

1 PHOENIX, ARIZONA  
2 AUGUST 3, 1992  
3  
4  
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 [REDACTED] 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 [REDACTED].

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 [REDACTED]?

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 [REDACTED].

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 [REDACTED] 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 [REDACTED] 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 [REDACTED].

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 [REDACTED] 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 [REDACTED]

19 [REDACTED]  
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 [REDACTED]

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 [REDACTED] 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 [REDACTED]

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                          [REDACTED] 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 ██████████ 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 [REDACTED] 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 [REDACTED]?

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 [REDACTED] 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 [REDACTED]  
17 [REDACTED] ?

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 [REDACTED]  
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 [REDACTED] 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 [REDACTED] 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 [REDACTED]  
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         UPPERS?

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 [REDACTED] 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 [REDACTED].

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 [REDACTED] 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 [REDACTED]

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 [REDACTED]?

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 [REDACTED]

25 [REDACTED]

1 Q. AND WITH REGARD TO THE TEETH OF RAY KRONE AND THE  
2 BITE MARK OF [REDACTED] 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 [REDACTED] 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 [REDACTED] 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 [REDACTED]  
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, [REDACTED]?

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 92

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 [REDACTED] 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 [REDACTED] 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 [REDACTED] 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 [REDACTED]

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 [REDACTED] ?

22          A.    YES, I DID.

23          Q.    WHAT DID YOU SAY?

24          A.    I SAID UPON CLOSE EXAMINATION OF THE DECEASED,  
25       IDENTIFIED AS [REDACTED], 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 [REDACTED]?

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 [REDACTED], 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 [REDACTED] 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           [REDACTED] 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