUR, AND FOUR?

7 Q. OKAY.

8 MR. LEVY: IS THAT PERMISSIBLE WITH THE COURT? AND
9 HOW CLOSE MAY HE STAND?

10 THE COURT: I REQUEST THAT YOU RESPECT THE JURORS,
11 QUOTE, SPACE, AND NOT GET CLOSE -- SO CLOSE TO THEM THAT
12 THEY WOULD FEEL ANY TYPE OF APPREHENSION OR PRESSURE. SO
13 IF YOU WOULD STAY ON THIS SIDE OF THE JUROR RAIL, A FEW
14 FEET BACK, I WILL ALLOW THE DEMONSTRATION FROM EXHIBITS
15 WHAT NOW?

16 MR. LEVY: 126 THROUGH 132, 123 THROUGH 125.

17 AND IF THAT'S ACCEPTABLE TO THE COURT, I ASK ONE
18 ADDITIONAL CONSIDERATION. THAT DOCTOR -- IF I MAY, YOUR
19 HONOR? ASK A QUESTION. THIS ISN'T MARKED AND I WILL LAY
20 FOUNDATION.

21 THE COURT: GO RIGHT AHEAD.

22 BY MR. LEVY:

23 Q. WHAT IS THIS MACHINE?

24 A. THAT'S CALLED A HINGE ARTICULATOR.

25 Q. NOW, IS THE CAST OF RAY KRONE'S TEETH WITHIN THIS

1 MACHINE?

2 A. YES, THEY ARE.

3 Q. ARE THEY THE SAME AS THE CASTS IN EVIDENCE, WHICH
4 IS 123 AND 124?

5 A. THAT'S CORRECT.

6 Q. AND DID YOU WISH TO DEMONSTRATE THE BITE WITH
7 THIS MACHINE?

8 A. I CAN, YES.

9 MR. LEVY: AND, YOUR HONOR, SINCE IT'S ALREADY SET UP,
10 WE HAVEN'T MARKED IT, BUT WE HAVE THE ACTUAL CASTS IN
11 EVIDENCE, IF THE DOCTOR MAY UTILIZE THIS?

12 MR. JONES: OBJECTION, YOUR HONOR. THERE'S NO WAY TO
13 SHOW THIS IS ACCURATE. THERE'S NO DISTORTION. WE OBJECT
14 TO THE USE OF THAT.

15 THE COURT: ARE YOU INTENDING TO MARK THAT EXHIBIT OR
16 JUST USE IT AS DEMONSTRATIVE --

17 MR. LEVY: JUST DEMONSTRATIVE, YOUR HONOR.

18 THE COURT: I WILL ALLOW THE DEMONSTRATION. YOU MAY
19 PROCEED.

20 I WILL SHOW THE CONTINUING OBJECTION OF THE
21 DEFENSE.

22 BY MR. LEVY:

23 Q. DR. PIAKIS, THE COURT'S ALLOWED YOU TO STEP DOWN.

24 MR. LEVY: AND FOR THE COURT'S PURPOSES IS THIS AN
25 ACCEPTABLE DISTANCE?

1 THE COURT: THAT'S FINE.

2 BY MR. LEVY:

3 Q. HOW ABOUT YOU, DR. PIAKIS?

4 A. CAN I COME A LITTLE CLOSER IF POSSIBLE?

5 THE COURT: YES.

6 THE WITNESS: THANK YOU.

7 BY MR. LEVY:

8 Q. IS THAT ENOUGH?

9 A. YES.

10 Q. FIRSTLY, YOU ARE REACHING FOR THE CASTS. DO YOU
11 WISH TO SHOW THE ACTUAL CASTS TO THE JURY?

12 A. YES. THE EVENING THAT WE DID THAT, WE DID TAKE
13 THE IMPRESSIONS ON MR. KRONE'S TEETH, WE TOOK -- I TOOK TWO
14 SETS OF MODELS. ONE SET AS A WORKING MODEL OF MR. KRONE'S
15 TEETH AND THIS IS OUR MASTER MODEL. THIS IS A HINGE
16 ARTICULATOR, AND THIS IS THE WAY WE MOUNTED THE CASE TO MR.
17 KRONE'S BITE.

18 Q. IF YOU WILL STAND BACK ONE MORE FOOT, DR. PIAKIS.

19 WHAT ARE YOU SHOWING THE JURY?

20 A. I'M SHOWING THE JURY THE MAXILLARY, OR THE UPPER
21 CAST, IN RELATIONSHIP TO THE LOWER CAST. AND THE WAY HE IS
22 AN OCCLUSION OR THE WAY HE BITES.

23 Q. AND IS THAT ACCURATE TO WITH YOUR ACTUALLY
24 VIEWING THE TEETH WHEN YOU WERE TAKING THE CASTS ON
25 DECEMBER 30?

1 A. THAT'S CORRECT.

2 Q. WHAT IS THE PURPOSE OF SHOWING THIS ARTICULATION?

3 A. THE PURPOSE IS TO SHOW THE ALIGNMENT OR THE

4 RELATIONSHIP OF THE UPPER TEETH TO THE LOWER TEETH.

5 Q. COULD YOU SIMPLY CLOSE THE TEETH AND THEN ROTATE

6 IT FOR THE JURY STANDING ABOUT THREE POSITIONS RIGHT CENTER

7 LEFT OF THE JURY.

8 A. OKAY (INDICATING).

9 Q. AND IF YOU WILL STAND CENTER.

10 A. (INDICATING.)

11 Q. AND NOW LEFT.

12 A. (INDICATING.)

13 Q. IS THAT ARTICULATOR A STANDARD INSTRUMENT IN

14 FORENSIC ODONTOLOGY OR IN DENTISTRY?

15 A. YES, IT IS.

16 Q. DOES THAT CONCLUDE THAT DEMONSTRATION?

17 A. YES.

18 Q. AND, AGAIN, THESE ARE ACCURATE REPLICAS OF THE

19 CASTS OF MR. KRONE'S TEETH?

20 A. THOSE ARE THE ACTUAL CASTS OF MR. KRONE'S TEETH.

21 Q. ALL RIGHT.

22 A. I HAVE ANOTHER PHOTO THAT I USE TO MARK THE TEETH

23 ON.

24 Q. OKAY. YOU HAVE EXHIBIT 122 IN EVIDENCE AND YOU

25 WISH TO SHOW THE JURY SOME CORRELATION?

1 A. YES, I DO.

2 Q. DO YOU WANT ME TO HOLD ANYTHING, DR. PIAKIS?

3 A. NO, I THINK I CAN DEMONSTRATE.

4 THIS IS THE PHOTO 122 OF KIM ANCONA'S LEFT
5 BREAST, AND THE BITE MARK. I NUMBERED THE TEETH,
6 CORRESPONDING TO THE NUMBER ON THE DENTAL CAST. I'M GOING
7 TO PLACE THE DENTAL CAST OVER THE PHOTOGRAPH. REMEMBER, WE
8 DID ENLARGE THE PHOTO TO ONE TO ONE, SO WE CAN PLACE THIS
9 DIRECTLY OVER -- CAN I GET CLOSER, JUDGE?

10 THE COURT: (NO ORAL RESPONSE.)

11 THE WITNESS: -- DIRECTLY OVER THE PHOTO.

12 BY MR. LEVY:

13 Q. NOW, WOULD YOU -- IF IT'S OKAY WITH THE COURT --
14 COULD YOU NOW MOVE TO THE CENTER AND SHOW WHAT YOU'RE
15 SHOWING --

16 A. OKAY. I'M SHOWING TOOTH NUMBER 6 WITH THIS MARK.
17 TOOTH NUMBER 7, WHICH IS THIS, WHICH ISN'T SHOWING AT ALL.
18 TOOTH NUMBER 8 --

19 MR. JONES: EXCUSE ME, DOCTOR. HE'S NARRATING.

20 COUNSEL ASKED HIM TO JUST MOVE DOWN AND SHOW --

21 MR. LEVY: IS IT ALL RIGHT WITH THE COURT IF HE DOES
22 IT THIS WAY, YOUR HONOR?

23 THE COURT: (NO ORAL RESPONSE.)

24 BY MR. LEVY:

25 Q. YOU ARE ALIGNING THE CAST TEETH TO THE SAME

1 NUMBER ON THE PHOTOGRAPH; IS THAT CORRECT?

2 A. THAT'S CORRECT.

3 Q. THE PHOTOGRAPH IS ONE TO ONE.

4 A. THAT'S CORRECT.

5 Q. AND YOU KNOW THAT BECAUSE OF THE SCALE?

6 A. EXACTLY.

7 Q. I ASSUME IF YOU WERE TO PUT THE SCALE IN THAT
8 PHOTOGRAPH IT WOULD BE THE SAME?

9 A. GO AHEAD.

10 Q. (INDICATING.)

11 NOW, IS THAT WHAT YOU'RE TALKING ABOUT, ONE TO
12 ONE?

13 A. YES. EVERYTHING LINES UP THE SAME AS ON THIS.
14 SO WHEN YOU GO FROM --

15 MR. JONES: YOUR HONOR, HE'S SAYING SOMETHING. I HAVE
16 NO IDEA.

17 THE WITNESS: EVERYTHING LINES UP. I'M SORRY.

18 BY MR. LEVY:

19 Q. OKAY. NOW, IF YOU WOULD GO TO THE LEFT PART OF
20 THE JURY PANEL, AND IF YOU WOULD SHARE WITH THEM. YOU'VE
21 GOT THE ACTUAL TEETH CAST OF MR. KRONE ON TOP OF A ONE TO
22 ONE PICTURE OF KIM ANCONA'S LEFT BREAST; IS THAT CORRECT?

23 A. THAT'S CORRECT.

24 Q. AND ARE YOU ALIGNING NUMBER OF TEETH TO NUMBER OF
25 BITE MARKS?

1 A. THAT'S CORRECT. I'M ALIGINING TOOTH NUMBER 6,
2 TOOTH NUMBER 8 AND TOOTH NUMBER 9 ON THE PHOTO.

3 Q. THANK YOU, DR. PIAKIS.

4 YOU ALSO, I TAKE IT, HAVE THE LOWER CAST OF RAY
5 KRONE'S TEETH AND 125, AND 122, THE PICTURE OF KIM ANCONA'S
6 LEFT BREAST; IS THAT CORRECT?

7 A. THAT'S CORRECT.

8 Q. AND YOU WISH TO ALIGN THE LOWER CAST?

9 A. IF THAT'S OKAY?

10 THE COURT: PROCEED.

11 THE WITNESS: OKAY.

12 BY MR. LEVY:

13 Q. NOW, IS THE NUMBER ALIGNMENT FOR THE SAME AS THE
14 UPPIERS?

15 A. NO.

16 Q. NO, I MEAN -- I MEAN, ARE THE NUMBERS -- THE
17 LOWER CASTS ALIGNED BY NUMBER TO THE LOWER PART OF THE
18 PHOTOGRAPH?

19 A. THAT'S CORRECT. I'M PLACING TOOTH NUMBER 27 OVER
20 THE BITE MARK OF TOOTH NUMBER 27, BECAUSE TOOTH NUMBER 27
21 MARKED, BECAUSE IT IS SITTING UP HIGHER. I'M PLACING TOOTH
22 NUMBER 26 OVER THE BITE MARK, BECAUSE TOOTH NUMBER 26 IS
23 SITTING HIGHER -- NOT HIGHER THAN 27, BUT HIGHER THAN THE
24 BRIDGE AREA AS COMPARED TO TOOTH NUMBER 25. AND I'M
25 ALIGNING TOOTH NUMBER 23 AND TOOTH NUMBER 24.

1 Q. DO THEY LINE UP?

2 A. YES, THEY DO.

3 Q. WOULD YOU NOW SHARE THAT IN THE CENTER OF THE
4 JURY PANEL.

5 A. OKAY.

6 THIS IS TOOTH NUMBER 27 I'M LINING UP WITH TOOTH
7 NUMBER 23, 24, AND 26.

8 Q. AGAIN, THAT'S THE BOTTOM TEETH OF RAY KRONE?

9 A. THAT'S CORRECT.

10 Q. AND THE LEFT BREAST OF KIM ANCONA, THE BOTTOM
11 BITE MARKS?

12 A. THAT'S CORRECT.

13 Q. NOW, WOULD YOU SHARE WITH THE LEFT SIDE OF THE
14 PANEL.

15 A. I'M ALIGNING UP TOOTH NUMBER 27, 26, 23, AND 24.

16 Q. DO THEY ALL LINE UP?

17 A. YES, THEY DO.

18 Q. THANK YOU.

19 AND DID YOU HAVE SOME ADDITIONAL PHOTOS OR OTHER
20 EXHIBITS YOU WISH TO SHOW THE JURY?

21 A. I HAD SOME OVERLAYS ALSO.

22 Q. NOT YET.

23 A. OKAY.

24 Q. WHAT ELSE DID YOU --

25 A. I THINK THERE WAS A --

1 Q. SO WOULD YOU SHARE WITH THE JURY THE OTHER PHOTOS
2 WHICH WE GENERALLY INDICATED WOULD BE ITEM 127 AND 132.

3 WHAT'S THE PURPOSE OF THOSE PHOTOS FOR THE JURY?

4 A. THIS SHOWS --

5 Q. IF YOU COULD STAND BACK ONE MORE FOOT AND BE SURE
6 ALL THE JURY PANEL CAN SEE.

7 A. THIS SHOWS THE ALIGNMENT OF THE TEETH, SIMILAR TO
8 THE SLIDE, THE LOWER TEETH. THIS PLANE IS BITE MARK NUMBER
9 1. THIS PLANE IS BITE MARK NUMBER 2.

10 Q. NEXT PHOTO IS -- THAT WAS NUMBER 127.

11 NEXT PHOTO IS NUMBER WHAT?

12 A. 126. ANOTHER PHOTO OF THE LEFT BREAST. THE
13 ALIGNMENT OF THE UPPER TEETH AND THE LOWER TEETH. BITE
14 MARK NUMBER 1, BITE MARK NUMBER 2.

15 Q. THE NEXT PHOTO IS NUMBER?

16 A. 128. THIS IS AN ENLARGEMENT.

17 Q. AND WHAT'S ORIENTED UP, 12:00 O'CLOCK?

18 A. AT 12:00 O'CLOCK IS BITE MARK NUMBER 1, THIS
19 RELATIONSHIP. HERE WE CAN SEE THE ANATOMY OF THE CROWN,
20 TOOTH NUMBER 9. THE EDGE OF THIS TOOTH IS WIDER FROM HERE
21 TO HERE THAN FROM HERE TO HERE. THE SAME AS ON THE STUDY
22 MODEL.

23 Q. AND WHICH IS TOOTH NUMBER WHAT?

24 A. TOOTH NUMBER 8.

25 Q. AND YOU ARE SHOWING A CAST OF THE UPPER TEETH?

1 A. THAT'S CORRECT.

2 Q. AND THE NEXT PHOTO IS NUMBER?

3 A. 129. A PHOTO OF THE STYROFOAM BITE.

4 Q. YOU WILL HAVE TO ROTATE YOUR RIGHT SHOULDER.

5 A. COMPARING IT TO THE BITE MARK ON KIM ANCONA.

6 Q. NEXT PHOTO IS NUMBER?

7 A. 130. AN ENLARGEMENT OF THE UPPER PORTION OF THE

8 BITE. ONCE AGAIN, WE CAN SEE TOOTH NUMBER 9, TOOTH NUMBER

9 8, TOOTH NUMBER 6.

10 Q. THE NEXT PHOTO IS NUMBER?

11 A. 131. THE UPPER STUDY MODEL OR THE DENTAL CAST OF

12 MR. KRONE, ALIGNED ON THE BITE MARK.

13 Q. THE NEXT PHOTO IS NUMBER?

14 A. 132. AN INSIDE VIEW OF THE UPPER ARCH, WITH THE

15 STUDY MODEL, OR THE DENTAL CAST, OVER THE BITE MARK.

16 Q. AND THE JURORS TO THE LEFT.

17 AND ARE THESE PHOTOS REPLICATED IN THE SLIDES

18 THAT YOU HAVE ALREADY SHOWN?

19 A. YES, THEY ARE.

20 Q. OKAY. I BELIEVE YOUR NEXT PRESENTATION WAS GOING

21 TO BE THE OVERLAYS?

22 A. THAT'S CORRECT.

23 MR. LEVY: YOUR HONOR, I NEED TO SET THAT UP AND IT'S

24 A CONVENIENT TIME?

25 THE COURT: ALL RIGHT. MEMBERS OF THE JURY, WE WILL

1 STAND.

2 GO AHEAD, MR. LEVY.

3 MR. LEVY: THANK YOU, YOUR HONOR.

4 BY MR. LEVY:

5 Q. DR. PIAKIS, YOU NOW WISH TO SHARE WITH THE JURY
6 AN OPAQUE PROJECTOR OF A PHOTOGRAPH AND ACETATE OVERLAY IN
7 EVIDENCE; IS THAT CORRECT?

8 A. THAT'S CORRECT.

9 Q. AND DO YOU HAVE IT SET UP TO BE EXHIBITS NUMBER
10 118, 120?

11 A. THAT'S CORRECT.

12 MR. LEVY: WITH THE COURT'S PERMISSION, IF THE WITNESS
13 COULD STEP DOWN TO OPERATE THE OPAQUE?

14 THE COURT: YES.

15 BY MR. LEVY:

16 Q. WHAT IS IT THAT IS SHOWN AND WHAT ARE YOU TRYING
17 TO SHARE WITH THE JURY, DR. PIAKIS?

18 A. AN OVERLAY WAS DONE FROM THE CAST OF MR. KRONE,
19 FROM THE DENTAL MODELS OF MR. KRONE.

20 Q. SPEAK UP AS LOUD AS YOU CAN.

21 A. THE ACETATE TRANSPARENCY, THE OVERLAY, IS SITTING
22 OVER THE PHOTOGRAPH. I'M ALIGNING BITE MARK NUMBER 1, THE
23 12:00 O'CLOCK BITE MARK. I'M ALIGNING THE ACETATE OVER THE
24 PHOTOGRAPH. THIS IS TOOTH NUMBER 9, TOOTH NUMBER 8, TOOTH
25 NUMBER 6, TOOTH NUMBER 27, 26, 24, AND 23. I HAVE ALREADY

1 PUT THE OVERLAY OVER THE PHOTOGRAPH.

2 NOW, I'M GOING TO MOVE THE OVERLAY JUST SLIGHTLY.
3 TOOTH NUMBER 9, TOOTH NUMBER 8, AND TOOTH NUMBER 6 FROM THE
4 STUDY CASTS, TOOTH NUMBER 27, 26, 24, AND 23, FROM THE
5 STUDY CASTS. AND SUPERIMPOSING THE OVERLAY ON THE
6 PHOTOGRAPH.

7 Q. IS THE OVERLAY A REPLICA OF THE TEETH OF RAY
8 KRONE?

9 A. YES, IT IS.

10 Q. HOW DO YOU GET IT?

11 A. WE TAKE THE STUDY MODEL OR THE DENTAL CAST, PUT
12 IT THROUGH A PHOTOCOPYING MACHINE, TURN THE MACHINE ON, GET
13 THE COPY, THEN OUTLINE THE TEETH IN QUESTION, NAMELY, THESE
14 TEETH, OUTLINE THEM IN PEN. THEN PUT THAT OVER THE COPY
15 MACHINE, PUT THE TRANSPARENCY IN, AND WE GET THIS
16 DUPLICATION.

17 Q. NOW, IS THE ACETATE YOU HAVE SHOWN THERE, THE
18 UPPER TEETH --

19 A. BOTH UPPER AND LOWER.

20 Q. ALL RIGHT. AND THAT'S THE 12:00 O'CLOCK
21 ALIGNMENT?

22 A. YES.

23 Q. DO YOU HAVE ANOTHER ONE THAT'S THE 10:00 O'CLOCK
24 ALIGNMENT?

25 A. I DO.

1 Q. AND ARE THESE THE EXHIBITS?

2 A. YES.

3 Q. OKAY. THAT'S NUMBER 122 AND 121?

4 A. UH-HUH.

5 Q. OKAY. IF YOU WOULD, THEN, SHOW THIS TO THE JURY.

6 A. THANK YOU.

7 Q. TELL ME WHEN YOU WANT THE LIGHTS OUT, DR. PIAKIS.

8 A. OKAY.

9 OKAY.

10 THIS IS BITE MARK NUMBER 2. ONCE AGAIN, TOOTH
11 NUMBER 8 AND 9 OVER THE PHOTOGRAPH. THIS AREA HERE IS THE
12 LOWER BRIDGE AREA, ON THIS PLANE. 10:00 O'CLOCK, 4:00
13 O'CLOCK POSITION. THAT'S BITE MARK NUMBER 2. I'LL JUST
14 PUT THAT JUST SLIGHTLY TO THE --

15 THIS IS BITE MARK NUMBER 2. PLACE THAT OVER
16 THAT. AND THAT FITS OVER THESE TWO TEETH, THE EYETOOTH AND
17 THE LOWER BRIDGE AREA.

18 Q. THANK YOU, DR. PIAKIS, JUDGE.

19 I SHOW YOU WHAT'S BEEN ENTERED FOR IDENTIFICATION
20 EXHIBIT 134. DO YOU RECOGNIZE THIS V.C.R. TAPE?

21 A. YES.

22 Q. AND IS THAT THE V.C.R. TAPE THAT YOU MADE FOR
23 PURPOSES OF JURY PRESENTATION?

24 A. YES, IT IS.

25 Q. AND DOES IT REASONABLY AND ACCURATELY DEPICT THE

1 BITE MARK OF KIM ANCONA AND, I BELIEVE, THE TEETH OF RAY
2 KRONE AS RELATED TO THIS CASE?

3 A. THAT'S CORRECT.

4 Q. AND IS IT TO DEMONSTRATE THE WORK THAT YOU DID IN
5 WORKING THE CASE UP?

6 A. YES.

7 MR. LEVY: I WOULD MOVE 134.

8 MR. JONES: OBJECT AS ALREADY COVERED TWO TIMES, YOUR
9 HONOR.

10 THE COURT: IT MAY BE CUMULATIVE, BUT I WILL ALLOW THE
11 PRESENTATION IN A DIFFERENT MEDIA OF THIS INFORMATION.
12 OVERRULED.

13 134 IS ADMITTED.

14 MR. LEVY: THANK YOU.

15 THE COURT: DEPENDING UPON HOW LONG IT IS.

16 MR. LEVY: IT'S SHORT, YOUR HONOR.

17 THE COURT: HOW LONG IS THIS GOING TO BE, SIR?

18 MR. LEVY: REAL SHORT, YOUR HONOR.

19 THE COURT: OKAY.

20 MR. LEVY: CAN YOU SEE THE SCREEN YET, DR. PIAKIS?

21 THE WITNESS: NO.

22 OKAY.

23 MR. JONES: WITH THE COURT'S PERMISSION, MAY WE
24 APPROACH FOR A MINUTE?

25 THE COURT: YES.

1 (AN OFF-THE-RECORD DISCUSSION ENSUED BETWEEN
2 COURT AND COUNSEL AT THE BENCH OUT OF THE HEARING OF
3 THE JURY.)

4 (EXHIBIT NUMBER 134, THE TAPE, WAS THEN PLAYED.)

5 BY MR. LEVY:

6 Q. COULD YOU EXPLAIN WHAT'S HAPPENING AS WE GO
7 ALONG, DR. PIAKIS. WE NOW HAVE THE V.C.R. TAPE PLAYING.

8 A. THIS WAS AN IMPRESSION THAT I TOOK OF THE BREAST.
9 THESE ARE THE STUDY MODELS OF MR. KRONE.

10 SAME THING.

11 Q. WAS THIS TAPE MADE DECEMBER 31 OF '91, AS SHOWN
12 ON THE SCREEN?

13 A. YES, IT IS.

14 I WAS TAKING AN IMPRESSION, USING THE STANDARD
15 AMERICAN BOARD OF FORENSIC ODONTOLOGY PROCEDURE, WITH THE
16 CYANOACRYLIC RING. WE USED EXOFLEX, WHICH IS AN IMPRESSION
17 MATERIAL, AND WE WERE TRYING TO DUPLICATE THE BITE MARKS
18 AND THE IMPRESSION. THIS IS THE LEFT BREAST OF KIM ANCONA.

19 Q. WAS THAT DONE AT THE MEDICAL EXAMINER'S OFFICE?

20 A. YES, IT WAS.

21 THIS IS THE STONE MODEL OR THE DENTAL CAST OF MR.
22 KRONE. WE ARE POSITIONING IT ON THE BREAST.

23 Q. THAT'S THE UPPER CAST?

24 A. YES, IT IS. THIS IS THE TECHNICIAN PLACING IT ON
25 THE CAST.

1 Q. OF THE UPPER RIGHT ON HER LEFT BREAST?

2 A. YES. THAT'S TOOTH NUMBER 8 AND 9. HE'S PLACING
3 IT ON THE BREAST. THIS WAS AFTER THE AUTOPSY. THERE'S THE
4 EYETOOTH RIGHT HERE. NUMBER 8 AND NUMBER 9.

5 I POINTED OUT TOOTH NUMBER 6, WHICH IS THE UPPER
6 RIGHT EYETOOTH.

7 Q. NOW, DOES THIS SHOW THE FRONT VIEW OF THE CAST
8 AND THE LEFT BREAST OF KIM ANCONA?

9 A. YES. YOU CAN SEE TOOTH NUMBER 8 AND TOOTH NUMBER
10 9 RIGHT IN THESE MARKS RIGHT HERE, POSITIONING THE UPPER
11 LEFT CENTRAL, DIRECTLY INTO THE BITE MARK, AND IT FITS VERY
12 WELL.

13 WE TRIED THE IMPRESSION AGAIN, SO A SECOND
14 ATTEMPT OF TAKING AN IMPRESSION OF THE BREAST. WE USED THE
15 ACRYLATE RING TO PREVENT ANY EXPANSION OR CONTRACTION OF
16 THE IMPRESSION MATERIAL.

17 Q. WOULD YOU HIT THE STOP BUTTON, DR. PIAKIS.

18 YOU HAVE TO POINT IT AT THE V.C.R.

19 SO THAT IS THE EXTENT OF THE V.C.R. TAPE?

20 A. THAT IS CORRECT.

21 Q. I HAVE TWO MORE ITEMS, ONE OF WHICH IS -- I SHOW
22 YOU EXHIBITS 135 THROUGH 142, REFERRING TO THE ACETATE
23 OVERLAYS. I ASK IF YOU RECOGNIZE THESE EXHIBITS AS HAVING
24 PROVIDED THEM TO ME AND HAVING THEM MARKED?

25 A. YES.

1 Q. YOU ARE FAMILIAR WITH THEM, ARE YOU NOT?

2 A. YES.

3 Q. AND DO THEY PURPORT TO BE THE OVERLAYS OF RAY
4 KRONE, IN ORDER, 135 THROUGH -- RAY KRONE, ARNOLD
5 LOMATEWANA, JOHN SUPPLER, Verna Lu YAZZI, HENRY ARREDONDO,
6 PAUL CLARK, DAVID TORRES, AND PATRICIA CHIPLEY?

7 A. THAT'S CORRECT.

8 Q. AND THEY'RE MADE -- ARE THEY MADE FROM THE ACTUAL
9 FOAM IMPRESSIONS?

10 A. FROM THE STYROFOAM BITES.

11 Q. DO THEY REASONABLY AND ACCURATELY -- ARE THEY
12 REASONABLY AND ACCURATELY TRACED FROM THOSE?

13 A. YES, THEY WERE.

14 Q. I HAVE ONE PRELIMINARY INSTRUCTION, ONE
15 PRELIMINARY QUESTION. I SHOW YOU EXHIBIT 116 CONSISTING
16 OF -- 116-A THROUGH, I BELIEVE, F. ARE THESE THE FOAM
17 IMPRESSIONS THAT YOU MADE THE ACETATE OVERLAYS FROM?

18 A. YES, THEY ARE.

19 Q. AND DID YOU TRACE THEM FROM THE ACTUAL TEETH
20 PATTERNS, FROM THIS EXHIBIT?

21 A. YES, I DID.

22 Q. WERE THEY PROVIDED TO YOU BY DETECTIVE CHUCK
23 GREGORY OF THE PHOENIX POLICE DEPARTMENT?

24 A. YES.

25 Q. AND IN RELATION TO EACH FOAM PIECE, DID IT HAVE A

1 CORRESPONDING NAME, SUCH AS RAY KRONE OR JOHN SUPPLER?

2 A. YES, IT DID.

3 Q. ET CETERA. AND DID YOU THEN PUT THE SAME NAME
4 WHEN YOU DID THE TRACE ON THESE OVERLAYS?

5 A. YES, I DID.

6 MR. LEVY: I MOVE 135 THROUGH 142.

7 MR. JONES: SUBJECT TO MY PREVIOUS OBJECTION REGARDING
8 EXPERTISE, YOUR HONOR, WE HAVE NO OBJECTION THAT HE
9 ACTUALLY CREATED THEM.

10 THE COURT: EXHIBITS 135 THROUGH 142 ARE ADMITTED.

11 BY MR. LEVY:

12 Q. DR. PIAKIS, AFTER HAVING REVIEWED ALL OF THE
13 MATERIAL THAT YOU HAVE NOW TESTIFIED TO, INCLUDING THE FOAM
14 BITE MARKS, EXHIBIT 116, AND CORRESPONDING OVERLAYS -- LET
15 ME RESTATE THE QUESTION.

16 DID YOU COMPARE THE -- FOR PURPOSES OF
17 ELIMINATION, DID YOU COMPARE THE BITE MARKS FROM EXHIBIT
18 116, THE NAMED PERSONS, EXCLUDING RAY KRONE, DID YOU MAKE
19 COMPARISONS FOR PURPOSES OF ELIMINATION?

20 A. YES, I DID.

21 Q. AND WHAT WAS YOUR CONCLUSION OR CONCLUSIONS?

22 A. THE STYROFOAM BITES WERE ALL NEGATIVE.

23 Q. THEY WERE OR WERE NOT A MATCH?

24 A. THEY WERE NOT A MATCH TO THE BITE MARK ON KIM
25 ANCONA.

1 Q. AND WITH REGARD TO THE TEETH OF RAY KRONE AND THE
2 BITE MARK OF KIM ANCONA IN HER LEFT BREAST, HAVE YOU
3 REACHED A CONCLUSION OR OPINION?

4 A. YES, I HAVE.

5 Q. WHAT IS THAT?

6 A. THE BITE MARK ON KIM ANCONA MATCHES RAY KRONE'S
7 DENTITION.

8 Q. WITH REGARD TO THE WAY FORENSIC ODONTOLOGY SETS
9 UP ITS OPINION SCALE, HOW DID YOU PHRASE IT? HOW DO YOU
10 PHRASE IT?

11 A. I DIDN'T UNDERSTAND THE QUESTION.

12 Q. YOU HAVE RENDERED AN OPINION DATED JANUARY 28TH,
13 1992, IN A LETTER, HAVE YOU NOT?

14 A. YES. YES, I DID.

15 Q. AND YOU CAME TO AN OPINION AND CONCLUSION IN THAT
16 LETTER?

17 A. I DID.

18 Q. WHAT IS THAT?

19 A. HIGHLY PROBABLE.

20 Q. IN A RANGE OF WHAT?

21 A. IN A RANGE OF NONCONSISTENT, CONSISTENT,
22 PROBABLE, HIGHLY PROBABLE, AND REASONABLE DENTAL CERTAINTY.

23 Q. FROM THE EXTENT OF YOUR TRAINING AND EXPERTISE,
24 COULD YOU EXPLAIN TO THE JURY HOW IT IS THAT YOU ARRIVED AT
25 THAT PARTICULAR CONCLUSION? FOR EXAMPLE, RATHER THAN SAY

1 PROBABLE ON THE ONE SIDE OR REASONABLE DENTAL CERTAINTY ON
2 THE OTHER SIDE, YOU CAME TO HIGHLY PROBABLE; IS THAT
3 CORRECT?

4 A. THAT'S CORRECT.

5 Q. OKAY. WOULD YOU EXPLAIN TO THE JURY HOW YOU
6 ARRIVED --

7 A. I CAME TO HIGHLY PROBABLE BECAUSE I FELT THAT THE
8 BITE MARK ON KIM ANCONA MATCHED THE DENTITION ON RAY KRONE,
9 BUT I HAD NO OTHER COMPARISONS TO MAKE AT THAT TIME. THIS
10 LETTER WAS DATED JANUARY 28TH. ALL THE OTHER STYROFOAM
11 BITES WERE PRESENTED AFTER JANUARY 28TH. THAT'S WHY I SAID
12 HIGHLY PROBABLE, BECAUSE I HAD NO OTHER COMPARISONS.

13 Q. AND, HOWEVER, ARE THE -- BASED UPON YOUR TRAINING
14 AND EXPERIENCE, WHAT IS YOUR KNOWLEDGE AND INFORMATION WITH
15 REGARD TO THE UNIQUENESS OF HUMAN DENTITION?

16 A. I HAVE NEVER SEEN TWO DENTAL CASTS OR TWO STUDY
17 MODELS THE SAME IN 24 YEARS OF DENTISTRY I HAVE PRACTICED.

18 Q. DO YOU HAVE AN OPINION OF WHETHER THE DENTAL CAST
19 OF RAY KRONE ITSELF IS UNIQUE?

20 A. I DO.

21 Q. WHAT IS THAT?

22 A. VERY UNIQUE.

23 Q. AND INASMUCH AS YOU HAVE ALREADY RENDERED YOUR
24 OPINION ON JANUARY 28TH, 1992, DO YOU FEEL IT APPROPRIATE
25 TO SIMPLY RETAIN THAT OPINION FOR PURPOSES OF CONTINUITY?

1 A. YES, I DO.

2 Q. BUT ANOTHER WAY THAT YOU HAVE STATED THAT IS THAT
3 IT IS A MATCH, HIS TEETH MARKS ON HER LEFT --

4 MR. JONES: OBJECTION; LEADING.

5 THE COURT: SUSTAINED.

6 MR. LEVY: SORRY.

7 BY MR. LEVY:

8 Q. YOU SAID THE WORD "MATCH"?

9 A. YES. I FELT THAT THE BITE MARK ON KIM ANCONA
10 MATCHED THE DENTITION OF RAY KRONE.

11 Q. IS THAT BOTH THE UPPER AND LOWER TEETH?

12 A. YES.

13 MR. LEVY: THAT'S ALL THE QUESTIONS I HAVE, YOUR
14 HONOR.

15 AT THIS TIME, IF I CAN CLEAR AWAY JUST A LITTLE
16 BIT OF THIS EQUIPMENT, SO THERE'S NO BLOCKAGE.

17 THE COURT: SURE. IF THE JURORS WANT TO STAND AND
18 STRETCH WHILE HE'S DOING THAT, YOU MAY DO THAT.

19 MR. JONES: YOUR HONOR, I'LL MAKE USE OF THAT VIDEO
20 MONITOR, SO WE CAN LEAVE THAT UP AT THIS POINT.

21 THE COURT: OKAY.

22 ANY OTHER EQUIPMENT THAT YOU WANT TO USE?

23 MR. JONES: I'M SORRY, YOUR HONOR?

24 THE COURT: ANY OTHER EQUIPMENT THAT ANYBODY WANTS TO
25 MOVE?

1 MR. JONES: WHY DON'T WE START WITH THIS.

2 THE COURT: ALL RIGHT.

3 CROSS-EXAMINATION?

4

5 CROSS-EXAMINATION

6 BY MR. JONES:

7 Q. DOCTOR, LET ME JUST START WITH THE MOST RECENT
8 THINGS WE WERE JUST TALKING ABOUT FIRST, AND THEN I'M GOING
9 TO COME BACK A LITTLE BIT, BUT SINCE THE EQUIPMENT IS
10 ALREADY HERE, I WILL TAKE IT A LITTLE OUT OF ORDER.

11 FIRST OF ALL, ONE OF THE LAST QUESTIONS THE
12 PROSECUTOR ASKED YOU WAS YOUR OPINION AND YOU SAID HIGHLY
13 PROBABLE, AND THAT WAS PUT IN YOUR LETTER THAT WAS TO
14 DETECTIVE GREGORY BACK IN JANUARY? THAT IS WHAT YOU SAID,
15 RIGHT, THAT IT WAS HIGHLY PROBABLE THAT THIS WAS A MATCH?

16 A. NO, I DIDN'T SAY IT WAS HIGHLY PROBABLE IT WAS A
17 MATCH.

18 Q. IN YOUR LETTER YOU DIDN'T?

19 A. NO, I DIDN'T SAY THAT IN A LETTER.

20 Q. LET ME START WITH YOUR LETTER.

21 A. I DIDN'T SAY ANYTHING ABOUT THE MATCH IN THE
22 LETTER.

23 Q. READING FROM YOUR LETTER: IT IS HIGHLY PROBABLE
24 THAT THE DENTITION OF RAY KRONE CAUSED THE BITE MARK.

25 A. RIGHT.

1 Q. I SAID THAT SOMEHOW WRONG?

2 A. I SAY THAT THERE IS A MATCH. OKAY? I'M SAYING
3 THERE'S A DEFINITE MATCH.

4 Q. LET ME ASK YOU A QUESTION, THEN. YOU THEN SAID
5 SOMETHING ABOUT OTHER TEETH MARKS, THESE STYROFOAM TEETH
6 MARKS WERE PROVIDED TO YOU. ARE YOU ASSUMING THAT EVERY
7 POSSIBLE SUSPECT HAS BEEN PROVIDED TO YOU ON STYROFOAM?

8 A. I'M NOT ASSUMING THAT AT ALL.

9 Q. DO YOU KNOW WHO THOSE PEOPLE ARE AND WHAT THEIR
10 RELATION IS, IF ANY, TO THE VICTIM, KIM ANCONA?

11 A. NO, I DON'T.

12 Q. OKAY. NOW, YOU ARE A DENTIST IN PRIVATE PRACTICE
13 UP ON GREENWAY ROAD; RIGHT?

14 A. THAT'S CORRECT.

15 Q. AND THIS IS SOMETHING THAT YOU HAVE BEGUN TO DO
16 SINCE 1988 IN CONJUNCTION WITH THE MEDICAL EXAMINER'S
17 OFFICE IN MARICOPA COUNTY; RIGHT?

18 A. I HAVE DONE WHAT? I DIDN'T UNDERSTAND YOU.

19 Q. THIS NEW ENDEAVOR, THIS FORENSIC ODONTOLOGY?

20 A. I STARTED WITH FORENSIC ODONTOLOGY ON MY FIRST
21 HUMAN IDENTIFICATION WHILE I WAS IN THE SERVICE. SO IN
22 1969 I DID MY FIRST IDENTIFICATION, SO THAT'S WHEN I
23 STARTED FORENSIC DENTISTRY.

24 Q. BUT TELL THE MEMBERS OF THE JURY THE DIFFERENCE
25 BETWEEN HUMAN IDENTIFICATION AND BITE MARK IDENTIFICATION.

1 WHAT ARE WE TALKING ABOUT WITH HUMAN IDENTIFICATION?

2 A. HUMAN IDENTIFICATION, WE'RE ATTESTING TO
3 ANTE-MORTEM X-RAYS, AND POST-MORTEM X-RAYS. WE'RE
4 ATTESTING TO MODELS IF WE DO NOT HAVE THE X-RAYS,
5 IMPRESSIONS OF POST-MORTEM AND ANTE-MORTEM. SO WE COMPARE
6 IMPRESSIONS ALSO, IF WE HAVE NO X-RAYS.

7 Q. OKAY. BUT IN THOSE IDENTIFICATION CASES, AREN'T
8 YOU NORMALLY DEALING WITH A SET OF A PERSON'S TEETH TO LOOK
9 AT?

10 A. X-RAYS OF THE TEETH.

11 Q. OFTENTIMES DON'T WE HAVE A BODY THAT'S FOUND,
12 WE'RE TRYING TO FIND OUT WHO IS THIS BODY AND WE USE THE
13 TEETH, LOOKING AT THE TEETH, TO TRY AND MAKE AN
14 IDENTIFICATION?

15 A. THAT'S CORRECT.

16 Q. ISN'T IT COMMONLY DONE IN THAT WAY?

17 A. THAT'S CORRECT.

18 Q. AND THAT'S WHAT MOST OF YOUR WORK HAS CONSISTED
19 OF, HASN'T IT?

20 A. THAT'S MOST -- FORENSIC ODONTOLOGY HAS CONSISTED
21 OF THAT TYPE.

22 Q. AND ISN'T THERE A SUBSTANTIAL DIFFERENCE BETWEEN
23 A SITUATION WHERE YOU HAVE THE TEETH, YOU KNOW THESE ARE
24 THE TEETH, AND YOU'RE TRYING TO MAKE AN IDENTIFICATION,
25 BASED -- VERSUS A SITUATION WHERE YOU HAVE A MARK ON A BODY

1 Q. AND THE TISSUE CAN STRETCH; IS THAT RIGHT, DURING
2 THE BITE, FOR INSTANCE, IT CAN STRETCH?

3 A. THAT'S CORRECT.

4 Q. IT CAN TEAR?

5 A. CORRECT.

6 Q. AND YOU CAN GET VERY UNEVEN MARKS?

7 A. I CAN'T SAY THAT. THAT'S NOT CORRECT.

8 Q. AND IN THIS CASE WE'RE DEALING WITH A SEXUAL
9 SITUATION, AND IF THERE WAS SOME SUCKING ACTION ALONG WITH
10 THE BITE, YOU'RE GOING TO HAVE ADDITIONAL PROBLEMS IN TERMS
11 OF THE WAY IT MAY DISTORT THE TISSUE; ISN'T THAT RIGHT,
12 SIR?

13 A. NO, NOT ON THE TOOTH ALIGNMENT.

14 Q. NOT ON THE TOOTH ALIGNMENT?

15 A. NO.

16 Q. YOU DON'T THINK IT WOULD MAKE ANY DIFFERENCE IF
17 THERE WAS NO SUCTION OR A LOT OF SUCTION IN TERMS OF HOW
18 THE MARK WOULD APPEAR?

19 A. NO. I FEEL IT WOULD BE THE SAME.

20 Q. THE MARK WOULDN'T APPEAR DIFFERENT IN ANY
21 RESPECT?

22 A. NO. I FEEL IT WOULD BE THE SAME. THE TOOTH MARK
23 WOULD STILL BE THE SAME. IT WOULD STILL BE THERE.

24 Q. WELL, THERE WOULD STILL BE A TOOTH MARK?

25 A. AND I'M SAYING IT WOULD BE IN THE SAME POSITION.

1 Q. WOULDN'T THAT REQUIRE AN EVEN AMOUNT OF PRESSURE
2 TO ACHIEVE THE SAME POSITION?

3 A. NOT NECESSARILY.

4 Q. NOW, YOU'VE DONE ONE OTHER BITE MARK CASE; RIGHT?

5 A. THAT'S CORRECT.

6 Q. AND THE REST OF YOUR EXPERTISE IS FROM SEMINARS
7 THAT YOU HAVE ATTENDED?

8 A. THAT'S CORRECT.

9 Q. AND YOU DON'T HAVE ANY KIND OF AMERICAN DENTAL
10 ASSOCIATION SPECIALTY OR SUBSPECIALTY IN FORENSIC
11 ODONTOLOGY?

12 A. THERE'S NO SPECIALTY IN THE AMERICAN DENTAL
13 ASSOCATION IN ODONTOLOGY.

14 Q. THAT'S RIGHT. THEY DON'T EVEN RECOGNIZE IT, DO
15 THEY?

16 A. NO. I CAN'T SAY THEY DON'T RECOGNIZE; THERE'S NO
17 SPECIALTY. THAT'S WHY WE HAVE THE AMERICAN ACADEMY OF
18 FORENSIC SCIENCE, ODONTOLOGY.

19 Q. DO YOU KNOW HOW MANY OTHER SPECIALITIES AND
20 SUBSPECIALITIES THE AMERICAN DENTAL ASSOCIATION RECOGNIZES?

21 A. NO.

22 Q. DO YOU HAVE ANY ESTIMATE?

23 A. NO, I DON'T.

24 Q. THE PROBLEMS IN TISSUE, HUMAN FLESH, AS YOU HAVE
25 ALREADY INDICATED, CAUSE PROBLEMS IN HOW THE MARK APPEARS

1 ON THE FLESH AND PROBLEMS IN TRYING TO COMPARE IT BACK TO A
2 CAST OF UPPER AND LOWERS, DOESN'T IT?

3 A. THAT'S CORRECT.

4 Q. AND YOU TRIED TO FOLLOW THE TECHNIQUES THAT YOU
5 WERE TAUGHT IN THESE SEMINARS; CORRECT?

6 A. THE AMERICAN BOARD OF FORENSIC ODONTOLOGY
7 TECHNIQUES.

8 Q. NOW, THE AMERICAN BOARD OF FORENSIC ODONTOLOGY
9 DOESN'T HAVE ANY ESTABLISHED PROTOCOL FOR A SPECIFIC
10 STEP-BY-STEP PROCEDURE IN IDENTIFYING BITE MARKS, DO THEY?

11 A. I DON'T UNDERSTAND THAT.

12 Q. YOU DON'T UNDERSTAND?

13 A. NO.

14 Q. IS THERE A SPECIFIC STEP-BY-STEP,
15 NUMBER-BY-NUMBER THING THAT YOU DO FIRST, SECOND, THIRD, IN
16 ORDER TO TRY TO MAKE IDENTIFICATION?

17 A. THERE'S A PRETTY WELL STANDARD TECHNIQUE THAT WE
18 USE, WITHIN THE FORENSIC ODONTOLOGY.

19 Q. IS THERE A CLASSIFICATION SYSTEM SUCH AS THERE IS
20 IN FINGERPRINTS?

21 A. NOT THAT I'M AWARE OF.

22 Q. THERE ISN'T, IS THERE, DOCTOR?

23 A. NOT THAT I'M AWARE OF.

24 MR. JONES: I WONDER, YOUR HONOR, IF WE COULD SHOW THE
25 VIDEO TAPE AT THIS POINT ONE MORE TIME?

1 THE COURT: YES.

2 BY MR. JONES:

3 Q. AND, DOCTOR, HAVE YOU GOT THE REMOTE THERE? IF I
4 COULD JUST STOP IT AT THE RIGHT POINT. APPRECIATE IT.

5 I WANT TO GO FORWARD TO THE AREA WHERE YOU WERE
6 COMPARING THE CASTS TO THE MARKS. DO YOU RECALL THAT ON
7 THE TAPE, DOCTOR?

8 A. YES.

9 Q. IF I CAN GET IT TO FAST FORWARD, WE'LL DO THAT.

10 MR. LEVY: AIM IT AT THE V.C.R.

11 MR. JONES: I'M TRYING.

12 BY MR. JONES:

13 Q. RIGHT THERE, DOCTOR, GET IT TO STOP, WE'LL BE
14 SET. THIS IS A GREAT REMOTE.

15 WHEN WE TALK ABOUT THE FACT THAT THESE MARKS LINE
16 UP, THE BIGGEST AREA WHERE YOU START IS THAT TOOTH NUMBER
17 8, THAT WAS JUST LYING THERE A MOMENT AGO; RIGHT?

18 A. TOOTH NUMBER 9.

19 Q. 8 AND 9, I GUESS, THOSE TWO RIGHT THERE. 9 IS
20 THE ONE THAT HAS THE DEEPEST MARK THAT LINES UP; RIGHT?

21 A. THAT'S CORRECT.

22 Q. OKAY. I'M TRYING TO GET IT TO WORK. I'M SORRY.
23 THIS IS NOT OPERATING VERY WELL. I'M GOING TO GIVE IT BACK
24 TO YOU, MAYBE YOU COULD DO A BETTER JOB WITH IT. IT
25 DOESN'T SEEM TO RESPOND TO THE COMMAND.

1 GET ME TO THE POINT WHERE YOU'VE GOT THE CAST
2 OVER THE INJURIES AND YOU'RE ATTEMPTING TO LINE IT UP.
3 RIGHT THERE.

4 A. OKAY.

5 Q. AND LET IT PLAY FROM THERE.

6 A. UH-HUH.

7 Q. NOW, WHICH IS THIS FRONT TOOTH?

8 A. OH, I'M SORRY.

9 Q. GO AHEAD AND PLAY IT. WHAT NUMBER IS THIS ONE?

10 A. THAT TOOTH IS NUMBER 9.

11 Q. OKAY. AND THAT'S THE ONE THAT HAS THE DEEPEST
12 MARK, AND THAT WAS YOUR MARKING POINT, WASN'T IT?

13 A. THAT'S CORRECT.

14 Q. NOW, I NOTICE THAT THERE ARE SOME OTHER MARKS
15 THAT DON'T SEEM TO FIT IN THE DENTURE -- INTO THE CAST.
16 THERE'S ONE MARK AT THE 10:00 O'CLOCK POSITION THAT DOESN'T
17 SEEM TO FIT AT ALL IN EITHER OF THE MARKS THAT YOU MADE
18 REFERENCE TO; IS THAT RIGHT?

19 A. I DON'T KNOW WHAT TOOTH POSITION YOU'RE TALKING
20 ABOUT. WHICH ONE ON HERE?

21 Q. CAN YOU PAUSE IT?

22 STOP IT RIGHT THERE, IF YOU CAN.

23 THE TOP OF THE SCREEN THERE, THERE IS A MARK THAT
24 EXTENDS OUT, AND AS WE'RE LOOKING AT THE SCREEN TO THE
25 RIGHT AND UP. AND IN THE PRESENTATION I SAW, YOU DIDN'T

1 SEEM TO TALK AT ALL ABOUT THAT EXTENDING UP. DO YOU HAVE
2 AN EXPLANATION FOR WHAT WE'RE LOOKING AT THERE?

3 A. NO, I CAN'T EXPLAIN THAT.

4 Q. AND IF IT WAS A DEFORMED TOOTH, ONE THAT WAS IN
5 EFFECT PUSHED OUTWARD, SUCH A TOOTH COULD CREATE A MARK,
6 COULDN'T IT?

7 A. I FELT THAT IT WASN'T A DEFORMED TOOTH.

8 Q. AND IF IT WAS, IT COULD HAVE CREATED SUCH A MARK,
9 ISN'T IT? IT'S YOUR OPINION IT ISN'T A DEFORMED TOOTH
10 CAUSING THAT?

11 A. CORRECT.

12 Q. ALL RIGHT. GO AHEAD AND LET IT ROLL.

13 AND AT SOME POINT IT LOOKED LIKE THAT YOU TOOK
14 THE UPPER CAST AND ROLLED IT. DID WE PASS THAT YET?

15 A. I DON'T KNOW.

16 Q. YOU DID. OKAY.

17 THAT'S THE AREA RIGHT THERE. CAN YOU GO BACK TO
18 THE START OF IT.

19 YEAH, RIGHT THERE IS FINE, DOCTOR.

20 A. UH-HUH.

21 Q. NOW, YOU INDICATED THAT THIS PARTICULAR PORTION
22 OF THE VIDEO SHOWED HOW THERE WAS SOME ALIGNMENT?

23 A. THAT'S CORRECT.

24 Q. AND YOU'RE ROLLING THE UPPER AROUND THE BREAST TO
25 MATCH SOME OF THE MARKS; RIGHT?

1 A. THIS WAS -- THE PERSON ROLLING IT WAS THE
2 TECHNICIAN AT THAT TIME, FIRST OF ALL. I WAS TRYING TO
3 GUIDE HIM. OKAY? IN TELLING HIM WHAT TO DO.

4 Q. MY POINT IS, DOCTOR, WHEN YOU ROLL THE UPPER
5 THERE, THAT'S NOT HOW SOMEONE WOULD BITE DOWN, IS IT?

6 A. NO.

7 Q. IN A ROLLING FASHION LIKE THAT?

8 A. THE PURPOSE OF THAT WASN'T TO SHOW, OKAY, THE TWO
9 MARKS AT THE 10:00 O'CLOCK POSITION. THE PURPOSE OF THAT
10 WAS TO SHOW THE TWO MARKS OF NUMBER 8 AND 9 AT THE 12:00
11 O'CLOCK POSITION.

12 Q. AND IS THAT ALL THAT SHOWS?

13 A. THAT'S WHAT WE WERE TRYING TO SHOW THERE.
14 EXACTLY. SO WHAT --

15 Q. ANY OF THE OTHER MARKS THAT HAPPENED TO BE
16 ENCOMPASSED BY THE ROLLING OF THOSE UPPER TEETH YOU'RE NOT
17 TRYING TO SAY THAT'S A MATCH?

18 A. NOT AT ALL.

19 Q. YOU'RE TALKING ABOUT THE NUMBER 9?

20 A. I'M TALKING ABOUT NUMBER 8 AND NUMBER 9, DIRECTLY
21 OVER THE BITE MARK OF 8 AND NUMBER 9.

22 Q. THANK YOU. YOU CAN HAVE A SEAT.

23 HIT THE LIGHTS, PLEASE.

24 MR. JONES: COULD WE HAVE A MOMENT, YOUR HONOR, JUST
25 TO MOVE SOME OF THIS EQUIPMENT?

1 THE COURT: YES.

2 BY MR. JONES:

3 Q. YOU FOUND SOME OTHER INCONSISTENCIES BETWEEN THE
4 CAST OF RAY KRONE AND WHAT YOU OBSERVED ON THE VICTIM,
5 DIDN'T YOU?

6 A. CAN YOU EXPLAIN THOSE.

7 Q. WELL, DIDN'T YOU FIND SOME OTHER INCONSISTENCIES?

8 A. I DON'T KNOW WHAT YOU'RE --

9 Q. WELL, LET'S SEE. ACCORDING TO YOUR INFORMATION
10 WITH DETECTIVE GREGORY, YOU FOUND THE DISCREPANCY BETWEEN
11 THE ARCHES OF THE SUSPECT AND THE RESULTANT BITE MARK. AND
12 YOU'VE GOT: IT'S FELT THAT THIS DISCREPANCY IS A RESULT OF
13 DISTORTION.

14 DO YOU AGREE WITH YOUR REPORT TO DOCTOR
15 GREGORY -- DETECTIVE GREGORY?

16 A. YOU DIDN'T CONTINUE THE STATEMENT. THE STATEMENT
17 SAID --

18 Q. WELL, EXCUSE ME, DOCTOR. DO YOU AGREE THAT
19 THERE'S A DISCREPANCY OR NOT? I'LL ALLOW YOU TO EXPLAIN
20 IT, BUT DO YOU AGREE?

21 A. I PUT DOWN A SLIGHT SIZE DISCREPANCY.

22 Q. OKAY. AND YOU SAID YOU WANTED TO CONTINUE. SO
23 YOU FELT IT WAS A RESULT OF DISTORTION TO THE BREAST TISSUE
24 FROM MANIPULATION OF THE TISSUE DURING THE BITE?

25 A. THAT'S CORRECT.

1 Q. OKAY. AND THAT'S A HYPOTHESIS OR A THEORY THAT
2 YOU HAVE, ISN'T IT, DOCTOR?

3 A. THAT'S CORRECT.

4 Q. BECAUSE YOU WEREN'T THERE, YOU DON'T KNOW HOW THE
5 BITE MARK WAS CREATED, YOU'RE MAKING AN ASSUMPTION THERE,
6 AREN'T YOU?

7 A. I WASN'T THERE WHEN THE BITE MARK WAS MADE, NO.

8 Q. ACTUALLY, YOUR REPORT SAYS THAT YOU FOUND
9 EVIDENCE OF ONE BITE MARK, NOT TWO, DOESN'T IT?

10 A. IT DOESN'T SAY THAT AT ALL.

11 Q. IT DOESN'T?

12 A. NO.

13 Q. DO YOU TALK ABOUT TWO SEPARATE BITE MARKS IN YOUR
14 REPORT, DOCTOR?

15 A. NO.

16 Q. SHOW ME WHERE?

17 A. NO, I DIDN'T.

18 Q. DO YOU HAVE A COPY OF THE LETTER?

19 A. YES, I DO.

20 Q. DOESN'T IT SAY A DEFINITE HUMAN BITE MARK WAS
21 NOTED?

22 A. THAT'S CORRECT.

23 Q. YOU GOT THIS IDEA ABOUT THERE BEING TWO BITE
24 MARKS FROM SOMEBODY ELSE, DIDN'T YOU?

25 A. NO, I DIDN'T.

1 Q. IF THERE WAS MORE THAN ONE BITE MARK, DO YOU
2 THINK IT WOULD HAVE BEEN SIGNIFICANT ENOUGH WHERE YOU WOULD
3 HAVE MENTIONED IT IN YOUR LETTER?

4 A. THIS LETTER WAS DATED JANUARY 28TH, APPROXIMATELY
5 A MONTH AFTER THE HOMICIDE. I WAS -- THIS IS MY INITIAL
6 LETTER, SAYING WHAT I FELT AT THE TIME.

7 Q. WELL, I KNOW YOU DID SOME WORK ON THESE OTHER
8 SAMPLES THAT WERE SUBMITTED TO YOU OF BITES. BUT OTHER
9 THAN JUST PREPARING FOR THIS TRIAL, YOU HAVEN'T DONE ANY
10 MORE IN-DEPTH ANALYSIS OR INVESTIGATION OF THIS CASE SINCE
11 THEN, HAVE YOU?

12 A. ON THE SAMPLE OF STYROFOAM BITES, IS THAT WHAT
13 YOU'RE TALKING ABOUT?

14 Q. I KNOW YOU DID SOME WORK ON THOSE. YOU TALKED
15 ABOUT THOSE A FEW MINUTES AGO.

16 A. YES.

17 Q. BUT YOU HAVEN'T DONE ANY MORE IN-DEPTH
18 INVESTIGATION OR ANALYSIS CONCERNING THE BITE MARK AND THE
19 CASE FROM RAY KRONE, HAVE YOU, SINCE JANUARY?

20 A. OH, YES, I DID.

21 Q. OF RAY KRONE?

22 A. I DON'T UNDERSTAND YOUR QUESTION.

23 Q. LET ME ASK IT AGAIN. I'M SORRY.

24 A. PLEASE.

25 Q. YOU WROTE THIS LETTER THE END OF JANUARY, 1992?

1 A. THAT'S CORRECT.

2 Q. SINCE THEN, APPARENTLY DETECTIVE GREGORY ASKED
3 YOU TO DO SOME -- LOOKING AT SOME OTHER TEETH IMPRESSIONS
4 FROM OTHER INDIVIDUALS; RIGHT?

5 A. I DIDN'T SEE ANY OTHER TEETH IMPRESSIONS.

6 Q. THE ONES ON THE STYROFOAM?

7 A. ON THE STYROFOAM BITES, I DID SAY THAT.

8 Q. THE STYROFOAM BITES. OTHER THAN DOING THAT WORK,
9 AND OTHER THAN JUST PREPARING TO COME INTO COURT TODAY, YOU
10 HAVEN'T DONE ANY OTHER ADDITIONAL WORK ON THE CASE SINCE
11 JANUARY, HAVE YOU?

12 A. THAT'S NOT CORRECT AT ALL. I MADE THE OVERLAYS,
13 I STUDIED THE CASE, I MUST HAVE SPENT OVER 10 HOURS
14 STUDYING THE CASE. SO I DID A LOT OF THE WORK ON THE CASE.

15 Q. SINCE -- AFTER JANUARY?

16 A. SURE I DID.

17 Q. AND THAT WAS IN PREPARATION FOR YOU COMING IN
18 TODAY? YOU DIDN'T DO ANY OTHER EXPERIMENTS, DID YOU?

19 A. NO, NOT OTHER EXPERIMENTS, NO.

20 Q. AND BEING THE PERSON THAT THEY CALL TO THE SCENE,
21 YOU WERE THE ONE RESPONSIBLE FOR MAKING SURE THAT THE
22 EVIDENCE WAS COLLECTED IN A MANNER THAT IT COULD BE
23 INTERPRETED BY YOURSELF OR DR. RAWSON LATER ON; RIGHT?

24 A. THAT'S CORRECT.

25 Q. AND YOU WERE ACTUALLY OUT THERE AT THE SCENE,

1 WEREN'T YOU? YOU SAW THE POOR KIM ANCONA ON THE FLOOR IN
2 THAT C.B.S. LOUNGE; RIGHT?

3 A. I DID.

4 Q. AND THE POLICE WERE THERE COLLECTING EVIDENCE?
5 DO YOU HAVE ANY IDEA WHAT TIME YOU GOT THERE THAT DAY?

6 A. IT WAS SUNDAY MORNING.

7 Q. I BELIEVE THE EVIDENCE WAS SOMETHING TO THE
8 EFFECT OF AROUND 8:00 OR 8:30 --

9 A. I DON'T REMEMBER THE TIME.

10 Q. WELL, LET ME FINISH MY QUESTION.

11 -- THAT THEY FIRST CAME TO THE C.B.S. LOUNGE, AND
12 THEN THE POLICE WERE CALLED SHORTLY THEREAFTER, AND YOU
13 DON'T RECALL WHAT TIME YOU GOT THERE?

14 A. APPROXIMATELY 10:00 O'CLOCK, 10:30. IT WAS
15 SUNDAY MORNING.

16 Q. WERE YOU PRESENT WHEN THEY FOUND THE KNIFE?

17 A. NO, I WAS NOT.

18 Q. DID YOU SEE THE KNIFE THERE LATER ON?

19 A. NO, I DID NOT.

20 Q. AND HOW ABOUT THE WOOD SHIMS THAT THEY WERE
21 TALKING ABOUT -- WELL, YOU WEREN'T PRESENT, BUT THERE WERE
22 SOME WOOD SHIMS THAT WERE ON THE FLOOR, USED TO PROP THE
23 DOOR. DID YOU SEE THOSE?

24 A. NO, I DIDN'T.

25 Q. YOU DON'T REMEMBER SEEING THOSE ON THE FLOOR?

1 A. NO, I DON'T.

2 Q. AND YOU ARE THE ONE THAT TOOK THE PHOTOGRAPHS AT
3 THE SCENE, AS YOU TESTIFIED EARLIER, AND THEN YOU LATER ON
4 AT THE AUTOPSY YOU TOOK SOME ADDITIONAL PHOTOGRAPHS, AND
5 YOU HAVE EXPLAINED TO US WHAT YOU DID THERE WITH PREPARING
6 THE MOLD, ET CETERA?

7 A. THAT'S CORRECT.

8 Q. AND THAT WAS DONE, WHAT, TWO DAYS LATER?

9 A. THE IMPRESSION WAS DONE ON DECEMBER 31ST.

10 Q. AND YOU WERE AT THE SCENE ON THE 29TH?

11 A. THAT'S CORRECT.

12 Q. AND THE ACTUAL TISSUE WAS REMOVED. WAS THAT DONE
13 IN YOUR PRESENCE ALSO, AFTER YOU TOOK THESE PHOTOGRAPHS?

14 A. I REMOVED THE TISSUE.

15 Q. YOU DID IT YOURSELF?

16 A. OR I ASSISTED IN REMOVING THE TISSUE. I WAS
17 PRESENT AT THE TIME. I PLACED THE CYANOACRYLIC RING
18 AROUND. I SUTURED THE TISSUE, AND ONE OF THE MEDICAL
19 TECHNICIANS EXCISED IT.

20 Q. IN OTHER WORDS, REMOVED IT FROM THE BODY?

21 A. THAT'S CORRECT.

22 Q. AND WHAT DID YOU DO WITH IT, ONCE IT WAS REMOVED?

23 A. WE PUT IT IN 10 PERCENT FORMALIN.

24 Q. IS THAT FORMALDEHYDE SOLUTION?

25 A. YES, IT IS.

1 Q. AND TELL THE MEMBERS OF THE JURY, IF YOU KNOW,
2 WHAT THAT FORMALIN SOLUTION IS KNOWN TO DO TO TISSUE?

3 A. THE ONLY THING I KNOW WHAT IT DOES TO TISSUE IS
4 PRESERVE THE TISSUE.

5 Q. YOU'RE NOT AWARE THAT IT CAUSES SHRINKAGE?

6 A. NO, I'M NOT AWARE OF THAT AT ALL.

7 Q. YOU'RE NOT?

8 A. NO.

9 Q. ARE YOU AWARE THAT IT CAUSES HARDENING OF THE
10 TISSUE?

11 A. I'M AWARE OF THAT.

12 Q. AND IN ANY OF THE TRAINING THAT YOU'VE HAD, YOU
13 DON'T RECALL ANY DISCUSSIONS ABOUT THE USE OF FORMALIN?

14 A. NO, I DO NOT.

15 Q. IN ANY OF THE TRAINING THAT YOU HAD, DO YOU
16 RECALL ANY DISCUSSIONS ABOUT ACTUALLY FIXING THE TISSUE IN
17 A FIXED POSITION?

18 A. YES, I DID THAT, BEFORE I EXCISED THE BITE. I
19 AFFIXED THE TISSUE WITH THAT CYANOACRYLIC TO PREVENT
20 DISTORTION OR SHRINKAGE.

21 Q. EXPLAIN WHAT YOU DID.

22 A. THE CYANOACRYLIC RING, A HARD PLASTIC RING THAT
23 GOES AROUND THE BREAST TISSUE TO PREVENT EXPANSION AND
24 CONTRACTION OF THE TISSUE. THEN WE SUTURE THE RING TO THE
25 TISSUE AND SO WHEN WE EXCISE IT, ALL THE TISSUE STAYS THE

1 WAY IT IS WHEN YOU REMOVED IT FROM THE BODY. AND THEN WE
2 PUT IT IN THE 10 PERCENT FORMALIN.

3 Q. IS IT 10 PERCENT OR 37 PERCENT?

4 A. I'M NOT SURE OF THE PERCENTAGE.

5 Q. 37 PERCENT FORMALDEHYDE?

6 A. I'M TALKING ABOUT 10 PERCENT FORMALIN. THAT'S
7 WHAT WE USE AT THE MEDICAL EXAMINER.

8 Q. AND IN NONE OF THE TRAINING THAT YOU RECALL, DO
9 YOU REMEMBER RECEIVING ANY INFORMATION THAT FORMALIN CAN
10 DISTORT THE TISSUE, CAUSE A SHRINKAGE OR HARDENING?

11 A. NOT THAT I'M AWARE OF. THE REASON WE PUT THE
12 ACTYLATE RING IS TO PREVENT THE SHRINKAGE.

13 Q. WITH REGARD TO THE EVIDENCE THAT YOU RECEIVED,
14 YOU INDICATED THERE WAS THE NUMBER 8 AND THE NUMBER 9 TOOTH
15 ON THE UPPER THAT YOU WERE ABLE TO MATCH UP; IS THAT RIGHT?

16 A. THAT'S CORRECT.

17 Q. AND THEN ON THE BOTTOM YOU CAME UP WITH TWO?

18 A. NO. I CAME UP WITH TOOTH 27 -- I'D HAVE TO SEE
19 THE PHOTOS AGAIN.

20 Q. YOU DON'T RECALL?

21 A. I THINK THERE ARE FOUR TEETH ON THE LOWER.

22 Q. FOUR OF THEM?

23 A. YES. WHATEVER I HAVE DOWN ON THE PHOTO.

24 Q. WHICH EXHIBIT IS IT, DO YOU KNOW?

25 A. I DON'T KNOW THE NUMBER.

1 Q. WOULD IT BE A COLOR PHOTO?

2 A. IT WAS A BLACK AND WHITE THAT I PUT THE NUMBERS
3 ON.

4 Q. WELL, I'LL TRY AND HELP YOU IF I CAN. I DON'T
5 KNOW WHICH ONE YOU NEED, SO YOU TELL ME.

6 A. I THINK IT'S OVER HERE.

7 Q. I'LL SHOW YOU WHAT'S BEEN MARKED AS 122, AND IT
8 LOOKS LIKE YOU'VE GOT FOUR NUMBERS DOWN HERE, BUT I DON'T
9 KNOW IF I SEE FOUR TEETH. TAKE A LOOK AT THAT.

10 A. UH-HUH.

11 I SEE FOUR TEETH THAT I NUMBERED HERE. TOOTH
12 NUMBER 23, 24, 26, AND 27.

13 MR. JONES --

14 Q. AND YOU'VE GOT FOUR NUMBERS?

15 A. THAT'S CORRECT.

16 Q. OKAY. AND THIS PARTICULAR -- THESE PARTICULAR
17 MARKS WERE SUCH THAT YOU WERE ABLE TO TRY TO MATCH THEM ON
18 THE BOTTOM IN SPITE OF THE FACT THAT IT DIDN'T ALIGN
19 CORRECTLY, ACCORDING TO THIS? IT LOOKS LIKE YOUR EXHIBIT
20 IS FALLING APART HERE. IT DOESN'T ALIGN CORRECTLY WHEN YOU
21 ACTUALLY PUT ONE UNDER THE OTHER, DOES IT, ON YOUR EXHIBIT?

22 A. I DON'T UNDERSTAND WHAT YOU MEAN BY THE
23 ALIGNMENT.

24 Q. IT'S OFF CENTER? FROM THE BOTTOM.

25 A. HIS BITE IS OFF CENTER, ALSO.

1 Q. SO THIS ISN'T -- THIS DEMONSTRATIVE EXHIBIT --
2 THIS WAS NEVER MARKED, WAS IT?

3 THE COURT: NO, IT WASN'T.

4 MR. JONES: CAN WE HAVE THIS MARKED?

5 THE COURT: SURE.

6 MR. LEVY: YOUR HONOR, WITH THE UNDERSTANDING THAT IT
7 WILL COME BACK OUT BECAUSE IT'S AN INSTRUMENT BELONGING TO
8 DR. PIAKIS.

9 THE COURT: YOU WANT THAT EXHIBIT ADMITTED FOR THE
10 JURY TO CONSIDER; IS THAT WHAT YOU'RE SAYING, MR. JONES?

11 MR. JONES: YES, YOUR HONOR.

12 MR. JONES: AND LET THE RECORD REFLECT THAT THERE IS A
13 SMALL PORTION OF A TOOTH LAYING ON THE TOP.

14 THE COURT: THE RECORD WILL REFLECT THAT IT CAME OFF
15 AS YOU WERE MOVING THE EXHIBIT.

16 MR. JONES: MAY THE RECORD REFLECT THAT IT CAME DOWN
17 AS I LIFTED IT UP.

18 THE COURT: I DIDN'T NOTICE WHICH WAY YOUR HANDS
19 MOVED.

20 MR. JONES: AS I LIFTED IT UP, IT FELL.

21 THE COURT: AND WHAT EXHIBIT NUMBER WILL THAT BE?

22 THE CLERK: EXHIBIT NUMBER 123.

23 MR. JONES: THANK YOU.

24 BY MR. JONES:

25 Q. SO WHEN WE LOOK AT 122, AND WE CAN SEE IN 122

1 THAT THE ALIGNMENT IS OFF, YOU'RE SAYING THAT AS MR.
2 KRONE'S TEETH, PRESUMABLY, CLOSE DOWN ON THIS TISSUE, THAT
3 IT WAS MISALIGNED OFF TO THE LEFT, IS THAT WHAT YOU'RE
4 SAYING?

5 A. I DIDN'T SAY ANYTHING AT ALL. I MEAN YOU'RE
6 TALKING ABOUT THE ALIGNMENT. I DON'T KNOW WHAT ALIGNMENT
7 YOU'RE TALKING ABOUT. SHOW ME THE ALIGNMENT THAT YOU'RE
8 TALKING ABOUT ON THE PHOTO. WHAT ALIGNMENT ARE YOU TALKING
9 ABOUT? VERTICAL ALIGNMENT, HORIZONTAL ALIGNMENT.

10 BY MR. JONES:

11 Q. VERTICAL ALIGNMENT AS IF THE JAW WERE OPENING AND
12 CLOSING?

13 A. OKAY. NOW, WHAT ALIGNMENT ARE YOU TALKING ABOUT?
14 I DON'T -- SHOW ME THE ALIGNMENT.

15 Q. THESE FOUR TEETH SEEM TO BE OFF TO THE LEFT AND
16 NOT DIRECTLY UNDERNEATH THE UPERS THAT YOU'VE GOT MARKED.

17 A. I DON'T SEE THAT AT ALL.

18 Q. YOU DON'T?

19 A. NO.

20 Q. ALL RIGHT.

21 A. NO, I DON'T SEE THE ALIGNMENT.

22 Q. LET'S SEE A DIFFERENT EXHIBIT.

23 LET'S LOOK AT EXHIBIT 129. ARE THERE MARKS THAT
24 YOU HAVE INDICATED WERE BITE MARKS DEPICTED IN THE BOTTOM
25 OF THAT PHOTO?

1 A. THAT'S CORRECT.

2 Q. OKAY. NOW, IF WE LOOK -- SAY THE TOP PORTION OF
3 THE BREAST AS BEING 12:00 O'CLOCK AND THE BOTTOM BEING 6:00
4 O'CLOCK, JUST FOR REFERENCE POINT, ISN'T IT TRUE THAT THE
5 MARKS THAT YOU REFERRED TO PREVIOUSLY ARE TO THE LEFT OF
6 THE 6:00 O'CLOCK POSITION?

7 A. THAT'S CORRECT. TO THE LEFT OF THE 6:00 O'CLOCK
8 POSITION, THAT'S CORRECT.

9 Q. ALL RIGHT. AND ISN'T IT FURTHER THE CASE THAT
10 THIS NUMBER 8 AND 9 TEETH THAT ARE AT THE 12:00 O'CLOCK
11 POSITION?

12 A. THAT'S CORRECT.

13 Q. DOESN'T THAT SHOW IT'S A MISALIGNMENT?

14 A. NOT AT ALL. THIS IS THE PATTERN OF THE BITE.
15 THIS IS THE PATTERN RIGHT THERE. YOU'RE SAYING THE PATTERN
16 HERE IS DIFFERENT THAN THE PATTERN HERE. IT'S THE SAME
17 PATTERN. IT GOES STRAIGHT DOWN LIKE THIS.

18 Q. YOU'RE SAYING IT'S NOT COMING DIRECTLY FROM 12:00
19 O'CLOCK TO 6:00 O'CLOCK, THE PATTERN ITSELF?

20 A. ON THIS PHOTO RIGHT HERE -- FIRST OF ALL, IT
21 DOESN'T HAVE A A.B.F.O. RULER ON IT, SO I CAN'T MAKE ANY
22 JUDGMENT ON IT.

23 Q. LET'S LOOK AT 128, WHICH HAS YOUR RULER ON IT?

24 A. THAT'S NOT A ONE-TO-ONE. LET'S GET A ONE-TO-ONE.

25 Q. WELL, PICK ONE OUT, DOCTOR. WHATEVER YOU WOULD

1 LIKE.

2 A. COULD I HAVE A MOMENT TO SEE THOSE.

3 OKAY.

4 Q. WHICH ONE ARE YOU LOOKING AT?

5 A. 127.

6 Q. NUMBER 27.

7 A. NUMBER 127.

8 Q. NUMBER 127 HAS THE RULER ON IT?

9 A. YES.

10 Q. SO WE CAN LOOK AT THIS ONE? AGAIN, BASED ON YOUR
11 DETERMINATION WHAT TOOTH NUMBER SHOULD BE AT THE 12:00
12 O'CLOCK THEN?

13 A. TOOTH NUMBER 9.

14 Q. AND THAT'S THE LEFT CENTRAL INCISOR?

15 A. THAT'S CORRECT.

16 Q. AND AM I POINTING TO IT NOW?

17 A. THAT'S CORRECT.

18 Q. AND THAT IS AT 12:00 O'CLOCK?

19 A. UH-HUH.

20 Q. AND ISN'T IT TRUE THAT THE OTHER MARKS THAT YOU
21 SEE, THAT YOU NOW SAY ARE RAY KRONE'S BOTTOM TEETH, ARE TO
22 THE LEFT OF THE LEFT CENTRAL INCISOR?

23 A. IF YOU ARE HOLDING IT STRAIGHT UP AND DOWN,
24 THAT'S CORRECT. IF YOU ARE HOLDING IT THIS WAY, WHICH IS
25 THE PATH OF THE BITE, THAT'S NOT CORRECT.

1 Q. SO YOU SAY THAT THAT IS AT AN ANGLE?

2 A. THE BITE IS THIS WAY.

3 Q. ALL RIGHT.

4 A. I'M NOT SAYING THAT THE BITE IS THIS WAY.

5 Q. OKAY. SO WE DON'T HAVE IT ORIENTED SO THAT TOOTH
6 NUMBER 8 IS AT 12:00 O'CLOCK. IN EFFECT, YOU'RE SAYING
7 IT'S REALLY AT 11:00 O'CLOCK AND YOU'VE GOT TO HOLD THE
8 EXHIBIT AT AN ANGLE?

9 A. IF YOU WANT TO SAY THAT.

10 Q. DID YOU MAKE THE ASSUMPTION THAT EVERY MARK ON
11 THE VICTIM, ON KIM ANCONA'S BREAST, WOULD HAVE RESULTED
12 FROM THE ASSAULT THAT NIGHT?

13 A. NO. NO, NOT AT ALL.

14 Q. IS IT POSSIBLE THAT SOME OF THOSE MARKS COULD
15 HAVE EXISTED PRIOR TO HER ASSAILANT ATTACKING HER?

16 A. I'M NOT A PATHOLOGIST, SO I WOULDN'T KNOW WHEN
17 THESE MARKS OCCURRED. PRIOR -- I DON'T UNDERSTAND WHAT YOU
18 MEAN BY PRIOR.

19 Q. WELL, I WANT YOU TO ASSUME AS A HYPOTHETICAL THAT
20 THE VICTIM KIM ANCONA HAD SEX THREE TIMES THE DAY BEFORE
21 SHE WAS MURDERED, IN OTHER WORDS, THE SATURDAY BEFORE SHE
22 WAS MURDERED AND THE EARLY MORNING HOURS OF SUNDAY.

23 A. YOU ARE ASSUMING THAT?

24 Q. I WANT YOU TO ASSUME THAT.

25 A. OH, OKAY.

1 Q. AND WE DON'T KNOW IF ANY MARKS WERE PRODUCED FROM
2 THAT SEX. THAT WOULD MAKE A DIFFERENCE IN HOW YOU VIEWED
3 THIS, WOULDN'T IT?

4 MR. LEVY: OBJECTION. THAT'S OUT OF HIS AREA OF
5 EXPERTISE AS HE HAS JUST INDICATED. BECAUSE HE'S GETTING
6 INTO TIME OF THE BITE.

7 THE COURT: CAN YOU ANSWER THE QUESTION?

8 THE WITNESS: NO, I CANNOT. AS I SAID TO MR. JONES
9 BEFORE, I'M NOT A PATHOLOGIST, SO I CAN'T SAY WHEN THE
10 EXACT TIME OF THE BITE OCCURRED.

11 BY MR. JONES:

12 Q. WELL, DOCTOR, I'M ASKING YOU TO ASSUME THAT OTHER
13 MARKS OCCURRED THAT PREVIOUS DAY.

14 MR. LEVY: OBJECTION, CALLS FOR SPECULATION. THERE'S
15 NOTHING IN EVIDENCE TO MAKE THAT ASSUMPTION; THEREFORE, IT
16 DOESN'T ASSUME ANYTHING IN EVIDENCE.

17 THE COURT: SUSTAINED.

18 MR. JONES: MAY I BE HEARD, YOUR HONOR?

19 THE COURT: NO. LET'S MOVE ON.

20 MR. JONES: YOUR HONOR, THERE'S EVIDENCE THAT PAUL
21 CLARK HAD SEX WITH HER THREE TIMES THAT DAY.

22 THE COURT: THERE'S ALSO EVIDENCE THERE WERE NO MARKS.

23 COUNSEL MAY APPROACH THE BENCH.

24 (AN OFF-THE-RECORD DISCUSSION ENSUED BETWEEN

25 COURT AND COUNSEL AT THE BENCH OUT OF THE HEARING OF

1 THE JURY.)

2 THE COURT: MEMBERS OF THE JURY, IF YOU WILL PLEASE
3 RETIRE TO THE JURY ROOM, WE'LL CALL YOU BACK IN WHEN WE
4 HAVE THE LEGAL ISSUE RESOLVED.

5 (THE JURY WAS EXCUSED FROM THE COURTROOM, AND THE
6 FOLLOWING PROCEEDINGS TOOK PLACE:)

7 THE COURT: THE RECORD WILL SHOW THE PRESENCE OF THE
8 DEFENDANT OUTSIDE -- AND COUNSEL OUTSIDE OF THE PRESENCE OF
9 THE JURY.

10 AND, MR. JONES?

11 MR. JONES: THANK YOU, YOUR HONOR.

12 I JUST WANTED TO INDICATE THAT MY RECOLLECTION OF
13 MR. CLARK'S TESTIMONY WAS THAT HE HAD SEX WITH HER THREE
14 TIMES THAT DAY, AND THAT WOULD SEEM TO BE A LOT. THAT SOME
15 MARKS COULD HAVE OCCURRED IN THAT PROCESS, AND I WAS GOING
16 TO FOLLOW IT UP WITH A QUESTION TO THE DOCTOR ABOUT WHETHER
17 OR NOT HE WAS AWARE OF THAT. AND I'M SURE HE ISN'T, BUT I
18 WANTED TO AT LEAST ESTABLISH THAT HE WASN'T BECAUSE THAT
19 COULD HAVE IMPACT ON THIS.

20 AS I RECALL THE PROSECUTOR'S QUESTION, HE WAS
21 ASKING WHETHER THERE WERE ANY PREEXISTING MARKS ON HER BODY
22 BEFORE THEY STARTED.

23 THE COURT: I DIDN'T HEAR ANY OBJECTION TO ANY OF
24 THAT.

25 MR. JONES: I DON'T HAVE ANY OBJECTION TO HIM ASKING

1 THE QUESTION, NO.

2 THE COURT: THE WITNESS SAID HE CAN'T GIVE ANY OPINION
3 AS TO TIME OF ANY OTHER MARKS. ARE YOU SIMPLY ASKING HIM
4 WOULD HIS OPINION BE ANY DIFFERENT IF IT WAS FOR A FACT THE
5 MARKS WERE THERE?

6 MR. JONES: THAT'S RIGHT.

7 THE COURT: WHY DIDN'T YOU SAY THAT IN STRAIGHTFORWARD
8 ENGLISH SO WE ALL UNDERSTAND?

9 MR. JONES: I'M SORRY IF I DIDN'T. I CERTAINLY WOULD
10 LIKE TO SAY IT.

11 THE COURT: YEAH, I DON'T HAVE ANY PROBLEM WITH HIM
12 ASKING HIM IF HIS OPINION IS ANY DIFFERENT.

13 MR. LEVY?

14 MR. LEVY: MAY I?

15 THE COURT: YES.

16 MR. LEVY: FIRST OF ALL, I DIDN'T SAY WHAT HE SAYS I
17 DID. I'M NOT BEING PETTY. BUT I KNOW AND MR. JONES KNOWS
18 THAT DR. PIAKIS IS NOT HERE TO TESTIFY AS TO THE TIME OF
19 THE -- AS TO THE TIME OF THE BITE MARK. DR. RAWSON AND DR.
20 SHAW IS. I DIDN'T GET INTO THAT AT ALL. THE ONLY THING I
21 ESTABLISHED WITH PAUL CLARK IS WHAT HE LAST SAW.

22 THE TIME OF BITE MARK HERE IT WOULD BE
23 PREJUDICIAL ERROR OF THE STATE --

24 THE COURT: HE IS NOT GOING INTO THAT.

25 MR. LEVY: BUT HE'S TRYING TO SAY FACTS THAT AREN'T

1 ESTABLISHED AND I THINK IT WOULD CONFUSE THE JURY, BECAUSE,
2 ONE, THIS -- IT'S NOT BEEN ESTABLISHED; TWO, HE DOESN'T
3 HAVE EXPERTISE ON IT. IF -- ASSUMING THAT TO BE THE CASE,
4 WOULD IT CHANGE YOUR OPINION IS CALLING FOR FACTS NOT IN
5 EVIDENCE. YOU WOULD HAVE TO ARRIVE AT THAT, MAY I SUGGEST,
6 YOUR HONOR, AT A PERSON WHO WOULD BE ABLE TO TESTIFY, WHICH
7 DR. RAWSON AND DR. SHAW CAN, WHO EXAMINED THE TISSUE AND
8 SIZE AND CAN STATE THAT. AND THEREFORE I THINK IT WOULD
9 MISLEAD THE JURY AND I THINK IT WOULD BE PREJUDICIAL AND I
10 THINK IT WOULD CONFUSE THE JURY AS WELL, AND I DON'T THINK
11 THE PURPOSE OF THE QUESTION IS WELL SERVED TO THE STATE OF
12 THE EVIDENCE TO-DATE, PARTICULARLY WHEN WE ALL KNOW THAT
13 THESE OTHER EXPERTS ACTUALLY HAVE EXAMINED THE TISSUE FOR
14 THAT VERY PURPOSE. SO I WOULD OBJECT TO THE KIND OF
15 QUESTION THAT HE'S PROPOSING TO ASK.

16 THE COURT: CAN WE -- LET ME HELP YOU IN LIMINE IN
17 ADVANCE, NOW, MR. JONES. LET ME HEAR WHAT QUESTION THAT
18 YOU PROPOSE TO ASK SO THAT WE DON'T KEEP HAVING TO SEND THE
19 JURY IN AND OUT.

20 MR. JONES: GOING WITH THE COURT'S SUGGESTION, I WILL
21 ASK IS IT POSSIBLE THAT YOUR OPINION MAY CHANGE IF YOU KNEW
22 THERE WERE ADDITIONAL MARKS PROVIDED THE DATE PREVIOUS? OR
23 I'LL CHANGE IT ANY WAY THE COURT WANTS IT ACCEPTABLE.
24 THAT'S THE THRUST OF IT. I DON'T THINK I HAVE SAID IT
25 EXACTLY THE WAY THE COURT DID YET.

1 MR. LEVY: THERE IS NO FOUNDATION, YOUR HONOR. IT'S
2 ENTIRELY SPECULATIVE.

3 THE COURT: I'LL ALLOW LIMITED INQUIRY AS TO WHETHER
4 HIS POSITION, HIS OPINION, WOULD BE THE SAME.

5 MR. JONES: I COULD MOVE ON AFTER THAT, YOUR HONOR. I
6 JUST HAVE ONE OR TWO QUESTIONS THAT ARE IN THAT AREA.

7 THE COURT: IN REFERENCE TO THE BITE MARKS OR ALL OF
8 THE MARKS THAT ARE OBSERVED? I WON'T REALLY FRAME THE
9 QUESTION IN ANY PARTICULAR FASHION. YOU CAN PHRASE THAT.

10 SO THE OBJECTION TO THE SPECULATIVE NATURE WILL
11 BE DENIED -- OVERRULED, RATHER. IF THE DOCTOR IS UNABLE TO
12 EXPRESS AN OPINION, THEN THAT CAN BE AN APPROPRIATE ANSWER
13 ALSO. AND IF YOU DON'T UNDERSTAND THE QUESTION WHEN IT'S
14 PHRASED, WE MAY HAVE TO HAVE IT REPHRASED SEVERAL TIMES.
15 BUT WE'LL WORK ON THAT.

16 DID YOU WANT TO DO SOMETHING ELSE WHILE WE WERE
17 WAITING FOR THE JURY TO COME BACK?

18 MR. JONES: I CAN DEAL WITH THE PRECLUSION ISSUE WITH
19 REGARD TO DR. RAWSON'S VIDEO TAPE.

20 THE COURT: NO. WHY DON'T WE FINISH UP WITH YOUR
21 CROSS-EXAMINATION OF THE WITNESS, AND WE WILL TAKE ANOTHER
22 BREAK BEFORE DR. RAWSON COMES. DID YOU SAY YOU HAVE
23 ANOTHER 20 MINUTES --

24 MR. JONES: I WAS REQUESTING WE TAKE A BREAK NOW,
25 BECAUSE I WANTED TO GET READY THE APPROPRIATE EXHIBITS FOR

1 DR. PIAKIS.

2 THE COURT: FOR DR. RAWSON?

3 MR. JONES: NO. FOR DR. PIAKIS.

4 THE COURT: YEAH, WE CAN TAKE FIVE MINUTES FOR THAT.

5 MR. JONES: ALL RIGHT.

6 (A RECESS.)

7 (THE FOLLOWING PROCEEDINGS TOOK PLACE IN OPEN
8 COURT:)

9 THE COURT: THE RECORD WILL SHOW ALL OF OUR JURORS AND
10 THE DEFENDANT AND COUNSEL.

11 MR. JONES, PROCEED WITH YOUR CROSS.

12 MR. JONES: THANK YOU, YOUR HONOR.

13

14 JOHN A. PIAKIS,
15 CALLED AS A WITNESS HEREIN, HAVING BEEN PREVIOUSLY DULY
16 SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

17

18 CROSS-EXAMINATION (CONTINUED)

19 BY MR. JONES:

20 Q. DOCTOR, WHEN WE LEFT OFF, I WAS ASKING YOU A
21 QUESTION IF THERE WERE OTHER MARKS ON THE VICTIM'S BREAST.
22 THAT COULD AFFECT YOUR OPINION IN THIS, COULDN'T IT? IF
23 THERE WERE OTHER MARKS THAT WERE THERE, WERE THERE SATURDAY
24 SOMETIME?

25 A. WHAT TYPE OF MARKS ARE YOU TALKING ABOUT?

1 Q. OTHER MARKS PERHAPS PRODUCED BY TEETH.

2 A. THAT WOULDN'T AFFECT MY OPINION.

3 Q. IT WOULDN'T?

4 A. IF THERE WERE OTHER MARKS OTHER THAN THE MARKS
5 THAT WERE FOUND HERE?

6 Q. YES. IN OTHER WORDS, IF THERE WERE MARKS FIRST
7 ON SATURDAY AND THEN SOME ADDED EARLY SUNDAY MORNING WHEN
8 THIS MURDER OCCURRED.

9 A. I DON'T SEE HOW THAT'S POSSIBLE. IF THERE WERE
10 MARKS ON SATURDAY YOU'RE SAYING?

11 Q. YES.

12 A. WOULD THAT -- THE SAME MARKS THAT WERE THERE ON
13 SUNDAY? THAT WOULDN'T ALTER MY OPINION. WHETHER IT WAS
14 THERE SATURDAY OR WHETHER IT WAS THERE SUNDAY, IT WOULD BE
15 THE SAME BITE.

16 Q. WHY WOULD THAT BE?

17 A. IF IT WAS DONE BY THE SAME PERSON, THEN IT WOULD
18 BE THE SAME BITE, WHETHER IT BE WOULD THERE FROM FRIDAY,
19 SATURDAY, OR SUNDAY.

20 Q. IF IT WAS DONE BY THE SAME PERSON?

21 A. EXACTLY.

22 Q. WHAT IF IT WAS NOT DONE BY THE SAME PERSON?

23 A. WELL, THEN IT WOULD BE A DIFFERENT BITE.

24 Q. YOU COULD HAVE A COMBINATION OF TWO OR MORE
25 BITES; ISN'T THAT TRUE, SIR?

1 A. THAT'S POSSIBLE. HIGHLY UNLIKELY.

2 Q. WHAT'S HIGHLY UNLIKELY?

3 A. THE COMBINATION OF TWO OR THREE MORE BITES ADDED
4 ONTO THE TWO BITES THAT WE ALREADY HAD?

5 Q. YES.

6 A. THAT'S POSSIBLE.

7 Q. IT WOULD MAKE FOR A VERY, VERY COMPLICATED
8 ASSESSMENT BY YOU, WOULDN'T IT?

9 A. IF THERE WERE FOUR OR FIVE BITES ON THERE, IT
10 WOULD MAKE IT MORE COMPLICATED, YES.

11 Q. THANK YOU.

12 LET ME SHOW YOU WHAT HAVE BEEN MARKED AS EXHIBIT
13 116-A AND AGAIN ASK YOU TO IDENTIFY THAT. I KNOW YOU HAVE
14 PREVIOUSLY. THAT IS IN EVIDENCE, BY THE WAY.

15 A. RIGHT. THAT'S MR. KRONE'S.

16 Q. IS THAT THE STYROFOAM THAT YOU ACTUALLY WERE
17 GIVEN BY DETECTIVE GREGORY OR DID YOU ACTUALLY OBTAIN THAT
18 YOURSELF?

19 A. THIS IS THE STYROFOAM BITE THAT DETECTIVE GREGORY
20 GAVE ME.

21 Q. ALL RIGHT. AND THEN EXHIBIT IN EVIDENCE NUMBER
22 129, IS THAT THE SAME PIECE OF EVIDENCE THAT'S DEPICTED IN
23 THAT PHOTO?

24 A. IT'S NOT THE SAME PIECE OF STYROFOAM.

25 Q. A DIFFERENT ONE?

1 A. YES.

2 Q. DO WE HAVE THAT OTHER ONE IN?

3 A. THIS ONE HERE?

4 Q. YES.

5 A. I HAVE THAT ONE HERE.

6 Q. ALL RIGHT. TELL THE JURY, AGAIN, WHAT YOU DID,

7 IT LOOKS LIKE AN INK PEN, ON 129?

8 A. ON 129?

9 Q. YES, IT LOOKS LIKE YOU ADDED SOMETHING FOR COLOR.

10 A. I DID COLOR IN THE BITE MARK FROM THE STYROFOAM

11 BITE.

12 Q. AND YOU HAVE DEPICTED IN 129 TEETH NUMBER 8 AND

13 9; RIGHT?

14 A. THAT'S CORRECT.

15 Q. AND YOU HAVE COLORED THEM IN; IS THAT RIGHT?

16 A. THAT'S CORRECT.

17 Q. NOW, LOOK AT THE STYROFOAM ON 116 AND COMPARE THE

18 TWO MARKS ON THE STYROFOAM WITH THE MARKS THAT YOU HAVE

19 COLORED IN.

20 A. OKAY. I COMPARED THEM.

21 Q. ISN'T IT TRUE, DOCTOR, THAT THE RELATIVE

22 POSITIONS OF TEETH NUMBER 8 AND 9 ARE DIFFERENT IN THOSE

23 TWO EXHIBITS?

24 A. NOT AT ALL. TOOTH NUMBER 9 IS OUT TOWARD THE

25 LIP, MEANING PROTRUDING OUT TOWARD THE LIP AS TO TOOTH

1 NUMBER 8. IT'S IN THE STYROFOAM BITE THAT I TOOK. IT'S IN
2 THE STYROFOAM BITE THAT DETECTIVE GREGORY TOOK. AND IT'S
3 IN THE BITE MARK ON KIM ANCONA.

4 Q. DOES IT APPEAR IN EXHIBIT 129 TO BE NARROWER AND
5 SHAPED DIFFERENTLY THAN IT APPEARS IN THE OTHER EXHIBIT
6 YOU'RE HOLDING IN YOUR HAND?

7 A. YES.

8 Q. AND THESE ARE THE SAME TWO TEETH?

9 A. IT'S IN THE SAME POSITION. ON THIS BITE HE
10 DIDN'T BITE AS HARD, OKAY? ON THIS BITE. SO HE BIT JUST A
11 LITTLE SOFTER SO HE DIDN'T HAVE THE FULL IMPACT AS HE DID
12 ON THIS ONE. THE ONLY REASON I DID THIS, I OUTLINED THE
13 POSITION OF THE TOOTH. THAT'S THE PURPOSE OF THIS, TO
14 OUTLINE HOW TOOTH NUMBER 9 IS FURTHER OUT THAN NUMBER 8.
15 THE PURPOSE OF THAT WAS TO GIVE YOU ALIGNMENT OF TOOTH
16 NUMBER 8, 9, AND NUMBER 6.

17 Q. ISN'T IT TRUE, DOCTOR, THAT IN EXHIBIT NUMBER
18 116, THE STYROFOAM OF RAY KRONE THAT WAS PRE-IDENTIFIED BY
19 DETECTIVE GREGORY, THE TEETH APPEAR TO OVERLAP AND ALMOST
20 TOUCH AND IN 129 THEY DO NOT?

21 A. THAT'S CORRECT.

22 Q. HOW DO YOU EXPLAIN THAT DISCREPANCY?

23 A. BECAUSE OF THE FORCE OF THE BITE AT THAT TIME.
24 ON THE PHOTO, THE FORCE OF THE BITE MIGHT NOT HAVE BEEN AS
25 HARD AS THE STYROFOAM BITE. SO THE MECHANICS OF THE BITE

1 WERE DIFFERENT.

2 Q. AREN'T YOU MAKING AN ASSUMPTION ABOUT THAT,
3 DOCTOR?

4 A. NO, NOT AT ALL. THE PURPOSE OF THIS WAS TO, LIKE
5 I SAID BEFORE, MR. JONES, IS TO SEE THE ALIGNMENT OF THE
6 TEETH, TO THE NUMBER 8 AND 9, THEIR RELATIONSHIP TO THE
7 STYROFOAM BITE, AND THAT'S THE SAME AS ON THE STYROFOAM
8 BITE THAT WAS TAKEN BY DETECTIVE GREGORY.

9 Q. BUT YOU DON'T KNOW IF HE BIT HARDER OR SOFTER
10 BECAUSE YOU WEREN'T EVEN THERE WHEN DETECTIVE GREGORY TOOK
11 THAT BITE MARK?

12 A. NO, I WASN'T THERE WHEN DETECTIVE GREGORY TOOK
13 THIS. BUT IT WAS STILL CONSISTENT -- THE PURPOSE OF THIS
14 STYROFOAM BITE WAS CONSISTENT -- TO SAY THAT IT WAS
15 CONSISTENT WITH THE BITE MARK ON KIM ANCONA AT THAT TIME
16 WHEN THIS WAS PRESENTED TO ME.

17 Q. NOW, WE HAVE SEEN PHOTOS OF MR. KRONE'S TEETH.
18 ISN'T IT TRUE FROM LOOKING AT THOSE PHOTOS OF HIS TEETH
19 THAT THOSE FRONT TWO TEETH ACTUALLY ARE VERY CLOSE TOGETHER
20 AND 8 OVERLAPS 9?

21 A. 9 OVERLAPS 8.

22 Q. EXCUSE ME. I'M SORRY. AND THEY ARE VERY CLOSE
23 TOGETHER, AND 9 OVERLAPS 8?

24 A. THAT'S CORRECT.

25 Q. AND THAT IS NOT DEPICTED ON YOUR EXHIBIT THERE,

1 IS IT? THE OVERLAPPING.

2 A. WHICH ONE?

3 Q. ON EXHIBIT 129.

4 A. ONCE AGAIN, NUMBER 9, THE PURPOSE OF THAT, NUMBER
5 9 -- YOU ARE TALKING ON THE STYROFOAM BITE OR THE --

6 Q. THE STYROFOAM BITE.

7 A. THAT WAS TO SHOW THE ALIGNMENT OF TOOTH NUMBER 8
8 AND 9.

9 Q. THAT WASN'T MY QUESTION, SIR. LET ME ASK IT
10 AGAIN.

11 ISN'T IT TRUE THAT THIS PARTICULAR PIECE OF
12 STYROFOAM DEPICTED IN 129 DOES NOT SHOW THOSE TEETH
13 OVERLAPPING?

14 A. SURE IT DOES. IT'S THE SAME ALIGNMENT OF THE
15 TEETH. TOOTH NUMBER 8 AND 9 IS IN THE SAME POSITION AS
16 TOOTH NUMBER 8 AND 9 ON THE BITE. WHETHER THEY OVERLAP, I
17 DON'T UNDERSTAND WHAT YOU MEAN BY OVERLAP. THIS TOOTH IS
18 OUT FURTHER THAN THIS TOOTH, AND THAT'S THE PURPOSE OF
19 THIS. AND AS DEPICTED ON THE STYROFOAM BITE TAKEN BY
20 DETECTIVE GREGORY.

21 Q. I WILL ASK IT ONE MORE TIME SLIGHTLY DIFFERENT TO
22 MAKE SURE WE ARE COMMUNICATING HERE.

23 116, THE STYROFOAM BITE MARK OF RAY KRONE THAT
24 YOU FIRST USED TO START MAKING YOUR COMPARISONS, SHOWS AN
25 OVERLAP, BETWEEN 8 AND 9; RIGHT?

1 A. I DON'T UNDERSTAND WHAT YOU MEAN BY OVERLAP.
2 OVERLAP MEANING ROTATION ARE YOU TALKING ABOUT? OR ARE YOU
3 TALKING ABOUT ONE TOOTH PROTRUDING FROM THE OTHER, OVERLAP
4 MEANING --

5 Q. 8 IS IN FRONT OF AND COVERS A BIT, ACCORDING TO
6 THIS DENTITION RIGHT HERE --

7 A. I DON'T SEE HOW IT COVERS IT. TOOTH NUMBER 8 IS
8 INSIDE TOOTH NUMBER 9, YES.

9 MR. JONES: MAY I HAVE PERMISSION TO SHOW THIS TO THE
10 JURY, YOUR HONOR?

11 THE COURT: YES.

12 MR. JONES: THANK YOU. JUST PASS IT.

13 BY MR. JONES:

14 Q. AND LOOKING AT EXHIBIT NUMBER 30, THERE APPEARS
15 TO BE A SPACE BETWEEN WHAT WOULD PRESUM TO BE TOOTH NUMBER
16 8 AND 9, A SPACE BETWEEN THOSE TWO, THAT'S CLEARLY DEPICTED
17 IN THIS PICTURE OF THE VICTIM, ISN'T THERE?

18 A. LET ME SEE.

19 YES, THERE IS A SPACE ON THIS PHOTO.

20 Q. WHERE IT'S IN EFFECT UNDAMAGED TISSUE THAT HASN'T
21 BEEN HARMED BY THE BITE?

22 A. NO, I CAN'T SAY THAT.

23 IT'S HARD TO SAY WHETHER THAT WAS DAMAGED TISSUE
24 OR NOT.

25 Q. AND THAT IS ALSO DEPICTED IN EXHIBIT 129, WHICH

1 HAS BOTH THE STYROFOAM AND THE INJURIES TO THE BREAST OF
2 THE VICTIM?

3 A. IN COMPARISON, YES.

4 Q. YES.

5 A. UH-HUH.

6 Q. NOW, THIS SPACE THAT WE'RE TALKING ABOUT BETWEEN
7 TEETH 8 AND 9 IS MEASURABLE HERE, ISN'T IT, IN EXHIBIT 130,
8 THE SPACE BETWEEN THOSE TWO MARKS?

9 A. YES.

10 Q. AND YOU APPARENTLY HAVE A THEORY AS TO WHY
11 THERE'S SPACE IN THERE; IN OTHER WORDS, WHY THERE ISN'T THE
12 SOLID 8 AND 9 TEETH MARKS COMING TOGETHER AS IS DEPICTED ON
13 THE EXHIBIT THAT'S BEING PASSED AROUND TO THE JURY?

14 A. I ALSO SEE A SPACE ON THE STYROFOAM BITE THAT I
15 TOOK.

16 Q. RIGHT. THAT WAS MY PREVIOUS QUESTION. THE TWO
17 STYROFOAMS ARE NOT THE SAME, ARE THEY?

18 A. THE TWO STYROFOAMS ARE THE SAME. THAT STYROFOAM
19 WAS TAKEN WITH DETECTIVE GREGORY ON DECEMBER 30TH AND MY
20 STYROFOAM -- NO, EXCUSE ME, DETECTIVE GREGORY TOOK THE
21 STYROFOAM BITE ON DECEMBER 29TH, AND I TOOK MY STYROFOAM
22 BITE ON DECEMBER 30TH.

23 Q. AND WHAT IS YOUR EXPLANATION WHEN THESE TWO TEETH
24 ARE TOGETHER AS THEY ARE DEPICTED ON THAT STYROFOAM FOR THE
25 SPACE THAT APPEARS ON THE INJURY AT THE 12:00 O'CLOCK

1 POSITION ON EXHIBIT NUMBER 130?

2 A. THAT SPACE? I FEEL IS NOT IMPORTANT AT ALL,
3 NUMBER ONE. THE RELATIONSHIP OF THAT, OF TOOTH NUMBER 8
4 AND 9, IS VERY, VERY UNIQUE, IN THAT TOOTH NUMBER 8 AND 9.
5 THE SAME AS ON HIS MODEL OF THE STUDY CASTS.

6 Q. BUT YOU WOULD AGREE WITH ME THAT THERE'S NO SPACE
7 ON THAT EXHIBIT BEING PASSED AROUND TO THE JURY AND THERE
8 IS A SPACE RIGHT HERE DEPICTED IN 130. YOU WOULD AGREE
9 WITH THAT MUCH; RIGHT?

10 A. YES, I DO SEE A SPACE THERE.

11 Q. SIGNIFICANT, MEASURABLE SPACE?

12 A. THERE IS A SPACE THERE.

13 MR. JONES: PERMISSION TO PASS 130, YOUR HONOR?

14 THE COURT: YES.

15 THE WITNESS: THAT HAS NOTHING TO DO WITH THE
16 ALIGNMENT OF THE TEETH.

17 BY MR. JONES:

18 Q. WELL, THAT'S YOUR OPINION, DOCTOR, ISN'T IT?

19 A. THAT'S CORRECT.

20 Q. LET ME SHOW YOU EXHIBIT NUMBER 129 AND LET'S TALK
21 ABOUT THE INJURY THAT I'VE ORIENTED AT THE 10:00 O'CLOCK
22 POSITION, WHICH, AGAIN, I THINK YOU INDICATED HAD TO DO
23 WITH TOOTH NUMBER 8 AND A SECOND BITE; IS THAT RIGHT?

24 A. THAT'S TOOTH NUMBER 8 AND TOOTH NUMBER 9, THAT'S
25 CORRECT.

1 Q. AND WITH REGARD TO THAT PARTICULAR MARK AT THIS
2 10:00 O'CLOCK POSITION AGAIN, ISN'T IT TRUE, DOCTOR, THAT
3 THAT PARTICULAR MARK SEEMS TO HAVE A CONCAVE LOOK TO IT?
4 IN OTHER WORDS, IT ACTUALLY HAS A CONCAVE APPEARANCE, JUST
5 THE OPPOSITE OF THE TOOTH AT THE 12:00 O'CLOCK POSITION,
6 THE TOOTH MARK AT THE 12:00 O'CLOCK POSITION?

7 A. THAT'S CORRECT. BUT THIS MARK HERE, I CANNOT
8 EXPLAIN THIS MARK HERE. THE TOOTH MARK IS HERE.

9 Q. AND WHERE YOU ARE POINTING IS AT THE 10:00
10 O'CLOCK POSITION?

11 A. THAT'S CORRECT. I CANNOT EXPLAIN THE LINE THAT'S
12 GOING ACROSS THAT YOU ARE POINTING OUT, AND I SAID THAT
13 BEFORE, THAT LINE. THIS LINE HERE I CANNOT EXPLAIN.

14 Q. SO THE MEMBERS OF THE JURY CAN SEE, I KNOW WE
15 HAVE A SMALL EXHIBIT, AM I POINTING CORRECTLY TO IT? THIS
16 IS THE ONE WE'RE TALKING ABOUT.

17 A. WELL, WE'RE DECIDING THAT RIGHT NOW.

18 Q. THE ONE THAT APPEARS TO BE CONCAVE IS THE ONE YOU
19 CAN'T EXPLAIN THE UPPER PORTION OF THAT; IS THAT RIGHT?

20 A. RIGHT. EXACTLY. FROM HERE TO HERE, SIR.

21 Q. AND WE ARE TALKING ABOUT THE 10:00 O'CLOCK
22 POSITION.

23 MR. JONES: MAY I SHOW IT, YOUR HONOR?

24 THE COURT: YES.

25 BY MR. JONES:

1 Q. AND WHEN YOU SAY YOU CAN'T EXPLAIN IT, THAT MEANS
2 ONE OF TWO POSSIBILITIES, DOESN'T IT? IT WAS EITHER CAUSED
3 BY SOMETHING BESIDES A TOOTH OR IT WAS CAUSED BY ANOTHER
4 TOOTH THAT DOESN'T FIT THE RAY KRONE CAST?

5 A. NO, I CAN'T EXPLAIN THAT. I CAN'T EXPLAIN THAT,
6 SO WHY SHOULD I TRY TO SAY WHAT IT IS?

7 Q. WELL, WHAT ARE THE POSSIBILITIES?

8 A. A NUMBER OF POSSIBILITIES. I HAVE NO IDEA WHAT
9 THAT IS.

10 Q. BUT AT LEAST YOU CAN SAY IT DOESN'T FIT EITHER
11 ALIGNMENT, EITHER WHEN WE DID THE 12:00 O'CLOCK ALIGNMENT
12 OR THE 10:00 O'CLOCK ALIGNMENT, IT DOESN'T FIT IN YOUR --
13 THE CAST THAT YOU USED TO TRY TO ALIGN RAY KRONE'S TEETH?

14 A. NO.

15 Q. NO, IT DOESN'T FIT?

16 A. NO, IT DOESN'T FIT.

17 Q. DR. PIAKIS, THE PROSECUTOR TALKED TO YOU ABOUT
18 THE PHOTOS THAT YOU PREPARED. I BELIEVE YOU SAID THE -- I
19 BELIEVE YOU SAID YOU PREPARED THE BLACK AND WHITES -- NO,
20 YOU PREPARED THE COLORS, AND THE BLACK AND WHITES WERE
21 PREPARED BY THE POLICE?

22 A. THAT'S RIGHT.

23 Q. AND YOU MENTIONED THIS RULER THAT YOU USED. DO
24 THEY GIVE YOU THAT WHEN YOU JOIN THE GROUP?

25 A. NO.

1 Q. YOU MENTIONED SOME KIND OF RULER.

2 THE COURT: MR. JONES, YOU'RE NOT LETTING HIM FINISH
3 HIS ANSWER BEFORE YOU ASK YOUR NEXT QUESTION. PLEASE WAIT.

4 MR. JONES: I'LL GO SLOWER. I'M SORRY, YOUR HONOR.

5 BY MR. JONES:

6 Q. WHERE DID YOU GET THE RULER?

7 A. I PURCHASED THE RULER.

8 Q. AND YOU MENTIONED SOMETHING ABOUT THIS RULER
9 HELPING YOU IN THE AREA OF DISTORTION; IS THAT RIGHT?

10 A. THAT'S CORRECT.

11 Q. EXPLAIN WHAT YOU MEAN BY HOW THE RULER HELPS YOU
12 FOR DISTORTION PURPOSES?

13 A. THE RULER IS A POINT OF REFERENCE SO WE CAN
14 ENLARGE A PHOTO TO LIFE SIZE, NAMELY, ONE TO ONE. AND THE
15 MILLIMETERS ON THE RULER ARE MATCHED TO THE MILLIMETERS ON
16 THE PHOTO TO SEE IF YOU HAVE AN EXACT ONE-TO-ONE
17 DUPLICATION. THE CIRCLES ARE PLACED ON THE RULER MAINLY
18 FOR DISTORTION.

19 Q. AND IT'S YOUR POSITION THAT THE RULER SOMEHOW
20 HELPS YOU DETERMINE THERE ISN'T ANY DISTORTION?

21 A. IT DOES HELP, YES.

22 Q. AREN'T THERE MANY TYPES OF DISTORTIONS THAT YOU
23 HAVE TO WORRY ABOUT IN ANY BITE MARK CASE?

24 A. YES, THERE IS.

25 Q. WHAT ARE SOME OF THE OTHER TYPES THAT YOU MUST BE

1 CONCERNED ABOUT?

2 A. I'M NOT FAMILIAR WITH THEM, BUT IF YOU ARE SAYING
3 THERE ARE.

4 Q. WELL, LET'S TALK ABOUT FIRST THE SPONGY SURFACE
5 ITSELF, THE TISSUE. WOULD IT MAKE A DIFFERENCE IF IT WERE
6 FIRM TISSUE OR FLABBY TISSUE?

7 A. IN REFERENCE TO DISTORTION?

8 Q. DISTORTING THE APPEARANCE OF A PERSON'S BITE
9 MARK.

10 A. IT MAY.

11 Q. AND WHAT ABOUT WHEN -- WHEN YOU TALK ABOUT A
12 BREAST, YOU CAN HAVE AN ERECTILE TISSUE, A ERECT TISSUE,
13 WOULD THAT MAKE A DIFFERENT, OR COULD IT?

14 A. IT MAY.

15 Q. WHAT ABOUT THE LENGTH OF TIME THAT THE BODY
16 WAS -- WELL, STRIKE THAT.

17 WHAT ABOUT THE LENGTH OF TIME THE BODY WAS THERE
18 AT THE SCENE UNDISCOVERED, THE AMOUNT OF TIME THAT IT SAT
19 THERE, DOES THAT MAKE A DIFFERENCE IN TERMS OF ANY
20 DISTORTION IN THE INJURY?

21 A. I DON'T THINK THAT SHORT OF TIME THAT I TOOK THE
22 PHOTOGRAPHS ON THE BITE MARK WOULD PLAY A ROLE IN
23 DISTORTION.

24 Q. IF IT WERE A LONGER PERIOD OF TIME, IT COULD?

25 A. IT MIGHT. A LONGER PERIOD OF TIME MEANING A

1 WEEK, TWO WEEKS.

2 Q. OH, A REAL LENGTHY PERIOD OF TIME?

3 A. YEAH.

4 Q. AND THEN HOW ABOUT THE ACTUAL HUMAN MOVMENT OF
5 THE JAW? IF IT MOVES PERFECTLY UP AND DOWN, SIDE TO SIDE,
6 COULD THAT DISTORT ALSO THE MARK THAT YOU GOT?

7 A. I THINK IT WOULD LEAVE THE SAME BITE PATTERN.

8 Q. IF IT WAS RADICALLY OFF, COULD ACTUALLY CAUSE A
9 SLASHING?

10 A. WHAT WAS RADICALLY OFF, THE BITE?

11 Q. THE OPENING AND CLOSING OF THE JAW, THE ALIGNMENT
12 OF THE JAW. COULD IT ACTUALLY DISTORT THE BITE MARK ITSELF
13 AND CAUSE MORE OF A SLASHING ON THE --

14 A. I DON'T SEE THAT BEING DONE, NO.

15 Q. YOU DON'T?

16 A. NO.

17 MR. JONES: YOUR HONOR, MAY I HAVE A MOMENT? I NEED
18 TO FIND ONE OF THE EXHIBITS.

19 BY MR. JONES:

20 Q. DO WE HAVE ANY OF THE BLOWUPS OF RAY'S TEETH
21 THEMSELVES OR WERE THOSE JUST THE SLIDES?

22 A. JUST THE SLIDES.

23 Q. JUST THE SLIDES?

24 MR. JONES: YOUR HONOR, COULD WE SET UP THE SLIDE
25 PROJECTOR?

1 THE COURT: GO RIGHT AHEAD.

2 BY MR. JONES:

3 Q. WHILE THEY'RE DOING THAT, DOCTOR, YOU MADE A
4 STATEMENT THAT YOU HAVE NEVER SEEN TWO CASTS OF TEETH THAT
5 LOOK EXACTLY ALIKE; IS THAT RIGHT?

6 A. THAT'S CORRECT.

7 Q. ISN'T THERE A DIFFERENCE IN TALKING ABOUT CASTS
8 AS OPPOSED TO MARKS ON TISSUE?

9 A. YES, THERE IS A DIFFERENCE. I'M JUST SAYING THAT
10 I HAVE NEVER SEEN TWO DENTAL CASTS IDENTICAL.

11 Q. BY WAY OF EXAMPLE, IF YOU HAD A BITE MARK THAT
12 WAS ON A HARD SURFACE LIKE STYROFOAM, SUCH THAT YOU COULD
13 CLEARLY SEE THE MARKS, AND YOU COULD SEE ALL THE TEETH, YOU
14 COULD SEE IN THAT STYROFOAM YOUR JOB IS FAIRLY EASY IN
15 TERMS OF MAKING IDENTIFICATION WITH THE PERSON'S TEETH;
16 RIGHT?

17 A. THAT'S CORRECT.

18 Q. BUT WHEN YOU GET TISSUE AND YOU HAVE PORTIONS OF
19 MARKS, WHEN YOU HAVE DISTORTION, SUCH AS WE TALKED ABOUT
20 JUST A MOMENT AGO, WHEN YOU HAVE A -- IN SOME CASES A
21 TEARING OF THE TISSUE OR IMPRESSION OF THE TISSUE, THAT
22 REQUIRES INTERPRETATION, DOESN'T IT?

23 A. IT MAKES THE JOB MORE DIFFICULT.

24 Q. DON'T YOU INTERPRET THOSE THINGS YOURSELF, BASED
25 ON THE TRAINING THAT YOU'VE HAD?

1 A. YOU MIGHT.

2 Q. AND WHEN I TALKED ABOUT THE SPACE THAT APPEARED
3 IN THAT EXHIBIT BETWEEN TOOTH 8 AND TOOTH 9, YOU HAVE IN
4 YOUR OWN MIND AN EXPLANATION FOR THAT?

5 A. I'D LIKE TO SEE THAT STYROFOAM BITE AGAIN WHERE
6 YOU SAID THAT THERE WAS NO SPACE IN THERE. IS THAT THE ONE
7 THAT YOU --

8 Q. LET'S LOOK AT EXHIBIT 116. DOES IT APPEAR TO YOU
9 FROM REVIEW OF THAT THAT THERE IS AN OVERLAPPING OF 8 AND
10 THAT 9 ABUTS RIGHT UP NEXT TO IT?

11 A. I SEE A SLIGHT SPACE BETWEEN TOOTH NUMBER 8 AND 9
12 ON THIS STYROFOAM BITE.

13 Q. AND IS IT AS DRAMATIC AS YOU SEE IN EXHIBIT 130?

14 A. MAYBE NOT AS DRAMATIC, BUT I DO SEE A SPACE HERE.

15 Q. SO IT IS NOT ACTUALLY TOUCHING --

16 A. THE TWO TEETH ON THIS -- NO.

17 Q. YOU EXAMINED HIS TEETH IN PERSON, DIDN'T YOU,
18 WHEN YOU TOOK THESE SLIDES OF THEM?

19 A. THAT'S TRUE.

20 Q. BASED ON YOUR EXAMINATION, WHAT YOU DID FIND?
21 DID IT OVERLAP AND TOUCH?

22 A. I WOULD HAVE TO SEE THE STUDY MODELS.

23 Q. YOU DON'T RECALL?

24 A. NO. THEY WERE TOUCHING, BUT AT WHAT POINT WERE
25 THEY TOUCHING? WERE THEY TOUCHING -- WHAT POINT OF THE

1 CONTACT POINT? WERE THEY TOUCHING HIGHER OR LOWER?

2 Q. OKAY. WE'LL DO THAT. DO YOU RECALL IF THAT
3 WOULD BE ABOUT 24 OR 25 IN HERE?

4 A. WE'LL GO THROUGH IT.

5 Q. I THINK IT IS.

6 YOU HAVE THE CONTROL?

7 A. YES.

8 Q. WHY DON'T YOU FLIP FORWARD.

9 FLIP IT THROUGH A COUPLE AND SEE IF WE CAN
10 FIND --

11 A. WELL, LOOK AT THAT.

12 Q. YES. THIS IS THE CAST. AND I GUESS WE DON'T
13 HAVE QUITE THE PERFECT ANGLE, BUT IT APPEARS THAT THERE'S
14 AN OVERLAP JUST AS I WAS TALKING ABOUT?

15 A. RIGHT. BUT IF ONE WOULD BITE WITH THOSE TWO
16 FRONT TEETH, YOU WOULD GET A SLIGHT SPACE THERE BECAUSE OF
17 THE CONTACT ON THE BITE PLANE OF TOOTH NUMBER 9, WHICH IS
18 THE BIG FRONT TOOTH.

19 Q. THAT WOULD DEPEND ON HOW HARD YOU BIT?

20 A. EXACTLY.

21 Q. IF YOU BIT HARD ENOUGH, YOU WOULD GET NO SPACE;
22 IS THAT RIGHT TOO?

23 A. EXACTLY.

24 Q. YOU DON'T KNOW HOW HARD THIS PERSON BIT IN THIS
25 CASE, DO YOU?

1 A. NO, BUT THERE'S AN EXPLANATION FOR A SPACE THERE.
2 Q. THERE IS YOUR EXPLANATION.
3 MOVE TO THE NEXT ONE, AND WE WILL FIND THAT.
4 A. DO YOU UNDERSTAND WHAT I MEAN?
5 Q. YES.
6 A. THERE WOULD BE A SPACE --
7 Q. HERE WE HAVE GOT IT UPSIDE-DOWN. AGAIN, THIS IS
8 8 THAT I AM POINTING TO?
9 A. TOOTH NUMBER 9. TOOTH NUMBER 8. THE CAST IS
10 INVERTED. SO ON YOUR LEFT, THAT BIG TOOTH IS TOOTH NUMBER
11 9, THE UPPER LEFT CENTRAL.
12 Q. THIS IS UPPER LEFT?
13 A. THAT'S RIGHT.
14 Q. AND IT APPEARS SLIGHTLY BIGGER BECAUSE WE HAVE
15 GOT IT UPSIDE-DOWN. AND AGAIN IT APPEARS THAT THEY ARE
16 TOUCHING, DOESN'T IT? AND YOU HAVE AN EXPLANATION FOR
17 THAT?
18 A. OKAY. BUT THEY ARE TOUCHING AT A POINT WHICH IS
19 LOWER THAN THE INCISAL EDGE, WHICH IS THE BITE PLANE OF
20 TOOTH NUMBER 9.
21 Q. THE ONLY THING THAT I WAS ASKING YOU, DOCTOR,
22 THERE ISN'T A SUBSTANTIAL SPACE IN BETWEEN THOSE TWO TEETH
23 AS THERE IS WHICH APPEARS ON 130 SHOWING THE INJURY, AND
24 YOU HAVE ALREADY AGREED TO THAT; IS THAT RIGHT?
25 A. UH-HUH.

1 Q. OKAY.

2 A. THERE'S THE EXPLANATION OF A SPACE.

3 Q. AND THAT SHOWS THAT 8 IS LOWER --

4 A. 9 IS LOWER.

5 Q. THAT 9 IS LOWER THAN 8.

6 A. EXACTLY.

7 Q. AND DO WE HAVE THE ONES OF HIS ACTUAL TEETH? ARE
8 THEY STILL COMING?

9 ALL RIGHT. NOW, HOLD THIS RIGHT HERE. YOU
10 TALKED A FEW MINUTES AGO ABOUT DISTORTION AND HOW YOU USED
11 YOUR BEST EFFORTS NOT TO SHOW DISTORTION. THERE'S
12 DISTORTION RIGHT IN THIS PHOTO HERE, ISN'T THERE?

13 A. IN WHAT WAY?

14 Q. DO YOU SEE IT?

15 A. WITH THE A.B.F.O. RULER?

16 Q. WE'VE GOT THE RULER IN THERE. YOU SAID THAT WAS
17 IMPORTANT. BUT DO YOU SEE DISTORTION HERE?

18 A. TELL ME WHERE THE DISTORTION IS.

19 Q. IN THIS PICTURE IT APPEARS THAT THESE TEETH ARE
20 EXACTLY THE SAME LENGTH BECAUSE OF DISTORTION?

21 A. YOU'RE GETTING A DIFFERENT VIEW. I CAN SHOW A
22 SLIDE --

23 Q. I UNDERSTAND THAT, DOCTOR. JUST GO BACK TO THE
24 EXHIBIT PLEASE, AND YOU CAN ANSWER ANYTHING YOU WANT. GO
25 BACK TO THE SLIDE. ISN'T THIS AN EXAMPLE OF PHOTOGRAPHIC

1 DISTORTION?

2 A. IT MIGHT BE.

3 Q. WELL, ISN'T IT?

4 A. YEAH. IF YOU WANT TO SAY IT IS, OKAY. I'D AGREE
5 WITH YOU.

6 OKAY.

7 Q. IT APPEARS THEY'RE THE SAME LENGTH? YOU KNOW
8 THAT THEY'RE NOT THE SAME LENGTH; RIGHT?

9 A. EXACTLY.

10 Q. OKAY. STOP RIGHT THERE. GO BACK ONE MORE. ON
11 THIS PHOTO, AGAIN, IT APPEARS --

12 A. THAT'S CORRECT.

13 Q. AND YOU HAVE TO GET ANOTHER ONE --

14 A. WHICH IS A TRUER PHOTO SHOWING THE INCISAL EDGE,
15 YEAH.

16 Q. AND THAT'S BECAUSE OF THE ANGLE AT WHICH THE
17 PHOTOGRAPH WAS TAKEN THAT WE GOT THAT OTHER APPEARANCE,
18 ISN'T IT?

19 A. IT MIGHT BE, YES.

20 Q. PHOTOGRAPHIC DISTORTION; RIGHT?

21 A. OKAY.

22 Q. IF WE DIDN'T HAVE THIS PICTURE AND WE ONLY HAD
23 THE ONE PRECEDING IT -- GO BACK ONE.

24 A. UH-HUH.

25 Q. IF THAT'S ALL WE HAD --

1 A. UH-HUH.

2 Q. -- AND WE DIDN'T HAVE ANYTHING ELSE TO GO ON, WE
3 MIGHT ASSUME THOSE ARE THE SAME LENGTH?

4 A. BUT WE DO HAVE EVERYTHING ELSE TO GO ON, YES,
5 SIR.

6 Q. I UNDERSTAND. I UNDERSTAND. MY POINT IS THAT IS
7 ONE OF THE THINGS -- DISTORTION IS ONE OF THE THINGS YOU'VE
8 GOT TO GUARD AGAINST. ISN'T THAT ALSO A REASON WHY YOU
9 NEED EXTREME PRECISION IN MAKING UP THE CASTS, TO MAKE SURE
10 THAT THE SPACING IS EXACTLY CORRECT, AND YOU NEED EXTREME
11 PRECISION IN THE MEASUREMENTS THAT YOU MAKE?

12 A. THAT'S WHY WE POUR THE IMPRESSIONS UP IN STONE
13 IMMEDIATELY, TO PREVENT THAT DISTORTION.

14 Q. RIGHT.

15 NOW, BASED ON THE INFORMATION THAT YOU HAVE IN
16 TERMS OF YOUR LOOK AT THE BITE MARK, YOU'RE NOT ABLE TO SAY
17 THAT THERE'S NO ONE ELSE IN THE WORLD THAT COULD HAVE MADE
18 THAT BITE MARK, YOU DON'T HAVE ENOUGH INFORMATION TO SAY
19 THAT MUCH, DO YOU?

20 A. I'M SAYING THAT THE BITE MARK ON KIM ANCONA
21 MATCHES THE DENTITION OF RAY KRONE. THE TWO DENTAL CASTS I
22 HAVE NEVER SEEN IDENTICAL. I HAVEN'T TAKEN AN EXAMINATION
23 ON EVERYONE IN THE WORLD, NO.

24 Q. AND THERE'S NO CENTRAL REPOSITORY OF DENTITION
25 WHERE WE CAN GO TO SEARCH OUT AND LOOK FOR ANOTHER SIMILAR

1 MATCH, IS THERE?

2 A. NOT THAT I'M AWARE OF.

3 Q. AND ISN'T THAT ONE OF THE SEVERE DRAWBACKS FROM
4 BITE MARK IDENTIFICATION CASES?

5 A. I DON'T CONSIDER THAT A DRAWBACK.

6 Q. YOU DON'T CONSIDER IT A DRAWBACK THAT YOU HAVE TO
7 USE YOUR OBJECTIVE INTERPRETATION OF WHAT SPACES MEAN, WHAT
8 SPACES AND BITE MARKS ARE INTERPRETED TO BE?

9 A. I DON'T CONSIDER THAT A DRAWBACK, NO. I'M SAYING
10 THAT THE BITE MATCHES THE DENTITION OF RAY KRONE.

11 Q. WELL, I UNDERSTAND THAT'S YOUR OPINION, DOCTOR.
12 YOU HAVE SAID IT SEVERAL TIMES. I'M SURE THE JURY KNOWS
13 THAT.

14 A. AND THE TWO DENTAL CASTS I HAVE NEVER SEEN
15 IDENTICAL, SO I COULD JUST REITERATE AND SAY IT'S HIGHLY
16 UNLIKELY THAT SOMEONE ELSE CAUSED THIS BITE.

17 Q. UNLESS SOME OF THE MARKS WERE ACTUALLY CAUSED BY
18 THE SAME PERSON'S TEETH; RIGHT?

19 A. YES.

20 Q. BECAUSE THEN, AS YOU SAID, IT'S MUCH MORE
21 COMPLICATED?

22 A. THAT'S CORRECT.

23 MR. JONES: THAT'S ALL I HAVE, YOUR HONOR.

24 THE COURT: THANK YOU.

25 REDIRECT?

1 REDIRECT EXAMINATION

2 BY MR. LEVY:

3 Q. DR. PIAKIS, THE -- DOES THE MARICOPA COUNTY
4 MEDICAL EXAMINER, THE PHOENIX POLICE DEPARTMENT, AND THE
5 MARICOPA COUNTY SHERIFF'S DEPARTMENT RECOGNIZE YOU AS A
6 FORENSIC ODONTOLOGIST?

7 A. THAT'S CORRECT.

8 MR. JONES: OBJECTION; IRRELEVANT.

9 THE COURT: OVERRULED.

10 THE ANSWER MAY STAND.

11 BY MR. LEVY:

12 Q. YOU ARE A MEMBER OF THE AMERICAN BOARD OF
13 FORENSIC ODONTOLOGY?

14 A. THAT'S CORRECT.

15 Q. WITH REGARD TO YOUR OPINION -- SEVERAL QUESTIONS
16 WERE ASKED ABOUT YOUR OPINION OF JANUARY 28TH, 1992. DO
17 YOU HAVE IT IN FRONT OF YOU?

18 A. YES, I DO.

19 Q. WITH REGARD TO WHAT WASN'T ASKED FROM THAT BUT
20 REFERENCED, DID YOU DO A CLOSE EXAMINATION OF THE BITE MARK
21 ON KIM ANCONA?

22 A. YES, I DID.

23 Q. WHAT DID YOU SAY?

24 A. I SAID UPON CLOSE EXAMINATION OF THE DECEASED,
25 IDENTIFIED AS KIM ANCONA, A DEFINITE HUMAN BITE MARK WAS

1 NOTED ON THE LEFT BREAST.

2 Q. NOW, WITH REGARD TO THE LAST SERIES OF QUESTIONS
3 IN ALL THE WORLD, WHAT DID YOU FEEL ABOUT THE DENTITION OF
4 WHAT YOU SAW AND WHAT YOU REPORTED IN YOUR REPORT?

5 MR. JONES: OBJECTION, YOUR HONOR. THAT'S BEEN ASKED
6 AND ANSWERED.

7 THE COURT: OVERRULED.

8 THE WITNESS: I SAW A UNIQUE AND WELL-DEFINED PATTERN
9 OF TWO MARKS ON THE BITE.

10 BY MR. LEVY:

11 Q. WERE THEY CLEARLY SEEN?

12 A. YES, THEY WERE.

13 Q. BOTH UPPER AND LOWER ARCHES?

14 A. EXACTLY.

15 Q. NOW, YOU WERE ALSO ASKED ABOUT A CERTAIN PORTION
16 OF YOUR REPORT ABOUT CONSISTENCY.

17 A. THAT'S CORRECT.

18 Q. IS THERE -- EXCLUDING THE FIRST SENTENCE, IS
19 THERE A TOTAL -- IS THERE APPROXIMATELY THREE SENTENCES TO
20 MAKE YOUR TOTAL ANSWER WITH REGARD TO CONSISTENCY IN THAT
21 REPORT?

22 MR. JONES: OBJECTION.

23 THE WITNESS: I DID STATE THAT.

24 MR. JONES: I DON'T UNDERSTAND THE QUESTION. COULD HE
25 REPHRASE IT?

1 THE COURT: PLEASE.

2 BY MR. LEVY:

3 Q. COULD YOU STATE THE ENTIRE ANSWER THAT YOU GAVE
4 WITH REGARD TO CONSISTENCY THAT WAS ASKED OF YOU ON
5 CROSS-EXAMINATION FROM THAT REPORT.

6 A. A SIMILAR PATTERN WAS NOTED IN THE ALIGNMENT
7 OF -- WE'RE TALKING ABOUT MR. KRONE'S TEETH, THE SENTENCE
8 PREVIOUSLY -- OF HIS UPPER AND LOWER ARCH, SHOWING A
9 DEFINITE CONSISTENCY IN BOTH THE BITE MARK ON KIM ANCONA
10 AND THE DENTITION OF RAY KRONE.

11 Q. AND WHAT ELSE DID YOU SAY?

12 A. I ALSO SAID ALTHOUGH THE MIDLINE OF THE UPPER AND
13 LOWER ARCH DO NOT ALIGN PERFECTLY IN THE BITE MARK, IT
14 SHOULD BE UNDERSTOOD THAT HIS MIDLINE DOES NOT ALIGN
15 PERFECTLY IN HIS NATURAL DENTITION.

16 Q. WITH REGARD TO THE TIME OF THE BITE MARK, WAS IT
17 EVER YOUR POSITION, AND DID YOU EVER RENDER AN OPINION AS
18 TO THE TIME OF THE BITE MARK?

19 A. NO, I DID NOT.

20 Q. DID YOU UNDERSTAND THAT TO BE A FUNCTION OF DR.
21 RAWSON AND/OR DR. SHAW?

22 A. YES.

23 Q. DID YOU SEE ANY OTHER BITE MARKS ON THE LEFT
24 BREAST OF KIM ANCONA?

25 A. NO, I DIDN'T

1 Q. WHEN YOU WERE ASKED ON CROSS-EXAMINATION ABOUT
2 HYPOTHETICAL PRIOR BITE MARKS, IN POINT OF FACT DID YOU SEE
3 ANY PRIOR BITE MARKS ON HER LEFT BREAST?

4 A. NO, I DIDN'T.

5 Q. BASED UPON ALL THE INFORMATION THAT YOU HAVE, YOU
6 YOU MADE A STATEMENT WITH REGARD TO YOUR OPINION, THAT IT
7 WAS A MATCH. AND YOU WERE ASKED ABOUT THAT ON
8 CROSS-EXAMINATION. DO YOU RECALL?

9 A. YES, I DO.

10 Q. WHAT DO YOU MEAN?

11 MR. JONES: OBJECTION, YOUR HONOR. ASKED AND
12 ANSWERED.

13 THE COURT: SUSTAINED.

14 BY MR. LEVY:

15 Q. YOU WERE ASKED SEVERAL QUESTIONS WITH REGARD TO
16 THE STYROFOAM IMPRESSIONS, ONE BY DETECTIVE GREGORY AND ONE
17 BY YOU. DO YOU RECALL?

18 A. THAT'S CORRECT.

19 Q. EXHIBIT 116-A, YES, BY DETECTIVE GREGORY. DO YOU
20 SEE THAT?

21 A. YES, I DO.

22 Q. AND YOU ALSO DID ONE; IS THAT CORRECT?

23 A. THAT'S CORRECT.

24 Q. I SHOW YOU EXHIBIT 125 ALSO IN EVIDENCE. IS THIS
25 THE FOAM BITE MARK THAT YOU TOOK?

1 A. YES, IT IS.

2 Q. ANY DIFFERENCES?

3 A. NO.

4 MR. LEVY: MAY I SHOW THIS -- PUBLISH THIS TO THE
5 JURY, YOUR HONOR?

6 THE COURT: YES.

7 BY MR. LEVY:

8 Q. I NOTICE THAT 116-A IS A THICKER PIECE OF FOAM
9 THAN THE ONE YOU DID, WHICH IS 120-SOMETHING; IS THAT
10 CORRECT?

11 A. THAT'S CORRECT.

12 Q. AND MIGHT THAT ACCOUNT FOR SOME DIFFERENCE IN
13 DEPTH?

14 A. YES. IT MIGHT.

15 Q. HOWEVER, DR. PIAKIS, TO BE ABSOLUTELY CORRECT,
16 FOR WHAT REASON DID YOU CAST THE LOWERS, WHICH APPEARS TO
17 BE 123, AND THE UPPER TEETH OF MR. KRONE, WHICH APPEARS TO
18 BE 124 IN EVIDENCE, FOR WHAT REASON DID YOU ACTUALLY MAKE
19 FULL CASTS?

20 A. TO SEE THE ALIGNMENT OF THE TEETH.

21 Q. IS THAT MORE ACCURATE?

22 A. DEFINITELY IS.

23 Q. IS THAT THE CASTING MATERIAL, AND SO FORTH, THAT
24 WAS ALLUDED TO, DOES THAT SHOW AN ACCURATE REPRESENTATION,
25 AN EXACT ACCURATE REPRESENTATION OF MR. KRONE'S TEETH HERE?

1 A. YES, IT DOES.

2 Q. SO ONE CAN THEN TAKE THOSE TEETH CASTS AND LOOK
3 AT THEM FRONT, HOWEVER YOU WISH TO MOVE THEM AND SEE
4 EXACTLY HOW THE TEETH ARE?

5 A. THAT'S CORRECT.

6 Q. IS THAT IN FACT THE MOST ACCURATE WAY OF
7 DETERMINING THE DENTITION OF RAY KRONE?

8 A. YES, IT IS.

9 Q. NOT THE FOAM?

10 A. NO, NOT AT ALL.

11 Q. ARE YOU IN ANY WAY CONFUSED BY THE QUESTIONS
12 POSED TO YOU BY DEFENSE COUNSEL WITH REGARD TO THE
13 IMPRESSIONS MADE ON THE FOAM?

14 A. NOT AT ALL.

15 Q. AND YOU HAVE JUST STATED THE FOAM IMPRESSIONS,
16 BETWEEN THE ONES THAT YOU DID AND THE ONES THAT DETECTIVE
17 GREGORY DID, ARE THE SAME?

18 A. THAT'S CORRECT.

19 Q. NOW, WITH REGARD TO THE SLIDES. WITH REGARD TO
20 SLIDE 1 ON EXHIBIT -- EXHIBIT 133, ARE THERE ANY OTHER BITE
21 MARKS THAN THE ONES THAT YOU HAVE DISCUSSED, DR. PIAKIS?

22 A. NO, THERE AREN'T.

23 Q. DO YOU SEE ANY ALLEGED PRIOR BITE MARKS?

24 A. NO, I DO NOT.

25 Q. NUMBER 2, 3, 4, 5, 6, 7, STOP. THE SAME

1 QUESTION, NOW THAT YOU SEE IT EVEN CLOSER, ANY OTHER BITE
2 MARKS THAN WHICH YOU HAVE DISCUSSED?

3 A. NO, I DO NOT.

4 Q. IF THERE WERE OTHER BITE MARKS, WOULD THEY LIKELY
5 SHOW UP PARTICULARLY IF THEY WERE MADE SATURDAY, DECEMBER
6 28TH, 1991?

7 A. THEY WOULD SHOW UP.

8 Q. LET'S BACK UP EVEN ANOTHER DAY, JUST FOR EFFECT.
9 WOULD THEY LIKELY SHOW UP?

10 A. THEY WOULD.

11 Q. DOES THE PRESSURE OF THE BITE AFFECT THE AMOUNT
12 OF MARK?

13 A. YES, IT DOES.

14 Q. THE NEXT SLIDE. 6. THIS MARK HERE THAT YOU WERE
15 ASKED ABOUT ON ONE OF THE EXHIBITS UP HERE. IS IT YOUR
16 FUNCTION TO HAVE RENDERED AN OPINION ABOUT THAT OR ARE YOU
17 AWARE THAT DR. RAWSON MAY RENDER AN OPINION ABOUT THAT?

18 A. DR. RAWSON MAY RENDER AN OPINION ON THIS.

19 Q. YOU HAVE CONSULTED WITH DR. RAWSON?

20 A. ON THE SCRATCH OR THAT MARK?

21 Q. JUST ABOUT TESTIFYING, SO FORTH?

22 A. YES, I HAVE.

23 Q. HOWEVER, THIS MARK HERE, WHAT IS THAT?

24 A. THAT'S A TOOTH MARK.

25 Q. AND THIS IS SOME -- THIS IS WHAT YOU'RE TALKING

1 ABOUT, FROM THIS POINT TO THIS POINT THAT YOU'RE NOT SURE?

2 A. EXACTLY.

3 Q. IT'S SLIDE NUMBER 8. WHAT IS THIS?

4 A. THAT'S A TOOTH MARK.

5 Q. AND JUST TO MOVE UP, AND THIS?

6 A. TOOTH MARK.

7 Q. THE SPACING THAT YOU WERE ASKED ABOUT ON
8 CROSS-EXAMINATION, WHICH YOU TOUCHED UPON ON DIRECT,
9 SPACING, WITH REGARD TO THE ACTUAL TEETH, IF YOU WERE TO
10 LOOK DIRECTLY AT THE TEETH, AND PERHAPS ON A SLIDE, SOME
11 TEETH ARE SHORTER OR LONGER DEPENDING ON HOW YOU WANT TO
12 PHRASE IT; CORRECT?

13 A. THAT IS CORRECT.

14 Q. 9, HOW WOULD YOU PHRASE IT AS A DENTIST?

15 A. LONGER.

16 Q. 8 IS?

17 A. SHORTER THAN 9.

18 Q. WHAT ACCOUNTS FOR THE GAP THAT YOU WERE ASKED
19 ABOUT ON CROSS-EXAMINATION? THAT IS TO SAY, THE SPACE.

20 MR. JONES: OBJECTION. IT CALLS FOR SPECULATION.

21 THE COURT: DO YOU HAVE AN OPINION, SIR?

22 THE WITNESS: I EXPLAINED THAT TO MR. JONES, YES. THE
23 OPINION IS --

24 THE COURT: OVERRULED.

25 THE WITNESS: -- TOOTH NUMBER 9 IS LONGER THAN TOOTH

1 NUMBER 8. OKAY? SO THAT'S THE REASON FOR THE GAP. THE
2 CONTACT BETWEEN 8 AND 9 IS DIFFERENT AT THE INCISAL EDGE AS
3 COMPARED TO WHEN THE TWO TEETH ARE IN CONTACT. THAT'S WHY
4 THE GAP.

5 BY MR. LEVY:

6 Q. SLIDE 9, 10, 11. NOW, WHEN THESE SLIDES WERE
7 TAKEN OF MR. KRONE'S TEETH, SOME ARE -- IS THIS DIRECTLY --
8 DIRECTLY FACING HIS TEETH?

9 A. YES.

10 Q. TO THE EXTENT OF THE POSITIONING OF THE CAMERA
11 DIRECTLY FACING, IS THERE ANY DISTORTION?

12 A. I TRIED NOT TO.

13 Q. IF THE CAMERA WAS TO BE RAISED IF AT AN UP ANGLE,
14 WOULD THAT CHANGE THE WAY THE RECORDING OF THE FILM TAKES
15 PLACE AS TO THE TEETH?

16 A. IT MIGHT.

17 Q. DID YOU RELY UPON THESE PHOTOGRAPHS OF HIS ACTUAL
18 TEETH EXCLUSIVELY IN YOUR OPINION?

19 A. NOT ONLY ON THESE PHOTOGRAPHS, NOT AT ALL.

20 Q. AND DID THE UTILIZATION OF THESE SLIDES OF HIS
21 ACTUAL TEETH ASSIST YOU IN ANALYZING HIS ACTUAL TEETH
22 CASTS -- WELL, LET ME REPHRASE IT.

23 WHAT DID THEY DO FOR YOU?

24 A. THEY JUST SHOWED ME THE ALIGNMENT OF THE TEETH.
25 IT'S NICE TO SEE THE ALIGNMENT OF THE TEETH VISUALLY AS

1 COMPARED TO ON THE STONE MODEL.

2 Q. DID YOU FEEL THAT THE ACTUAL PHOTOGRAPHS COMPARED
3 TO THE CASTS SHOWED THAT THEY WERE THE SAME?

4 A. YES.

5 Q. NEXT. ANY DISTORTION THERE?

6 MR. JONES: YOUR HONOR, THIS IS ALL ASKED AND
7 ANSWERED. WE'VE GONE THROUGH ALL THE SLIDES UP HERE.

8 THE COURT: OVERRULED.

9 YOU MAY ANSWER.

10 THE WITNESS: A SLIGHT AMOUNT OF DISTORTION.

11 BY MR. LEVY:

12 Q. IS THAT ONLY BECAUSE OF THE ANGLE OF THE CAMERA?

13 A. YES.

14 Q. BUT, AGAIN, YOU HAVE THE ACTUAL CASTS IN FRONT OF
15 YOU?

16 A. THAT'S CORRECT.

17 Q. AND THEY ARE THE ACTUAL DENTITION OF RAY KRONE?

18 A. YES.

19 Q. ARE THEY PRECISE?

20 A. YES, THEY ARE.

21 Q. EXTREMELY PRECISE?

22 A. AS PRECISE AS ANYONE CAN GET THEM.

23 Q. NEXT. DOES THAT SHOW THE SPACING SITUATION THAT
24 YOU WERE ASKED ABOUT ON CROSS-EXAMINATION?

25 A. YES, IT DOES.

1 Q. NEXT.

2 NEXT.

3 OH, ONE QUESTION. GO BACK PLEASE, ONE. YOU WERE
4 ASKED ABOUT DISTORTION HERE, AND THIS ALIGNMENT. IS THAT
5 BECAUSE OF THE ANGLE OF THE CAMERA BEING EXTREMELY UP?

6 A. THAT'S CORRECT.

7 Q. YOU NEVER ATTEMPTED TO SUGGEST ANYTHING ABOUT
8 THAT PHOTOGRAPH TO ANYONE, DID YOU?

9 A. NO.

10 Q. NEXT.

11 NEXT.

12 NEXT. YOU WERE ASKED WITH REGARD TO WHETHER ANY
13 OTHER TEETH -- THESE COULD BE ANYBODY ELSE'S TEETH. DID
14 YOU NOT USE THIS AS ONE OF YOUR POINTS OF IDENTIFICATION?

15 A. THAT'S CORRECT.

16 Q. AS WELL AS THE LENGTH OF THE NUMBER 9 --

17 A. AND THE SHAPE OF TOOTH NUMBER 9.

18 Q. THE SAME WITH THE LOWER TEETH?

19 A. EXACTLY.

20 Q. DID YOU USE A POINT OF IDENTIFICATION OF THE
21 EXACTNESS OF, WHAT, FOUR TEETH?

22 A. YES.

23 Q. WHERE THERE SHOULD BE HOW MANY?

24 A. WELL, THERE ARE FOUR TEETH THERE. THERE SHOULD
25 HAVE BEEN MAYBE THREE TEETH ON THAT BRIDGE.

1 Q. NORMALLY?

2 A. NORMALLY.

3 Q. DOES THAT MAKE IT UNIQUE?

4 A. IT DOES.

5 Q. NEXT. AGAIN, IS THAT -- BASED UPON YOUR LIFE'S
6 EXPERIENCES WITH TEETH, HAVE YOU EVER SEEN ANY OTHER DENTAL
7 PATTERN LIKE THAT?

8 MR. JONES: OBJECTION, YOUR HONOR. ASKED AND
9 ANSWERED.

10 THE COURT: SUSTAINED.

11 BY MR. LEVY:

12 Q. NEXT.

13 NEXT.

14 NEXT. NOW, DOES THAT SHOW THE ALIGNMENT IN THIS
15 ARTICULATOR, WHICH IS 143 FOR IDENTIFICATION?

16 A. YES.

17 Q. DO YOU SEE ANY TWISTED MOVEMENT OF THE JAW BASED
18 UPON YOUR REVIEW OF THESE CASTS?

19 A. NO, I DO NOT.

20 Q. IS IT JUST A STRAIGHT UP-AND-DOWN BITE?

21 A. YES, IT IS.

22 Q. IS THAT THE WAY THE -- CAN YOU RELATE THAT TO THE
23 TEETH CASTS THEMSELVES IN A WEAR PATTERN? IN OTHER WORDS,
24 IS THAT AN ACCURATE ARTICULATION?

25 A. YES, IT IS.

1 Q. NEXT. AND YOU WERE ASKED ABOUT YOUR OPINION IN
2 REACHING YOUR OPINION WITH REGARD TO THE UNIQUENESS OF RAY
3 KRONE'S TEETH. DID YOU PERFORM THESE OTHER COMPARISONS?

4 A. YES, I DID.

5 Q. NEXT. NOW, THE BREAST TISSUE OF KIM ANCONA, DO
6 YOU DESCRIBE IT AS FLABBY OR FIRM?

7 A. I DESCRIBE IT AS FIRM.

8 Q. AND THEREFORE DID YOU FIND ANYTHING ABOUT HER
9 BREAST TISSUE THAT WOULD IN ANY WAY HAVE DISTORTED YOUR
10 ANALYSIS OR CONCLUSION IN THIS CASE?

11 A. NO.

12 MR. JONES: OBJECTION; IT CALLS FOR SPECULATION, YOUR
13 HONOR.

14 THE COURT: OVERRULED.

15 YOU MAY ANSWER.

16 THE WITNESS: NO, I DID NOT.

17 BY MR. LEVY:

18 Q. AND, FURTHERMORE, YOU INDICATED THAT THE BODY HAD
19 NOT BEEN DEAD LONG ENOUGH TO CREATE ANY DISTORTION IF ANY
20 MIGHT HAVE EVER BEEN CREATED?

21 A. THAT'S CORRECT.

22 Q. NEXT. NOW, WITH REGARD AGAIN TO ARTICULATION, IS
23 THAT WHAT -- AND REMEMBER THE CROSS-EXAMINATION QUESTION
24 ABOUT IF THE TEETH WERE AT SOME ANGLE. IS THAT THE PURPOSE
25 OF DOING THAT?

1 A. YES, IT IS.

2 Q. DID YOU FIND A MATCH?

3 A. I DID.

4 Q. AND DID -- AND DID YOU ALSO FIND A MATCH IN YOUR
5 ACTUAL OVERLAYS?

6 A. I DID.

7 Q. NEXT. IS THAT THE IMPRESSIONS IN YOUR FOAM TEETH
8 IMPRESSIONS OF RAY KRONE?

9 A. THAT'S CORRECT.

10 Q. AND DID YOU FIND ANY VARIATION BETWEEN THAT FORM
11 IMPRESSION AND THE ONE DETECTIVE GREGORY DID AND THE BITE
12 MARKS ON KIM ANCONA'S BREAST?

13 A. NO, I DID NOT.

14 Q. NEXT. IS THAT THE LINEUP OF BREAST TISSUE TO
15 YOUR DARKENED TEETH IMPRESSIONS?

16 A. YES, IT IS.

17 Q. NEXT.

18 MR. LEVY: JUST ONE MOMENT, YOUR HONOR.

19 (A PAUSE.)

20 MR. LEVY: ONE LAST QUESTION.

21 BY MR. LEVY:

22 Q. DR. PIAKIS, IN CROSS-EXAMINATION YOU WERE
23 QUESTIONED ABOUT THE DAY OF YOUR LETTER DATED JANUARY '92,
24 AND THEN SOME FOLLOW-UP QUESTIONS ABOUT ADDITIONAL TIME YOU
25 SPENT ON THE CASE. DO YOU RECOLLECT?

1 A. YES.

2 Q. YOU SAID YOU SPENT AT LEAST 10 ADDITIONAL HOURS
3 SINCE YOU RENDERED YOUR OPINION IN THE JANUARY '92 LETTER?

4 A. THAT'S CORRECT.

5 Q. DID YOU, AS A RESULT OF THAT ADDITIONAL WORK --
6 WAS THERE ANY ADDITION THAT YOU WERE ABLE TO MAKE TO YOUR
7 OPINION?

8 A. NOT THAT I'M AWARE OF, NO.

9 Q. YOU USED THE WORD IN CROSS-EXAMINATION -- IN AN
10 ANSWER TO A CROSS EXAMINATION QUESTION "MATCHED." DO YOU
11 RECOLLECT?

12 A. YES.

13 Q. AND YOU --

14 MR. JONES: OBJECTION, YOUR HONOR. ASKED AND
15 ANSWERED.

16 THE COURT: SUSTAINED.

17 BY MR. LEVY:

18 Q. AND YOU WERE ASKED THAT THIS WORD WASN'T USED IN
19 YOUR LETTER?

20 A. CORRECT.

21 Q. WAS THAT AS A RESULT OF THE ADDITIONAL WORK THAT
22 YOU DID?

23 A. YES.

24 Q. AND AS A RESULT OF THE ADDITIONAL WORK THAT YOU
25 DID, YOU FELT WHAT?

1 A. I FELT THAT THERE WAS A MATCH OF THE BITE MARK ON
2 KIM ANCONA TO THE DENTITION OF RAY KRONE.

3 MR. LEVY: THAT'S ALL I HAVE, YOUR HONOR.

4 THE COURT: THANK YOU, SIR. YOU MAY STEP DOWN.

5 MR. JONES: YOUR HONOR, I'D MOVE FOR THE INTRODUCTION
6 OF 143.

7 MR. LEVY: MAY WE APPROACH ON THAT, YOUR HONOR?

8 THE COURT: YES.

9 LET ME SEND THE JURORS OUT.

10 FOLKS, DUE TO THE LENGTH OF THE TIME THAT WAS
11 BEING REQUIRED FOR THIS TESTIMONY, I'M GOING TO ASK YOU
12 FOLKS TO STAY UNTIL 5:00 TONIGHT, INSTEAD OF SENDING YOU
13 HOME AT 4:30. DOES ANYBODY HAVE A PROBLEM WITH THAT? DOES
14 ANYBODY NEED TO MAKE A PHONE CALL TO TELL SOMEBODY YOU'RE
15 GOING TO BE A LITTLE LATE? WHY DON'T YOU DO THAT NOW.

16 WE'LL TAKE ABOUT A TEN-MINUTE RECESS.

17 (THE JURY WAS EXCUSED FROM THE COURTROOM, AND THE
18 FOLLOWING PROCEEDINGS TOOK PLACE:)

19 THE COURT: THE RECORD WILL SHOW THE PRESENCE OF THE
20 DEFENDANT AND COUNSEL OUTSIDE OF THE PRESENCE OF THE JURY.

21 IT MAY BE HELPFUL, MR. LEVY, FOR THE JURORS TO
22 HAVE THAT EXHIBIT. IS THERE SOME FRAGILITY TO IT OR SOME
23 EXPENSE, SOME PROBLEM? DOES THE DOCTOR NEED IT IN HIS
24 PRACTICE? WHAT IS THE PROBLEM?

25 MR. LEVY: HERE IT IS, YOUR HONOR. ONCE IT'S ADMITTED