Witness: Gary Alan Sims

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Proceedings held July 21, 2004

Called by: People (prosecution)

Phase: Guilt

Examinations: Direct – Rick Distaso

Day 1 of 1 for this witness

Court: San Mateo County Superior Court, Redwood City (People v. Scott Peterson)

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Direct Examination by Rick Distaso

DISTASO: Mr. Sims, can you tell us who you're employed by.

SIMS: I'm employed by the California Department of Justice. I work at the DNA laboratory in Richmond.

DISTASO: I want to direct your attention back to April 14th of 2003. Were you working in your capacity at that laboratory at that time?

SIMS: Yes, I was.

DISTASO: At some point in time during the evening hours of that or late afternoon/evening hours of that particular date did a deputy coroner from the Contra Costa Coroner's Office, Deputy Leo Martin, come to your facility?

SIMS: Yes, he did. It was around 8:00 o'clock that evening.

DISTASO: And did he bring with you any particular biological samples or items?

SIMS: Yes, he did.

DISTASO: Did you receive those from him?

SIMS: Yes, I did.

DISTASO: And did you look at them and document them as they came into your laboratory?

SIMS: Yes, I did.

DISTASO: I'd like to show you what's been marked. It's a series of photographs, 105 A through G. Have you take a look at this briefly and see if you recognize them.

SIMS: Yes, I do.

DISTASO: These photographs, are these the items that you received from Deputy Leo Martin on that date?

SIMS: Yes, they are.

DISTASO: Was there two items that were received from a Baby Doe and two items that were received from a Jane Doe?

SIMS: Yes.

DISTASO: Showing you first what was marked as 105 A, does that depict two of the containers that you received the samples in?

SIMS: Yes, those are the, what I call DNA-1 and DNA-2. DNA-1 being the left femur from the Baby Doe and DNA-2 being muscle tissue from the Baby Doe.

DISTASO: Let me go to 105 B. When these items came into your laboratory, did you assign them numbers that you were just describing?

SIMS: Yes, I did.

DISTASO: We're looking at 105 B. Does it depict the item and the DNA number you assigned to it down at the bottom?

SIMS: Yes, that would be the left femur from the Baby Doe identified by me as DNA-1.

DISTASO: Showing you 105 C, was this the other sample that you received from the baby?

SIMS: Yes, that is the item DNA-2 and that is the muscle tissue from the baby.

DISTASO: And also at the bottom of that particular photograph this shows that it's been identified as item DNA-2?

SIMS: Yes. And, it's, again, it's under our case number is BK-03-000203. That is our laboratory case number.

DISTASO: Showing you 105 D, does this depict one of the items that you received from Deputy Martin?

SIMS: Yes, that is item DNA-3 which is a muscle sample from the Jane Doe.

DISTASO: Showing you 105 E, is this a close-up of the container and its contents and has it also now been identified, been marked as DNA-3?

SIMS: Yes.

DISTASO: Looking at 105 E, actually F, do you recognize this as being one of those items?

SIMS: Yes, I do. That is DNA-4, which is the tibia from the Jane Doe.

DISTASO: Showing you the same item outside of the plastic bag, 105 G, and does that depict the same item now with the DNA-4 marking?

SIMS: Yes.

DISTASO: Now you indicated that you assigned a case number it. When a case or items come into your laboratory, does the DNA laboratory assign a case number to it?

SIMS: Yes, we do.

DISTASO: And looking at that photograph there, does it show what that particular case number is?

SIMS: Yes, it does.

DISTASO: When these items come into attempt to identify individuals, are they assigned to a particular criminalist?

SIMS: Yes, they are, the case is.

DISTASO: And the case, in this particular case, was it assigned to a particular criminalist?

SIMS: Yes, it was.

DISTASO: Who was that?

SIMS: That was Angelynn Moore.

DISTASO: And do you recognize the "AM" that's written up there?

SIMS: Yes, I recognize that as her initials.

DISTASO: And she was the person that did the DNA comparison in this particular case?

SIMS: Yes, she can the DNA analysis and comparison.

DISTASO: Now after you received these items did you book them into your facility for her to then take over and do this case?

SIMS: Yes, I did. I took in the items, secured them and put them in our freezer so that they would be available to her the next day to work on.

DISTASO: The People have no other questions.

JUDGE: Any questions, Mr. Geragos?

GERAGOS: No, Your Honor.

JUDGE: Mr. Sims, thank you, sir. You can be excused. Thank you for waiting around.