Witness: John Nelson

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Called by: People (prosecution)

Phase: Guilt

Examinations: Direct – David Harris; Cross – Mark Geragos; Redirect – David Harris; Recross – Mark Geragos

Day 1 of 1 for this witness

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Direct Examination by David Harris

HARRIS: Mr. Nelson can you tell us who you are employed by?

NELSON: By the Contra Costa County Sheriff's Department Crime Laboratory.

HARRIS: And what do you do at the crime laboratory?

NELSON: I'm a criminalist.

HARRIS: Can you give us a little bit about your background that allows you to be a criminalist?

NELSON: Sure. I studied forensic science at the California State University at Sacramento, and I received a Bachelor of Science there in 1983. I also completed a minor in chemistry there that same year. I have worked with the State, California State Department of Justice as an intern in the Sacramento laboratory, while in school. Upon graduating I took a position with them as a graduate student aid with their Modesto crime laboratory, for about a year, where my duties were serology and doing electrophoresis and blood enzymes and proteins. After a year I was hired on by the County of Contra Costa as a criminalist, and I've worked there ever since.

HARRIS: Now, before we get into something specific, I have kind of a more general question for you. What is a radius?

NELSON: What is a, excuse me?

HARRIS: What is a radius?

GERAGOS: They drew me a diagram, if you want to see it.

NELSON: From my geometry, I think it was tenth grade geometry, I would say that's the distance from the center point of a circle to any point on the perimeter.

HARRIS: All right. Moving into more specifically what you're here for today, I want to direct your attention back to April 14th of 2003. Were you contacted in your capacity as a criminalist with Contra Costa County and asked to attend an autopsy?

NELSON: I was.

HARRIS: And when you,

JUDGE: Are we going to be showing any graphic photographs? Just for people who are interested in the audience.

HARRIS: Yes, there will be.

JUDGE: You will be showing some graphic photographs?

HARRIS: There will be two photographs.

JUDGE: Just wanted to let them know.

HARRIS: Mr. Nelson, did you go to that particular autopsy?

NELSON: I did.

HARRIS: When you got there, had some things already started by the time you got there?

NELSON: Yes. The autopsy had begun before I got there. There was some, there was a need to facilitate identification, so steps were taken, some preliminary steps were taken before my arrival.

HARRIS: Were those preliminary steps, was it your understanding that some tissue samples had been sent off for, to another laboratory for potential identification?

NELSON: Yes, that was reported to me.

HARRIS: When you got there, had you been to that facility before?

NELSON: I have.

HARRIS: So it's something you're familiar with?

NELSON: It is.

HARRIS: And were you familiar with the doctor that was performing the autopsy?

NELSON: I am.

HARRIS: And was that Dr. Peterson?

NELSON: Yes.

HARRIS: Dr. Peterson is performing this autopsy. Is there a process that you go by, in your working as a criminalist, at an autopsy?

NELSON: Well, there is. It's, it's a very general procedure and process. But the bottom line is we work as a team with the forensic pathologist and his assistant for the documentation and collection of evidence. And that's where I assist, in those areas that have less to do with anatomy and medical forensic pathology. And he is, and I assist him in that area, where he needs it, with photographs, or whatever it is I have a skill where I can help him do.

HARRIS: Okay. I want to go through that process you're talking about. You're saying where it had less to do with anatomy. Do you have any medical background?

NELSON: I don't.

HARRIS: Do you leave the forensic pathologist to do his job and you stay away from that?

NELSON: Yes. I'm more concerned with, my role is typically the photo documentation of the appearance of the remains, documenting, via photographs or notes, any phenomena that are on the body. Also the collection of any evidence, materials that may be adherent to the body. I would be involved in collecting those. The pathologist, for example, will remove the clothing after it's been examined and documented, but he will turn that over to me, so that I will collect the clothing and walk away with it.

HARRIS: Okay. Going through this particular process, you were there on April 14th, you're doing this with Dr. Peterson. Do you take photographs at your own discretion? Or do you take photographs that are pointed out to you? Or is it a combination of both?

NELSON: It would be a combination of both.

HARRIS: And on this particular event, with this autopsy, did you do that?

NELSON: Yes.

HARRIS: Combination of both?

NELSON: That's right.

HARRIS: As you go through the process of examining the body and you, do you photograph it from where, when you first see it until pretty much the time that you're all done?

NELSON: Well, most of the photographs that I take are at the beginning. And then once the doctor commences with his internal examination, usually the need for photographs is reduced. However, if there's a particular phenomena that the doctor deems important, would like it photoed, he may direct me to take a photo of that, or if I see something that's of interest to me, I will photograph that.

HARRIS: Now, you also mentioned that you collect anything that might be adherent. Does that mean something that's kind of stuck to the body or with the body?

NELSON: That's right. I mean depending upon the, the type of death, there may be different types of evidence. There may be bullets, there may be trace evidence, like hairs and fibers, plant material, or anything else that seems remarkable, I would document and collect.

HARRIS: Now, this particular autopsy that we're talking about, this was on an unidentified adult body?

NELSON: That's right.

HARRIS: Was the body intact when you first saw it?

NELSON: Yes, it was.

HARRIS: It was intact?

NELSON: Well, intact in the way that, the way we, the way it was recovered. With that respect. And except for, now that I think, that the tissue samples and bone that had been removed outside my presence. But the, the remains were not in a complete intact body. There were missing portions.

HARRIS: When you first see this, we talked about the clothing. Was there clothing on the body?

NELSON: There was.

HARRIS: And did you go about documenting that?

NELSON: Yes.

HARRIS: How did you do that?

NELSON: With photographs and notes.

HARRIS: You had talked about, after these items would be examined, they would be turned over to you?

NELSON: Well, once they were removed from the body and a preliminary assessment or examination had been done, they are, they would be turned over to me by the, the doctor. So that I could collect them as evidence.

HARRIS: I want to go through this. From, what was the clothing that you first saw on the body and that you ultimately collected?

NELSON: Well, there was a brassiere, there were underpants and there were some tan shorts. The color was difficult to tell on all those items because they had been through a process of deterioration. So that was the extent of the clothing. There was also some decayed fabric clumps which were hanging on portions of the leg.

HARRIS: When you say on portions of the leg, what portions?

NELSON: Well, off of the right lower fibula was a mass of decayed fibers adhering, which appeared to be related to the pants.

HARRIS: You were saying, just to go back through that, you say there was shorts and then there was material that was down in the lower part of the leg. Was it possible that these had been pants that had kind of just,

GERAGOS: Objection. Leading.

JUDGE: Sustained. Mr. Nelson, will you sit a little closer, because people are having a difficult time hearing. Closer to the mike. Thank you.

HARRIS: Could you tell specifically if these were pants or shorts?

NELSON: No.

HARRIS: Now, the items that were on the body, were they in the normal positions of wear when you saw, saw them?

NELSON: Yes.

HARRIS: Did you, as you collected these items, or as you photographed these items and then collected them, did you document anything about them in terms of their description?

NELSON: Well, just described them generally as to the type of garment that they were and the condition which they were in.

HARRIS: Would, for example, if there was an item that had a tag, would that be photographed?

NELSON: Yes. I did photograph tags on some of the items. Primarily the, the pants. Just in case some of that information was needed soon.

HARRIS: You collect these items, and how do you do that?

NELSON: Well, the doctor and his assistant remove the clothing from the remains. And they, they will literally turn them over to me. In this case we laid them out on paper on one of the gurneys so that we could take a closer look. There were investigators that were present, and they're very curious to see the garments, so that way people could have a closer look at them before they're packaged up into a bag and out of view.

HARRIS: Do you recall if there was an investigator from East Bay Regional Park District there?

NELSON: There was.

HARRIS: Do you recall if there was an investigator from Richmond police there?

NELSON: There were.

HARRIS: Do you also recall if there was any representatives from the Modesto Police Department there?

NELSON: There were.

HARRIS: Now, you said that the clothing items were taken out, put on paper on a gurney. Did you photograph them in that state as well?

NELSON: I didn't, but they were photographed by others at the autopsy. There were another couple cameras there besides my own.

HARRIS: To go back through that process,

NELSON: Actually, I may have, I don't believe I took photographs of them at that point.

HARRIS: Did you at a later point in time take photographs of the clothing to document the clothing more specifically?

NELSON: I did.

HARRIS: And with regards to the other people and the other cameras that were there, as part of your experience with the, from the crime lab, going to work at the Coroner's facility, do agencies provide their own investigators to also come to the autopsy?

NELSON: That is always the case. There is always investigators from the venue agency who are there as part of their investigation. And they may or may not bring one of their own evidence technicians or photographers.

HARRIS: Now, the clothes were removed. Do you also examine the body for this adherent matter that you were talking about before?

NELSON: Did I do that?

HARRIS: Did you do that?

NELSON: Yes, I did.

HARRIS: And can you tell us what, if anything, you found?

NELSON: Yes. There were four hairs that were on various locations on the body. There was a piece of red plastic. And there were a couple pieces of plant material that I collected.

HARRIS: Okay. Was there an object that was also associated with the clothing that you collected?

NELSON: There was.

HARRIS: What was that?

NELSON: It was a segment of gray duct tape. And that was adhering to the pants in an area of the waistband, and it draped down across the right thigh. It was approximately 15 inches long.

HARRIS: And was the duct tape collected as well as the clothing?

NELSON: Yes.

HARRIS: These other items that you're talking about, this red item, the plant items and the hair, did you also collect those?

NELSON: I did.

HARRIS: Were you aware if there were any other criminalist organizations, such as the Department of Justice, that was also analyzing evidence in this particular case?

NELSON: Yes. I, I was familiar with this case. We all, based on the circumstances of the Laci Peterson disappearance, suspected when these remains were found that they may, in fact, be ultimately identified as, as her. And so, and I knew that that, in that case the previous investigative work that had been done, DOJ had done work regarding crime scenes and possibly some examination of evidence collected at those crime scenes, so I knew that they were involved. And I knew that the remains had, some of the remains had been sampled, tissue and bone, and sent to their DOJ lab in Berkeley for identification. So I knew that DOJ had been involved with this case.

HARRIS: Was there somewhat of a determination by yourself at that point in time whether you should do any examination of the items that you found, or if you should just submit those to the Department of Justice?

NELSON: Well, by the time I returned to my laboratory with the evidence that I had collected at the autopsy, I, I knew that there were several different agencies involved in this investigation. East Bay Regional Park District was the current investigating agency, but I knew the Modesto Police Department was also very interested and, and could likely be taking over. So I knew that the evidence would be sent somewhere of their choice, or East Bay's choice, so there were a few

days when I was waiting to find out what would happen with this evidence. But I suspected strongly, because DOJ had done work before, it was very likely, if any other examination were requested, that they would be the ones that would continue those.

HARRIS: So the evidence items that you were talking about, the clothing, the duct tape, this red plastic item, plant material and the hairs, did you do something with these to preserve them so that they could be analyzed by someone else?

NELSON: Yes. I inventoried them and packaged them and prepared them for delivery, if ultimately needed, to Department of Justice.

HARRIS: Do you, is it your understanding that they ultimately were delivered to the Department of Justice?

NELSON: Yes.

HARRIS: I'd like to have marked a series of photographs.

JUDGE: Okay. This would be 160. How many you got there?

HARRIS: I'm counting them now. Seven.

JUDGE: Ten?

HARRIS: Seven.

JUDGE: Seven. A through G.

HARRIS: Mr. Nelson, I'm going to present to you what has been marked as 160 A through, correct letter here.

JUDGE: G.

HARRIS: A through G. Have you look at these and see if you recognize them.

NELSON: I do recognize the, the photos and subject, the subject matter of the photos and the items that are depicted. And the other is packaging and evidence that I collected.

HARRIS: All right. Let me go ahead and, I'm going to start with, just put up here, Judge, this would be one of those photographs.

JUDGE: Tell me which one it is.

HARRIS: 160A:

JUDGE: 160A, all right.

HARRIS: Mr. Nelson, can you describe for us what we're looking at in this particular photograph?

NELSON: Yes. That's a downward view of the right upper leg, thigh area. And that also shows the strip of duct tape that I mentioned earlier that was draped across that thigh.

HARRIS: Now, looking at the bottom portion of the duct tape there, there's something on that. Did you happen to notice what that was when you were photographing or collecting this particular item?

NELSON: Yes. It was a barnacle.

HARRIS: A barnacle, marine kind of animal?

NELSON: Yes.

HARRIS: Looking at 160 B, if you can describe for us what that is.

NELSON: That was a piece of what appeared to be plastic red fragment that was adhering to the remains in the area of the chest.

HARRIS: Now, these two items that we just looked at in the photographs, the duct tape and the red plastic, did you place these in some kind of container to protect them or to transport them?

NELSON: Yes, I did.

HARRIS: And how did you do that?

NELSON: I, I put the, both items in paper, inside an envelope in one hand and a box in the other, and transported them to our laboratory.

HARRIS: And after, did you put them in a sealed condition?

NELSON: Not from, from transport from the Coroner's Office to my office I didn't seal them. I transported them directly to my work area where they were available for me to continue working on, packaging, to prepare them to be turned over to the Department of Justice.

HARRIS: So at that point in time where you have them at your work area to prepare them for transport to the Department of Justice, do you put them in some kind of container to transport them in a sealed condition?

NELSON: From the Coroner's Office to my office they were not sealed.

HARRIS: After, did you seal them at some point in time and book them into evidence?

NELSON: I did.

HARRIS: Okay. That's the point that I'm getting to. So from the time that you collected them until the time that you sealed it, it was in your custody, is that correct?

NELSON: Yes.

HARRIS: And then after that, you sealed them and booked them into evidence for them to be transported at a later point in time?

NELSON: I transported them unsealed to my office from the Coroner's Office.

HARRIS: The,

JUDGE: Wait. From the Coroner's Office to your office, were they in your care, custody, and control at all times?

NELSON: They were.

JUDGE: Okay. And then when you got to the Coroner's Office, when you got to your office, you completed what you had to do, did you seal these specimens up before you sent them to the Department of Corrections (sic),

NELSON: I did.

JUDGE: in an evidence envelope?

NELSON: Yes, I did.

HARRIS: I'll show you, going to the next series of photographs in evidence, 160 C, you also told us about collecting hairs. Do you recognize this envelope depicted in 160 C?

NELSON: Yes.

HARRIS: And up at the top does it have Office of the Sheriff's Forensic Service Division, Criminalistics Laboratory pre-printed kind of label on there?

NELSON: It does.

HARRIS: And do you see any writing on there that you recognize?

NELSON: Yes, it has my writing on it.

HARRIS: And does it indicate that this package contains four hairs removed from Laci Peterson remains?

NELSON: Yes, it does.

HARRIS: And who wrote that description?

NELSON: I did.

HARRIS: And does it indicate who it was collected by?

NELSON: Yes, it does. It indicates me.

HARRIS: And is there a date there?

NELSON: Yes. It's 4/14 of 03.

HARRIS: Did you initial that and then beneath that sign your name at some point in time as well?

NELSON: Yes.

HARRIS: Moving on to the next item, looking at 160 D,

JUDGE: D or E?

HARRIS: D as, appears to be D as in dog.

JUDGE: Okay.

HARRIS: Do you recognize this as being the same envelope?

NELSON: Yes, I do.

HARRIS: And have the contents of the envelope been taken out now and they're in the photograph as well?

NELSON: Yes.

HARRIS: Now, you described for us that you had collected four hairs. Did you package those hairs in some fashion?

NELSON: I did. Each one of them I put in those bindles that you see there on either side of the envelope, and then those four bindles were contained inside that envelope.

HARRIS: Now, looking at, I guess starting at the upper right, there's some writing on there. I don't know if you can see it from where you're at. Do you recognize the writing, the upper writing, lighter color writing on there?

NELSON: I do.

HARRIS: And whose writing is that?

NELSON: That is my writing.

HARRIS: And did you write down where each particular item came from off of the remains?

NELSON: Yes.

HARRIS: If you can see it, which is the upper right bindle, which one, does that indicate where it came from?

NELSON: I can, I can make out my initials, but I can't read the print.

HARRIS: I'll tell you what,

NELSON: I don't have my glasses with me. I apologize.

HARRIS: Hand it to you.

NELSON: Okay.

HARRIS: From looking at that right there in the upper right, going around clockwise, if you could describe for us what it was that you, which hair it was that you found and where it was at.

NELSON: Okay. The upper right bindle in the photograph is, had the writing, my writing indicates that it's hair from the left armpit area. The next bindle down from it indicates the hair is from the femur area of the right leg. The lower bindle on the left, the photo indicates hair from mid femur area of the left leg. And then the upper bindle indicates upper, on the left side indicates hair from the buttocks, in the central area.

HARRIS: Are you reading from the photograph there?

NELSON: I am.

HARRIS: So on the photograph, on each of these bindles is there a description writing where the hairs came from?

NELSON: Yes.

HARRIS: And did you write those descriptions?

NELSON: I did.

HARRIS: Do you recognize that as being your handwriting?

NELSON: I do.

HARRIS: Now, underneath your handwriting, is there also some other letters or numbers that are assigned that you recognize from the Department of Justice?

NELSON: Well, there is, there is writing below mine in blue. And I only recognize it from the standpoint that, I don't recognize the initials, but I can deduce who they should belong to, based upon my knowledge of who works at that laboratory and who's worked on this evidence, and I see an R D O, so I'm assuming that would be criminalist Rod Oswalt.

HARRIS: Now, going back in the same order that you were describing, so that would be the upper right to that particular photograph, the bindle, was there a number or a letter assigned to identify that particular hair?

NELSON: Well, not by me. All of these hairs were assigned an item number by me as 1-7. So they are 1-7 inclusive by my numbering system. But it appears as though, in the writing that may be that of Rod Oswalt, I don't know, that he has further itemized these and given them their own individual item numbers.

HARRIS: Okay. So that we're clear, we're looking at an exhibit up on the screen, and on the bottom, actually, we see at the top of your label where it says item number 1-7, that does not mean 1 through 7, that means 1-7?

NELSON: That's right.

HARRIS: Okay. And down at the bottom where it says number 1-7, there's only four items in this particular envelope?

NELSON: That's right. And all four of those items are item 1-7.

HARRIS: Okay. Now, going back to the upper right corner of the photograph that you have, that particular People's Exhibit, so that we can identify which item by that letter that's been assigned to it, whether it was Rod Oswalt or not, the upper right one, what was the letter that was assigned to that one?

NELSON: Starting at the upper right, it's been assigned 1-7 C.

HARRIS: And C is on the envelope for which particular hair?

NELSON: Hair from the left armpit area.

HARRIS: And again going clockwise, the lower right?

NELSON: That would be 1-7 D as in dog. And that's the hair from the femur area of the right leg.

HARRIS: And going around to the lower left?

NELSON: 1-7 B, hair from mid femur. And the last, 1-7 A, hair from the buttocks, the central area.

HARRIS: Now, as part of the process of going through the autopsy and collecting these trace items that you were describing, do you also take reference samples or reference standards?

NELSON: Well, I did in this case. I took a pubic hair standard, and that's a common standard to collect.

HARRIS: Do you take standards from the victim or the individual so that you can either include or exclude any of the trace evidence that you might find?

NELSON: Yes. And that sample was taken in case there's a hair comparison done later, so you have a standard from the remains, from that person, so that anybody else, in the comparison of any other fibers, you could also compare them to her to see whether hers are like those or not.

HARRIS: And in this case, did you take a pubic hair sample?

NELSON: Yes.

HARRIS: Were you able to take a head hair sample?

NELSON: No.

HARRIS: Was the, was the head present at the autopsy?

NELSON: There was no head.

HARRIS: Now, the pubic hair sample that you were talking about, did you go through the same process of putting that into paper and putting that into an envelope as well?

NELSON: Yes, I did.

HARRIS: Showing you 160 E, again, do you recognize what's depicted in this photograph?

NELSON: I do.

HARRIS: And what is this that's depicted in the photograph?

NELSON: This is the evidence envelope that I put the pubic hair standard from the remains in, and I've labeled it with the case information, and I've given a description of the contents and the source of it. And then it has the chain of custody information which indicates what I did with it.

HARRIS: Now, again we see on here where it says item number 1-6. That stands for 1-6, not 1 through 6?ine NELSON: That's correct.

HARRIS: Now, looking at the next photograph, 160 F. Can you describe for us what's depicted in this photograph?

NELSON: That is that same envelope, and now the paper bindle on the interior has been removed and is laying next to it. That is what I folded up the pubic hair standard within.

HARRIS: And last, 160 G?

NELSON: That would be the pubic hair standard inside that paper bindle.

HARRIS: Now, when it was, whenever it occurred, but the decision was made for the Department of Justice to do some testing, did all of the items that you had recovered or that you have been describing for us, were those packaged up and shipped off to the Department of

Justice laboratory in Ripon?

NELSON: They were.

HARRIS: And did you send along with those items a particular cover letter identifying the information that you have been describing for us?

NELSON: I did.

HARRIS: Were the clothing items that you have been talking about, were they sent as well?

NELSON: Yes.

HARRIS: So all of the items that you had observed and collected as part of the evidence at the autopsy, that was also submitted to the Department of Justice at Ripon?

NELSON: All of the items I collected at the autopsy, except some rusted bars, were sent to Ripon.

HARRIS: The People have no other questions.

Cross Examination by Mark Geragos

GERAGOS: Good afternoon.

NELSON: Good afternoon.

GERAGOS: The, the, you were called where, to the Coroner's Office first?

NELSON: That's right.

GERAGOS: And if I understand correctly, the four samples that were, hair samples that were taken that were in these envelopes, would you do me a favor and grab a pen. I'm going to ask you to do something on that picture, if you would.

JUDGE: Mr. Nelson, there's a red pen over there on the tray.

GERAGOS: Those bindles are A, B, C and D, right?

NELSON: That's correct.

GERAGOS: Would you write on C "armpit." That's where the hair was taken from?

NELSON: That's right.

GERAGOS: The bindle that represents that, can you write on that?

JUDGE: Do you want him to write "armpit",

GERAGOS: "Armpit."

JUDGE: on bindle C?

GERAGOS: On bindle C why don't you write the word "armpit."

NELSON: You want me to write the word "armpit"?

GERAGOS: Yes? D, femur. That's what it is, correct?

NELSON: Yes.

GERAGOS: Okay. And then B is the mid femur? And the remaining one is A. That's for the buttocks. Okay. Is that, does that accurately represent the areas where those specific hairs were taken from?

NELSON: Those are, yes, those are the descriptions that I gave them.

GERAGOS: Okay. Now, what I want to go through is when you first see the body, the body had some clothing on it, correct?

NELSON: That's right.

GERAGOS: Okay. And you've seen the photograph that was marked as 160A. And there it is on 160 A, a piece of duct tape, is that correct?

NELSON: That's right.

GERAGOS: Okay. This duct tape, this is the leg area, or the thigh area that's coming down here, is that correct?

NELSON: Correct.

GERAGOS: Okay. And the tape is hanging from up on what? What is this area right here that we're looking at?

NELSON: You're looking at the decayed fabric,

GERAGOS: Okay.

NELSON: of the lower garment. Pants or shorts, I'm not sure what they are.

GERAGOS: Okay. So there's, if I understand correctly, there are, there are material on the remains coming around the front of the body, correct?

NELSON: Yes.

GERAGOS: And then there's a piece of duct tape that is running along where I, as I'm demonstrating, along the leg area, correct?

NELSON: That's right.

GERAGOS: Okay. You took that duct tape, collected that duct tape and put it into something, right?

NELSON: That's right.

GERAGOS: Okay. Now, when you put that duct tape into something, did you mark it in any way?

NELSON: The duct tape itself?

GERAGOS: Well, I assume you put it into an evidence envelope. Let me just kind of jump ahead and show you. I'm looking at some DOJ reports that show that there was one brown human pubic hair fragment, seven nonhuman hairs, and hair fragments that were recovered from the piece of duct tape removed from the victim's remains. Would that be, basically are we talking about the piece of duct tape that is on 160 A that I just showed you and we had projected up?

NELSON: Am I talking about it with respect, is there a question?

GERAGOS: There's a piece of duct tape. What I'm trying to establish, we're trying to establish that duct tape makes it up to the Department of Justice, right? Is that correct?

NELSON: Yes.

GERAGOS: Okay. Now, is that duct tape the one that had, I mean did you notice that it had a brown human pubic hair on it and seven nonhuman hairs and hair fragments?

NELSON: There was debris that consisted of marine life and miscellaneous debris adherent to the duct tape, and that went with the duct tape when I collected it,

GERAGOS: Okay.

NELSON: off the body.

GERAGOS: So the four hairs on this package that were contained, that we just marked in 160 D, those are, those are hairs that were removed from the remains, correct?

NELSON: That's right.

GERAGOS: So from the armpit area, from the buttocks area, from the femur, right?

NELSON: Right.

GERAGOS: Those are separate and apart from any hair and hair-like fragments that were found on the duct tape that is 160 A, correct?

NELSON: That's right.

GERAGOS: Okay. And is it a fair statement that, when you took the duct tape off, you tried not to have any other hairs get on that duct tape or any other, you tried to preserve it, so to speak?

NELSON: Primarily I try to make sure nothing falls off the object and so that everything that's on it or with it stays and goes with it.

GERAGOS: Okay. That's what you tried to do, everything that was on that tape would stay on it and nothing would fall off. If it fell off, you would try to collect that as well, is that right?

NELSON: That's right.

GERAGOS: Okay. In this case did anything fall off, that you're aware of?

NELSON: Well, I, I wouldn't be surprised if anything fell off the tape. And it, it probably did, with respect to when I place it on the paper. Material may dislodge from it onto the paper. I do not recall specifically if that happened, but I would not be surprised if it had.

GERAGOS: Did you notice on the duct tape, did you do an examination of the duct tape before you put it into an evidence envelope?

NELSON: I did no examination.

GERAGOS: No examination. So you just took it, put it in, and you marked it. And what did you mark it as?

NELSON: That was 1-5.

GERAGOS: 1-5 was the duct tape?

NELSON: That's right.

GERAGOS: Okay. Now, when the, this strip of duct tape was approximately how long?

NELSON: I'd estimate approximately 15 inches. I did not, I did not measure it.

GERAGOS: 15 inches?

NELSON: That's right.

GERAGOS: Okay. And you said you also took a pubic hair standard, which was the item that was marked and shown already to the jury, which was 160 G, is that correct?

NELSON: Yes.

GERAGOS: Was that before or after the clothes were taken off?

NELSON: That was before.

GERAGOS: Okay. And then after you did that you packaged the, that standard in one of these bindles?

NELSON: Yes.

GERAGOS: Okay. Now, the, did you also take or determine or take off the, or did somebody take off the clothing that was on the remains?

NELSON: Yes.

GERAGOS: Okay. And was that packaged up as well?

NELSON: Yes, it was.

GERAGOS: And was that sent to the Department of Justice so they could take a look and see if there was any blood or evidence on the pants or on the maternity bra?

NELSON: It was, I packaged it up to be sent to DOJ, but I don't know what the requested examinations were for the items of evidence.

GERAGOS: Okay. Well, the duct tape, was it transferred with both a, with instructions to the Department of Justice for fingerprint analysis, as well as to determine if there was any hairs on it or other fibers?

NELSON: I did not make any requests of any specific examinations of DOJ, but I did handle the evidence and preserve it in a manner that would allow fingerprints or any other examinations to be done.

GERAGOS: How do you do that so that you'd allow for fingerprints, to take a look at the duct tape, or any other microscopic examinations to be done? What do you do to make that possible?

NELSON: You basically handle it as carefully as you can, and without, with the idea of not destroying any fingerprints that may be there or adding to, your own fingerprints that might confuse the examiner later on, or create additional work.

GERAGOS: Okay. And were you present during the autopsy on the 14th?

NELSON: I was for Laci Peterson.

GERAGOS: And were you on the day before for Conner?

NELSON: No, I was not.

GERAGOS: Okay. And the items of clothing that you recovered were a bra, maternity pants, and underwear, is that correct?

NELSON: Yes.

GERAGOS: And the four hairs that you already mentioned, correct?

NELSON: Right.

GERAGOS: That plastic that you just showed?

NELSON: Yes.

GERAGOS: The red plastic? And did you then take, did you also collect some, a plastic tarp of some kind?

NELSON: Yes.

GERAGOS: Did that plastic tarp have some markings on it that said TARGET materials?

NELSON: That's right.

GERAGOS: Okay. Now, and that plastic tarp that said TARGET on it also had duct tape on it as well?

NELSON: It did.

GERAGOS: And then there was also, let's see. I think you described it separately as loose or loose duct tape and duct tape wrappings, is that correct?

NELSON: Yes. The duct tape wrappings were part of the tarp, and the loose duct tape was, looked like possibly several segments of duct tape loosely tangled, which were separate from the tarp and the duct tape on the tarp.

GERAGOS: Okay. Where did you obtain those items from?

NELSON: Those items were given to me by East Bay Regional Park District Officer Phillips. After the autopsy.

GERAGOS: T. Phillips?

NELSON: Yes.

GERAGOS: And was he, he had collected those from the shoreline at Point Isabel, is that correct?

NELSON: That is what I'm told.

GERAGOS: Okay. I'm going to show you Double Y and Double Z. Take a look at those two items. Do those appear to be the items that you were just referring to?

NELSON: No. The tarp is depicted, but the loose wrap of duct tape is not.

GERAGOS: Okay. What's the item that's here?

NELSON: Those would be the duct tape wraps on the tarp.

GERAGOS: Okay. Is this, these items here? And I'm pointing to Double Z when I said 'here.'

NELSON: That does not appear to be the loose wad of duct tape that I described separately as another item.

GERAGOS: Hold on for one second. There's another picture. These two items, Double Y and Double Z, it's not marked. It's a separate picture. The Double Y and Double Z are if, I understand correctly, two, two pictures of one of the items that Phillips gave you, correct?

NELSON: That's right.

GERAGOS: Okay. So Double Y, this is Double Y, correct?

NELSON: Yes.

GERAGOS: And this is what you refer to as the plastic tarp?

NELSON: That's correct.

GERAGOS: And this is, this right here that I'm pointing to, this is the duct tape that you said was wrapped around the, I think you called it in your report it was wrapped on, or adhered to,

NELSON: I think I describe it as a duct tape wrapping, something of that kind. My intent is to convey that it's wrapped in and among the tarp.

GERAGOS: Okay. Now, Double Z, and then Double Z, do you know who took this picture, by the way, Double Y?

NELSON: I don't.

GERAGOS: Does it accurately represent the way that the, this plastic TARGET bag looked the day you saw it with the duct tape?

NELSON: Yes.

GERAGOS: Okay. Double Z, now, it looks like somebody's put out a ruler, a measuring stick of some kind?

NELSON: Yes.

GERAGOS: And does that accurately represent another picture of this bag along with the duct tape that was adhered to it?

NELSON: Yes. I'm calling it a tarp. I'm not sure what it is.

GERAGOS: Okay. You called it in your report a tarp. It looks like some kind of a plastic bag of some kind, isn't that correct?

NELSON: I don't think I'd refer to it as a bag.

GERAGOS: Okay. Do you know if it is a plastic bag? Did you pull it out to measure it or anything?

NELSON: I did not disturb the tarp to the extent possible, because I wanted to preserve any possible fingerprints on it.

GERAGOS: I'm going to show you three other pictures which haven't been marked. Are these also pictures that look like the same tarp, as you call it, or bag as I call it?

NELSON: Yes, they do.

GERAGOS: Okay. Can I mark these as next in order, your Honor.

JUDGE: Okay. Now I think we're going to get into, I think we have to change our numbering system.

GERAGOS: 5 A one.

JUDGE: Now we're going to call them for the record, so they know what we're doing here, we used up, went up to four letters across, so for convenience sakes we're going on to start out, going to put a D in front of each one, and it will be like D 5 A, and down from there. So this will be D for Defendant, 5, which indicates 5 "A"s rather than putting AAAAA, okay? That will be next in order then. D5A. And how many have you got there, Mr. Geragos?

GERAGOS: I've got three.

JUDGE: 1, 2 and 3.

GERAGOS: Do you have with you, you said separate and apart. From what I'm about to show the jury, these are all pictures of the plastic tarp slash bag that's got the duct tape adhered to it, correct?

NELSON: These, what are you referring to, "these"?

GERAGOS: The ones I just showed you there.

NELSON: Yes, that's right.

GERAGOS: Do you have a picture with you of this other duct tape clump, that you called it?

NELSON: I believe I do.

GERAGOS: Could I take a look?

NELSON: Sure.

GERAGOS: This is the D 5 A 1. Just another photo from a different angle, correct?

NELSON: Yes.

GERAGOS: And D 5 A 2, just a different angle, all three of these, to try and get a full picture of what you actually looked at in D 5 A 3? Is that correct?

NELSON: I'm sorry, could you repeat your question?

GERAGOS: Sure. Were all of those, the way that I just showed you, I was asking you to do two things at once, I apologize. These three pictures are just a series of pictures that show the various angles, or kind of a panorama of the bag or the tarp, is that correct?

NELSON: Yeah. Each one of them is a partial photo of the bag.

GERAGOS: And then you've got a couple of photos right there that show the clump, or one photo that shows a clump. Is this what you found? Or is it in the same condition, this picture, that the clump looked like on the day that you found it on the 14th?

NELSON: I did not find it.

GERAGOS: You didn't find it. That it was turned over to you by T. Phillips?

NELSON: Yes.

GERAGOS: Thanks. Mark this as next in e 16 order.

JUDGE: All right. D 5 B. D for Defendant. D 5 B.

GERAGOS: It looks like there's a measuring stick down here, is that right?

NELSON: Yes. That's a scale.

GERAGOS: Approximately, what's the size of that?

NELSON: Roughly six inches.

GERAGOS: Okay. And did you measure the total length of this thing?

NELSON: I did, I did not.

GERAGOS: Okay. You just sealed it up and sent it out?

NELSON: Yes.

JUDGE: That accurately portrayed the duct tape as it looked that day?

NELSON: Yes, it does.

GERAGOS: There's also two rusted pieces of metal that were collected, is that correct?

NELSON: Yes.

GERAGOS: Or what were identified then as metal, is that right?

NELSON: That's correct.

GERAGOS: You didn't conduct any tests on those, did you?

NELSON: No.

GERAGOS: Are you familiar with any of the tests that were conducted by DOJ on those?

NELSON: I am not.

GERAGOS: Okay. Were you familiar with any of the tests that were conducted by DOJ on these items that I just showed you?

NELSON: No.

GERAGOS: Do you have a picture of those two pieces of rusted, what were labeled as rusted metal?

NELSON: I believe I do.

GERAGOS: Could I take a look at that?

NELSON: This would be the duct tape that you just,

GERAGOS: Showed.

NELSON: showed, with,

GERAGOS: Can I take a look at the others for one second? I think I saw one that's actually a better representation. Are those, I pulled out six of these in addition to the one you already gave me. Are these also pictures that you took of this bag and the tape?

NELSON: They are.

GERAGOS: Does this accurately represent, this actually looks like it's a wider view of the bag or the plastic itself, isn't that correct?

NELSON: That's true.

GERAGOS: And it's got, basically these have got both the area where it was tied as, and kind of a full panorama of the item itself, correct?

NELSON: When you say, what do you mean by "tied"?

GERAGOS: Well, here you called it wrapped. Is that what you're labeling this? The tape itself?

NELSON: I described it as, would describe it as loosely wrapped around the tarp, and also adherent to the tarp.

GERAGOS: Okay. And these accurately, you took these pictures and they accurately represent the items depicted on that date?

NELSON: Yes.

GERAGOS: Mark these next in order.

JUDGE: D 5 C. How many are there, Mr. Geragos? Six? A through G.

GERAGOS: Through H. Seven total.

JUDGE: Seven. Okay.

GERAGOS: The first one I want to put up here is D 5 C A. This is, that's a large towel or blanket that's been laid out on the table, is that correct? Actually, looks like it's out on the cement in that area adjacent to the rooms where the Coroner's exams are?

NELSON: Yes, that's on a large sheet.

GERAGOS: Okay. So that's a large sheet that's approximately, so that we can get some scale, do you have any idea how long this sheet is, where my finger is pointing, from that corner to this corner?

NELSON: I don't.

GERAGOS: Is it more than six feet?

NELSON: I would estimate more than six feet.

GERAGOS: More than six feet. And the width would be more than six feet this direction as well?

NELSON: I would think so.

GERAGOS: Okay. The,

NELSON: There is a photograph that I have with a scale in it that might help you do that a little better.

GERAGOS: This one, it looks like this area right here where my finger is, that's the clump of tape with this what you identified as a metal bar, right?

NELSON: Just rusted metal.

GERAGOS: Rusted metal. And that is this item right here, is that right?

NELSON: No, that's the duct tape.

GERAGOS: That's what I mean. Right there, the duct tape that's pictured right there?

NELSON: Yes.

GERAGOS: Okay. And then this is the bag, and then there are some other photos from different angles. This is D 5 C B. This is a different, yet a different angle of the item, correct?

NELSON: Yes.

GERAGOS: D 5 C C, same thing?

NELSON: Correct.

GERAGOS: And this is the back side of it, and this is the tape that's adhered or is loosely wrapped, as you said, around this area?

NELSON: That's right.

GERAGOS: Okay. And then this is a close-up of that area, D 5 C D, is that right?

NELSON: Yes.

GERAGOS: And D 5 C E is yet another picture of that area that has been wrapped?

NELSON: Correct.

GERAGOS: Same with D 5 C F, correct?

NELSON: Yes.

GERAGOS: And then a close-up of, D 5 C G is a close-up of that corner of the blanket where the clump of tape and the rusted metal is, is that right?

NELSON: That's right.

GERAGOS: Okay.

JUDGE: Mr. Geragos, should have marked them 1 through 8. We have them going A through H. Should be 1 through 8. But that's okay, we'll leave them as marked.

GERAGOS: I noticed, because we're getting now C C and D D.

JUDGE: Yeah.

GERAGOS: I'll do that in the future.

JUDGE: Yeah. That was my error. I should have made it 1 through 8.

GERAGOS: I should have brought that to your attention. My apologies. Did the extent of your involvement in this case end after all of these items were packaged for evidence, to be placed into evidence?

NELSON: That is.

GERAGOS: That's the, that was the end of your involvement?

NELSON: Well, after I packaged and sent these off, that was it.

GERAGOS: Okay. Thank you. I have no further questions.

Redirect Examination by David Harris

HARRIS: Mr. Nelson, just so that we get this clear, you just described for us how the packaging of the hairs is 1-6, 1-7, you told us the duct tape was 1-5. What was 1-1?

NELSON: 1-1 was the bra, brassier.

HARRIS: And what was 1-2?

NELSON: The underwear.

HARRIS: 1-3?

NELSON: The decayed maternity pants.

HARRIS: And 1-4?

NELSON: A fabric mass that appeared to be part of those pants.

HARRIS: Was there a 1-8?

NELSON: Excuse me?

HARRIS: 1-8?

NELSON: Yes. From my report, 1-8 was green vegetable material from the right cup of the bra and the left leg.

HARRIS: And 1-9?

NELSON: A sheet in which the body had been transported.

HARRIS: 1-10?

NELSON: Clear plastic tarp with duct tape wraps.

HARRIS: Now, the 1-10 that you're referring to, is that what we've been looking at in these photographs up there?

NELSON: That's right. The photographs of the tarp with the duct, with the duct tape that's incorporated with it is 1-10.

HARRIS: Now, when you first saw that particular item, as you described it, the clear plastic bag, was this laying out on the floor in kind of the garage area of the Coroner's facility?

NELSON: Yes. It was in the possession of the East Bay Regional Park District, and they were preparing to turn it over to me. And in that process they had spread it out on that sheet. Then, at the conclusion of the autopsy, I went into that area and viewed it, documented it, and then accepted it from them.

HARRIS: Was there a 1-11?

NELSON: Yes.

HARRIS: And that was?

NELSON: From my report I can see that that was the separate duct tape mass that is depicted right there in that photograph on the screen now.

HARRIS: Was there a 1-12?

NELSON: Yes. It was a, rusted pieces of metal.

HARRIS: And that's, again, the pieces of metal that you were describing previously?

NELSON: Yes.

HARRIS: Was there a 1-13?

NELSON: There was.

HARRIS: And that was?

NELSON: It's the red plastic fragment which I collected from the chest area.

HARRIS: Was that the last item that you assigned a number to?

NELSON: Yes.

HARRIS: These items that you assigned numbers 1-1 through 1-13, were all of those packaged, except line 3 for, as you've already described, where they were kind of put together or lumped together, were they packaged separately to try and preserve the materials?

NELSON: Yes. That, it was, it's my own discretion on how to separate items, and I, I could have packaged all those items, for example, in that photograph together and called them one item, but it's a decision that I made to separate them, to protect the items themselves, and then designate them with these item numbers that I chose to.

HARRIS: And the items that we're talking about, the series that we've just had you go through, those items were sent off with those markings, packaged in a secure fashion, off to the Department of Justice in Ripon?

NELSON: That's right.

HARRIS: So they were, when they would receive the package, like we've looked at in the other photographs where they see your initials and your designations, they could know which particular item that they're testing at that point in time?

NELSON: Right. They would know the item numbers that I had assigned to each piece of evidence, so that they could continue that system and to keep track of any additional evidence that they generated from it as a result of their examinations.

HARRIS: Now, I want to go back to one particular answer from a question that counsel was asking you about if anything had fallen off the duct tape, and you said you wouldn't be surprised. When you were talking about that, just so that we're clear, did you take the duct tape and put it on top of the paper?

NELSON: Yes. The duct tape was moved very carefully on to paper. And what I was referring to, items can fall off the tape onto the paper, and it wouldn't surprise me if things dislodged from the duct tape.

HARRIS: Now, you've shown us earlier in the photographs, specifically with the pubic hair sample, where you took that, put it into paper, folded it into a bindle, by doing that, does it preserve anything that might come off of the item? It's still preserved in that paper?

NELSON: Yes. We do that so that, number one, none of the hairs are, are lost, and also so that no additional items are added to it.

HARRIS: Now, with regards to the duct tape that counsel was asking you about, did you put that on to the same kind of paper and put it into a bindle, as you've already described?

NELSON: Yes, I did.

HARRIS: So that bindle was placed into, then placed into an envelope, which ultimately was sealed, and that was sent off to the Department of Justice?

NELSON: Yes.

HARRIS: Was it,

JUDGE: Can I ask a question? Mr. Nelson, there was some testimony that you recovered these, these pieces of metal that's in that photograph. Where did they come from? Where did you see them first? The body? Among the remains? Attached? Where were they?

NELSON: I saw them first as you see them, your Honor. This is, they had been collected, reportedly, by East Bay Regional Park District.

JUDGE: Okay.

NELSON: East Bay wanted to turn them over to me so that I could collect them, so that I could take custody of them.

JUDGE: Did you know where they were recovered?

NELSON: I don't have independent knowledge of that. They reported where they were collected.

JUDGE: But they weren't part of the remains?

NELSON: That's right.

JUDGE: I wanted to make sure. I was unclear about that. Go ahead.

HARRIS: Now, with regards to the duct tape, was it your intent to get the duct tape into the bindle and into the envelope and to the Department of Justice as quickly as possible to preserve that for them to test?

NELSON: Not at the time, when I was collecting these items. I was just intent on preserving them. Once I get them back to the laboratory, I know that I was basically waiting to hear what was going to happen, because I knew that there was multiple jurisdictions and multiple pathways which could be chosen, and I didn't know at that time which path would be chosen by which agency. So, rightly so, I knew that these items could likely be leaving our office and going to another laboratory.

HARRIS: And, and you wanted to preserve it for whoever might test it?

NELSON: Right. But I would have done the same packaging even if they were to stay in our laboratory, so that they could be moved within the laboratory to the people who do those appropriate examinations, and the evidence would be preserved also.

HARRIS: The People have no other questions.

Recross Examination by Mark Geragos

GERAGOS: The, this, these photos that I marked and been showing and took out your packet, those items, the plastic bag that says TARGET on it, or the plastic that says TARGET on it, the duct tape, the clump of the duct tape, and this what was then thought to be rusted metal, those were all collected the same day and brought to the Coroner's Office the same day as the remains; is that correct?

JUDGE: If you know.

NELSON: You are asking me about how some, when and how somebody else collected these items which I didn't collect?

GERAGOS: Did you see those the same day that you saw the remains?

NELSON: I did.

GERAGOS: Did you go to the Coroner's Office on April 14th?

NELSON: Yes.

GERAGOS: When you went to the Coroner's Office on April 14th, was this the first time you had seen any of those items?

NELSON: That's right.

GERAGOS: Was that the first time you'd seen the remains?

NELSON: Yes.

GERAGOS: Was it your understanding that the remains had been discovered on April 14th?

NELSON: That is my understanding.

GERAGOS: Is it your understanding that these items had been discovered on April 14th?

NELSON: That is my assumption, or was my assumption.

GERAGOS: I have no further questions.

HARRIS: Nothing.

JUDGE: May this witness be excused?

HARRIS: No objection.

JUDGE: Mr. Nelson, thank you very much.