Appellate Case No. 25A-CR-00591

STATE OF INDIANA	)	IN THE ALLEN SUPERIOR COURT
	)SS:	
COUNTY OF ALLEN	)	CAUSE NO.: 08C01-2210-MR-1

STATE OF INDIANA,
Plaintiff,

VS.

RICHARD M. ALLEN,
Defendant.

THE HONORABLE FRANCES C. GULL, PRESIDING

The Transcript

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Nicholas McLeland/James Luttrull/
Stacey Diener
Carroll County Prosecutor's Office
101 West Main Street, Suite 204
Delphi, Indiana 46923

Attorneys for Plaintiff

Bradley Rozzi
Hillis, Hillis, Rozzi and Dean
200 Fourth Street
Logansport, Indiana 46947

Andrew Baldwin
Baldwin, Perry and Wiley, PC
150 N. Main Street
Franklin, IN 46131

Jennifer Auger
42 East Jefferson Street
Franklin, IN 46131

Attorneys for Defendant

the hill that was exposing the bare ground, and that immediately just stuck out to me as odd.

Q And I'm gonna zoom in on – and for the record, we're looking at State's Exhibit 5. Can you point out where you saw the disturbance.

A The – right here somewhere. (Indicates)

Q And was that at the end of the Monon High Bridge?

A Yes. It's where it dead-ends.

Q And tell me, where was the disturbance leading to?

A In a downward angle from the top of it, from the area above the bridge downward.

Q Detective, I'm gonna have you – ask you to have a seat back in the witness stand, please. Yep, you can just set that over here. Thank you. Detective, I'm gonna show you what's been marked as State's Exhibits 9 through 13; can you take a look at those, please. Detective, have you had an opportunity to look through those?

A Yes.

Q And it's a silly question, but what are those?

A They're pictures of the north side of the end of that bridge.

Q Are those pictures that you took?

A No, sir.

Q And do you know when those pictures were taken?

A No, sir.

Q Do those pictures accurately represent what you saw on the late night/early morning, 13th – February 13th and February 14th, the disturbance you testified about, do those accurately depict what you saw?

A Yes.

MR. MCLELAND: Judge, the State would move to admit what's been marked as State's Exhibits 9 through 13, Judge.

STATE'S EXHIBITS 9 THROUGH 13 OFFERED

MR. BALDWIN: No objection.

THE COURT: All right. Without objection, 9 through 13 are admitted.

STATE'S EXHIBITS 9 THROUGH 13 ADMITTED

MR. MCLELAND: And, Judge, I would ask permission from the Court to publish those pictures to the jury. I've stapled them together just for convenience, and I ask the Court permission of that at this point.

THE COURT: Oh, so you have cop – yes, you may.

MR. MCLELAND: I have copies for the jury, yes.

THE COURT: Okay. And, ladies and gentlemen, take the time that you need to review those photographs. When you're done, just kind of look up so I know that you're finished.

STATE'S EXHIBITS 9 THROUGH 13 PUBLISHED

Q And, Detective, while the jury's reviewing those, I'm gonna ask you to hold on to these, 'cause we're gonna reference those in some future questions.

THE COURT: You may proceed.

MR. MCLELAND: Thank you, Judge.

Q For the record, Detective, I've handed you back the pictures that's been marked State's Exhibit 9 through 13, and I've got a copy for myself. I want to talk about a few of these pictures. I want to go to the first one; can you hold the first picture up, State's Exhibit 9, and point to the jury where you were standing.

A So if you look towards the right, middle half of the picture, there's all the concrete, kind of jagged concrete. That was the area that I was standing in when I shined that section with my flashlight and could see that disturbance in the leaves.

Q And can you point out – you may have done that just now. Can you point out the disturbance for the jury that you're talking about.

A It's right in the center of this photo, towards the top of the hill. You can see the brown – the bare ground exposed.

Q And I want to move on to State's Exhibit 10. Can you point out in that photo the disturbance for the jury's reference.

A So this one's oriented like this would be the proper way. In the very center of the top of the photo, you can see the bare ground towards the top of the hill.

Q Then I want to move on to State's Exhibit 11; and in that photo, can you point out the disturbance to the jury, please.

A It's – this is from the top looking down and it's right in the center. You can see the darker portion of the ground is where the disturbance is at.

Q There's a gravel portion of that picture at the bottom; do you see that?

A Yes.

Q Tell me what that is.

A That's more or less the end of the trail, it's the railroad bed gravel.

Q The end of the Monon High Bridge?

A Yes.

Q Okay. I want to move on to State's Exhibit 12. Could you point out the disturbance in that photo for the jurors.

A The disturbance is towards the left upper portion. You can make it out

by the brown – the darker color showing the dirt exposed.

Q And can you point to the end of the Monon High Bridge in that picture.

A It's more or less directly up on top of the hill from that disturbance.

Q And State's Exhibit 13, is that just another angle of the end of the bridge?

A Yes, sir.

Q Okay. Detective Giancola, after you noted this disturbance, what did you do next?

A I – there was a member of the fire department with me, I believe, and I pointed it out to him, and he thought maybe it was from –

Q I don't want you to testify about what he thought –

A Sorry.

Q -- but just you pointed out to a fire department individual that was with you?

A Yeah, brought it to his attention.

Q Did you continue to search after that?

A Yes.

Q And what time did you end the search I'm gonna say that night?

A I believe it was after 2 a.m., sometime around 2 a.m.

Q On February 14th?

A Yes, after midnight, yes, into the 14th.

Q Okay. At the time you ended the search, what did you do after that? Just go home?

A Yes, I went back home; and they were going to reassemble at 7:30 in the morning, so I went home and tried to get some rest.

Q At the point that you ended the search, were you investigating a murder?

A No.
Q Did you think anything bad had happened to the girls at that point?
A At that point, no.
Q What was your thought?
A Well, I'd worked in this field for a while leading up to this and had many cases like this; and not knowing who they were or anything like that, we've had several cases where juveniles will either run away or go with friends to a movie or something and then it's like they're missing, but then they usually show back up.
Q So you went home that night. When did you report back to work?
A 7:30 in the morning.
Q Still on February 14th?
A Yes.
Q Were you scheduled to be on duty that day?
A No.
Q Okay. When you reported to work at 7:30 a.m. on the 14th, where did you go?
A I went to –
Q Where'd you report to?
A I believe I reported to the Sheriff's Office first.
Q And what did you do from there?
A I did some clerical things like contacting landowners to make sure that we could get permission, so search parties weren't trespassing, and I did some things like that.
Q At some point, were you tasked with visiting one of the landowners to see

what information you could gather from that landowner?
A Yes.
Q Can you tell me about that, please.
A I was sent to an address, I believe it was off 575 West, near 300 North. He had called in and said that he had numerous trail cameras on his property, and myself and another deputy were gonna go there to try to pull the footage to see if we could find anything.
Q And what happened on your way to that residence?
A On the way there, I got a call from Detective Liggett, telling me to get to the cemetery off of 300 North immediate –
Q And, Detective, would you be willing to come to the map again and point out –
A Yes.
Q -- the cemetery that you were directed to?
A Yes. So I believe the property we were gonna look at the trail cameras of is right here. (Indicates) It's one of these two houses, I can't quite recall. But the cemetery is right here. (Indicates)
Q And did you report to the cemetery?
A I did.
Q And what happened when you got to the cemetery?
A We parked and began walking south into the woods from the cemetery –
Q Let me stop you. You say "we"; who was with you?
A Deputy Yoder.
Q Okay. So you stop at the cemetery, you get out, you park, and what happens next?

A We start to walk down the – it's a really steep wooded area down toward the creek, and we passed a female that was coming up the hill that was extremely distraught.

Q I'm gonna zoom in State's Exhibit 5. Can you show the jury the path that you took from the cemetery down to the creek, as best of your recollection.

A I don't think I can show the exact path I took, but it would have been just in a southern direction towards the creek from – I believe we – sorry. I believe we parked right here in the corner and there was kind of a fence we had to kind of go around, and then we walked straight south towards the creek.

Q And did you walk directly to the creek?

A Yes.

Q And on your way to the creek, did you – well, I'll just – did you see the bodies of the girls?

A No, sir.

Q Why were you going to the creek?

A We were told that members of the search party had located something there, possibly bodies, so I knew they were down there and I just needed to get there to them, and they were down kind of near the water's edge.

Q And did you walk to the water's edge?

A Yes.

Q And when you got there, did you encounter other people?

A Yes.

Q How many other people did you encounter?

A I believe there were four people on the north side of the creek and then there was a few people on the south side of the creek, directly across from where

we were standing.

Q And was Deputy Yoder with you, as well?

A Yes.

Q Okay. When you got to the creek, what did you see?

A I had to ask everybody like, you know, "Point me where you – what are you talking about?" And everybody was pointing into the water kind of directly in front of me, and that's when I looked over and I could see a multi-colored shirt and I believe a tennis shoe was stuck in like the roots that come out into the creek from the creek bank.

Q And that was in the water?

A Yes.

Q Okay. I'm gonna ask you to have a seat back at the witness stand, please. Detective, I'm gonna show you what's been marked as State's Exhibits 14 through 17; can you, please, take a look at those exhibits or what have been marked as exhibits. I'm sorry, Detective. Have you had the opportunity to look through those photos?

A Yes, sir.

Q Do those accurately depict what you saw when you got to the creek on February 14th, 2017?

A Yes.

Q Did you take these photos?

A No, sir.

Q Do you know when these photos were taken?

A I do not.

Q And are they a true representation of what you observed on that day at the

creek?

A Yes.

MR. MCLELAND: Judge, the State would move to admit what's been marked as State's Exhibits 14 through 17, Judge.

STATE'S EXHIBITS 14 THROUGH 17 OFFERED

MR. BALDWIN: No objection.

THE COURT: All right. Without objection, 14 through 17 inclusive are admitted.

STATE'S EXHIBITS 14 THROUGH 17 ADMITTED

MR. MCLELAND: And, Judge, I'd ask the Court permission to publish those to the jury.

THE COURT: You may.

STATE'S EXHIBITS 14 THROUGH 17 PUBLISHED

THE COURT: You may proceed.

MR. MCLELAND: Thank you, Your Honor.

Q Detective, I want to draw your attention to the first picture. Can you point out to the jury where you were at when you approached the creek, where you were standing?

A So in the picture, you can kind of tell that where the picture's taken is creek level and then it kind of – the topography kind of goes up and it's elevated. I was standing on the elevated portion looking down at that debris that's in the very, very center of this photo.

Q I want to move on to the next picture, can you describe that picture for the jury.

A This would, more or less, be my vantage point from – that I just described

of where I was standing, facing down –

Q Can you point out where you saw the clothes at in that picture.

A They're on the left section of this photograph in this rooty kind of debris-looking material in the water.

Q And then, the next two photos, can you describe those to the jury, please.

A Again, in this one it's – this would be like my vantage point of looking down into the water when I first got there. You can see a – like a multi-colored piece of clothing on the left section of that brush, and then there's like a black and white Nike shoe in the center.

Q And then, move to the last picture, please. Is that a close-up of what you observed in the creek on that day?

A Yes, it is.

Q And can you point out the shoe that you saw.

A The shoe's right in the center, it's upside down, light sole and a – I think it's a white Nike shoe.

Q And you mentioned a multi-color or tie-dye shirt that you saw; can you point that out in the photo.

A That's in the top left portion of this debris in this photograph.

Q Thank you, Detective. After you observed the clothes in the creek, what happened next?

A There was some conversation with – there was people across the creek kind of hollering to us, there was the searchers on our side of the creek were talking to us, and one of the searchers on our side of the creek said that they believed the girls' bodies were back behind us a little ways and kind of to the northeast of where we were at.

Q When you say back behind you and to the northeast, you meaning this direction? (Indicates)
A Yes.
Q Okay. On your walk down to the creek, did you see the bodies?
A No.
Q After the search party members told you the bodies were behind you, did you turn around and look?
A Yes.
Q Could you see them from your vantage point?
A I could see something that was – that kind of stuck out, like a bright – like a whitish color, but I couldn't tell what it was from where I was at, and I still kind of needed them to direct me in the – was it – you know, I asked them, "Was it over here?" Yes. And I went that direction.
Q Did Deputy Yoder go with you?
A Yes.
Q And what did you see?
A The bodies of both girls deceased.
Q Can you describe what you saw?
A One was nude, the other was clothed.
Q And did you recognize who they were?
A Yes.
Q How did you recognize who they were?
A Based off of photographs that were circulating around.
Q Were they deceased?
A Yes.

Q Did you notice any injuries on the bodies?
A Yes.
Q Can you tell me about that.
A Both had large lacerations to their throat.
Q Did you notice blood in other areas?
A Yes.
Q Can you tell me about that, please.
A Both had a substantial amount of blood on their person and underneath them.
Q How close did you get to the bodies?
A Maybe about ten yards.
Q When you approached the bodies, was anyone else around them?
A No.
Q And after you observed the bodies, did you attempt any life-saving measures for the two girls?
A No, sir.
Q Why not?
A It was apparent that they were deceased.
Q Once you saw where the bodies were located, do you have an estimate of how far away you were from them when you left the cemetery and walked down to the creek initially?
A It couldn't have been more than 30 or 40 yards.
Q And during your walk down to the creek, did you notice them at all?
A No, sir.
Q Upon discovering the bodies, what did you do next?

A I immediately contacted – well, I had Deputy Yoder begin taking down the names of the people that were on our side of the creek, and I contacted Detective Liggett via telephone immediately and told him what I had discovered.

Q What did you do after that?

A I stood by to make sure no one accessed the crime scene until the proper people got there.

Q During your time as you're standing there, did anyone get near the bodies?

A No.

Q Did anyone access the area where you were standing, meaning within ten yards of the bodies?

A No.

Q How long was it before other officers arrived?

A It was not very long at all, within minutes some troopers started showing up, and then investigators started showing up.

Q When you say troopers, do you mean officers with the Indiana State Police?

A Yes, sir. I'm sorry.

Q And were officers with the Indiana State Police the first to arrive?

A Yes, after – yes.

Q Okay. Once they arrived, what did they do?

A One of them began a scene log to log everybody that's in the scene and the other began to put up crime scene tape to preserve the scene.

Q And during your time you were there, once the crime scene tape was up, did any other individuals enter beyond that crime scene tape?

A No.

Q Once ISP troopers and other detectives got there, what did you and Deputy

Yoder do?

A Once the proper investigators were there, we signed out, left the crime scene, and then I believe it was Detective Liggett directed us to the opposite side of the creek, kind of where I was searching the night before, to make sure no one tried to access the crime scene from that side.

Q And I'm gonna direct your attention to State's Exhibit 5 again. When you say the other side of the creek, do you mean this side? (Indicates)

A Yes, sir.

Q And the night before, you testified, you were searching over in this area? (Indicates)

A Yes.

Q When you went to the other side of the creek upon Detective – or Sheriff – or, sorry, Detective Liggett's direction, did you use the lane or the private drive at 625 to get to where you were going?

A I did, yes.

Q And what area – where did you stop?

A Just past the bridge.

Q So this area right here? (Indicates)

A Yes.

Q Okay. And what did you do once you got there?

A We made sure that everybody had cleared out, and I believe I talked to Shane Haygood briefly, and once I talked to him, everybody – we made sure everybody was out of that area and no one else was to come back into that area.

Q What was the point of stationing there?

A Because you could access the crime scene just by crossing the water.

Q And so was it for crime scene security?
A Yes.
Q Okay. How long did you stay there?
A I stayed there all night.
Q Until the break of light the next day? So all night the 14th until the –
A Sometime around –
Q -- morning of the 15th?
A Yes. Sometime around 8 or 9 in the morning I think I got relieved.
Q When you were relieved, was it light out?
A Yes.
Q Okay. During the time you were stationed – make sure I make this question clear: During the time you were stationed here for scene security, was there traffic in and out on 625?
A No.
Q Were there any vehicles egressing or progressing down 625 during the time you were there?
A No.
Q Were there any people?
A No.
Q Did you see any people travel across the creek during the time you were there?
A No.
Q Officer, back in 2000 – or February 13th of 2017, were you carrying a firearm?
A Yes, sir.

Q Can you tell me what kind of firearm?

A A Glock 17.

Q Can you tell me what caliber that firearm is?

A 9-millimeter.

Q If you know, was everybody in the Carroll County Sheriff's Department carrying the same gun?

A Yeah. We had just recently switched to the Glock 17.

Q Were they all 9-millimeters?

A Yes.

Q Okay. And you're confident of that?

A Very confident, yes.

Q Okay. Do you know when you switched over?

A I don't know when. It was within the year before that.

MR. MCLELAND: Okay. I don't have any other questions, Judge. Thank you.

THE COURT: Mr. Baldwin.

MR. BALDWIN: Thank you, Judge.

CROSS EXAMINATION OF DETECTIVE DARREN GIANCOLA

QUESTIONS BY MR. BALDWIN.

Q That – can we go back to 14; do you have those?

A I do not, sir, no.

Q Oh, I'm sorry, not 14, I want to go back to 9. I'm publishing to you the exhibit.

A Thank you.

Q If you could go through that packet, tell me when you're ready. Would you

agree with me that that – those photographs, which are right next to the bridge, the end of the bridge, do not do a terrific job of really detailing how steep that area is from the top of the bridge down to that access road?

A I feel like you can tell that it's fairly steep based on this photograph, one of these photographs, yes.

Q It is steep. Is it fairly steep?

A Yes.

Q And, I mean, it would be – to get down there, it would be wise to be holding on to trees and so forth as you're going down to make sure that you don't tumble down or fall; would you agree?

A Yes.

Q Okay. Here, I'll take that back from you. Thank you. And just so that it's clear: So if I'm facing the High Bridge at that end, the south end, toward – right now let's say I'm facing that – the High Bridge that way, toward the Freedom Bridge; okay? You got that in your brain?

A No, sir, not really.

Q Okay, sorry. So if I'm traveling south on the High Bridge and I get to the end like this, and then I turn around like that, and I'm facing back toward the beginning – are you with me now?

A Sure, yes.

Q So just to be clear: Where those photos were taken where the – kind of the dirt was, that's over here, going down that way; right?

A It's off the main section of the –

Q To the right?

A If I follow you correctly, which – can you show me on the map maybe?

Q Sure, sure. It's to the – no. When you get off that bridge, those are to the right over to the west – I'm sorry, east of the bridge; correct?

A Yes.

Q All right. And that's where those slide marks are, to the east?

A Yes.

Q And then over on the other side, there's kind of a – it's not as steep for some reason, is it?

A Over on the other side as of –

Q Of the bridge. You could go down to the right down, it's steeper than if you went down this way and it's less steep.

A I can't recall what the other side of the bridge looks like.

Q Okay. But based upon the steepness of that area where you saw the slide marks, you weren't surprised to see slide marks there, I guess?

A I was surprised, that's why it was brought to my attention when I saw it with my flashlight. It just seemed odd.

Q Okay. And just so we're clear: Underneath the leaves and where the slide marks were done is dirt; right?

A Yes.

Q Okay. You said that you stopped this search around 2 a.m.?

A If I recall right, yes, sir, sometime a little after 2.

Q That's before 4:33 a.m.; is that correct?

A Yes.

Q You said that you had – you got – you were on your way to get trail cam video a second ago.

A Yes, sir.

Q But then you got called before that?
A Yes.
Q Did you ever go get that trail cam video later?
A No, sir.
Q Do you know if anybody did?
A I am not aware of.
Q And just so the jury understands, when you go down that – from the cemetery down to where the girls were found, that's also got some steepness to it, doesn't it?
A Yes, sir.
Q But once you get down to where the girls are, it's relatively flat?
A Yes.
Q And the people that you encountered at the – near the creek when you came down from the cemetery area, do you know from where they had come?
A I do not.
Q Were you aware if one of the people that you had encountered had seen the multi-colored shirt, for example, from – on the other side of the creek?
A Was I aware that someone on my side of the creek had seen it from the other side? Is that what you're –
Q Yeah. No, that was not a great question on my part, so let me try again.
A You're fine.
Q There were people on the opposite side of the creek, on the south side of the creek?
A Yes.
Q So you're on this side and the multi-colored shirt was in the creek right

here in this area and some people are over on the other side; is that correct?

A That's correct.

Q And it's your understanding that people all the way on the other side saw the multi-colored shirt from the other side?

A That was my understanding later, when talking to one of them, yes.

Q Pretty visible, the multi-colored shirt; would you agree?

A From where I was at, yeah, from right off the bank.

Q And if somebody else had seen it from the other side.

A Well, I can't attest to if it's visible to someone else or not from –

Q That's fair. You had testified that, when you saw the two girls, that both had – I wrote it down – substantial blood on their person; is that correct?

A Yes.

Q Are you sure that both had substantial blood on their person or was it just one?

A As I recall seeing it, yes, there was a substantial amount of blood around both of them.

Q Okay. Was it around both of them or on both of them?

A As I recall, L.G. had it all over her and around her, and A.W.'s it was just in the general area of her wound and beside her.

Q Yeah, it wasn't on her person here that you could see; right?

A I don't recall if I remember seeing it on her body.

Q Could you tell whether there was wet marks like – you know like when you go into a creek and you – it's up to here – (indicates) – and you get out and you'll see wet marks from here down and it's dry from up here; you know what I'm talking about?

A Yes.

Q Could you see if there was wet marks, noticeable wet marks, from any part of the body down that separated itself from dryer marks up above?

A I recall noting that the clothing on A.W. had – appeared to be wet, but I – as far as a waterline, if you will, I don't recall anything like that.

Q And when you say appeared to be wet, that was just from your visualization?

A Yes, sir.

Q You didn't go and touch and see?

A No, sir.

Q And what part – you don't recall what part seemed – appeared to be wet?

A I want to say the pants, that's what I recall, the pants were wet, appeared to be wet.

Q And when you were going from the cemetery down to the creek, that was because you had heard that somebody was at the creek and wanted to talk to you; is that correct?

A That's correct.

Q So your mission was to go from the cemetery down to the creek to find these people; is that right?

A That's correct.

Q It wasn't really to be looking around for anything. You had a mission, "I'm going down there to meet these people"?

A That they had located something, that's what I was told.

Q So you weren't really looking – when you said earlier you didn't see the bodies, you weren't really looking for the bodies at that time.

A I was looking, but I was looking for the people and to find out where I'm going.

Q People down at the creek. All right. Did you say that you called – who did you say that you called from – when you saw the bodies?

A Detective Liggett.

Q And did your phone work?

A Yes.

Q And is that a – is that your own cell phone or is that a –

A I don't recall if I was using my department cell phone at that time or my personal cell phone at that time.

Q Okay. Do you know what personal – what your cell phone carrier is for your personal cell phone back then?

A AT&T.

Q AT&T, okay. And do you know what the cell phone provider is for the – I don't know if you'd know this or not, but do you know what the Carroll County cell phone provider is?

A Now it's FirstNet, which is through AT&T. I don't remember if we had switched to that yet at that point, but now it's FirstNet.

Q Okay. Well, do you know what it was before?

MR. MCLELAND: Judge, objection: Asked and answered.

THE COURT: Sustained.

MR. BALDWIN: No other questions. Thank you.

THE COURT: Mr. McLeland.

MR. MCLELAND: Thank you, Judge.

QUESTIONS BY MR. MCLELAND.

Q Detective Giancola, Mr. Baldwin asked you a question about the area where the girls were found was flat; do you recall that question?

A Yes.

Q The area around where the girls were found, was that flat?

A I guess you gotta figure out what's your definition of flat in the woods. I mean, nothing's perfectly flat in the woods, but compared to the hill down, like he asked me, yes, it wasn't a hill.

Q Right. But they were in a place that at least you didn't notice them on your walk down from the cemetery to the creek; correct?

A Correct.

Q And you weren't able to see the bodies completely when you looked back from the creek to where they were located?

A That's correct.

Q So where they were found, was it an elevated position or was it a flat area that was lower in elevation?

A That whole area is – like I said, your definition of flat or whatever, but it's – that whole area has low topography up and down at – but it's not steep –

Q Okay.

A -- but there's from the creek flooding and things like that, but it – they were in an area that was kind of a dip in the surface.

Q So when you talk about kind of rolling I'm gonna say peaks and valleys, although I understand it's not mountains, they were found in a valley?

A Correct.

MR. MCLELAND: Okay. I don't have any other questions, Judge.

THE COURT: Mr. Baldwin.

MR. BALDWIN: No other questions. Thank you.

THE COURT: Does anybody on the jury have any questions for Detective Giancola? Would counsel approach.

(Sidebar conference conducted.)

THE COURT: I'm gonna stand here, so they don't see me talk. No, you're fine. We're fine, you're fine. "You stated that electronics were being viewed 2/13/17, before going to search for the girls initially. What were the electronics being viewed?"

MR. MCLELAND: That's a good question.

THE COURT: Great question.

MR. MCLELAND: They've had good questions.

THE COURT: They really have, they're very thoughtful. "Were the pants wet from creek water or urine from body relaxing with – followed by release of body fluids?"

MR. MCLELAND: He can't answer that question.

MR. BALDWIN: No.

MR. MCLELAND: Probably calls for too much speculation.

MR. BALDWIN: Yeah. I mean –

THE COURT: Okay. So no to that one. So – but keep that in mind as we get into – if there is anybody that can –

MR. MCLELAND: (Inaudible)

MR. BALDWIN: I don't think it matters, it doesn't matter to me.

MR. MCLELAND: (Inaudible) I'm okay with just (inaudible)

THE COURT: Okay. We'll just ask the one.

MR. MCLELAND: Okay.

THE COURT: Okay. Thank you.

(Sidebar conference concluded.)

JUROR QUESTIONS OF DETECTIVE DARREN GIANCOLA

QUESTIONS OF THE JURY, READ BY THE COURT.

Q Detective, you stated that electronics were being viewed 2/13/17, before going to search for the girls initially. What were the electronics being viewed?

A I believe one item was an iPad or a tablet of some sort, and it was locked, so we could only see like phone numbers of missed calls on the – 'cause it must have been connected via the network or something. And Detective Liggett and I called those numbers and it was – just ended up being people – family trying to find out where they're at, but that's all we were able to determine at that point.

THE COURT: Any follow-up, Mr. McLeland?

FOLLOW-UP EXAMINATION OF DETECTIVE DARREN GIANCOLA

QUESTIONS BY MR. MCLELAND.

Q When you were doing that, where were you at?

A The Sheriff's Office.

Q Here in Delphi?

A Yes.

Q Okay.

A Yes.

Q And did you know who the iPad belonged to?

A I don't recall.

MR. MCLELAND: Okay. I don't have any other questions. Thank you.

THE COURT: Mr. Baldwin?

MR. BALDWIN: No, Your Honor. Thank you.

THE COURT: All right. Thank you, Detective. You may step down. And you may call your next witness.

MR. LUTTRULL: Thank you, Your Honor. The State would call Sergeant Jason Page.

MR. MCLELAND: Judge, we're gonna – just to make the Court aware, we've got to switch exhibits here, so we're gonna do that now while –

THE COURT: That's fine.

MR. MCLELAND: -- the witness is approaching.

(Witness sworn.)

MR. LUTTRULL: Your Honor, if I promise to speak up, is it okay if I stand over here?

THE COURT: Sure.

DIRECT EXAMINATION OF SERGEANT JASON PAGE

QUESTIONS BY MR. LUTTRULL.

Q Would you state your name for the record, please.

A Jason Page.

Q Where are you employed?

A With the Indiana State Police.

Q Could you spell your first and last name for me.

A J-A-S-O-N P-A-G-E.

Q And how long have you been an Indiana State Police officer?

A Twenty-four years.

Q And what is your current assignment?

A I've been a crime scene investigator for 16 years.
Q When you began with the State Police, did you attend the academy?
A I did.
Q What's the name of that academy?
A The Indiana Law Enforcement Academy.
Q And did you complete that training?
A I did.
Q And what was your first assignment?
A I was a road trooper assigned to the Peru post.
Q The Peru post?
A Yes.
Q How long were you a road trooper?
A Approximately a year and a half.
Q What was your next assignment?
A I was a detective at the Peru post for seven and a half years.
Q And during that time as a detective, did you have any other duties besides detective duties?
A I was also on the SWAT team for a period of time.
Q Once you had your seven and a half years as a detective, what was your next assignment?
A I was on the SWAT team in a part-time capacity, so there was a window of about three months that I was in a full-time capacity before I became a CSI.
Q Tell the jury, what do you do as a CSI?
A My primary responsibilities are to document crime scenes, and we do that with photography and sketching and notations that we take or observations at

the scene, and then we'll also do examinations, for example, looking for fingerprints or trace evidence.

Q Was that your assignment in February of 2017?

A It was.

Q You've been a CSI for how long?

A Sixteen years.

Q Tell us about your education, Sergeant Page. What's your – do you have a college degree?

A I do.

Q And what's that in?

A Fine art photography. I graduated from the Herron School of Art, which is attached to Indiana University.

Q As a CSI, do you have specialized training?

A I do.

Q Could you describe that to the jury.

A We have approximately a one-month training where they teach us the basics in documentation of crime scenes and then we work with each one of the disciplines in the laboratory, for example, DNA or latent print examiners, and they show us how to collect evidence, you know, for their standards, so they can later analyze it. And then, since that time, I've had hundred of hours of additional follow-up training in various disciplines throughout the lab.

Q And is your training both formal, in terms of specific instruction, and is it also on the – out-in-the-field training, as well?

A It is.

Q And how long did you have on-the-job training as a CSI before you had

completed that – till you're ready to do case work as a crime scene investigator?
A There's a six-month period of mentorship. I had three mentors, each one of them had approximately 20 years of experience each, and then I worked scenes with them; and then after that six-month period, once I had met all the requirements, then I'm released to work death investigations on my own. During that six-month period, if it's property crimes, once you're released, the CSI can work those, but it's a six-month period before you can work death investigations.
Q It may have been somewhere I heard that a crime scene investigator is the laboratory out in the field, the forensic laboratory in the field. That may not be totally accurate, but are you a part of the laboratory system?
A I am.
Q And do you receive training from lab personnel in the various disciplines of the Indiana State Police laboratory?
A I do.
Q Do you work closely with those analysts in the various disciplines at this laboratory?
A I do.
Q What about forensic pathologists, do you work with them, as well, in your field?
A Yes.
Q And have you worked with a number of forensic pathologists?
A I have.
Q Who were some that you've worked with and submitted cases or interacted and collaborated with on investigations?
A I've worked with Dr. Darrin Wolf, Dr. Scott Wagner.

Q Where does Dr. Wolf practice?
A He works primarily out of the Lafayette area, but also Indianapolis.
Q Dr. Wagner?
A He works out of Fort Wayne.
Q Any others come to mind that you've worked with over your career?
A There's been many; and many times, especially in Indianapolis, there's kind of a turnover rate. I mean, I've been working death investigations for 22 years, there's just been a variety of them, and many of them, I can't remember their names, but –
Q In your time with the State Police, both as a detective and with the Crime Scene Investigation Unit, how many crime scenes have you processed?
A I don't keep track of specific numbers with – as a crime scene investigator, I probably have somewhere between 950 to 1000 scenes, but that doesn't include scenes I worked as a detective or as a trooper.
Q How many homicide scenes have you worked as a crime scene investigator?
A I would estimate a hundred.
Q And you've testified before as a CSI?
A I have.
Q And how many times?
A Dozens.
Q Have you processed crime scenes involving serious injuries or death caused by sharp instruments, knives, other sharp instruments?
A I have.
Q Have you worked crime scene investigations with firearm-related evidence,

bullets, cartridges, casings, firearms?

A I have.

Q I'm gonna direct your attention to February 14th, 2017; on that day, did you begin your work in this particular case?

A I did.

Q Who were you contacted by and how do you respond?

A Brian Olehy is the lead – was the lead CSI in this case, he works out of the Lafayette post. He contacted me and requested assistance.

Q You were – are you on the same level, assigned to a different region than Sergeant Olehy?

A Yes. We're both assigned to area 1, which is three different districts. He's out of the Lafayette post, which Carroll County is assigned to that area, and I'm out of Peru post, and it's adjacent to. I live in the Kokomo area.

Q Is it unusual for you to work with another State Police crime scene investigator?

A Could you restate the question.

Q Is it unusual for you to collaborate and work with another crime scene investigator?

A It is not.

Q What about with other departments other than the Indiana State Police, do you – is that unusual?

A It is not.

Q In fact, in terms of all the cases that you work, how many times are you assisting or working with a non-Indiana State Police agency?

A I would estimate at least 75 percent of the work I do is for other agencies

as – since I've been a CSI primarily.

Q So once you were contacted by Sergeant Olehy – well, first off, do you know approximately what time he contacted you?

A I think it was sometime after noon, shortly after noon.

Q And do you know what time you arrived?

A I think I arrived around 1:30, maybe slightly before that.

Q And when you arrived, where did you go?

A I was asked to park my vehicle up at the old cemetery, the Delphi cemetery area, it was kind of a staging area. So I parked there and then I walked down this – kind of a steep grade, this hill, where I was told that the other officers were.

Q Did you later, perhaps the following day, go to the Monon High Bridge?

A I did.

Q The area where the cemetery's located, the land between the cemetery and the Monon High Bridge, and the bridge itself, are those all in Carroll County, Indiana?

A They are.

Q You were beginning to tell us what you did upon arrival. Did you leave the cemetery area and proceed to some other location?

A I did. I walked down from the cemetery to where the officers were staged. There was crime scene barrier tape that was set up and the officers that were present – there was numerous officers there, they were outside the barrier tape, and they had a crime scene log that was being maintained, and I met with Brian Olehy and Duane Datzman. Duane Datzman is another crime scene investigator that was requested to assist.

Q Have you worked with – you've worked with Olehy before I think you said.

A I have, many times.
Q Have you worked with Duane Datzman?
A Many times.
Q Was he a sergeant at the time, as well?
A He is.
Q And you were all trained, experienced CSI investigators?
A Correct.
Q What was the purpose of you meeting there at the edge of the crime scene tape at that point?
A Primarily to get the initial information or the facts that were known at that time, and then we came up with a rough plan of how we were gonna work for that day. The basic plan was for the three of us CSIs to work the area that was inside the barrier tape that had been established, and it was – I estimate it was approximately the size of a football field roughly; and then our primary focus was gonna be around the immediate area of where the girls were located or where I was told they were located. And then, at the same time, we had other officers that were there at the scene, we arranged for them to search outside that immediate area from the area where they were reported to have last been seen, to the barricade tape that we had set up, that area. And then, there was also dive team or people assigned to a dive team that were doing searches of Deer Creek itself.
Q So there was a water-rescue team working the creek and in – actually in the creek?
A Yes. I saw them there when I arrived.
Q Did they have distinctive apparel or uniform suits that they wear when

they're working in the water?

A They did.

Q Did you prepare a diagram of – that would help with the topography of the local area from the area of the High Bridge to the cemetery?

A I did.

Q And did you do one a little bit zoomed-in a little closer?

A I did.

Q And what do those two diagrams help to illustrate?

A Due to the trees and all the foliage and some of the satellite photographs or the helicopter photographs, it's difficult to get an understanding of the topography of the area, so I merely took a topographical map and then just placed basic landmarks on top of them so they can be compared to other maps.

Q Did you prepare – did you – strike that. Let me ask this again. Did you designate – you and Sergeant Datzman and Sergeant Olehy designate an area that you called ground zero?

A We did.

Q And where was ground zero?

A Through our search of the area – initially, we have a – we do a visual examination, just to see what items that are obvious to us at the time, and it seemed like from that and during our continual search, all the primary evidence that we observed was confined within an area of approximately 30 feet in diameter. We did not put crime scene tape around this, but this was the area that we pretty much worked the entire day, and then other officers remained outside.

Q Did you also prepare a diagram based upon images that were maintained

or taken at that – on February 14th? Did you prepare a diagram that showed the relative location of the two victims in relation to one another and the immediate area at the ground zero?

A I did.

Q I'm gonna show you what I've – we've marked as State's Exhibit 18, 19, and 20, ask if you can identify those for the jury, please.

A State's Exhibit 18, 19, and 20 are diagrams I prepared.

Q And are the – 18 and 19 the topographical ones that you prepared and then 20 is the ground zero drawing based upon the scene photographs?

A Correct.

MR. LUTTRULL: I would move the admission of 18, 19, and 20.

STATE'S EXHIBITS 18 THROUGH 20 OFFERED

MR. ROZZI: Can I ask a preliminary question regarding 20, Your Honor?

THE COURT: You may.

MR. ROZZI: Mr. Page, with respect to number 20 – this is the diagram of the bodies – did you do any dimensional research before you placed these on this exhibit?

A I did.

MR. ROZZI: Okay. And how did you do that?

A I did an overlay of the 3D diagram or the 3D scan that was later done, and also scene photographs where I'm up in a tree and I'm looking down 90 degrees. And when I do transparencies and do an overlay, both the scans and the scene photographs almost perfectly matched. And then I traced the items that were of note in ground zero. So they're in the – I wouldn't call them to scale 100 percent,

but I put the scale as approximate.

MR. ROZZI: Did you – with regard to 18, 19, and 20, did you do – prepare all these after I took your statement back in March –

A Yes.

MR. ROZZI: -- of 2024?

A Yes.

MR. ROZZI: Okay. I don't have any objection, Your Honor.

THE COURT: All right. Without objection, 18, 19, and 20 are admitted.

STATE'S EXHIBITS 18 THROUGH 20 ADMITTED

MR. LUTTRULL: Thank you, Your Honor. We would like to publish those.

THE COURT: You may.

STATE'S EXHIBITS 18 THROUGH 20 PUBLISHED

Q I've just been informed that I hold the key here to the next slide, so I'll – a minor miracle. Would you orient –

MR. LUTTRULL: With Court permission, may I have the witness come down to the screen?

THE COURT: You may.

Q Could you come down. There is a bit of a high-tech pointer here.

A Okay.

Q Would you – Sergeant Page, would you show the jury on that diagram the location of the cemetery.

A The cemetery's in this area here. (Indicates)

Q And where the Monon Bridge?

A Monon Bridge is in this area in the center of the frame.

Q And Deer Creek?

A Deer Creek runs from the left side of the right side through the middle of the frame of this image.

Q And where is – which directly – what is downstream on Deer Creek?

A If I recall correctly, I believe from right to left.

Q So it's flowing towards the left?

A Correct.

Q It's a little hard for us to see at this point, but there's a yellow rectangle – triangle there, the exterior or the outer perimeter; would you describe what that is.

A This is the general location of where the barrier tape was. So for orientation, I parked up in the cemetery area, walked down this grade to this floodplain area, what we call it, and then there was barrier tape in this general location. It's approximately the size of a football field.

Q And there is – I think we'll see on the next slide a little bit clearer, but describe for the jury the topography from the cemetery to the crime scene tape.

A This section here directly beneath the cemetery is pretty rough. I don't remember going through that. I could have, it's been seven-plus years, but I think most of us walked down the side, more towards the right of this image, and the grade's a little less steep; but you can see by the markings on the map that it's a fairly steep area. Areas closer to the – on the cemetery side of Deer Creek – excuse me – between the High Bridge and the barrier tape, the topographical map shows how it's much more sheer, and those can be seen in scene photographs, as well, just to compare the different grades.

Q This is the sheer area you're talking about?

A Correct.

Q One of them?

A Correct.

Q And did you later spend – on the following two days after the 14th, did you spend an amount of time in this area here, across the creek from the crime scene tape area?

A I did.

Q It's a little bit of a zoomed-in look at that. There is a line, a yellow dotted line, inside the crime scene perimeter; would you describe for the jury what that is, please.

A That is a rope line I used just to further designate our approach in and out of the crime scene as we worked throughout the day. I put a little arrow to show that this is the general location where the scene log was, and then we walked straight in and then I tied a rope to a small tree, and there was kind of a natural tree line in this area; and then when we walked this initial distance from where the scene log was to where I tied that rope, we were also systematically examining the ground to see if there would be any potential items of evidence there or any disturbed areas. And then, as we're walking through that area and we don't see anything, we feel like that's a safe place that we can approach. And then, the same thing was done – after I tied the yellow rope to the tree, we spent a great deal of time just walking that path to make sure there was nothing there and we are able to get to a point approximately 20, 30 feet away from what we later called ground zero to do our examination, and that's what that dotted line designates.

Q And what other function did this rope – yellow rope serve for you as

investigators working the scene?

A It also provided a landmark in some of the photographs. For example, in this open courtroom, if we were working this room and we have CSIs or other investigators and the one's walking one path, another one walks another path, it just – it'd create too much disturbance, so we basically used it as a landmark. So if I used the railing in front of the Judge's bench, we would walk along that line and then with this tape area for the cords down here, that would be like the rope line, we would follow that in and then to go the scene.

Q So your exit and entrance into the scene as you were there that day, you followed that path for what reason?

A Because we knew that there were no items of potential evidence there, and we were gonna continue all throughout the day to do additional searches in these other locations. We were merely trying to find a safe location that we could walk in, do an initial approach on the bodies, and just see what evidence was there.

Q You arrived into that crime scene taped area sometime before 2 p.m.; is that correct?

A Correct.

Q And you left that crime scene area that evening at approximately what time?

A 10:20 p.m.

Q Go to the next slide, this is Exhibit 20, and what are we looking at here?

A This is a top-down, birds-eye view of the items that we observed within what we called ground zero.

Q And describe for the jury the objects in what they're looking at on the exhibit in front of you.

A The item on the far right, this blob, I just labeled it tree. I put a legend at the top because sometimes arrows can be disorienting and cover up the area, so there's a legend at the top that shows these other items, but the ones I have labeled, there's a tree, which is this blob on the far right-hand side. And on the far left-hand side, there's another blob that I've also labeled as a tree. So it'd be like the tree was cut and you're looking top-down on it.

Q Sergeant Page, you stated that one of the resources you used to create this ground zero diagram was a 3D imaging photography; and does that capture an area from a top-down like that and display on its imaging the tree – the top of the tree that is depicted in your diagram?

A Yes.

Q The – and go ahead, what else do we see?

A This outline of this body is L.G. This – the outline of this body to the left of L.G. is A.W. And then, these gray, linear, irregular-shaped items, these are various branches that were located on top of their bodies. There's a larger one that I would call a limb that's on top of L.G.'s body. There are some others that are on the ground, twigs and branches near their feet area. And then there's a – on the legend, there's a dotted circle that that represents an exposed dirt area. So the only disturbed ground, where it was obvious that leaves and other items were missing was this little indention in the ground at the bottom of this diagram, and then the pale red areas on the diagram are the primary blood stains that we located and observed within the scene.

Q Thank you. Instead of having you return to your seat, I'm just gonna go ahead and hand you a number of exhibits, if you're comfortable with that, and ask that you take your time – well, why don't we let you have a seat, so you can

use the – I'm gonna hand you State's Exhibit 21 to 63. I'm gonna ask you to look at them with this question in mind: Are those photographs that you took on February 14th, February 15th, and February 16th at this location that you described?

A Yes.

Q Do they truly and accurately depict the scene and illustrate your testimony?

A They do.

MR. LUTTRULL: I would move the admission of Exhibits 21 through 63.

STATE'S EXHIBITS 21 THROUGH 63 OFFERED

MR. ROZZI: No objection.

THE COURT: All right. Without objection, 21 to 63 inclusive are admitted.

STATE'S EXHIBITS 21 THROUGH 63 ADMITTED

Q Sergeant Page, why don't you go ahead and return to the screen and we'll proceed. This would be Exhibit 21; what are we looking at here, sir?

STATE'S EXHIBITS 21 THROUGH 63 PUBLISHED

A This photograph was taken from the vantage point of where I was standing after I signed into the crime scene log and I'm facing Deer Creek. In the foreground at the bottom, center of the scene is the crime scene barrier tape. And then, you can see parallel, just above it, is Deer Creek in the distance. Farther beyond in the frame, you can primarily see it in the upper left-hand portion, this is the other side of the creek and it's a much higher-elevated grade. This is private property on this side. And in the center of the frame of this image,

when it's zoomed up, you can see that there's a yellow rope that's dangling from the tree. So this is the rope that I tied. So after we examined the area from the barrier tape straight in and we didn't see any items of potential evidence in that area, I then went back to the barrier tape just to document the process and I photographed the rope before I strung it out.

Q I think we can expand it slightly maybe. But it's right in this area here? (Indicates)

A It is. It's tied to this small tree and the rest of the rope is just dangling on the ground.

Q And are the location of the bodies of A.W. and L.G., are they there in the frame of the photograph?

A They are not. They would be located farther near the left-hand side of the frame.

Q Exhibit 22, what do we see here?

A One the right side of the frame, you can see the small tree that I tied the yellow rope to with the rest of the rope, as I previously described, is on the ground. And then, in the middle of the frame, just left of center in the distance, is the body of L.G. and A.W. These trees here appeared to have a natural line, and then the topography, even though it's more flat in this area, there is some variation to it, so there's almost like a small, little ridge, and these trees are all along that area, and this is the path that we took to make our ingress.

Q Is this area flat?

A It's not completely flat, but it's flatter than the other areas. It's very hilly and steep in most of the other locations.

Q Is there dips and small little areas of the area going up and down

throughout that area?

A There are. I would consider this a floodplain area.

Q And what do we see in Exhibit 23?

A The rope line in the previous image is now located on the far left-hand side of the tree – or rather of the image here, and the rope is on the ground. All this is, is in the previous image, I took it with the rope on the right hand of the image, now I've kind of stepped off of this natural tree line just to show the vantage point on the other side towards the bodies of L.G. and A.W. In the center of the screen, slightly above it in the background, you can see the farther perimeter areas of the crime scene barrier tape. And then, Deer Creek kind of moves around this bend above in this image, around where that barrier tape is, and then it goes – kind of curves around off to the right-hand side. You can also see in this area – in this area that this plain kind of dips down a little bit, so this area from the left center to the middle kind of dips down a little bit; so they're just variations to observe as you're looking at the image.

Q Point again to where the body of L.G. is.

A The right-hand center portion of the frame is the body of L.G., adjacent to this tree.

Q And A.W. would be just to her left? Or to our left?

A Yes.

Q Exhibit 25 I believe this is.

A This is a close-up from the same basic vantage point. Using a zoom lens, I just merely zoomed up on that same location to see the girls' bodies from the place that I was standing. L.G. is at the base of this tree near the right side. The left side of this frame, left lower center, is A.W. And you can see in the center

horizon, just slightly above the center, is the crime scene barrier tape, and you can also see the variations of the topography of this – the ground in this area.

Q As you're taking photographs, what is your process that you follow in taking crime scene photographs?

A Every crime scene I work has the same general process, where I photograph from general to specific, so I always want to show the general location. For example, if it's a house that's in a suburban neighborhood, I want to show not just the house that the crime scene's at, I want to show the neighborhood in general so we can get an idea of what we're looking at. Or if it's a rural house surrounded by farm acreage, that could be significant too, because, in that context, maybe there were no witnesses because it's in a remote location, for example. And this particular scene, all these initial photographs were to show the general area, its topography, the relationships of the creek and the other landmarks and the bodies of the deceased victims.

Q Exhibit 26, does that show the large limb that's there over a portion of L.G.'s body?

A It does. And I believe in the foreground is this portion of exposed dirt that I'd mentioned earlier in the diagram, I believe it's State's Exhibit 20. There's a large limb on top of her. And then, this photograph too is – the wider shots I consider very general. This is what I consider more of a medium shot, to show the immediate area of the girls' bodies and their location. And this is generally the area that I – this bowl, circle area of trees around this area, is what we later determined to be ground zero.

Q Does photo 26 illustrate the kind of topography that the girls' bodies are within?

A It does.

Q Just briefly say what you mean by that.

A It's kind of like a slight grade from above A.W.'s body, and these trees are much higher up. So if the horizon line of this pointer stick is right here in the middle, you can kind of see how this rises up towards the left. The immediate area where L.G. is is kind of more of a valley type area. And then, in the distance, this grassy area that you see in the center of the frame near the top, this is the bank of the creek, see a bit of a rise there, and then there's trees. And then, this darker portion, this kind of cross section that follows the upper middle horizon line is another grade for this very sheer surface. And in this area, the far right-hand corner, you can see there's a coloration difference between this grass, this dark – I'm sorry, I touched the screen.

Q All right.

A From the grass, that creates one band of color, then there's a darker color, and then there's a darker brown, then a lighter brown, and then you can see the skyline with the trees and the horizon. This lighter band color, that's where there was an access road and there's a slight increased grade that goes up to private property off in the distance.

Q This photo, you're moving around in a – sort of a circular fashion or to your right as you're taking these photos?

A I am.

Q Again, you moved slightly to your right to capture that view?

A I am. And just for landmarks, you can see in the distance, in the center of the frame along the horizon line, is the crime scene barrier tape, that portion of it.

Q As you're standing taking this photograph, are you – where's the creek? Is it right behind you?

A I believe the creek would be over my right shoulder-ish. It kind of curves around, but it's gonna be on the left side – or, I'm sorry, the right side of the frame in this image generally.

Q And flows around though past this in a curvature fashion; is that correct?

A Yes. And the way that I'm standing, oriented towards the screen, the right side of the screen, as I'm facing it, this is the general location my body was in relation to the creek. So the creek would have been towards my back and the moving off to the right. Could we return to the previous exhibit? For orientation purposes, on the left-hand side of the screen, you can see two yellow lines. The one that's near the top, that's the barrier tape, and then, below that, is the rope line. You can see where my rope line goes from the left to the right. It's tied around another small tree. I'm sorry, I touched the screen again. It's kind of hard not to do that. But anyway, you can see where the rope line then comes to the base of some other trees, and that's basically where we made our approach. So in this particular exhibit, you can see a foot of L.G. and then this is the limb that I'd mentioned before. Not too far from her foot, I believe, is this exposed-dirt area. And then you can see the rope in the distance; so this would be the path that we took in, from left to right in this frame, but along the rope line. And then, beyond the rope line – 'cause it gets kind of confusing with all the yellow lines – that's actually the barrier tape. And just for visual impression on the film, it looks close, but it's actually quite some distance away, and then it wraps around clear past the other part of the frame towards the right.

Q Okay. You've been describing Exhibit 28. Let's go to 29. You just moved

slightly again, and is the body – are the bodies of the victims obscured in this photo?

A Not necessarily. You can see the body in the center lower portion of the frame, you can see the body of A.W. The body of L.G. appears to be obscured from the large limb and the other tree. I'm moving counterclockwise as these photographs are being taken. And then again, you can see in the left of center horizon area the rope line in this location, and then it dangles down. And then, the crime scene barrier tape is in the distance. And in the far distance, you can – this actually has a pretty good picture where you can see more of that gray, because the gray where the cemetery is, it goes off the frame more to the left, but it's very difficult to photograph that because you can't see the skyline, 'cause it goes kind of straight up. So this area, it starts to taper down in the far distance, so you can kind of get an idea of how steep that was. And then, off to the right side of the frame, that's the direction of the creek.

Q Exhibit 30, and you continued in our counterclockwise route here as you're taking photographs?

A Yes.

Q 31. 32.

A In State's Exhibit 32, you can see the rope line better, which trees it was attached to, and then as it comes into the scene. And in the distance, you can see officers that are outside the crime scene barrier tape. And then in red with the I believe yellow helmets or something of that sort, it's hard to make out, but I believe those are members of the dive team.

Q And in photograph 33, State's Exhibit 33, we're looking with the creek in the background?

A Correct.

Q And this is just, again, you're moving counterclockwise. Was there anything of note that you noticed in this photograph besides getting a picture of where the creek is in relation to the bodies?

A Could you be more specific?

Q Well, let me just ask: If someone were at the bank of the creek in this area or across the creek, would the bodies of the victims be obscured?

A I don't recall me going across the creek while the bodies were there, but I did go across the creek for the next two days and I took additional photography, and there are variations there that I don't know how difficult it would be to see, but –

Q 34, you're elevated when you take this photograph?

A Yes. I have a ladder that's in my truck, so I extended the ladder, put it in various locations, so I can get more of a top-down view. One of the methods I use in my photography is, for every scene, I not only go from the general to the medium to the specific to take technical photographs, I should also note that photography is continual, we take photographs when we arrive, every activity we do we photograph. You go from the least-intrusive to the most-intrusive. So we'll photograph everything as it is in place. So if I was doing the courtroom now, I would have all the items on these desks exactly where they are and show them from the general to the medium to the specific. But I also will document things from the top down, so you kind of have a visual map from a birds-eye view of the relationships, 'cause it's all about the relationships of these different items. So they look one particular way from eye level as you're standing, but then I'll get above them 90 degrees and photograph downwards. And whenever I can, I

get my camera down as low as I can to show the low-lying surfaces on the ground plain, but then also from low to high, in case there'd be any evidence or stains or something, for example, underneath the table. So this is part of the process where I'm not quite 90 degrees, but I'm on a ladder and I'm showing kind of a 45-degree angle, top-down, just to show the relationships of the girls' bodies with the ground zero area with Deer Creek in the background. You can see how this floodplain kind of continues in the distance, where it's lighter; and then, where it gets darker, is a more of a steeper grade up to the other side. The Monon Bridge is located – it can't be seen with all the trees in this view, but it would be this area near the horizon line in the top center of this image.

Q Exhibit 35, that's another top-down view?

A Correct. And in this image – oh, I'm –

Q No, go ahead.

A In this image, it gives a better viewpoint. There is a red-stained area here on the ground that is more visible than in the previous photographs.

Q 36.

A This is a top-down view where I'm in a ladder, between the crack of this tree, and on – and I photograph down at a 90-degree angle to map out the different items within the scene. This is one of the images I used, in conjunction with a 3D scan of the scene, to put the locations of all these various items.

Q Exhibit 37. And now we go to 38. There are – you continued your counterclockwise movement of the creek in the background; is that correct?

A Correct. And in this particular image, I used a technique called fill flash. Because of all the shadows, it's difficult to see, and to take out that contrast. This image shows there is another blood stain, apparent blood stain, on the

ground at the bottom of the frame. Then, the upper middle portion, you can see the bodies of L.G. and A.W. And then, at the top, you can see where Deer Creek is located in relationship to them.

Q This tree that's in the image in the foreground with the victims in the background, did you examine that tree, as well?

A I did.

Q And was there – what did you notice on that tree?

A This was the only tree in the area that I observed blood stain evidence in this portion of the tree, I don't know how – offhand how high it was, maybe three feet. Without looking at measurements, I can't remember. There were stains on this face, side of the tree, and then halfway between where this stain is and the base of the tree, of the ground, on the right-hand side of this – on this image, to the right-hand side of the tree as we're looking at it, was another area of bloodstain evidence. And then, beyond this, the – that larger stain I mentioned earlier in the other State's exhibits is probably obscured from this tree.

Q Exhibit 39, does this illustrate the location of the large blood area that you had on the ground zero diagram?

A It does.

Q Would you point that out to the jury, please.

A It's in the center lower portion of the frame. You can see it in relationship to their feet. And this photograph also shows the grade of the terrain in this area. And you can see the grass. This is one of the photographs I'd mentioned earlier where I start to get from a lower vantage point. So I want to get everything from a 360 general, to more specific from high level, then I got from a higher vantage point down. Now this is the portion where I'm getting down near ground

level, and then I take – I took hundreds of photographs. Many of them are from an eye-level vantage point and some of them low to high, and that's – this is an example of one of those photographs.

Q Exhibit 40. Now we'll go to 41. Is this the large stain that you had in Exhibit 39?

A It is.

Q You were there in person; describe what you noticed about the quantity of blood that you saw at that location.

A Later during the search, this is the following day, I did a systematic search of this entire area, so I removed my – I would examine all the branches, all the twigs, any items in that immediate area, and look to see if there'd be any other items of potential evidence on those items. Then later, when I removed all of the leaves and such, this whole area seemed to be saturated still with a large quantity of blood.

Q 41 show – or 42 shows the image of A.W.?

A It does.

Q I'm sorry, I meant to have a lead-in to that photograph. You took close-up photographs for what reason?

A To show more details, to show trace evidence.

Q And the next slide is a close-up of L.G. face?

A Correct.

Q And were you wanting to document the pattern of blood and where the blood was located on her body?

A It's in just general showing all the details you can. One of the things I do in death investigations is I make sure I focus on the head, the hands, and the

feet, and any other items or injuries that are gonna be on the bodies, but I often – and we did it at this scene, I'll take a tarp and lay it – we'll examine the area that we're immediately standing in to see if there's any items of potential evidence that's apparent to us. If the area appears clear – this is part of what I mentioned earlier about you're going from the least-intrusive to the more-intrusive, so we're not moving anything at this time, but you have to eventually get closer to the evidence you're looking at. So I put a tarp, could have been a plastic bag, on the ground, so I'm not transferring anything or disturbing anything, and then I spent a great deal of time with each one of the victims, just looking at their hands, analyzing them with a flashlight. A lot of times, you use a flashlight and look with oblique lighting to see if you can see any trace evidence on their fingers, we're looking at the hands. There's just dozens and dozens of similar photographs like this; that's a representative photograph of some of these. In this particular exhibit, there were fragments of organic material –

Q Sorry.

A -- on the face and that's what we're looking at. There's some here in the mouth, some in the eye, some in the forehead. This shows the relationship of the head with this organic material.

Q Would this photograph 44 be the left hand of A.W.?

A It is. On the lower right-hand portion of this image, the bark that's covered in moss in this area, that's actually that large tree, and then this is her left hand.

Q 45. 46 is her right hand?

A Yes. In the upper left-hand corner, you can see the skin of the side of her body, just for orientation purposes. And again, this is a representative photograph of numerous close-up photographs showing details, looking for

stains, trace evidence, anything else that would be in the area.

Q 45 – excuse me, 48 is the photograph here. Did you have – as a team, concentrate on one area and one victim first before you went to the next victim?

A We did.

Q What was the purpose of that?

A Well, in the particular case of L.G., because she's unclothed, it's just easier to see trace evidence and any injuries and document this area. And because L.W. [sic] had multiple layers of clothes and stuff, we know that a lot of the trace evidence is gonna be between those layers, so it was just easier to start the one and, quite frankly, we had to start someplace, so we just started with her.

Q But you didn't – my point is, you did not do both – process both victims at – the areas around them and examining them, you did not do that at the same time?

A No.

Q You did one after the other?

A Correct. Can we go back to the previous State's exhibit? Just for confusion –

Q 48.

A -- in this particular image, the tree that's to the left, there's a lot of red hue, it's kind of brown-reddish, at least from the vantage point I'm standing, looking at the screen. It looks red, but on closer inspection, this is all just areas of bark and there were no stains on the surfaces of that tree.

Q Exhibit 49 shows a blood pattern on her right thigh?

A Yes.

Q And I think that's documented in some other photographs we'll get to later

today, but you wanted to make sure you captured that, as well?

A Yes.

Q Did you take photographs of that from various angles?

A It's just part of the process, all the – any item that's gonna be captured in this, again, it's just a process of going from the general to specific. Those pictures are all taken prior to moving any objects or moving the bodies.

Q State's Exhibit 50 has numbers on the ground, would you explain to the jury what they're seeing there.

A This is a photograph I took later that night with the flash, or maybe it just appears to be later because it's just an effect of the flash, I can't remember which; but on the left-hand side of the frame, this tree is the one tree that we saw bloodstain evidence on. You can see the stains on this upper portion near the upper left-hand side of the image. And then, midway down, closer to the ground, you can see another bloodstain pattern that we located, I can't remember which, I think it might be where this placard number 1 is. I didn't put these placards there, they were from Brian Olehy, as he was marking areas that he was gonna collect representative stain samples, but I believe 1 designates the area of where another stain of blood was on the ground. I can't recall what 2 marks, it could be some other leaves that may have been stained, I can't recall.

Q Did Sergeant Olehy, as the CSI for this region, did he collect all the evidence from the crime scene?

A The majority of it.

Q On February 14th?

A Yes.

Q And that was one of the roles he played. You did not collect evidence on

February 14th?

A I did not. My role is to assist Sergeant Olehy as needed.

Q You see a few other numbers there, 3 and 4, and were they placed there by Sergeant Olehy?

A I believe they were.

Q And were they marking evidence that was collected from those approximate areas?

A Yes. And for orientation, you can see that tree in that previous image, there's bloodstain evidence here, and then I don't know, it could be just slightly off the frame is where that placard number 2 was, but this also could have been taken before those placards were put there, I can't recall.

Q You said that you remained at the scene until approximately 10:30?

A We did.

Q And did you return the following day?

A I did.

Q And what – did you return to this specific location on the following day?

A I did.

Q When – once – let's stay for just a moment on the 14th of February. Once it began to be late afternoon, did you notice any change in temperature?

A I did.

Q What did you notice?

A It became colder.

Q And through the night that you were there, did that continue?

A Yes.

Q And when you returned the next day, do you know what time you

returned?

A I thought it was around 10. It's sometime after 9, before 11:30. I can't recall offhand.

Q That would be on Wednesday, February the 15th; is that correct?

A I don't know if it was a Wednesday, but I know it was the following day.

Q The question I wanted to ask you: On the 14th, were you carrying any firearms and any ammunition on that day?

A I was.

Q What were you carrying?

A I can't remember if I was carrying a Glock 19, I'm pretty sure I was, and it's a 9-millimeter.

Q If you were carrying something else, what would that have been?

A Pretty much all I carry, if I would, and I seldom carry it, we have a Sig Sauer .45-caliber 227, and I only wear that when I'm in uniform or in some other capacity.

Q And the Glock, is that a standard issue for Indiana State Police?

A No. I believe that was my personal firearm. We're allowed to carry – this is going back a while. I can't remember, but for a long period of time, if you qualify with your personal firearm, you can carry it. And at some point, the Department stated we can't carry personal firearms, so now we carry Sig Sauer P365, which are a 9-millimeter, and that's what I primarily carry. I don't know when that was issued, but it was either a 9-millimeter Glock or a 9-millimeter Sig.

Q Did you have a .40-caliber ammunition with you that day?

A I did not.

Q When you returned the following day, did you do any chemical tests on the crime scene at this location?

A I did.

Q Would you explain to the jury what you did.

A Well, to begin with, we just were looking for any additional evidence in daylight, because once we lost the daylight hours, it's – you know, we could only do so much. I mean, it is beneficial to look at some items with the flashlight, we had some area lights out there, as well, but to do additional thorough searches, we needed to have daylight. So I arrived there with two other CSIs, which was Duane Datzman and Jerry Mihalick, we were the primary ones that returned to the scene, and the purpose of that was for Jerry Mihalik and Duane Datzman to examine that area and then beyond that ground zero area with metal detectors. And while they were doing that, I was looking for any other additional blood contains on any other items or objects in that immediate area without disturbing the ground cover at that time. I didn't see any other additional blood stains, so we looked at the one tree that seemed to have blood stains on its vertical surfaces. And I used a chemical called Leucocrystal Violet, it is a reagent for blood. It's also a presumptive positive test for blood, and all it does is either – it's primarily used for latent blood stains. So a latent image or a latent blood stain or a latent print impression is just something you can't see readily with the eyes. So with fingerprints, you have to use some kind of a powder to enhance it, to make it visible; and with latent blood stains, you use a chemical that just develops the image that would be there that you can't see. And especially due to the bark surfaces, it's difficult to distinguish the different pigmentation of the tree from the stains, so I applied Leucocrystal Violet to that area and to other

areas within the scene.

Q Looking at State's Exhibit 52, is that a photograph of what it looked like after you applied the chemical?

A It is. Leucocrystal Violet turns a violet color and, when it reacts to heavier areas or more-dense areas of blood stains, it tends to have a – as part of the chemical reaction, it'll tend to foam a little bit, so it's not so much the pigment, it's – this is – what's very visible in this image is you're looking at the foaming aspects. What I was looking for is if there was any other blood stains that were blending in to the coloration of the tree, and I didn't see really any other reactions outside of what was obviously visible previously.

Q Did you know that – whether or not any blood – any swabs of the blood on that tree had been obtained on the night before?

A I do.

Q And who did that?

A I believe Brian Olehy.

Q So this evidence had already been – evidence had already been taken from that area where the blood was observed on the tree?

A Correct. He took representative stain samples from numerous locations.

Q One question I wanted to ask you about the – let's go to the next slide, then I'll – we'll get to that. What is – what do we see here in 53?

A It's the portion that's a little lower on the counterclockwise portion of that same tree, and no additional latent stains in that area developed, it was primarily just these heavier areas. When the chemical that was applied to them, they tend to foam up, so that's what these lighter-colored areas are is just the foaming action of those thicker stains.

Q And the previous night, had you measured these areas from the ground to record/document the relative height from the ground of these different stains on the tree?

A Yes. In addition to having the 3D scan, which is more detailed in placement, we also used conventional measuring methods of using regular surveyors tapes and scales and such to document then before the evidence is collected.

Q Exhibit 54, is the tree in the – just off center to the right in this photograph, is that the tree that L.G.'s body was next to?

A Yes.

Q What does 54 illustrate?

A This is much later from the previous State's exhibits we just looked at. This is midway through the portion where I started with this tree and worked outward from there, the tree that you had mentioned, and I examined systematically all the sticks, the twigs, the branches, and the leaves to see if there was any other items of evidence or if there could have been something underneath that ground cover. This is one representative photograph of this where, eventually, everything within that – what we designated as ground zero and then beyond it several feet, just kept peeling that back. But at some point – with every crime scene, there has to be parameters, you have to just come to the point like, "How far do we go? Do I do an acre?" You know, so I, basically, just took this probably five or six feet outside of ground zero, and this is part of that process. And then, in the foreground, you can see this. This is before I completely uncovered it, but this is the area that was that large stain with the leaves, and then, in the distance, you can see – in the center top of this image,

you can see Deer Creek and there's divers that are continuing to search the entire time I was at this area. I spent – I don't know how many hours I spent there, but I spent the remainder – most of the remainder of the day in that area.

Q Was scene security maintained from the time you arrived on the 14th until once you returned on the 15th? Was there remaining scene security present?

A There were.

Q Did you return – here's another photograph, 55, of the same process, you described that; this is from a different angle. Did you return on the following day, the 16th?

A I did.

Q We're gonna look at State's Exhibit 56, this photograph of the Monon Bridge. Which end is – are you positioned when you took this photograph?

A I believe I'm on the – in the lower left-hand corner, this side is the public side. Deer Creek is running underneath the bridge. In the left-hand side of the frame, you can kind of see how sheer the bank is and the topography of this area. In the middle section, near the top, you can kind of see where this floodplain is and you can see it's kind of irregular, 'cause especially the trees that are along the bank kind of create a little slight rise in the ground there, but this is all wooded, but this is the area that I would call a floodplain. It also continues on the far right-hand side of the frame, where you can kind of see how dense the trees were and the topography of the ground.

Q And just to make sure we're oriented, Sergeant Page, where would the – where would the victims be, the bodies have been discovered?

A They would be somewhere in the center top of the frame.

Q Around – upstream around that bend; is that correct?

A Correct.

Q What did you notice about the condition of this bridge when you were there on February 16th?

A You can see in this image that there are no handrails or guardrails off the side, it's just exposed old timber. Many pieces of the timber were very rotted and there were many gaps where some of the railroad timbers were missing altogether.

Q Did you cross that bridge yourself?

A I did.

Q Do you have a fear of heights?

A Not if I trust what I'm standing on, but I walked it.

Q And how would you describe that process, being on it?

A I thought it was a little sketchy, but I walked across the bridge.

Q What are we looking at here on Exhibit 57?

A In the upper left-hand portion of the frame, you can see the – there's some kind of barrier there. That's on the public side. Then you have the bridge that runs along the left-hand side of the frame. And there's some of these boards that kind of create a platform. I'm standing on one of those platforms, looking towards the Monon trail itself, the public walking trail. And then, the entire remainder of the frame, from the center to the right, shows how sheer this kind of cliff edge is. We can kind of see how the topography rises from the High Bridge up a little higher. And then, in the lower left-hand corner, you can clearly see the creek, and you can even see that you can see in the creek a little bit, the water's – you can see the creek bottom.

Q What are we looking at in photograph 59? Excuse me, 58.

A Now I'm at the exact opposite direction. So the previous image, I was looking towards the public side; and now I'm looking at the private side. So the upper right-hand corner, you can see another barrier, which is a mirror image of the one on the public side. Somebody put crime scene barrier tape up in this location. Near the upper horizon of this image, you can see this light green, sandy color, this is all a large lawn area from a residence. Near the center of the frame, you can kind of see where this home was, and I don't know what the address is, I don't know who lives there. And then in the left – the lower left-hand corner of the frame, this is a gravel drive. I looked it up on the map, it said North 625 West, so I don't know if it's considered a county road or a private drive or an access road, I don't know what you'd call it, but it comes in this area and there's a slight elevation, I had mentioned it previously in other exhibits, and then it ties into this private residence. And then, the lower left-hand side of this image is this gravel area that kind of extends just an distance from there to that barrier from the High Bridge, so the High Bridge is off the frame at the bottom. And then, to the immediate left, I noticed that the leaves seemed to have been displaced because there's this exposed dirt area that goes down this grade. This grade is steep, but it's navigable, and then it goes to this access road, and then going again to the left-hand side of the frame. This area just the other side of the access road is pretty steep, but it leads to a large floodplain area that I mentioned previously, and the location of the bodies of L.G. and A.W. would be somewhere beyond in this – these trees on the left-hand side of the frame.

Q Across the creek?

A Yes. And this was taken two days later.

Q This next photograph was taken from that access road you described,

looking back up towards the bridge and that area you just described, the darkened area on the – just to the side of the bridge; is that correct?

A Correct.

Q Coming down the hill?

A Correct. That's the upper left-hand portion of this image. I've now walked past the High Bridge, gone down this grade, standing on the access road. And when you're taking wide-angle lenses – when you're using wide-angle lenses, and even zoom lenses, there are – it is a bit of a compression, so this looks like it's a far distance, but I don't recall it being very far. But this goes back to the bridge. The road is relatively level, but to the immediate right that's off the frame there's kind of steep grade and then that leads into the floodplain.

MR. LUTTRULL: May we approach, Your Honor?

THE COURT: You may.

(Sidebar conference conducted.)

MR. LUTTRULL: Just briefly, I – this is going a little longer than I wanted. I have not too much longer to do.

THE COURT: Okay. We're gonna have to break between direct and cross.

MR. LUTTRULL: That's what I thought. So do you want to break now?

MR. ROZZI: Well, why don't you finish it and then we'll take a break.

THE COURT: No, we're gonna finish direct. We're gonna finish direct, but we're gonna have to break between direct and cross.

MR. ROZZI: Okay. And just do lunch probably?

THE COURT: Probably.

MR. LUTTRULL: Sorry. Do you want to break now?

THE COURT: No, no, no, just finish your direct.

(Sidebar conference concluded.)

Q Exhibit 60, sir, where are you located when you took this photograph?

A I walked from the High Bridge down off the access road and you could see in the distance this dark line near the center of the frame, kind of diagonal line on the left-hand side of the frame, that's the High Bridge. You can see daylight from underneath it and above it through the trees. This is what I consider a type of floodplain area that has all these trees in it. I walked a little bit farther upstream than the location of the scene, the primary scene, ground zero, and I'm standing on this kind of a shallow rock area, so I could be in the middle of the creek without getting too wet, and so this is the part – the majority of the frame is the creek as it goes downstream and then turns around this bend towards the High Bridge.

Q Next photograph is number 61. Is that from the same location now looking across the bridge – or I mean across the creek?

A Yes. From this vantage point, the previous State's exhibit I'm looking at where the High Bridge was to my left, and then I've just merely pivoted to my right and I'm showing the other side, the other bank of Deer Creek. And you can see in the middle left – the middle right-hand portion of this image, some of the barrier tape that's up, and that was the farthest area out. You always want to establish – whenever you're working a scene, you always want to be very generous and take whatever area that is apparent, that seems to be involved, and you pick a much larger area, because until you've examined it, you don't

exactly what know the parameters are, so that's why the barrier tape was this far out. Now, more towards the center of the frame, where you see these prominent trees are, inward from that towards the cemetery area is where the scene was located.

Q So the barrier tape that you mentioned, the crime scene tape on the right-hand side, would be the upstream edge of the crime scene area?

A Correct. It's that outside leg.

Q Look at State's Exhibit 62.

A It's similar to the previous exhibit, you can see the crime scene barrier tape near the middle lower portion near the center, and then the area out to the right of that, this part of the bank. All these areas of the banks were examined for days by numerous people, myself included. We didn't see anything along these areas of the bank that were upstream and you could see that the sides of the bank are much more sheer, they have a more-steeper grade. This area near the left of the frame on the bank, it's kind of a grassy area, and that's one location that's – has a more shallow grade, but these other areas, especially these trees that are right near the creekbank, it's kind of an elevated area.

Q And how – when you designate the area as a shallow or more gradual bank, I should say, that area was where in relation to where the bodies were found approximately?

A The bodies were just – from this grassy portion, as I recall it – and of course, again, you know, I have a wide-angle lens and there's some compression and it adds a little disorientation, but in this particular image, if you're thinking more from left to right and kind of in, it would be near the centerish of the frame.

Q When you were at the crime scene on February 14th and you were near the

body of A.W., did you notice anything about the condition of her clothing, particularly the jeans that she had on?

A Yes.

Q What did you notice?

A My recollection is that they – her clothes were damp, but it's been so long and I didn't make specific notes, I don't know exactly where it was damp, I just remember her clothes seeming damp.

Q And I think it's our final photograph, 63. That simply is from looking more straight-on to the bank from that location from the rocks where you were standing?

A Correct. I'm just making quarter turns clockwise, so I went from one end to the bank to the other end of the bank, and now I'm showing the extreme other side, where you can see not only the end of the barrier tape, but you also see all this other terrain that's more upstream on the right-hand side of the frame, and then ground zero would be located somewhere beyond these trees in the center left portion of the frame.

Q You may return to your seat. A group of CSIs gathered again on Sunday, the 19th of February; is that correct?

A They did.

Q And did you participate in that?

A I did.

Q And how – do you recall how many Indiana State Police crime scene investigators participated in that search?

A I believe there was nine, including myself.

MR. LUTTRULL: Thank you. I have no further questions.

THE COURT: As I indicated up here at the bench, we're gonna have to take a break. It's 11:30, so I think we'll just do an early lunch. Ladies and gentlemen, it's been a long morning for you, and I apologize that we kind of went through the break, but we will go ahead and break. While you're outside the courtroom, please, keep your minds open. Please don't form any opinions or conclusions about anything. You may discuss the evidence that you're heard so far, but please, only do that if all 16 of you are present in the jury room at the same time and then, please, don't deliberate. Gentlemen.

THE BAILIFF: All rise.

(Jury out at 11:30 a.m.)

THE COURT: You may be seated. Is there anything we need to do outside the presence of the jury, Mr. McLeland?

MR. MCLELAND: No, Your Honor.

THE COURT: Mr. Rozzi, anything?

MR. ROZZI: No, Judge.

THE COURT: Let's be back here at one o'clock, then. We'll give them a little bit more of a break.

MR. ROZZI: Thank you, Judge.

THE COURT: Thank you.

(Off record at 11:31 a.m.)

(On record at 1:05 p.m.)

THE COURT: Okay. We are back on the record. Where is our witness? Where is Trooper Page?

MR. MCLELAND: He's right here, Judge.

MR. LUTTRULL: He's right here.

THE COURT: Okay. Very good. Are you ready? Who's doing cross? Mr. Rozzi? Okay. All right.

MR. MCLELAND: Do you want Trooper Page back up at the stand?

THE COURT: Well, at least like standing in front of the – that way, he won't have to –

THE BAILIFF: All rise.

(Jury in at 1:07 p.m.)

THE BAILIFF: Thank you. You may be seated.

THE COURT: Thank you, gentlemen. Trooper Page, if you'd resume the stand, please. I'm sorry, Sergeant. Mr. Rozzi, you may proceed.

MR. ROZZI: Thank you, Judge.

CROSS EXAMINATION OF SERGEANT JASON PAGE

QUESTIONS BY MR. ROZZI.

Q Trooper Page, you're aware that those girls were last seen on February 13th in a video on the bridge?

A Yes.

Q And that was in the afternoon hours?

A I believe so. I don't have a lot of information.

Q And they were found on the 14th around noon; is that your general understanding?

A Yes.

Q And you don't have any opinion about when those two girls died between those two times, do you?

A Can you restate the question?

Q You don't have any opinion about the time of their death between those

two bookends?

A My primary job was to document the information at the scene and not form an opinion.

Q Okay. So you don't have an opinion?

A No.

Q And you've done, I'm assuming, a number of investigations in rural areas in Indiana.

A I have.

Q And is it fair to say that in wood lots like this or, you know, forest tracts like this, that there are scavengers around?

A Sometimes, yes.

Q And some of those – one of those scavengers would be let's say a coyote?

A Yes.

Q And there are other scavengers like racoons and birds like buzzards, things like that; right?

A Yes.

Q And those things can sometimes tell you or provide you with information about a crime scene, can't they?

A In what way?

Q Well, in terms of how quickly they may access a crime scene. If there's a body or something there that they're interested in, they can get to those things fairly quickly; right?

A Not necessarily.

Q Okay. Do you often use insects as a way to assist in making determinations about time of death?

A On occasions.
Q Okay. Is it – would it be reasonable to expect that a coroner or I should say a pathologist would take those things into consideration?
A If it's available. We've used entomologists on occasion.
Q Okay. And so it's the same concept really; right? That, you know, flies get to, you know, bodies and things and it tells you something about timing; right?
A There are many variables involved, that's why I'm reluctant, because it's not a yes or no –
Q Okay.
A -- answer. It just – there's several variables.
Q And maybe that answers the question. There's a lot of variables out there in that outdoor area that can determine or help determine when someone died; right?
A With time of death in general, there's just numerous variables that have to taken into account.
Q Okay. And in this case, taking into account whatever it was that you consumed while you were out there in terms of information, you can't generate any opinion about it?
A No.
Q And in fact, you really don't have an opinion about anything that's interpretive about that crime scene; right? You're not really allowed to have an opinion; is that fair?
A Correct.
Q And that's part of the policy and protocol that exists with the State Police and your job as a CSI?

A Yes.

Q Okay. Let's talk about crime scene integrity; have you heard that phrase?

A I have.

Q Okay. And just generally – you're the expert here, but does that basically pertain to the idea that you're trying to maintain a crime scene in its most-natural state so that there's, essentially, no taint?

A Correct.

Q And is it fair to say that that's one of the big challenges that you have in the course of your business is trying to maintain that integrity from the beginning of the investigation until the end?

A It's one of our responsibilities, yes.

Q And you've talked today about, "Hey, when I got there, there was already – the tape was already strewn across the woodlot" and things of that nature. That's part of that process; right?

A Correct.

Q Are you aware that there were some breaches in the crime scene integrity in this case?

A What do you mean?

Q Well, have you ever heard that any of the information about what went on down at that scene was leaked into the public early on in this case?

A I don't have information about that.

Q Okay. Never heard that?

A I mean, I know that there's been claims, but I don't know specifics. I don't follow these cases in the news, so –

Q Fair enough. Are you aware of any information that would suggest that

anyone took any photographs of those bodies and disseminated that early on in the case through other – through means other than law enforcement?

A Are you talking about at the time –

Q Yes.

A -- or are you talking about now?

Q When the girls were found.

A I don't have information –

Q Okay. All right.

A -- of that.

Q You've never talked to any other officers in the investigation about any of that?

A I don't know what you're talking about.

Q Okay. All right. Let's talk about –

A To be clear, just for follow-up: You're talking about something that happened seven years ago?

Q Yes.

A Okay.

Q 2017.

A Okay.

Q Have you – are you familiar with any circumstances in 2017 that involved, let's just for example say, photographs of those crime scene – that crime scene being leaked into the public?

A No. I don't have any information about that.

Q Or any information about that crime scene being leaked into the public?

A No. Primarily, I worked this case and then I worked on to move my other

– I worked on to my other cases.

Q Okay. So the answer's no?

A No. Right.

Q Let's talk about DNA; obviously, that's kind of a big-ticket item in your business. Is DNA evidence one of those things that you take extra precautions to try and collect when you're at these scenes?

A It's one of the things that we collect, yes.

Q Okay. And in this particular case, I'm assuming that you did some swabs and other things of that nature, trying to collect as much as you could in that regard; right?

A I didn't collect any swabs.

Q Okay. Who would have done that?

A Brian Olehy, the lead investigator.

Q Okay. You were primarily taking pictures; right?

A Correct.

Q We've kind of established that before, that was your main job?

A Yes.

Q All right. Let me just get to the point: Are you aware of any DNA evidence that was collected from this particular scene that in any way connects Mr. Allen to this crime?

A I have very limited knowledge about any of the subsequent laboratory tests. I haven't – I'm not aware of any.

Q Okay. So basically – you're – in your mind, as far as what you know, you're not aware of any?

A No.

Q Okay. You used an alternative light source I believe at that crime scene; is that right?

A I did.

Q And that light source, it's just another investigative tool that you use to try to find trace evidence?

A Correct.

Q Okay. And I think we talked about this before, but just to kind of move things along, trace evidence would be things like semen or saliva or sweat, those kinds of things?

A Yes.

Q Not blood; right? Blood would not be one of those?

A Well, blood, under ALS, absorbs light, so it appears darker, so in some ways it could be useful; but primarily, we use it for bodily fluids or fibers or anything else that would fluoresce.

Q Okay. And in the course of using that alternative light source, were you able to recover any trace evidence that you believe is material to this case?

A I didn't recover any evidence, but I know some evidence was recovered.

Q Okay. But I'm talking about this trace evidence, semen, saliva, anything –

A Oh. I don't recall any stains. We looked at the scene twice, once when the bodies were in place and then later, looking at the area. I don't recall seeing any stains that fluoresced or anything of that nature.

Q Okay. And were there – is it – do you have any knowledge of whether or not there was any type of like a rape test kit done or anything like that on the victims in this case?

A I'm assuming they would have been done at the autopsies.
Q But not something you would have been involved with?
A No.
Q Okay. I mean, sometimes you guys will go down and attend these autopsies; right?
A Yes. I did not attend an autopsy in this case.
Q Okay. That would have been Mr. Olehy maybe –
A Yes.
Q -- that might have been involved in that process?
A Correct.
Q Okay. Earlier, you know, we got a chance to look at some of the photos and, obviously, would you acknowledge that when you got to that crime scene that there was some unique circumstances to that crime scene, especially as it relates to the sticks that were around the bodies?
A Specifically what do you mean by unusual?
Q Well, ever been to a crime scene like that, where you saw sticks arranged on bodies like that?
A I've been to – as we've spoken before, I've been to scenes where there's branches and sticks and objects on bodies, yes.
Q Did you think that there was any particular significance to the way those sticks were arranged or the fact that they were even there, for that matter?
A It's something that we note and we document.
Q Okay. You agree with me that those sticks were not placed there just coincidentally; right? It wasn't something Mother Nature did?
A Are you asking my opinion on this based upon –

Q I'm asking if you would agree with that conclusion.
A It appeared that – when you just look at the sequence of events, that the bodies would be there and then those sticks, the branches, were on top of them.
Q But there was some human act that caused that; right?
A That would be reasonable.
Q Okay. And with regard to those sticks, did you do anything in particular to try to recover any trace evidence from the sticks themselves?
A I didn't recover any items of evidence.
Q Okay. You didn't collect any items of evidence?
A I did not. Yeah, I did not collect any items of evidence.
Q Did you do anything in terms of examining those sticks to try and recover any trace evidence from the sticks?
A I recall examining the sticks, the limbs, and the items in that area, but I did not recover any items of evidence.
Q Okay. And when you say you recall examining them, are you talking about with the ALS source?
A That, and with white light, and just visually and during daylight hours.
Q Okay. Would you have like actually picked those sticks up and moved them over or turned them over when you were doing what you said you were doing with the white light and the ALS?
A Yes.
Q Okay. And even the larger branch, then?
A Yes.
Q Okay. And you didn't find anything of any significance?
A No.

Q Let's talk about the clothing. A.W. was the only victim that was clothed; right?

A Correct.

Q And there was some testimony earlier about the condition of her clothing in terms of whether or not it was damp; you remember talking about that?

A I do.

Q And your – basically, your recollection is, is that you recall her seeming kind of damp, but you don't have a great recollection about what happened seven years ago at this point; right?

A Correct.

Q And apparently, looking back at the photos was not helpful in you recovering any of what, you know, you remember from back in 2017; correct?

A That's accurate, yes.

Q Okay. And would you agree with me that there was nowhere on those clothes that – where there appears to be like an obvious waterline or anything like that, where we can discern that, hey, somebody was in the water up to their thighs?

A Well, I've looked at primarily my photographs, but there – it could be in some of the photographs if I examined them for that.

Q But after sitting here today, you don't have any recollection?

A I don't have any direct recollection. I – it seems like something I've seen.

Q Do you have – did you generate any kind of or secure any kind of a weather report from February 13th of 2017, or February 14th?

A Personally, I've – I have not.

Q Is that something you've done as a crime scene tech in the past, gone back

and maybe gone to the National Weather Service and tried to find some report to help you make a determination about the external factors at the scene?

A Mostly to document for my notes, and I have done it in this case, just out of curiosity, I was trying to – but it wasn't for this report or anything official.

Q Okay. Do you know anything about what the temperatures were on those two days?

A What I looked up is that it was approximately 57 degrees at the high and 34 degrees at the low, but I just looked that up on my phone to refresh my memory of the temperatures.

Q Okay. Do you remember the high being higher on the 14th than it was on the 13th?

A I can't remember.

Q Okay. When did you do that?

A Do what?

Q When did you look up the weather that you were just telling me about?

A Just a couple days ago.

Q Okay. Just recently?

A Yeah.

Q Did you – were you a part of any circumstance where somebody went out into that creek, Deer Creek, and took any measurements in terms of the depth of that creek?

A No.

Q Why did you not do that?

A I had my responsibilities that I was doing, and the dive team and everybody else had their jobs to do. That wasn't one of my assignments.

Q Okay. Are you aware of any information that exists in that regard that you've seen?

A That I've seen, no.

Q Okay. There were some shoe impressions that were photographed at various places around that scene; is that right?

A Correct.

Q And if I recall, maybe even some impressions from the south side of the creek?

A That's – yes.

Q Okay. And you were one of the people that photographed those impressions; right?

A Yes. I took supplementary photographs of them, yes.

Q Okay. And if I recall, a couple of those impressions were along the – kind of along the north side of the creek along the bank area; is that right?

A Yes. On the cemetery side?

Q Yes.

A Yes.

Q Okay. And – which would be the same side the girls were on; right?

A Correct.

Q Okay. And were you able to do anything with those impressions that assisted you in making any kind of positive identifications about what kind of shoe was worn or how big a foot size was or anything like that?

A My understanding is I was providing supplementary photography, and what happened after I documented them, I don't know what happened to those.

Q So you don't know if there were any results generated from that?

A I do not.

Q Is that something that you would do as a crime scene tech from time to time, take shoe prints to try to develop those and determine whether or not there's any meaning to those?

A It depends upon the cases and the circumstances. Again, it's – I've worked hundreds of cases. If I'm the lead and I'm doing something, if it's relevant with the particular circumstances, yes, and sometimes no.

Q Okay. You think it's – would have been relevant in a case like this if that – to do something like that?

A I don't know because I was primarily assisting with this case, I provided the documentation, and then I submitted the information that I collected.

Q Okay. Is it your understanding that before you got there around – I think you said around two o'clock on the 14th; is that right? Let me make sure my timeframes are right.

A I checked the crime scene log before my testimony. I logged in to the crime scene log at 1:51 p.m., so it would have to be – I probably arrived closer to 1:20, 1:30, at some point –

Q Okay.

A -- because the log only indicates the time where we finally go in to make our first approach, so –

Q So you might have been at the cemetery 10 or 15 minutes earlier?

A Correct.

Q All right. So – but that was on the 14th; right?

A Yes.

Q And was it your understanding that there had been a number of people

down in that particular area where the girls were found prior to you getting there?

A I was told that there were searchers and people in the area, yes.

Q And were you also of the belief that there were people possibly in that area even on the 13th?

A I believe so, yes.

Q Okay. There was a particular photograph that contained some blood on a tree, and I'm just kind of sifting through, it was photograph number 52. I don't know if we can pull it up. We have the map up here. Do you remember taking this particular photograph of the blood on the tree?

A I do.

Q Okay. And do you agree that we've kind of commonly referred to this as the F tree?

A That term has been used.

Q Okay. And that's – the reason is because is that this image on here, the pattern on here, kind of resembles an F; right?

A I think that's why people refer to it like that. I refer to it as a blood stain.

Q All right. Well, and that's the business you're in; right?

A Correct.

Q Being very objective about these things; right?

A Yes. I try to, yes.

Q That stain on that tree has drawn some particular attention though from your crime scene team; right?

A I've been told, yes.

Q Okay. And one of the reasons why it's gotten some particular attention is

because we've kind of called that into question; right?

A Correct.

Q The fact that it seems to be something that may have been intentional; right?

A I've heard that, yes.

Q In other words, not just some random blood spatter; correct?

A That's my understanding.

Q Okay. And at some point, my understanding is, is that you actually made a recommendation that the State maybe retain a blood spatter expert to take a look at that and try to come up with an explanation for how that got there?

A Yes, that's true.

MR. LUTTRULL: Objection to the – well, I'll withdraw the objection, Your Honor.

MR. ROZZI: Thank you.

Q And that occurred just more recently; right? This year?

A Yes, this year.

Q Approximately, when did that – when did you make that recommendation?

A I can't recall. It was sometime spring or earlier in the year, before – it was well before the deposition I believe –

Q Okay.

A -- that I had with you.

Q And basically, you suggested that you get an individual by the name of Pat Cicero up in LaPorte involved; right?

A That is correct.

Q And Mr. Cicero followed up and spent a bunch of time working on – taking

a look at this image and going down to the crime scene and just doing some work to try to draw some conclusions about how that image got there; right?

A That is my understanding, yes.

Q Did you have any other involvement in that process?

A No, other than recommending him.

Q Let me back up, I digressed for just a second. We were talking about DNA earlier; do you recall that?

A Yes.

Q How hard is it for your laboratory to go get DNA, to take a DNA sample and have that analyzed at a laboratory? Is that a pretty easy thing to do?

A What do you mean?

Q Well, if you pull a – if you are able to collect some saliva off of a body or a piece of clothing, how hard is it for you or how much time does it take for you to get that to a laboratory and have that tested?

A How much time –

Q Yeah.

A -- it takes to transport it?

Q Yeah. Is it something you can get done in a day or a week or does it take five years?

A Normally, for me, if it was – if I was – if I had evidence and one of the detectives requested that something be sent in, I would make arrangements with the lab and then we would transport it. I mean, it varies if it – on how long it would take.

Q Okay. For example, the hair that was on A.W.'s hand; you know what I'm talking about?

A I've heard of that.

Q Yeah. For you to collect that piece of evidence and to process that from crime scene to a laboratory takes what? A couple days?

A It's if there's a request. I mean, that's all I can say if you're the lead investigator and you ask me to test something, I would send it off to the lab and I'd make arrangements for that, but it's based upon a request. Most of the evidence that we collect in most of our cases never gets examined or analyzed. We keep it for storage pending any future analysis.

Q But the – in a case like there, where we have this hair, a couple days to get it to a lab?

A It could, yeah.

Q Okay. Well, is there any reason why it would take longer?

A You're asking me questions that are outside of my knowledge base because, in this particular case, I don't have the involvement that it would take to know all these things that you're asking me.

Q Okay. Have you ever submitted a piece of evidence to a laboratory in the course of your employment with the State Police?

A Yes.

Q All right. And have you ever submitted a piece of evidence that was related to DNA or potential DNA?

A Yes.

Q Okay. How long did that take?

A Sometimes it took a couple of weeks or whatever. I mean, it – sometimes we might have something that would be a rush. I rarely have cases that would be a rush.

Q The lab would prioritize things for you from time to time if you ask them to?

A Yes, they can, yes.

Q So you do know that much?

A Yes.

Q All right. And so let's just say, for example, with this piece of hair, what would your expectation be about how long it would take for them to turn that result over at the lab and give you some explanation?

A I don't know. Once I give it to the lab, I mean, what they do with it, I don't know – I don't know all their processes intimately, I mean, and I don't work out a regional lab, I work out of a – our post doesn't really have a laboratory, we call it a lab, but I'm not as familiar with all their latest technology and techniques. I collect items, I submit items, I'll transport them, but as far as the turnaround time and all that goes, I don't work out of a regional lab and I don't really run in those circles.

Q Okay. Well, you used to run in those circles; right? You were a detective at one point.

A I was a detective, but my whole career has been at the Peru post.

Q Okay.

A I mean, I don't spend time in the laboratory, so you'd have to ask a lab analyst how long it takes for them to turn around and write reports and have it peer-reviewed. I mean, that's something I would defer to an analyst.

Q A couple weeks sound unreasonable? Maybe a month?

A It could be. I mean, sometimes when you have autopsies, to get toxicology it takes a month or two. I mean, I frequently will have detectives asking why it

takes so long. It's just sometimes it's quick, sometimes it's not. I have no control over that.

Q Okay.

A So –

Q But you're aware that you can prioritize these things if you want to get them done?

A On occasions, yes.

MR. ROZZI: May I approach, Judge?

THE COURT: You may.

Q Let me hand you what I've marked – I haven't marked, Ms. Williams over here has marked Exhibits E through L. if you'd just take a quick look at those, and let me know when you're done looking at those.

A I'm finished.

Q Finished? And you recognize those photographs?

A I do.

Q And are those photographs from this crime scene?

A They are.

Q And are those photographs that you took or at least you or one of your fellow crime scene techs took?

A Yes. One or two of them might be mine, but the rest of them are another individual.

Q Okay. And you agree that those photographs fairly and accurately depict the conditions that existed at the time they were taken?

A I believe so, yes.

Q Is this, most likely, on February 14th of 2017?

A Yes, because the presence of the girls' bodies, they would – that would be on the 14th, yes.

MR. ROZZI: Move to admit E through L.

DEFENDANT'S EXHIBITS E THROUGH L OFFERED

THE COURT: Did you show them to him?

MR. ROZZI: Yeah, he's seen them.

MS. DIENER: Do you have a copy for us?

MR. ROZZI: I do.

MR. LUTTRULL: Oh, I'm sorry, you're waiting on me.

MR. ROZZI: We're waiting on you, Jim.

MR. LUTTRULL: I apologize.

MR. ROZZI: Yeah.

MR. LUTTRULL: I have no objection.

THE COURT: All right. Without objection, E through L inclusive are admitted.

DEFENDANT'S EXHIBITS E THROUGH L ADMITTED

MR. LUTTRULL: What were those letters again, Judge? I'm sorry.

MR. ROZZI: E through –

THE COURT: E through L.

MR. LUTTRULL: Thank you. My apologies.

MR. ROZZI: Move to publish.

DEFENDANT'S EXHIBITS E THROUGH L PUBLISHED

THE COURT: You may proceed, Mr. Rozzi.

MR. ROZZI: Thank you, Judge.

Q Trooper Page, let me direct your attention to Exhibit E, which is the first

one in the packet, see that there on the screen –

A Yes.

Q -- just fine without coming up here?

A Yes.

Q This is a photograph that you're familiar with; right?

A Yes.

Q And just tell the jury, what's the significance of this particular photograph? Why was it taken? What are you focused on there?

A I believe this photograph was taken during an ALS examination where Brian Olehy and I had our alternative light sources and we were wearing orange goggles, and those filter out certain wavelengths of light, but I believe Duane Datzman did not have those goggles and he thought he saw something shiny on the ground when the blue light – for him, the light would have looked blue – passed over that area. So we looked at that area, and the shiny object was a cartridge.

Q All right. So just in particular here, if I could direct your attention here to the center of the screen, there's a little bare spot of dirt; isn't that right?

A I believe so.

Q And middle of that there, there's a cartridge; is that what you're talking about?

A It's difficult for me to see, but I think so, yes.

Q And so with regard to that cartridge, did you take some more photos of it?

A I didn't take any photos.

Q You did not?

A I did not.

Q Okay. Who took the photos of the cartridge?
A I don't recall.
Q You don't know?
A No. I was holding my ALS and I did not have a camera on me.
Q Okay. So you – in the course of your investigation as a photographer, the primary photographer in this case, you didn't take any photos of that bullet on the ground?
A I disagree that I was the primary photographer. I was a supplementary –
Q Okay. Well –
A -- photographer. But at the time, I was using my ALS and I didn't have my camera, so –
Q Okay. How many pictures you think you took out there?
A Hundreds.
Q You just didn't take any of this bullet?
A There's a lot of activities that, at certain times, I didn't photograph.
Q Okay. Just directing your attention to Exhibit F, just another shot; right? Just a little bit more close than the first one?
A Correct.
Q Okay. Again, you didn't take this photo; right?
A I did not.
MR. ROZZI: Max, G.
Q G, just another shot of the bullet; right?
A Correct.
Q And let's just rifle through these real quick. H, please
A Yes.

Q Same for (inaudible); right?

A Yes.

Q And then I, this is a photograph that appears to be taken maybe when it was a little darker. Would you agree there's a reflection there or maybe a flashlight on the left there?

A Yes. When we used our ALS, the sun set – you know, the sun had gone down and it was dark, so we could use the ALS, so we were using flashlights.

Q Okay. And then J, just kind of a different angle, same situation. The cartridge is in the middle there; right?

A I believe so, yes.

Q And then I, this is kind of a larger, panoramic view of the scene. Would you generally – just to help the jury, would you generally agree that the area that we're talking about is over kind of in this area just off of L.G.'s right ankle basically, on the other side of this twig or stick?

A Correct.

Q Okay. And so is this image – is this more of what the circumstances looked like in their natural state, before the bullet was exposed – the cartridge was exposed, I should say?

A I believe so, yes.

Q So in other words, when that cartridge was first seen by – you said it was Mr. Datzman?

A Correct.

Q -- it was in its natural state; in other words, as far as you know, the ground around it had not been disturbed?

A As far as I know.

Q Okay. But the pictures that we saw previous to this, where there's a bare spot and you could see the dirt around the cartridge, that's after the cartridge – the area around the cartridge was cleared; right?

A I believe so, yes.

Q Did you do that? Did you clear it away or did –

A I did not.

Q Okay. Did you see anybody do that?

A I can't recall. It could have been Duane Datzman, it could have been Brian Olehy. I mean, if Duane Datzman saw something shiny, he might have been the one that looked at it. You would have to ask him.

Q You don't remember who did it?

A I just remembered I was looking in certain areas and, during our search, Duane said he saw something shiny on the ground.

Q Earlier, you noted in one of the photographs, one of them in Mr. Luttrull's exhibits, there was a bare spot. Actually, it was in your diagram; right? There was a bare spot that you took note of.

A Correct.

Q And it was a little larger than this particular spot where this cartridge was recovered; right?

A Yes. I believe it was a few feet farther down. It could be off – I can't tell if it's in the frame or out of the frame on the top edge.

Q Maybe up here?

A It could be.

Q And so – but in this particular case, as far as where this cartridge was, there was no bare spot there?

A No.
Q It was created?
A This is what it looked like, yes.
Q Okay.
A It would have been likely at least recovered to find out what is shining on the ground.
Q Very good. The next image, please. And so this is a close-up, basically, of that particular area; right?
A Yes.
Q And just to help here – and direct me if I'm wrong – but where, generally, it'll be kind of in this area right here, where the other photograph would have demonstrated that that cartridge case was before the ground was disturbed around it?
A Yes, it's in that general area. I'm using the – her right leg and ankle as a landmark and that branch; but at the time that that was located, I don't know if they might have moved the branch slightly when they're looking to find out what is shiny on the ground.
Q Okay. Did you get a chance to visually inspect that cartridge yourself?
A I can't remember. I don't – I mean, I didn't collect it, I didn't touch it. I don't have a memory of that.
Q Okay. Would you agree with me, just looking at the photos, for those people that don't know much about cartridges and bullets, that kind of the business end, if you will, the end that has the projectile on it's facing down into the ground, basically?
A I would have to see a close-up of the photograph again.

Q Okay. If you want to step up here and take a look. So this is one of the earlier images where we had a close-up.

A It's difficult for me to tell how much it's nose-down, how much that's the angle or if it's just – the headstamp is on its ridge. I mean, it's – you can see it's a cartridge case.

Q Okay. This is – but just to help the jury, this is the end that has the primer or the firing pin; right?

A Correct.

Q The bullet would be on the other end, then?

A Correct. That's the primer and then the writing on the outside is on the headstamp

Q And so it's – if you were just generally talking about bullets, it's kind of facing down or, at least, at an angle I assume; right?

A That's fair.

Q Okay. All right. Thank you.

MR. LUTTRULL: For the record, I believe that was Exhibit F; do you agree?

MR. ROZZI: Might be G, actually. It's after G. I can't tell, these aren't numbered. Think it's number four?

MR. LUTTRULL: Yeah, it may be G.

MS. AUGER: G.

MR. ROZZI: What's that?

MS. AUGER: G.

MR. ROZZI: G? Yeah, okay. Thank you, Jim.

MR. LUTTRULL: It was G?

MR. ROZZI: G, yeah.

Q Have you seen any photos of that cartridge case as it was being lifted from the ground? Have you seen those with your two eyes?

A Being lifted? No, no.

Q Have you seen any photos of that cartridge case in any other circumstance other than basically right there in the ground as the leaves are moving around it?

A No.

Q Like, for example, on a table somewhere or in a – you know, in a lab or in your evidence locker, anything like that?

A Those were not my responsibilities. I was present when that was located, and what happens afterwards, I have no knowledge.

Q Okay. Well, did you review the photographs at least that you took before you came in here today to testify?

A I did, and I have seen these photographs in the past.

Q Okay. Yeah, I mean they're part of the larger investigation; right? These photos –

A Correct.

Q -- all kind of go into a –

A To determine who took what, basically, had some familiarity with it.

Q So in reviewing all of those photos, have you ever seen a photo of that cartridge right there, the one in the ground, in any other position other than that?

A I've really only reviewed the ground zero basic – the first scene photos.

Q Okay. Well, are there any in those?

A I have not –
Q There are hundred and hundreds of them; right?
A I don't recall.
Q How many photos you think there are in total, yourself and Olehy and Mr. Datzman took?
A Are you talking about during the first few days –
Q Yeah.
A -- or in total?
Q Give us some idea during the first couple days.
A I've never counted them. I'd say there's hundreds.
Q Okay. All right. If you were in charge of this particular scene, if you were Mr. Olehy – well, let me ask if this way: Have you ever been in charge of evidence processing at a crime scene?
A Yes.
Q Where you were calling the shots?
A Yes.
Q Okay. That's what Mr. Olehy was doing in this case; right?
A Yes. Well, it was a group effort, but he's the lead, so he's collecting the evidence.
Q You gotta have one chief and you have some Indians; right?
A I guess.
Q Okay. In the context of being in his position, would you have recommended that that cartridge be lifted and photographs taken of it as it's being moved out of the ground and in different stages?
A No.

Q Okay. Would you have recommended that some video be taken of that cartridge as it's being removed?

A No.

Q Would you have grabbed that cartridge with your hand with gloves on or some tool?

A After photographing it – I mean, it's totally our discretion how we photograph it and how many pictures we take of it. It's one of many other items that were collected. I would photograph it and then you'd pick it up with, often, a gloved hand and put it in a pill box and then submit it as evidence.

Q Would you have recommended that that cartridge be pulled from the ground and placed in the palm of your gloved hand and then photographed –

A No.

Q -- in the palm of your gloved hand?

A I would not.

Q Cartridges like that can have marks on them, can they not?

A Yes.

Q Unique marks; right?

A Yes.

Q Marks that can become critical in cases like this; right?

A Yes. It's –

Q In terms of making determinations about where that round came from or what gun it was cycled through?

A Yes.

Q Okay. And so, in that respect, it would make sense to take a photo of that cartridge in its state as it was lifted from the ground, 'cause it would be helpful

in seeing some of those marks; right?

A We don't – we collect the evidence. We never photograph things in our hands. We try to have – in these pictures, you'll see there's some shoes, and it happens; we try not to have our feet, our hands – I've never taken evidence and – at least I try not to have any evidence in my hand that I'm photographing. I think that's unprofessional. We would photograph them in the scene. Sometimes, if time allows, we'll take more detailed photographs, but any of these details that you're talking about would be done in a laboratory with a microscope.

Q That assumes it's submitted to a laboratory; right?

A Yes. If –

Q You're not making those decisions?

A I am not.

Q So you can't just assume that it's gonna be submitted to the laboratory; right?

A If you were to take the photographs that you are talking about, that would happen – to get that detail – we don't have the lenses – I mean, I can show some of it, but not for a comparison, I don't have that technology. You would have to have a microscope to do that.

Q Is it unreasonable for me to expect that that particular cartridge case would have been pulled from the ground and set on a table and a photograph would have been taken of the whole round, the cartridge?

A Yes.

Q Is that unreasonable?

A Yes. I mean, it's not necessary, there's no requirements. If somebody chooses to photograph it on a table, they could, but there's – I guess I don't

understand what the purpose of –

Q Well –

A -- taking it on a table –

Q -- what if the side of that cartridge was damaged? You know, what if it had a paint mark on it or a dent in it? Might that be significant in a case like this?

A It could be.

Q Well, wouldn't it be good to document those things by a photograph?

A I believe that the item was documented.

Q In that state; right?

A Yes.

Q How hard would it be for an evidence technician to take a cartridge like that, pull it out of the ground, set it on a table, and take a picture of it? How hard is that?

A Wouldn't be difficult, but there's no requirement that we do so. It's – very seldom do I take – a lot of times when I collect evidence at a scene, like a police-action shooting, I photograph it, there's a lot of other work to do, you package it and you submit it. If there happens to be some time, occasionally I will take pictures like that, but it – there's no requirement to do such.

Q I mean, am I mistaken in thinking that that particular cartridge in that location under these circumstances could be pretty critical in this case in terms of the crime scene?

A How this affects the case is not my interest. My job and our jobs at the scene is to collect items of evidence. At the time, we don't know if something's significant or insignificant. Anything that we see that could have potential to be

evidence, we photograph them in place and we collect them as items of evidence.

Q There's a thing called – there's a concept called the chain of custody; right?

A Correct.

Q And that's a very material or substantive aspect of crime scene processing, isn't it?

A Yes.

Q And basically, just to kind of get to the heart of the matter, that is that – the idea that you take an item, for example this cartridge, from its natural state and you document every phase of that item's journey to an evidence locker; right?

A Correct.

Q And even from the evidence locker to a laboratory, where it may or may not be tested; correct?

A Yes.

Q And in this case, one of the ways to do that would have been document this cartridge case in its natural state, which was done; correct?

A Yes.

Q And then, as it was retrieved and placed into – what'd you say? – a pill box?

A Pill box.

Q That'd be one way to do it; right?

A That's not a –

Q Yes or no?

A Yes, it would be a way to do, yes. Yes.

Q And then – you know, and then, at some point, that pill box could be taken

back to the evidence locker and you would be able to take some photographs of that cartridge outside of the pill box; right?

A Are you just saying I would be able to?

Q Yeah. I mean, you could do that?

A Yes, if you wanted to, you could, yes.

Q And that could be helpful in a case like this to see what it looked like in its natural state?

A Perhaps.

Q You're not aware of any photographs that exist in that regard, are you?

A What I've testified is my awareness.

Q You're not aware of any photographs that – you haven't seen them with your own two eyes?

MR. LUTTRULL: This has been asked and answered three times, I object.

THE COURT: Sustained.

MR. ROZZI: Thank you. Max, would you throw that map up.

Q Let's talk about this particular crime scene. You talked a lot earlier about the scope and the – kind of the geographical aspects of the crime scene; right?

A Yes.

Q I'm gonna have him pull this map up real quick and we do have a few questions. This is Exhibit – State's Exhibit 5; am I right about that?

MR. ROZZI: Can you blow that up, please.

Q That's 7, State's Exhibit 7. Thank you. You want to come up here and take a look at this.

A Yes.

Q I don't think you've seen this particular map since it's been marked up.
A Yeah, I have not.
Q So just to kind of orient you – I think you're just as orientated as you probably need to be – down here at the bottom is – well, up here at the top is 300 North. You see that mark?
A Yes.
Q And then, the bridge would be right here. (Indicates) This would be the kind of northwest – north end of the bridge.
A Yes.
Q And then, the south end of the bridge; right?
A Yes.
Q And earlier, when we were using this – forgive me – but the area where the bodies were found was generally, I think, believed by the witness to be here. (Indicates) Would you agree with me it's probably some down – where down in here, probably more to the right of this big circle, bottom right?
A Yes. Because where the cemetery is, I think it's off just a little bit. It's the same general area.
Q Okay. All right. A couple questions I have. With regard to this – the Deer Creek shoreline, if you will, or the line of Deer Creek here on the north side – so that would be side the girls were found; right?
A Yes.
Q Did you take any measurements in terms of the elevation changes from the bottom of that river up to the top of that incline?
A No.
Q Okay. You – the reason why I'm asking is 'cause you prepared that nice

three-dimensional map; right?

A Yes.

Q But there's – and that was one of the exhibits that was introduced earlier, I think it was the first and second exhibit that Mr. Luttrull introduced this morning.

A Yes.

Q So there's no dimensions on there, there's no – you know, there's no reference to elevation changes like 10 feet, 20 feet; would you agree with that?

A I believe it has a distance scale. It's like a GIS map that was used.

Q But in terms of the different elevations and different areas, it doesn't really demonstrate that; correct?

A That map?

Q Yeah.

A I thought that was the purpose of the map.

Q Well, I'm talking about in terms of the measurements, raw measurements, like how much elevation is, for example, the area behind the cemetery relative to where the creek runs?

A I'd have to look at it again to see if there's elevation. I thought this was a spacial.

Q Okay. Yeah, I think that's correct. You're not familiar with any specific numbers on the map; right? Let me hand you what's been marked as 19. I just want to make sure I'm – is that – that's one of the three-dimensional maps that you –

A Yes. I'd need to look at the other one, 'cause this is the – kind of the close-up.

Q Okay. So 18. Is that

A Yes. It looks like –

Q I can't read that, I'm sorry.

A I can't read that unless you had magnifying glasses, but – I don't remember looking at this. The primary purpose of this map was just to have a – kind of a black and white map that didn't have all the trees that are kind of distracting, just to show general areas –

Q Okay.

A -- but as far as elevations, I don't read topographical maps.

Q Okay. And so it's not really helpful in telling us whether or not there's a 10-foot incline or a 10-foot depression or anything like that; right?

A To my knowledge, no. I don't have any knowledge of that.

Q So back to my question before: Do you have any idea of what the elevation gain or if there would be elevation gain from the bottom of the creek near where the girls were found up to the bank?

A I did not take measurements.

Q Okay. And would you agree with me that it varies in different locations along that creek line –

A It does.

Q -- south of where the girls were found?

A It does.

Q And you, ultimately, were asked to go out and do kind of a larger-scale search, or at least you did do that; right?

A That's correct, yes.

Q And I think you told us earlier, and you can correct me if I'm wrong, but

some of it was – occurred down here on the private lane or around the private lane; is that right? Did you mention that?

A May I approach?

Q Yes, you may.

MR. ROZZI: I'm sorry. Judge, may he approach?

THE COURT: Yes, he may.

A The areas – is there a way you can zoom this up or –

Q Yeah.

A It doesn't have to be, I can see it.

Q That's up to Max. We don't have the same capabilities they have.

A It's fine.

Q No, you were saying you searched on the days –

A My areas were concentrated around this immediate area, this kind of floodplain area, and this – what I consider this kind of a floodplain area. I went to the High Bridge, took those pictures in those State's exhibits, all the way down and then back. I didn't go – I don't have any memory of going over here. (Indicates) I think it was just to document this property was there. (Indicates) At the time, I didn't know it was there. Photographed that. Walked up this lane. (Indicates) I also looked – there's a grade in this area, we looked at that for any areas of slide-offs or disturbed –

Q I need to stop you for a second, just so we have a clean record.

A Yes.

Q You started by saying you searched the area fairly near where the bodies were located on the north side of the creek; right?

A Correct.

Q And then you said you searched on what would be – you'd call the north side of the High Bridge, right here at the trail entrance off the bridge?

A Yes. And I have a memory of – I guess other individuals were searching the greater area. I have a memory of walking or trying to walk once this area – most everything is gonna be the area my hand is on, over this area, just kind of circled –

Q South of the cemetery?

A Yes. And this then part –

Q Okay.

A -- confined to these areas and not much into there. (Indicates) As far as all this, I did not look there.

Q All this being kind of south of the High Bridge into the private property; right?

A Correct. And I didn't look at anything that's to the upper left.

Q Let me ask you a question: So on the south side of the High Bridge – and I'm kind of directing your attention to where the lane goes underneath the High Bridge, the private drive – the bridge extends beyond that lane; is that accurate?

A Yes. I said the lane goes underneath the bridge.

Q Yeah. So you've got another – I don't know how much, but there's several more foot of the bridge before the bridge actually end. It goes south, extends south; correct?

A Correct.

Q Southeast technically, I think, if we're really getting technical here; but you generally agree with that?

A Yes.

Q Okay. And is it fair to say that at the end of the bridge – I think in maybe one of the photos there's actually a barrier or there's some kind of gate that's erected there?

A Yes. It was in one of the photographs. I don't know, this could be that barrier there, I'm not sure.

Q On the photograph, you're pointing just slightly south of where the lane goes?

A Yes, the red lane – the red line.

Q And do you agree with me that the rail line – it's an old rail line; right?

A Yes.

Q The rail line actually extends – continues to extend south onto the private property?

A It's my understanding, yes.

Q Okay. And there's really – if you were to continue to follow that, as far as at least you went, there are really no elevation changes, you continue to maintain a basically level position; is that right?

A In the immediate area of this path?

Q Where the – after you get past the barriers onto the private property?

A I think it is basically stable. I'd have to look at my photographs and refresh my memory on that.

Q Maybe some slight changes, but it's a rail line; right?

A It was – yeah, it wasn't a focus of mine, but you can see from this map, it appears you can see where the old rail line was.

Q Okay. In other words, there's no large hills or anything that you go down once you get off the bridge and off the trail; right?

A If you're on the trail, it seems to be generally flat.

Q Okay. All right.

MR. ROZZI: Can you zoom out some for me, please.

Q All right. I want to direct your attention to –

MR. ROZZI: Thank you for that.

Q I want to direct your attention to the cemetery up here. I think you might have – is that where you said you parked?

A Yes.

Q My assumption is – tell me if I'm wrong – that there were a number of law enforcement officials there, parked in that area when you got there on the 14th?

A That's my memory, yes.

Q Okay. And when you got down into the wooded area, a fair amount of people, law enforcement officials down there already waiting and working before you got there?

A Yes.

Q Okay. Are we talking – help me out here, I haven't seen the photos. Are we talking ten? Twenty? Thirty? Give me some idea.

A I can't remember. I would say ten.

Q Okay. And then there were –

A Could be more. I don't know.

Q All right. Well, I don't know either, I'm just trying to get some idea. Were there – was the dive team already in the creek at that point?

A Yes, they were.

Q Well, how many people are we talking about there?

A I don't know. I'm just – I had some awareness of them. I saw them and

they were in my photographs, because when I start working, I'm focusing on CSI stuff and my immediate thing; and anybody that's outside of that area, they were delegated tasks, and I can't give you numbers.

Q Okay. So you just know they were there?

A Yes.

Q And there was more than one of them?

A Yes.

Q There was a team, I think maybe that's the word that was used, is that –

A Yes.

Q Okay. All right. Are you generally familiar with this 300 North, this roadway that comes into the cemetery? Is that one of the routes you traveled to get into the crime scene?

A I'm sure I did to get to the cemetery, but I'm not familiar with this area. I have worked scenes in Carroll County and Delphi, but it's so sporadic. I'm not a local to this area.

Q Okay. Let me direct your attention here to this circle in the middle of this exhibit. Do you see here where there's like a little connector trail that comes from 300 North down to the Monon High trail?

A Yes.

Q Are you familiar – we refer to that as kind of the Mears connector, does that sound generally familiar to you or not?

A No.

Q Okay. But you can see it here on the map; right?

A Yes.

Q And do you see, across this creek, there's basically a farmhouse and a

farm; okay? Does that look accurate based on what you're seeing here?
A Looks like a farm.
Q Were you ever asked to go out and do any type of – to do any inspection of anything north of 300 at any point in time in this investigation?
A No.
Q Not next to this farmhouse and the cornfield?
A No.
Q Not behind it?
A No.
Q Not in that particular area on that property?
A No.
Q In the backyard or anything like that?
A No.
Q Okay. What about up here on the top left, there's a circle here that's just to the right of this waterhole across the highway; you see that circle?
A Yes.
Q Does that look like it's just right along the Hoosier Heartland there?
A Yes.
Q And were you ever asked to go out and do any kind of search or inspection of the area just to the east or southeast of that?
A No.
Q Okay. I'm gonna direct your attention to – back to 300 North to the Mears connector; do you see that again?
A Yes.
Q Do you see this area, this strip here between the Monon High Trail and

300, which, basically, is a wooded strip that kind of runs right between them?

A Yes.

Q Were you ever asked to go out and do any kind of search in that particular area for anything?

A No.

Q This was in February of 2017; right?

A Correct.

Q And we've seen some of the photos today, but would you generally agree with me that the visibility out there in that woodlot there where those girls were found was about as good as it's gonna get at any time of the year, 'cause there's no foliage?

A Yes, with the foliage being down, yes.

Q I mean, we're just exercising a little common sense here; right?

A Yes, yeah.

Q I'm not off base there when I say that, am I?

A No.

Q And my view of it is, just kind from what I've seen from the photos is, is there really isn't a lot of undergrowth in that area –

MR. LUTRULL: Objection to his view of things, Your Honor. He can ask questions.

MR. ROZZI: I'll withdraw it.

THE COURT: Sustained.

MR. ROZZI: Thank you.

Q Do you agree that there was not a lot of undergrowth out in that woodlot near where those girls were found?

A I do.
Q You agree with that?
A I said I do, yes.
Q I'm sorry, I just couldn't maybe understand you.
A I'll speak up.
Q That's all right. And a lot of it is because there's kind of a high canopy there, the trees are big, and there's just not much on the ground; right?
A It's February, there wasn't a lot of green undergrowth.
Q When you were up there at the cemetery, were you able to see down pretty close, maybe to the creek line, from all the way up in the cemetery?
A I just don't have a memory of what it viewed like up there. I have memories of parking up there and the cars, but I mean, I walked up and down that hill several times, but I just can't remember.
Q Okay. One other question that's similar to that concept: On the north side of that – strike that. Let me direct your attention back to that private drive on the north – south side of the creek; do you know what I'm talking about?
A Yes.
Q The one that goes under the bridge?
A Yes.
Q And would you agree with me that when you – when you're under that bridge, that that drive kind of starts to incline up, back up to the top level there where the home is located?
A Yes. Towards the home?
Q Yes.
A Yes, there is a incline.

Q It's kind of a gradual incline that takes you up to the home?
A Yes.
Q And so as you're standing on that road, would you agree that you have a pretty good view of Deer Creek?
A I believe so.
Q I mean, it's elevated, so it's almost like a – kind of stadium view up there or –
A Yes. I'm trying to remember my view from being the opposite side looking up, and I do remember being able to – you know, from the distance I could see people on that road.
Q Okay. And as you go up that lane, that actually to your left, which would technically be kind of in this direction I believe, the creek gets closer and closer to the roadway, essentially, doesn't it? It's just way down below? Is that your recollection?
A Yes, near the – near the home? Yes.
Q Yeah. So like in this area here where the trees are a little darker –
A Yes.
Q -- pretty steep, maybe kind of sheer? Is that the word you use earlier?
A It is. I didn't go down from the residence part, but especially the private side of the High Bridge, where it starts to turn up a little bit before it rounds, that whole area I remember looking at and it was relatively sheer. It wasn't very wide, but it kind of went straight down.
Q So when you're on that roadway, as you get closer to that home, you're able to see over into the area where the girls were located a little better because you're more elevated?

A Yeah, somewhat.

Q And you're closer to the creek, you're not looking through all that other foliage; right?

A Yes.

MR. ROZZI: One second, Your Honor.

Q Earlier, Mr. Luttrull offered up some exhibits that were taken from the south side of the bridge, which was from the east side of the south end of the bridge, where there was this slide and the leaves were disturbed; you remember that?

A I do.

Q And did you actually, at any point, try to traverse from the top of that bridge down to that private roadway along that slide at any point, whether it was a week later?

A I did.

Q Would you agree with me, that gravel there is pretty loose gravel?

A I mean, it's gravel. I don't know how to –

Q Well, did you slide when you went down? Did you have to kind of assist yourself or did you just walk down casually?

A The gravel is more up where that walking trail is, and I don't remember there's any gravel on the side of that hill.

Q Okay.

A It was like leaves and such.

Q Do you remember the gravel being kind of loose up there?

A Maybe near the edge, the boundary area, but I – it's not like some strong memory I have.

Q Did you – was it your impression when you were out there that that area gets quite a bit of foot traffic from people using that trail?

A I don't know anything about the locals and the foot traffic up there.

Q Okay. Did you go down that private lane and ever walk or drive along that lane? It sounds like you did, I just –

A I did, yes.

Q Did you see the tree down there with all the shoes on it? All the shoes hanging from it?

A I don't –

Q You didn't see it?

A I don't have a memory of that.

Q Okay.

A I mean, if I did, I don't remember it.

Q Did you ever talk to anybody to determine how much foot traffic or just traffic that area gets in general from people that are not living on that private property?

A I had – that was not my responsibilities. I didn't interview anybody in this case for that – for this type of information.

Q So the answer's no?

A No.

MR. ROZZI: I don't have any further questions.

THE COURT: Mr. Luttrull.

MR. LUTTRULL: Thank you, Your Honor.

RE-DIRECT EXAMINATION OF SERGEANT JASON PAGE

QUESTIONS BY MR. LUTTRULL.

Q I'm gonna hand to you what is marked as State's Exhibit 182. Do you recognize that document?

A I do.

Q And what is it?

A It's an attachment on one of our RMS reports of a Google Earth map. On this map, it says it was drawn by Sergeant Jim Cody.

Q And who is Sergeant Jim Cody?

A He is now my lieutenant in the Laboratory Division, so he's the supervisor of all of the – he's currently the supervisor of all the CSIs in the lab division for the State Police.

Q And was he present on February 14th, when you were there at the crime scene?

A He was.

Q And was he the Sergeant Cody who did the 3D imaging that you utilized to do your diagram?

A He was.

Q And does that contain coordinates on it in terms of the longitude/latitude?

A It does, yes.

Q And that's – appears to be a Google Earth-generated document?

A Yes.

MR. LUTTRULL: I would move the admission of 182.

STATE'S EXHIBIT 182 OFFERED

MR. ROZZI: I have no objection.

THE COURT: All right. Without objection, 182 is admitted.

STATE'S EXHIBIT 182 ADMITTED

MR. LUTTRULL: Thank you, Your Honor. I would ask leave of the Court to make copies for the jury for later.

THE COURT: Yes, that would be fine.

MR. LUTTRULL: But I would like to ask Sergeant Page –

Q I will be pulling up another one of your photos, but at this time, would you just hold that up for the jury. Again, this is that Google Earth document.

STATE'S EXHIBIT 182 PUBLISHED

Q Would you point out the Creek so that the jury can get oriented to that exhibit?

A The creek goes from the right-hand edge of the paper, kind of lower center, and then curves upwards to the upper left-hand corner of this piece of paper.

Q And downstream would be which direction?

A The right side of the paper. Well, that's up – I'm sorry, it's flowing from upstream is what I meant to say, going to the left side.

Q And does this contain the areas in which you testified on cross exam you covered both the north side of the creek and I guess what would basically be the south side of the creek north of the bridge, that floodplain area you described, you did a lot of examination of that area?

A I did.

Q And did you – as Mr. Rozzi asked you, there is a drop-off there at the area on the end of the bridge, down into this floodplain area; is that correct?

A The drop-off is from that county road, it's kind of like a sheer area, and then it levels off underneath the bridge.

Q Did you, in your examination in covering that area, did you meander through there to where you could find, for want of a better word, an easier

footpath or route from the access road to the location where you took those photographs from the creek, standing on the rocks? Do you know which portion I'm talking about?

A Yes, I do.

Q And did you find such a path of least resistance?

A I did.

Q Did it take you a while to find it?

A Not really.

Q Okay. And do you have any understanding of how – what type of distance that would mean you travelled on the access road below the bridge, following the path of least resistance, to the area where you were standing on the rocks in the creek in your photo?

A Could you restate the question? I'm sorry.

Q About as convoluted as I can give you. Do you have any idea the distance involved in that path from the access road to the location where you walked to the rocks on the – in the stream?

A To that specific location, I can't recall that without looking at notes of measurements that we took. We took a wheel – I didn't, I believe it was one of the other CSIs, we had a rough-sketch diagram, and they mapped out different wheel locations. But to go specifically to where I was standing on the – that rock location, I can't provide that answer without looking at my notes.

Q Would you – by using – well, hang on a second. We'll go ahead and publish this. Would you come down here, please, Sergeant. Do you have a recollection of the route that you took that was across from the access road to the – following through the floodplain area to get to the creek?

A To that location where I took the photos?

Q Yes.

A It's difficult to see in this, just from the shadows, but I think that rock location was kind of up in this area. (Indicates) Went down to the access road. This whole area here immediately adjacent and winding with that access road, which is labeled as County Road 625 West, is steep, at least it's steeper than the hill it takes to get down to the access road. But when you depart, at the center frame bottom of this exhibit, down this hill area, crossing the access road underneath the bridge is relatively level, I presume because of the construction of the bridge. And then, from that point, you can really enter anywhere into this area. You can see that there's trees and that's gonna prevent some movement, and a lot of dead wood. But if you wanted the path that day, it was – kind of hugged the side of this drop-off just on the other side of 625 West, and then I got in that rock location so that I could make those photographs of the locations, you know, just kind of walking straight across. Really this whole area, it's not completely flat, there are trees down and dead wood, but this area is – looks like a floodplain.

Q Do you know today how much time it took you to walk – once you discovered that route, how much time it took you to get your access to walk to the area of the creek approximately? That's –

A I didn't know where I was going, I was just kind of looking for the path of lease resistance so I could kind of document the area, didn't take very long.

Q All right. Thank you. You may return to your seat. Do happen to know the approximate width of that creek in the areas between – the area of the creek that you were examining when you took the photograph of the creek?

A And so I could create a simple diagram, the ones that I created earlier, I referenced this Google Earth document and others that have a distance scale on the bottom and measurements can be obtained from that. I thought it was, to my memory, approximately – was it a hundred feet I thought.

Q Sergeant Page, let's go back to the question you were asked about scavenger and insects, how you have had cases where you utilized entomology and those who are experts in entomology, forensic entomology, to help you establish a timeline or get some information about when a death may have occurred; is that correct?

A May I make a correction?

Q Yes.

A I don't know if it was clear before, either. I have used entomologists because there were bugs present, but it's been on maybe four or five occasions; but for the investigation itself, it was never actually used for time of death. In fact, the last time, I never heard back from anybody, but we had other things like videos and cell phone datas that we used, but there were bugs there. I remember Brian Olehy even assisted me on one of my investigations and he called an entomologist to come. So they've been present, but I don't recall –

Q On February 14th – I'm sorry.

A No, no, no, that's fine.

Q February 14th, 2017, were there – was there bug activity, insect activity, going on that you noticed?

A Nothing overt that I recall.

Q The ground zero area where the bodies were located and where the cartridge was ultimately found, who was in that area while you were present at

the crime scene on February 14th?

A When the cartridge was located?

Q Anytime up and to the time that the cartridge was located, who was present within that ground zero area that you described to the jury?

A From the immediate area of ground zero, the only people that were in that area was Brian Olehy, Duane Datzman, and myself until Jim Cody later came to the scene around three o'clock, 3:30 I believe, and did his scans of the scene, which took about an hour. I believe Jim Cody stayed until maybe an hour before we left the scene. The only other individual that I recall that came within ground zero was the coroner, J.D. Cree, when it came to the points to start moving the bodies.

Q And L.G. was moved first; is that correct? Her body was moved first?

A Yes.

Q And that – had the cartridge – the cartridge had been discovered prior to that; is that correct?

A Yes.

Q Were you wearing gloves while you worked this scene inside the ground zero area?

A If I wasn't touching anything, I – many times I'm not, but when we get closer to the bodies, we take precautions and such. I don't actually recall or have any memories of moving the bodies or handling them other than documenting them. I mean, I could be wrong, but it's just I don't have a strong recollection of that.

Q When swabs were being taken or items were being collected or bodies were being touched, was that by a gloved hand?

A Oh, I'm most certain it would be, but I don't have any memories of me being in that immediate area when that was happening.

Q Okay. You did not – that was not your role on that day?

A I did not do that that day.

Q When the cartridge – you indicated that you – Sergeant Datzman, while you had alternative light sources goggles – is that the correct word? Goggles?

A Yes, glasses, goggles.

Q Glasses? When you were doing that, that's when he spoke up about him seeing something?

A Yes.

Q And upon his – did he then look at the area that he had seen something more closely?

A That's my recollection, but you'd have to ask him.

Q After his discovery, were you aware that that – those photographs that Mr. Rozzi showed you, that they were, in fact, being taken?

A Yes.

Q When Mr. Rozzi asked you if it made sense to set the cartridge on a table and take a photograph, would that have served any forensic purpose?

A No, other than just to just be more supplementary photography.

Q Would that have given you any more information about the cartridge?

A No.

Q Would the – what made the most sense about how to handle that cartridge and where it should go once collected?

A Can I return to the previous question?

Q Sure.

A Just to be clear, when I say no, I guess what I was thinking of is when you're asking about – if I may use an example with fingerprint photography; for fingerprints, I'll potentially photograph it, and we do it in high resolution so an examiner can look at that. And if we're successful in recovering the fingerprint and have it on a lift, those can be compared, in addition. But as far as giving detailed scientific – when you say forensic, I think of like an analytical type of data to compare all those, you know, fine striations or tool marks, our lenses don't have the capabilities of doing that. So when you asked that question, that's how I interpreted it.

Q This cartridge was taken to the Indiana State Police Laboratory for analysis by at least two different departments; is that your understanding?

A I've been told they've been tested, but the details, I don't have any under – knowledge of that.

MR. LUTTRULL: Thank you. Your Honor, I don't have –

THE COURT: Okay. Mr. Rozzi.

MR. ROZZI: Thank you, Judge.

RE-CROSS EXAMINATION OF SERGEANT JASON PAGE

QUESTIONS BY MR. ROZZI.

Q One of your jobs – one of your primary jobs at a crime scene is to preserve as much information photographically as possible; right?

A Yes.

Q And – but you would agree with me, you've seen a cartridge case before; right?

A Yes.

Q One that has a bullet still attached to it, it's unfired?

A Yes.
Q Would you generally agree that they all kind of look the same to the human – normal human?
A I mean, they look similar, yes.
Q I mean, this is a – in this case, let's just get down to business here, it's a Smith and Wesson .40-caliber cartridge case; right?
A Okay.
Q Do you know that? Do you even know that as you sit here today?
A I know a cartridge case was collected, I know it was considered – it was a .40-caliber, but I did not examine this item.
Q Okay. It was Smith and Wesson; does that sound right?
A I don't know.
Q I mean, did you read the headstamp in the photo –
A It was blurry.
Q -- when you took the – you looked at the photo?
A It was blurry, but I have no reason to dispute what it is, so –
Q And would you agree with me that if I had a box of those .40-caliber rounds, they would all basically look the same?
A Yes.
Q Okay. And so documenting that round in its full state at that crime scene would assist us in making sure that the same round that might end up in this courtroom is the round that was pulled out of the ground; right?
A I think you're asking the wrong individual. I've testified that I had limited knowledge about this information. As far as supplementary pictures, it's completely at the discretion of the CSI.

Q Okay. Well, do you think it would be helpful to know that the round that was plucked out of the ground at that scene is the same round that's gonna end up in courtroom? Do you think that would be helpful generally?

A Yes.

Q Okay. And documenting with a photograph the totality of that cartridge would be one way to assist in that process; right?

A It could be, yes.

Q I mean, there's another end to that round that has a totally different – the bullet's a totally different part of the cartridge, isn't it?

A Yes.

Q There's a case and then there's a bullet on the end of it; right?

A Yes.

Q And some of those bullets are different colors; right?

A Yes.

Q Or some could be copper; agreed?

A Yes.

Q Some can be Teflon coated?

A Okay.

Q Does that sound accurate?

A Yes.

Q Okay. We don't know in this case what that bullet looked like, at this point at least, 'cause we haven't seen the photos; right?

A I mean, these are the photographs that you've been presented.

Q That's the cartridge there you can see; right?

A Yes, in this photograph.

Q Can't see the bullet end of it, can you?
A No.
MR. ROZZI: May I, Judge?
THE COURT: Yes, you may.
Q Mr. Page, let me direct your attention back here to this exhibit, Exhibit – oh it's 120 –
MR. LUTTRULL: 182.
Q 182, sorry. Directing your attention back to 182, and there's this line here, this kind of – this line that's got this 509-foot reference to it, that travels from – would you agree, travels from southwest to northeast –
A Yes.
Q -- in the photograph? And then, this pin up here on the top right quadrant, this is, basically, ground zero; is that accurate?
A Yes.
Q Okay. So directing your attention to this area here between the line and then upstream to about parallel with where the pin meets the creek, are you familiar with that area generally?
A Yes.
Q Would you agree with me that the elevation change from the water to the ground level here is – it's fairly level? Like there's not a rapid incline there?
A As I mentioned in previous State's exhibits, there is an area that's kind of more of a gentle incline.
Q Okay.
A And it's –
Q The path of least resistance; right?

A It does appear to be like that lighter section that you're pointing to, yes, but –

Q Right in here? (Indicates)

A Right there, yes.

Q Okay. It's just a more gentle slope into the water; right?

A Correct.

Q Okay. The elevation changes over here would be much greater?

A It does.

Q And I'm saying "over here", farther upstream from ground zero?

A Yes, that's correct.

Q Okay. And then, did you ever take any measurements from the south side of the bridge on top where you saw that – the slide that we talked about earlier? Did you ever take any measurements from there down to the private drive?

A I believe somebody did.

Q Did you?

A I did not.

Q Okay. Did you ever take any measurements from the private drive down to the bottom of the floodplain?

A Somebody did. I did not.

Q Okay. You carry – you said you carry a Sig Sauer?

A I do now.

Q State Police – are those pretty common law enforcement guns?

A I believe they are, yes.

MR. ROZZI: Okay. I don't have anything further, Your Honor.

THE COURT: Does anybody on the jury have any questions for

Sergeant Page?

(No response or indication from any juror.)

THE COURT: All right. Thank you, Sergeant. You may step down. You may call your next witness.

MR. LUTTRULL: We'd call Duane Datzman.

(Witness sworn.)

THE COURT: Mr. Luttrull, could you retrieve your exhibit from the witness stand, please. Could you retrieve your exhibit from the witness stand, please.

MR. LUTTRULL: Yes. Thank you, Your Honor.

THE COURT: Thank you.

DIRECT EXAMINATION OF DUANE DATZMAN

QUESTIONS BY MR. LUTTRULL.

Q State your name for the jury, please.

A Duane Datzman.

THE COURT: Could you spell your name for me, please.

A First name Duane is D-U-A-N-E, Datzman is D-A-T-Z-M-A-N.

Q Where are you employed, sir?

A I'm sorry?

Q Where are you employed?

A Currently, I'm employed with the Benton County Sheriff's Department as a special deputy, courtroom security.

Q Are you retired from the Indiana State Police?

A Yes, I am.

Q When did you retire?

A Three years and one month ago.

Q And tell the jury about when you began with the Indiana State Police, what year was that?

A I got accepted to the State Police in 1987, attended their police academy the fall of that year.

Q And did – what assignment did you receive when you started at the State Police?

A My first assignment was a road trooper, I was assigned to the Lowell District, patrolled Newton and Jasper County, I did that for seven years, put in for a promotion to corporal, sat that for seven years, corporal doing desk duty, officer answering phones and supervising squads. Then, after that, I became a sergeant in the laboratory, where I spent the last 20 years of my career.

Q So I'm sorry, I'll ask you to repeat yourself, and I think it's my fault, but how many years as a crime scene investigator?

A Twenty years.

Q Did you receive training to become eligible to be a crime scene investigator for the Indiana State Police?

A I'm sorry, I'm very hard of hearing.

Q Did you receive training, sir, when you went from a corporal to becoming a crime scene investigator?

A In becoming a crime scene investigator, they had a month-long training program. You would go through different instructors for different scientific principles, whether it was firearms, arson investigations, homicides, lifting of fingerprints, and using alternate light sources; just about anything that you're gonna be using in that particular field, they had a course for it.

Q And did that also – was that followed by kind of on-the-field training – in-the-field training with another crime scene investigator?

A I had a few scenes that I went with other investigator to see how they performed their duties.

Q How many crime scenes were you – did you go to as a crime scene investigator those 16 years?

A I have no record of that; however, it numbers in the hundreds.

Q How many homicide scenes, Mr. Datzman?

A I'm not sure on the number of homicides, because they're all mixed in with the other death investigations, of which I had 200 death investigations.

Q Explain that just for – briefly, what do you mean by – what is included within death investigations?

A With a death investigation, we go to the scene to document it and collect the evidence. We do follow-up by going to the autopsies and collecting – well, to the evidence we've collected at the scene, we take it to a laboratory where it was – we package it and submit it for an examination.

Q So my next question was: What are the duties of a crime scene investigator? Did you just summarize those for the jury?

A Well, the duties of the crime scene, we help other agencies, we go out to document the crime scenes, whether it's photography, videography, collection of blood or any other things of evidentiary value and submitting it to the laboratory.

Q I'll direct your attention to February 14th, 2017, what was your job at that time?

A I was a crime scene investigator at that time.

Q And primarily working what counties?

A I worked part of the Lowell District, so I had Newton, Jasper, Pulaski, and then part of Lafayette's District, Benton, Warren, Fountain, Carroll, White.

Q So you've worked Carroll County before?

A Yes, I have.

Q Who contacted you to assist in this case?

A I don't recall who actually called me, just had a notification that there was a homicide in Carroll County and they were requesting my assistance at the scene.

Q Do you remember where you were when you got the notice?

A I was at the Lafayette post.

Q And did you respond and go to the Delphi, Indiana, area?

A Yes, I did.

Q Do you know what time you were – arrived?

A I arrived at the scene where they wanted me to be at 1:11 p.m.

Q And at the scene, would that be the cemetery you went to?

A Yes, we went to the cemetery to park our vehicles there.

Q What'd you do next?

A After parking there at the cemetery, we crossed down the trail. They directed me that the scene was down below, closer to the creek. Went down there. I could see that they had put up barrier tape, so I went down there and I met with Sergeants Olehy and Page.

Q And what did – what was your first work that you did or role that you played once you arrived and conferred with Sergeants Olehy and Page?

A After meeting with them and talking to them, I started off with some scene photography, starting out a little bit aways from the scene and we work our way

in, taking closer and closer photos.

Q Was there a point where you were notified that you were to leave that immediate crime scene area and do something else for a time?

A There was. I was asked to go down along the creek ahead of the water rescue team, make sure – looking for any evidence that may be on the bank. But during that time, I received a call that says, "Come back to the area, cemetery area," 'cause they wanted aerial photographs and they wanted me to go with the helicopter pilot.

Q And did you do so?

A I did.

Q And did you take photographs from the helicopter of various scenes around the Deer Creek area over where the bodies were located and the general area near the bridge?

A Yes, I did.

Q But you indicated you took photographs at the crime scene itself, as well?

A Yes, I did.

Q And how did you and Sergeant Page and Sergeant Olehy, how did you coordinate your efforts at the area immediately near the bodies?

A Being all pretty well experienced crime scene, we know what to do when we go to a scene, so we just started working it; and if either or one of them had a request, I would help with that duty.

Q By the way, were you carrying a firearm and did you have any ammunition with you?

A No, I did not.

Q Is that typical for you at a crime scene?

A For me, it is. The size of the firearms that we were issued at the time are very large, and you're wearing dress clothing, and you've got a skinny belt and this big holster. And to me, the holster was flapping around and gun sticking you in the side, 'cause you're up and down so much from a kneeling position, standing, so I just took my gun off and left it in the vehicle unless I felt the need for it.

Q That had become a practice of yours over years?

A Yes, it was.

Q And you followed that practice on that day?

A Yes.

Q When you talk about being at the scene, are you familiar with the – a phrase "ground zero" as it relates to this investigation?

A Yes, I do.

Q And what – how did you define ground zero?

A Ground zero was right around the area of where the bodies were located, within several feet of the victims.

Q And while you were present, from – you – let me back up, and I apologize, I'll restate my question. Do you know what time you would have arrived approximately at the crime scene?

A It would have been after 1:11, 'cause that's when I pulled into the parking lot, so maybe ten minutes later.

Q Then, when did you leave?

A I believe we departed or I departed the scene that night –

UNIDENTIFIED INDIVIDUAL: (Coughs)

A I'm sorry?

Q What time did you depart the scene, if you recall?
A It was around 10:30 p.m.
Q You took a number of photographs; correct?
A I did.
Q I'm going to show you some of those. For the record, I'm gonna show you State's Exhibit 64 to 77 inclusive, ask you if you would look at those and – in fact, I've shown you those today, have I not?
A Yes, you have.
Q Are those photographs that you personally took yourself? I'll let you go ahead and keep –
A Yeah, let – yes, these are photographs that I had taken at the scene.
Q And the majority of these were taken on February 14th, 2017?
A That's correct.
Q And maybe the last two were taken the following day, if you recall?
A I don't recall, but –
Q Do they truly and accurately reflect the locations that you observed and that are depicted in these photographs?
A They do.

MR. LUTTRULL: I would move the admission of 64 through 77.

STATE'S EXHIBITS 64 THROUGH 77 OFFERED

MR. BALDWIN: No objection.

THE COURT: All right. Without objection, 64 to 77 inclusive are admitted.

STATE'S EXHIBITS 64 THROUGH 77 ADMITTED

MR. LUTTRULL: Thank you, Your Honor. We would like to publish

them to the jury at this time.

THE COURT: You may.

STATE'S EXHIBITS 64 THROUGH 77 PUBLISHED

Q We'll begin, Sergeant, with the aerial photos that you took. Could you describe for the jury what this photograph depicts.

A This is above Deer Creek looking to the east. There's a residence on the south side that I believe the driveway ends there at the house from where they had access to it. And you can't really see much else 'cause of the trees.

Q I'm gonna ask you if you would be okay with coming down –

A Yes.

Q -- and I'll give you a pointer as we ask some other questions about the other photographs. For the record, you've just identified 64. If you – if I could ask you to stand off to the side so the jury can – is not obstructed.

THE COURT: Even farther over, sir, so the – can you see now? Okay, there you go.

Q If you have to adjust to get in the way, if you'd just move back, that's fine. We'll try to keep it so the jury can see. Exhibit 65, what do we see? What does this depict?

A Well, once again, this is over the wooded area where we have water rescue team down here searching the creek, and it's very hard to tell, but we have a crime scene tape or a rope going through there.

THE COURT: Sir, you're gonna need to speak up. You'll need to speak up.

A And I'm not sure looking at this photo, this may be the location of the victims.

Q All right. So you indicated the water rescue team; is that those individuals in the red and bright-colored neon yellow hats – helmets?

A Yes, it is.

Q And would that show, at least in the portion where they're standing, the relative depth of the creek at that location?

A Yes, it would.

Q This next photograph is Exhibit 66, again another aerial view. Would you point out the Deer Creek that's shown in the photograph.

A This is Deer Creek running here. (Indicates) This –

Q And that – oh, I'm sorry, go ahead.

A This would be upstream side going up that way.

Q So coming to the – across to the down rightward would be downstream?

A Yes. This would be downward.

Q And can you locate the bodies of L.G. and A.W. in this photograph?

A The bodies of the victims are down here right next to the base of this tree, there's one here and one here. (Indicates)

Q Would you point that again and which one is – where is L.G. and where is A.W.?

A I'm not sure which one is which for their names, but we have one of them here and we have one over here. (Indicates)

Q Okay. One is clothed and one is unclothed?

A That's correct, and they're both laying on their backside.

Q And that's how you had seen them. Even before you'd taken this helicopter ride, you took these photos?

A Yes.

Q Did you have difficultly in seeing where they were, even though you had been there to the scene?

A It was difficult from the helicopter to see down through those trees, and we had an officer down on the ground using the strobe function on a light, trying to get our attention as to where he was at close to the victims.

Q And despite that, it was still difficult?

A Yes, it was.

Q Now, you approached – you said initially when you arrived, you approached from the cemetery. And did you take a photograph from the edge of the cemetery, heading down towards the crime scene?

A Yes, I did.

Q Look at State's Exhibit 67, what does this depict?

A The view from the top. You have the upper edge of the forest here –

Q And where is – let me interrupt you. Where is the cemetery from where you were standing taking this photograph?

A I'm facing the creek. The cemetery would be behind me.

Q Okay.

A So you can see down below Deer Creek's over here. This ground goes down one more level and we have to go down another one to the very bottom, the creek bottom.

Q Photograph 68, what does that show?

A This shows the two victims there and their final resting position, and there are some sticks placed over their bodies.

Q Photograph 69, this is from the – kind of the opposite side, more from their head to their toes perspective?

A That's correct.
Q At least from A.W.'s standpoint; is that correct?
A Yes, it is.
Q Exhibit 70, again from a similar angle, but more closer to the scene. Did you examine or observe any blood in the location of – on the ground near the bodies?
A Yes, I did. There is a blood pool or what appeared to be a blood pool right here.
Q Using your photography, were you wanting to document and capture the condition of the bodies and the – any blood patterns that you saw on the – at the scene, on the bodies, or elsewhere; is that correct?
A That's correct.
Q This next photograph is a closer-up view of A.W. What does that depict?
A That depicts the neck injury on A.W. and blood staining, not sure which way the blood's flowing, I am not an expert in blood spatter, but it shows the injury to her neck.
Q I'm showing you photograph 72, Mr. Datzman; what does – did you look again on the bodies for locations of blood? What does this depict?
A Well, this shows that there's nothing up here on her foot, but down here, at the heel, you see blood, and then underneath her leg it travels up, there's some blood stains up there.
Q And you're pointing to the right leg, and that would be the right upper thigh and side of the right calf?
A Yes, it would be.
Q Sir, did you – in assisting or working with the team that you were working

with, did any of them use any equipment, once it became dark, to try to enhance your ability to examine the scene and the victims' bodies?

A Yes, they did, they used an alternate light source, a blue light.

Q And who did that?

A I believe Sergeant Page did.

Q And what were you doing when that was being used?

A I was just standing close to the body. I did not have yellow or orange shield for my eyes to block out the blue light, so I was just observing them moving the blue light around the body.

Q And what happened next?

A As they were moving the blue light around, I kept seeing a glitter down in the leaves; and the light would go by and I'd see it, then it'd be gone. I said, "Send that light back over here, let me take a look again." They couldn't see it, because they're wearing the orange goggles. And once I saw where it was at, I turned my flashlight on and fanned away the leaves from where the –

Q What do you mean by "fanned away the leaves"?

A Just brushed the leaves away from whatever was laying under the leaves that was causing that glitter.

Q And what level of pressure or physical movement did you use as you fanned that area?

A It was very light, I did not want to disturb anything underneath it.

Q And did you move anything at all when you did that?

A Just the leaves.

Q And what did you see?

A Well, underneath those leaves, there we found a .40-caliber cartridge.

Q Now looking at State's Exhibit 73, you're standing a little closer than – a lot closer than we are, can you tell the jury where that cartridge was observed, if it's captured in photograph 73?

A The cartridge is right here. You can see a little bit of dirt and it's located right in the center of that, and you just see the headstamp of the cartridge.

Q And that's what had glittered?

A Yes, it was.

Q The next photograph, photograph 74, what does it depict?

A Once again, this is a photograph of the cartridge kind of stuck in the ground just right in here. You can still see the base of it, the headstamp, and the lower part of the cartridge.

Q Photograph 75.

A This photograph here is still that same cartridge, it's a little bit, you know, closer-up view of it. You can still see the headstamp, the primer. The primer's not been fired, so it's an intact cartridge.

Q An intact cartridge?

A Yes. Not fired.

Q I'm sure there might be some time during this course of this trial that someone'll say bullet. Technically, what is a bullet, sir, as opposed to a cartridge?

A A cartridge is made of several components. You can have the primer in the back of the casing, and casing holds the powder and then some sort of projectile is impressed on the other end of the cartridge casing, so all those components together are a bullet.

Q And the – once you noted that and brushed away – fanned away the leaves

and these photographs were taken, what happened to that cartridge?

A It was collected.

Q Collected by whom?

A I believe Sergeant Olehy.

Q Were there any other cartridges located anywhere at ground zero that day?

A No, there was not.

Q Were there any other cartridges located anywhere in the – within the crime scene?

A No, we found no other cartridges.

Q So the total number of ammunition that was collected that day was one?

A That's correct.

Q And which one was it?

A This .40 right here.

Q And was it Sergeant Olehy's role to be the collector of evidence and documenting each item of evidence that was collected?

A That's correct.

Q Your photographs and other photographs have shown that there were sticks on the bodies of A.W. and of L.G.; is that correct?

A That's correct.

Q And you looked at those and saw those?

A I'm sorry?

Q You examined those sticks; is that correct?

A Yes, we did.

Q Was that something that you participated in?

A Yes, it was.

Q And were they, in a systematic process, removed one by one from first L.G. and then A.W. as you were documenting the scene?
A They were.
Q And were those sticks set aside in some location?
A Yes, they were.
Q There at the scene?
A Yes. Sergeant Page set them off to the side, out of the way, so nobody would step on them.
Q Now, at this point, you had been a crime scene investigator for 13 years, 14 years?
A It'd be 16 years.
Q At the time that you did –
A Yes.
Q -- this investigation? And in doing so, did you, the three of you, discuss what to do with those sticks?
A We did.
Q And did you, ultimately, leave them there at the scene when you had examined them?
A That's correct.
Q And why did you do that, Mr. Datzman?
A We had flipped the sticks over, we saw no blood or anything on them, and they were very rough or crumbly, some of them had the, like, moss or lichen growing on it, which it fell off. So between the three of us, you know, we're talking about this thing, in all of our experience we've never gotten any DNA of such a surface as this, so we decided at that time they were of no evidentiary

value and we just left them stacked there.

Q If you believed that they might be of evidentiary value, what would you have done?

A We would have collected them, like the rest of the evidence, and taken it in to the laboratory for further examination.

Q The – is the role of the crime scene investigator in working with the laboratory to examine for what would be reasonable to submit to the laboratory for their testing?

A That's correct.

Q And in your judgment, was it reasonable best practice to collect those sticks and submit them to the lab? Was it, in your opinion, best practice to take them to the laboratory?

A In my opinion, it didn't – there wasn't evidentiary value to them.

Q You later returned to the scene, I believe on March 3rd of 2017, and you collected the sticks.

A That's correct.

Q How do you know that you collected the sticks that were removed from the bodies of L.G. and A.W.?

A I knew where Sergeant Page had placed them, and before I went out to the scene, I ran off a – printed off a couple copies of photographs of the sticks so I could identify them by their shape, and with that information, went out and collected those sticks.

Q And where did you take them?

A I'm sorry? Where'd I take them?

Q Where did you take them from that scene on March 3rd?

A I believe I took them to the Lafayette post.

Q Were they placed in a storage area where other oversized items of evidence are kept?

A Yes, they were.

Q Not in a traditional evidence room, but in a locked facility where it'd be more practical to keep them?

A That's correct.

Q Let's go back to February 14th, you indicated to the jury that you remained there from approximately 1:11, upon your arrival to the general area, and departed around 10:30?

A That's correct.

Q Had the bodies of L.G. and A.W. been removed at that time?

A Yes. They'd been removed before our departure.

Q And so you continued to assist and work with your colleagues, Sergeant Page and Sergeant Olehy, until such time as they had been moved and you did some further examination of the scene; is that correct?

A That's correct.

Q Did you return the following day, on February 15th, 2017?

A Yes, we did.

Q And did you – what did you do at the crime scene area, both the ground zero and the larger area of – within the yellow tape, what did you do in that location on the 15th?

A We went back and used our metal detectors again, searching a wider – a little bit wider area to see if we could find anything else of evidentiary value.

Q And did you go, ultimately, across to the other side of the creek and

examine – in the afternoon or evening of the 15th, examine that area, as well?

A Yes, I did.

Q The next photo, 76, what does this depict, sir?

A This is what they call the Monon High Bridge. I believe we're at the east end, looking west.

Q So you're at the opposite end of the bridge from the trail, the Monon trail; is that correct?

A That's correct. I believe you can see just a little bit of the trail down there at the end, kind of turns to the right, and then you step off of this onto another gravel path, barely gravel.

Q And photograph 77, what does it depict?

A It's a disturbance in the soil going down from the old railroad bed down to the gravel drive down here.

Q Did you examine this area and other areas across the creek, the ground, for any shoe impressions?

A That I did. On this particular one, I walked out the outside of it, trying to see if there was any shoe impressions in that black dirt, and we found just a partial one somewhere up in here. (Indicates)

Q Had you had information that there'd been other individuals, searchers, the day before, the 13th, and the morning of the 14th in that area?

A I did hear that information that searchers actually maybe even climbed through that dirt, looking for the girls.

Q Did you find ultimately, either on this side of the creek or the other side of the creek, any shoe impression that you believed were of evidentiary value?

A No, I did not.

Q When you're looking at shoe impressions, what are some key components of that, what are some major factors that you consider?

A Well, they have what we call class characteristics. You may have a pair of Nikes and, even in different size it'll have the class characteristics, the same style tread and design on the bottom. But then, you get – after wear, you get nicks and cuts, so you have individual characteristics in that, and that would separate one shoe from another depending on the type of wear, how it was worn, and if it was damaged.

Q And in your judgment, did you find any prints that would help you find more individualized characteristics that you could use them forensically?

A No, I did not.

Q You may return to your seat. Sergeant, I thank you.

MR. LUTTRULL: I have no further questions.

THE COURT: Can we take a break? We need to take a break. Ladies and gentlemen, you've been over there for two hours and I'm gonna go ahead and take a real quick break, give you an opportunity to get up and move around. Again, while you're outside of the courtroom, please, keep your minds open. Please don't form any opinions or conclusions about anything. You may discus the evidence that you've heard so far, but please, only do that if all 16 of you are present in the jury room at the same time and then, please, don't deliberate. Gentlemen.

THE BAILIFF: All rise.

(Jury out at 3:10 p.m.)

THE COURT: All right. Let's resume at 3:30, folks. Jodie, you can go off the record.

(Off record at 3:11 p.m.)

(On record at 3:31 p.m.)

MR. BALDWIN: Judge, is if okay if I stand here while the jury's coming in?

THE COURT: Sure.

THE BAILIFF: All rise.

(Jury in at 3:33 p.m.)

THE BAILIFF: Thank you. You may be seated.

THE COURT: Thank you, gentlemen. I'm just gonna give them a minute to get settled in. All right, Mr. Baldwin, you may proceed.

MR. BALDWIN: Thank you.

CROSS EXAMINATION OF DUANE DATZMAN

QUESTIONS BY MR. BALDWIN.

Q I know that you are retired, so what – how should I address you?

A You can just address me by my first name, Duane.

Q Duane, okay. Thank you, Duane. Would you agree with me that a bullet found at a crime scene should be photographically documented?

A Yes.

Q Okay. We'll talk about the bullet found at this crime scene, that should be photographically documented?

A It was.

Q Okay. And it should be photographically documented, for one reason, so the jury can make sure that the bullet that was found on the ground is the same bullet that they ultimately see at trial when it's admitted in as a piece of evidence; would you agree with that?

A Yes.

Q Okay. Because, you know – well, strike that. And would you agree with me that one way to do that would be to videotape as the bullet is coming out, as somebody was picking that bullet up and taking out of the ground, and then showing it on the video in different – at different angles?

A No, I would not agree with that.

Q Really?

A Yes. When you pick that up, you risk doing some kind of damage to it. It's better just to package that right away and if you go back to the laboratory and then photograph it in a safe environment.

Q Okay. But by the time you get the laboratory, we don't know what the tip of that bullet – for example, we don't know what the tip of that bullet looked like as it was in the ground; right?

A No.

Q Okay. So isn't it a – is it much of a problem to take it out and videotape so that we can see what the color of the tip of the bullet is?

A Be better to photograph it.

Q Okay. Well, let's do that.

A Yeah.

Q Is it – would it be too difficult to take the bullet out and photograph it so the tip of the bullet can be seen?

A No, it would not be difficult.

Q And that would be a wise thing to do so, again, the jury can be assured that the bullet that's taken out of the ground is the same bullet that they're going to be seeing once it is admitted into evidence, presuming that it is; would you

agree?

A Yes.

Q And just before I finish up, because the projectile part of the bullet – you said – what we saw on the photograph was the – I'm not a gun guy, but the back part of the bullet, what do you call that?

A The very end of it where the primer's at is called the headstamp, it gives the caliber and the company that manufactured it.

Q Okay. So we see the headstamp, but the tip of the – is it okay to call it a bullet?

A Yes.

Q The tip of the bullet, they have different colors?

A Yes, they do.

Q Different – they're made out of different substances like copper?

A Correct.

Q Okay. So – all right. And does the law enforcement academy – I believe it does – teach you to document things that are important in a – at a crime scene?

A Yes.

Q Okay. In this case, you did not document that the clothes on A.W. were damp, did you?

A I did not.

Q Okay. That could be an important piece of information, should the clothing be damp versus dry, would you agree?

A Yes.

Q Okay. Now, does the fact that you did not document that the clothing was damp mean that you did not notice that the clothing was damp?

A Correct.

Q Thank you. You said a second ago on direct examination that the shoes – you did not see any shoe prints in the ground of any evidentiary value is the word you used; do you remember saying that?

A Correct.

Q But wasn't there some shoe prints that you saw that you thought looked similar to one of the victims' shoes?

A That was the one partial footwear impression on the trail up there in that black dirt.

Q Okay.

A There's not much of an impression left there.

Q Okay. So the one on the black dirt you think looked similar to one of the shoes of one of the victims?

A That's – Sergeant Olehy said that looked similar to the girl's shoe, and it did have a resemblance to it, the pattern.

Q Okay. Did you see the shoes of a small adult male also next to the shoe imprints of that shoe of the potential victim?

A No, I did not.

Q What I'm doing is I'm weeding out questions, so you'll probably like that. So – now, was it your guys's jobs as CSI to take like the depth of the creek at various points? Would that be something that you guys would have done or it that somebody else?

A Somebody else may have done it, but it wouldn't have been one of the things I would have done.

Q Okay. And I was writing something down as you were talking, did you say

that you'd taken some photographs that you could kind of tell what some of the depths were in the creek? Did I hear you say that?

A No, I didn't say that.

Q Okay. All right. You don't know what the levels of any of the areas of the creek were, you didn't go in there and do that is I guess what you're saying.

A No, I did not enter the creek and I don't know if the water team took any measurements or not.

Q Would you agree with me that this – in all of your years of experience, this was a very odd crime scene to come upon?

A No.

Q No? Had you ever been to a crime scene where sticks were arranged in a certain pattern on one of the girls?

A No, I have not.

Q Okay. But that happened here; right?

MR. LUTTRULL: Objection to the word "arranged", that's speculation.

THE COURT: Sustained.

Q You said on direct examination that you did not collect the sticks that were found on the girls; correct?

A That's correct.

Q And you found that you did not collect them because they did not have, in your opinion, evidentiary value?

A That is correct, due to the nature of the surface of those sticks being crumbly.

Q But not all the sticks were crumbly.

A For the most part, they were very rough-textured, not something smooth enough to work with.

Q Certainly when something is rough, that means that skin cells, epithelial cells, could end up on that item; right?

A It's possible.

Q Is that why somebody told you guys to go back and get those sticks?

A I do not know why they told me to go back and get them, I just –

Q It would have been – it was a mistake not to get those sticks, don't you think? Not to take them initially?

A I don't think so.

Q But somebody – well, okay. Somebody above you in the chain of command said –

A I have no idea who asked or requested for some – us to go out to collect the sticks.

Q Well, I mean, somebody, a human being, had to have picked those sticks up with their hands and placed those on the girls; right?

A Correct.

Q And when they do that, again, their skin cells would be on it.

A If – not unless they're wearing gloves, then there wouldn't be any transfer.

Q Well, was the guy wearing gloves?

A I have no idea.

Q Yeah, that's exactly right, so you should have collected the sticks; right?

A They were collected.

Q How much later?

A A couple days.

Q A couple days. You talked a little bit about the blood spatter on – at least on L.G.'s face – is that correct? – on direct.
A Made note of, yes.
Q But you said, "I am not a blood spatter expert."
A That's correct.
Q But the State Police does have blood spatter experts in its employ; correct?
A Correct.
Q And I would presume, because you thought there was an unusual blood spatter, at least on L.G.'s face, if not other places, it would be smart to get the blood spatter person out there to examine the crime scene?
A Not necessarily. The photographs taken of it. The blood was dry already, so it's there, you can make a determination of blood flow or whatever they do from the photographs.
Q At the tree where there is a pattern or – well, I don't know if it's a pattern, but there is some blood on one of the trees, somebody called it an F tree, have you heard of that?
A Yes, I have heard that.
Q Okay. Would it be wise to get the blood spatter out there to the F tree to analyze that? Better than photographs; would you agree?
A No.
Q You don't agree?
A No. I think photographs document it well enough.
Q So the – do the photographs document how thick the bark is?
A It would give you – what do you mean by how thick the bark is?
Q Well, you said the photographs do just as good a job, so I'm just wondering

– I'd want to know probably how thick the bark is where the blood was on the tree.

MR. LUTTRULL: Objection, that's speculation. The fact that Mr. Baldwin might want to know it doesn't mean that a blood spatter expert would.

THE COURT: Sustained.

Q Well, you said that the photographs would be just as good as the blood spatter expert being there, he'd just use the photographs; correct?

A Correct.

Q Does the photograph detail the texture of the bark on the tree?

A The photographs show that.

Q All right. So you think waiting seven years for a blood spatter expert to get on, if that's what happened, would be an appropriate amount of time?

A I have no idea.

Q Okay. You said that there were people – part of the problem with the shoe prints was that there were people searching both on the 13th –

A Correct.

Q -- in and around the area?

A Yes.

Q And on the 14th, as well?

A That's correct.

Q Hard to differentiate which shoes were of the searchers that were near the scene of the crime versus those that the person who might be the killer, as well?

A That's correct.

Q Were you aware of any other – well, strike that. Were you aware of any items, sticks or any other items, that were left behind that did have blood on

them?

A There may have been small sticks and leaves around the area.

Q Okay. What about bigger sticks with blood on them?

A I don't recall any bigger sticks with blood on them.

Q I mean, if there were larger sticks with blood on them, they should have been collected on the 13th, would you agree?

A If they were of value, we would have.

Q I'm sorry?

A I said if they were of some kind of evidentiary value, we could have collected that or would have collected that.

Q Blood on a stick, evidentiary value in that; right?

A Yes.

Q Correct?

A Yes.

Q At some point in time, did you ever, as CSI folk, ever get asked to kind of walk the path of the – suspected path of the killer to look for evidence?

A In this particular case?

Q In this particular case, yes.

A We can only guesstimate where they might have walked and try to search that area, make sure we didn't miss anything there.

Q And I appreciate that, and so we're talking about from down the hill where that slide mark is, down the access road; right?

A Right.

Q Then you went down farther and around and you looked around there for footprints and other things, as well?

A That's correct.

Q Okay. And then, you didn't cross the river yourself, did you?

A Not through the water.

Q Okay. But on the other side also, where the – where – between the creek and where the bodies were found, you would have walked there and looked around and made sure that there's nothing that is (inaudible)?

A That's correct.

Q Okay. But what about north of where the girls' bodies were found, where the person may have left? Were you asked to follow that track of the killer, possible track of the killer?

A Going north from there, we had been up through there several times.

Q Okay. And is part of what you did as a CSI, and others, they were looking for – the guy – that whoever killed – guy or whoever killed – or people, whoever killed these girls, if they went north, you needed to check that way?

A That's correct.

Q Okay. What about once you got up onto – did you ever – were you ever asked to go onto 300 North and follow a track of where the killer may have travelled on 300 North for shoe prints or any other types of evidence?

A 300 North, is that the road in front of the cemetery running east and west?

Q Yes.

A No, we didn't look for anything up there.

Q Did anybody ask you to look on that track?

A No, they did not.

Q Okay. As you head westbound on 300 North, did they ask you to look anywhere for any type of evidence along that route?

A We had been through – from the bridge up that trail back out to 300, we went through there and another trooper pointed out an old t-shirt out in the woods that we collected.

Q Okay. But once you get onto 300 North, which is right in front of the cemetery, you were not asked to do any further CSI work, if you will, in that area north of 300 North?

A I had no request made to me to search that area.

Q Were any of the other areas across the road, behind the barn, behind Hoosier Harvestore, none of that?

A Nobody came to me and asked me to search it.

Q Would you have done that if they asked you?

A Yes.

Q So the last question on this is: So if somebody had come to you and said, "Hey, we think that the person that killed these girls went around some buildings and along this path", would you walk that path just to see if there's anything there? You would have done that?

A If it had been brought to my attention, I would have.

Q Do you have anything to do with collecting evidence at the Brad Weber property across – do you even know who Brad Weber is?

A No, I don't.

Q Okay. I'll move on, then. Okay. That private drive that goes under the bridge –

A Yes.

Q -- you know what I'm talking about? Did you look for tire marks and see if there were any tire marks that were inconsistent with the owner of that house's

vehicles?

A Did not see any tire marks, and that's a gravel path or driveway and I didn't see any tire marks in there.

Q Okay. Did you see any footprints from that access road when you go down the hill and then you went down to the creek, did you see any footprints, like three sets of footprints, anything resembling three sets of footprints all the way to the creek at all?

A No, I didn't observe any extra sets of footwear impressions there.

Q What was the temperature of the girls, each of them individually, their body temperature, at the time that you were there doing your CSI work?

A I do not know. We did not test that.

Q Okay. You should have tested their body temperature.

A No.

Q No?

A No. They test body temperature, core temperature, rectally; and due to the chance of their being sexual assault, you don't want to be inserting anything else and losing that potential for evidence there.

Q Yeah, that makes sense. You know, my mom used to put the thermometer under my armpit.

MR. LUTTRULL: Objection to what his mother used to do.

THE COURT: Sustained.

Q Did you ever put a thermometer under the girls' armpits –

A No.

Q -- to find out what their core temperature was?

A No, we have not.

Q Okay. Do you have a CVS in town where you could have received – you're not from here, are you?

A No.

Q Okay. If there were a CVS in town, could you have gone to one and gotten some type of thermometer to put under their arm?

A Not for that, 'cause determining core temperature, there are so many variables involved, what does the – what are you hoping to find from core temperature?

Q Time of death.

A You would not get time of death from that due to the variables that – the air temperature, the bodies are in the shade, the sun, are they clothed or nude, wet, the moisture from the ground, and just –

Q Is more information better than less information?

A Yes.

Q What about to the touch? Did you touch the skin of the girls to find out what – how cold they were or if they were even cold?

A I did not. Maybe one of the other CSIs did.

Q Do they teach you in CSI school how to calculate the rate of decline in body temperature based upon a lot of variables?

A Not that I recall.

Q I'm gonna hand you what I think was marked as – what did you say?

MS. AUGER: 41.

Q -- 41; have you seen that photograph or are you familiar with that?

A I believe I've seen it before.

Q My question is: Do you know if Exhibit 41, the sticks, do they look to be

covered in blood; correct?

A They are.

Q They are covered in blood? Do you know if those sticks were collected?

A No, I do not know that for a fact.

Q Okay. Would you agree with me that they should be collected, since they have blood on them?

A Not necessarily. If they took a blood sample or swabbed some of this blood on the ground, made a collection from it. The stick is there, it's possibly got the same blood on it. We can't go picking up every stick, every leaf that's in the forest there just 'cause it might have a drop of blood on it, but I believe check with the other CSI, he might tell you that he collected blood from that.

Q Okay. Well, you were talking about the different variables that are in play when it comes to determining body temperatures or – and time of death – strike that – different variables that are in play when it comes to time of death, one of those being core body temperature, you said sunlight and other things; correct?

A Yes.

Q One of those variables might be just what's the air temperature at the time that you are there; correct?

A The bodies were already cooled off by then.

Q I know, but when it comes to analyzing the rate that the body temperature declined and – it would be good to know what the temperature was at the time that you guys arrived as part of the analysis.

Q I don't believe in this instance it would have.

Q Do you know if anybody took the temperature of – knew what the temperature was?

A Ambient air temperature?
Q Yes.
A I had like 41 degrees at one o'clock when I pulled in there.
Q 41 degrees at – on the 13th?
A Um-hmm – no, 14th.
Q Oh, on the 14th, duh. Okay, thank you. 41 degrees when you arrived at one o'clock on the 14th?
A Yes.
Q Your main job there was to preserve and collect evidence and document evidence; would you agree?
A That's correct.
Q You have no idea whether those girls ever crossed that creek; would you agree?
A I'm sorry, what?
Q Yeah. You have no idea whether those girls ever crossed that creek.
A Not to be completely sure about it.
Q Okay. You don't have any idea of when those girls even got to where they ultimately were?
A Where they were found?
Q Where they were found.
A No, I do not.
Q I just wanted to review some of the things you did collect and see if you remember collecting them; okay? There was another bra collected somewhere? Do you – is that something that you collected?
A I did not collect that.

Q Okay. Are you familiar with a bra being collected?

A I saw it in the report somewhere, somebody's report.

Q A pink-colored sock, did you collect that?

A No, I did not.

Q A shirt on the bank in the same area, do you remember collecting the shirt?

A No, I had no part of that.

Q A Jimmy John's drink cup with a straw in it?

A I did recover that.

Q Okay. And it looked like it had been used; right?

A It was fairly new. It was not weathered, crinkled, or discolored. It looked like it was within a couple days maybe at the most.

Q Okay. And sometimes we hear about people that are – sip on a straw and you can get their DNA off the straw.

A Correct.

Q Was that one of the reasons you collected it?

A Yes.

Q And you don't know what happened to it, but you collect it and then it moves on, and whether that ended up having something on it or not, you don't know; is that true?

A Usually not.

Q Okay. There was an energy drink –

A Yeah.

Q -- that looked like it was not too old?

A Yeah, same way, it was another energy drink can, I believe it was a can.

Q Camel cigarette butt?

A Yes, there was a couple of cigarette butts on the – right at the entrance to the bridge area. They looked fresh like they had not weathered, been run over, stepped on or anything, so we collected those.

Q The area that those girls were found is relatively flat; would you agree?

A No.

Q You don't agree?

A No.

Q Where their bodies were laid?

A That ground undulates down there. You've got high spots, low spots, and it's not flat like you'd find a field or yard.

Q Sure. Well, I guess compared to like coming down from the cemetery, that's a pretty steep grade there; right?

A That's correct.

Q And from the – to the west of there where the girls were maybe a hundred more yards, there's a pretty steep decline there, as well?

A That's correct.

Q So compared to those, this was a pretty flat area?

A Compared to that, yes, it is.

MR. BALDWIN: Thank you. No other questions.

THE COURT: Mr. Luttrull.

MR. LUTTRULL: Thank you, Your Honor.

RE-DIRECT EXAMINATION OF DUANE DATZMAN

QUESTIONS BY MR. LUTTRULL.

Q Mr. Datzman, where did you find the Jimmy Johns cup that you collected?

A It was at the west end of the bridge on right-hand side in the weeds or growth there.

Q That would be the area where the trail ends at the bridge, the public trail ends at the bridge, the opposite side of where you took your bridge photo that you showed the jury; is that correct?

A Yes.

Q The opposite end?

A Yes.

Q And were the cigarettes – I think your testimony was at the entrance to the bridge, the cigarette butts that you collected.

A That's correct.

Q That would be at the same general area?

A Yes, it was.

Q So the public side or trail side of the bridge you collected those items?

A That's correct.

Q Would the energy drink be the same? The energy drink was also found in that area?

A Yes, it was.

Q What's the word "core" mean when you talk about core temperature?

A Like the center of the body.

Q That means intruding into the body to get taken; correct?

A That's correct.

Q You can't get core temperature from something underneath an arm, in an armpit.

A I would agree.

Q That's not the definition of core.
A No.
Q Would you agree?
A I agree.
Q Would you agree that the best way to track an item of evidence, a cartridge or anything else, is to place it in a container separate from other items of evidence, adequately mark it, and get it to where it's supposed to go undisturbed?
A That's correct.
Q In your 16 years or more as a crime scene investigator, did you ever stop and videotape the collection or picking up an item of evidence on the ground?
A I've not videotaped it. I've photographed stuff on the ground.
Q Photographed. But the act of picking it up, did you ever videotape that act?
A Not to videotape the actual picking up an item, no.
Q Was there anything about this case that would suggest you do something different than you've done for 16 years as a crime scene investigator?
A No, there was not.

MR. LUTTRULL: No further questions.

THE COURT: Mr. Baldwin.

RE-CROSS EXAMINATION OF DUANE DATZMAN

QUESTIONS BY MR. BALDWIN.

Q If you had to do it all over again, would you have taken a photograph of the other end of the bullet, so that this jury would know that that's the same bullet that they receive into evidence that was taken out of the ground?

A If I had to do it, I imagine I would have gotten a picture of the bullet after pulled out and then it goes to the lab.

MR. BALDWIN: Thank you, sir.

MR. LUTTRULL: Omitted question, Your Honor.

THE COURT: An omitted question? Sure.

RE-DIRECT EXAMINATION OF DUANE DATZMAN

QUESTIONS BY MR. LUTTRULL.

Q You were asked a question on cross examination, and I meant to follow it up and I apologize that I didn't, but real quickly here I'm gonna show you images – I'm gonna show you State's Exhibit 183 and 184 and ask if they are, in fact, images that you took but zoomed-in to show the creek in a more-closer fashion – 160 – 183 and 184.

A Yeah, it shows the creek and the water rescue team while they were searching that area.

Q It shows the water rescue team in the creek?

A Yes, it does.

MR. LUTTRULL: I would move the admission of 183 and 184.

STATE'S EXHIBITS 183 AND 184 OFFERED

THE COURT: Any objection?

MR. BALDWIN: No.

THE COURT: All right. Without objection, 183 and 184 are admitted.

STATE'S EXHIBITS 183 AND 184 ADMITTED

MR. LUTTRULL: Your Honor, we would ask leave to make copies for the jury and publish them that way later.

THE COURT: That's fine, you may.

MR. LUTTRULL: Thank you.

MS. DIENER: Jim.

MR. LUTTRULL: Oh.

THE COURT: Oh, so you have copies? All right. You may publish.

STATE'S EXHIBITS 183 AND 184 PUBLISHED

MR. LUTTRULL: They're similar photographs, Your Honor, but for the jury's clarification, there's two, they are two distinct photos.

THE COURT: Anything else, Mr. Luttrull?

MR. LUTTRULL: No, Your Honor.

THE COURT: All right. Do you have any cross on the omitted question –

MR. BALDWIN: I do.

THE COURT: -- on the omitted questions?

MR. BALDWIN: I'm sorry, Judge, I do.

RE-CROSS EXAMINATION OF DUANE DATZMAN

QUESTIONS BY MR. BALDWIN.

Q Do you know the height of any of those people in the photographs?

A No, I do not.

Q And do you know, if they walked another three or four feet toward that bank across the way, if they would fall into deeper water?

A They could have.

MR. BALDWIN: No other questions.

THE COURT: Does anybody on the jury have any questions for Mr. Datzman?

(Sidebar conference conducted.)

MR. MCLELAND: I'm just curious of the questions.

THE COURT: Oh, you're fine, that's fine. "The Defense mentions that it would be helpful to show or capture the entire bullet at the crime scene to help the jury identify that it's the same bullet." So that's not really a question. "Would there be any reason that the bullet submitted to evidence would be a different bullet?"

MR. LUTTRULL: I like the question.

MR. BALDWIN: No, it's a good question.

MR. MCLELAND: Fair question.

THE COURT: "Is there a process to ensure that the jury is seeing evidence that is not tampered?"

MR. BALDWIN: If he knows.

THE COURT: You want me to couch it if he knows? Is that what you said?

MR. BALDWIN: No, I'm just – if he – if you want to, that's better.

MR. LUTTRULL: Either way, I don't care.

THE COURT: Okay.

(Sidebar conference concluded.)

JUROR QUESTIONS OF DUANE DATZMAN

QUESTIONS OF THE JURY, READ BY THE COURT.

Q Sir, would there be any reason that the bullet submitted to evidence would be a different bullet?

A No, it'd be the same bullet found at the scene as this bullet that would be packaged and sent to the laboratory.

THE COURT: Any follow-up, Mr. Luttrull?

MR. LUTTRULL: No.

THE COURT: Mr. Baldwin?

MR. BALDWIN: No.

Q Is there a process to ensure that the jury is seeing evidence that is not tampered with?

A Could you repeat that, please.

Q Is there a process to ensure that the jury is seeing evidence that is not tampered with?

A We have policies and rules that we – regulations that we follow for the collection and submission of evidence, and we have a chain of custody, so if I find something, package it, I take it to a laboratory, I sign it over to the evidence clerk and she signs it into the evidence system. It has a number, a location, so – a case number on it, so you can go back and find that exact piece of evidence.

THE COURT: Any follow-up, Mr. Luttrull?

FOLLOW-UP EXAMINATION OF DUANE DATZMAN

QUESTIONS BY MR. LUTTRULL.

Q Are items identified by a specific number under this specific case?

A Yes, they are.

Q And are they submitted to the laboratory in a sealed condition?

A In a sealed condition, yes, they are.

Q If not in a sealed condition, would the laboratory refuse to receive them?

A They would have the officer repackage the item if they hadn't done it properly.

MR. LUTTRULL: I have no further questions.

THE COURT: Mr. Baldwin?

MR. BALDWIN: No questions.

THE COURT: All right. Thank you, Mr. Datzman. You may step down.

THE WITNESS: Thank you.

THE COURT: You may call your next witness.

MR. LUTTRULL: Thank you, Your Honor. We would call Brian Olehy.

(Witness sworn.)

DIRECT EXAMINATION OF BRIAN OLEHY

QUESTIONS BY MR. LUTTRULL.

Q Would you state your name.

A Brian Olehy, O-L-E-H-Y.

Q And where are you employed?

A I'm employed by the Indiana Gaming Commission.

Q And what do you do for them?

A I'm a gaming agent, a law enforcement officer enforcing gaming and regulating gaming in the state of Indiana as a full police-powered officer.

Q Previously, were you employed by the Indiana State Police?

A Yes, I was employed by the Indiana State Police from 1995 until 2021.

Q Did you go through the Indiana law enforcement academy?

A Yes, I attended the law enforcement academy from January of '95 to June of '95, and then I was appointed as a trooper to work at the Lowell post.

Q How long were you – or did you have that role as a trooper at the Lowell post?

A Approximately four years before I was transferred into the Gaming Division, which the State Police was then in charge of. I spent a year with the gaming enforcement from the State Police, working for the Gaming Commission on a casino in Gary, Indiana. I then returned to patrol duties in the Lowell district for approximately six months, and then I spent, after that, approximately three and a half years as a district-level detective, investigating every level of crime as a detective. I was then promoted in 2004 with the Indiana State Police to sergeant to work in the Public Information Office and served as the public information officer/media relations officer for northwest Indiana. In December of 2004, I was promoted to first sergeant and served at general headquarters as the assistant commander of the Public Information Office for the Indiana State Police. And then, in the fall of 2015, I took a position within the laboratory as a sergeant, as a crime scene investigator working from the Indiana State Police Lab as a sergeant for the Indiana State Police; Inheld that position until my retirement from the Indiana State Police.

Q How long were you a crime scene investigator?

A Approximately seven years.

Q And what training did you receive to be a crime scene investigator?

A Specifically, I received training in the academy on various aspects of criminal investigations and evidence; and then specifically related to the crime scene investigator position, my initial training was a four-week, 160-hour course put on through the Indiana Law Enforcement Academy at Plainfield, and then continuing education of hundreds of hours of various trainings on every aspect of crime scene investigation from basic collection of evidence to things like fingerprints, vehicle crimes, specific things, just a various number of areas of

invest – crime scene investigation training.

Q How many crime scenes did you process during your seven years as a crime scene investigator?

A Some years, more than others. I would say that the number was probably between 275 and 350.

Q How many of those were death scenes?

A I would say probably a third of those involved some sort of death.

Q And did you testify in court as a crime scene investigator?

A Yes, I have.

Q Describe for the jury the specific duties that you have as a crime scene investigator?

A A crime scene investigator's role would be to document, particularly to document evidence at a scene or of an event. One of the primary duties is to photograph a scene so that you can capture it as it was as you found it upon your arrival, to collect evidence or anything that may be of a probative nature related to that crime scene, to preserve that evidence and package it, and to document the evidence through sketching, photographs, notetaking, using a thorough and systematic approach to documenting a scene and collecting the items that may be there.

Q I want to direct your attention to February 14th, 2017; where were you assigned, what was your area you were working as a crime scene investigator at that time?

A My area of initial responsibility was to be assigned to the specific counties of Tippecanoe, White, Carroll, and Clinton Counties were my four primary counties. The way that we were set up was that one crime scene investigator

was assigned to specific counties, but we would go wherever the call was based on the needs or if someone was on a day off or working another scene. We would also respond and assist each other at various scenes, depending on what the need was or what the crime scene entailed.

Q Were you alerted at some point on that day to the fact that two girls had been found, the bodies of two girls had been found in Carroll County?

A Yes. I received a phone call from Carroll County Sheriff's Department Detective Kevin Hammond, advising me that two missing girls had been found deceased and he was requesting my assistance at the scene. That was the initial –

Q Did you know –

A That was the initial call.

Q Did you know Detective Hammond?

A Yes, I did. I'd worked several cases with him.

Q And what – how did you respond?

A I mean, I entered my vehicle and drove to the area where he requested me to be.

Q Did you reach out and contact any others at that time?

A Yes. Shortly after I started my way towards Carroll County from Tippecanoe County, I called CSI Sergeant Jason Page. Due to the fact that there were two deceased, I knew that this was probably going to be more than just a simple crime scene prior to my arrival with very limited information, so I requested that Sergeant Page come and assist me. I then received another phone call from Detective Hammond, advising me that the information he now had was that the two appeared to have been murdered and this was not an accidental or

an exposure-type of an incident, that they'd been out in the cold overnight, so it was a hom – he suspected it was most likely a homicide and there was some foul play involved. And then, following that call, I also called CSI Sergeant Duane Datzman and requested him to come and assist me. And I do believe, at some point in time, I also called my supervisor and apprised him of the situation that was occurring in Carroll County.

Q And had you worked with Page and Datzman in the past?

A Numerous times, yes.

Q What did – where did you arrive and tell the jury, if you know, the approximate time you arrived at the location you were asked to go to.

A I arrived at the area, the county road in the area that I would refer to as the bridge trail or the Monon Bridge trail or the Delphi walking bridge trail. I can't specifically recall the county road, I think it's 300, but I'm – I can't remember the exact county road number. But I was advised that it was near the old Delphi cemetery. I went to that location and located Detective Hammond and began to discuss the situation with him. I know that I was parked in the back of the cemetery, on the south end of the cemetery.

Q And did you meet with Detective Hammond?

A Yes, I did.

Q Tell the jury what action you took at that time?

A Detective Hammond and I went from the cemetery down into a pretty steep ravine that went down towards Deer Creek. It drops off fairly sharply and has a pretty steep grade going from the cemetery down to what I would refer to as a river bottom or a floodplain area along the creek. It's heavily wooded. It is – I mean, it's basically what I would refer to as a typical Indiana forested area along

a river, just pretty much anything in the northern half of Indiana very similar to that. It was wooded. It was February, so it's wintertime. It was a fairly warm day, as I recall, the temperature was approximately 55 to 57 degrees, it was sunny. The area just had a lot of dead leaves on the ground from the previous fall and there were sticks. It was very typical of woods in northern Indiana.

Q You cover – your region you cover is several rural counties; is that correct?

A Yes. I mean, I would describe most of Indiana as a rural state.

Q You're not unaccustomed to going to this type of an area to conduct investigation?

A No, that's correct.

Q Are you also a hunter?

A Yes, I am.

Q And did that give you another vantage point or experience to draw on in terms of what you were seeing and what you were – how you interpreted the scene?

A What I would call – well, I'm a hunter. I'm not a deer hunter, but several of my friends are, and it was an area that I would call prime deer country or wooded area where deer hunting would very often take place. Yeah, it was an excellent place where I would – if I was going to hunt deer, I would hunt deer. I looked in the area for tree stands. And I'd also been advised at some point that trail cameras were reportedly in the area because it was a hunting ground, and I had asked Detective Hammond to task someone to look for trail cameras in the area and collect those if they were in the area. To my knowledge, no trail cameras were found.

Q To your knowledge, was that request followed up on though and –

A Yes. I was specifically told that they had searched and there were no trail cameras found. I recall asking them also to reach out to – using, you know, local data and plat maps to determine who the landowners were and to reach out to the landowners and to determine if there were any deer hunters who regularly hunted the property. It's my experience in Indiana, not only the owner, but also other people will often hunt on ground, so I asked them to reach out to the landowners and see if they had permission for anyone to hunt in the area.

Q Tell the jury what the scene security was like when you arrived, once you came down from the cemetery and arrived closer to Deer Creek.

A As I was coming down the hill, I observed a trooper who I believe I recall to be Wes Ennis, who was putting up crime scene tape over a large area. I do specifically recall speaking to Wes and asking him to make the area very large and broad, and that's part of crime scene documentation is not to too narrowly define your crime scene so that you don't leave anything out. And I also was aware that a crime scene log or any entry log to document who entered and who left the scene had already been started prior to my arrival. I requested to make sure that it had already been done and I was advised it was. And when I got down to the bottom of the hill, I was logged in by the trooper who was maintaining the crime scene and, to my recollection, that was Trooper Larry Mote.

Q There's been – well, did you designate, at some point, an area within that larger crime scene area, as ground zero?

A I would say that the area where the bodies were located and an area probably 20 to 30 feet around them would be ground zero. I would say in that area, even probably another 10 or 15 feet out, I specifically requested that no one enter that area, no one go into that area until it was time to fully examine

the bodies and, basically, take a full accounting of all the area and systemically go through the area at the river bottom to determine if there was anything else that needed to be cordoned off or considered as another crime scene or a secondary crime scene.

Q Sir, did you observe anyone at the ground zero area upon your arrival?

A To the best of my recollection, as Detective Hammond and I discussed the events and what was known at that time and the area and also discussed the trail cameras, there were two personnel in an area near the body, they were probably still 30 to 40 yards away from me, maybe 50 yards away from where I entered the crime scene area. I believe them to be Deputy Giancola and Deputy Yoder from the Carroll County Sheriff's Department.

Q Once you arrived, was – were you the lead officer in the crime scene area, the crime scene and ground zero at that time, in terms of who had the role to lead this investigation, the crime scene aspect of it?

A The crime scene aspect of it, so I would say this, a crime scene investigator for the Indiana State Police, and in my experience from – with all the cases that I worked, probably 90 to 95 percent of the cases that I worked for crime scene were for other agencies other than the Indiana State Police. They were for town marshals, for sheriff's departments, for other agencies other than the State Police. So at Kevin's – at Kevin Hammond's – at Detective Hammond's request, I came to assist the Carroll County Sheriff's Office as the lead investigating agency. I took my role as the lead crime scene investigator at that scene based upon the fact that it is a primary county assigned to me. I would also say that, upon the arrival of Sergeant Page and Sergeant Datzman, both had more time and experience as a crime scene investigator than me, but I would still consider

myself as the primary investigator because of the location of where the crime occurred. I would also say that we worked together as a team and that their collective experience and my collective experience all add to the investigation. We work under the theory and the principle that none of us together is as smart as – none of us individually is as smart as all of us together.

Q Sir, did you – were you carrying any firearms at the time?

A I don't believe I was carrying a firearm at that time, because I was – knew I was gonna be going up and down the hill and I wasn't in an area where I didn't feel safe. If I would have been carrying a firearm, it would have been one of my two issued firearms and it would not have been my – the sidearm for a trooper, the regular sidearm for a trooper, which, at that time, was a Sig Sauer P227, a .45-caliber. The other firearm and the only firearm I carried on a daily basis was a Sig P365, which is a 9-millimeter.

Q So did you have any ammunition in your possession?

A No.

Q If you had, your firearms were 9-millimeters or .45s?

A That's correct.

Q Did you interact with any agents and staff, non-special agents, but staff members of the Federal Bureau of Investigation sometime after your arrival?

A Yes, I did.

Q And did you give them tasks to perform and did you participate with them?

A I did, and what you're referring to I believe the FBI calls their ERT team or Evidence Response Team, and it's my understanding that the Evidence Response Team is multiple members of the agency who are trained in the collection of evidence. I don't know their rank, status, or position. I don't know if they were

agents, special agents, special agent in charge, or evidence personnel, I don't know what their training – whatever their title was.

Q So they may have been civilians, in other words?

A They may have been civilian, they may have been sworn, I'm not –

Q Okay.

A I don't have that specific information.

Q But you did interact with them and work with them sometime after your arrival?

A Yes, I did.

Q Explain that to the jury, what you did with them and had them do.

A So as there were multiple tasks to divide up, one of the tasks that I asked the FBI Evidence Response Team to do was collect items which had been located during a search of the area prior to my arrival, which included items of clothing found in Deer Creek and in the water. Those items had been monitored and observed constantly upon my arrival by a group from Tippecanoe County, which was the dive team, the emergency response dive team from Tippecanoe County, which is – to my knowledge, is administered by the Emergency Management Association. They had been watching the items that had been found in the creek, and then I tasked the ERT team, the FBI's ERT team, to collect those items from the water, collect the water with them, and then go through the water in the bags and collect those items individually and provide them to me once they had collected them. I took photographs of those items prior to them collecting them, and I also believe that the FBI team took some photographs, as well.

Q And did you direct any Indiana State Police officers to then receive from that FBI ERT the items that they – that were removed and handed to them from

the water?

A Yes. There was in another – another State Police crime scene investigator, Sergeant Jim Cody, came to the scene at a later time at my request. Specifically, I requested that Sergeant Cody come with some specific equipment for documenting crime scenes which I do not have possession of, it is – they're given to some of the crime scene investigators around the state based on the cost and the cost of the equipment, so we utilize it whenever it's needed, and an officer assigned that equipment comes to the scene when it's needed.

Q What equipment is that?

A It's called a FARO and it's a – it very much will produce what appears to be a photograph or a picture, but it's actually points of light and it uses light points to create what, to the naked eye, looks exactly like a picture, but is not actually a photograph as we know it.

Q And FARO is F-E-R-O?

A I believe it's F-A-R-O.

Q F-A-R-O?

A Yes.

Q The –

A To fully answer your question though, I asked, at that point, after they had collected those items and I'd observed them, due to their very wet condition from being in the creek, I asked Sergeant Cody to take those items to his location at the Putnamville post, where they had a more-sufficient drying room to dry those items, so that they could be packaged for further examination.

Q The Putnamville post had a better facility for that aspect or for drying –

A Yes.

Q -- evidence?

A Yes. My –

Q Why was it important –

A My assignment was at the Lafayette post, and the drying room there was substandard at the time.

Q And why was the – why is it important, if you have wet clothes, to have them in a dry room or address that issue of their wetness?

A So the drying room will basically, without acting like a clothes dryer with extreme heat, moves filtered air through the small room to more quickly dry the clothes so that things like mold and mildew do not degrade any potential evidence on the clothing items.

Q Which can happen to DNA evidence if they become moldy?

A Any biological evidence, yes.

Q So then, did you also assist the FBI, work with them, in searching a broad area there –

A Yes.

Q -- that afternoon?

A So during the time that the FARO scan was being completed by Sergeant Cody, we need to basically stay out of an initial area, because if you are in the range of the FARO scanner, your image will also show up on whatever he documents, so it's not customary to be in that location. You move out of the area, so the FARO scanner can take its images or collect its points of data to create what it does. So we went out of the area to one far end of what I would consider the full crime scene or the area of the crime scene within the barrier tape or the crime scene tape. What I had us do was basically a step and walk,

where we lined up at one end and each of us took one step at a time, looking for any object or item which appeared to be out of place or which may have probative value to this matter or this criminal incident, looking for anything biological or trace evidence or physical evidence which may have been in that area. And we walked down one half of the scene one step at a time, in a line, so we wouldn't missing anything. We got to the end, and we rotated or basically swung our line around and walked back to the other end to provide a systematic search of the entire area.

Q Now, that would have avoided the ground zero area though?

A It would have gone around the ground zero area.

Q Did you document with photographs – in addition to Sergeant Page and Sergeant Datzman, did you also take photographs at the scene?

A Yes, I did.

Q I'm gonna move – ask to show you State's Exhibits 78 – there's quite a bundle here. I'm gonna ask you to take care not to display them to the jury.

A Yes, sir.

Q Just ask you to look at these, 78 to 137, and tell me if they are true and accurate representations of what you examined, both on the 14th at the crime scene, as well as on February the 15th at the autopsy in Terre Haute.

MR. LUTTRULL: May we approach, Your Honor?

THE COURT: Yes, you may.

(Sidebar conference conducted.)

MR. LUTTRULL: Just to deal with it today, I thought since he's the photographer, I want to introduce the autopsy photos through him, but not publish them. I want to publish them through Dr. Kohr.

THE COURT: Oh, okay. So have them admitted, but not for publication? Okay.

MR. LUTTRULL: Yeah. I think that would be more efficient.

MR. ROZZI: We have no objection.

THE COURT: But then publish them with your pathologist?

MR. LUTTRULL: Right.

THE COURT: Okay.

MR. LUTTRULL: So the other photographs, hopefully, I'll publish them today, that was my –

THE COURT: Okay.

(Sidebar conference concluded.)

THE COURT: He's done. Mr. Luttrull, he's done.

Q Okay. Are those true and accurate depictions of the scene, both on the 14th in the areas that you just described to the jury, as well as on the 15th in Terre Haute?

A They are.

MR. LUTTRULL: I would move the admission of these items, Your Honor, 78 through 137.

STATE'S EXHIBITS 78 THROUGH 137 OFFERED

MR. ROZZI: Could I just have a minute, Your Honor, to look at these?

THE COURT: You may.

MR. ROZZI: Thank you. May we approach?

THE COURT: Yes.

(Sidebar conference conducted.)

THE COURT: Let's go over here, 'cause it's looks like we're gonna be talking.

MR. ROZZI: This is cleaner (inaudible)

THE COURT: Okay. But you're objecting?

MR. ROZZI: Yes.

THE COURT: Okay.

MR. ROZZI: The objection is, is that these are cumulative and they tend to be more prejudicial than probative. Number 93, that's cumulative. And number 94, 123, 124, 126, and also I think 126 is mostly irrelevant. I mean it doesn't really – see what I'm saying? It doesn't tend to prove anything more, so I'd make a relevance objection on that. 127 the same, kind of 404, too, 403; 128, 131; 132; 133 that has (inaudible) in here too; 134; 135; 136; and 137.

THE COURT: Okay. What's your response? Go ahead.

MR. LUTTRULL: My response is that the initial photographs – the photographs – these photographs are appropriate and any prejudicial effect does not greatly outweigh the probative value. There's great probative value in each of these photographs. The repetitive nature, there are different photographs from different areas of the crime scene. The blood spatter expert will testify and his testimony will be aided by these photographs. Secondly, the jury has been advised during voir dire, we asked questions that this was our – and in their jury questionnaires that there are these kind of photographs, that they're (inaudible) in nature to (inaudible) prejudicial a little bit. And I think that, based upon on this and if they've been offered to demonstrate an expert's testimony, which I understand the expert's not here today to lay that foundation, but I believe that would definitely be laid, even without (inaudible) the tendency to show

compassion is substantially outweighed by the probative value.

MR. ROZZI: I agree to the extent that there's no foundation at this point, but they'll be able to lay it with his –

THE COURT: Right. And that's the only ones that you are objecting to.

MR. ROZZI: No, I objected to –

THE COURT: I'm sorry, you did 93 and 94, as well.

MR. ROZZI: But mainly because I think they're cumulative. I mean, honestly, in looking at them, if you start loading them –

THE COURT: Right.

MR. ROZZI: -- it does become prejudicial. These tend to prove (inaudible).

THE COURT: Right.

MR. ROZZI: So that's my basis for objection.

THE COURT: Okay. Well, and let me just, here, do it. I'll show them admitted, all over your objection. The ones that you have not objected to, you are not objecting to other than what you talked about here?

MR. ROZZI: Yeah.

THE COURT: Okay. And as far as the autopsy photos, I'll admit them conditionally upon the completion of the foundation that you say you're going to be laying to assist the expert and assist the jury with the presentation.

MR. ROZZI: And we're just not gonna publish right now?

THE COURT: Right, right. We're not gonna get into that.

MR. ROZZI: Okay.

THE COURT: Okay?

MR. LUTTRULL: So they're admitted under condition?

THE COURT: The ones that he has – specifically 93 and 94, I'm gonna admit those over his objection. The autopsy photos that he's objected to, I'm admitting those, provided you can continue to lay the foundation with the forensic pathologist.

MR. LUTTRULL: They're half admitted?

THE COURT: Hmm?

MR. LUTTRULL: They're half-admitted?

THE COURT: Yeah, they're half admitted if you finish your foundation. Because I understand that we're doing it 'cause this guy's here and we don't want to have him come again; that make sense?

MR. LUTTRULL: Yeah, that makes sense.

THE COURT: Okay.

(Sidebar conference concluded.)

THE COURT: All right, gentlemen, I'll show that State's Exhibits 78 through 137 inclusive are admitted. I note the objection to 93 and 94, to 123 to 128, and 131 to 137, and those will be conditional with your forensic pathologist, presuming that you can complete the foundation that you have started with this witness.

STATE'S EXHIBITS 78 THROUGH 137 ADMITTED

MR. LUTTRULL: Thank you, Your Honor. I think that's appropriate.

MR. ROZZI: Judge, would you mind, just because I'm trying to take some notes, just reciting that again for me real quick. I just wasn't able to keep up.

THE COURT: You have not objected to 78 through 90.

MR. ROZZI: Thank you.

THE COURT: You have not objected to 91 to 92, so those are admitted without objection.

MR. ROZZI: Thank you.

THE COURT: You've objected to 93 and 94 as cumulative. I've overruled that objection and will show those admitted over objection. You have not objected to 95 through 120, so those are admitted without objection. You have not objected to 121 and 122 and to 129 and 130, so those are admitted without objection. You have objected to 123 through 128 and 131 through 137, and those are admitted over your objection, again provided the State can complete the foundation with the forensic pathologist.

MR. ROZZI: Thank you for that.

THE COURT: 'Cause we're not gonna admit – those aren't gonna be published today, they will be published with the pathologist.

MR. LUTTRULL: Yes. I neglected to bring up something when we were all up there, but I don't think we need to go aside, Your Honor.

THE COURT: Okay.

MR. LUTTRULL: Just have a question or need to get information.

(Sidebar conference conducted.)

MR. LUTTRULL: I have two boxes with my evidence items that I'm going to be showing him and that he's going to be identifying. As we proceed, I don't know how late you want to go, but I'd just let you know that. I don't want you being surprised that that's happening.

THE COURT: Okay. We're gonna go until – well, it's ten till 5. We'll probably go till 6.

MR. LUTTRULL: Okay.

THE COURT: So I don't know where that puts you or where that puts you. I mean, that means cross –

MR. ROZZI: It puts me here until 6, yeah.

THE COURT: Well, and then, potentially, cross overnight or tomorrow morning.

MR. ROZZI: Just wait till tomorrow, yeah.

MR. LUTTRULL: Okay.

THE COURT: All right.

(Sidebar conference concluded.)

STATE'S EXHIBITS 78 THROUGH 122 PUBLISHED

Q Did you go to the Deer Creek bank sometime not long after your arrival to address the question whether you'd been informed that clothing was found along the bank?

A Yes, I went along the creek's bank, yes.

Q Did you document that with photographs?

A Yes.

Q We'll look at State's Exhibit 78; what is this depicting, sir?

A It depicts the north side of Deer Creek and the water as it appeared on that that day, and then, in the kind of lower middle section, an article of clothing sticking partially out of the water, appears to be stuck on debris within the creek.

Q There'll be other photographs later, soon to follow, but are there pictured – without being able to discern them clearly, are there other items that are contained within this frame that you later have close-up photos of?

A Yes.

Q Would you orient this so the jury can relate it to the items that's in the foreground?

A Orient it in – I mean, it's in Deer Creek –

Q With the Court's permission, I'll ask you to come down.

THE COURT: You may.

Q If you could stand off to the side, so you don't interrupt the jury, can you – and using that pointer.

A There are items here which were later collected. (Indicates)

Q If you touch that screen –

A I know that now.

Q -- it'll react to it.

A I apologize. And then also items in this area, which were later collected. This is what I would call the north side of the creek bank, and then opposite being the south side.

Q And L.G.'s and A.W.'s bodies are in what direction from this?

A To – I'm sorry, almost a straight direction to the north of these items here.

Q So upstream from –

A Upstream from this item, near these items, and then in a direct northerly line probably 50 to 75 feet away from the bank.

Q And what item of clothing is in the foreground here?

A It appears to be – this is an item of jeans, blue jeans.

Q What do we see in photograph 79?

A So this is from – basically looking from the opposite direction. This – the previous photograph would have been taken from somewhere down in this area, looking this direction. (Indicates) And then, the jeans are actually here behind

this limb or branch or vine that's hanging down, and then these are the other items that are caught. And there's also I believe an item here, which I believe is a footy sock or ankleless sock. (Indicates) Basically looking in Deer Creek, looking from the north side of the creek across to the south side, the jean material, the jean item, is in this area. (Indicates) The other items that were mentioned previously would be in this area. (Indicates) Yeah, and then, the sock would be just off of – out of frame.

Q In between this area and here, here and the jeans, what do we see there under water?

A Oh, yes. I have glare. There's an item – article of clothing here, I believe it's a – like a hooded sweatshirt, a fleece-type hooded sweatshirt material. And then, this is more close-up of those clothing items caught, the tie-dyed shirt. This is like a handkerchief or a bandana-type item, and then a Nike athletic shoe. A pink footed sock after collection, removed from the water-born bag to photograph it.

Q And that's photograph 82. And this is – we see, in the upper part of that photograph, ERT; is that a reference to the FBI agents?

A That would be an individual employed by the Federal Bureau of Investigation. This is what I would refer to a string shirt, a string-top shirt or a camisole possibly. Just as a – it's not a t-shirt, but I would call it a camisole shirt also collected from that area. The darkness of it doesn't really make it visible. It was collected from the same area that the other items were, again collected with the debris around it and then removed to show the item individually.

Q Does the item shown in that photograph 83, did it indicate its size?

A It does. It indicates a brand of Faded Glory and a size of large, 10 to 12.

Q 84.

A This is the jeans that were pictured in one of the previous photographs collected. They are documented in an inside-out fashion, that's how they were found. And then string off of them from another item. And then what is – appears to be underwear or – women's underwear or women's undergarment on them. You can tell that they're inside-out because of the pockets being observed here. And collected from the Deer Creek and removed to document for photographing of the individual item.

Q Picture 85.

A Yeah, this is previously pictured in one of the other photos, this is a – what I would call a tie-dyed t-shirt. It is indicating an extra-large shirt from a Colortone brand. It's inside-out, as well. It is also – has debris from the creek material. Again, removed and documented with photography.

Q 86.

A Another sock, this one, a footy type or ankleless sock, again collected from Deer Creek, individually photographed with some debris on it. It's a - that's what I would call a black or dark navy sock. This is that handkerchief or bandana-type material that was observed in one of the other photographs, again collected with the debris and then pulled out of the water from the bag to document it individually.

Q This is photograph – State's Exhibit 88.

A This is the athletic shoe previously found in other photographs, Nike brand, indicated by the logo of the company. An athletic shoe found in the water, removed from the water – with the water in the bag, and then removed from that

bag to individually document it and package it up.

Q It appears to be a left shoe; is that correct?

A It appears to be, yes. And it's also still tied.

Q That's the condition it was in when you removed it?

A Yes.

Q 89?

A This is the grey object which is in one of the previous photographs underwater, it's what I would call a hooded sweatshirt, a zip-up hooded sweatshirt, the fleece-type or cotton-type material. Again, wet from the water being collected from Deer Creek, removed and then individually photographed.

Q This was the submerged garment that was between the jeans and the clump that had the shoe –

A Correct.

Q -- and the tie-dyed shirt? What – are those strings, are they attached to that garment?

A I believe they're some sort of a tie for the hooded portion of it, best that I can tell.

Q For the record, we're talking about the tannish –

A Which is also depicted over here – (indicates) – and appears to go up into the hooded section.

Q I'm gonna ask you to remain there and we're gonna move to the photographs that you took documenting portions of ground zero. State's Exhibit 90, what do you see there?

A This is a photograph of the area, roughly a portion of the area which you refer to as ground zero. These are the bodies of the two deceased individuals,

the two victims. This is the body of A.W. and the body of L.G. They are a few feet from each other, almost in a perpendicular way, with their feet closer to each other than their heads. This is also a depiction of what I would say the area looked like with deadfall and with leaves and debris and twigs, sticks, branches, and the area, you know, as it appears in most of the area around where the bodies were located and the area around or along creek and around the floodplain and the river bottom.

Q There's a discolored area just to the – as we're looking at the photograph, to the left of A.W.'s shoe; what was that?

A That's an area of blood, a pool of blood.

Q Photograph – State's Exhibit 91, is that – in the foreground, what's that?

A This is the area in the previous photograph of blood found on the ground and over the leaves and sticks in the area. The previous photograph would have been taken from over in here. (Indicates) And the girls are kind of laying next to each other, closer at the feet and farther at the head.

Q Did you observe any blood on the feet, the bare feet, of L.G.?

A Yes, and I think there's actually a little bit visible right here on the feet. (Indicates)

Q And which portion of the –

A I'd call that the heel on the right foot.

Q And did you notice any blood anywhere else on her – on that right leg?

A Yeah. There's – mean, there's several areas of blood on her thigh –

Q I'm talking about the lower part of the leg.

A Yeah. I mean, later I could – I mean, this picture, nothing is depicted, but there is other areas of blood on the lower leg, particularly on the back of the leg

there are some areas.

Q Photograph 92, is that –

A So this is the previously discussed area or pool of blood. This is the right foot that was previous in the last picture. Then, there is areas of blood on the thigh, the hand, up the arm, on the torso, at the neck, again on the left arm, which is extended above the head, areas of blood throughout the body and into the – in between the thighs and the areas on the thighs.

Q You took close-up photographs of both victims; is that correct?

A Yes.

Q And what was the purpose of that?

A To document the scene and to document the items as we found them at the scene to give information later to potential analysis to anyone analyzing anything else that was found at the scene.

Q This photograph of L.G.'s body, is this what you saw as you were standing over her?

A This is, and this is also – there were limbs and branches that were placed over the bodies, one actually went through here and you can see it appears that that limb actually transferred some debris and some decay onto the – into the armpit area. You can see a large area of blood, movement of blood. The incised wounds or wounds caused by what I would refer to as a sharp instrument or sharp-edged instrument. Blood movement up, away from the injury and moving up the face and into the area of the eye and the nose.

Q Photograph 94, it's another from the – looking at the top of the head down.

A Again, this is –

Q Is that gaping wound, is that, essentially, covered by a stick or branch?

A I mean, several of the injuries were covered, yes. Was it fully covered or completely enveloping? I would say no, but obscuring would be a term that I would use to describe it. Yeah, I mean, again, it's a very similar photograph to the last one taken from a different angle.

Q The process of the two victims here, did, you choose to begin with one in terms of the specific concentration and then move on to the other or did you do both at the same time?

A No. I mean, you can't be in two spots at once, and we concentrated our efforts first upon L.G. and documenting her body and removing her body, and then moved over to A.W.'s body and documenting it and removal of that body.

Q Sergeant Olehy, you had three crime scene investigators and Jim Cody, a fourth, for a portion of this, you could have had two on – to process each victim; is that correct? As the same – simultaneously?

A That's plausible, but it's not what I would consider to be the best option –

Q Why's that?

A -- for us. Because, A, they are in pretty close proximity to each other and our working over each other; and again, each of us individually adding our collective abilities and knowledge to the removal and collection of evidence that we found. Again, I go back to the statement I made earlier that all of us together are much smarter than any of us individually.

Q You focused on each victim one at a time?

A Yes. We focused systematically on the removal of the sticks and then we work our way down and work our way through each individual victim, and dedicated out time specifically to one and then moved on to the other one.

Q Let me ask you about this, this is the right hand of L.G.

A Yes.

Q Was your role – part of your role was to collect the evidence that was taken from the scene?

A Yes.

Q And did you do anything with relation to this right hand and wrist and portion of the forearm that the jury can see?

A So in my training and experience, hands often have evidence on them. We looked very closely at the hands to determine if there were any defensive wounds or anything which may have been transferred or contacted with the suspect. We looked at the hands very closely and then swabbed the hand areas, and I believe there was an item also collected from one of the hands.

Q You personally swabbed that?

A Yes.

Q Tell the jury what you did when you swabbed. How did you swab it? What protections did you take to make sure you did not violate the integrity of that swab?

A So the first thing is you wear rubber gloves, and it's my – essentially, my practice to wear two pairs of gloves. A, if one rips, you have a second line; and also, it allows you to more frequently change your gloves without having sweaty hands or wet hands, 'cause it's hard to put rubber gloves on with wet hands. So wearing rubber gloves, collecting those items to not contaminate the swab that I'm utilizing or contaminate the area that I might be touching, and then utilizing what I always refer to as a cotton swab or a long wooden handle with a cotton-tipped end. These aren't Q-tips –

Q Like a Q-tips with a long –

A These aren't Q-tips.
Q But similar, with a long stick?
A Yes.
Q And did you do that with this particular wrist –
A Yes.
Q -- area?
A Yes.
Q And what did you do with the swab after you – well, what do you do with the swab on the wrist? Explain that to the jury.
A Well, you mean how did I swab it or –
Q Yes. How did you swab it?
A So, I mean, basically, it's very simple. You're trying to collect any potential touch DNA or transfer of DNA, skin cells left by the individual involved. And basically, you take a swab and you just rub on the skin, trying to pick up those cells. It's pretty – it's a very simple task as far as the complexity of it, I mean, it's just rubbing it at a brisk rate and then collecting that item.
Q And what do you do with that swab?
A Then that swab is packaged into a fresh, new, and never-before-used container, whether that's an envelope, like a manila envelope, or a paper bag. You utilize paper objects to collect these items, because they're biological. Plastic is never used because of the opportunity for it to be – degrade or mold or mildew inside the plastic.
Q And you did that with each individual swab? I don't want to go through each one, I just want – did you –
A Each swab would have been individually packaged of its own packaging or

– with itself, no two swabs, unless you have a large area, you may use two swabs to cover more space with two swabs; but each individual swab of each individual location is collected individually and packaged individually.

Q Before you move on to the next one?

A That's correct.

Q This is the left hand, what – did you do the same process with the left hand?

A I completed the same process, yes, particularly focusing on an area around the wrist where there is less of what is presumed blood on the hands in this area.

Q Why are you focusing on an area that has the less blood?

A So one of the issues if you collect the swab from the area of blood, this is – appears to be a large area of blood, so a single depositor most likely, we ascertain that this blood came from the victim themself, so we would expect to find the victim's DNA. If there was DNA from or skin cell transfer from a suspect, then that would be muted out by the large amount of DNA which is in the blood. You're talking about trying to collect a skin cell or two potentially over the blood. And if I could use a reference, it would – when tested by a DNA analyst, it would scream of the individual who deposited the blood, in this case L.G., and then the suspect will be muted out. So if, for example, you were in the Coliseum in Fort Wayne for a concert and everybody was – every seat was filled and everybody shouted one word, and somebody in the middle of the arena said a word softly, you wouldn't hear the soft word, you would hear all of the other words. So it basically would mute out – the blood would mute out any potential DNA covered by that blood.

Q The next two slides show a portion of the right thigh – is that correct? – of

L.G.

A This is the thigh areas of blood, which appear to be drops, but areas of blood that move from one side of the thigh to the other, indicating movement of the blood. This is the thigh and you can see the goosebumps on the thigh, as well as the different areas. Some of this may be lighter areas of transfer of blood, it also may be just the dirt and debris from the area in the woods.

Q Is this the same thigh from a different angle?

A Yeah, same thigh, different angle. The blood goes here and then it goes up and over the thigh and down, indicating – these are trails which, to me, indicate movement of blood.

Q So this is a copy of a photo the jury's already seen. Were you using an alternative light source once it became dark enough for it to be effective?

A Yes. We utilized an alternative light source to look for biological evidence such as saliva or semen in the area around the bodies or on the bodies or on the clothing, as well.

Q And when you did so, tell the jury what occurred.

A I believe that Sergeant Datzman saw a reflection, which was not immediately visible to Sergeant Page and myself. The alternative light source is purple in color to the naked eye. The light source doesn't react without a filter, and the filter is eye goggles or eyeglasses which are orange in color. Those two wavelengths then allow you to see the fluorescence of certain biologics, such as semen or saliva. We could not see the reflection of other things because of the orange glasses, but Sergeant Datzman was not wearing the orange-colored filtered glasses. He saw a reflection on something, and as we got closer in this area, we found what was a .40-caliber Smith and Wesson cartridge, unspent

cartridge. I would call it a cartridge because it is unfired, still contains a bullet, still contains an undamaged primer.

Q Next photograph –

A A little closer –

Q -- 100.

A A little closer-up of the bullet, of the cartridge in the – as it was found next to the leg of – the ankle area of L.G.

Q And another close-up?

A The cartridge located in this area, each photograph basically getting a little closer to the area.

Q Let's go back to this. What did you do after Sergeant Datzman's discovery, drawing your attention to this area, and then the observations that were captured in these photographs? What did you do with respect to this item?

A So after Sergeant Datzman noticed the item, we were aware of what it was through training and experience and firearms with law enforcement, that it appeared to be a – either a casing, a spent cartridge, or an actual cartridge; and then, as we got closer, we could see the primer, in this area, is undamaged or unfired, and then documented it with photographs, and then it was collected and placed into an individual paper container to collect it as an item of evidence.

Q Collected by whom?

A Collected by me.

Q How many bullets or cartridges or cartridge cases did you uncover and take away from the scene?

A This is the only cartridge collected at the scene. And we searched the area and then it was again searched, and no other cartridges were found.

Q And did you – you placed it in an envelope with other items?

A No. It was individually packaged by itself.

Q What happened to it after you packaged it?

A It was taken by me to the Indiana State Police District 14 headquarters in West Lafayette and placed into temporary evidence storage for further documentation on a property record receipt and then was held in evidence to be further examined at a later date by a firearms – forensic firearms examiner.

Q And that's what you did with every item that you collected at the scene?

A I put each item that was collected, documented on a property record receipt, I placed it into the control of the Indiana State Police Laboratory.

Q Your temporary storage, is that an area that's off limits to other – or who has access to the temporary storage?

A At that point in time, these are lockers which have a specific key lock. The only personnel at that time on that date to have access to those lockers would have been myself; Sergeant Datzman; the evidence clerk, Nicky Benson; and my immediate supervisor, First Sergeant Scott Gilbert; and his immediate supervisor, Lieutenant Andy Worman at that time – I'm sorry, Andy Lorman, at that time. And it would be unusual for anyone other than Nicky Benson, Duane Datzman, or myself to access those items on a routine and regular basis.

Q And then at some point after the discovery and identification and collection of this particular cartridge, you then moved the body of L.G.?

A Yes, it was after. The body was moved and placed into a fresh, new body bag, and was also placed onto a fresh, clean, unused white sheet to wrap the body in to preserve any items from falling off the body before it was placed into the body bag. The body bag was then zipped and sealed for preservation.

Q And who assisted – who participated in that process?

A I assisted in that process, as well as the Coroner's Office and deputy coroner at that time, J.D. Cree, who transported the body from the area.

Q Were you present at the scene – once you arrived at ground zero to do your work, who had access to ground zero while you were there until the deputy coroner entered to assist you with L.G.'s body?

A Well, upon my arrival, Deputy Yoder and Deputy Giancola were what I would consider in the area of ground zero, but not directly next to the bodies, but they were in the general area. And then, we maintained this area around them and probably 25 to 35 feet around them, which was not entered by anyone else other than myself, Sergeant Page, Sergeant Datzman, Sergeant Cody after he had completed his FARO scan; and until it was time to collect the bodies, no one else that I'm aware of was directly in the area which I would call ground zero or immediately around the victims.

Q What does this depict, sir?

A So this depicts the back side of L.G., the victim in this, with debris stuck to her, as well as stuck dirt, some areas of blood which – apparent blood, an area of apparent blood under the body in back, again more debris on the back, so shoulder area down to, in this picture, to just below the calf.

Q Once you removed her body, did you then examine the area that was underneath the body?

A Yeah. We examined this entire area immediately underneath for any items which may have been of a probative nature to this investigation, and I don't believe any item specifically was found.

Q What quantity of blood did you observe underneath the body of L.G.?

A I mean, I would say there was a fair amount in one concentrated area in here, but compared to the previously observed area between the two girls, that was probably the area of the largest amount of presumed blood.

Q The area that you called the pool?

A Yes.

Q Now, this is A.W.'s body, apparently – looks like a stick has been removed from over her.

A Yep. I mean, there are sticks here and here which had been placed on her, and then, I mean, in this picture, it depicts a hooded sweatshirt, as well as an injury to the neck.

Q Next photograph is 105, and would you describe to the jury the position of A.W.'s arms.

A Well, so they – I mean, the arms go from a bent angle, a very acute bent angle from the forearms, so the hands would be inside the sleeves of this sweatshirt covering them, fully covering the hands on both sides, and then down to the elbow, and then the upper – sorry, the upper arm here to the shoulder, and they're both in a very similar position. I guess probably the best way I can describe it is maybe, just standing here, as a fighter stance or, in a, you know, upward position as they were up against her in this manner.

Q Next photograph I'm gonna show a little bit different angle of the same thing. This is –

A Yeah, the sticks have been removed from this photograph.

Q Exhibit 106.

A Again, the hands fully encased within the hooded sweatshirt, forearm down the elbow, forearm down to the elbow, the upper arm up to the shoulder.

As I recall, it says "Delphi Swimming" on the hooded sweatshirt and then a pair of jeans soiled with apparent mud and dirt and debris, and then also some wetness and moisture about the entire area.

Q What was the – did you feel the skin of both the bodies of L.G. and A.W.?

A Yeah. Both were cool to the touch. Rigor mortis was pronounced and set in both individuals.

Q What was the condition of the jeans that are on the body of A.W.?

A They're wet, particularly in the areas where they're bunched up. The tops of them are beginning to dry, but the underneath side and then the top area is wet to the touch, as well as the upper garments, the shirt, the t-shirt underneath the hooded sweatshirt are all wet to the touch.

Q Was that consistent with condensation?

A I would say no, I would say it's more consistent with being in water at some point in time. The condensation, I don't – you know, from that point, we're already having drying here and I would not expect to still have the wetness level on the items from just simple condensation.

Q 107's a slightly different angle. Did you – do you recall the size of the jeans that were removed from the creek?

A I'm sorry, I don't, I don't recall a specific size. I think that they were – actually, I think they were a 26 waistband size.

Q Does that show the way you observed the blood on the –

A Yes. This is a true, clear, and accurate representation as I found it.

Q And this is a close-up of the injury?

A And again, what – this would be a sharp-edged instrument injury with apparent blood and an area of pooling of blood at the left side of the neck.

Q The left hand here.
A Yeah, this is the left hand with the sleeves pushed down, you see the dirt and debris – excuse me – and forest decay, as well, also on the hands themselves, areas –
Q And who moved – adjusted the sleeve to get that photo?
A I did.
Q And why?
A Just to observe the hands and to examine the hands to determine if there was any items of probative evidence immediately available to us, to determine if there were any injuries, any blood on the hands, or any other things on the hands which we needed to be able to preserve and document.
Q You knew you would be transporting them up a steep hill?
A Yes.
Q And then on to another facility or to a facility for an autopsy?
A That's correct.
Q In that process, did you want to try to preserve anything that may disengage or come off the body?
A Yeah. We want to limit any potential loss of evidence.
Q Did you find any blood on the left hand of A.W.?
A Not that I – no, not that I recall, there was no area of obvious blood.
Q Is this the right hand?
A This is the right hand also with the sleeve pushed down or pulled down to expose the hand itself.
Q Notice any blood on the right hand of A.W.?
A No.

Q Photograph or State's Exhibit 112, what are we seeing there?

A Again, one of A.W.'s hands, it depicts basically the fingernails, looking for any blood or injury or transfer or fibers which would indicate that there was something on the fingernails that potentially transferred from the suspect.

Q With both victims, if you saw something adhering to the hands, would you remove it?

A I did, yes.

Q What did you do with it after you removed it?

A It was packaged in its own individual paper container, properly sealed, and properly documented on a property record and receipt, transported to the Indiana State Police post at Lafayette, and held as evidence in temporary storage and then entered into the lab system to be documented as an item of evidence within the Indiana State Police Laboratory system.

Q Did you adjust in some fashion the clothing of A.W. to – since she was covered with that sweatshirt, did you adjust the clothing to take a look at her?

A Yeah, we pulled up – pulled the items of clothing up to look for any other injuries or any potential cause or signs of death or injury, blunt-force trauma, bullet wounds, gunshot wounds, other edged-weapon injuries, blunt – yeah, bruising, any other items which may indicate manner and cause of death or that might also give us cause to look for any other specific item relating to that injury.

Q Item 113 or Exhibit 113, was that this act in process?

A This is – yes, this is that act in process, exposing the torso area of A.W. This is the belly button, the upper ribs, the lower part of the abdomen, and the upper part of the hips, looking for any injury or obvious injury underneath the clothing, any areas of blood, just basically looking through the layers to

determine if there's anything in this area which would indicate cause and manner or injury.

Q Did you observe any blood or any injuries?

A We did not.

Q And that is a gray – what type of garment is there at the top?

A So this is a shirt and then what I would refer to this gray as is a – I have daughters myself, I would refer to it as a sports bra-type of item.

Q Next photograph.

A This is the left foot of A.W. with the shoe removed, the Converse shoe removed, showing that there is dirt and debris on the bottom of the foot, indicating that, most likely, those shoes had been off at some point.

Q Exhibit 115.

A Yes. Again, the lower part of the body, the jeans, which appear to be far too large for A.W., with debris on them, mud, dirt. Also, I believe you can see some of the wetness in the legs here, kind of the line of wetness along here, showing moisture, and the amount of wetness, and also the darkness – I'm sorry, the darkness of the material here, indicating it's moisture, it's still being moist, and then these lighter areas still being – actually being – beginning to dry to the touch.

Q State's Exhibit 116, what does that show us?

A This is the right foot of A.W., showing again the Converse Chuck Taylor tennis shoe, the lower foot area, lower leg area, and the jeans with debris and dirt and even dirt inside the shoe, debris inside the shoe.

Q What kind of dirt – how would you describe that soil area along the arch, the inside arch of the shoe?

A So in this area, I referred to it as muddy or decay and debris potentially from the area, the immediate area or the immediate area along the river, along the creek, along Deer Creek. It is – the shoes themselves were also moist to the touch. I mean, there's basically – the entire area, there are bits and pieces of what I would call decay, decaying leaves and branches throughout, as well as the dirt and the mud and the sand.

Q Given the texture of this dirt you see along the side there – now I'm gonna do it – do you – did you see any kind of soil like that anywhere in that area?

A I mean, this is consistent with soil along the whole river bottom area and it's also consistent with silt that would found in the Deer Creek area along the riverbank and in the water. Sandy, siltiness again, the same sort of sandy, siltiness from the area along Deer Creek. This picture again depicts the arms as they were after the sleeves had been pushed down to photograph the hands. And this photograph, basically, this is another tennis shoe, an athletic shoe. It is similar and consistent with the one recovered from the creek, which was pictured earlier, and was basically, until we began to take our steps to like, you know, do each step and remove the branches, document the hands, and then begin to move articles of clothing that we noticed that this shoe was under here. It was basically obscured by the hooded sweatshirt that she was wearing at the time. And then, the sole of the shoe itself is – it's got mud on it itself, dirt and debris.

Q And is that – now you have moved her body?

A Yes, her body has been –

Q Not just her sweatshirt, but her body?

A Yeah, the body has been moved at this point to document the backside of the body and document the area immediately underneath the body. You can see

that there is an area of apparent blood on the back of the sweatshirt and I believe the sweatshirt said "German". Areas of debris and you can also see the moisture and the moistness and the discolor – or the darkness of the jean material and then, in the Nikes – the Nike symbol on the athletic shoe has similarities between it and the previously observed shoe. This would appear to be the right shoe of the opposite one previously shown.

Q So that would be a difference in this shoe and the one in the previous, one was a left and one was a right?

A That's usually how they come.

Q Did you see any – other than this blood here underneath within – pretty much underneath the neck area or kind of the shoulder blade area of A.W.?

A That's correct. So as she's rolled over, this would be, you know, the top of the back and the lower neck area, the right shoulder area, and then the left shoulder would be out of the frame.

Q Other than that blood and the blood that was shown to the jury in photographs of the front and primarily left side of the neck and on the chin, did you find any other signs of blood on the body of A.W.?

A No, not that I recall.

Q Or the clothing of A.W.?

A The clothing, I mean, the clothing that was – that she was wearing on her upper torso, but, yeah, no obvious blood on the lower items.

Q We now removed the shoe. What did you find when you removed the shoe?

A So again, for reference, the shoe would have been in this location here. (Indicates) And then, what we sent – what we found here was a cellular telephone underneath the body, and you can see condensation and moisture on top of the

screen, and the darkness is the screen area, and then the purple is the actual case around the cellular device.

Q That was 119. This is 120.

A Yeah, a very similar picture, a little closer up for reference, but again the purple-colored case. Actually, I believe the case actually, when we later turned it over, was a Harry Potter themed telephone case and you can see the condensation more close – more clearly in this area and the amount of moisture that's actually on the screen, but this was located directly under what I would call the small of the back of A.W.

Q Under the shoe?

A Yes, mostly obscured by the shoe, almost completely covered by the shoe.

Q And this is you flipped it over?

A Yes. This is the back side of phone case indicating Gryffindor, which I have not read the Harry Potter books, but I'm told it's a Harry Potter reference.

Q What is State's Exhibit 122?

A This is the area closest to the tree where L.G.'s body was found. This is a smaller pool of blood that was directly under her head and neck and upper shoulder area looking downward from that tree. Again, it looks like it's, you know, maybe a couple feet away, but it's only – it looks like it's maybe much farther than it is with some distortion for the angle. It's fairly close to the base of this large tree.

Q And what was the purpose of taking this photograph?

A To document the area, the proximity to the tree, and to document the area under where after the body had been removed.

Q You may return to your seat, sir. Sergeant Olehy, did you also have the

body of A.W. transported in the same fashion that you described?

A Yes. Each body was placed onto a fresh, clean sheet, like a bed sheet, approximately the size of a twin bed sheet, to be wrapped and to protect it from loss of any items inside the body bag. Even though the body bag is new, never been used, and in a fresh packaging, this just helps to preserve and protect the entire area around the body and any items which may come off the clothing or off the body. They go into the body bag, and then the body bag is zipped and sealed with a seal which is initialed, and I initialed both of those seals myself.

Q You collected blood from the scene?

A Yes.

Q And how did you – other than – you've described the swabbing process of L.G.'s wrist. How did you – what blood did you collect at the scene?

A Areas of blood from the ground, areas of blood from the bodies, there was also a tree which had some apparent blood on it. Again, the items were all collected individually, packaged individually, and taken directly to the Indiana State Police for storage – the Indiana State Police post for storage prior to entry into the lab system.

Q So from the tree, from near the tree, and then the areas on the ground, different areas where you saw blood?

A Yes.

Q There's been a – were there markers placed on the ground to help document which item was being collected from where?

A Correct.

Q So that you could tell the laboratory, "This particular blood was found at a particular – near a particular evidence marker"?

A That's correct.

Q Each item individually packaged?

A Each item individually packaged of its own – in its own packaging. No two collected items would be packaged together.

Q What is your understanding of what happened with the victims once they were placed in the body bags and removed from the scene? Where did they go?

A They went into the vehicle, which was a van, what I'd call a cargo van of the Carroll County Coroner's Office. Under their care, those bags were sealed, and then, to my knowledge, the deputy coroner, J.D. Cree, took them directly to Terre Haute to await the autopsy the following day by Dr. Kohr.

Q Dr. Kohr was a – is a physician who's a forensic pathologist in Terre Haute?

A That's correct.

Q Before you left the scene, what did you do with all the items that you had packaged – that you collected and packaged?

A Before I left the scene?

Q Yes.

A I mean, I gathered everything together individually, they were all placed into my vehicle with me and with no one else, and then I transported them directly from the area to the Indiana State Police post in West Lafayette.

Q And that's where you placed them in their individual packages in temporary storage?

A They were in individual packages at the scene –

Q Right.

A -- and then taken all together as individual items to the lab to be stored in temporary evidence storage in a secured locker.

Q Then, what did you do the following day?

A The following day, on February 15th, I attended – I went to Terre Haute and I attended the autopsies of the two victims in this matter, A.W. and L.G.

Q What time did you leave the crime scene approximately with those evidence items?

A To the best of my recollection, somewhere between 10:30 and 10:45.

Q And then, you were at the autopsy the next morning?

A Yes. I got to the – I got to Terre Haute at approximately 7:30 the next morning.

Q What was your role at the autopsy, as just an observer or did you have functions to perform?

A Just like at the crime scene, the body and the autopsy itself is considered a crime scene. To document the crime scene, to document the autopsy and the items found at the autopsy, and collect any items of probative value at the autopsy, to also include items required such as standards from the individuals to include head-hair standards, which would be particularly identifying to the individuals, as well as a DNA stain card and vials of the individuals' collected blood.

Q So items that the pathologist collected, that would go to you?

A Yes.

Q And then, how would you package or what would you do with each item that you were provided by the pathologist?

A Each item provided by the pathologist or collected at the autopsy would be individually packaged. These are biological items, so they would be packaged in paper products, an envelope, a paper bag, cardboard, something to that nature,

and never packaged, because of their biological nature, into anything plastic. The body is – the autopsy is documented in a systematic manner, just like we would any other crime scene, and then taking information and cues from the pathologist, the forensic pathologist in this case, about what evidence or items he finds useful, important, or informative. And also, in autopsies I attended, I frequently asked the forensic pathologist if there's anything of an oddity or that they think is especially important to take – to alert me to that so that I can document that and take photographs of anything that they find particularly important.

Q And did you do so in this case?

A I did so in this case.

Q And did you have another crime scene investigator with you at the Terre Haute hospital where the autopsies were performed?

A I did, Sergeant Brandon Mullen, who is a crime scene investigator. He was, at that point in time, assigned to the Putnamville post and his primary county was Vigo County, where Terre Haute is located, and he assisted and worked with me to document the autopsies and to collect items of evidence from the autopsy.

Q And did Sergeant Mullen leave the autopsy with any items of evidence?

A He did, particularly the items of clothing, which were still wet and moist at the – from A.W.'s body. He took those items in a similar fashion as Sergeant Cody took items from the river to the Putnamville post to their drying room, and those items were taken by Sergeant Mullen to the Putnamville post to their drying room to dry them out so that they would be prepared – could be prepared for final packaging and entry into the State Police Laboratory system.

MR. LUTTRULL: Your Honor, we've brought the items of evidence we'd have him identify.

THE COURT: Would counsel approach. Yeah, would counsel approach.

(Sidebar conference conducted.)

THE COURT: I think this might be an appropriate time for us to break. Do you agree?

MR. ROZZI: Yes, ma'am.

MR. LUTTRULL: I think so.

THE COURT: Okay. Thank you.

(Sidebar conference concluded.)

THE COURT: Ladies and gentlemen, I know – I hate to do this, but we're gonna break again in the middle of a witness. It's been a long afternoon and day for you, and we have much more to go through, so we're gonna go ahead and break. Again, while you go on about your own business the rest of the evening, please, remember what I've told you before, since now you will be in the company of the bailiffs, you can't talk about the case amongst yourselves or with anyone else, so please, don't do that. Again, just leave all your materials there on your chairs and Jodie will collect those and have those available to you. Please have a peaceful evening and we'll see you all in the morning.

THE BAILIFF: All rise.

(Jury out at 5:48 p.m.)

THE COURT: All right. We are in recess, ladies and gentlemen. Be back here at 9 for – we'll start back up again at 9.

(Off record at 5:49 p.m.)

(On record October 22, 2024, at 9:01 a.m.)

THE COURT: All right. Well, good morning, ladies and gentlemen. We are back on the record in *State of Indiana versus Richard Allen*, 08C01-2210-MR-1. I'll show the Defendant's here in person with counsel. The State is here by their prosecutor and deputies. The jury has reassembled. Are we ready to proceed, Mr. Luttrull?

MR. LUTTRULL: We are. I thought the witness on the stand yesterday was right here and now he just stepped out, so –

THE COURT: Okay.

MR. LUTTRULL: -- we'll have him here in just a second. Given the fact that I'm going to be showing him a number of evidence items, we have a smaller table that I would like to set closer to the witness –

THE COURT: Okay.

MR. LUTTRULL: -- if the Court would allow that.

THE COURT: Sure, yeah. It would probably be easier than walking back and forth for all of that.

MR. LUTTRULL: Yes. Judge, do you want the witness at the witness stand?

THE COURT: Yes, please. Maybe just in front of the stand.

THE WITNESS: Yes, ma'am.

THE COURT: That way, you're not popping up and down. Is the Defense ready to proceed?

MR. ROZZI: Yes.

THE COURT: Okay. Let's go.

THE BAILIFF: All rise.

(Jury in at 9:04 a.m.)

THE BAILIFF: Thank you. You may be seated.

THE COURT: Thank you, gentlemen. All right. Well, good morning, ladies and gentlemen. It's nice to see you back this morning. I hope you had a pleasant evening. We are ready to continue. And, Mr. Olehy, I'll just remind you that you are still under oath, sir.

THE WITNESS: Yes, Your Honor.

THE COURT: You may proceed, Mr. Luttrull.

MR. LUTTRULL: Thank you, Your Honor.

DIRECT EXAMINATION OF BRIAN OLEHY

QUESTIONS BY MR. LUTTRULL.

Q At the end of the yesterday, sir, we were talking about evidence that was collected and taken to either the Lafayette post or the Putnamville post; do you recall that?

A I do.

Q I'm going to show you a number of items, they have many different numbers on them, but I'm going to focus, as I talk to you, on the State's Exhibit sticker for clarification for the record and for the jury, but I may ask you to note other numbers that are also on there.

A I understand.

Q What is a case number?

A A case number is an identifying number which gives an individual incident or series of events an identifying number, which all reports can be referenced under that number. They may have – an initial case report is assigned a number

and then supplemental reports by another officer, the same officer, or by a lab personnel may be referenced by that case number.

Q Are you familiar with the number 17K00066?

A That number would be – because it's a K –

Q I'm sorry, that's a lab –

A -- that would be a lab case number. The lab will individually assign a case number to an incident so that the lab management system can track and do a very similar thing, but as a regular case number would for a trooper; but the lab assigns a specific number for each event, as well.

Q And case number 17ISPC001748, are you familiar with that number?

A Yes, I am.

Q And what is that number?

A That is the original case number drawn for the incident involving this matter by the Indiana State Police. The 17 indicates the year it was drawn and the ISP indicates that's a State Police case number. Within their system, the C indicates it's a criminal matter, and then the individual or identifying digits remaining are the actual case number assigned to it, sequentially given.

Q Was any other investigation, any other case, any other police – State Police matter given the number 17-1748?

A No, that would be an individual case number assigned to an individual incident. Case numbers are never reused and they're actually assigned sequentially in the order which they are drawn by an officer through the entire statewide CAD system. One number is drawn, it could be drawn in the southern part of the state, it could be drawn in the northern part of the state, but that number is drawn individually to a specific event.

Q We have a number of items here, I don't believe it's necessary for me to go through every single one in detailed fashion, but I'm gonna hand you the first one here, State's Exhibit 137, and ask you if you could identify that for the jury.

A This is a sealed paper bag containing a white bag which contains a black and white Nike brand shoe which was size 10 and was recovered from the Deer Creek.

Q And who was it collected – who was it packaged by and –

A This is an item collected at the scene and I was a – I provided it to Sergeant Cody to take to the Putnamville post for drying, and it was packaged after drying by Sergeant Cody.

Q Does the other sticker on it indicate that it was then transported from Putnamville post to the Indiana State Police Laboratory in Indianapolis?

A It – the sticker itself doesn't indicate the transfer, but it indicates that the item has been entered into the lab management system or the lab's reporting system. It doesn't – the sticker itself doesn't do the tracking. There's a barcode on the sticker, which is a scanner used within the lab to track each individual item. The barcode is unique and individual to this item and no two barcodes are alike.

Q For efficiency, with the Court's permission, I'm gonna ask you to come down and I'm gonna show you the other items.

MR. LUTTRULL: Is that okay, Your Honor?

THE COURT: You may, yeah, as long as – just keep your voice up for us.

THE WITNESS: Yes, ma'am.

Q If you would just –

A Yep.

Q -- maybe stand right there, so the jury can see you. I'm gonna hand you State's Exhibit 138.

A This is a sealed paper bag containing a white bag which contains a pair of Hollister-brand blue jeans, size waist 26, length 33, recovered from Deer Creek. This was packaged also by Sergeant Cody after drying at Putnamville post.

Q Exhibit 139.

A This is also an item from Deer Creek. It's a sealed paper bag containing a white bag which contains a Colortone brand tie-dyed shirt, size extra large, recovered from Deer Creek, also taken by – given to Sergeant Cody by me and transported to Putnamville post for trying.

Q Exhibit 140.

A Again, from Deer Creek, given to Sergeant Cody, a sealed paper bag containing a white bag which contains a grey No Boundaries-brand hooded sweatshirt, size medium, which was recovered from Deer Creek and taken to Putnamville post for drying.

Q State's Exhibit 141.

A Also an item recovered from Deer Creek, it is a sealed paper bag containing a pair of Sonoma-brand pink underwear recovered from Deer Creek, also taken to Putnamville post for drying and packaged by Sergeant Cody.

Q Exhibit 142.

A This also is from Deer Creek, a sealed paper bag containing a white bag which contains a black and purple sock recovered from Deer Creek and taken to Putnamville post, packaged by Sergeant Cody.

Q 143.

A Also recovered from Deer Creek, an item taken to the Putnamville post doe drying by Sergeant Cody, a sealed paper bag containing a white bag which contains a pink sock recovered from Deer Creek.

Q 144.

A Another item from Deer Creek taken to Putnamville post for drying, packaged by Sergeant Cody, and a sealed paper bag containing a white bag which contains a green headscarf recovered from Deer Creek.

Q And 145.

A Another item from Deer Creek, taken to Putnamville post for drying, and packaged by Sergeant Cody, a sealed paper bag containing a white bag which contains a black Faded Glory-brand spaghetti-strapped shirt, size large, recovered from Deer Creek.

MR. LUTTRULL: Your Honor, the State would move the admission of State's Exhibit 137 through 145.

STATE'S EXHIBITS 137 THROUGH 145 OFFERED

MR. ROZZI: No objection.

THE COURT: All right. Without objection, 137 to 145 inclusive are admitted.

STATE'S EXHIBITS 137 THROUGH 145 ADMITTED

MR. LUTTRULL: May I take a moment to –

THE COURT: Yes.

Q You yourself collected – testified that you collected items and took them that night, sometime after 10:30 p.m., to the Lafayette post from ground zero, the crime scene; is that correct?

A That's correct, I took items from the area directly to the Lafayette post for

storage.

Q You didn't go anywhere else between ground zero and –

A No, I went from the area of where my vehicle was parked in the cemetery, took the items from the investigated area and the crime scene to my vehicle, and drove my vehicle directly to the Lafayette district.

Q Handing you Exhibit 146.

A This is an item packaged by myself which was recovered at the crime scene, it's a paper bag, sealed paper bag, containing a Converse tennis shoe recovered – it's the right shoe recovered at the scene.

Q 147?

A This is another item recovered from the scene, this is also a Converse shoe recovered from the body of A.W., the left Converse shoe. It bears my markings and my initials, showing that I'm the one that packaged and placed it into evidence.

Q By the way, you mentioned the barcode to the jury on one of the items that Sergeant Cody transported. Do each of these items I'm handing you have a barcode on them?

A Yes, they do.

Q And that is a tracking system within the Indiana State Police system – Laboratory system?

A It is. It is a tracking system to identify each individual item. Once the item is entered into the lab system, it is given a unique item number for the lab to track and a unique and individual barcode.

Q State's Exhibit 148.

A This is a sealed paper bag that I packaged, this includes a .40-caliber

Smith and Wesson cartridge removed from the scene and located near the bodies, in between the two bodies, at the crime scene.

Q You mentioned that you obtained several swabs from either the physical area in ground zero or on the bodies themselves; is that correct?

A Correct.

Q I'm gonna hand you Exhibit 149.

A This is a collection of a strand of material taken from between the fingers of the right hand of A.W. collected at the crime scene, and it bears my signature or my initials on the seals.

Q Exhibit 150.

A This is also a collected strand of material from the left arm of A.W. It is – it's sealed in an envelope and bears my signature or my initials on the seals for the item.

Q Exhibit 151.

A This is a swab on the inside of L.G.'s left wrist. This was collected at the scene by me, it bears my initials on the seals, and was taken from the scene directly to storage at the Indiana State Police Post in Lafayette.

Q 152.

A This is, again, an item taken from the scene, it is a swab, a cotton swab of the inside of L.G.'s right wrist taken at the scene and taken to the district for storage and temporary storage immediately after (inaudible).

Q 153, sir.

A This is an item which I packaged and it bears my initials on the seals, it's a swab taken from above the bellybutton of L.G. at the scene and taken to the storage and safekeeping in the temporary storage at the Lafayette post.

Q 154.

A This is an item collected at the scene by myself and packaged, bearing my initials on the seals, it is a swab of the thigh above the knee of L.G. taken and transported from the scene directly to the Lafayette post.

Q State's Exhibit 155.

A This is an item collected at the scene on the 14th by myself and packaged by me, bearing my initials on the seals. It is a strand of fibrous material taken from the pinky finger of the left hand of L.G. It was taken from the scene directly to the Lafayette post for storage.

Q State's Exhibit 156, sir.

A This is a swab standard of a blood stain on a tree which was located near the bodies. The swab was taken approximately four foot above ground level from the tree and this was a swab taken by me and packaged by me, it bears my signature. I collected this at the scene on the 14th and took it also, as with the other items, directly to the Lafayette post for storage and security and withholding within the State Police Laboratory system.

Q 157.

A This is item 157, taken from the scene on the 14th, collected by me and packaged by me, bearing my signature and identifying number on the seals. This bag contains a black Nike tennis shoe collected at the scene under the body of A.W. That item was also collected on the 14th and transported the same day directly to the Lafayette post.

Q All these items that we've covered, you personally handled that I'm gonna showing you today?

A That's correct.

Q 158.

A This is item 158, the number assigned to this item. The – this is a swab from a area of blood found in between two markers placed on the ground, between markers 3 and 4, which we placed on the ground to indicate different areas of blood or proposed or potential blood. This is a swab taken from the ground and collected by me, sealed and packaged by me, bearing my signature and identifying number and transporting to the Lafayette post immediately on that day.

Q 159.

A This is a swab from the ground near the feet of L.G. collected by me and packaged by me and bearing my identifying number and initials on the package. It is a swab of the ground of a red-colored material presumed to be blood collected at the scene, taken on that day, on the 14th, and transported on the 14th to the Lafayette post.

Q Exhibit 160.

A This is a swab from the ground directly below the head of L.G., a swab of the area collected by me and packaged by me, bearing my initials on the seals and my identifying number, collected on the 14th, taken to the Lafayette post on that same date following my examination at the scene, and stored in evidence at the Indiana State Police Post.

Q Exhibit 161.

A This is a swab from the ground near the tree which had the blood on it, the previously collected. This swab was from the ground near that tree, and it was collected by me, presumed blood. The swab was collected on that date, on the 14th, and bears my initials on the seals and was transported to the Lafayette

post on that date.

Q 162.

A This is also a swab of presumed blood from the ground between the tree and the body of A.W. collected on the 14th by me. The item bears my identifying number and my initials. It was from the ground between the tree and the body, and was collected on the 14th and taken directly to the Lafayette post for storage following collection at the end of the processing.

Q 163.

A This is a swab of a red stain below the head of A.W. from the ground directly below her head, collected by me, packaged by me, bearing my initials and my identifying number, collected as evidence in this matter and sealed and packaged by me and taken to the Lafayette post for storage prior to entry into the lab management system.

Q 164.

A This is also a swab sample from a tree with red stains on it from the top of the north side of the tree. The swab was collected by me and packaged by me, bearing my initials and my identifying number. The item was collected on the 14th and transported to the Lafayette post for storage and entry into the lab evidence management system.

Q 165.

A This is a swab sample from a red stain on a tree, on the lower stain of the north side of the tree. The swab was collected by me and packaged by me, bearing my initials and my identifying number on the seals. It was collected on the 14th and transported to the Lafayette post for storage, security, entry into the lab evidence management system.

Q 166.

A This is a swab collected by me from the finger of – the left index finger of L.G. This is a swab that I collected and sealed. It bears my initials and my identifying number. I transported it from the scene directly to the Lafayette post on the 14th at the conclusion of my investigation at the scene on that date and stored at the Lafayette post until entry into the lab evidence management system.

Q State's Exhibit 167.

A Again, a swab collected on the 14th by myself, this item bears my initials and my identifying number on the seals, it is a swab from the left pinky finger of L.G. The item is packaged and transported to the Lafayette post on the 14th for storage and security and put into the lab's temporary storage.

Q Exhibit 168.

A This is a cellular telephone, an iPhone, collected from the scene. The item was collected at the scene and taken by me from the Lafayette – from the scene to – directly to the Lafayette post and placed into temporary storage. The item was taken directly to that storage on that date, on the 14th.

Q I'm gonna show you State's Exhibit 169.

A These are – this is an item collected by Sergeant Gilbert, First Sergeant Gilbert, my supervisor. This contains swabs, swab standards, collected from the cellular telephone which I just handled prior to any processing or recovery of evidence by any technician to determine information or data on the phone. The phone was swabbed by First Sergeant Gilbert prior to that handling, and these are swabs of that phone and case.

Q On the morning of February 15th, where were you?

A I was in route and then also in Terre Haute to attend the autopsies of A.W.

and L.G.

Q And was this phone in temporary storage with the other items?

A That phone was secured in temporary storage during my travels to Terre Haute.

Q And was this then, on the 15th, swabbed by –

A First Sergeant Gilbert.

Q -- First Sergeant Gilbert; is that correct?

A That's correct.

Q There was interesting in getting the phone examined on the 15th while you were at the autopsy?

A That's correct.

Q So the other items were put in completely packaged on another date?

A All of the items went into temporary storage on the 14th. The items were placed in temporary secure storage at the Lafayette post. As I mentioned yesterday, there's a limited number of people who have access to that, to the temporary storage location, and only a limited number of people have access or keys to those storage areas. First Sergeant Gilbert, my supervisor, had that access, as well as the evidence clerk at the Lafayette post would have access to it. First Sergeant Gilbert, to my knowledge, recovered the phone from the temporary storage and swabbed it prior to any handling by any technician to determine what data was or was not on the phone.

Q What did you do on the 16th, the day after the autopsy, back at the Lafayette post?

A My primary duty on that date was completing any sealing, packaging, or labeling of the items and then completing what's called a property record and

receipt, which clearly identifies each individual item, assigns it an individual item number that I assign, and then providing them to the evidence clerk for entry into the lab evidence management system, whereby she would then assign them an individual and unique number in the lab evidence management system, print out an individual barcode for each item, and place it on each item individually specific to that item.

Q From ground zero, each item, when collected, were placed in individual packaging?

A They were. No items were packaged together or stored together or placed into any receptacle or container together. Each item was individually packaged.

Q And taken in that form to temporary storage that night?

A That's correct.

Q You went to the autopsy on the 15th?

A That's correct.

Q And then, on the 16th, you began packaging these items, further sealing them, and denoting the stickers and so forth you've described on the 16th?

A That's correct.

Q But they're already in individual packages?

A That's correct.

Q And did you do that packaging or that systemized putting of the stickers on one at a time?

A Yes.

Q Or did you – do – get them all out on a table like I have them today at once?

A No. They're – the stickers are applied one at a time, individually to each item.

MR. LUTTRULL: I would move the admission, Your Honor, of State's Exhibit 146 to 169 – or – yes, 169.

STATE'S EXHIBITS 146 THROUGH 169 OFFERED

MR. ROZZI: 169 you say, Jim?

MR. LUTTRULL: Yes.

MR. ROZZI: No objection.

THE COURT: All right. Without objection, 146 to 169 inclusive are admitted.

STATE'S EXHIBITS 146 THROUGH 169 ADMITTED

Q At the autopsy, you stated that you collected certain items, as well as your colleague Brandon Mullen collected certain items at the autopsy; is that correct?

A That's correct.

Q I'm gonna show you State's Exhibit 170.

A This is a swab collected by me at the autopsy of L.G. It is a swab from the left thigh collected at autopsy by me and sealed and initialed on the seals with my identifying initials and number, and collected by me and then taken from the autopsy in Terre Haute to the Lafayette post for storage.

Q Exhibit 171.

A This is an item packaged as evidence by me, it's a swab from the right thigh, collected at autopsy of L.G. It is sealed by me with – and initialed with my initials and my identifying number, taken from the autopsy on the 15th in Terre Haute and transported for storage to the Lafayette post, in secure storage at the Lafayette district.

Q 172.

A This is an item from this matter collected by me, it is a swab from the right

breast area of L.G. collected at the autopsy. It was collected by me and packaged by me and bears, on the seals, my identifying number and initials, collected at autopsy on the 15th in Terre Haute and transported to the Lafayette district for storage, security, and entry into the lab management system.

Q 173.

A This is a swab collected by me at autopsy on the 15th in Terre Haute from the left breast of L.G., collected at autopsy and sealed and packaged individually be me with my initials and my identifying number, taken from the autopsy in Terre Haute on the 15th to the Lafayette post on that same date for storage and entry into the lab evidence management system.

Q We have two boxes here, 174 and 175. Would you tell the jury what 174 is.

A This is a State of Indiana sexual assault evidence collection kit. These are pre-prepared collection kits, sealed prior to use and only opened upon their use, generally either at an examination of an individual or at an autopsy of an individual. They contain various items and swabs, to include a comb and some envelopes. This is a standard case – this is a standard box of a sexual assault kit used in – throughout the state of Indiana in hospitals and morgues for the collection of evidence from victims. It's a victim assault – it's a victim of sexual assault kit. This one individually was collected at – it was provided to the forensic pathologist, Dr. Roland Kohr, it was provided to Dr. Kohr and he completed the collection of the actual items sealed within this. Each item is individually packaged inside and then all of the items are collected, the other ones, individually packaged. This is a very standard collection kit collected – this one was collected at Terre Haute Regional Hospital on the 15th. This is the

sexual assault kit collected from A.W. It was provided back to me from Dr. Kohr and his staff. I sealed it again and it bears my initials. Actually, it bears Brandon's initials, this was taken by Brandon for drying prior to entry into the lab management system.

Q And 175.

A Can we go back to that item?

Q 174.

A Yeah. So that – it was sealed by me. It has both seals, sealed by Brandon Mullen. These red evidence seals are actually inside and contained within the initial kit. He actually closed the box and provided me with his seals on it when he handed it to me –

Q Are you seeing your initials?

A -- in the autopsy, there are Brandon's initials. And then I resealed it again additionally after I took it from him and sealed it with my initials.

Q And this is for A.W.; is that right?

A I took it to the Lafayette post. That's for A.W., yes.

Q And it bears the sticker, bears the reference Lafayette post?

A Yes.

Q So Sergeant Mullen did take several items to Putnamville for drying, but not State's Exhibit 174?

A Not the sexual – not 174, no, I took it.

Q And Exhibit 175?

A Again, a standard evidence kit, sexual assault evidence collection kit.

Q Same as this?

A It's identical in every manner.

Q And for which person does that apply to?

A This was collected from the deceased, from L.G., collected by Dr. Kohr and his staff. It was closed and the attached seals were affixed by Sergeant Mullen, and then I continued my sealing process with my initials and my identifying number. It was collected on the 15th of February, 2017, at Terre Haute Regional Hospital and transported by me to the Lafayette district for storage and security in the lab management system.

Q Exhibit 176.

A This is a trace fiber collected by me at the autopsy of A.W. from the upper left arm at autopsy. The item inside actually contains a paper bindle or a piece of paper folded up around the actual fiber material to keep it all – keep it in, so you can easily find it when you open the package and keep it protected within the package so it doesn't get lost inside the package. It was collected by me, sealed and initialed with my identifying number and my initials. It was collected at the autopsy and transported to the Lafayette district directly from the autopsy by me for entry into storage at the Lafayette post and entry into the lab evidence management system.

Q The items that you indicated Sergeant Mullen collected at the autopsy, I do believe you testified yesterday that was for the drying purposes.

A That's correct.

Q And the Putnamville district was a better drying room?

A Their facility was much improved for drying of the items.

Q I'm gonna hand you State's Exhibit 177.

A This is an item collected at the autopsy, it is a sealed paper bag containing a black hooded sweatshirt. It's a Gildan brand, size 2XL with "Delphi Swimming"

printed on the front and the word "German" printed on the back. It bears red stains. And the item also contains a paper bag the sweatshirt was transported in from autopsy. It's sealed by Sergeant Mullen and it's been entered into the lab evidence management system using the same lab number as the other items, individually numbered for that item, it's own individual barcode.

Q 178.

A This is an item collected at autopsy in Terre Haute, collected by Sergeant Mullen, a sealed paper bag containing a pair of blue jeans, Maurice's brand, size extra large, with red stains and dirt on them. The item also contains a paper bag the jeans were transported in from autopsy. It was sealed and initialed by Sergeant Mullin and bears the lab evidence number, as well as the barcode assigned to this individual item for this item collected at the autopsy in Terre Haute on the 15th.

Q So 177 was the sweatshirt and 178 the jeans that the jury saw in the photograph that were worn by A.W.?

A That's correct.

Q 180.

A This is an item collected at the autopsy in Terre Haute in my presence by Sergeant Mullen. It's a sealed paper bag containing a gray cotton bra, Fruit of the Loom brand, size 34, with red stains on it. It also contains a paper bag the bra was transported from in the autopsy. It's sealed and signed by Sergeant Mullin as an item collected in this matter, with its own individual barcode assigned by the lab management system.

Q I think I got out of sequence. 179.

A This is – State's Exhibit 179 is an item collected at the autopsy in my

presence by Sergeant Mullin, taken to the Putnamville post for drying. It is a sealed paper bag containing a pink sleeveless shirt, unknown brand and size, with red stains. The item also contains a paper bag the shirt was transported in from the autopsy. It bears the signature and seals, initialed by Sergeant Mullen and also bears an individual barcode and an individual lab number assigned by the lab evidence management system.

Q And finally 181.

A This is an item collected at autopsy in Terre Haute on the 15th of February, collected in my presence by Sergeant Mullen. It bears – the item is a sealed paper bag containing a black bra, unknown brand, size 34A, with red stains. The item also contains a paper bag the bra was transitioned – transported in from the autopsy on that date. It is initialed and sealed by Sergeant Mullen bearing his initials and also bears a unique and identifying barcode and number from the lab evidence management system.

Q These were the other garments, the pink top, the grey bra, and the black bra –

A That's correct.

Q -- from the body of A.W.?

A That's correct.

MR. LUTTRULL: Was 169 admitted, Your Honor? Was that part of the group?

THE COURT: Yes.

MR. LUTTRULL: So I would move the admission of 170, Your Honor, to 181.

STATE'S EXHIBITS 170 THROUGH 181 OFFERED

MR. ROZZI: No objection.

THE COURT: All right. Without objection, 170 to 181 inclusive are admitted.

STATE'S EXHIBITS 170 THROUGH 181 ADMITTED

MR. LUTTRULL: Your Honor, at his time I would ask leave, given the fact that there've been a lot of description by the witness of various markings and stickers, I would like – ask leave to pass to the jury in their sealed condition 146, 147, and 148 as a sample, without passing all of them to the jury, so that they can see for themselves.

THE COURT: Okay. So 147 – I'm sorry 146, 147, and 148?

MR. LUTTRULL: Correct, Your Honor.

THE COURT: Okay. You may.

STATE'S EXHIBITS 146 THROUGH 148 PUBLISHED

THE COURT: Officer, you can go ahead and have a seat.

THE WITNESS: Yes, ma'am.

THE COURT: I'm sorry, you were standing there. The jury's done, Mr. Luttrull.

MR. LUTTRULL: Thank you, Your Honor.

Q I'm gonna show you a photograph you identified yesterday that was conditionally admitted into evidence subject to Dr. Kohr's testimony. By the way, when we say Kohr, is that – that's K-O-H-R; is that correct?

A That's correct.

Q Just to keep it clear. Exhibit 123, without showing it to the jury, would you examine that. What is that a photograph of?

A That is a photograph taken of autopsy of A.W. Some of the clothing items

found on her have already been removed. This is a layered photo showing an item of evidence we just handled, it's a – she's wearing what I would call a pink sleeveless shirt underneath – it was underneath a black sweatshirt.

Q And did you notice – at the time and in the photograph, did you notice any lines of discoloration on that top?

A Yeah. There are red staining areas of presumed blood, as well as some area of lines –

Q I'm talking about the lower part of the shirt.

A -- some lines on it, indicating moisture and wetness to the item.

Q And did you notice that at – that the sweatshirt itself was damp, I believe you testified –

A It was –

Q -- at ground zero?

A It was found damp in the condition they were found at the scene and it was still damp the following day at autopsy.

Q And then, the pink top that was underneath it, you were able to see it better at the autopsy; correct?

A That's correct.

Q Does that photograph show the moisture on the – still on the white – on the top?

A I believe the photograph clearly depicts the moisture area on the lower portion of the top.

Q In fact, why did you have Sergeant Mullen take those items from the autopsies to Putnamville, instead of you taking them to Lafayette?

A Because of the drying-room capabilities of the Putnamville post and the

drying-room capabilities or lack thereof of the Lafayette district. Those items were still wet, they also may have – they'll still have been wet from what was presumed to be moisture from water and/or moisture from biologics to include presumably blood. In order to dry them correctly and properly and preserve any potential evidence, keep them from decaying or degrading.

Q Are you familiar with a cartridge – what do we – I think you may have answered, another witness may have answered. What do we call the end of the cartridge that's not the bullet end? The case?

A The primer end of the cartridge would be called the headstamp area, it also contains the primer in a semiautomatic cartridge.

Q And did – the cartridge that you collected, was it a Winchester Smith and Wesson .40 caliber?

A Yes, it was. That's the brand and then the caliber.

MR. LUTTRULL: Thank you. I have no further questions.

THE COURT: Mr. Rozzi.

MR. ROZZI: Thank you.

CROSS EXAMINATION OF DETECTIVE BRIAN OLEHY

QUESTIONS BY MR. ROZZI.

Q One of the most common rounds of ammunition you'll find anywhere, isn't it? Smith and Wesson?

A I would say no.

Q Okay. All right. You went through a lot of exhibits today, I think I counted about 48 of them, and let me hand you what's been marked –

MR. ROZZI: May I approach, Judge?

THE COURT: You may.

Q I'll hand you what's been marked 151, State's 151, just so we can kind of make sure we're coordinated there in terms of exhibits. Is that the exhibit that is reflected as a swab of the inside of L.G.'s left wrist; is that right?

A That's correct, it's a swab.

Q And one of the reasons why you would take a swab like that is because there may be an opportunity to take that sample from that swab and use it for DNA purposes; right?

A It could be used for that, yes.

Q That's one of the primary reasons really why you retain these kind of things; right? Collect and retain them?

A Collect and retain, yes.

Q Okay. And was there any information that was generated from that swab that connects Mr. Allen with this crime scene?

A I'm not aware of any.

Q Okay. Do you think you probably would be, considering the scope of this investigation, if that were the case?

A I'm sorry, considering the scope?

Q Yeah. The – considering the attention that this investigation has gotten, do you think that you'd probably be aware of that as you sit here today, if that were true?

A I would assume I would.

Q Okay. 152, a swab of the inside right wrist of L.G. Any information generated from that swab that connects Mr. Allen with this crime scene?

A Not that I'm aware of.

Q 153, a swab above the belly of L.G., any information from that swab that

connects this man to that crime scene?

A Not to my knowledge.

Q 154, a swab of an area above her knee, any information from that swab that connects him with the crime scene?

A I'm not aware of it connected anyone.

Q 155 – strike that, that was a strand of fibrous material. 156, a swab of blood stain from one of the trees out there. Any information from that swab that connects Mr. Allen with this crime scene?

A Not that I'm aware of.

Q 158, another swab between two markers on the ground, any information from that swab that connects Mr. Allen to this crime scene?

A Not that I'm aware of.

Q 159, a swab from looks like the ground near L.G.'s foot; any information from that swab that connects Mr. Allen to this crime?

MR. LUTTRULL: To which I would object, Your Honor. I've not objected till now, but this is not the witness, as he's already stated previously, that did any analysis or was directly involved in that. That witness will testify, and so it's inappropriate for this officer or this witness to testify and answer that question. I object.

THE COURT: Any response?

MR. ROZZI: Judge, he said – I'm asking him if he is aware of any information that came from any of this. He testified that he's – this is a case that's gotten a lot of attention and he would likely know that at this point. I think he's entitled to ask it.

MR. LUTTRULL: So now my objection's relevance. It doesn't – it

isn't relevant whether he's aware of it or not. It's – that question can be posed to the analyst that actually did the examination.

THE COURT: Well, I would overrule the objection, the first objection, but I would sustain it on relevance as to this witness.

MR. ROZZI: Judge, may I? I believe that his knowledge that Mr. Allen may be connected to this crime scene has a tendency to prove or disprove that he is involved in this crime, so it is relevant for that reason.

THE COURT: I've sustained the objection, Mr. Rozzi.

MR. ROZZI: Thank you.

Q All right. In the course of your investigation with regard to collecting all of these items, whatever they are, swabs, clothes, whatever it was, did you ever speak with anyone that was involved in the analysis of those items in terms of what those results were?

A I don't have any specific recollection of a direct conversation with any of the analysts about the results of the items, directly having any conversation about it, no.

Q Okay. And that includes the analysis of that bullet that's sitting there, item 148?

A I've never had any conversations with any analyst about the cartridge.

Q Okay. Do you have any information that you've gathered in the course of the investigation about the results of the analysis of any of this, whether you've gotten it from another investigating officer or –

MR. LUTTRULL: Objection.

Q -- some other law enforcement authority?

MR. LUTTRULL: I fail to see the relevance in that question.

MR. ROZZI: I'm asking him what the results are of the information he gathered at the scene. I think it's highly relevant.

THE COURT: Perhaps for another witness. Sustained.

Q You heard of the concept of crime scene integrity, Mr. Olehy?

A Yes, sir.

Q Okay. And we talked earlier about this, but would you agree with me that that generally involves the idea that you would maintain some confidentiality, at least in part, with the crime scene?

A I think those – the integrity of the crime scene and the integrity of the investigation are separate and distinct, but also of – both of the same importance.

Q Okay. So let's talk about those two prongs. One of them is, is that you want to maintain the integrity of that scene, you don't want that information flowing out into the public; is that right? Trying to maintain some privacy with that?

A I would say yes.

Q And that could be pretty crucial to your investigation, because once that information gets out to the public, then it can be manipulated in many ways; right?

A That's possible.

Q Okay. And then the other aspect of this is just kind of the hard science of making sure that there's nothing that's tampered with at crime scenes or there's nothing that is disturbed before you get a chance to analyze it; is that correct?

A I would say yes.

Q Those are kind of the two primary parts of maintaining integrity; right?

A I would say they are part of the integrity –

Q Are you aware of any information –

MR. LUTTRULL: Objection, Your Honor. He – the witness was answering his question and was interrupted by the attorney.

MR. ROZZI: He said yes.

MR. LUTTRULL: He was still talking when –

THE COURT: He was still talking.

Q Finish talking.

A I'll complete it there.

Q You were done talking; right?

A I was not, but that's fine.

Q Okay. Well, then finish what you were gonna say.

A I don't remember what I was gonna say.

Q All right. Are you aware of any information in this case that suggested that there was a breech of the integrity of that crime scene?

MR. LUTTRULL: Objection: It's irrelevant.

THE COURT: Overruled.

A I'm not aware of any.

Q Did anybody suggest to you at any point, "Hey, there were some photos that were taken of that scene by individuals from the public"?

A I'm not aware of that.

Q Okay. And what about any of the search party members that may have taken photos of the crime scene?

A I have no knowledge.

Q Is that something you think you would have knowledge of in a normal investigation?

A I don't know.

Q All right. Now, in terms of that – the crime scene in general, would you agree with me that when you got to that scene and first observed the scene, that there were some unique characteristics associated with that scene?

MR. LUTTRULL: To which I would object to the form of the question, Your Honor. The "would you agree with me" suggests he's offering in his own opinion to the jury, so I'd object to the form.

MR. ROZZI: I'll rephrase the question.

THE COURT: Sustained.

Q Were there some unique circumstances associated with that scene when you got there?

A I would say every scene presents its own unique circumstances.

Q Okay. What about that one?

A As with all scenes, this one presented unique circumstances.

Q One girl was naked; right?

A This scene, yes.

Q And another one was dressed; right?

A That's correct.

Q And those girls were laying on the ground and there were sticks laying on their bodies, were there not?

A There were.

Q And did it seem apparent to you that those sticks were not there coincidentally, that they were something that was intentionally placed there?

A They appeared to be placed there by an individual.

Q And did you place any significance in that aspect of the scene?

A That it appeared to be an attempt at concealment, that was what I assumed.

Q Okay. That was your assumption?

A That was a presumption.

Q At any point in time, did you ever make the assumption that maybe there was some attempt to communicate some meaning by those sticks?

A No.

Q Even as you sit here today, that's never – that thought's never crossed your mind?

A I don't see any significance in the position of the sticks. They appear to me to be positioned to conceal, in some way, the fruits of the crime.

Q Well, there's very little parts of those bodies were concealed; right? We can see that in the photos; right?

A Yeah. I mean, there were not – they were not completely covered.

Q And did you find one of those sticks to have an artificial or I guess a man-made cut on it?

A There may have been items – I'm – no, I didn't find anything that had a man-made cut to it as I would define a cut.

Q Did you end up collecting those sticks on that day, March [sic] 14th?

A I did not.

Q Okay. You waited to collect those sticks until a few days later; is that right?

A They were collected later.

Q And was that outside of the normal course of investigation that you would collect sticks days later?

A It was.
Q You were – somebody suggested to you to go back and collect those sticks; right?
A They did.
Q And in fact, there was a couple of occasions when you went back and collected some sticks; is that right?
A I did not, no.
Q Do you remember a conservation officer suggesting that happen?
A No.
Q You acknowledge that – well, strike that. Are you aware of the original source of any of the clothing that was found on A.W. at that scene; in other words, whose clothing that was determined to be at any point?
A I don't know what a determination officially was. The items appeared to be – one of the items had the name German on it, identifying it. I make the assumption that it belonged to L.G. or a member of L.G.'s family, due to the name being on the back of it. And then, the sizing of the clothing was more consistent with the size of L.G. than it was A.W. The clothing appeared – some of the clothing appeared too large for A.W. to – the jeans and the sweatshirt appeared –
Q So a lot of these –
A -- to be other items –
Q I'm sorry, go ahead. You may finish, I didn't mean to interrupt you.
A They just appeared to be other items not normally worn by A.W.
Q Okay. So the logical assumptions to be drawn there is that L.G. was disrobed at some point and then those clothes ended up on A.W.; is that right?

A That would be a logical assumption.

Q Were you able to make any assumptions about the chronology of that happening?

A That would lead to a large amount of speculation of items that I don't have at hand.

Q And were you able to make any assumptions about the location where that occurred?

A I was not.

Q Whether it was on the south side of the creek, on the north side of the creek, or somewhere else?

A I'm not able to determine where and when those events occurred based on the evidence at the crime scene.

Q Were you able to determine where any of those sticks came from at that scene?

A There were – one of the largest pieces, there was an indentation that it appeared that the stick had been moved from nearby the body, but that's just an assumption and I'm in no position as an expert to determine the movement of items.

Q Did you ever do any testing with regard to those sticks to determine what type of tree they came from or what their source was?

A No.

Q There were shoe impressions found in various areas around ground zero and even on the other side of the creek; is that right?

A I believe there were some found, yes.

Q Okay. And some of those were along the banks of Deer Creek?

A I believe so, yes.

Q And is it fair to say that there were signs that there had been foot traffic in that area prior to your arrival on that day?

A Yes, I was aware of a very large search the day of, prior to my arrival, by multiple searchers and a search by family and friends the previous night in the general area.

Q Thank you. One of the things that can compromise the integrity of a crime scene – right? – people have been walking around it.

A That's correct.

Q And was there ever any determination by you to discern where any of those impressions came from?

A Not by me.

Q We heard some testimony earlier that, hey, it was – maybe – I think it was Mr. Datzman testified that, you know, there was one shoe impression that was found that maybe had some similarities to one of the shoes that was recovered. Are you familiar with that at all?

A I'm not.

Q Okay. And so in terms of any of those impressions, did you ever find any impressions from somebody who was wearing a smaller-sized shoe, maybe, you know, something the size of the girls?

A Not that I'm aware.

Q Okay. Was there any effort really to do anything with those shoe impressions, to try and learn more from those impressions?

A I'm not aware of a specific effort to try to identify specifically to the shoes. The shoes had distinct and different characteristics to their soles. I was not privy

to the specifics of any of the impressions taken. I know photographs were taken of shoe impressions, but that's the extent of my knowledge.

Q Okay. So you can't really draw any conclusions about those shoe impressions other than the fact that they exist; right?

A I know that there were impressions found near the area.

Q Okay. Fingerprints, any attempt to lift any prints out there on the scene?

A No. There were no good – what I could call good substrates or locations to lift prints, to include the bodies, or doing any extra disturbance to the bodies at the scene and the porous nature and the dirty nature of the sticks themselves. Clothing items are also not good for collecting fingerprints, those are not good substrates to produce prints.

Q Okay. Anything up on the High Bridge, a tree, a limb, anything like that that was in the area on the south side of the High Bridge that would have been valuable?

A Not that I'm aware of.

Q I know there's a barrier up there we've seen in one of the photos on the south side of the High Bridge that cuts across the bridge; have you seen that barrier?

A I recall a barrier type – like a guardrail type of a barrier.

Q Any attempt to collect anything up there?

A Not in that area that I'm aware of.

Q Okay.

A Not by me.

Q Sure. The F tree, you know what I'm talking about?

A I have some recollection of a tree with blood on it.

Q Okay. And you're familiar that there's a fairly sizeable marking of blood on that tree; right?
A There is an area of red staining on the tree, which I presumed to be blood.
Q You?
A I presumed to be blood.
Q Sure. Okay. And the tree's garnered some attention; right?
A I mean, I think the entire matter has garnered much attention.
Q Okay. All right. Well, we can agree on that. So do you agree with me that one of the unique aspects of the marking on that tree was that there was a line, a vertical line, and it appears to be pretty straight?
A I never took any sort of a compass or a ruler or tried to make the direction of it or find the due north or the radius of it or the direction like from a compass angle or the straightness. It appears to be – to go up and down the tree trunk.
Q Did you ever just look at it with your own two eyes and say, "That's a pretty straight line"?
A When I looked at it, it appears to be a large are of trans – contact transfer of blood.
Q Okay. Well, early in this investigation, when you were out there on the 14th, 15th, and the days and weeks after that, did you ever take the time to have somebody look at that, examine that marking more closely?
A On the tree itself later on? No, not that – I did not personally, no.
Q Did you make any attempt to try and preserve that part of the tree, maybe take a chainsaw and cut that part out and preserve it, anything like that?
A It was documented and preserved with photographic – photography.
Q So you didn't preserve the item itself like you did the sticks laying on the