

1 SCOTT DOUGLAS PIETTE,
2 CALLED AS A WITNESS HEREIN, HAVING BEEN FIRST DULY SWORN,
3 WAS EXAMINED AND TESTIFIED AS FOLLOWS:
4

5 THE COURT: PLEASE HAVE A SEAT OVER HERE, SIR.
6 GO AHEAD.
7

8 DIRECT EXAMINATION
9 BY MR. LEVY:

10 Q. TELL THE JURY YOUR NAME.

11 A. SCOTT DOUGLAS PIETTE.

12 Q. FOR WHOM ARE YOU EMPLOYED?

13 A. I'M EMPLOYED BY THE CITY OF PHOENIX CRIME
14 LABORATORY.

15 Q. HOW LONG?

16 A. I'VE BEEN EMPLOYED WITH THE CITY OF PHOENIX FOR
17 SLIGHTLY OVER THREE AND A HALF YEARS.

18 Q. AND WHAT DO YOU DO FOR THEM?

19 A. CURRENTLY I WORK IN THEIR SEROLOGY SECTION.

20 Q. AND WHAT IS -- WHAT ARE YOU CALLED? WHAT IS YOUR
21 TITLE?

22 A. I'M A CRIMINALIST.

23 Q. AND WHAT IS A CRIMINALIST?

24 A. A CRIMINALIST IS A SCIENTIST WHO ANALYZES AND
25 IDENTIFIES PHYSICAL EVIDENCE AND MAY BE CALLED UPON TO

1 PRESENT HIS FINDINGS IN A COURT OF LAW.

2 Q. AND WOULD YOU STATE TO THE JURY YOUR
3 QUALIFICATIONS TO BE A CRIMINALIST.

4 A. I HAVE A FOUR-YEAR BACHELOR OF SCIENCE DEGREE IN
5 CHEMISTRY AND IN BIOLOGY FROM GRAND CANYON UNIVERSITY. I
6 HAVE ALSO HAD A SIX-MONTH COURSE WHILE AT GRAND CANYON
7 UNIVERSITY WHERE I STUDIED AT THE PHOENIX CRIME LABORATORY,
8 AND I HAVE ALSO HAD EXCESSIVE TRAINING WHILE BEING EMPLOYED
9 AT THE PHOENIX CRIME LABORATORY.

10 Q. AND IN YOUR EXPERIENCE WITH THE PHOENIX CRIME
11 LAB, HAVE YOU ANALYZED SUCH THINGS AS HAIR?

12 A. YES, I HAVE.

13 Q. SALIVA?

14 A. YES.

15 Q. BLOOD?

16 A. YES.

17 Q. BLOOD ON ARTICLES?

18 A. YES.

19 Q. TYPES OF PHYSICAL EVIDENCE SUCH AS PLASTICS,
20 METALS, COMPARISONS?

21 A. I HAVE ANALYZED PLASTICS, METALS, I HAVE DONE
22 COMPARATIVE ANALYSIS. I'VE ANALYZED ALL TYPES OF BODY
23 FLUIDS AND OILS, AND I ALSO SPENT TWO YEARS OF MY WORK AT
24 THE LABORATORY ON ANALYZING DRUGS.

25 Q. AND ARE YOU FAMILIAR WITH BLOOD TYPING?

1 A. YES, I AM.

2 Q. AND ARE YOU -- HAVE YOU WORKED WITH SEXUAL
3 ASSAULT KITS BEFORE?

4 A. YES.

5 Q. TO ANALYZE?

6 A. YES, SEVERAL TIMES.

7 Q. AND HAVE YOU DONE SEXUAL ASSAULT CASES BEFORE?

8 A. YES, I HAVE.

9 Q. I HAVE CERTAIN ITEMS IN EVIDENCE -- MARKED FOR
10 IDENTIFICATION THAT I WOULD LIKE TO SHOW YOU.

11 I SHOW YOU EXHIBIT 107 FOR IDENTIFICATION AND ASK
12 IF YOU CAN -- IF YOU RECOGNIZE THIS?

13 A. YES, I DO.

14 Q. HOW DO YOU RECOGNIZE IT?

15 A. ON THESE LITTLE PACKETS HAVE THE D.R. NUMBER, THE
16 DEPARTMENTAL REPORT NUMBER, THE DATE ON WHICH THESE WERE
17 TAKEN OR ANALYZED, AND MY INITIALS.

18 Q. DID YOU SEIZE WHAT'S IN THAT PACKAGE?

19 A. PARDON?

20 Q. DID YOU SEIZE WHAT'S IN THE PACKAGE?

21 A. YES, I DID THE VACUUMING OF THE CAR.

22 Q. WAS THAT OF RAY KRONE'S CAR ON WEST MCKENZIE?

23 A. IT WAS A 1974 BLUE CORVETTE, LICENSE PLATE
24 NUMBER: OK RAY.

25 Q. AND THE DATE YOU VACUUMED THEM?

1 A. THIS WAS TAKEN ON 1/22/92.

2 MR. LEVY: MOVE 107.

3 MR. JONES: NO OBJECTION.

4 THE COURT: 107 IS ADMITTED.

5 BY MR. LEVY:

6 Q. THE NEXT SERIES HAVE ALREADY BEEN IDENTIFIED, AND
7 MY QUESTION TO YOU IS DID YOU ANALYZE THEM?

8 RANDOMLY PROVIDING THESE TO YOU, 96, SEX ASSAULT
9 KIT -- JUST A MOMENT -- FROM THE MEDICAL EXAMINER'S OFFICE?

10 A. WHAT WAS THE WHOLE QUESTION AGAIN?

11 Q. HAVE YOU ANALYZED THAT SEXUAL ASSAULT KIT
12 PURPORTEDLY FROM THE MEDICAL EXAMINER'S OFFICE?

13 A. YES, I DID.

14 MR. LEVY: I'D MOVE EXHIBIT 96.

15 MR. JONES: NO OBJECTION.

16 THE COURT: 96 IS ADMITTED.

17 BY MR. LEVY:

18 Q. I SHOW YOU 95 PURPORTED TO BE THE VARIOUS HAIRS
19 AND SAMPLES FROM RAY KRONE -- REPHRASE THE QUESTION.

20 EXHIBIT 95 PURPORTING TO BE HAIRS AND SWABS TAKEN
21 FROM THE VICTIM KIM ANCONA FROM THE C.B.S. LOUNGE ON
22 DECEMBER 29TH OF '91, HAVE YOU ANALYZED THOSE?

23 A. YES, I HAVE.

24 MR. LEVY: MOVE 95.

25 MR. JONES: NO OBJECTION.

1 THE COURT: 95 IS ADMITTED.

2 BY MR. LEVY:

3 Q. NEXT I SHOW YOU 98 FOR IDENTIFICATION, BEING --
4 OKAY. EXHIBITS NOT ONLY 98, BUT 114, PURPORTING TO BE
5 VARIOUS HAIRS AND SAMPLES TAKEN FROM THE BODY OF KIM
6 ANCONA, HAVE YOU ANALYZED THOSE?

7 A. I BELIEVE I STATED I ANALYZED EXHIBIT NUMBER 114,
8 AND ITEM 98 I HAVE ALSO EXAMINED. IT HAS THE DEPARTMENTAL
9 REPORT NUMBER, AND THE DATE ON WHICH IT WAS ANALYZED AND MY
10 INITIALS, ON ALL THE TUBES.

11 MR. LEVY: I'D MOVE 98 AND 114.

12 MR. JONES: NO OBJECTION.

13 THE COURT: 98 AND 114 ARE ADMITTED.

14 BY MR. LEVY:

15 Q. I SHOW YOU EXHIBIT 100 FOR IDENTIFICATION,
16 PURPORTING TO BE HAIR AND SALIVA SAMPLES FROM RAY KRONE
17 TAKEN BY DETECTIVE GREGORY. HAVE YOU ANALYZED THOSE?

18 A. YES, I HAVE.

19 MR. LEVY: MOVE EXHIBIT 100.

20 MR. JONES: NO OBJECTION.

21 THE COURT: 100 IS ADMITTED.

22 BY MR. LEVY:

23 Q. MR. PIETTE, I WILL PUT IN FRONT OF YOU WHAT'S NOW
24 IN EVIDENCE 100, 95, 114, AND 98 TO THE EXTENT YOU WANT TO
25 REFER TO THEM, AND LET ME ASK YOU A SERIES OF QUESTIONS.

1 WITH REGARD TO YOUR INVENTORY, 206156?

2 A. 206156?

3 Q. 206156.

4 A. IT'S -- FROM MY INVENTORY, IT'S 2060156, THE
5 SWABS.

6 Q. YES. AND WITHIN THAT INVENTORY NUMBER, SWABS
7 NUMBER 14-A, B, D?

8 A. YES.

9 Q. OKAY. THOSE SWABS WOULD BE WITH EXHIBIT NUMBER
10 WHAT?

11 A. IT WOULD BE WITH EXHIBIT NUMBER 95.

12 Q. OKAY. NOW, DID YOU -- 14-A IS A SWAB FROM THE
13 LEFT BREAST AND NIPPLE OF KIM ANCONA, 14-B IS A SWAB FROM
14 THE RIGHT BREAST AND NIPPLE OF KIM ANCONA, AND 14-D IS FROM
15 THE RIGHT CHEEK OF VICTIM KIM ANCONA FROM THE SCENE AT THE
16 C.B.S. LOUNGE, TAKEN DECEMBER 29, 1991. YOU'VE ALREADY
17 SAID YOU HAVE ANALYZED THEM; CORRECT?

18 A. THAT'S CORRECT.

19 Q. AND EXPLAIN TO THE JURY HOW YOU WENT ABOUT YOUR
20 ANALYSIS AND YOUR FINDINGS.

21 A. OF THOSE THREE SWABS?

22 Q. YES.

23 A. WITH THESE SWABS, I BASICALLY GOT THESE WITHOUT
24 ANY KIND OF REFERENCE ABOUT WHAT THEY WOULD BE, SO I WENT
25 AHEAD AND CHECKED THEM FOR BLOOD. I CHECKED THEM FOR THE

1 PRESENCE OF SEMEN. I THEN WENT AHEAD AND CHECKED THEM FOR
2 THE PRESENCE OF AMYLASE OR SALIVA, AND I DID WHAT'S CALLED
3 AN ABSORPTION INHIBITION. AN ABSORPTION INHIBITION ALLOWS
4 ME TO TAKE SUCH BODY FLUIDS AS SALIVA OR SEMEN, AND I CAN
5 GET A BLOOD TYPE OF THAT PERSON IF THAT PERSON IS A
6 SECRETER AND THAT'S WHAT I DID IN THIS CASE WITH THOSE
7 THREE SWABS.

8 Q. NOW, BEFORE YOU MOVE ON, DID YOU ANALYZE AND
9 DETERMINE BLOOD TYPE OF RAY KRONE?

10 A. YES, I DID.

11 Q. AND HE'S BLOOD TYPE WHAT?

12 A. HE'S A TYPE O.

13 Q. AND THE BLOOD OF KIM ANCONA?

14 A. SHE IS ALSO A TYPE O.

15 Q. NOW, SINCE YOU DO A LOT OF SEROLOGY AND STUFF,
16 I'VE HEARD THAT BLOOD TYPE O IS ONE OF THE MORE COMMON
17 BLOOD TYPES?

18 A. YES, IT IS.

19 Q. DOES THAT -- IS THAT SIGNIFICANT SOMEHOW, BECAUSE
20 TYPE O IS A MORE -- MORE COMMON?

21 A. SIGNIFICANT IN WHAT WAY?

22 Q. I DON'T KNOW.

23 A. IN MY TEST, IT'S NOT SIGNIFICANT AT ALL. I'M
24 GOING THROUGH AND I'M JUST TESTING, AND MY RESULTS ARE MY
25 RESULTS. WHETHER A PERSON IS A TYPE AB, OR A TYPE O, THAT

1 DOESN'T MATTER TO ME.

2 Q. IN ANY EVENT, RAY KRONE IS A TYPE O?

3 A. THAT'S TRUE.

4 Q. NOW, WHAT DID YOU FIND IN REFERENCE TO THESE
5 THREE SWABS AS TO BLOOD TYPE?

6 A. ON THE LEFT BREAST AND NIPPLE, THE RIGHT BREAST
7 AND NIPPLE, AND WHAT I HAVE MARKED AS THE LEFT CHEEK, THEY
8 ALL GAVE ME A BLOOD TYPE INDICATING A TYPE O.

9 Q. AND YOU ALSO SAID IT HAD AMYLASE. AND AMYLASE IS
10 SPIT?

11 A. BASICALLY, YES. SPIT.

12 Q. WOULD THAT OCCUR IF SOMEONE HAD THEIR MOUTH ON
13 HER BREAST AND HER LEFT CHEEK, AND EXCRETED SPIT OR SALIVA?

14 A. THAT WOULD HAPPEN IF A PERSON JUST BASICALLY SPIT
15 AT YOU. ANY WAY THAT THEIR MOUTH COMES IN CONTACT WITH
16 YOU, THEY COULD LEAVE SALIVA OR AMYLASE.

17 Q. FOR EXAMPLE, IF THE LEFT BREAST WAS BITTEN AND
18 SALIVA CAME IN CONTACT WITH IT, FOR EXAMPLE?

19 A. IF SALIVA CAME IN CONTACT WITH ANY AREA OF THE
20 BODY, THAT SALIVA WOULD MOST LIKELY BE LEFT ON THAT AREA OF
21 THE BODY, AND SINCE SALIVA CONTAINS AMYLASE, I CAN GET THAT
22 ON MY TESTS.

23 Q. AND CROSS REFERENCE TO THE INVENTORY 2062157?

24 A. 206?

25 Q. 2157.

1 A. 2157.

2 A. YES.

3 Q. AND I ALSO HAVE A REFERENCE IN MY NOTES THAT
4 WITHIN THAT INVENTORY 2060308. WE ARE TALKING SALIVA
5 SAMPLES FROM KRONE.

6 A. 206 -- YES.

7 Q. WHAT MY QUESTION IS, DID YOU ACTUALLY CHECK THE
8 ACTUAL SALIVA SAMPLES TAKEN FROM RAY KRONE'S MOUTH?

9 A. DID I CHECK THEM FOR WHAT?

10 Q. FOR BLOOD TYPE?

11 A. ON THE INVENTORY NUMBER 2060308, THESE WERE
12 ACTUALLY FILTER PAPERS. OFFICERS HAVE THESE IN SOME SEX
13 KITS AND BLOOD KITS, AND THEY HAVE THE PERSON BITE DOWN ON
14 THEM, AND WE HAVE SOME AMYLASE ON THE FILTER PAPER. ON
15 THAT ONE I CHECKED FOR AMYLASE, AND I ALSO GOT A BLOOD TYPE
16 FROM THAT, AND I GOT A TYPE H, OR O INDICATED.

17 Q. EXPLAIN THAT TO THE JURY, HOW -- IT MAKES SENSE
18 TO YOU. BUT YOU HAVE JUST NOW SAID ANOTHER LETTER?

19 A. THAT'S TRUE, I DID. WHEN WE DO AN INHIBITION,
20 WHAT WE ARE DOING IS WE'RE TAKING THIS, WE'RE GOING BACK TO
21 THE BLOOD TYPE, AND WHEN I SEE A TYPE H, A TYPE H IS A TYPE
22 O. WE HAVE A, B, AND H ANTIGENS, SO SINCE I'M USING AN
23 ANTIGEN, I HAVE TO CALL IT H ACTIVITY, AND THAT TELLS ME O.
24 IT'S KIND OF A WEIRD SCIENCE THING.

25 Q. OKAY. AND THEN NOW I HAVE MENTIONED TWO

1 INVENTORY NUMBERS. SPECIFICALLY, I HAVE MENTIONED THE
2 SALIVA FILTER SAMPLES FROM KRONE. WHAT EXHIBIT NUMBER
3 WOULD THAT BE?

4 A. THAT'S EXHIBIT NUMBER 100.

5 Q. OKAY. SO IN CROSS-REFERENCE IN YOUR TESTS BASED
6 UPON YOUR TESTIMONY, KRONE HAS TYPE O BLOOD?

7 A. YES.

8 Q. HIS SALIVA COMES BACK TO A TYPE O BLOOD?

9 A. YES.

10 Q. AND THE AMYLASE YOU FOUND ON VICTIM KIM ANCONA'S
11 BREAST AND LEFT CHEEK, ONE WAS AMYLASE FROM SALIVA AND TWO
12 WAS TYPE O?

13 A. OH, OF THE TESTS?

14 Q. YES?

15 A. I DIDN'T UNDERSTAND WHAT YOU MEANT BY ONE AND
16 TWO.

17 YES, I IDENTIFIED OR I DETECTED AMYLASE ON ALL
18 THREE SWABS AND I ALSO DETECTED A -- DETECTED A TYPE O
19 BLOOD TYPE IN ALL THREE SWABS.

20 Q. NOW, BLOOD AT THE SCENE, INVENTORY 2066308.

21 A. 2066 -- OR 2060308?

22 Q. WELL, WHAT I'M GETTING AT IS -- OKAY. THE
23 QUESTION WAS BLOOD AT THE SCENE. I GUESS WITH -- WELL,
24 WAIT A MINUTE.

25 A. THERE'S A 2060228 THAT HAS BLOOD.

1 Q. WAIT A MINUTE. 2060228?

2 A. YES. THAT'S THE ITEMS WITH THE WOOD, THE
3 UNDERWEAR, TANK TOP, WOMAN'S BRA.

4 Q. DOES IT GOT A KNIFE IN IT?

5 A. YES, IT DOES.

6 Q. ALL RIGHT. LET'S -- SINCE I SAID THE WORD, LET
7 ME GO WITH THAT ONE.

8 I SHOW YOU EXHIBIT 85 IN EVIDENCE. IT'S THE
9 KNIFE FOUND AT THE SCENE. YOU HAVE ANALYZED THIS?

10 A. YES, I DID.

11 Q. OKAY. AND DID YOU ANALYZE IT FOR BLOOD?

12 A. THIS IS BROUGHT TO -- BROUGHT DOWN TO ME ON THE
13 30TH, I BELIEVE, AND I DID A BRIEF -- ACTUALLY IN-DEPTH
14 LOOK OVER THE NIGHT FOR FIBERS, ANY TYPES OF TRACES OF
15 BLOOD, TISSUE, BECAUSE THIS KNIFE WAS GOING TO BE TAKEN
16 OVER TO LATENT PRINTS TO BE PRINTED, SO I DID CHECK THAT
17 OUT FOR BLOOD. I GOT AN INDICATION OF BLOOD, BUT IT WAS
18 CONSUMED DURING MY TEST BECAUSE OF SUCH A SMALL AMOUNT.

19 Q. CAN BLOOD BE WASHED OFF?

20 A. YES, IT CAN BE WASHED OFF.

21 Q. AND IF IT WERE WASHED OFF, MIGHT IT JUST SHOW
22 VERY LITTLE RESIDUAL, IF ANY?

23 A. IT DEPENDS ON HOW WELL IT WAS WASHED OFF. THE
24 BLOOD I SAW, I WAS LOOKING UNDER MICROSCOPE. I BELIEVE IT
25 TO BE BLOOD. I DID NOT CONFIRM BLOOD. I GOT AN INDICATION

1 OF BLOOD.

2 Q. SO IT WAS SO WASHED THAT YOU WEREN'T ABLE TO
3 DETECT ANYTHING MORE THAN JUST BLOOD OF SOME KIND, UNKNOWN?

4 A. I BASICALLY GOT AN INDICATION OF BLOOD ON THE
5 KNIFE.

6 Q. ON WHAT SPOT?

7 A. IT WAS -- FROM WHAT I CAN RECALL -- I ALSO PUT
8 THIS IN MY NOTES -- IT WAS APPROXIMATELY -- IT WAS SLIGHTLY
9 OVER HALFWAY DOWN THE BLADE UP TOWARDS THE CENTER OF THE
10 BLADE. IT WAS A SMALL DROPLET. I TESTED IT FOR BLOOD
11 USING A DAMPENED SWAB. I THEN SCRAPPED THAT AREA AND
12 ATTEMPTED OTHER TESTS ON THAT AREA.

13 Q. YOU DID A KASTLE-MEYER TEST?

14 A. YES, I DID.

15 Q. CAN THAT -- IS THAT TEST SUCH THAT EVEN IF
16 THERE'S AN EXTREMELY SLIGHT AMOUNT, SUCH AS WASHED OFF ITEM
17 IN THE KNIFE, MIGHT THAT TEST NEVERTHELESS BE ABLE TO PICK
18 UP SOME SITUATION OF BLOOD?

19 A. KASTLE-MEYER TEST IS A VERY SENSITIVE TEST,
20 EXTREMELY SENSITIVE.

21 Q. SO IF THERE MIGHT BE BLOOD TRAPPED WITHIN THE
22 POROUS PARTS OF THE METAL BLADE, IT COULD DETECT?

23 A. IT'S POSSIBLE.

24 Q. IN ANY EVENT, IT'S VERY SENSITIVE?

25 A. IT'S A VERY SENSITIVE TEST.

1 Q. BEYOND THAT, YOU WEREN'T ABLE TO DETECT BLOOD?

2 A. YES.

3 Q. WOULD THAT SUGGEST THE KNIFE WAS WELL WASHED
4 POTENTIALLY?

5 A. IT SUGGESTS TO ME THAT THE KNIFE WAS CLEAN AT THE
6 TIME I GOT IT OUTSIDE OF THAT SMALL AREA, CLEAN FROM BLOOD.

7 Q. NOW, AS TO THE BLOOD AT THE SCENE, P.G.M. TYPES,
8 KIM ANCONA, RAY KRONE; WHAT TYPE OF BLOOD WERE YOU ABLE TO
9 DETECT?

10 A. ENZYME TYPES? ON EACH OF THOSE?

11 Q. WELL, THE BASIC QUESTION IS DID YOU DETERMINE THE
12 BLOOD FOUND AT THE SCENE TO BE KIM ANCONA? DID YOU
13 DETERMINE WHETHER ANY BLOOD AT THE SCENE WAS RAY KRONE'S?

14 A. THERE WAS NO BLOOD AT THE SCENE THAT MATCHED RAY
15 KRONE'S BLOOD. ALL THE BLOOD THAT I TESTED MATCHED
16 KIMBERLY ANCONA'S.

17 Q. SO THAT WOULD INDICATE THAT NO BLOOD WAS LEFT
18 FROM RAY KRONE AT THE SCENE?

19 A. THAT I FOUND, YES.

20 Q. AND NOW, SINCE WE HAVE TALKED ABOUT TYPE O, I
21 TAKE IT THERE'S SUBTYPES TO O THAT YOU CAN HAVE SOME
22 FURTHER DEFINITION BETWEEN TWO TYPE O PEOPLE?

23 A. TYPE O SUBTYPE?

24 Q. YEAH.

25 A. THERE'S A TYPE A SUBTYPE.

1 Q. WELL, STRAIGHTEN ME OUT.

2 A. I'LL TRY.

3 Q. IF KIM ANCONA HAD TYPE O BLOOD --

4 A. YES.

5 Q. -- AND RAY KRONE HAD TYPE O BLOOD, HOW DID YOU
6 KNOW ALL THE BLOOD AT THE SCENE WAS ONLY KIM ANCONA'S?

7 A. I DID NUMEROUS OTHER ENZYME TESTS ON THAT BLOOD.
8 I DID NOT JUST GO FROM A TYPE O. THE BLOOD CONTAINS --
9 WELL, I TESTED SIX DIFFERENT ENZYME TYPES THAT PEOPLE CAN
10 DIFFER BY.

11 Q. THAT'S WHAT I MEANT. THERE'S OTHER -- YOU CALL
12 THEM SUBTYPES OR --

13 A. WELL, ONE OF THE ENZYME TYPES WE HAVE IS CALLED
14 PHOSPHOGLUCOMUTASE, AND UNDER THAT ENZYME THERE IS WHAT WE
15 CAN GET A SUBTYPE, A HIDDEN TYPE, AND THAT'S WHAT I REFER
16 TO AS A SUBTYPE. IT'S NOT A SUBTYPE OF A TYPE O, BUT THE
17 ENZYME IS PRESENT IN THE BLOOD.

18 Q. WHILE WE'RE TALKING BLOOD, THERE WAS A TERM THAT
19 CAME UP WITH THE PRECEDING WITNESS OF A TYPE O SECRETER, I
20 THINK WAS THE TERM. WHAT WOULD THAT MEAN?

21 A. A SECRETER, APPROXIMATELY 80 PERCENT OF THE
22 POPULATION ARE SECRETORS, AND WHAT THAT MEANS IS THEIR
23 BLOOD TYPE OR YOUR BLOOD CELLS HAVE THE TYPE ON THEM, THE
24 ANTIGENS ON THEM, AND WHAT SECRETORS DO, THE ANTIGENS
25 ACTUALLY CAN BE STRIPPED OFF OF THE RED BLOOD CELL. IT CAN

1 BE FOUND IN THE BODILY FLUIDS OF THAT PERSON, IN THEIR
2 TEARS, THEIR SALIVA, URINE. AND BY BEING A SECRETER, I CAN
3 GET THAT BLOOD TYPE THROUGH MY TESTS OUT OF THAT PERSON'S
4 SALIVA OR TEARS.

5 A NONSECRETER, THEIR ANTIGENS SEEM TO HOLD ONTO
6 THE BLOOD CELL A LOT TIGHTER. THEY DON'T ACTUALLY COME OFF
7 THE BLOOD CELL, SO I CAN GET NO BLOOD TYPE OF THAT PERSON'S
8 SALIVA.

9 Q. THE NEXT QUESTION IS HAIRS. HAIRS WERE TAKEN
10 FROM THE VICTIM OF KIM ANCONA AT THE SCENE AND IT'S IN
11 EVIDENCE THERE. SO WITH REGARD TO THE SAME INVENTORY
12 NUMBER, WHICH YOU INDICATED, I BELIEVE, IS 2060308?

13 A. 2060308.

14 Q. 308? YEAH.

15 A. IS THAT RIGHT?

16 Q. WHICH EXHIBIT NUMBER AND HAIRS OF RAY KRONE OR
17 WHICH EXHIBIT NUMBER AND HAIRS OF RAY KRONE DID YOU --

18 A. I THINK WE HAVE INVENTORY NUMBERS MIXED UP.

19 Q. LET ME BACK OUT AND JUST ASK YOU, DID YOU DO AN
20 ANALYSIS OF THE HAIRS FROM VICTIM ANCONA TAKEN FROM HER
21 BELLY AT THE SCENE?

22 A. YES.

23 Q. TWO HAIRS OF RAY KRONE TAKEN BY DETECTIVE GREGORY
24 SEPARATELY?

25 A. YES. I -- THE ITEMS WERE TAKEN SEPARATELY.

1 THEY'RE BROUGHT INTO THE LAB, AND I COMPARED THEM ONE TO
2 ONE. LOOKING AT HERS AND HIS OR THE HAIRS ON THE BELLY,
3 HIS HAIR, AND ALSO HER OWN HAIR.

4 Q. DID YOU FIND FROM HER BELLY HEAD HAIRS?

5 A. I BELIEVE MOST OF THEM WERE PUBIC HAIRS. I WOULD
6 HAVE TO REFER TO MY NOTES, AND I'M NOT SURE WHICH INVENTORY
7 NUMBER WE ARE REFERRING TO RIGHT NOW.

8 Q. WELL, WHEN YOU FIND IT, LET ME KNOW AND WE WILL
9 GO FROM THERE.

10 A. OKAY. I WILL TAKE A LOOK.

11 IT'S INVENTORY NUMBER 2060228. THEY'RE THE SAME
12 ONE WITH THE BLOOD.

13 Q. AND THAT IS HER HAIRS?

14 A. NO. THAT IS THE HAIRS THAT WERE FOUND ON THE
15 VICTIM AT THE SCENE.

16 Q. I PHRASED THAT INCORRECTLY. YES. THE HAIRS
17 FOUND ON THE VICTIM AT THE SCENE?

18 A. YES. THAT'S CORRECT.

19 Q. WHAT EXHIBIT NUMBER DOES THAT TRANSLATE TO?

20 A. THAT IS EXHIBIT NUMBER 98 AND EXHIBIT NUMBER 114.

21 Q. HER HAIRS -- STRIKE THAT. THE HAIRS TAKEN FROM
22 HER BELLY AT THE SCENE?

23 A. YES.

24 Q. 98 AND 114?

25 A. YES, I BELIEVE THAT'S CORRECT.

1 Q. NOW, COMPARED TO KRONE'S HAIRS, WHAT EXHIBIT
2 NUMBER ARE KRONE'S HAIRS?

3 A. EXHIBIT NUMBER 100.

4 Q. GOING BACK TO THE HAIRS TAKEN FROM THE BELLY OF
5 KIM ANCONA AT THE SCENE, WHAT TYPE OF HAIRS WERE THEY?

6 A. MOST OF THE HAIRS REMOVED FROM THE BELLY OF THE
7 VICTIM WERE PARTIAL HAIRS. ALL OF THEM HAD -- UNSUITABLE
8 FOR COMPARISON, TO MAKE ANY KINDS OF JUDGMENT AS FAR AS
9 WHAT KIND OF HAIRS THEY WERE. I HAD HEAD HAIRS, I HAD
10 PUBIC HAIRS, AND THAT IS ALL I HAVE. PUBIC BODY HAIRS, I
11 SHOULD SAY, NOT JUST PUBIC.

12 Q. HAIRS WERE SEPARATELY TAKEN FROM THE PERSON OF
13 KIM ANCONA --

14 A. YES.

15 Q. -- CORRECT?

16 A. CORRECT.

17 Q. WHAT EXHIBIT NUMBER WAS THAT?

18 A. I DON'T BELIEVE YOU HAVE THAT EXHIBIT UP HERE. I
19 HAVE THAT ON -- LET'S SEE. I COULD BE MISTAKEN.

20 MR. LEVY: IF I MAY, YOUR HONOR?

21 THE COURT: (NO ORAL RESPONSE.)

22 BY MR. LEVY:

23 Q. TRY LOOKING IN THIS BAG, EXHIBIT 95, AND SEE WHAT
24 YOU FIND.

25 A. SWABS.

1 Q. JUST SWABS?

2 A. BASICALLY. I COMBED PUBIC HAIR, WHICH I MOUNTED,
3 THAT WERE HERS. THAT WAS IT. JUST HER PUBIC HAIR.

4 Q. OKAY. LET'S TRY EXHIBIT NUMBER 96. THIS WAS
5 FROM THE MEDICAL EXAMINER -- MORTUARY?

6 A. I JUST FOUND MY NOTES. THAT WOULD BE THE ONE
7 WITH THE HAIR.

8 Q. OKAY. WHAT DOES IT SAY HERE?

9 A. HEAD HAIR.

10 Q. WHOSE?

11 A. KIMBERLY ANCONA'S.

12 Q. HEAD HAIR?

13 A. HEAD HAIR. I BELIEVE THERE'S ALSO PUBIC HAIR OF
14 HERS IN THERE.

15 Q. AND WHAT DOES THIS SAY HERE?

16 A. KIMBERLY ANCONA PUBIC HAIR.

17 Q. SO WOULD I BE CORRECT IN ASKING YOU WERE THE
18 HAIRS THAT YOU COMPARED SEPARATELY TAKEN FROM KIM ANCONA IN
19 EXHIBIT 96?

20 A. YES, THEY WERE.

21 Q. ALL RIGHT.

22 NOW, TELL THE JURY HOW YOU ANALYZED AND MADE YOUR
23 COMPARISONS. WE HAVE THE ONE SET BEING THE HAIRS FROM HER
24 BELLY TAKEN AT THE SCENE, ANOTHER SET BEING RAY KRONE'S,
25 AND THEN ANOTHER SET BEING KIM ANCONA'S.

1 A. BASICALLY WHAT I DO WITH HAIR COMPARISONS IS I'LL
2 OPEN UP THE ITEM, INVENTORY THE HAIRS, ESPECIALLY THE HAIRS
3 THAT ARE FOUND IN HER BELLY, SINCE THERE ARE SO MANY
4 DIFFERENT TYPES. THERE ARE ALSO TWO FOUND ON HER BACKSIDE.
5 I THEN MICROSCOPICALLY LOOKED AT THEM, NOTED THE LENGTH,
6 THE COLOR. LOOKED AT THEM UNDER A LOW MAGNIFICATION,
7 NOTICING DIFFERENT DAMAGE THAT CAN BE DONE TO THE HAIR,
8 CURL, OTHER FEATURES OF THE HAIR.

9 I WOULD THEN MOUNT THEM IN A SOLUTION THAT WOULD
10 MAKE THE HAIR ALSO TRANSPARENT SO I COULD LOOK FROM THE
11 OUTSIDE INTO THE INTERNAL PARTS OF THE HAIR AND LOOK AT
12 THEM UNDER HIGH MAGNIFICATION. I DID THAT WITH ALL THREE
13 OF THESE HAIRS.

14 I WOULD THEN DO A ONE-TO-ONE COMPARISON. WE HAVE
15 A COMPARATIVE MICROSCOPE THAT HAS, INSTEAD OF ONE SET OF
16 OPTICS, IT HAS TWO. SO I CAN ACTUALLY HAVE A SPLIT IMAGE
17 AND COMPARE THE TWO HAIRS SIDE BY SIDE.

18 Q. AND?

19 A. AND I FOUND THE HAIRS, AS I WAS GOING THROUGH
20 THEM, I COULD ELIMINATE SOME OF THE HAIRS ON HER BACK.
21 THEY WERE DARK, BLACK, LONG, CURLY PUBIC HAIRS. THOSE WERE
22 ELIMINATED.

23 I THEN WENT TO THE HAIRS FOUND ON TOP OF HER
24 BELLY. THEY WERE ALL FRAGMENTS. I COULD NOT DRAW A
25 CONCLUSION, SINCE THERE WAS NO HAIR I COULD LOOK AT FROM

1 ROOT TO TIP.

2 I THEN WENT AHEAD AND COMPARED KIM ANCONA'S HAIR
3 DIRECTLY TO RAY KRONE'S HAIR AND FOUND A GREAT DEAL OF
4 SIMILARITY BETWEEN THOSE TWO. SO EVEN IF I WOULD HAVE HAD
5 A FULL HAIR, IT WOULD HAVE BEEN DIFFICULT FOR ME TO MAKE
6 ANY KIND OF DECISION, WHETHER HIS HAIR -- IT CAME FROM HIS
7 HEAD, HER HEAD; IT WAS HIS PUBIC HAIR OR HER PUBIC HAIR; SO
8 I COULD NOT EXCLUDE THE HAIRS AS HAVING COME FROM RAY
9 KRONE, BUT I COULD NOT INCLUDE THEM AS HIS HAIR. I COULD
10 NOT SAY THAT THESE WERE HIS HAIRS OR HER HAIRS. BUT THE
11 COLOR AND OTHER PARTS OF THE INTERNAL -- INTERNALS OF THE
12 HAIR MEANT THAT I COULD NOT EXCLUDE THOSE HAIRS AS COMING
13 FROM EITHER OF THE TWO PERSONS.

14 Q. IS THAT THE NATURE OF HAIR, YOU CAN ONLY DO SO
15 MUCH ANALYSIS?

16 A. UNFORTUNATELY, IT IS.

17 Q. SO AS FAR AS RAY KRONE, TO SAY -- TO FOCUS ON
18 PART OF WHAT YOU SAID, YOU COULD NOT EXCLUDE RAY KRONE AS
19 THE HAIR FOUND ON HER BELLY AT THE SCENE, YOU COULD NOT
20 EXCLUDE RAY KRONE IN RELATION TO BEING HIS PUBIC HAIRS?

21 A. I COULD NOT EXCLUDE HIM, BUT I COULD NOT EITHER
22 IDENTIFY OR MAKE WITH ANY KIND OF CERTAINTY THAT THAT WAS
23 HIS HAIR.

24 Q. I KNOW I HEARD THAT PART. YOU COULD NOT EXCLUDE
25 HIM?

1 A. THAT'S TRUE.

2 Q. SO NOW WE HAVE KIM ANCONA AND RAY KRONE HAVE THE
3 SAME BLOOD TYPE O?

4 A. YES.

5 Q. AND THEY HAVE SIMILAR HAIR?

6 A. VERY SIMILAR.

7 Q. I SHOW YOU, MR. PIETTE, EXHIBITS 112 AND 111 IN
8 EVIDENCE, 111 BEING A BODY DIAGRAM, AND 112 BEING REFERENCE
9 TO WHERE HAIRS WERE FOUND. I WOULD LIKE YOU TO LOOK AT
10 THESE.

11 CAN YOU SEE THEM WHERE I'M STANDING?

12 A. YES, I CAN.

13 Q. CAN YOU SEE THE CORRELATION BETWEEN -- THE ONE
14 WHERE THE HAIRS ARE FOUND AND WHERE IT IS -- WHAT IT IS AND
15 WHERE IT IS ON THE BODY?

16 A. YES, I CAN.

17 Q. OKAY. WHERE DO YOU SEE THE PUBIC HAIRS THAT ARE
18 FOUND ON HER BODY? I'M GOING TO HAVE YOU POINT TO IT IN A
19 SECOND.

20 A. I WILL HAVE TO REFER TO MY NOTES.

21 Q. I'M JUST HAVING YOU LOOK AT THIS DIAGRAM.

22 A. OKAY.

23 Q. WHERE DO YOU SEE?

24 A. WHAT, DO I SEE WHERE THE PUBIC HAIRS ON HER BODY?

25 Q. IT'S NOT THAT IDENTIFIED?

1 A. I SEE DOWN HERE.

2 Q. I GET IT. HAVE YOU FURTHER SUBDIVIDED THESE
3 ITEMS INTO HEAD HAIRS AND PUBIC HAIRS?

4 A. I MADE GENERAL OBSERVATIONS.

5 Q. I SEE WHAT YOU ARE DOING.

6 A. YEAH. I'M GOING TO HAVE TO REFER TO MY NOTES TO
7 SEE WHICH ONES ARE PUBIC HAIRS --

8 Q. PLEASE DO SO. SORRY.

9 A. ON NUMBER A, LETTER A, I SHOULD SAY, I MADE NO
10 OBSERVATION WHETHER THERE WAS -- I CANNOT JUDGE WHETHER IT
11 WAS A PUBIC HAIR, A HEAD HAIR, OR BODY HAIR.

12 Q. JUST GO DOWN WHERE YOU FIND A PUBIC HAIR.

13 A. OKAY. LETTER B IS A PUBIC HAIR.

14 MR. LEVY: COULD I APPROACH, YOUR HONOR, THE SIDE OF
15 THE WITNESS?

16 THE COURT: (NO ORAL RESPONSE.)

17 BY MR. LEVY:

18 Q. FOR THE JURY, WOULD YOU POINT WHAT YOU'RE TALKING
19 ABOUT B AS A PUBIC HAIR?

20 A. LETTER B RIGHT THERE (INDICATING).

21 Q. DID YOU FIND ANY OTHER PUBIC HAIRS -- OKAY. YOU
22 ARE POINTING TO B ON THIS EXHIBIT, WHICH IS JUST IN --
23 WHICH IS SORT OF IN THE MIDDLE AND BELOW HER LEFT BREAST?

24 A. YES, THAT'S TRUE.

25 LETTER D, WHICH IS JUST SLIGHTLY BELOW THE LETTER

1 B.

2 Q. AND IS THAT TO HER LEFT AS SHE LAY BACK DOWN AND
3 BETWEEN HER BREASTS, NEAR HER NAVEL?

4 A. YES.

5 A. LETTER G JUST SLIGHTLY IN THE MIDSECTION.

6 LETTER H, WHICH IS JUST OPPOSITE OF LETTER G ON
7 THE LEFT SIDE.

8 AND LETTER L.

9 Q. OKAY. IS THAT IT?

10 A. THESE ALSO WERE -- N AND O WERE THE PUBIC HAIRS I
11 EXCLUDED.

12 Q. AND THAT'S SOMEWHERE IN THE MIDDLE OF HER BACK?

13 A. YEAH, IN THE MIDDLE OF HER BACK.

14 Q. NOW, WITH REGARD TO THE FRONT I'M GOING TO BRING
15 UP A BLUE PEN, AND I'M GOING TO ASK YOU TO CIRCLE THE
16 LETTERS THAT YOU FOUND TO BE PUBIC HAIRS.

17 Q. AND I'M GOING TO ASK YOU TO DO SOMETHING.

18 A. (INDICATING.)

19 Q. THANK YOU.

20 YOU CIRCLED ON EXHIBIT 111; IS THAT CORRECT?

21 A. THAT'S CORRECT.

22 Q. WHICH IS THE DIAGRAM, FRONT AND BACK, OF KIM
23 ANCONA WITH LETTERS ON THEM; CORRECT?

24 A. THAT'S CORRECT.

25 Q. NOW, I WOULD LIKE TO GO OVER OTHER ITEMS. I HAVE

1 NO IDEA WHICH INVENTORY IT IS, BUT THEY'RE EXHIBIT 94,
2 BEING THE BLACK TANK TOP, AND EXHIBIT 93, BEING THE SHIRT.
3 AND MY QUESTION TO YOU IS ON EXHIBIT 93, THE SHIRT, DID YOU
4 EXAMINE THIS CUT IN THE BACK OF THE SHIRT?

5 A. YES, I DID. YES.

6 Q. SO WHAT DID YOU -- WHAT WERE YOUR FINDINGS?

7 A. I FOUND THE SLIT IN THE BACK OF THE SHIRT TO BE
8 CONSISTENT WITH THE WIDTH OF THE KNIFE THAT WAS SUBMITTED
9 TO ME. I FOUND --

10 Q. AND THE KNIFE, JUST FOR THE RECORD, IS EXHIBIT
11 85?

12 A. YES.

13 Q. NOW, 94, THE BLACK TANK TOP, AGAIN, THE CUT
14 THROUGH THE SHIRT, DID YOU ANALYZE THAT?

15 A. YES, I DID.

16 Q. WHAT DID YOU FIND?

17 A. I FOUND THAT CUT WAS ALSO OF A WIDTH THAT COULD
18 HAVE BEEN MADE BY ITEM NUMBER 85, THE KNIFE.

19 Q. AND DID YOU LINE UP THE TANK TOP AND THE SHIRT BY
20 ANY CHANCE TO ASCERTAIN IF THEY WERE SORT OF IN LINE WITH
21 EACH OTHER?

22 A. I DID NOT DO AN OVERLAY OF THAT MATTER. I MERELY
23 TOOK MEASUREMENTS OF THE OVERSHIRT AND THE UNDER SHIRT. I
24 MADE MEASUREMENTS OF THE SLIT.

25 Q. OKAY. I SHOW YOU EXHIBIT 86, BEING PANTIES, IN

1 EVIDENCE AND 87, BEING A BRA, IN EVIDENCE. I ASK YOU WHAT
2 DID YOU ANALYZE WITH REGARD TO THOSE TWO ITEMS OF CLOTHING?

3 A. ON THE PANTIES, THESE WERE SLIT DOWN THE FRONT
4 CROTCH AREA, THE SIDES. I ANALYZED THOSE CUTS. I ALSO
5 EXAMINED THE PANTIES FOR THE PRESENCE OF SEMEN, WHICH I
6 FOUND NONE.

7 Q. AND THE BRA?

8 A. THE BRASSIERE? THE BRASSIERE I ANALYZED FOR
9 BLOOD, IDENTIFIED BLOOD. I ALSO ANALYZED THE CUT THAT WAS
10 IN THE FRONT OF THE BRASSIERE.

11 Q. AND THEN WAS THERE ONE OTHER CUT IN THE BLACK
12 TANK TOP?

13 A. YES.

14 Q. AND DID YOU ANALYZE IT?

15 A. YES, I DID.

16 Q. THE BLACK TANK TOP IS 94.

17 NOW, MY QUESTION TO YOU IS WHAT WERE YOUR
18 FINDINGS WITH RELATION TO THE CUTS?

19 A. I EXAMINED THESE CUTS MICROSCOPICALLY, AND THEN I
20 ANALYZED THESE CUTS UNDER A MICROSCOPE, LOOKING AT
21 INDIVIDUAL THREADS TO SEE HOW THOSE THREADS WERE CUT AND TO
22 GET AN ESTIMATE OF WHAT TYPE OF INSTRUMENT WOULD HAVE MADE
23 THOSE CUTS.

24 I COMPARED THE KNIFE THAT I RECEIVED, ITEM NUMBER
25 85, I BELIEVE, YES, I ANALYZED THEM COMPARED TO A

1 STRAIGHT-EDGE RAISER. I ALSO COMPARED THEM TO A PAIR OF
2 SCISSORS, CUTTING SHEARS, AND I FOUND THEM TO BE CONSISTENT
3 WITH HAVING BEEN MADE BY A SINGLE BLADE INSTRUMENT.

4 Q. SIMILAR TO 85, THE KNIFE?

5 A. CORRECT.

6 Q. IS THERE ANYTHING ABOUT THE WAY THE CUTS WERE
7 MADE THAT WAS OF INTEREST TO YOU?

8 A. IT WAS INTERESTING. THEY WERE VERY, VERY NEAT
9 AND VERY STRAIGHT.

10 Q. AS NOT -- TO PHRASE IT ANOTHER WAY, NOT
11 HAPHAZARD?

12 A. NOT AT ALL.

13 Q. AND VERY NEAT AND VERY STRAIGHT?

14 A. YES. I ATTEMPTED TO MAKE THE SAME CUTS TO TRY
15 AND MATCH THE SAME WAY THAT THE SHIRT WAS CUT, AND IT WAS
16 DIFFICULT FOR ME TO GET ENOUGH TENSION ON THERE TO ACTUALLY
17 GET A NICE STRAIGHT CUT AS WAS IN THE SHIRT, THE TANK TOP
18 SHIRT. THE TANK TOP SHIRT WAS CUT UP THE SIDE ALL THE WAY,
19 AND THE STRAP WAS SLIT OFF. THE PANTIES WERE ALSO CUT VERY
20 STRAIGHT ACROSS THE CROTCH AREA, AND THE BRASSIERE WAS CUT
21 VERY SIMPLY ON THE FRONT END STRAP.

22 Q. THE FRONT PART?

23 A. CORRECT.

24 Q. AND FOR YOU TO DUPLICATE THAT, YOU HAD TO HOLD IT
25 AND PUT TENSION ON THE GARMENT IN ORDER TO STEADY IT TO

1 MAKE SUCH A CUT?

2 A. YES, I DID.

3 Q. EXHIBITS 89 AND 90 ARE SOCKS AND SOME KIND OF
4 SAMPLE TUBE IN SIDE. WHAT ANALYSIS DID YOU DO WITH THE
5 SOCKS?

6 A. WITH THE SOCKS I BASICALLY OPENED THEM UP. I WAS
7 GOING TO EXAMINE THEM FOR BLOOD. I FOUND NO BLOOD. AS I
8 WAS OPENING THEM UP, I WAS SEARCHING ALSO FOR TRACE
9 EVIDENCE, ANY KIND OF HAIRS, FIBERS, WOOD FRAGMENTS,
10 ANYTHING, AND IN THE SOCKS I FOUND SMALL BEADS THAT I
11 LOOKED AT UNDER MICROSCOPE. SMALL PLASTIC BEADS.

12 Q. I SHOW YOU EXHIBIT 99 IN EVIDENCE, BEING PLASTIC
13 BEADS TAKEN FROM THE SHUFFLEBOARD TABLE AT THE C.B.S.
14 LOUNGE BY THE DETECTIVES. SINCE THERE'S SOME OTHER ITEMS
15 THAT COMPARE TO THE BEADS, I WILL JUST DO THEM ONE AT A
16 TIME. DID YOU MAKE A COMPARISON WITH 99 WITH THE BEADS IN
17 THE SOCKS, 89 AND 90?

18 A. YES, I DID.

19 Q. WHAT DID YOU FIND?

20 A. I FOUND THEM TO BE CHEMICALLY IDENTICAL. THEY
21 WERE THE SAME CHEMICAL FORM OF BEAD, OF PLASTIC.

22 Q. AND THOSE SOCKS WERE IDENTIFIED TO YOU AS BEING
23 FROM THE FEET OF KIM ANCONA AT THE SCENE?

24 A. YES, THEY WERE.

25 Q. NOW, I SHOW YOU 90 AND 91, BEING THE SHOES FOUND

1 IN THE MEN'S ROOM BELONGING TO KIM ANCONA AT THE SCENE, AND
2 WHAT, IF ANYTHING, DID YOU NOTE ABOUT THE SHOES?

3 A. WITH THE SHOES I DID THE SAME PROCEDURE AS WITH
4 THE SOCKS. I OPENED UP THE BAGS, AND I WAS GOING TO BE
5 LOOKING FOR BLOOD AND ALSO TRACE EVIDENCE.

6 I POURED OUT THE CONTENTS OF THE BAGS BECAUSE
7 SOME OF THE MATERIAL MAY HAVE BEEN SHAKEN OFF DURING
8 TRANSPORT, WHATEVER. I SHOOK OUT THE CONTENTS OF THE BAG,
9 AND I ALSO TOOK OUT THE SHOES, AND I SHOOK OUT THE CONTENTS
10 OF THE SHOES. AND I ALSO FOUND PLASTIC BEADS IN WITH THE
11 SHOES.

12 Q. AND DID YOU FIND ANY ON THE BOTTOM OF THE SHOES?

13 A. YES, I DID.

14 Q. HOW MANY?

15 A. I WILL HAVE TO REFER TO MY NOTES.

16 A. ON THE LEFT SHOE, ON THE OUTER SHOE, AND INSIDE
17 THE BACK I FOUND NO BLOOD. I FOUND BEADS AND FIBERS. I
18 DID NOT TAKE A NUMBER OF BEADS. THERE MUST HAVE BEEN MANY.
19 I DID SAVE SOME BEADS IN THE LITTLE PLASTIC VIALS THAT ARE
20 INSIDE THE BAG.

21 ON THE RIGHT SHOE I ALSO FOUND PLASTIC BEADS
22 EMBEDDED IN THE SOLE, ONE BEAD, HAIRS AND MANY FIBERS.

23 Q. SO THESE SHOES CAN PICK UP THESE BEADS?

24 A. THAT'S CORRECT.

25 Q. NOW, THESE ARE THE BEADS, 99, FROM THE

1 SHUFFLEBOARD. CAN ONE PICK UP SUCH BEADS, THEN, ON THE
2 BOTTOM OF ONE'S SHOE AND CAN THEY FALL OFF LATER SOMEWHERE
3 ELSE?

4 A. DEPENDING ON THE TREAD, YES.

5 Q. I OVERLOOKED THIS ITEM. EXHIBIT 85, THE KNIFE,
6 RELATIVE TO EXHIBIT 94, THE BLACK TANK TOP, DID YOU NOTICE
7 A FIBER AND WAS THERE A COMPARISON AND SIMILARITY?

8 A. YES, THERE WAS.

9 Q. WHAT?

10 A. WHEN I WAS DIGGING THROUGH THE KNIFE, I PICKED
11 OUT FIBERS ALSO THAT WERE EMBEDDED BETWEEN THE WOOD AND THE
12 BLADE OF THE FIBER. IN THE KNIFE WAS A BLACK FIBER, VERY
13 SMALL. I THEN DID A CHEMICAL ANALYSIS AND FOUND IT WAS
14 MADE OUT OF POLYESTER. NOTING THE COLOR, I WENT TO THE
15 BLACK TANK TOP AND REMOVED SOME FIBERS. THAT WAS, I
16 BELIEVE, 45 PERCENT POLYESTER AND 50 PERCENT COTTON. I
17 REMOVED THE POLYESTER AND COTTON AND ANALYZED THOSE AND
18 FOUND THEM TO BE SIMILAR.

19 Q. I NOW SHOW YOU THE PANTS OF KIM ANCONA TAKEN FROM
20 THE SCENE, EXHIBIT 88. DO YOU NEED GLOVES TO HANDLE THESE?

21 A. NO. THERE'S NOT VERY MUCH BLOOD ON THEM.

22 Q. DID YOU ANALYZE THOSE?

23 A. YES, I DID.

24 Q. WHAT DID YOU FIND?

25 A. I FOUND DROPLETS OF BLOOD ON THE INSIDE OF THE

1 WAIST, AND I ALSO FOUND SOME BLOOD ON THE OUTSIDE, FRONT
2 RIGHT POCKET, LOWER AREA.

3 Q. OUTER OR INSIDE?

4 A. THIS WAS -- I THOUGHT IT WAS OUTSIDE. THAT'S
5 CORRECT. IT WAS UNDERNEATH THE POCKET OF THE INSIDE, WHICH
6 I FOUND TO BE VERY STRANGE.

7 Q. YOU'RE POINTING THAT TO THE JURY?

8 A. YES, I AM.

9 Q. RIGHT OR LEFT?

10 A. IT'S ON THE RIGHT-HAND SIDE AS IF YOU WOULD PUT
11 ON THE PANTS. RIGHT UNDERNEATH THE FRONT POCKET LAYER.

12 Q. AND THEN MAYBE YOU POINTED IT OUT AND I WASN'T
13 LOOKING; ALSO ON THE INSIDE OF THE PANTS THERE WERE SOME
14 OTHER SPOTS?

15 A. YES, THERE WAS ANOTHER SPOT ON THE BACK, WHAT I
16 WOULD CALL THE BACK RIGHT REAR POCKET, JUST ABOVE, AND THAT
17 WAS ALSO ON THE INSIDE. I CUT THAT OUT AND DID AN
18 EXAMINATION ON THAT ITEM OF BLOOD.

19 Q. WHOSE BLOOD WERE THESE DROPS?

20 A. FROM THE TESTS I PERFORMED ON THAT BLOOD, I GOT
21 NO -- WHAT I CALL P.G.M. SUBTYPE, AND RAY AND KIMBERLY
22 ANCONA WERE BOTH DIFFERENT IN THAT SUBTYPE. I DID NOT GET
23 ANY ACTIVITY ON THAT BLOOD. I COULD NOT MAKE ANY
24 DETERMINATION OF WHOSE BLOOD THAT WAS.

25 Q. YOU COULD NOT?

1 A. COULD NOT.

2 I DID IDENTIFY IT AS HUMAN BLOOD, THOUGH.

3 Q. THAT WAS THE BEST YOU COULD DO?

4 A. YES.

5 Q. I SHOW YOU EXHIBIT 107 IN EVIDENCE, WHICH YOU
6 IDENTIFY AS COMING FROM THE DRIVER'S COMPARTMENT OF RAY
7 KRONE'S BLUE CHEVROLET CORVETTE THAT YOU VACUUMED UP?

8 A. THAT'S CORRECT.

9 Q. DID YOU ANALYZE IT AND COMPARE IT TO EXHIBIT 99,
10 THE BEADS TAKEN FROM THE SHUFFLEBOARD TABLE AT THE C.B.S.
11 LOUNGE?

12 A. YES, I DID. ON THE DRIVER'S SIDE FLOORBOARD,
13 AFTER VACUUMING AND DOING A MICROSCOPIC ANALYSIS OF THE
14 VACUUMED PARTICLES AND FIBERS, I NOTICED PLASTIC BEADS
15 ALONG WITH GLASS BEADS. I FOUND THE TWO OF THOSE PLASTIC
16 BEADS AND I ANALYZED THEM AND FOUND THEM TO BE SIMILAR TO
17 THE PLASTIC BEADS ON ITEM NUMBER 99, THE PLASTIC BEADS FROM
18 THE SHUFFLEBOARD.

19 Q. OKAY. I HAD EARLIER MENTIONED, SO I WILL ASK
20 YOU, I SUBSEQUENTLY TALKED ABOUT IT WITH YOU, ON THE LINT
21 OF RAY KRONE'S DRYER, EXHIBIT 102?

22 A. YES.

23 Q. DID YOU DETERMINE THAT IN FACT THERE WERE NOT
24 BEADS FROM THE SHUFFLEBOARD; IT WAS, IN FACT, GLASS BEADS?

25 A. THAT'S CORRECT.

1 Q. AND NOW THE SEXUAL ASSAULT KIT FROM THE --
2 THERE'S TWO SEXUAL ASSAULT SWABS, ONE FROM THE DETECTIVES
3 FROM THE SCENE, AND 96 IS FROM THE MEDICAL EXAMINER'S
4 OFFICE.

5 A. THAT'S CORRECT.

6 Q. AND --

7 A. 95 IS FROM THE DETECTIVES.

8 Q. 95?

9 A. YES.

10 Q. SO WERE YOU ABLE TO DETECT ANY SEMEN FROM THE
11 SUSTAINS TAKEN FROM EITHER KIM ANCONA'S VAGINA OR FROM HER
12 MOUTH?

13 A. NO, I WAS NOT.

14 Q. I ASSUME NORMALLY THEY ALSO ARE ANALYZED SWABS?

15 A. YES, THERE ARE.

16 Q. ANY SEMEN STAINS?

17 A. I DID NOT FIND ANY SEMEN ON THE ANAL SWABS. I
18 DID FIND BLOOD ON THEM.

19 Q. OKAY. THEN I BELIEVE --

20 MR. LEVY: MAY I HAVE A MOMENT, YOUR HONOR?

21 THE COURT: (NO ORAL RESPONSE.)

22 BY MR. LEVY:

23 Q. I SHOW YOU EXHIBIT 97, WHICH IS THE GLASS FOUND
24 ON THE BAR, AND THERE WAS A LIQUID IN IT AND THE LIQUID WAS
25 SUBMITTED FOR ANALYSIS. DID YOU DO AN ANALYSIS?

1 A. I DID DO AN ANALYSIS ON TWO GLASS VIALS THAT WERE
2 SUBMITTED TO THE LAB. AND MY ANALYSIS RESULTS WAS THAT
3 THERE WAS ETHYL ALCOHOL FOUND IN THAT LIQUID.

4 Q. AND ANY OTHER FINDINGS?

5 A. NOT OF THAT LIQUID, NO.

6 Q. IS THERE SOME OTHER LIQUID?

7 A. THERE ARE TWO OTHER VIALS OF LIQUID THAT WERE
8 SUBMITTED. I BELIEVE THEY WERE FROM A BEER BOTTLE. I DID
9 NO ANALYSIS ON THAT BEER BOTTLE OR THE LIQUID.

10 Q. DID NOT?

11 A. I DID NOT.

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

14 THE COURT: MR. JONES, WOULD YOU SUGGEST THAT WE TAKE
15 A BREAK OR DO YOU WANT TO LAUNCH RIGHT INTO
16 CROSS-EXAMINATION?

17 ABOUT HOW MUCH TIME DO YOU THINK YOU WILL HAVE
18 WITH THIS GENTLEMAN?

19 MR. JONES: MAYBE 10 MINUTES, YOUR HONOR.

20 THE COURT: GO AHEAD, SIR.

21

22 CROSS-EXAMINATION

23 BY MR. JONES:

24 Q. NOW, YOU'RE AWARE FROM THE INFORMATION YOU GOT,
25 THAT VICTIM KIM ANCONA WAS FOUND ON A MEN'S RESTROOM FLOOR

1 IN A BAR; RIGHT?

2 A. YES.

3 Q. AND YOU UNDERSTAND THAT SHE WAS BASICALLY NAKED
4 AT THE TIME, AND SHE WAS FOUND WITH HAIRS ON HER AND YOU
5 ANALYZED THOSE HAIRS; IS THAT RIGHT?

6 A. THAT'S MY UNDERSTANDING.

7 Q. SO IS IT POSSIBLE THEN WE COULD HAVE HAIRS THAT
8 WERE JUST LEFT FROM PEOPLE TRACKING IN AND OUT OF THE MEN'S
9 BAR -- MEN'S ROOM IN THE BAR?

10 A. MOST LIKELY, ESPECIALLY ON HER BACK.

11 Q. OKAY. YOU LOOKED AT RAY KRONE'S CLOTHES AND
12 REVIEWED ALL THAT, AND YOU FOUND NO EVIDENCE OF ANY OF THE
13 VICTIM'S HAIRS OR BLOOD OR ANY OTHER EVIDENCE ON HIS
14 CLOTHES WHEN YOU EXAMINED THEM; IS THAT RIGHT?

15 A. I GOT TWO SUBMISSIONS OF CLOTHES. ONE WAS SOME
16 UNDERWEAR, I BELIEVE, THAT WAS PULLED FROM THE DRYER, AND
17 THEN ANOTHER WAS A RANDOM SEARCH, AND I DID CHECK ALL OF
18 THOSE FOR BLOOD, FIBERS, AND I FOUND NONE.

19 Q. OKAY.

20 A. HAIRS.

21 Q. IT IS CORRECT FROM YOUR TESTIMONY THAT SOME OF
22 THE HAIRS THAT WERE FOUND AND SUBMITTED TO YOU WERE
23 DISSIMILAR TO EITHER KIM ANCONA'S OR RAY KRONE'S? SOME OF
24 THE HAIRS THAT WERE FOUND ON THE VICTIM? I BELIEVE IT'S ON
25 THE BACK?

1 A. YES, THAT'S CORRECT.

2 Q. AND WITH REGARD TO THE OTHER HAIRS THAT WERE
3 FOUND ON THE BELLY THAT MR. LEVY REFERRED TO, THOSE MAY
4 WELL HAVE BEEN THE VICTIM'S OWN HAIRS?

5 A. POSSIBLY, YES.

6 Q. IS IT AT LEAST AS LIKELY FROM ANYTHING ELSE OF
7 YOUR EXAMINATION?

8 A. CONSIDERING THE SIMILARITY BETWEEN THE TWO TYPES
9 OF HAIR, YES, IT'S VERY POSSIBLE.

10 Q. OKAY. NOW, AS FAR AS THE SWABS AND YOUR ANALYSIS
11 OF THOSE, AND CORRECT ME IF I'M PRONOUNCING IT RIGHT,
12 SALIVARY AMYLASE?

13 A. AMYLASE, YES.

14 Q. YOU CAME UP WITH A BLOOD TYPE OF O; RIGHT?

15 A. YES, THE TYPE O IS INDICATED.

16 Q. AND ISN'T IT TRUE THAT MOST OF THE PEOPLE IN THE
17 WORLD HAVE BLOOD TYPE O?

18 A. I WOULDN'T GO THAT FAR. 45 PERCENT ARE THE
19 FINDINGS WE HAVE SEEN.

20 Q. SO JUST LESS THAN HALF OF THE PEOPLE?

21 A. JUST SLIGHTLY, SLIGHTLY LESS, YES.

22 Q. IT'S THE MOST COMMON BLOOD TYPE OF ALL THE BLOOD
23 TYPES?

24 A. YES, IT IS.

25 Q. YOU ALSO ANALYZED THE LINT FROM RAY KRONE'S

1 DRYER, DIDN'T YOU?

2 A. YES, I DID.

3 Q. AND THERE YOU FOUND NOTHING REALLY, NO BLOOD, NO
4 HAIR, NO SIMILAR BEADS, I GUESS SOME GLASS BEADS; CORRECT?

5 A. YES. I FOUND SOME GLASS BEADS.

6 Q. BUT NONE OF THOSE LITTLE PLASTIC BEADS?

7 A. NO.

8 Q. AND IF I UNDERSTOOD YOU CORRECTLY, YOU CHECKED
9 THE VICTIM'S SHOES, AND YOU FOUND THAT THE LITTLE PLASTIC
10 BEADS FROM THE SHUFFLEBOARD WERE ALSO ADHERING TO THE
11 BOTTOM OF HER SHOES?

12 A. YES, THAT'S TRUE. THEY'RE EMBEDDED INTO THE
13 TREAD OF HER SHOES.

14 Q. I'M NOT SURE OF YOUR ANSWER ON ONE THING. I
15 THOUGHT YOU SAID SOMETHING ABOUT LOOKING AT THE HAIRS THAT
16 WERE GIVEN TO YOU FROM THE SCENE THAT WERE AROUND KIM
17 ANCONA'S BODY, THAT THERE WERE SOME BLACK HAIRS FOUND THAT
18 YOU EXCLUDED? DO YOU RECALL THAT TESTIMONY?

19 A. THOSE WERE ON THE BACK OF HER.

20 Q. WHY DID YOU EXCLUDE THEM?

21 A. THEY WERE DISSIMILAR TO BOTH KIMBERLY ANCONA'S
22 AND ALSO RAY KRONE'S.

23 Q. SO WHEN YOU SAY YOU EXCLUDED THEM, WHAT DO YOU
24 MEAN BY THAT?

25 A. THAT THEY CANNOT HAVE BEEN LEFT THERE EITHER BY

1 RAY KRONE OR KIMBERLY ANCONA.

2 Q. BUT THEY COULD HAVE BEEN LEFT THERE BY SOMEBODY
3 ELSE?

4 A. THAT'S MORE THAN LIKELY, YES.

5 MR. JONES: NOTHING FURTHER.

6 THE COURT: REDIRECT?

7 MR. LEVY: YES, YOUR HONOR.

8

9 REDIRECT EXAMINATION

10 BY MR. LEVY:

11 Q. WITH REGARD TO THE HAIRS ON HER BACK, EXHIBIT
12 111, SOMEWHERE ON HER BACK; IS THAT CORRECT?

13 A. YES, I BELIEVE IT'S N, O, AND P.

14 Q. N, O, P IN THE MIDDLE?

15 A. YES.

16 Q. AND YOU ANSWERED EARLIER ON CROSS-EXAMINATION
17 THAT THERE COULD BE HAIRS LYING ABOUT ON THE FLOOR OF THE
18 MEN'S ROOM FROM PEOPLE GOING IN AND OUT?

19 A. THAT'S POSSIBLE, YES.

20 Q. HOWEVER, WITH REGARD TO THE QUESTION OF THE
21 POTENTIALITY OF WHOSE PUBIC HAIRS THAT WERE ON HER BELLY,
22 CAN YOU EXPLAIN SCIENTIFICALLY HOW PUBIC HAIRS WOULD
23 GRAVITATE FROM KIM ANCONA LYING ON HER BACK UP TO POSITION
24 B, D, G, H, OR L?

25 A. I HAVE NO IDEA HOW PUBIC HAIRS MIGRATE UP THE

1 BODY.

2 Q. AND IF ONE HAS CLOTHES ON AND CLOTHES COME OFF
3 AND YOU DEAL WITH CLOTHES IN THIS CASE --

4 A. YES.

5 Q. -- PANTIES, SHIRT, TANK TOP --

6 A. YES.

7 Q. -- AS CLOTHES ARE COMING OFF, WHAT WOULD THAT
8 TEND TO DO IN GRABBING HAIRS AND DISPLACING THEM?

9 MR. JONES: OBJECTION, YOUR HONOR. I THINK IT CALLS
10 CALLS FOR SPECULATION.

11 THE COURT: DO YOU HAVE AN OPINION ABOUT THE MIGRATION
12 OF HAIRS? I THOUGHT YOU WERE TRYING TO TELL US THAT YOU
13 DON'T.

14 THE WITNESS: I HAVE NO IDEA HOW THEY WOULD MIGRATE
15 UP.

16 THE COURT: SUSTAINED.

17 BY MR. LEVY:

18 Q. MY QUESTION, HOWEVER, HAD TO DO WITH WHEN THERE'S
19 CLOTHES AND CLOTHES ARE BEING TAKEN OFF, NOT A NUDE BODY
20 AND HAIRS GRAVITATING UP.

21 A. HAIRS --

22 MR. JONES: OBJECTION, YOUR HONOR. SPECULATION.

23 THE COURT: SUSTAINED.

24 BY MR. LEVY:

25 Q. WITH REGARD TO TYPE O, IRRESPECTIVE OF THE FACT

1 THAT 45 PERCENT OF THE POPULATION MAY HAVE TYPE O,
2 SPECIFICALLY RAY KRONE HAD TYPE O; IS THAT CORRECT?

3 A. THAT'S CORRECT.

4 Q. AND THE AMYLASE THAT YOU FOUND CAME BACK TO A
5 TYPE O SECRETER?

6 A. THAT'S CORRECT. AND A SECRETER IS A PERSON WHO
7 YOU COULD DETECT TYPE O BLOOD?

8 A. A SECRETER IS A PERSON THAT WILL SECRETE THEIR
9 TYPE O, THEIR ANTIGENS, INTO THEIR BODILY FLUIDS.

10 Q. AND SINCE YOU COMPARED THE BLOOD OF RAY KRONE AND
11 FOUND THAT THE BLOOD WAS TYPE O, DOES THAT MEAN HE WAS A
12 SECRETER?

13 A. I GOT A TUBE OF HIS BLOOD, AND HE WAS A SECRETER.
14 I GOT A --

15 Q. AND OF THE 45 PERCENT POPULATION THAT HAVE TYPE
16 O, ONLY A PERCENTAGE OF THOSE WOULD BE A SECRETER?

17 A. 80 PERCENT OF THOSE WOULD BE A SECRETER.

18 Q. SO IT WOULD REDUCE THE 45 PERCENT POTENTIALITY
19 DOWN?

20 A. SLIGHTLY.

21 MR. LEVY: THAT'S ALL I HAVE.

22 THE COURT: FINE, SIR. THANK YOU. YOU MAY STEP DOWN.
23 MAY THE WITNESS BE EXCUSED?

24 MR. LEVY: YES, YOUR HONOR.

25 MR. JONES: YES, YOUR HONOR.