

1 DISTRICT COURT, LARIMER COUNTY, COLORADO

2 Case No. 98-CR-1149, Courtroom 2

3

4 REPORTER'S TRANSCRIPT

VOLUME II

5

6 THE PEOPLE OF THE STATE OF COLORADO,

7 Plaintiff,

8 vs.

9 TIMOTHY LEE MASTERS,

10 Defendant.

11

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13 The jury trial in this matter commenced on  
14 Friday, March 19, 1999, at 9:25 a.m., before the  
15 HONORABLE WILLIAM F. DRESSEL, Judge of the District  
16 Court, and a Jury of twelve and one alternate.

17

A P P E A R A N C E S

18

FOR THE PEOPLE:

MR. TERENCE A. GILMORE  
Reg. No. 1306

19

MS. JOLENE C. BLAIR  
Reg. No. 15934

20

21

FOR THE DEFENDANT:

MR. NATHAN D. CHAMBERS  
Reg. No. 14576

22

MR. ERIK G. FISCHER  
Reg. No. 16856

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Reported by Gina B. Zeigler, CSR, RPR

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PEOPLE'S EXHIBITS:

Marked                      Offered                      Received

1	*	281	281
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I N D E X (Continued)PEOPLE'S EXHIBITS (Continued):

	<u>Marked</u>	<u>Offered</u>	<u>Received</u>
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35	*	334	334
36	*	334	334
37	*	334	334
38	*	334	334
39	*	334	334
40	*	334	334
41	*	340	340
42	*	340	340
43	*	340	340
52	*	334	334

DEFENDANT'S EXHIBITS:

	<u>Marked</u>	<u>Offered</u>	<u>Received</u>
A	285	--	--
B	285	--	--
C	294	--	--
D	294	--	--
E	294	--	--
F	294	--	--
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H	294	--	--
I	302	303	303
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\*Marked for identification prior to the commencement of the trial.

P R O C E E D I N G S

1  
2           THE COURT: Counsel, please briefly approach  
3 the bench.

4           (The Court and counsel had a discussion at  
5 the bench off the record.)

6           THE COURT: Please rise for the return of  
7 the jury.

8           (The jury entered the courtroom.)

9           THE COURT: Very good. Thank you. Please  
10 be seated. Good morning. I apologize. This is not  
11 a very auspicious beginning of the first day of  
12 trial, but even though you anticipate how matters are  
13 going to be and can be presented, it still takes  
14 time, as I think you'll see, to put it together.

15           We did go through this once before. Even  
16 though we have this wonderful age of technology and  
17 you take the time to go through it, it's still there  
18 are other matters; when you actually get ready for  
19 it, you need to work with it. So I think we're now  
20 ready to proceed in the matter, and we'll start with  
21 the People's presentation. As we discussed, they go  
22 first, and they'll be calling their first witness.

23           People.

24           MR. GILMORE: Thank you, your Honor. People  
25 would call Linwood Hodgdon.

1                   LINWOOD D. HODGDON,  
2 called as a witness on behalf of the People, having  
3 been first duly sworn, testified as follows:

4                   THE COURT: Mr. Gilmore, do we need that on  
5 right away?

6                   MS. BLAIR: I can turn it off.

7                   THE COURT: Thank you. It's just a little  
8 bit distracting.

9                   DIRECT EXAMINATION

10 BY MR. GILMORE:

11                 Q       Mr. Hodgdon, for the record, would you  
12 please state your full name and spell your last name  
13 for the court reporter.

14                 A       My name is Linwood Dale Hodgdon,  
15 H-o-d-g-d-o-n.

16                 Q       Where do you presently reside?

17                 A       Loveland, Colorado.

18                 Q       How are you employed?

19                 A       By Hewlett Packard.

20                 Q       In what capacity?

21                 A       I work at the credit union.

22                 Q       Approximately how long have you been  
23 employed with Hewlett Packard?

24                 A       Approximately 15 years.

25                 Q       Did you previously live in Fort Collins?

1 A Yes, I did.

2 Q And do you recall approximately when it was  
3 that you lived in Fort Collins?

4 A I moved to Loveland just a couple of years  
5 ago.

6 Q Were you living in Fort Collins in February  
7 of 1987?

8 A Yes.

9 Q I would like to direct your attention to the  
10 morning of February 11th, 1987. Do you recall what  
11 you were doing at approximately 7 o'clock in the  
12 morning?

13 A Yes, I do.

14 Q Would you please tell the jury.

15 A I was riding my bike.

16 Q And where were you going on your bike?

17 A I was on my way to work in Loveland.

18 Q Do you frequently ride your bike that  
19 distance?

20 A Yes, I do.

21 Q I'd like to direct your attention to a  
22 portion of that drive while you were driving on  
23 Landings Drive in South Fort Collins. Do you recall  
24 that?

25 A Yes, I do.

1 Q Would you tell the jury what happened as you  
2 were riding on Landings Drive?

3 A I was going up a little hill on Landings  
4 Drive, and glanced over into the field to my right,  
5 and noticed something unusual in the field.

6 Q Okay. What originally attracted your  
7 attention to looking that direction?

8 A I was just -- I'm used to looking around. I  
9 used to have contests with my children to see who  
10 could spot the first pheasant or the first deer or  
11 something like that.

12 Q Did you -- after your attention was  
13 attracted to your right, did you take another look?

14 A Yes, I did.

15 Q Can you describe to the jury what you  
16 perceived out in the field?

17 A My initial reaction when I looked into the  
18 field was that it was a mannequin, there was a  
19 mannequin laying in the field.

20 Q Continue with what you did.

21 A And as I continued to look, it appeared that  
22 it was not a mannequin, and so I stopped my bicycle  
23 and got off my bike and looked a little closer.

24 Q Can you describe to the jury what you were  
25 able to see at that point?

1           A        At that point I noticed that there was --  
2 leading from the object was a trail of blood and some  
3 drag marks that came up to the street where I was  
4 standing.

5           Q        Did you have any thoughts about what you  
6 might be able to do with the -- in regards to the  
7 object that you saw in the field?

8           A        My first thought initially was that it was a  
9 person that needed some help. And I got off my bike  
10 to see if I could offer some help, and I glanced down  
11 and saw a pool of blood in the street, and about that  
12 same time -- and realized that there was nothing that  
13 I could do and that I needed to get some help.

14          Q        Did you at any time cross over the curb  
15 and --

16                   (A train passed near the courthouse.)

17          Q        (By Mr. Gilmore) Okay. Let me back up  
18 just a moment.

19                   Approximately how far into the field do you  
20 think the object was when you first saw it?

21          A        My guess would be in the vicinity of about  
22 30 yards.

23          Q        You indicated at one point you had a thought  
24 about attempting to offer help or assistance to the  
25 body that you saw in the field.

1           Did you have any reason for thinking that?

2           A       Just that that would have been my natural  
3 reaction, was to try to help the person.

4           Q       Just so the jury can understand, when did  
5 you change from the feeling it was a mannequin to  
6 when you thought it was a body?

7           A       I'd say just prior to getting off my bike.  
8 The reason I got off my bike was my thought went from  
9 it being a mannequin to it being a person.

10          Q       Did you make out any features of the body in  
11 the field?

12          A       Not any particular details, other than just  
13 a body with long hair.

14          Q       You indicated that you saw a drag trail and  
15 then you saw the pool of blood on the street?

16          A       That's correct.

17          Q       That was the sequence?

18                   At that point, then, you realized you needed  
19 to get help?

20          A       Right.

21          Q       Approximately how long did you stand there?

22          A       Maybe a couple of seconds. My initial  
23 reaction was, I need to get help; and I was on the  
24 street, there should be some cars going by and I  
25 could flag one of them down. There were no cars

1 going in either direction, so at that point, maybe  
2 10, 15 seconds, I decided to ride my bike and get  
3 help.

4 Q Did you know anyone in that area?

5 A Yes, I did.

6 Q And who was that?

7 A A couple with the last name of Schade.

8 Q Approximately how far away was their house?

9 A Probably three to four blocks away.

10 Q Did you, in fact, go to their house?

11 A Yes, I did.

12 Q And what did you do?

13 A I rang the doorbell and asked to use the  
14 phone and called 911.

15 Q I believe I asked you, when you were  
16 standing at the curb, did you ever enter into the  
17 field or cross the curb line?

18 A No, I did not.

19 Q When you called 911, were you given any  
20 instructions as to what you were to do?

21 A Yes. 911 told me to stay put and that  
22 somebody would be right out.

23 Q Did you receive any further instructions?

24 A And then a few minutes later, they called  
25 back to the house and asked me to go up to the scene

1 and meet whoever.

2 Q Please continue with what you did then.

3 A And so I got back on my bike and started to  
4 go back up to the scene; and just as I did that,  
5 there was a fire truck pulling up to the Shades', and  
6 so I led them up to the scene; and when I got there,  
7 a patrol car was pulling up at the same time.

8 Q Did you meet with the officer that pulled  
9 up?

10 A Yes, I did.

11 Q And did they question you for a period of  
12 time?

13 A Yes.

14 MR. GILMORE: Thank you. I have no further  
15 questions, your Honor.

16 THE COURT: Counsel?

17 CROSS-EXAMINATION

18 BY MR. CHAMBERS:

19 Q Good morning, Mr. Hodgdon.

20 A Good morning.

21 Q You were riding your bike south on Landings;  
22 is that correct?

23 A That's correct.

24 Q And your attention was drawn to an object in  
25 this vacant field?

1 A That's correct.

2 Q Your initial impression was that the object  
3 was a mannequin?

4 A That's correct.

5 Q You got off your bike and you took a closer  
6 look at this object?

7 A Correct.

8 Q And sort of at the same time you observed  
9 blood?

10 A Uh-huh.

11 Q Blood in the field and blood at the curb?

12 A That's correct.

13 Q In fact, at the curb you saw a pool of  
14 blood?

15 A That's correct.

16 Q And was this observation of the blood, in  
17 fact, a pool of blood that contributed to your  
18 changing your impression that it was a mannequin?

19 A Yes.

20 Q Okay. You were unable to make out any  
21 features of this body in the field, except I think  
22 you said that you saw long hair?

23 A I also noticed that the individual had on  
24 some shoes.

25 Q Okay. Anything else?

1 A No.

2 Q Did you notice anything else about the  
3 clothing?

4 A Not particularly. I noticed what I thought  
5 was a white sweater or a white blanket.

6 Q Okay. Did you notice anything about the  
7 condition of the clothing?

8 A No, I did not.

9 Q Did you notice whether any -- for instance,  
10 if this body's breasts were exposed?

11 A No.

12 Q And you said you noticed something about  
13 long hair. Did you take note of the color of the  
14 hair?

15 A No.

16 Q You then went to Jack Schade's house to  
17 report it to the police?

18 A That's correct.

19 Q This was in February of 1987, correct?

20 A That's correct.

21 Q And in February of 1987, you were 38 years  
22 old? You can --

23 A I'll have to subtract. That's true.

24 MR. CHAMBERS: Okay. Thank you.

25 THE COURT: Further questions?

## REDIRECT EXAMINATION

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BY MR. GILMORE:

Q Mr. Hodgdon, why didn't you go into the field?

A When I saw the pool of blood and drag marks, it became evident to me that I needed to get some help and there would be nothing that I could do to offer any aid to the individual. I was kind of in the middle of sort of a gruesome scene, that I knew I just needed to go get help.

MR. GILMORE: Thank you.

THE COURT: Further questions?

MR. CHAMBERS: No, thank you.

THE COURT: Thank you, sir. You may step down. You may leave through the door behind you.

MR. GILMORE: May he be excused, your Honor?

MR. CHAMBERS: No objection.

THE COURT: You may be excused.

THE WITNESS: Thank you.

MS. BLAIR: The People would call Officer Mike Swihart to the stand.

MICHAEL SWIHART,

called as a witness on behalf of the People, having been first duly sworn, testified as follows:

THE CLERK: Please be seated.

## DIRECT EXAMINATION

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BY MS. BLAIR:

Q Would you please state your name for the record and spell your last name.

A My name is Michael Swihart. Last name is spelled S-w-i-h-a-r-t.

Q How are you currently employed?

A I'm a police officer for the City of Fort Collins, Colorado.

Q How long have you been a police officer with the City of Fort Collins?

A Over 22 years.

Q And what is your current assignment?

A I'm a patrol officer normally assigned to District 3.

Q How were you employed in February of 1987?

A I was also a police officer for the City of Fort Collins at that time, also assigned to patrol, which is my current assignment.

Q And were you assigned to a different district in 1987 that you can recall?

A I believe I was assigned to District 3 at that time.

Q And what area does District 3 cover?

A District 3 covers an area generally bordered

1 on the north by East Drake Road, generally South  
2 College Avenue out to the east city limits, which now  
3 extends out to I-25 in some areas, and also south to  
4 County Road 32.

5 Q I would like to direct your attention to  
6 February 11th, 1987. Do you recall whether or not  
7 you were on duty on that date?

8 A Yes, I was.

9 Q And do you recall whether or not you were on  
10 duty at 7:14 a.m.?

11 A I do.

12 Q Do you recall receiving a call from dispatch  
13 at that approximate time?

14 A Yes, I do.

15 Q And what was the call regarding?

16 A The dispatcher advised me that an informant  
17 had called stating that he had found what he believed  
18 to be a body in a field on Landings Drive.

19 Q And what did you do?

20 A I immediately proceeded to the scene. I  
21 received the call at approximately -- I was on  
22 College Avenue at about Prospect Street, and I  
23 responded southbound on College to Boardwalk. I then  
24 turned east on Boardwalk and stopped in the vicinity  
25 of Boardwalk and Landings -- or Boardwalk and

1 Landings.

2 MS. BLAIR: Your Honor, at this time I would  
3 ask that the witness be allowed to approach the  
4 diagram.

5 THE COURT: Okay. Officer, you may step  
6 down and come around here. It's important that --  
7 you're not at the microphone. Please keep your voice  
8 up; and when you do answer a question, turn and talk  
9 towards the jury, okay?

10 THE WITNESS: Yes.

11 THE COURT: Okay. Members of the jury, are  
12 you able to all see the diagram?

13 (No audible response.)

14 Q (By Ms. Blair) Officer Swihart, I would  
15 direct your attention to what has been marked for  
16 identification purposes as People's Exhibit 1 and ask  
17 if you're generally familiar with this diagram.

18 A Yes, I am.

19 Q Have you had a chance to review it or one  
20 like it prior to today?

21 A Yes, ma'am.

22 Q And are you generally familiar with this  
23 area of town?

24 A Yes, ma'am. It is in District 3.

25 Q And can you tell the jury what area

1 diagram 1 covers and what date the topography of  
2 diagram 1 reflects?

3 A This right here -- this road here is South  
4 College Avenue. This road here is East Horsetooth  
5 Road. Boardwalk Drive is indicated right here,  
6 Landings Drive over here, and JFK Parkway is here.

7 And the significant thing about the diagram  
8 here, if you're familiar with this area, today, is  
9 the fact that you'll notice Troutman Parkway -- which  
10 is where the Target store is here -- Troutman Drive  
11 at that time did not go all the way through. There  
12 was a gap there, and that's one of the major  
13 differences in what you'll see from this as compared  
14 to what is current today.

15 Q So does diagram 1 reflect how that area  
16 existed in February of 1987?

17 A Yes, it does.

18 Q Would you please describe for the jury where  
19 you arrived and what the area is that you discussed?

20 A I came southbound on College Avenue down  
21 here. This is Boardwalk Drive. I executed a left  
22 turn here and stopped in the general vicinity of this  
23 intersection here, as we were told that this -- as  
24 you can see, this is an open field.

25 All these small markings are indications of

1 structures, probably houses or other buildings. And  
2 so we have -- there's a large field on either side of  
3 the street, and so I stopped here to wait for further  
4 directions to get into the crime scene.

5 Q And are you generally familiar with what  
6 Number 2 on diagram 1 depicts?

7 A Yes.

8 Q What is it?

9 A That's a large field that was to the west  
10 side of the roadway of Landings Drive at the time of  
11 this incident. There was a lumberyard that was  
12 directly to the -- on the west side of the field.

13 Q And what specifically was located at  
14 Number 2?

15 A Number 2 is depicted right here; and as I  
16 came down the street here, I could see that there  
17 appeared to be a body of a female lying in the field.

18 MS. BLAIR: And, your Honor, I'm going to  
19 skip ahead a little bit so he doesn't have to keep  
20 going back and forth to the diagram.

21 Q (By Ms. Blair) What does Number 1 depict?

22 A Number 1, there was a mobile home that was  
23 kind of on a little knoll right here, just south of  
24 Boardwalk Drive and a little bit west of Landings  
25 Drive.

1 Q Officer Swihart, if you'd return to the  
2 microphone, please.

3 MS. BLAIR: Do you want me to turn the  
4 diagram?

5 THE COURT: We'll get it later.

6 MS. BLAIR: May I approach the witness?

7 Q (By Ms. Blair) Officer Swihart, I hand you  
8 what's been marked for identification purposes as  
9 Exhibit 4 and 5.

10 First, with Exhibit 4, would you describe  
11 generally what it depicts.

12 A This is a glossy color photograph of the  
13 field which I just described on the west side of  
14 Landings, in approximately the 3800 block of Landings  
15 Drive.

16 You can see in this photograph the body of a  
17 female that was later identified as Peggy Hettrick,  
18 and also in the background you can see the -- there's  
19 a large amount of wood stacked there. I believe that  
20 would most likely be from the lumberyard.

21 Q You can see to your right there is a screen  
22 that reflects a photograph. Is that consistent with  
23 what you have in your hand there identified as  
24 People's Exhibit 4?

25 A Yes. It appears to be a copy of this

1 photograph.

2 Q Now, with respect to People's Exhibit 5.

3 A This appears to be a photograph of the same  
4 scene taken from a slightly different angle, and it  
5 looks like it's somewhat closer. You can still see  
6 the body here, and you can also see the mobile home  
7 in the far left-hand side of the photograph where the  
8 trees are over there -- that was the mobile home I  
9 was speaking about -- and some of the outbuildings  
10 around it.

11 THE COURT: Could we stop for a minute?  
12 Does the reporter have the pointer?

13 MS. BLAIR: I have the pointer. May I  
14 approach?

15 THE COURT: You may.

16 THE WITNESS: Thank you.

17 THE COURT: Perhaps when you refer to the  
18 photograph, you could use the pointer to indicate, so  
19 the jury can understand what you're referring to.

20 A The mobile home I was speaking about was  
21 right here on this side. You can still see the wood  
22 from the lumberyard over here, and then the body of  
23 the victim is right here in the middle.

24 Q (By Ms. Blair) And the mobile home was the  
25 residence of whom?

1           A       Timothy Masters.

2           Q       And this is looking at the body of the  
3 victim from what direction?

4           A       Generally from the -- whoever took the  
5 photograph would be looking from the east side of --  
6 toward the street looking west.

7           Q       And from the north side as well?

8           A       Yes. This would be -- this one compared to  
9 the other photograph, the person taking this  
10 photograph would have moved from -- moved farther  
11 north up Landings Drive.

12          Q       And you can see that there's a faint dirt  
13 road on Exhibit 5. Are you generally familiar with  
14 what that road is?

15          A       Yes.

16          Q       What is it?

17          A       It was a dirt road that went over into the  
18 lumberyard, I believe.

19          Q       All right. When you arrived on scene and  
20 observed what has been -- strike that.

21                   Do People's Exhibits 4 and 5 fairly and  
22 accurately depict the condition of that field and the  
23 body as you found them on February 11th, 1987?

24          A       Yes.

25          Q       What did you do after arriving on scene and

1 making these observations?

2 A Well, my first job as a responder, as I'm  
3 also an emergency medical technician, my first job  
4 was to check on the condition of the victim. I  
5 noticed as I stopped that there was a blood trail in  
6 the field that was going from the sidewalk to  
7 approximately where the victim was lying. There was  
8 also some blood on the curb.

9 As I stopped and got out, at that time Chief  
10 Bruce Glasscock was approaching in his vehicle from  
11 the north, and he was about to stop -- I had to stop  
12 him to keep him from running over the blood in the  
13 street.

14 Got him stopped, and at that time the engine  
15 company from Fire Station Number 5 was stopping on  
16 the scene, and I asked them to remain at their  
17 vehicle so that I could go ahead and check the  
18 condition of the victim.

19 I basically had the same level of training  
20 that they did, so they were willing to allow me to go  
21 out and check the victim.

22 I went back to where there's like a sewer  
23 lid cover that was about -- estimating about 30 feet  
24 south of where the blood trail started across the  
25 sidewalk; and at that point I walked to the west of

1 that -- westbound from that sewer lid. My purpose  
2 for doing that was to keep from disturbing the blood  
3 trail, figuring that there probably would be evidence  
4 in that area.

5 So I walked west from that, approximately  
6 where that sewer lid was, and went beyond the victim,  
7 and then came about in kind of like a circle, kind of  
8 made a loop and came in and approached the body from  
9 the west side.

10 Q And what did you do once you got closer to  
11 the body?

12 A Obviously I was looking at the body for, you  
13 know, any signs of life; didn't see any. As I  
14 approached, I reached down and touched the victim on  
15 her neck to check for her pulse, and didn't find one.  
16 At that time I also found that she was cold to the  
17 touch and her skin just -- you know, it was -- just  
18 felt kind of -- didn't feel like she was alive.

19 MS. BLAIR: May I approach again, your  
20 Honor?

21 THE COURT: I assume for the ones you're  
22 putting up there, there's no objection to them?

23 MR. CHAMBERS: No.

24 THE COURT: Okay.

25 Q (By Ms. Blair) Officer Swihart, I've

1 handed you a series of five photographs which have  
2 been marked for identification purposes as People's  
3 Exhibits 6, 7, 8, 9, and 10.

4 First, with respect to People's Exhibit 6,  
5 could you describe generally what that depicts?

6 A Yes. That's a photograph of the victim as I  
7 was standing to her right side. This would be pretty  
8 much on the west side of the body.

9 Q How close to the body did you get?

10 A I actually walked up to where I could touch  
11 her neck.

12 Q And does People's Exhibit 6 fairly and  
13 accurately depict how she appeared to you when you  
14 first approached her on February 11th?

15 A Yes.

16 Q And People's Exhibit 7?

17 A Yes. This photograph is taken from just a  
18 slightly different angle, a little bit farther to the  
19 north.

20 Q Again, does it fairly and accurately depict  
21 how Peggy Hettrick's body appeared to you that  
22 morning?

23 A Yes, ma'am.

24 Q Can you state to the jury what observations  
25 you made once you approached the body?

1           A       Obviously I had a female who appeared to be  
2 partially disrobed. One of the most obvious things  
3 to me initially was the fact that she had an injury  
4 to her left breast area. I could see yellow fatty  
5 tissue, which is common when skin's been removed from  
6 an area of the body, where there's fatty tissue, I  
7 could see that exposed.

8           Also -- this is the area I'm talking about  
9 right here. Then I could see the blood. It looks  
10 like some type of posterior wound in this area here.  
11 Her skin was fairly white, so it looked like she had  
12 recently died. Also you'll see in this photograph  
13 there's a cut on her right side, right cheek.

14          Q       Did you make any other observations about  
15 that cut?

16          A       No, not at this time, I didn't.

17          Q       People's Exhibit 8, what does that depict?

18          A       Yes. That's a photograph from north of the  
19 location of the body.

20          Q       And does that better show how you approached  
21 the body? Does it show the area that you've  
22 described?

23          A       Yes. You can see the blood trail right  
24 here. It's pretty obvious in this photograph. This  
25 is my patrol car up here. That's the vicinity of

1 where I parked my vehicle, and there's -- this is  
2 where the sewer lid is that I was talking about, so I  
3 came in and traveled around this way here and  
4 approached the body from this direction.

5 Q Just south of the body in the photograph,  
6 People's Exhibit 8, there is a rise in the land.  
7 What is that? Do you know?

8 A No, I don't recall what that is.

9 Q And, again, the residence depicted in  
10 People's Exhibit 8, is that the residence of Timothy  
11 Masters?

12 A Yes. This trailer right here was the  
13 residence of Timothy Masters at the time.

14 Q Does that photograph fairly and accurately  
15 depict the distance between where the body was  
16 located in relation to the defendant's residence?

17 A Yes.

18 Q People's Exhibit 9, what does it depict?

19 A This is a photograph of Peggy Hettrick's  
20 body from a little bit farther distance to the west.  
21 You can see the top here, this is the street, the  
22 pavement of Landings, and the houses over here in the  
23 Landings subdivision area. There's a bridge here  
24 that -- I believe there's an irrigation ditch that  
25 runs beneath this bridge right here.

1           Q       It appears from the photograph there is a  
2 slight elevation in the land just prior to where the  
3 street exists. Is that consistent with your memory  
4 of that area?

5           A       Yes.

6           Q       Does Exhibit 9 fairly and accurately depict  
7 that viewpoint of the body lying in the field as you  
8 observed it on that day?

9           A       Yes, it does.

10          Q       And People's Exhibit 10?

11          A       This is a photograph of Miss Hettrick's body  
12 taken generally -- position that was generally to the  
13 south of where she was found. You can see the blood  
14 trail in this photograph right here, and then the  
15 apartments over here -- those are still there -- and  
16 there's an irrigation ditch which runs along this.

17                   You can see what is a slight rise in where  
18 the trees are, the irrigation ditch that comes from  
19 the bridge that was in the prior photograph.

20          Q       Can you also see the road that you  
21 previously testified to which provided access to the  
22 lumberyard?

23          A       Yes. It's right here.

24          Q       There appears to be another set of tracks in  
25 People's Exhibit 10. Can you see those?

1           A       Right here.

2           Q       Do you recall seeing those in February of  
3 1987?

4           A       I don't recall that, no.

5           Q       Okay. You testified that you approached the  
6 body and determined whether or not the individual was  
7 still alive. Did anybody else approach the body  
8 while you were there?

9           A       Yes. Shortly after I arrived, the ambulance  
10 service from Poudre Valley Hospital arrived on scene.  
11 There were two paramedics on that ambulance.  
12 Paramedics were Jim Harrington and Ed Felty.  
13 Paramedic Felty requested to come out into the field  
14 and check the body, so at that time I gave him  
15 instructions on how I had approached the body, and he  
16 approached the body in the same manner as I did.

17          Q       Were you standing out there at the body when  
18 he approached?

19          A       I believe I was.

20          Q       Did he do anything with respect to the body?

21          A       He picked up her right arm; and when he did,  
22 he felt that there was some obvious rigor mortis in  
23 the tissue, so he put her arm back and didn't disturb  
24 the body any further.

25          Q       When you took the pulse or touched the neck

1 of the body, or the victim, was the body warm to the  
2 touch? Do you remember?

3 A No, it was not.

4 Q Then what did you do?

5 A At some point, either -- just during this  
6 time I contacted dispatch and requested further  
7 assistance with the crime scene. Normally, on a  
8 homicide scene, we request assistance from the crime  
9 lab personnel and also investigators. The patrol  
10 supervisor would normally respond to that scene. I  
11 needed to let everybody know what was going on and  
12 requested further assistance.

13 Q And how else did you secure the scene while  
14 awaiting further assistance?

15 A Well, since the chief was on the scene  
16 already, I put him to work and had him secure the  
17 north side of the scene on the roadway to keep  
18 anybody else from coming down Landings.

19 Sergeant Hemby arrived in the area shortly  
20 after that and blocked off traffic to the south side;  
21 and as far as the field goes, you can see by the  
22 photographs that you've already looked at, it's a  
23 fairly open area, so we did not -- and to see if  
24 anybody was going to enter that area, and did not  
25 permit anybody else to enter it that didn't have

1 business there.

2 Q Do you recall whether or not that area,  
3 specifically Landings Drive, was very well traveled,  
4 at least during the time that you were there?

5 A No, I don't recall specifically.

6 Q Do you remember whether or not other  
7 officers did arrive to assist in processing the  
8 scene?

9 A Yes, they did.

10 Q Do you recall approximately how long it took  
11 for other officers to arrive on scene?

12 A No, I don't. My notes reflect on other  
13 duties that I took, so I could look that up if that  
14 was important.

15 Q Was it a half hour? An hour? Ten minutes?

16 A I couldn't say.

17 Q Okay. What were you assigned to do with  
18 respect to processing the crime scene?

19 A The first thing I did was -- as far as any  
20 assistance, was when Dr. Allen, Larimer County  
21 Coroner arrived, he and I and Mr. Shockley, who was  
22 the -- one of his investigators, went out to the body  
23 along with Officer Jack A. Taylor from Fort Collins  
24 Police.

25 And at that time Mr. Shockley took some

1 photographs, and Dr. Allen did a couple things with  
2 the body.

3 Q All right. And were you out there at the  
4 body when the coroner and his investigator --

5 A Yes, I was.

6 Q What else did you do with respect to the  
7 crime scene?

8 A After our investigators got on scene, we  
9 photographed the area and looked for other evidence.  
10 And I assisted all day long in looking for evidence  
11 and also photographing the crime scene.

12 Q Did you, in particular, take photographs of  
13 some footprints that had been noticed out in that  
14 area?

15 A Yes, I did.

16 Q Who directed you to take those photographs?  
17 Do you remember?

18 A I believe the first photographs I took,  
19 Officer Sherri Wagner, I believe she was an  
20 investigator at the time, she had taken some  
21 photographs and then had asked me to help her with  
22 those.

23 Q In preparation for this trial, have you had  
24 the opportunity to review crime scene photos,  
25 complete photo log, and your incident report?

1           A       Yes, I have.

2           MS. BLAIR: I do have another diagram. I  
3 don't know exactly where to put it. May I approach  
4 the witness?

5           THE COURT: Sure. I think we have another  
6 easel that we can get and maybe place up there. Just  
7 get the easel and bring it over.

8           MS. BLAIR: Since this one isn't quite as  
9 large, may I have the witness approach the jury a  
10 little closer?

11          THE COURT: Any objection to the exhibit,  
12 counsel?

13          MR. CHAMBERS: No.

14          THE COURT: You can just put it right there.  
15 Once again, Officer, when you turn and review the  
16 exhibit, talk towards the jury.

17          THE WITNESS: Yes, your Honor.

18          Q        (By Ms. Blair) Officer Swihart, I asked  
19 you to approach a diagram which has been marked for  
20 identification purposes as People's Exhibit 3. Do  
21 you generally recognize what People's Exhibit 3  
22 depicts?

23          A        Yes, I do.

24          Q        What does it depict?

25          A        It depicts a drawing of the crime scene in

1 the field on the west side of the 3800 block of  
2 Landings Drive.

3 Q And what has been marked with respect to  
4 People's Exhibit 3?

5 A As you can see right here, there's a marking  
6 of blood on the sidewalk. This is the street here,  
7 the pavement, and the sewer lid down here that I was  
8 talking about earlier, the sidewalk, and then the  
9 blood trail.

10 And then the flags which are out here,  
11 whatever these markings are, are flags marking  
12 footprints which we located in the dirt in the field  
13 on that day.

14 Q And were you present when the flags were  
15 placed marking footprints or other items that may be  
16 of evidentiary value?

17 A Yes, I was.

18 Q And when you photographed footprints on the  
19 scene, had they been marked by flags at that point?

20 A Yes.

21 MS. BLAIR: I'd like to show him some  
22 photographs again.

23 If you can resume the witness stand.

24 Should I just put it over there?

25 THE COURT: Just pull it back there.

1           Q       (By Ms. Blair) Officer Swihart, I've  
2 handed you, again, a series of photographs which have  
3 been marked for identification purposes as People's  
4 Exhibits 11 through 14.

5                   I'd ask you to look at the first photograph,  
6 Exhibit 11, and tell me what that generally depicts.

7           A       That photograph depicts a sole print from  
8 what appears to be some type of athletic shoe.

9           Q       Have you been able to determine where that  
10 footprint was located with respect to the drag trail?

11                   If the use of People's Exhibit 3 helps you  
12 in determining where that photograph was taken,  
13 please do so.

14           A       Okay. From reviewing my notes and the photo  
15 log, it appears that that photograph was taken  
16 somewhere in the vicinity of what's indicated as  
17 Number 2 on the previous exhibit that we looked at.

18           Q       And where is People's Exhibit 2 with respect  
19 to the drag trail?

20           A       People's Exhibit 2 is -- I'm sorry, are you  
21 talking about Number 2 on the --

22           Q       I'm sorry, you're right. Number 2 as  
23 depicted on Number 3.

24           A       Okay. Number 2 is on here. And after  
25 looking at this photo log, we believe that the

1 photograph was taken somewhere between the sidewalk  
2 and Number 2.

3 Q In fact, the footprint depicted by Number 2  
4 on Exhibit 3?

5 MR. CHAMBERS: I'll object to leading  
6 questions, Judge.

7 THE COURT: Please rephrase.

8 Q (By Ms. Blair) Was a cast of Number 2  
9 poured, as far as you know?

10 A Yes, it was.

11 Q Thank you. And People's Exhibit 12, what  
12 does it depict?

13 A It depicts another footprint which is in the  
14 dirt.

15 Q And after reviewing the photo log and the  
16 reports, are you able to tell the jury where People's  
17 Exhibit 12 was found?

18 A As I recall, I believe that was the one that  
19 was toward the sewer lid.

20 Q And is it depicted on Exhibit 3 as well?

21 A Yes, it is.

22 Q All right.

23 A Do you want me to point that out or --

24 Q I don't think they can see it from there.  
25 People's Exhibit 13, what does it depict?

1           A       It also depicts a footprint of what appears  
2 to be an athletic-style shoe.

3           Q       Is this a photograph that you, yourself,  
4 took?

5           A       I would have to refer to my notes to check  
6 that.

7           Q       Do you have the notes there?

8           A       I have a copy of the photo log. According  
9 to my photo log, this is one of the photographs that  
10 I took at the scene.

11          Q       And after reviewing the reports and having  
12 the benefit of the diagram, are you able to determine  
13 generally where People's Exhibit 13, that photograph,  
14 was found with respect to the drag trail?

15          A       This is -- the series on this roll were the  
16 photographs that I took. I believe they were to the  
17 right side or the north side of the drag trail.

18          Q       And can you tell the jury where you began  
19 taking photographs and generally where you progressed  
20 through in sequence on that roll?

21          A       Yes. We started from the sidewalk area just  
22 to the east of the crime scene, and again moving to  
23 the west toward the body.

24          Q       And based on the sequence of the photographs  
25 that you took and the number of this one in

1 particular, can you tell the jury generally where  
2 that footprint was found?

3 A This appears to be the second photograph  
4 from this roll.

5 Q So using People's Exhibit 3, can you show  
6 generally where that footprint would be found?

7 THE COURT: Perhaps you can hold it up and  
8 show it and point it out.

9 A Okay. Can you all see that?

10 It would have been in this area right here,  
11 right around the -- fairly close to the beginning of  
12 the blood trail.

13 Q (By Ms. Blair) Thank you. Now, with  
14 respect to People's Exhibit 14, would you please look  
15 at that one. And what generally does that depict?

16 A It also is the photograph of what appears to  
17 be a footprint in the dirt. That also appears to be  
18 some type of athletic shoe. And what's significant  
19 about this particular photograph is you can see  
20 there's some red in the blood -- or in the dirt here,  
21 which is part of the blood trail which led from the  
22 sidewalk to the victim's body.

23 Q And, again, after having reviewed the photo  
24 log and -- well, let me back up a little bit.

25 Who took People's Exhibit 14?

1           A       I have to refer back to the photograph here.  
2       That was this same sequence as the previous  
3       photograph that I took.

4           Q       And, again, based on the sequence of the  
5       photo log and that particular roll of film, are you  
6       able to tell the jury with respect to People's  
7       Exhibit 3 where this footprint appears, in general?

8           A       In general, it would have been slightly to  
9       the west of the previous photograph.

10          Q       And as a group, do People's Exhibits 11  
11       through 14 fairly and accurately depict the  
12       photographs as you saw them -- or the footprints as  
13       you saw them and photographed them on February 11th,  
14       1987?

15          A       Yes, they did.

16          Q       Officer Swihart, did you ever have the  
17       occasion to speak with Timothy Masters?

18          A       I did.

19          Q       When did you speak with him?

20          A       It was later that afternoon. If I can refer  
21       to my notes, I can give you the time that I spoke to  
22       him. It's in my notes.

23                   MR. CHAMBERS: Could I just see what he's  
24       referring to, if he's referring to his written  
25       report?

1 THE WITNESS: Yes. It's a copy of my  
2 written report. Yes.

3 A My report indicates I arrived at the Masters  
4 residence at about 2:35 p.m.

5 Q (By Ms. Blair) And why did you go to the  
6 Masters residence?

7 A I was directed to respond there to get a  
8 written statement from Timothy Masters.

9 Q And did you speak with him?

10 A Yes, I did.

11 Q And what, if anything, did he tell you at  
12 that time?

13 A He told me that he had left his house that  
14 morning. I believe he was on his way to school.  
15 Said he'd walked northbound through the field, came  
16 across what we knew then as Peggy Hettrick's body,  
17 and then proceeded out to the sidewalk, caught a bus  
18 north of that location, and went out of the area.

19 Q At that point in time, were you aware of  
20 whether or not Mr. Masters had previously been spoken  
21 to by a police officer?

22 A No, I was not.

23 Q Did he tell you whether or not he had  
24 already spoken to a police officer?

25 A No, he did not.

1 Q Did you take any photographs with respect to  
2 Mr. Masters at that time?

3 A I took photographs of his shoes.

4 Q Why?

5 A I noticed that he was wearing an  
6 athletic-style shoe. And when I asked if I could  
7 look at the bottom of his shoe, the sole print  
8 appeared to look similar to the one I had seen out by  
9 the sewer lid.

10 Q Did he allow you to do that?

11 A Yes, he did.

12 Q Were you involved in any way with this  
13 investigation the following day, the 12th of  
14 February?

15 A I was, on previous -- or subsequent days to  
16 that. I don't know that I did anything on the 12th.

17 Q Okay. So it was a subsequent day to  
18 February 11th, but you're not sure what day it was?

19 A I believe it was the 13th.

20 Q Thank you. What did you do on the 13th of  
21 February?

22 A I was requested by investigators to respond  
23 back to that area so that we could do an area search  
24 for evidence.

25 Q Did you observe anything unusual on the 13th

1 of February?

2 A We searched the area around the Masters  
3 residence and checked some of the irrigation ditches.  
4 At one point we found a house which was abandoned  
5 south of the location, dead end to Boardwalk Drive.  
6 Upon searching in that house, we found some artwork  
7 on the wall, which I thought was kind of interesting  
8 with regard to this case.

9 Q And did you describe the artwork in your  
10 police report?

11 A Generally, yes.

12 Q Generally, do you recall what you saw?

13 A There were what appeared to be bullet holes,  
14 or holes from maybe -- I described it in my report as  
15 a pellet gun, possibly, shooting at the walls of this  
16 house.

17 One of the targets was a bull's-eye style  
18 target, which is normal for somebody shooting.  
19 Another one was like an X that had been put on this  
20 wall, and the other was like a face, some kind of a  
21 character of a face thing. That was also used as a  
22 target.

23 Q And why did you describe these in your  
24 police report with respect to this case?

25 A I'd had the opportunity, since this case

1 started, to review some artwork which had been taken  
2 into police custody that I was told had been done by  
3 Timothy Masters. And this particular character on  
4 this wall, it appeared to be very similar to what I  
5 had seen in some of the artwork that Officer Wagner  
6 had shown me -- she probably showed me a day earlier.

7 MS. BLAIR: Thank you. Your Honor, I have  
8 no further questions of this witness at this time. I  
9 would move for admission of People's Exhibits 1, 3,  
10 and 4 through 14.

11 THE COURT: Any objection?

12 MR. CHAMBERS: No.

13 THE COURT: No objection, 1, 3, 4 through 14  
14 received.

15 You may examine.

16 MR. CHAMBERS: May I inquire, your Honor?

17 THE COURT: You may.

18 MR. CHAMBERS: Thank you.

19 Could I just retrieve those photographs? If  
20 I may approach.

21 CROSS-EXAMINATION

22 BY MR. CHAMBERS:

23 Q Officer, you've been a police officer for 22  
24 years?

25 A Longer than that, yes.

1 Q How long?

2 A I worked on two prior police departments  
3 before coming to Colorado. I've been here over 22  
4 years on February the 17th.

5 Q So 22 years with the Fort Collins Police  
6 Department?

7 A Correct.

8 Q What's your total law enforcement  
9 experience?

10 A I started as a police cadet when I was 18  
11 years old with the City of Hamilton, Ohio Division of  
12 Police, so my total experience is in excess of 27  
13 years.

14 Q Okay. So in February of 1987, you've been  
15 with the Fort Collins Police Department for 10 years,  
16 approximately?

17 A Yes.

18 Q And your total law enforcement experience at  
19 that time was about 15 years?

20 A Yes. 15 or 16, yes.

21 Q You were not a rookie?

22 A No.

23 Q You were dispatched to this location near  
24 Boardwalk and Landings, and when you got there you  
25 noticed blood?

1 A Yes.

2 Q Fairly substantial amount of blood?

3 A Yes.

4 Q There was an obvious blood trail?

5 A Yes.

6 Q And you noticed also a pooling of blood on  
7 the street near the gutter and curb?

8 A Yes, sir.

9 Q A lot of blood?

10 A It depends on what you consider a lot.

11 Q It wasn't a drop?

12 A No, sir.

13 Q Other officers responded to the scene,  
14 correct?

15 A Yes.

16 Q And when one of those other officers, when  
17 he responded to the scene, you had to stop that  
18 officer to keep them from disturbing the blood near  
19 the curb line?

20 A Yes.

21 Q You, along with other officers, took  
22 photographs of the scene, correct?

23 A Yes.

24 Q You took photographs of Miss Hettrick's  
25 body?

1 A Yes.

2 Q You took a lot of photographs of shoe  
3 prints?

4 A Yes, sir.

5 Q Not just these four that you've looked at,  
6 but many, many photographs of footprints?

7 A That's correct.

8 Q Now, I want to ask you about a couple of the  
9 photographs that you've testified to. I want to ask  
10 you about Exhibit 4.

11 MR. CHAMBERS: Is there a way we can pull  
12 Exhibit 4 up?

13 MS. BLAIR: Yes, there is.

14 MR. CHAMBERS: I thought there might be.

15 Q (By Mr. Chambers) Do you recall this  
16 picture?

17 A Yes, I do.

18 Q It depicts the body of Miss Hettrick,  
19 basically, in the middle of the picture?

20 A Yes, it does.

21 Q Immediately to the left of that, which would  
22 be to the south, there's -- it looks like a berm. Do  
23 you see that?

24 A Yes, I do.

25 Q There's a ditch there; is that right?

1 A I don't recall.

2 Q You do recognize the berm in the field?

3 A Yes.

4 Q That's a berm between where Miss Hettrick's  
5 body was and the mobile home you talked about?

6 A Yes.

7 MR. CHAMBERS: Could we see Exhibit 5,  
8 please.

9 Q (By Mr. Chambers) That's a picture that  
10 shows the relationship between Miss Hettrick's body  
11 and the mobile home?

12 A Yes, sir.

13 Q And that berm is clearly between the two,  
14 correct?

15 A Yes, it is.

16 Q And Miss Hettrick's body was below the level  
17 of the berm?

18 A Yes. It appears that it was.

19 (Defendant's Exhibits A and B were  
20 marked for identification.)

21 MR. CHAMBERS: May I approach the witness?

22 Q (By Mr. Chambers) I'm going to hand you  
23 what's been marked --

24 THE COURT: Counsel, make sure you don't  
25 walk and talk. Give him the photographs and then go

1 back to the podium. We have enough distractions with  
2 the screen and stuff.

3 Q (By Mr. Chambers) -- Defendant's A and  
4 Defendant's B.

5 MR. CHAMBERS: I'm sorry, Judge.

6 Q (By Mr. Chambers) Do you recognize those  
7 photographs?

8 A Yes, I do.

9 Q Are those fair and accurate depictions of  
10 Miss Hettrick's body when you first discovered it?

11 A No, it's not.

12 Q What's different?

13 A I believe these photographs were taken after  
14 Dr. Allen retrieved Miss Hettrick's identification  
15 from her purse.

16 Q Okay. So what's different?

17 A The difference is that I believe the purse  
18 has been moved, and also there's been some slight  
19 movement of the coat, and it covers up the injury to  
20 Miss Hettrick's left breast.

21 Q So you're saying when you first got on the  
22 scene, the left breast was exposed?

23 A Yes, it was.

24 MR. CHAMBERS: Could we have Exhibit 6?

25 Q (By Mr. Chambers) Exposed like that?

1           A       Correct.

2           Q       To the far right of that picture, whose shoe  
3 is that?

4           A       I don't know whose shoe that would be. It's  
5 not mine.

6           Q       Somebody putting their shoe print in the  
7 area right around where Miss Hettrick's body was  
8 recovered?

9           A       Yes. At the time this photograph was taken,  
10 I believe this was taken by Mr. Shockley from the  
11 coroner's office, so at this point it would have been  
12 myself, Mr. Shockley, Dr. Allen, and I believe  
13 Officer Taylor was with us at that time.

14          Q       You spoke with Tim Masters that day?

15          A       Yes.

16          Q       You went to his house?

17          A       Yes, that's correct.

18          Q       He told you that he left his house at 6:55  
19 in the morning, five until 7:00?

20          A       I'd have to refer to my notes as far as the  
21 time. (The witness reviewed a document.) That's  
22 correct.

23          Q       He told you that he walked north through the  
24 field behind his house?

25          A       Yes.

1 Q Told you that he saw a body and it looked to  
2 him like a mannequin?

3 A That's what he told me.

4 Q He told you then he went and caught his bus?

5 A Yes.

6 Q You've testified -- you told this jury that  
7 he didn't tell you that he had talked to an officer  
8 earlier in the day. Was that your testimony to this  
9 jury?

10 A At the time I arrived, he did not.

11 Q Well, when you talked to him, he told you  
12 that he had talked to Officer Gonzales earlier that  
13 day, didn't he?

14 A I believe -- let me refer to my notes here.

15 (The witness reviewed a document.) I was in  
16 error then. He did state that he had talked to  
17 Officer Gonzales, said he had not talked to anyone  
18 until he talked to Officer Gonzales.

19 Q But he did say he had talked to Officer  
20 Gonzales?

21 A Yes.

22 Q We've talked about your taking pictures of  
23 footwear impressions. You did that because you  
24 recognized the potential evidentiary value of those  
25 footwear impressions?

1           A       Yes, sir.

2           Q       Experienced crime scene investigators  
3 recognize the potential value of footwear impression  
4 evidence?

5           A       That's correct.

6           Q       And the reason it is a potential value is  
7 because when a person takes a step, their footwear is  
8 impressed against the ground surface and it can cause  
9 a deformation of that ground surface?

10          A       That's correct.

11          Q       And collecting and analyzing footwear  
12 impression evidence is an important and valuable tool  
13 for investigators?

14          A       Yes.

15          Q       It's not only important, it's well  
16 recognized?

17          A       I'm not sure how you want me to answer that  
18 question.

19          Q       Well, police investigators recognize the  
20 value of -- importance of footwear impression --

21                MS. BLAIR: Your Honor, I'm going to object  
22 to any questions regarding what police  
23 investigators --

24                THE COURT: Objection sustained. I think he  
25 can ask him why he did, and he's answered.

1 Q (By Mr. Chambers) There's been books  
2 written on footwear impression evidence?

3 A I'm sure there has.

4 Q Are you familiar with the work by William  
5 Bodziak of the Federal Bureau of Investigation  
6 entitled Footwear Impression Evidence?

7 A No, I'm not familiar with that.

8 Q You're not familiar with this book?

9 A No. No, sir, I'm not.

10 Q Are you familiar with the book by Michael  
11 Cassidy entitled Footwear Identification by the Royal  
12 Canadian Mounted Police?

13 A No, I'm not.

14 Q You're not familiar with these works?

15 A No, sir.

16 Q Some of the ground in that field area was  
17 soft dirt?

18 A Yes.

19 Q Particularly near the curb area was soft  
20 dirt, correct?

21 A Yes, it was.

22 Q Soft dirt is a surface that is particularly  
23 good for footwear impression evidence?

24 A Yes.

25 Q You are much more likely to find footwear

1 impression evidence in soft dirt as opposed to a  
2 piece of concrete?

3 A Yes.

4 Q And the area right next to the curb where  
5 all the blood was, was soft dirt?

6 A It appeared to be, yes.

7 Q Footwear impressions, besides being left in  
8 soft dirt can also be left in blood, correct?

9 A Yes, it can be.

10 Q And there was a large amount of blood in the  
11 area near the curb?

12 A Yes, there was.

13 Q Would you agree with me that it's important  
14 that footwear impression evidence be collected in a  
15 reliable manner?

16 A Yes.

17 Q Would it be fair to say that it's difficult  
18 for you to remember the precise location where each  
19 impression came from?

20 A There was some problem as far as determining  
21 exactly the exact location of each one, because we  
22 didn't take measurements of each footprint from a  
23 known point.

24 Q Do you agree that a system for relating  
25 specific footwear impressions to the general crime

1 scene should be used?

2 A I would assume that it would be better to do  
3 that, yes.

4 Q Okay. And one way to do that would be  
5 through the use of numbered markers?

6 A Yes.

7 Q You didn't do that in this case?

8 A No, we did not use numbered markers at that  
9 time.

10 Q By using numbered markers, you would be able  
11 to precisely document where each footwear impression  
12 was, precisely, correct?

13 A Yes.

14 Q You're unable to do that though?

15 A No, we did not use markers that day.

16 Q And that's why when you look at these  
17 photographs, you can't say precisely where they are  
18 found?

19 A That's correct.

20 Q You were shown People's Exhibit 12. Do you  
21 recall that?

22 A Yes.

23 Q If we can drag that diagram out, or maybe  
24 you can just hold it up.

25 A Sure. I can hold it up.

1 Q Where was People's Exhibit 12 found?

2 A I believe that was the photograph of this  
3 footprint down here.

4 Q And what's its orientation?

5 A Its orientation? I don't recall. I believe  
6 it was -- I can check my notes, but I believe it was  
7 north.

8 Q Which direction is northbound?

9 A Northbound is this direction here.

10 Q Heading towards the drag trail?

11 A Yes, sir.

12 Q Okay. People's Exhibit 13, do you recall  
13 this?

14 A Yes, I do.

15 Q You believe that it is somewhere to the  
16 north of the drag trail?

17 A Yes.

18 Q What's its orientation?

19 A I'm not able to determine that.

20 Q So you don't know if it's facing north,  
21 south, east, or west?

22 A I don't recall.

23 Q People's Exhibit 14. I believe you said  
24 that generally it is slightly to the west of Number  
25 13. And Number 13, you don't know where precisely

1 that is?

2 A That's correct.

3 Q So this is slightly to the west of some  
4 unknown place?

5 A We basically know the general -- I believe  
6 we've been able to determine the general vicinity by  
7 the methods I've already discussed.

8 Q What's its orientation?

9 A I don't recall.

10 Q You don't know if it's north, south, east,  
11 or west?

12 A No.

13 Q Were these photographs taken by a hand-held  
14 camera?

15 A Yes, they were.

16 (Defendant's Exhibits C, D, E, F, G,  
17 and H were marked for identification.)

18 MR. CHAMBERS: May I approach the witness?

19 THE COURT: You may.

20 Q (By Mr. Chambers) I'm handing you what's  
21 been marked as Defendant's C --

22 THE COURT: Counsel, once again, please wait  
23 until you get back so the jury can hear.

24 MR. CHAMBERS: I'm sorry. Old habits die  
25 hard. I apologize.

1 Q (By Mr. Chambers) Have you looked at C  
2 through H?

3 A Yes, I have.

4 Q Do you recognize those as being photographs  
5 of shoe prints taken from the crime scene?

6 A I would have to compare those to the photo  
7 logs to determine whether they were taken at this  
8 crime scene and who they were taken by.

9 Q You don't recognize those as being from the  
10 crime scene?

11 A The texture of the dirt and the twigs and  
12 all that appear to be similar to the other -- I had a  
13 chance to review the photographs. I know you're  
14 aware during discovery of the large volume of  
15 photographs that were taken at the scene.

16 I don't -- I can't specifically state that  
17 this particular photograph was of a footprint at that  
18 scene. I would have to compare those to the photos  
19 in evidence and compare those against our evidence  
20 log.

21 Q Well, you have the photo log, so go ahead  
22 and compare it.

23 A Some of these do not have -- they don't have  
24 the evidence numbers on the back, so I won't be able  
25 to compare them to the log.

1 Q Well, let me ask you this: Which ones do  
2 you recognize as being from the crime scene?

3 A Again, I can't state by looking at the  
4 photograph that it's of this particular crime scene.

5 Q Do you know where any of those photographs  
6 were taken?

7 A No, sir, I do not.

8 Q Even generally?

9 A I'll repeat my answer if you want me to do  
10 so, sir. By looking at the photographs, without  
11 being able to compare them to our evidence and photo  
12 logs, I would not be able to state with certainty  
13 that these photographs were even at this crime scene,  
14 or where they are.

15 Q Well, you have the photo log in front of  
16 you, so have at it.

17 A None of these have --

18 THE COURT: Excuse me, sir. He's already  
19 said he doesn't have the number on the photo to  
20 compare.

21 A The ones that do have numbers on them are  
22 not photographs that I took. So obviously with the  
23 amount of -- there were other people at the scene  
24 taking photographs besides me. There were several  
25 other officers photographing the scene.

1           The rolls that I took have the letters J and  
2 H on them, and none of these have those letters on  
3 them, so I did not take any of these photographs.

4           Q       (By Mr. Chambers) So you don't know where  
5 they're from?

6           A       No, sir, I do not.

7           Q       On February 13th, you participated in a  
8 thorough search of that field?

9           A       The 13th we didn't -- I don't recall we  
10 searched the field. We searched the outbuildings  
11 around the Masters home. We searched the -- there  
12 were a number of irrigation ditches in that area, and  
13 we did an area search of the irrigation ditches and  
14 the surrounding area. We were basically expanding  
15 our search, out looking for evidence.

16          Q       There were numerous officers involved in  
17 that search?

18          A       That's correct.

19          Q       Are you saying that search did not include a  
20 thorough search of the field?

21          A       I don't recall that it did.

22          Q       Do you have your report with you?

23          A       If you want me to draw an assumption.

24          Q       No. Do you have your report with you?

25          A       I do have my report with me, yes.

1 Q Do you have page 183?

2 A Yes, I do.

3 Q Doesn't it say on there, I was assigned to  
4 investigators -- to assist investigators on this  
5 date?

6 A Sure.

7 Q Reference an area search around the homicide  
8 scene. I assisted numerous officers in checking the  
9 field.

10 A Yes, it does say that.

11 MR. CHAMBERS: That's all I have.

12 THE COURT: Questions?

13 REDIRECT EXAMINATION

14 BY MS. BLAIR:

15 Q Officer Swihart, did that entire field  
16 consist of soft dirt?

17 A I don't know that I could state that the  
18 whole thing did. You can see there appears to be  
19 some grassy area out there, and I can't testify to  
20 the texture of the dirt at every specific point in  
21 that field.

22 Q Do you recall any detectable footprints  
23 around the victim's body the first time you  
24 approached the body?

25 A No, I did not.

1 Q And does the quality of the footwear  
2 impression depend on the surface it's left in?

3 A I believe it would be, yes.

4 Q You were out in that field; is that correct?

5 A Yes.

6 Q Do you remember whether or not the surface  
7 around Peggy Hettrick's body was conducive to leaving  
8 footwear impressions?

9 A I don't recall.

10 Q And you testified that many of the  
11 footprints that were found in the field were marked;  
12 is that correct?

13 A Yes.

14 Q And do you recall whether or not the markers  
15 all identified easily distinguishable prints?

16 A Yes.

17 Q All of the markers were easily  
18 distinguishable prints?

19 A I need to qualify my answer there. I  
20 obviously did not see each of those prints up close.  
21 There were a number of markers in the field. The  
22 ones I took photographs of, I believed that they  
23 might have some evidentiary value.

24 Q But some evidentiary value is more than  
25 easily distinguishable footprints?

1           A     Right.  You also gather more evidence than  
2 you need.

3           Q     Do you recall how many of the footprints  
4 were actually cast?

5           A     Not -- no.

6           Q     You've testified there's a sidewalk, or I  
7 believe you made reference to a walk around Landings  
8 Drive.  Are you familiar enough with that area to  
9 testify as to whether or not there actually was a  
10 sidewalk there?

11          A     Yeah, I believe there was.

12          Q     Along the west curb line of Landings?

13          A     On the west side.

14          Q     You believe that there was?

15          A     I believe there was.

16          Q     Who first advised you that Officer Gonzales  
17 had spoken to Tim Masters?  And if you don't recall,  
18 I'd ask you to refresh your recollection by your  
19 witness report, or your incident report.  Excuse me.

20          A     Okay.

21          Q     Specifically page 4 of 5 on your first  
22 report, the second full paragraph.

23          A     Apparently, whoever asked me to talk to Tim  
24 wasn't aware that he had given a statement.

25          Q     Who did first advise you?

1           A       I believe Officer Gonzales advised me that  
2 he had already talked to him.

3           Q       Was that prior to Timothy Masters telling  
4 you that he had talked to Officer Gonzales?

5           A       I believe it was.

6           Q       The defense asked you about the berm between  
7 the body and the residence of Timothy Masters. Do  
8 you recall generally whether or not the Masters  
9 residence was elevated from where the body was found?

10          A       Yes.

11          Q       Can you describe that?

12          A       I believe the mobile home kind of sat on,  
13 like, a knoll, was at a higher elevation than where  
14 the body was located.

15                   MS. BLAIR: Thank you. No further  
16 questions, your Honor.

17                   THE COURT: Further questions?

18                                   RE CROSS-EXAMINATION

19 BY MR. CHAMBERS:

20          Q       I believe you said earlier that the pictures  
21 you took were on Roll J?

22                   MS. BLAIR: Your Honor, I'm going to object.  
23 This is outside of the scope of my redirect.

24                   MR. CHAMBERS: Not at all --

25                   THE COURT: The Court will allow it.

1 Q (By Mr. Chambers) Is that your testimony?

2 A Yes, I did state that.

3 Q And you testified that the photographs of  
4 footwear impressions that you took were photographs  
5 of easily identifiable footprints?

6 A I don't recall if that's exactly what I  
7 said, but I'm not sure what you want me to answer.

8 Q Well, was that your testimony?

9 A I don't recall without -- as far as  
10 verbatim, I don't know if that's what I said or not.

11 (Defendant's Exhibits I, J, K, L, and M  
12 were marked for identification.)

13 MR. CHAMBERS: Okay. If I may approach the  
14 witness.

15 Q (By Mr. Chambers) I'm handing you  
16 Defendant's I through M. Are all those photographs  
17 from Roll J?

18 A Yes, they are.

19 Q Do you recognize those as being photographs  
20 of the field?

21 A Yes. They appear to be -- they appear to be  
22 the condition of the field that day.

23 Q They're fair and accurate depictions of  
24 footwear impressions in that field?

25 A Yes.

1 MR. CHAMBERS: I'd move the admission of --  
2 if I can retrieve them so I can show them to the D.A.

3 A I'm not quite sure on this. It looks like  
4 it's a partial footprint, but it's kind of difficult  
5 to tell what it is. But, yeah, they appear to be  
6 what came off my roll.

7 THE COURT: Any objection?

8 MS. BLAIR: No objection.

9 THE COURT: I through M, is it?

10 MR. CHAMBERS: I through M, correct.

11 THE COURT: Received.

12 Q (By Mr. Chambers) Take a look at  
13 photograph I. Where is that photograph from?

14 A You're talking specifically?

15 Q Specifically.

16 A We took no measurements of where that was  
17 from any known point.

18 Q What's its orientation?

19 A I can't tell you what its orientation is  
20 either.

21 Q Take a look at J.

22 MS. BLAIR: Your Honor, this goes outside  
23 the scope of the redirect. I never got into any  
24 specifics.

25 THE COURT: You did ask generally about the

1       footprints.  He may inquire.

2           Q       (By Mr. Chambers)  J, where is that from?

3           A       That appears to be in the field, but I can't  
4       give you a specific location in the field.

5           Q       What's its orientation?

6           A       I can't give you that either.

7           Q       Can --

8           THE COURT:  Why don't you ask him for any of  
9       them.  I think you're wasting a lot of time.

10          Q       (By Mr. Chambers)  Do you know where any of  
11       those are from precisely?

12          A       No.

13          Q       Know the orientation of any of them?

14          A       No.

15          THE COURT:  Okay.  Thank you.  You may step  
16       down.  May the witness be excused?

17          MS. BLAIR:  Yes, your Honor.

18          THE COURT:  Okay.  You're hereby excused.  
19       Take your personal notes.

20          MR. CHAMBERS:  Subject to recall, please.

21          THE COURT:  Okay.  Are you going to be in  
22       town next week?

23          THE WITNESS:  Yes, sir, I will be in town.

24          THE COURT:  Okay.  We'll go ahead and take  
25       the morning recess at this time.  Please rise.

1 (A recess was taken from 10:55 a.m. until  
2 11:10 a.m.)

3 THE COURT: Please return the jury.

4 (The jury entered the courtroom.)

5 THE COURT: Please be seated. People may  
6 call their next witness.

7 MS. BLAIR: People would call Lieutenant  
8 Jack Taylor to the stand.

9 JACK TAYLOR,

10 called as a witness on behalf of the People, having  
11 been first duly sworn, testified as follows:

12 THE CLERK: Please be seated.

13 DIRECT EXAMINATION

14 BY MS. BLAIR:

15 Q Would you please state your name for the  
16 record and spell your last name.

17 A My name is Jack Taylor, T-a-y-l-o-r.

18 Q How are you currently employed?

19 A I'm a lieutenant assigned to the patrol  
20 division of the Fort Collins Police Services.

21 Q How long have you been a police officer?

22 A Since February 1st, 1982, just over 17  
23 years.

24 Q So you were employed with Fort Collins  
25 Police Services on February 11th 1987?

1           A       Yes, I was.

2           Q       And do you remember your assignment during  
3 that time frame?

4           A       Yes. I was a detective at that time; and  
5 during that particular day in that week I was the  
6 on-call detective.

7           Q       All right. Do you recall being requested to  
8 respond to the area of Boardwalk and Landings during  
9 the morning hours of February 11th, 1987?

10          A       Yes, I was called there.

11          Q       Do you recall the approximate time that you  
12 were requested to respond?

13          A       It was just after 7 a.m., 7:13, 7:14,  
14 somewhere in there. I was at the Fort Collins Police  
15 Department and heard the call aired on the radio and  
16 was notified by dispatch also to respond.

17          Q       What did you do?

18          A       As the on-call investigator, started toward  
19 the scene. Some of the things I was hearing on the  
20 radio already sounded like we had a serious incident,  
21 so as I was en route to the scene, I asked dispatch  
22 to page other detectives for assistance, went to the  
23 scene, met with Officer Mike Swihart, who was on  
24 scene at the time.

25          Q       What did you observe with respect to the

1 crime scene upon your arrival there?

2 A What I observed was -- I talked to Mike, and  
3 he said that there was -- that they had already been  
4 out and checked it. This person was deceased. And I  
5 was able to see from standing in the street that  
6 there was a body in the 3800 block of Landings Drive,  
7 west of the curb line there, out in the field a ways  
8 there was a body laying out in the field.

9 Q Do you recall approximately what direction  
10 the body was facing?

11 A Yeah. The head was facing to the north or  
12 northwesterly direction. The feet were to the south,  
13 or a little bit to the southeast.

14 Q And did you recall anything else of note  
15 with respect to the positioning of the body itself?

16 A From the street it was a little hard to see;  
17 but I remember as we finally moved out there, that  
18 the hands were in a spread-out position, not to  
19 either side, but above the head. And the feet were  
20 together, but slightly spread. The clothing had been  
21 pulled down. The pants had been pulled down, like,  
22 to the knees. And the upper coat and shirt and bra  
23 had been pulled up over the top of the breasts and  
24 around the top of the neck area.

25 Q And did you observe any blood in the area?

1           A       Yes, I did. Right there in the 3800 block  
2 of Landings Drive along the curb there was a pretty  
3 good pool of blood right in that area; and then I  
4 could see blood in the dirt, where it looked like  
5 something had been drug out into the field. So I  
6 could see blood in both those places even from the  
7 road.

8           Q       Did you make any other observations with  
9 respect to the blood pool at the curb?

10          A       I noticed that there was a cigarette laying  
11 in the blood pool, and it wasn't -- it wasn't -- the  
12 blood didn't cover the cigarette, but the cigarette  
13 had been there after the blood had been there,  
14 because the cigarette was on top of the blood.

15          Q       Did you make any other observations with  
16 respect to that cigarette?

17          A       I don't know if it was right at that time,  
18 but later when investigating it, determined it was a  
19 Merit brand cigarette.

20          Q       Was it a butt? Was it an entire cigarette?

21          A       No, it was about halfway smoked, say, had  
22 just been lit. It wasn't all the way down to the  
23 filter. It appeared that it had been extinguished  
24 either, what we observed at the time, by the blood  
25 soaking it up, or something, but it hadn't been

1 stepped on or put out any other way.

2 Q What did you direct to be done with respect  
3 to preserving the crime scene upon your arrival?

4 A Well, we secured off the area. Even the  
5 chief of police had been on his way to work that  
6 morning, and he took an intersection and just blocked  
7 it off. We secured as well as we could a perimeter  
8 area in order not to destroy any potential evidence.

9 With the assistance of other investigators,  
10 we started doing photographs for the lab technician  
11 and another investigator, photographing the entire  
12 area and anything that may have been of trace  
13 evidence, value, making sure that wasn't destroyed,  
14 but the primary thing was to get photographs done.

15 Q Was there also a videotape taken of the  
16 crime scene, as far as you can recall?

17 A I think there was. I think the lab  
18 technician, Shanahan, took videotapes.

19 Q You testified a little bit earlier that at  
20 some point you did approach the body; is that  
21 correct?

22 A Yes.

23 Q When did you do that?

24 A I want to say I got there shortly after I  
25 got the call, so there by 7:30 time. I think it was

1 around 9 o'clock before I actually approached the  
2 body. And I went out with Officer Mike Swihart, who  
3 had been out previous with Ed Felty. They had been  
4 the only two out there. They went by the same path.

5 Swihart and I and Richard Shockley and the  
6 coroner, the four of us went out together, so it was  
7 a little bit after 9 a.m.

8 Q And what did you observe with respect to the  
9 body once you were closer to it?

10 A Again, as I've described earlier, the  
11 clothing had been pulled up and pulled down on,  
12 obviously, the deceased person; and I think the most  
13 noticeable thing was on the left breast there had  
14 been tissue removed. I remember at the time that  
15 Dr. Allen made the comment to me that this had to  
16 have taken place after death because there was no  
17 bleeding from it.

18 Q You've testified that this was a deceased  
19 person; a female, I'm assuming, by your description  
20 of the breast area; is that correct?

21 A Yes.

22 Q Any other descriptors about the female  
23 herself?

24 A Well, I know a lot about her from that time,  
25 but I'd say approximately 5 foot 4 in height, slim

1 build, reddish hair. She had a purse on her arm.

2 Small type female person, late 30s.

3 Q Did anyone, upon approaching the body, take  
4 photos?

5 A Yes. Well, in addition to the photographs  
6 we had taken, Richard Shockley had been taking photos  
7 as we were approaching the body.

8 Q Were you able to determine the identity of  
9 this woman?

10 A Yes. We'd taken some articles from her  
11 purse. I think a library book and maybe a checkbook  
12 or check stub or checkbook had the name Peggy Lee  
13 Hettrick on it. We were able to verify this person  
14 was, in fact, Peggy Lee Hettrick.

15 Q Who actually was the one to go into her  
16 purse and look at these items?

17 A I believe Dr. Allen was the one that pulled  
18 the items from the purse.

19 Q You've testified that there were various  
20 photographs taken by not only the Fort Collins Police  
21 Department, but a few by the coroner's office as  
22 well. Did these photographs include aerial  
23 photographs?

24 A Yes. And aerial not in taking from an  
25 airplane, but we had the fire department come out and

1 run their cherry picker or big boom up and took  
2 pictures from that so we could get a view from there.

3 Q Have you had an opportunity to review the  
4 photographs taken by various police officers in  
5 connection with this investigation?

6 A Yes, I have.

7 MS. BLAIR: Your Honor, may I approach the  
8 witness?

9 THE COURT: You may.

10 Q (By Ms. Blair) Lieutenant Taylor, I hand  
11 you a series of photographs marked for identification  
12 purposes as People's Exhibits 15 through 26. I'd  
13 like to begin with People's Exhibit 15 and ask you  
14 what that photograph depicts.

15 A This is a photograph of Peggy Lee Hettrick  
16 on the morning of February 11th, 1987, as she lay  
17 deceased in a field in the 3800 block of Landings  
18 Drive.

19 Q And People's Exhibit 16?

20 A This is a photograph of the west curb line,  
21 3800 block of Landings Drive, the pool of blood on  
22 the edge of the roadway and onto the curb going into  
23 the field; and the cigarette butt you see laying  
24 there is the Merit cigarette that, like I said, was  
25 about halfway smoked.

1 Q And for the record, I am showing  
2 simultaneously a slide of the photographs that you're  
3 describing. If at any time the slide that's up there  
4 is different than the one you're addressing, please  
5 let me know.

6 A Okay.

7 THE COURT: And, likewise, I think you have  
8 a pointer there, if you wish to point out on the  
9 blowup there what you're talking about, please do so.

10 Q (By Ms. Blair) People's Exhibit 17, what  
11 does that depict?

12 A There is, again, a pool of blood along the  
13 curb line. And what this is, is from the aerial shot  
14 and, again, showing the blood along the curb and the  
15 blood going out into the field and, again, the  
16 cigarette laying right here along the curb.

17 Q There's been some previous testimony with  
18 respect to whether or not a sidewalk exists on the  
19 west curb line of Landings Drive. Are you familiar  
20 with that area?

21 A Yes.

22 Q And I want to talk about the area as it  
23 existed in February of 1987. Do you recall whether  
24 or not there was a sidewalk there?

25 A No. At that time there was no sidewalk.

1 The only place that it was cement along the road was  
2 I think a little bit further to the north, which is  
3 not visible in this photograph. There was a sewer  
4 cover, a manhole cover, and cement around that, but  
5 otherwise there was no sidewalk in that area at that  
6 time.

7 MS. BLAIR: May I approach the witness  
8 again, your Honor?

9 Q (By Ms. Blair) Lieutenant Taylor, if you  
10 would come out of the witness stand so we can  
11 approach the jury.

12 THE COURT: It's real important when you do  
13 testify, you talk towards the jury so they can hear  
14 you.

15 THE WITNESS: Okay.

16 Q (By Ms. Blair) First of all, for the  
17 record, you are looking at a diagram that has been  
18 marked for identification purposes as People's  
19 Exhibit 2. What generally does that exhibit depict?

20 A This shows the area of Boardwalk Drive and  
21 the 3800 block of Landings Drive. And this is the  
22 first time I've seen this one, but I can show you  
23 that there's -- I would bet that this indicates the  
24 blood trail or the drag trail where the body was  
25 drug, and the body was laying right here.

1 Q Does it depict the drag trail as you recall  
2 it in February of '87?

3 A Yes.

4 Q And does this diagram also indicate the  
5 manhole cover that's been testified to?

6 A Yes. The manhole cover is shown right here,  
7 actually to the south of the drag trail, but I don't  
8 know what the scale is here. 1 inch is 30 feet, so  
9 it's probably about 60 feet, approximately.

10 Q Okay. Thank you. You may resume the  
11 witness stand.

12 With respect to People's Exhibit 17, is  
13 there a section from where the blood pool exists, to  
14 the far right side as you face the photograph, that  
15 does not have any blood in it?

16 A It appears to be that there's a gap right  
17 here, and there's a small gap right here that there  
18 is no blood.

19 Q All right. Thank you.

20 People's Exhibit 18, what does that depict?

21 A This is a photo of Peggy Hettrick laying in  
22 a field, some of the distinguishing stuff that we  
23 noticed as we approached, and that was the scrapes on  
24 the right side of the face here. And Dr. Allen made  
25 the comment to me about the scrape appearing to be in

1 an upward motion.

2 Again, the position of her hands, the purse  
3 on her side there, and not visible is the nipple  
4 having been removed. The coat kind of covers -- or  
5 the picture doesn't show it real well from that  
6 particular angle.

7 Q And People's Exhibit 19, what does that  
8 depict?

9 A Again, this is an aerial view. Down on the  
10 bottom here we have a picture of the blood pool,  
11 pretty distant, so you're not able to see the  
12 cigarette butt in it, but you can see the blood pool  
13 along the curb, the short gaps of blood, the blood  
14 again, and going along here the trail where the body  
15 was drug out into the top of the picture, it ends  
16 there. Again, a gap of no blood and then the blood  
17 continuing out here.

18 Q So with respect to People's Exhibit 19,  
19 there's a fairly substantial portion of that area of  
20 the drag trail that has absolutely no blood in it; is  
21 that correct?

22 A That's correct.

23 Q And People's Exhibit 20? You don't have  
24 that one yet.

25 MS. BLAIR: May I approach, your Honor?

1 Q (By Ms. Blair) What is People's Exhibit  
2 20?

3 A People's Exhibit 20 is, again, an aerial  
4 view. It's actually two photographs that were taken  
5 that have been put together, and they were put  
6 together in one piece on this one that I have here.  
7 This, again, represents and is an actual photograph  
8 of the aerial view.

9 If you would be standing down in this area,  
10 it would be Landings Drive. Again, you have the drag  
11 trail leading out to the body, the small irrigation  
12 ditch that runs around to the west of the body.

13 Q And with the exception of a small portion  
14 right next to the curb line, does People's Exhibit 20  
15 depict most of the drag trail as it existed in  
16 February of '87?

17 A It does.

18 Q And People's Exhibit 21, what does that  
19 appear to be?

20 A Again, 21 is a combination of three  
21 photographs placed together that show a portion of  
22 the drag trail. And, in particular, kind of  
23 difficult to see maybe from a distance, but there is  
24 a shoe print right here that has a red Number 2 by  
25 it, but that's a shoe print right in the drag trail.

1 Q And was that print cast, as far as you know?

2 A I believe it was.

3 Q I'm going to have you refer to People's  
4 Exhibit 21 -- excuse me, I forgot about this one.  
5 This is People's Exhibit 21. What does that depict  
6 differently from the prior slide?

7 A This is simply an enlargement of that  
8 footprint with the Number 2 that was taken from the  
9 drag trail.

10 Q And does the enlargement fairly and  
11 accurately depict the footprint as it appears in that  
12 photograph?

13 A Yes, it does.

14 Q This is People's Exhibit 23. What does it  
15 depict?

16 A Again, this is a photograph of the victim,  
17 Peggy Hettrick, after we'd covered her with a sheet  
18 and before she had been removed, laying out in the  
19 field, 3800 block of Landings; again, the drag trail  
20 coming down and going back to, but not showing, the  
21 curb line of Landings Drive.

22 Q There was a portion of this photograph that  
23 appears to clearly depict a dragging track. Does  
24 that drag mark appear throughout the drag trail? Do  
25 you recall?

1           A       No.  And I don't know if the -- the  
2 terrain's a little bit different.  It's a little more  
3 bushy here and maybe a little bit more hard packed,  
4 and the dirt down in this area is a little bit  
5 softer.

6                    It shows the impression left dragging there,  
7 but once it got into the different -- so I don't know  
8 if the soil here had been recently turned along the  
9 road or what, but it was a softer, sandier type of  
10 soil than where the body was actually left.

11           Q       Can you see any furrows in the dirt after  
12 the point in which the blood starts again?

13           A       Pretty visible furrows down here, but not  
14 nearly so visible up here.  And I don't recall there  
15 being the impressions left in the dirt in this area  
16 that there was -- that is obvious down here.

17           Q       When you say impressions, are you talking  
18 about footwear impressions?

19           A       Yeah.  To me, when I looked at this, was the  
20 heel being drug along there.

21           Q       Okay.  And People's Exhibit 24, what does  
22 that depict?

23           A       Number 24 is the back of Peggy Hettrick.  
24 And there was, when we placed a sheet under her, we  
25 rolled her over, and we were trying to determine now

1 the cause of death; and it was obvious, she had a  
2 large wound in her left rear shoulder blade area.  
3 This is her back, this is her bra, this is her shirt,  
4 and her coat around her, and it shows the wound.

5 Q Okay. People's Exhibit 25, what does that  
6 depict?

7 A This is a close-up of Peggy as she laid  
8 there on the ground. I don't specifically remember  
9 why we had the tape measure in the picture for  
10 measurement, but we were trying to show what she  
11 looked like laying there. And I think we were really  
12 trying to show that she did have a scrape on her  
13 face, the condition of her clothing at the time, and  
14 the location of her clothing at the time.

15 Q And People's Exhibit 26, what does that  
16 depict?

17 A This is a close-up of Peggy. And, again, we  
18 were trying to highlight here the wound on the left  
19 breast, and the breast had been removed, and this is  
20 as she's still laying out there in the field.

21 Q And this is People's Exhibit 22. And this  
22 is the one that was taken a little bit out of order.  
23 What does that depict?

24 A This photograph was taken after Peggy had  
25 been removed. And what we had done is we had laid a

1 tape measure in the drag trail, and we were measuring  
2 the distance, and this is part of -- the city  
3 engineering were creating the drawing and everything,  
4 so we had done that.

5 I'm standing out here in the field where the  
6 body was, and what we had done previous to this  
7 photograph being taken is actually myself and one  
8 other investigator pretty much crawled on our hands  
9 and knees, and we had placed flags along anything  
10 that may be evidentiary in value to the case,  
11 anything we could see that might be an impression in  
12 the dirt: A footprint, a piece of paper, a cigarette  
13 butt, anything, because we didn't know what we had,  
14 so anything we saw along there we put a flag by.

15 And some of the flags would be, then, for --  
16 and there might be right there, the white piece. We  
17 would say, Okay, here's a footprint. Then we would  
18 direct somebody to go and cast that footprint.

19 I don't recall without getting real specific  
20 as far as what each flag shows, but I can tell you  
21 that there's another white that I believe is probably  
22 another footprint. So anything -- I mean, we found  
23 pieces of trash from Taco Bell, we put a flag by it.

24 Q So the flags do not only depict footprints  
25 in that area?

1 A No.

2 Q And what are the white squares that appear  
3 along the drag trail?

4 A Like right here?

5 Q Yes.

6 A That's a casting -- a plaster cast of the  
7 footprint.

8 Q All right. Do all of the photographs that I  
9 handed you and that you testified to, do they all  
10 fairly and accurately depict different portions of  
11 the crime scene as it existed in February of 1987?

12 A Yes, they do.

13 MS. BLAIR: At this time I would move for  
14 the admission of People's Exhibits 15 through 26.

15 MR. FISCHER: No objection.

16 THE COURT: Received.

17 Q (By Ms. Blair) Were other officers  
18 processing the west curb area of Landings Drive?

19 A There were a number of officers involved.  
20 Detective Sherri Wagner was there; Detective Hal  
21 Dean; Detective Bob Foster was taking photographs;  
22 Francis Gonzales, I think; Detective Dodd; and Pete  
23 Baker, I don't remember if he was an officer or  
24 Detective. I think the two of them did a lot of the  
25 casting of the footprints.

1           Q       Are you aware of an item having been  
2 collected from the blood pool at the west curb of  
3 Landings Drive?

4           A       The only item I'm aware of is the Merit  
5 cigarette collected from the blood pool.

6           Q       Who collected that item?

7           A       I'm not sure if I picked that one up myself  
8 or if another investigator picked it up, but it was  
9 turned over to me as a primary lead. I handled all  
10 the evidence of the case, was made aware of it, and  
11 logged it in.

12                   MS. BLAIR: May I approach the witness, your  
13 Honor?

14           Q       (By Ms. Blair) Lieutenant Taylor, I've  
15 handed you what's been marked for identification  
16 purposes as People's Exhibit 52. Do you recognize  
17 this item?

18           A       I recognize the bag to start with, because  
19 on this bag has my initials, has the number JT, Jack  
20 Taylor, 26, which tells me I logged this into  
21 evidence as item number 26. In my handwriting on  
22 here it says, Merit cigarette butt repackage on 2/20  
23 of '87, contents of butt and original package. So I  
24 know that I packaged that.

25           Q       Have you been able to verify since it was

1 originally packaged that the Merit cigarette butt is  
2 still contained within that sack?

3 A Yes.

4 Q Is that the cigarette butt that was pulled  
5 from the blood pool next to the west curb line of  
6 Landings Drive?

7 A Yes. And contained within this bag is  
8 actually the original bag -- has my initials on it  
9 again, JT-26, dated 2/11/87, and the case number on  
10 this incident, Fort Collins Case 87-2241. When I  
11 look at this package, it also tells me this was  
12 obtained from Hal Dean, because it has a number  
13 HD-26.

14 Q Okay. Did your investigation of this murder  
15 reveal whether or not Peggy Hettrick smoked  
16 cigarettes?

17 A Yes.

18 Q And are you aware of what brand she smoked?

19 A She smoked Merit brand cigarettes.

20 Q Is that the brand of cigarette that you  
21 collected on that morning?

22 A Yes, it is.

23 Q Did you determine how many feet from the  
24 west curb of Landings Drive Miss Hettrick's body was  
25 found?

1           A       Yes, we did. I'm going to have to say from  
2 memory that I think it was 89 feet in a straight  
3 line, but it was 120 feet as you follow the drag  
4 trail.

5           Q       Could it have been 103 feet?

6           A       Yeah, it could have been. I know it was  
7 over 100 feet.

8           Q       And the actual drag was longer than as the  
9 crow flies?

10          A       That's correct.

11          Q       What did you do after processing the crime  
12 scene on February 11th, 1987?

13          A       One of the things I did was, besides meeting  
14 with other investigators, I attended the autopsy that  
15 took place around 4 o'clock that afternoon in  
16 Loveland. And that autopsy was conducted by  
17 Dr. Allen.

18                 MS. BLAIR: May I approach the witness, your  
19 Honor?

20          Q       (By Ms. Blair) What was your role during  
21 the autopsy?

22          A       Just as the investigator. I was there to  
23 preserve the chain of evidence and collect the  
24 clothing, gather any information that I could which  
25 would aid in the investigation of this incident.

1 Q Do you recall whether or not you observed  
2 the bottom of the victim's boots either at the scene  
3 or during the autopsy?

4 A Yes. I certainly looked at her feet and the  
5 bottom of her shoes at the scene and, again, at the  
6 autopsy.

7 Q I previously handed you photographs marked  
8 for identification purposes as People's Exhibits 27  
9 and 28. Do you have those photos in front of you  
10 now?

11 A Yes, I have both.

12 Q With respect to People's Exhibit 27, what  
13 does that depict?

14 A People's Exhibit 27 is the body of Peggy  
15 Hettrick, the same clothing, position as we found it  
16 in the field as it laid on the table for the autopsy  
17 to be conducted in the coroner's office in Loveland.

18 Q And with respect to People's Exhibit 28,  
19 what is it?

20 A People's Exhibit Number 28 is the bottom of  
21 her right boot.

22 Q And what, if anything, did you note of  
23 evidentiary interest with respect to the bottom of  
24 that boot?

25 A I noticed that the track of this boot was

1 not the same as the tracks that I had seen at the  
2 scene. As far as evidentiary value, there was, along  
3 the top of the heels, there was dirt along the edge  
4 of that, in between the heel and the sole.

5 Q And were there striations on the sole of  
6 either her right or left boot?

7 A There appears to be striations on the sole  
8 of this right boot. Yes, you can see them right  
9 there.

10 Q Were those striations found on the other  
11 boot as well?

12 A I don't remember that they were, and I don't  
13 see the visible markings on this boot like it's  
14 obvious on this boot.

15 Q Do People's Exhibits 27 and 28 fairly and  
16 accurately depict the soles of those boots as you  
17 recall seeing them in February of 1987?

18 A Yes.

19 Q I have handed you two paper sacks, the first  
20 of which has been marked for identification purposes  
21 as People's Exhibit 29.

22 A Okay.

23 Q Do you recognize that item?

24 A Yeah. On this sack I have marked JT, Jack  
25 Taylor, Number 69, Fort Collins Police Case 87-2241,

1 my initials, JMT, because my middle name starts with  
2 an M, and I put on that bag, jeans and 2/11/87.

3 Q I don't have a picture of those.

4 A Okay.

5 Q Would you go ahead and open People's Exhibit  
6 29 and show the jury what it contains. And I did not  
7 bring a scissors.

8 THE COURT: I think we should have some.

9 A (The witness cut open the evidence.) Do you  
10 want me to take them out?

11 Q (By Ms. Blair) Yes, I do. What are those?

12 A These are the jeans worn by Peggy Hettrick  
13 at the time of her death. And inside on the pocket,  
14 I've got, again, Fort Collins Police Case; JT-69; and  
15 the date, 2/11/87; and my initials, JMT.

16 MR. FISCHER: If it will speed things up, we  
17 don't have any objection to the chain of evidence on  
18 all this stuff. He doesn't have to testify to all  
19 this if he doesn't have to.

20 THE COURT: Proceed as you deem appropriate.

21 Q (By Ms. Blair) What condition are those  
22 jeans in that you notice?

23 A Bloody and slightly soiled.

24 Q And there are holes in the blue jeans. Did  
25 you place those holes there?

1           A       No, I did not, but they have been sent to  
2 various labs for analysis.

3           Q       And were those holes in the jeans when you  
4 collected them in February of 1987?

5           A       No, they were not.

6           Q       If you want to go ahead and put those back  
7 in the bag.

8           A       (The witness complied.)

9           Q       Hopefully the next sack that I handed you  
10 has been marked for identification purposes as  
11 People's Exhibit 30. If it hasn't, let me know.

12          A       It has.

13          Q       If you would, please, just look first at the  
14 outside of that item and testify as to what you  
15 recall in receiving that item.

16          A       I would say that this one has been  
17 repackaged, said it had been repackaged Marsha Reed  
18 11/27, 1996.

19          Q       What does that sack contain?

20          A       It says on here right boot of the victim.

21          Q       Go ahead and take that out.

22          A       Again, it's marked JT-70, daytime case  
23 number, and says right boot on it.

24                 MS. BLAIR: May I approach again, your  
25 Honor?

1 Q (By Ms. Blair) People's Exhibit 31, what  
2 is that?

3 A 31 is indicated on the package left boot of  
4 the victim.

5 Q And do you recall collecting both of those  
6 items from the victim at the time of the autopsy?

7 A Yes. Again, the inner bag is marked with my  
8 initial, date and time collected.

9 Q And People's Exhibit 33, do you find that  
10 there?

11 A Sorry.

12 Q That's all right. What is People's Exhibit  
13 33?

14 A People's Exhibit 33 is the bra worn by Peggy  
15 Hettrick at the time of the homicide.

16 Q And we saw some photographs of the back of  
17 the victim, that it appeared that the bra was red.  
18 What color is that item?

19 A I'd say it's an off-white color.

20 Q And the condition of that item?

21 A Soiled on the back. The bra appears to be  
22 in good shape otherwise. I had marked it as JT-74 on  
23 the strap. I know it's the same one, but it seems to  
24 be in good repair other than soiled on the back with  
25 the blood.

1 Q So the soil is blood?

2 A Yes.

3 Q Okay. And People's Exhibit 34.

4 A 34 from the outside of the bag, my markings  
5 again as JT-75, and it says earrings. And it  
6 contains the two earrings that were worn by Peggy  
7 Hettrick at the time of her death.

8 Q All right. Thank you. And People's Exhibit  
9 36 -- excuse me, 35. I'm ahead of myself. Do you  
10 have that one up there, 35?

11 A I have 35. In my writing on here I've  
12 indicated this is her blouse, JT-76.

13 Q Would you go ahead and remove that out of  
14 your sack. Did you mark that item with any  
15 identifying marks?

16 A I have to look on this one. I don't -- I  
17 don't see any of my markings on here. There's  
18 initials on here, but I don't see mine. Oh, yes, I  
19 did. On the tag inside of here is JT-76.

20 Q All right. And there appears to be a  
21 darkened portion of that item. What is that?

22 A That's the area that was blood soaked on it.

23 Q All right. You can go ahead and put that  
24 back in the bag. Well, there appears to be some  
25 holes in that item as well. Was that sent in for

1 further analysis?

2 A Yes. Again, it was done by the labs, not by  
3 us.

4 Q Okay. And People's Exhibit 36.

5 MS. BLAIR: May I approach, your Honor?

6 THE COURT: You may.

7 Q (By Ms. Blair) What is People's Exhibit  
8 36?

9 A 36. My marking on the outside of the bag  
10 indicates these were her panties that were worn that  
11 day.

12 Q And were they blood-soaked as well?

13 A I'm sorry, I didn't hear.

14 Q Did they have blood soaking on them as well?

15 A I'm going to have to look. I want to make  
16 sure. Yes, they do. And I had marked the inside  
17 waistband as JT-77.

18 Q Just hold up the area that's soaked for the  
19 jury to see.

20 A (The witness complied.)

21 Q Thank you. There also appears to be holes  
22 taken out of that. I'm assuming that was for further  
23 analysis as well?

24 A Yes, it was.

25 Q Okay. People's Exhibit 37 and 38.

1           A       37 is the left sock.

2           Q       Is there any blood soaking all the way down  
3 to the socks?

4           A       Yeah. This looks like blood right on this  
5 sock here, and this was marked on the very top on the  
6 opposite side with a JT, because there wasn't a tag  
7 on the socks.

8           Q       And People's Exhibit 38 is the right sock  
9 that looks, I would assume, similar to 37?

10          A       That's what the bag indicates. I'll cut it  
11 open. That's what I put in here originally; again,  
12 the sock from the right foot.

13          Q       All right. And there are, as well, holes  
14 out of those items for further testing?

15          A       Yes.

16          Q       People's Exhibit 39. What is that item?

17          A       This item, I can tell from looking here, is  
18 the coat worn by Peggy Hettrick at the time, a fairly  
19 heavy wool jacket, and --

20          Q       Are you able to find the stab hole in the  
21 back?

22          A       Yeah. Right here.

23          Q       And did the blood soak through the coat as  
24 well?

25          A       Yes. The blood did. This has the inner

1 liner, and the inner liner is soaked with blood.

2 Q Thank you. Do you have People's Exhibit 40?

3 A Yes, I do.

4 Q What is that?

5 A I think you've given me an empty bag. There  
6 it is. People's Exhibit 40 is a necklace.

7 Q Which jewelry was Peggy Hettrick wearing  
8 when her body was found?

9 A She had earrings, a bracelet, necklace. I  
10 think that was all. And I had marked this one --  
11 this is like a St. Christopher's metal. I marked it  
12 on the back of the pendant with my initials, JT.

13 MS. BLAIR: Thank you. Your Honor, at this  
14 time I would move for the admission of People's  
15 Exhibits 27 through 40.

16 MR. FISCHER: No objection, your Honor.

17 THE COURT: Received.

18 MS. BLAIR: And People's Exhibit 52, which  
19 is the Merit cigarette butt.

20 MR. FISCHER: No objection.

21 THE COURT: Received.

22 MS. BLAIR: Actually, your Honor, there is  
23 an exhibit in there that has not yet been testified  
24 to that will be brought in later.

25 THE COURT: Right. It should be Exhibits 27

1 through 31 and 33 through 40.

2 MS. BLAIR: Thank you, yes. And 52.

3 THE COURT: And 52.

4 Q (By Ms. Blair) When did you, as the lead  
5 investigator in this case, become fully aware of the  
6 extent of the injuries inflicted on Peggy Hettrick's  
7 body?

8 A When Dr. Allen and I examined the body out  
9 there and rolled her over and saw the large stab  
10 wound to the back. I think he made a comment to me  
11 that it probably resulted in death in five minutes or  
12 less.

13 Q So as you observed the body in the field,  
14 you saw the stab wound to the back and what other  
15 injuries?

16 A Scrape on the face and stab wound to the  
17 back and the removal of the nipple. That was the  
18 only obvious injuries at the scene.

19 Q At the autopsy, did you become aware of any  
20 additional injuries or mutilation to the body of  
21 Peggy Hettrick?

22 A Yes. Dr. Allen pointed out during the  
23 autopsy that around the vaginal area there had been  
24 some cutting there and there had been some skin  
25 removed.

1 Q Did you assist in conducting a search of the  
2 Masters residence on February 12th, 1987?

3 A Yes, I did.

4 Q Do you recall who else was present during  
5 that search?

6 A Again, a number of people in and out. At  
7 the time, Detective James Broderick was there,  
8 Detective Hal Dean were in and out for a bit, Officer  
9 Gil Tellez. I think our lab technician, Bruce  
10 Shanahan at the time, did some work for us.

11 Q Were certain items seized during the search  
12 of that home and given to you as the lead  
13 investigator?

14 A Yes, they were.

15 MS. BLAIR: May I approach, your Honor?

16 THE COURT: You may.

17 Q (By Ms. Blair) Lieutenant Taylor, I handed  
18 you a sack that contains a sack because it has been  
19 repackaged, and it is marked for identification  
20 purposes as People's Exhibit 41. Can you tell the  
21 jury whether or not you recognize this item?

22 A First off, by looking at the bag, I have  
23 marked here JT-90 and the date that I logged it into  
24 evidence. And one particular thing on this, I wrote  
25 in my writing -- meaning, to me, I got it from Gil

1 Tellez. And I had Gil draw a picture on it -- he had  
2 gotten this in the kitchen -- and the date and time  
3 he had collected it.

4 Q So there's a diagram actually on the sack  
5 indicating where it was located?

6 A Yes.

7 Q And what is that item?

8 A The diagram on the --

9 Q No, what is the item?

10 A Oh, this is actually a death certificate,  
11 and it doesn't have -- it's only a photocopy of a  
12 death certificate, doesn't have the actual name on  
13 it, but it indicates on here the informant on this  
14 information was Clyde Masters, husband -- husband of  
15 the deceased. So I would assume that that would mean  
16 this would be for Mrs. Masters, who is the mother.

17 MR. FISCHER: I'm going to object to any  
18 assumption being made by this officer as to what it  
19 means and what it was for.

20 THE COURT: Objection sustained.

21 Q (By Ms. Blair) What is the date of death  
22 indicated on that document?

23 A February 12th, 1983.

24 Q You said it was a photocopy, but there's  
25 actually two items that you are holding. What are

1 those?

2 A Two photocopies.

3 Q Of the same item?

4 A They appear to be of the same item.

5 Q The photographs that we had -- that's all  
6 the questions I have with respect to that item.

7 The photographs that we have discussed and  
8 viewed depict a fairly large handbag or purse on the  
9 victim's left shoulder when her body was discovered.  
10 What, if anything, was done with respect to that  
11 item?

12 A At the time that we removed Peggy Hettrick's  
13 body from the scene, I carried the purse over the  
14 curb line. I gave it to either Sherri Wagner or Hal  
15 Dean at the time, and asked them to inventory the  
16 contents of it to see if there was any information  
17 contained within it that, again, would assist in the  
18 investigation of the case.

19 MS. BLAIR: May I approach the witness, your  
20 Honor?

21 Q (By Ms. Blair) I've handed you what's been  
22 marked for identification purposes as Exhibit 42. Do  
23 you recognize that item?

24 A The contents indicate it's the victim's  
25 purse. I'll cut into it. This is the purse that was

1 carried by Peggy at the time. I marked on the hand  
2 strap of it JT-41, indicating that I logged it in,  
3 and it was that number.

4 Q Who inventoried the contents of that purse?

5 A It was either Sherri Wagner or Hal Dean.

6 Q And if items of evidentiary value were  
7 located, were they then collected and given to you to  
8 log into evidence?

9 A Yes.

10 MS. BLAIR: May I approach again, your  
11 Honor?

12 THE COURT: You may.

13 Q (By Ms. Blair) I've handed you what's been  
14 marked as People's Exhibit 43. Do you recognize that  
15 item?

16 A Yeah. This was item number JT-45, and  
17 indicated on here is a note to Matt from Hettrick.

18 Q And is that what is contained within that  
19 sack?

20 A Actually on one side of this it is a coupon  
21 from Tempting Creations. It says, Great two for one  
22 dinners. And on the reverse side is a handwritten  
23 note.

24 Q And are there any identifying  
25 characteristics showing that you collected that item?

1           A       Yeah. On the backside that was the Tempting  
2 Creations note, I wrote JT-45 and my initials, JMT.

3           MS. BLAIR: Thank you. Your Honor, I have  
4 no further questions of this witness at this time. I  
5 would move for admission of People's Exhibits 41 and  
6 42 and 43.

7           THE COURT: Any objection to 41, 42, 43?

8           MR. FISCHER: I'd just like to see 43 again  
9 real quickly.

10          THE COURT: Okay.

11          MR. FISCHER: But no objections to 41 or 42.

12          (Mr. Fischer reviewed an exhibit.) No  
13 objection.

14          THE COURT: Received.

15          MS. BLAIR: That concludes my direct  
16 examination now.

17          THE COURT: Okay. We'll go ahead and take a  
18 recess until 1:30, ask that you be back at 1:30.  
19 Leave your items in the jury room. Please note the  
20 admonitions not to discuss the case or talk to anyone  
21 about the case. We'll be in recess until 1:30.

22          (A recess was taken from 12:05 p.m. until  
23 1:30 p.m.)

24          THE COURT: People ready to proceed?

25          MS. BLAIR: Yes, your Honor.

1 THE COURT: Defense ready?

2 MR. FISCHER: We are, your Honor.

3 THE COURT: Please return the jury. Remain  
4 standing as the jury returns.

5 (The jury returned to the courtroom.)

6 THE COURT: We'll be continuing at this time  
7 with the defense examination. Do you understand  
8 you're still under oath, sir?

9 THE WITNESS: Yes, sir.

10 CROSS-EXAMINATION

11 BY MR. FISCHER:

12 Q Good afternoon, Lieutenant.

13 A Good afternoon.

14 Q Just so we're clear, you were a detective in  
15 1987; is that correct?

16 A Yes, sir, I was.

17 Q And when you arrived at the scene, you then  
18 became the lead detective on the case?

19 A Yes, sir.

20 Q So at that point it becomes your job to, I  
21 guess, not only disburse the other officers to do  
22 specific duties, but, in fact, to try to gather all  
23 the evidence they bring to you as well?

24 A That's correct.

25 Q Okay. Lieutenant, can you remember, did you

1 take a temperature reading that February morning?

2 A I know the thermometer was placed, or I had  
3 one caused to be placed, and I remember in my  
4 report -- and I want to say it was around 8:30 that  
5 morning we recorded a temperature.

6 Q That was about 39 degrees?

7 A Yes, sir.

8 Q Okay. Now, what time did you arrive at the  
9 scene that morning?

10 A Somewhere between 7:15 and 7:30. I was at  
11 the Fort Collins Police Department, which is on the  
12 north end of town, drove to the south end of town.

13 Q Okay. And as soon as you arrived, you  
14 basically stopped everything and had everybody start  
15 taking photos for about a half an hour?

16 A Yeah. At least half an hour, sir.

17 Q Okay. When were the flags placed by all the  
18 evidence in the field?

19 A I think that was after her body had been  
20 removed from the field.

21 Q Okay. So until you'd actually removed her  
22 body -- what time was the body removed?

23 A Shortly after 10 o'clock. I want to say six  
24 minutes after 10, something like that.

25 Q Okay. And at least between the time that

1 you arrived on the scene and the time that her body  
2 was removed, you were not aware of anybody walking in  
3 that area around the drag trail and -- and I guess we  
4 can use, I believe, Plaintiff's Exhibit -- is that  
5 Exhibit 3 behind you? Yeah, would you hold that up?

6 A (The witness complied.)

7 Q Thank you. Just so I'm clear, at least by  
8 the time that you arrived at the scene, you're not  
9 aware of anybody walking in this area, correct?

10 A That's correct.

11 Q Okay. So all of these footprints that are  
12 identified in this Exhibit would have been left  
13 before you arrived at the scene, correct?

14 A Just for clarification, I'm not familiar  
15 with this exhibit. If these are all footprints, yes,  
16 that would be correct.

17 Q Well, the legend indicates footprints were  
18 casting with evidence is a red flag, and the  
19 footprints without evidence flag is, I guess, the --  
20 excuse me, that's the black and that's the red; is  
21 that correct?

22 A That's correct.

23 Q And you're aware of all the photographs that  
24 were taken in this area; as a matter of fact, you  
25 assigned people to do that, I'm assuming?

1           A       Yes, sir, I did.

2           MR. FISCHER:  If I may approach, your Honor.

3           THE COURT:  You may.

4           Q       (By Mr. Fischer)  Lieutenant, I've handed  
5 you what's been marked Exhibits C through H.  You  
6 would recognize those as exhibits of the crime scene,  
7 correct?

8           A       (The witness reviewed documents.)  What I  
9 can tell you, sir, is these are pictures of -- some  
10 look like definite shoe footprints in the ground.  I  
11 don't see a case number or any other indications, as  
12 far as who took the photograph, but I can say they  
13 are photographs of footprints that I didn't take.

14          Q       Footprints of the crime scene that you  
15 didn't take?

16          A       If you tell me they're of the crime scene,  
17 I'll have to believe that, but they're not labeled as  
18 such, sir.

19          Q       That's fine.

20                   Now, when you arrived and took control of  
21 the crime scene, one of the main things you want to  
22 do is not to infect the crime scene with any, I  
23 guess, artificial evidence or any other evidence,  
24 correct?

25          A       That's correct, sir.

1 Q And as part of that, you would -- you went  
2 out to the body and, in fact, you bagged the body's  
3 hands, feet, and head, correct?

4 A I did.

5 Q And you do that to preserve any evidence,  
6 whether it be fiber or DNA or whatever may be on the  
7 hands, feet, and head of the victim, correct?

8 A As well as preserve, make sure it's not  
9 contaminated by any others coming on.

10 Q Okay. Now, as part of doing that and before  
11 you bag the head, you said you and Dr. Allen both  
12 noticed that there were fingernail scratches that  
13 appeared to be going up, I guess, would be the right  
14 side of the victim's face, correct?

15 A That is correct.

16 Q And those did appear to be fingernail  
17 scratches, correct?

18 A There were scratches, and I think  
19 Dr. Allen's comments were, probably like a fingernail  
20 or something.

21 Q Okay. Now, did you then help move the body  
22 as well? You put it on the sheet and helped take it?

23 A Yes, sir. I was present when that was done.

24 Q Okay. So you were there just recording all  
25 this so you can come testify to it?

1 A That's correct.

2 Q Okay. I assume they moved it in an  
3 ambulance and moved it down to the coroner's office,  
4 correct?

5 A I don't think there was any ambulance. We  
6 just went straight to the coroner's vehicle.

7 Q The coroner brought their own vehicle out?

8 A Yes, sir.

9 Q Okay. And then you later went, I guess, in  
10 the afternoon, and actually observed and witnessed  
11 the autopsy being performed, right?

12 A Yes, I did.

13 Q Okay. And that's why you would have  
14 collected all the clothes, what you testified to  
15 earlier, correct?

16 A Yes, sir.

17 Q Now, you said you collected the blouse, and  
18 I think I placed that in front of you. What Exhibit  
19 number is that?

20 A JT-76.

21 Q It's a plaintiff's exhibit. I think there's  
22 one on the top there.

23 A People's Exhibit 35.

24 Q Okay. Now, you became aware during the  
25 autopsy, in fact, there is a cut on the left sleeve

1 of that blouse, correct?

2 A Yes, sir.

3 Q Any idea where that came from?

4 A I do not.

5 Q Okay. Now, it would be true that you were  
6 in the autopsy and you were able to make other  
7 observations while the autopsy was being performed,  
8 correct?

9 A Yes, sir.

10 Q Okay. I believe one of the observations  
11 you'd be able to make is that the victim's buttocks  
12 in back seemed to be dirtier or have more dirt on her  
13 than the back of her knees, correct?

14 A I don't remember specifically. I do  
15 remember Dr. Allen stating something about there was  
16 more dirt in the knee -- back of the knees area than  
17 there was up higher.

18 Q Okay. And you attributed that to the fact  
19 that the victim may have been drug with her pants  
20 down, correct?

21 A I attribute it to the fact she had been  
22 drug. I don't know if I made any conclusions about  
23 the pants being down.

24 Q Okay. Do you remember making a report on  
25 this incident?

1 A Yes, sir, I did.

2 Q And do you remember on page 4 of your report  
3 that you determined that the victim's pants may have  
4 been down when she was dragged?

5 A If that's what I referred to in there,  
6 that's probably what we determined in the autopsy or  
7 was concluded by Dr. Allen.

8 Q Okay. Now, you're aware in looking at  
9 People's Exhibit 3 that the victim was drug over  
10 100 feet, correct?

11 A Yes, sir.

12 Q Okay. It would be true, wouldn't it,  
13 Lieutenant, that you are unaware or can't tell  
14 exactly where the victim was stabbed?

15 A Are you talking about location, physical  
16 location or location of body?

17 Q Physical location.

18 A That's correct.

19 Q Okay. Lieutenant, do you know if anybody  
20 ever looked on the east side of Landings Drive for  
21 any footprints?

22 A I know that the area was checked all over  
23 for evidence. I don't recall anybody saying anything  
24 about any footprints on the east side.

25 Q And as the lead detective, you would have

1 expected somebody, if they saw any footprints --

2 A I would have expected they would let me  
3 know, yes.

4 Q Okay. Detective -- excuse me -- Lieutenant,  
5 isn't it true that there were footprints in that  
6 field that weren't marked with a flag?

7 A You know, it's quite possible there were,  
8 because there were police officers and paramedics  
9 that had gone out into that field, and I know their  
10 footprints were not marked with a flag.

11 Q Okay. Lieutenant --

12 MR. FISCHER: If I may approach, your Honor.

13 THE COURT: You may.

14 Q (By Mr. Fischer) I hand you what's been  
15 marked as People's Exhibit 21, if we can get that put  
16 up on the screen. And is that the same diagram you  
17 have in your hand there?

18 A Yes, sir, it is.

19 Q Okay. In both the picture and diagram,  
20 although it's really tough to see, there is a red  
21 dot, correct?

22 A There is.

23 Q That has a Number 2 on it, correct?

24 A Yes, it does.

25 Q How did that Number 2 get there?

1 A I do not know.

2 Q None of the flags out there were marked with  
3 any numbers, correct?

4 A They were not.

5 Q Okay. If we could go to the next, I think  
6 it's Exhibit 22.

7 Now, Exhibit 22 -- excuse me, 21, enhanced  
8 view, highlights that red dot with that Exhibit  
9 Number 2, correct?

10 A Yes, sir.

11 Q Okay. And, Lieutenant, isn't it correct  
12 that that footprint is on top of the drag trail?

13 A It appears to me to be so, correct.

14 Q It was left after the drag trail was  
15 created, correct?

16 A That would be my assumption too, sir.

17 Q And it is also pointing towards the west,  
18 towards the body. The toe is west towards the body,  
19 correct?

20 A Yes, sir.

21 Q Now, if you will look closely in that  
22 diagram, there are many footprints next to that drag  
23 trail that are not marked, correct?

24 A That appears to be the case, sir.

25 Q Okay. And those footprints are straddling

1 that drag trail, correct?

2 A It looks like there would be at least -- I  
3 don't have the pointer, but it looks like there would  
4 be some on either side of the trail, yes.

5 Q Would you point those out, please?

6 A From what I can tell on this photograph and  
7 in trying to look here on the picture, it's a  
8 possibility there's a footprint here, here, and here.

9 Q Okay. Isn't it true that no castings were  
10 taken of those footprints?

11 A I don't know, sir.

12 Q Okay. At least as lead investigator in this  
13 case, you're not aware that there were any castings  
14 taken of those footprints, correct?

15 A I know there were a lot of castings taken of  
16 footprints. As far as these specifically, I don't  
17 know, sir.

18 Q Okay. Lieutenant, if I could have you look  
19 to People's Exhibit 3 again, would you agree that the  
20 majority of the footprints start at the drag trail by  
21 the curb there and then head north instead of  
22 following the drag trail?

23 A It looks like there are footprints up there,  
24 but they're fairly well split, made about half and  
25 half.

1 Q Are you aware if castings were taken of all  
2 those footprints?

3 A I don't know, sir.

4 Q Okay.

5 A I guess in trying to answer your question,  
6 there were investigators assigned to take castings  
7 and to do those, and I don't know if all of those  
8 were casted or not.

9 Q So you would assign someone to take those  
10 casts and they should have reported back to you. You  
11 just don't recollect at this time what happened?

12 A And they would have documented in their  
13 report which castings and where they picked them up  
14 from, sir.

15 Q Okay. Now, in talking about the drag trail,  
16 you had testified earlier that in your opinion there  
17 were certain areas of the drag trail that didn't have  
18 any blood, or at least there was no blood evident on  
19 the photographs?

20 A Yes, sir.

21 Q Are you saying your recollection is there  
22 was no blood in there, or are you saying your  
23 recollection is the blood doesn't show up on the  
24 photograph?

25 A When you say zero blood, there probably is

1 trace blood along through there; but as we can tell  
2 even looking at this diagram here, there doesn't  
3 appear to be a heavy concentration of blood along  
4 here like there is further back along the curb or  
5 closer to the body.

6 Q Okay. There's just not the concentration of  
7 blood. There may very well be blood there, correct?

8 A I would assume that there would be a trace  
9 of blood along there someplace.

10 Q Okay. Isn't it true, Lieutenant, that when  
11 you went out to the body with Dr. Allen, that you  
12 both reached the conclusion that the victim had been  
13 drug by her hands?

14 A That was the assumption, yes, sir. I'd say  
15 hands or, at minimum, under the armpits or by the  
16 hands.

17 Q Okay. Your first assumption was by the  
18 hands, correct?

19 A Just because of the positioning, yes.

20 Q Okay. Lieutenant, it's fair to say that  
21 Mr. Masters, Tim Masters, became a suspect when you  
22 became aware that he had not initially reported the  
23 body, correct?

24 A Yes, sir.

25 Q Okay. At that point in time, you contacted

1 his father, or at least members of your department  
2 contacted his father, correct?

3 A Yes, sir.

4 Q And at some point in time you actually went  
5 into his house and conducted a search, correct?

6 A I did.

7 Q Tell me, did both Mr. Masters -- Clyde  
8 Masters, Tim's father -- and Tim consent to that  
9 search?

10 A I know that Mr. Clyde Masters did. I didn't  
11 personally speak with Tim Masters, but I believe  
12 investigators that were speaking with him got his  
13 consent for the search.

14 Q Okay. During that search, you helped  
15 removed certain parts of the house, correct?

16 A I did.

17 Q In fact, they're called the pea traps.  
18 They're the circular traps under the sinks?

19 A Yes, sir.

20 Q Removed those looking for fibers or blood,  
21 correct?

22 A Any evidence, sir.

23 Q Okay. And as you testified, you gathered  
24 all of Miss Hettrick's clothes, her hands, bagged her  
25 hands and feet, I believe even saliva, she was

1 swabbed on her breasts for saliva, correct?

2 A That's correct, sir.

3 Q You did that as a search for any evidence as  
4 well?

5 A Yes.

6 Q I further understand that you actually  
7 requested there be surveillance done on Mr. Masters'  
8 house?

9 A Yes, I did.

10 Q Okay. And that was for several nights after  
11 he became a suspect, correct?

12 A Actually, sir, the surveillance was on the  
13 crime scene, in general, and that included his  
14 residence.

15 Q Nobody from surveillance ever saw  
16 Mr. Masters go back to that field, correct?

17 A No, sir.

18 Q Lieutenant, isn't it true that all the  
19 evidence you collected and analyzed, all the physical  
20 evidence in this case has no link to Mr. Tim Masters?

21 A If you're asking me to make an assumption --

22 Q I'm asking you, do any of the results of any  
23 of the tests of any of the physical evidence in this  
24 case show anything regarding Mr. Masters, Tim  
25 Masters?

1 MS. BLAIR: Your Honor, I'm going to object  
2 and ask for a foundation with respect to what he  
3 knows about other forensic tests that have been done.

4 THE COURT: Please rephrase your question.

5 MR. FISCHER: Thank you, your Honor.

6 Q (By Mr. Fischer) Lieutenant, are you aware  
7 if there were any physical evidence, any blood or  
8 fiber evidence, found in the pea traps that you  
9 confiscated and sent in for testing that found any  
10 fiber evidence that would have come from  
11 Miss Hettrick?

12 A There was nothing found in the pea traps  
13 that would relate this crime to Mr. Masters.

14 Q Okay. Was there anything found on the  
15 clothing or on the hands, on the feet, on the breast  
16 swabs from Miss Hettrick's body that point towards  
17 Mr. Masters?

18 A No, sir.

19 Q Lieutenant, can you tell me, was there any  
20 money found in the victim's purse?

21 A You know, without looking specifically at  
22 the log, I'd have to say I don't think there was; or  
23 if there was, there was very little, it might have  
24 been change, but I don't think there was much in the  
25 way of money at all.

1 Q Okay. On direct examination, you were asked  
2 questions regarding a death certificate.

3 A Yes, sir.

4 Q That was found in the kitchen of the Masters  
5 residence, correct?

6 A That's correct.

7 Q You don't have any evidence or any knowledge  
8 of who placed that death certificate in the kitchen,  
9 do you?

10 A I do not.

11 Q Okay. Did you fingerprint that death  
12 certificate to see if Tim Masters' fingerprints were  
13 on that certificate?

14 A No, sir.

15 Q Lieutenant, during your investigation of  
16 this case -- and I assume you remained the lead  
17 investigator for quite some time?

18 A Yes, sir.

19 Q How long were you the lead investigator?

20 A Basically, probably for the next year.

21 MR. FISCHER: Okay. If I can have a second.

22 (Brief pause.)

23 Q (By Mr. Fischer) And as lead investigator  
24 you became aware of several other suspects in this  
25 matter, correct?

1 A Yes, sir.

2 Q Okay. In fact, a suspect, Mark Dwyer had  
3 supposedly confessed to the crime, correct?

4 A Yes, sir.

5 MS. BLAIR: I'm going to object to any  
6 hearsay with respect to the statements other people  
7 made.

8 THE COURT: Objection sustained.

9 Q (By Mr. Fischer) Let me ask you,  
10 Lieutenant, was Mr. Dwyer's residence searched?

11 A Sir, I know an interview was conducted, but  
12 I don't believe his residence was searched.

13 Q Okay. In fact, it would be true none of his  
14 shoes were seized, correct?

15 A Not to my knowledge, sir.

16 Q As the lead detective in the case, you would  
17 have gathered all the evidence that was seized from  
18 Mr. Masters' house, correct?

19 A What happened is other investigators would  
20 gather evidence that would be brought in and turned  
21 over to me; and, yes, I'd log it in, sir.

22 Q You're not aware that there was ever any  
23 blood found anywhere in that trailer relating to  
24 Miss Hettrick, are you?

25 A That's correct.

1 Q There was none on the outside by  
2 Mr. Masters' bedroom window?

3 A No, sir, not that I'm aware of.

4 Q Not on any of the doorknobs?

5 A No, sir.

6 Q You're further aware there was no fiber or  
7 any type of evidence linking -- from Miss Hettrick on  
8 any of Mr. Masters' clothing, correct?

9 A None that were recovered that we know of,  
10 sir.

11 Q That would include his shoes that you  
12 seized, correct?

13 A Yes, sir.

14 Q In fact, I believe you wrote in your report  
15 that -- about June that year, that you had no  
16 physical evidence linking Mr. Masters to this crime;  
17 isn't that correct?

18 A That's correct, sir.

19 Q Lieutenant, Officer Swihart had identified  
20 and talked about a drawing of a female and a shed or  
21 a Quonset hut south of the Masters residence. You,  
22 in fact, went and helped search that Quonset hut,  
23 didn't you?

24 A Yes, I did.

25 Q And isn't it true that in 1987 after you

1 searched that Quonset hut, you made the determination  
2 there was nothing in there of any evidentiary value  
3 to this case?

4 A As stated in my report, yes.

5 MR. FISCHER: Thank you. That's all I have.

6 THE COURT: Further questions?

7 MS. BLAIR: Yes, your Honor.

8 REDIRECT EXAMINATION

9 BY MS. BLAIR:

10 Q Lieutenant Taylor, you testified that there  
11 were paper bags placed on the victim's hands, I  
12 believe, as well as other areas of her body to  
13 potentially preserve evidence?

14 A Yes, I did.

15 Q Who cut those paper sacks off of her hands?

16 A I don't know for sure. It was done probably  
17 at the autopsy. It had to be done at the autopsy,  
18 because there were fingernail scrapes and stuff done  
19 there.

20 Q Could her blouse have been cut when the  
21 paper bag was cut off of her hand?

22 A Quite possible.

23 Q There was some cross-examination regarding  
24 whether or not you and Dr. Allen speculated as to  
25 whether or not the victim's pants were down when she

1 was dragged. Did you find any dirt or debris inside  
2 of the waistband of her pants or underwear?

3 A I recall the pants being soiled as we saw  
4 today, but I don't recall any debris inside of the  
5 pants or in the underwear.

6 Q And the footprint that's been labeled as  
7 Number 2, what direction is that footprint facing?

8 A West.

9 Q The photograph 21 doesn't contain any of the  
10 flags that were placed; is that correct?

11 A That's correct.

12 Q People's Exhibit 3, you have had an  
13 opportunity to review that, does it show all of the  
14 footprints that were tagged and all the footprints  
15 that were casted?

16 A That's the legend on there, yes, indicates  
17 that some were casted and some were just flagged.

18 Q And none of the footprints that were  
19 subsequently flagged appear to be flagged on the  
20 photograph in People's Exhibit 21; is that correct?

21 A That's correct.

22 Q Is it possible that some of the footprints  
23 on People's Exhibit 3 are the footprints depicted in  
24 Exhibit 21?

25 A Yes.

1 Q And were any measurements taken at the scene  
2 with respect to footprints?

3 A Yes. The people who were doing the casting  
4 as well as city engineering were supposed to be  
5 working together and taking measurements.

6 Q And do you know who prepared People's  
7 Exhibit 3?

8 A City of Fort Collins Engineering Services.

9 Q Thank you.

10 A Actually, it shows Mapping Department on  
11 there.

12 Q With the exception of Number 2 in Exhibit  
13 21, do you or does anybody from the Fort Collins  
14 Police Department know when the footprints depicted  
15 in Exhibit 3 were placed there?

16 A No.

17 Q The footprints that appear to be ambling off  
18 to the north, could they have been placed there a  
19 week prior to when the murder occurred?

20 MR. FISCHER: Judge, I guess I don't know  
21 what she's trying to do, but she's leading him  
22 significantly.

23 THE COURT: You may answer the question, but  
24 let's refrain from leading.

25 MS. BLAIR: I will, your Honor.

1 THE COURT: You may answer it.

2 A The footprints which, to me, are almost in  
3 as much of a westerly direction as northerly, could  
4 have been placed there at any time.

5 Q (By Ms. Blair) And with respect to when  
6 footprints were placed, when would you state that the  
7 footprint that's been labeled as Number 2 was placed?

8 A I would say that that one has to be placed  
9 after the body was dragged through there and prior to  
10 the time that the police arrived there, because once  
11 we arrived we secured that area and nobody walked  
12 down there.

13 Q Now, there was cross-examination regarding  
14 the possibility that the victim had been dragged by  
15 her wrists. Do you recall your direct examination  
16 and when you pulled the pair of jeans that the victim  
17 was wearing when she was murdered out of the sack,  
18 which area of the jeans were most soiled? I'm not  
19 talking about blood, I'm talking about dirt.

20 A The entire legs appeared to be soiled to me.

21 Q And you testified in direct examination  
22 which portion appeared to be -- there was some dirt,  
23 almost striations, on one section of the jeans when  
24 you held them up?

25 A Down the legs of them.

1 Q Okay. In back of the calves?

2 A I'd have to take a look at them again; but,  
3 yeah, all the way down the back of the legs.

4 MS. BLAIR: No further questions, your  
5 Honor.

6 THE COURT: Further questions?

7 MR. FISCHER: Just a couple, your Honor.

8 RECROSS-EXAMINATION

9 BY MR. FISCHER:

10 Q Just so we're clear, the footprint exhibited  
11 on 21 as Number 2 is pointing towards the body?

12 A Yes, sir.

13 Q And was placed after the body had been drug;  
14 in other words, it was on top of the drag trail?

15 A That would be my guess too, sir.

16 Q And Detective, as the lead detective, as we  
17 talked about these footprints, are you aware where  
18 the Thom McAn footprints were found?

19 A I think I remember discussing with Detective  
20 Gonzales Thom McAn footprints right along the roadway  
21 edge.

22 Q So right close to where the pool of blood  
23 was?

24 A Yes, sir, in this area here.

25 MR. FISCHER: Okay. Thank you. Nothing

1 further.

2 THE COURT: May this witness be excused?

3 MS. BLAIR: Yes, your Honor.

4 MR. FISCHER: Subject to recall, your Honor.

5 THE COURT: Are you going to be in town the  
6 next week?

7 THE WITNESS: Yes, sir.

8 THE COURT: Okay. You may leave at this  
9 time. People may call their next witness.

10 MR. GILMORE: People would call Tom Bevel.

11 TOM BEVEL,

12 called as a witness on behalf of the People, having  
13 been first duly sworn, testified as follows:

14 THE CLERK: Please be seated.

15 DIRECT EXAMINATION

16 BY MR. GILMORE:

17 Q Mr. Bevel, for the record, would you please  
18 state your full name and spell your last name.

19 A Yes. Tom Bevel. That's spelled B as in  
20 Boy, e-v as in Victor, e-l.

21 Q How are you presently employed?

22 A I'm owner of TBI -- initials only --  
23 Company, that specializes in forensics education and  
24 consulting.

25 Q Approximately how long have you been

1 involved with that company?

2 A Since approximately 1981.

3 Q Were you previously employed in law  
4 enforcement?

5 A Yes, sir, I was.

6 Q And where were you so employed?

7 A I retired in May of 1996 from the Oklahoma  
8 City Police Department after serving 27 years with  
9 them.

10 Q And what was the last position and rank that  
11 you held within the police department in Oklahoma?

12 A My last assignment was the commander of four  
13 units, and they were homicide, robbery, missing  
14 persons, and major unsolved cases.

15 Q Okay. Would you relate briefly how many  
16 years you have spent specializing in technical  
17 investigations.

18 A Yes, sir. Approximately 26 years, or just a  
19 little over.

20 Q Okay. Would you briefly relate your  
21 educational background.

22 A Yes, sir. I have a bachelor's and a  
23 master's from Central State University in Edmond,  
24 Oklahoma, in the specialty fields in the areas that I  
25 work with currently. I have 40-hour courses from the

1 Orlando, Florida, medical examiner's office, from the  
2 Laboratory of Forensic Science in Corning, New York,  
3 and an advanced 40-hour course from the Elmira  
4 College in Elmira, New York, all of those on  
5 bloodstain pattern analysis.

6 In addition, I have another 40-hour course,  
7 again, in bloodstain pattern analysis, from the  
8 Central U.S. Police Institute in Oklahoma City. I  
9 have studied crime-scene reconstruction under the  
10 Central U.S. Police Institute through London Police  
11 College, which is a subsidiary of Scotland Yard in  
12 London, England. I've attended the medicolegal  
13 jurisprudence postgraduate course at London Medical  
14 College. Graduate of the FBI NA, and again some  
15 others.

16 Q Have you taught in either of the areas of  
17 bloodstain pattern analysis or crime-scene  
18 reconstruction?

19 A Yes, sir. I've taught a number of courses.

20 Q Okay. Approximate number, if you could.

21 A Some were between probably 45 to 50 times  
22 for the basic bloodstain course; I would guess  
23 probably in the range of about maybe 20 to 25 times  
24 on the advanced course; and then in crime-scene  
25 reconstruction, on the basic course, somewhere around

1 probably 12 to 13.

2 Q Are you regularly invited to lecture in both  
3 these areas?

4 A Yes, sir, I am.

5 Q Do you belong to any professional societies  
6 or organizations within any of your specialties?

7 A Yes, sir. I'm a member of the American  
8 Academy of Forensic Science; Southwestern Association  
9 for Forensic Scientists; the American College of  
10 Forensic Analysts; The American -- excuse me -- the  
11 International Association for Identification; The  
12 International Association of Bloodstain Pattern  
13 Analysts, last year was named distinguished member  
14 for that particular group; and The Association for  
15 Crime Scene Reconstruction, last year named the  
16 distinguished member for that group, and some others.

17 Q Have you been called upon to act as an  
18 expert consultant in various states around the United  
19 States as well as foreign countries?

20 A Yes, sir. I've been called on as a  
21 consultant in cases from approximately 30 U.S. states  
22 and of foreign countries.

23 Q Have you published within your fields of  
24 expertise?

25 A Yes, sir. I have some articles that have

1     been published in professional journals, also have a  
2     lab manual that is on the commercial market. I'm a  
3     coauthor of a hardback textbook on bloodstain pattern  
4     analysis with an introduction to crime-scene  
5     reconstruction. That was published in '97 through  
6     CRC Press. Also produced for a commercial company a  
7     two-and-a-half hour video on bloodstain pattern  
8     analysis in the form of lectures.

9           Q     Would you first describe what is meant by  
10     the term bloodstain pattern analysis?

11          A     Yes, sir. When you find bloodstains at a  
12     crime scene or a scene period, you look at the type,  
13     direction, size, number, distribution of the  
14     bloodstains to make a determination as to how the  
15     blood might have gotten there; in other words, what  
16     occurrences took place in order to generate the  
17     bloodstains as they are found.

18                 You generally try to divide the blood into  
19     one of three general categories, which would be low,  
20     medium, or high velocity. As an example, if I had a  
21     cut on the end of my finger, the blood is trying to  
22     adhere to my finger due to the surface tension, and,  
23     of course, gravity is constantly trying to pull it  
24     down and for it to break away from my finger.

25                 If I were holding my finger above the podium

1 here, and as the blood was to break away and fall and  
2 hit the podium, it would be a fairly good-sized  
3 bloodstain because of the volume of blood. That  
4 would be consistent with what we refer to as a low  
5 velocity.

6           You can also have low velocity, for example,  
7 blood flows. If I had a cut on my face, as I'm  
8 sitting upright, blood would flow downward,  
9 consistent with gravity pulling it; and if I was to  
10 alter my direction, the blood would, again, go in the  
11 direction of gravity, so I may have an L shape on the  
12 face from the blood flow.

13           The second category is medium velocity. By  
14 definition that is from 5 to 25 feet per second.  
15 What we're talking about there is the occurrence.  
16 Medium velocity is often associated with bludgeoning  
17 or beatings. There are a lot of subcategories for  
18 any one of those.

19           For an example, on medium velocity, if I was  
20 now swinging my hand, the blood that previously was  
21 just being affected by gravity is now being affected  
22 by the centrifugal force by the movement of my arm.  
23 This will create what is referred to as cast-off  
24 stains.

25           In high velocity, which is defined by 100

1 feet per second or greater, this would be blood often  
2 associated with firearms. It can also come from  
3 expectorant blood out of the mouth or the nose or  
4 somebody's coughing. High-speed machinery, firearms  
5 is the most often occurrence that we find at a crime  
6 scene.

7 If I had my hand up like this, and if it  
8 were struck with a bullet, blood coming back in the  
9 direction from where the bullet was fired would be  
10 referred to as back spatter. Upon the exit of the  
11 bullet on the exit side of the wound, that blood  
12 would be referred to as forward spatter.

13 That's just -- one of those three categories  
14 is typically what we're able to break the bloodstain  
15 down into. Once we're able to do that, we start  
16 considering the various possibilities to have created  
17 the pattern as it is found.

18 Q Is this type of analysis accepted as a  
19 scientific principle or scientific analysis?

20 A Yes, sir. And the reason is that it is  
21 uniform in character. If I have the same volume of  
22 blood on this tabletop and I strike it with the same  
23 amount of force with the same weapon, and then I do  
24 this all over again with the same volume, same  
25 surface area, same force, the stains will be

1 consistent in the size that are created from this.  
2 And, again, the fact that it is uniform in character  
3 is the reason that it is accepted.

4 Q Would you define for the jury what is meant  
5 by crime-scene reconstruction?

6 A Yes, sir. Bloodstain pattern is a form of  
7 reconstruction; but crime-scene reconstruction  
8 considers all of the disciplines, whereas bloodstain  
9 pattern is kind of constricted within that area.

10 So crime-scene reconstruction is considering  
11 all of the various forensic disciplines. The  
12 analysts obviously cannot be an expert in each one of  
13 the forensic disciplines, but they have to have a  
14 working knowledge so that the various experts, such  
15 as the pathologist, the firearms examiner, the  
16 bloodstain pattern, whoever, you can take all of  
17 their analyses and the physical evidence, and it  
18 works together in a -- kind of a puzzle-fit process,  
19 like a jigsaw puzzle, in essence, where you're able  
20 to identify the most probable sequence of events with  
21 the foundation laid from the physical evidence and  
22 the other experts.

23 Q Have you been previously qualified and  
24 accepted as an expert in forensic analysis  
25 specializing in bloodstain pattern analysis and

1 crime-scene reconstruction?

2 A I have, sir.

3 Q Approximately how many times, can you  
4 estimate?

5 A Well into the hundreds.

6 MR. GILMORE: Your Honor, at this time the  
7 People would offer Mr. Bevel as an expert in forensic  
8 analysis, specializing in crime-scene reconstruction  
9 and bloodstain pattern analysis.

10 MR. FISCHER: No objection, your Honor.

11 THE COURT: Court will so recognize the  
12 witness as an expert in those areas. What this means  
13 is you are allowed to give opinions within those two  
14 areas. His testimony is for you to judge the same as  
15 you would of any other witness.

16 You may continue.

17 MR. GILMORE: Thank you, your Honor.

18 Q (By Mr. Gilmore) Mr. Bevel, were you  
19 contacted in January of 1998 by members of the Fort  
20 Collins Police Department?

21 A Yes, I was.

22 Q Did they request your assistance in  
23 reviewing evidence found at the homicide or crime  
24 scene involving a victim by the name of Peggy  
25 Hettrick?

1           A       That is correct, sir.

2           Q       Do you recall generally what type of  
3 information you were provided?

4           A       Yes, sir. I had two pages of a case  
5 synopsis, which is just basically the information  
6 that is gathered relative to the crime scene; the  
7 autopsy report, which was 10 pages; then I had 15  
8 eight-by-twelve color photographs; I received some  
9 information by telephone from the detective that I  
10 had spoken with; and then a cover letter dated 12/12  
11 of '96.

12          Q       Were you requested to use that information  
13 and those photographs and those reports to arrive at  
14 certain conclusions?

15          A       Yes, sir, I was.

16          Q       I'm sorry -- opinions?

17          A       Opinions, yes, sir.

18          Q       Was that information sufficient for you to  
19 make certain opinions about the crime scene involving  
20 Peggy Hettrick?

21          A       Yes, sir. I could form opinions based upon  
22 the information that I had.

23                   MR. GILMORE: If I may approach the witness.

24                   THE COURT: You may.

25          Q       (By Mr. Gilmore) Mr. Bevel, I've placed in

1 front of you two photographs that have been  
2 previously identified as People's Exhibit 16 and 17.  
3 Do you recognize those photographs?

4 A Yes, sir, I do.

5 Q And were they included in the photographs  
6 that were previously sent to you by the Fort Collins  
7 Police Department?

8 A That is correct.

9 Q And also to your right on the screen, I  
10 believe you can see People's Exhibit 16, if I may  
11 again approach to give the witness the marker.

12 In looking at this photograph that you  
13 received, did you attempt to determine what, if  
14 anything -- strike that.

15 Looking at the photograph, did you make  
16 certain determinations about what had occurred at  
17 that location on Landings Drive in Fort Collins?

18 A Yes, sir. There were a number of  
19 occurrences that are identifiable from the bloodstain  
20 here.

21 Q Would you please go ahead and identify what  
22 you can tell from that photograph, specifically about  
23 the bloodstain patterns?

24 A Yes, sir. The most obvious area is the  
25 large accumulation of blood, which is pooled. We

1 have some blood transfers that are in this area.  
2 There are some linear lines that would be consistent  
3 with some object that is like a corduroy or something  
4 along this line in material that has blood on it that  
5 has come in contact with that.

6 We have some fairly good volumes in blood  
7 drips, blood runs. We have some additional blood  
8 drips surrounding. This would be what I referred to  
9 earlier as a low-velocity blood drip.

10 This -- in order to get this spread, it  
11 would have to have some velocity, so it's not falling  
12 from somebody who is in a prone position, but rather  
13 somebody who is up -- upright, either on the knees or  
14 on the feet or something in this manner. The stains  
15 that would be consistent from a lower distance in  
16 drop would be these, as I'm pointing to here.

17 There is feathering in some of the blood,  
18 which is simply saying that the blood that is  
19 located -- for example, these over the edge of the  
20 curb -- once they were already in place, very shortly  
21 after that something was drug across them.

22 And the feathering, that term comes from --  
23 for example, if I had a paintbrush dipped in paint  
24 and if I were to go to the wall and I just simply  
25 started a lateral motion, at some point the volume of

1 paint decreases as you're going along, so it points  
2 in the direction of travel.

3 And the direction of travel from the  
4 feathering here would be over the curb, going from  
5 the bottom to the top, going from the street to the  
6 dirt area.

7 So in this area, to get this volume, the  
8 person would have had to have laid for a short period  
9 of time, but certainly would have had to have laid  
10 there most likely wound down in order to get this  
11 volume of blood, but with some of the blood being  
12 dripped while they're in an upright position prior to  
13 getting in that; and then once they are removed, we  
14 have some additional blood drips that are created.

15 Q Now, you indicated that you also received  
16 the autopsy report in this case?

17 A Yes, sir, that is correct.

18 Q And the coroner will be testifying in a few  
19 moments, but did you -- in reading the autopsy  
20 report, were you aware that the pathologist at the  
21 autopsy concluded that there were no defensive wounds  
22 to the victim, Peggy Hettrick?

23 A Yes, sir, I am aware of that.

24 Q Did you form an opinion, then, as to whether  
25 or not the initial attack on Peggy Hettrick took

1 place in this location at the curb?

2 A It would have been somewhere fairly close to  
3 this location. The cigarette that is on the blood  
4 flow here appears to have had the blood flow up to it  
5 as opposed to the cigarette falling into an already  
6 existing blood pool.

7 There's little indication of, for example,  
8 blood drips leading from some other location where  
9 the victim could have either been carried or was  
10 walking, so for this reason this is very close to the  
11 original area where she was attacked.

12 Q The lack of any defensive wounds, as a  
13 crime-scene reconstructionist, does it allow you to  
14 form any type of opinion as to whether or not this  
15 was a surprise attack?

16 A Because the attack was from the rear, that  
17 also goes along with a possible surprise attack, what  
18 is frequently referred to as a blitz, quick and by  
19 surprise. This certainly would be consistent with  
20 this type of an attack, yes, sir.

21 Q And you're aware of where the victim was  
22 stabbed, in her upper back?

23 A Yes, sir, that is correct.

24 Q The statements that you made earlier about  
25 the size of the blood drips, would they be consistent

1 with her being in an upright position for a few  
2 moments and some amount of blood falling from an  
3 approximate location in the middle of the upper part  
4 of her back?

5 A Yes, sir, it certainly would. Now, that  
6 would be the larger stain, such as the one I'm  
7 pointing to here, as well as some that are  
8 accumulating over the edge of the curb. Blood flow  
9 does not start instantaneously, as we think of it.  
10 Certainly that's even more true sometimes with a stab  
11 wound because of the -- a sealing of the tissue.

12 Once the blood is accumulated in volume,  
13 then we start having blood drips. Once these blood  
14 drips have started, in this case because of the  
15 distance, they would have had to have fallen, the  
16 victim would have had to have been in an upright  
17 position still.

18 Q You're not able to give us an opinion as to  
19 how much time she would have remained in an upright  
20 position?

21 A No, sir, I'm not able to do that.

22 Q And I believe you indicated that you would  
23 have an opinion that the victim was laid down in this  
24 curb area?

25 A Well, laid down, fell down, I don't know;

1 but is in contact with the surface. And, again,  
2 that's because of the volume of blood that we have  
3 that is accumulating here.

4 If that volume was coming from blood drips,  
5 what you would have is blood dripping into blood,  
6 creating what is referred to as satellite spatter  
7 surrounding the area, and that is not at all what we  
8 have here. That blood was lost while the victim was  
9 in contact with the surface.

10 Q I believe from the report that you prepared,  
11 also, you talked about feathering in two different  
12 directions. You mentioned the feathering on the top  
13 of the curb.

14 Can you explain what you mean by feathering  
15 in two different directions?

16 A Yes, sir. Actually, that's also up on the  
17 curb. We have two stains here that have a lateral  
18 movement that is going, as you're looking at the  
19 screen, from right to left.

20 And then the other feathering is simply  
21 going toward the top of the screen. That simply  
22 would be consistent with some movement laterally, as  
23 we're looking at the screen, from right to left and  
24 then ultimately going above the curb.

25 Q You indicated the stain to the bottom may

1 have indicated some type of contact with a fabric or  
2 material?

3 A Yes, sir.

4 Q Have you had an opportunity to observe  
5 photographs of the victim's purse?

6 A Yes, sir, I have.

7 Q Would you have an opinion as to whether or  
8 not that would be a possible source of the pattern  
9 that you observed on the curb?

10 A Yes, sir. This area that's right in here is  
11 certainly a -- the purse is a good candidate for that  
12 possible transfer.

13 Q You were discussing a moment ago your  
14 understanding of a stab wound sealing itself to a  
15 certain extent. Again, basing your opinion on the  
16 number of crime scenes that you've been involved with  
17 and reconstructing and your understanding of  
18 bloodstain pattern analysis, would you expect the  
19 assailant in this case to have a large amount of  
20 blood on him?

21 A I would not. I would look for little  
22 visible blood on the assailant, if the assailant was  
23 caught right here at that time. I would not expect a  
24 great amount of blood on them.

25 Q If you'll also -- I believe I've placed in

1 front of you Exhibit 17, and we were looking at slide  
2 Number 17. This has previously been identified as an  
3 overhead view of the same blood pooling at the  
4 curbside.

5 You spoke earlier that -- about the blood  
6 feathering on the top of the curb. Did you form any  
7 opinion as to whether or not the victim was  
8 physically dragged over the curb into the field?

9 A Yes, sir. It would be my opinion that that,  
10 in fact, is what occurred, that she had been dragged  
11 over the curb and into the field.

12 Q Mr. Bevel, this has previously been  
13 identified as a photograph of Peggy Hettrick's right  
14 cheek. Have you seen either this photograph or a  
15 similar photograph from those sent to you previously?

16 A Yes, sir, I have.

17 Q In looking at the scratch marks and from  
18 your review of the scene at the curb, do you have an  
19 opinion as to whether or not there was anything at  
20 the curbside scene that would be consistent with  
21 causing these types of scratches?

22 A I don't see anything on the street or the  
23 curb itself that would be consistent with this  
24 particular type of a wound, no, sir.

25 MR. GILMORE: Thank you very much. I have

1 no further questions.

2 THE COURT: You may examine.

3 MR. FISCHER: Thank you, your Honor.

4 CROSS-EXAMINATION

5 BY MR. FISCHER:

6 Q Mr. Bevel, would it be fair to say that  
7 blood spatter isn't an exact science, you just try to  
8 narrow down the possibilities, correct?

9 A It is not an exact science, like most  
10 science is not exact.

11 Q And basically you're relying on what was  
12 provided to you by the Fort Collins Police Department  
13 to make these assumptions, correct?

14 A That is correct, sir.

15 Q So if somebody on the Fort Collins Police  
16 Department had missed a blood spatter, say -- or a  
17 blood drop 20 yards or 20 feet up the street, that  
18 could totally change your opinion, correct?

19 A If that were the case, I would take that  
20 into consideration, absolutely.

21 Q Okay. It would be true, Mr. Bevel, that you  
22 can't, by looking at the blood spatter, determine how  
23 the victim arrived at that point, correct?

24 A No. I would not be able to --

25 Q In other words, she could have arrived in a

1 car and been stabbed at that point, correct?

2 A And stepped out of the car or -- sure. I  
3 don't know that.

4 Q Okay. You talked about a blitz attack.  
5 It's possible, isn't it, from the blood spatter, that  
6 she was running away from an attacker at the time she  
7 was stabbed?

8 A I don't have any evidence to rule that one  
9 way or the other, actually.

10 Q Okay. It's a possibility, correct?

11 A I can't rule it out, no.

12 Q Okay. When you talk about the victim being  
13 upright when there's this blood spatter, she could be  
14 being held upright, correct?

15 A That would be a possibility, sure.

16 Q Sure. She could be under somebody's  
17 shoulder?

18 A Simply upright in some manner.

19 Q Basically what you're saying is from the  
20 area of the wound, there is a significant level  
21 between where the blood drop is to create a blood  
22 spatter, correct?

23 A That is correct, sir.

24 Q You talked about not expecting to find a lot  
25 of blood on the perpetrator necessarily, correct?

1           A       Yes, sir.

2           Q       And that's just from the act of stabbing and  
3 taking the knife out, correct?

4           A       Not only simply that act, but any of the  
5 other occurrences that has taken place, such as  
6 dragging the body, certainly not necessary to get  
7 much blood on you at all.

8           Q       Okay. What if the person was drug under the  
9 arms?

10          A       Even in that fashion, which is certainly a  
11 good possibility, the only way that you'd really  
12 transfer a lot of blood from you, since this is from  
13 the back, is to literally pick them up, to where the  
14 victim's back is against your chest, in essence  
15 picking them up.

16                    But to drag them by the -- for example,  
17 let's say the armpits, that person's weight is going  
18 in the other direction as you're backing up; once  
19 again, is certainly not necessary that you get bloody  
20 clothing on you.

21          Q       Would you expect to find the majority of the  
22 blood on somebody's shoes?

23          A       Well, not necessarily.

24          Q       Okay. Would you expect it to be below their  
25 waist on their pants?

1           A       If you're going to get some blood on you  
2 from that occurrence, provided that you didn't  
3 literally pick them up, it would likely be from the  
4 knees down, yes.

5           Q       Okay. Mr. Bevel, you're aware from the  
6 December 12, 1996, letter which you received and  
7 relied on, that other investigators thought that the  
8 victim -- in fact, had felt the victim had been  
9 stabbed elsewhere and transported to the scene?

10          A       That was related to me, yes, sir.

11          Q       I believe when we spoke this morning, you  
12 weren't aware that the FBI was asked in 1987 to do a  
13 blood-spatter analysis, correct?

14          A       I'm still not aware that they did a blood  
15 spatter, no, sir.

16                   MR. FISCHER: Okay. Thank you.

17                   THE COURT: Further questions?

18                   MR. GILMORE: Just briefly, your Honor.

19                               REDIRECT EXAMINATION

20 BY MR. GILMORE:

21          Q       Mr. Bevel, so that I understand your  
22 opinion, if the body was drug by the hands or by the  
23 wrists, it would be your opinion there would be very  
24 little chance to get any blood on the perpetrator?

25          A       That would be accurate, yes, sir.

1 Q If the body was drug by the armpits, it's  
2 still your opinion there would be very little chance  
3 of getting any blood on the perpetrator; if there was  
4 any blood, it would be below the knees?

5 A That is correct. You would almost have to  
6 bring the person up against your chest, as if you're  
7 trying to lift them literally off the ground, as  
8 opposed to dragging them, for there to be much blood.

9 Q And if you are to -- and I'm demonstrating  
10 straddling or putting your legs apart while you're  
11 pulling a body. What would your opinion be as to how  
12 blood would get on their legs at that point?

13 A Again, I would expect very little blood, if  
14 any, in that described position.

15 MR. GILMORE: Thank you, very much.

16 RE-CROSS-EXAMINATION

17 BY MR. FISCHER:

18 Q Would you expect blood on the knife that  
19 caused this wound?

20 A I would certainly look for it, absolutely.

21 Q Okay. You're aware that the victim in this  
22 case was mutilated as well, correct?

23 A That is correct.

24 Q And you would expect trace evidence of skin  
25 and blood on whichever weapon did that mutilation, as

1 well, correct?

2 A From the mutilation, because the mutilation  
3 is postmortem, I wouldn't expect much blood from that  
4 occurrence.

5 Q You would expect other fibers, correct?

6 A I would certainly look for those on a  
7 possible weapon, yes, sir.

8 MR. FISCHER: Okay. That's all I have.  
9 Thank you.

10 THE COURT: May this witness be excused?

11 MR. GILMORE: Yes, your Honor.

12 THE COURT: You may step down. You're  
13 hereby excused. Go ahead and take a short recess at  
14 this time. Please rise as the jury leaves.

15 (The jury left the courtroom.)

16 THE COURT: We'll be in recess.

17 (A recess was taken from 2:40 p.m. until  
18 2:55 p.m.)

19 THE COURT: Are the People ready?

20 MS. BLAIR: Yes, your Honor.

21 THE COURT: Ready?

22 MR. FISCHER: We are, your Honor.

23 THE COURT: Please return the jury.

24 (The jury entered the courtroom.)

25 THE COURT: Please be seated. People may

1 call their next witness.

2 MR. GILMORE: Thank you, your Honor. People  
3 would call Dr. Patrick Allen.

4 PATRICK ALLEN,  
5 called as a witness on behalf of the People, having  
6 been first duly sworn, testified as follows:

7 THE CLERK: Please be seated.

8 DIRECT EXAMINATION

9 BY MR. GILMORE:

10 Q Dr. Allen, for the record, if you would  
11 please state your full name and spell your last name.

12 A Certainly. My name is Patrick Allen,  
13 A-l-l-e-n.

14 Q Are you presently employed?

15 A I'm a physician. My specialty is pathology.

16 Q Do you hold any elected positions within  
17 Larimer County?

18 A Yes, I do. I'm the coroner of Larimer  
19 County, have been since 1978.

20 MR. FISCHER: Your Honor, not to cut off  
21 Mr. -- excuse me, the prosecution, but we have no  
22 objection as to his qualifications. I'll leave it at  
23 that.

24 MR. GILMORE: I would like him to briefly  
25 review them for the jury, your Honor.

1 THE COURT: You may proceed.

2 Q (By Mr. Gilmore) Dr. Allen, you are  
3 licensed to practice medicine in the State of  
4 Colorado?

5 A Certainly, I am.

6 Q Would you briefly review your education?

7 A I'm originally from Louisville, Kentucky. I  
8 attended the University of Louisville in my hometown,  
9 received a bachelor of science degree in 1967.  
10 Following that I stayed in Louisville, University of  
11 Louisville School of Medicine, graduated in 1971 with  
12 my M.D. degree.

13 Following that I went to Charleston, South  
14 Carolina, to the University of Charleston South  
15 Carolina Medical Center, where I completed a  
16 pathology internship, including training in forensic  
17 pathology.

18 Following that, in 1972 I came to Colorado,  
19 to the University of Colorado Medical Center, Health  
20 Sciences Center in Denver, where I completed a  
21 pathology internship, including training in forensic  
22 pathology, anatomic pathology, and clinical  
23 pathology. That was completed in 1975.

24 Q Would you begin by explaining the field of  
25 pathology and the three subspecialties that you just

1 mentioned.

2           A       Certainly. First of all, pathology is a  
3 specialty of medicine dealing with the study of  
4 disease. That's what the word pathology means.  
5 Pathologists practice medicine in the following  
6 ways -- I'll give examples for you to understand.

7                   First of all, is what we call anatomic  
8 pathology, or surgical pathology. This deals with  
9 diagnosis of tissue specimens or biopsies. The  
10 example I give is if a woman has a breast lump, the  
11 woman would go to a doctor or a surgeon, biopsy would  
12 be taken, that biopsy would come to me. I would look  
13 at it under a microscope, know if it was cancer or  
14 not, and report back to the doctor for appropriate  
15 treatment to be done.

16                   Clinical pathology is another subspecialty  
17 with pathology. It deals with laboratory medicine or  
18 testing of body fluids. For instance, if when you go  
19 to your doctor's office or into the hospital, if a  
20 tube of blood is drawn or you give a urine specimen,  
21 for instance, those specimens come to a laboratory  
22 directed by a pathologist, such as myself.

23                   We're responsible for maintaining quality  
24 control, ensuring that the results are reported back  
25 to your doctor, perhaps helping the doctor interpret

1 the results, or suggesting other tests need to be  
2 done to make a diagnosis.

3 Forensic pathology is the other subspecialty  
4 in pathology that I'm board certified in. Forensic  
5 pathology deals with the law. It deals with  
6 performing autopsies, postmortem examinations on  
7 people to determine how they've died, the  
8 circumstances under which they have died, and using  
9 those findings to help illuminate proceedings such as  
10 this, such as we're in today.

11 Q In your role as the elected coroner then,  
12 what are your statutory responsibilities?

13 A Statutory responsibilities of the coroner  
14 are to view the body and determine how the person  
15 died; this is what's called the cause of death. And  
16 then determine the circumstances under which the  
17 person has died; that's called manner of death.

18 Q Are you required to make such a  
19 determination in all cases where the person has died  
20 under unusual circumstances or without an attending  
21 physician?

22 A Yes, sir. That's part of our function.

23 Q Approximately how many autopsies would you  
24 estimate you have performed?

25 A Over the numbers of years, thousands of

1 autopsies, probably in the range of 3,500 to 4,500  
2 autopsies.

3 Q And have you previously been qualified and  
4 accepted -- been accepted by courts in Colorado,  
5 Wyoming, elsewhere, as an expert in the field of  
6 forensic pathology?

7 A Yes, sir. Many, many times and many  
8 jurisdictions.

9 MR. GILMORE: Your Honor, at this time the  
10 People would offer Dr. Allen in the field of forensic  
11 pathology.

12 THE COURT: Court will recognize the witness  
13 as a medical doctor specializing in the area of  
14 forensic pathology. This means he can give opinions  
15 in that area of expertise. His testimony is to be  
16 weighed as that of other witnesses.

17 You may proceed.

18 MR. GILMORE: Thank you, your Honor.

19 Q (By Mr. Gilmore) Dr. Allen, I'd like to  
20 direct your attention to the date of February 11,  
21 1987. Were you the elected coroner at that time  
22 also?

23 A Yes, I was.

24 Q Do you recall being notified that a body had  
25 been located in the south end of Fort Collins?

1           A       Yes, I do.

2           Q       And did you and your investigator physically  
3 go to the scene where the body had been located and  
4 have an opportunity to view the body yourself?

5           A       Yes, we did.

6           Q       And would you tell the jury, just very  
7 briefly, what your observations were?

8           A       The scene was a vacant field or vacant lot  
9 on the south side of Fort Collins. There was a  
10 female lying on her back with her hands extended  
11 above her head in the field. Her clothing had been  
12 partially pulled away to expose her breasts and the  
13 mid portion of her body, including the genitalia  
14 area. From the body, extending back toward the curb,  
15 there was a drag mark which was partially bloody, and  
16 there was blood on the curb of the paved street as  
17 well.

18          Q       The jury has heard statements by Lieutenant  
19 Taylor, at that time Detective Taylor, that you had  
20 an opinion regarding the arms of the victim, Peggy  
21 Hettrick, being outstretched in a certain position,  
22 in regards to the drag marks that you had seen. Do  
23 you recall making that opinion at the time?

24          A       I recall viewing the body with the arms like  
25 that, and my opinion was that the position was

1 consistent with her having been dragged.

2 Q After your viewing of the body at the scene,  
3 did you perform an autopsy on the body of Peggy  
4 Hettrick?

5 A Yes, sir. Later on that day, we did.

6 Q Do you recall approximately what time the  
7 autopsy was performed and where it was performed?

8 A It was performed in our morgue facility at  
9 McKee Medical Center, which is the hospital in  
10 Loveland. I'm going to refer to my notes  
11 occasionally because of the time span, obviously,  
12 here of a number of years.

13 The autopsy was begun at 4:15 p.m. on  
14 February 11th, 1987, and it was completed at  
15 6:40 p.m. on the same date.

16 Q Prior to going into the autopsy, would you  
17 describe to the jury the procedure or protocol in  
18 conducting an autopsy?

19 A Certainly. An autopsy is postmortem  
20 examination of a body, and it entails a number of  
21 different procedures or steps. The first thing is  
22 the exterior of the body is examined for evidence of  
23 injury.

24 And while this is being done, or actually  
25 prior to it being done, clothing is removed and is

1 saved for examination later. Also any evidence which  
2 might be on the body, such as hairs or fibers, if  
3 those are noted, are also saved.

4           Once the exterior of the body is examined  
5 for injuries and those are recorded, then the body  
6 cavities are opened up and examined. These include  
7 the chest organs, the abdominal organs, and the head.  
8 Those organs are removed, and they're examined for  
9 evidence of injury or disease. Pieces of them are  
10 taken and placed in a formaldehyde solution.

11           During, of course, all this, toxicology  
12 specimens are taken; fluids such as blood or urine,  
13 for instance. After that, the examination of the  
14 body itself is finished, but the autopsy is not  
15 really over.

16           Later on after the tissues are fixed in  
17 formaldehyde for several days, those are examined  
18 under a microscope. And during the course of all  
19 this, a report is being prepared, dictated with the  
20 findings of the examination of the exterior of the  
21 body and the interior of the body, as well as the  
22 microscopic slide examination. These are put  
23 together with the toxicology results, and a report is  
24 generated.

25           Q       Did you follow that procedure on

1 February 11th, 1987?

2 A Yes, sir.

3 Q I'd like to begin, then, with the external  
4 examination, and have you relate the findings that  
5 you made that day, beginning with your observations  
6 of the victim's clothing, jewelry, items of that  
7 nature.

8 A All right. May I refer to my notes through  
9 this?

10 Q If you need them to refresh your memory.

11 A Thank you.

12 Okay. The body of Peggy Lee Hettrick was  
13 clothed in a black fabric coat, a brown synthetic  
14 fabric blouse buttoned up at the back of the neck,  
15 with a square-knot scarf part of the blouse tied in  
16 front of the neck. She had on a beige bra, blue  
17 jeans, white panties, pink socks, and cordovan  
18 colored boots. She had on clip-on black and gold  
19 earrings.

20 MR. FISCHER: Your Honor, I guess there's  
21 refreshing his recollection and then reading from a  
22 report. I guess I'd like to know if he has any  
23 independent recollection of this autopsy at all. I'm  
24 going to object if he's going to read from the  
25 report.

1           Q       (By Mr. Gilmore)  If you need to read the  
2 report first and then refresh your memory from that,  
3 that would be fine.

4           A       Okay.  She had on a necklace around her  
5 neck, and she had on a bracelet on her wrist.

6           Q       Thank you.  Beginning with the -- or  
7 continuing with the external examination, beginning  
8 at the head area, do you recall making any  
9 observations specifically in the right-cheek area of  
10 Peggy Hettrick?

11          A       Yes, sir.  Peggy Lee Hettrick --

12          Q       Let me stop you for a moment.  I'm going to  
13 hand you a number of photographs.  I believe they've  
14 been previously marked as People's Exhibits 44  
15 through 48.  If you could locate People's Exhibit 47.

16          A       Yes, sir.

17          Q       And to the right is also a slide of that  
18 photograph, I believe; isn't that correct?

19          A       That's correct.

20          Q       And I believe you also have a pointer on the  
21 witness stand?

22          A       Yes, I do.

23          Q       Would you please describe to the jury what  
24 findings you made in regards to the apparent  
25 abrasions on the right cheek of Peggy Hettrick?

1           A       Peggy Hettrick had several abrasions on her  
2 right cheek, which is shown up on the screen here.  
3 These were linear abrasions on the left cheek with  
4 the skin piled up such that the force of the  
5 abrasion, or the direction that the abrasion took,  
6 was from inferior to superior, in the direction that  
7 I'm running the laser pointer here.

8           Q       And that would be in an upward direction,  
9 then, from the chin toward the top of the head?

10          A       That would be in an upward direction,  
11 essentially, from the right corner of the mouth  
12 toward the hairline, yes, sir.

13          Q       And when you say there were a series of  
14 linear abrasions, does it accurately depict in the  
15 photograph that there were more than one?

16          A       No, sir. There's one large prominent  
17 abrasion, and then there's a smaller abrasion on  
18 that, that I'm indicating on the diagram, and smaller  
19 areas of punctate abrasions associated with those.

20          Q       Did you measure those abrasions?

21          A       Yes, I did.

22          Q       Would it refresh your memory to look at the  
23 report as to the exact number?

24          A       After 12 years it would, yes, sir. The more  
25 prominent abrasion there is 28 millimeters in length.

1 That's the one I'm indicating on the screen. And it  
2 was 1.5 millimeters in width. And just superior and  
3 medial to that there were the other abrasions  
4 measured 20 by 1 millimeter, and then above that  
5 there was a -- the abrasion that measured 3.5 by  
6 1.5 millimeters.

7 Q Were all of the abrasions seemingly  
8 parallel?

9 A They seemed to be parallel, yes. I think  
10 that's well demonstrated on the slide on the screen.  
11 They run like railroad tracks together.

12 Q Did they all, in your examination of them,  
13 go in the same direction that you previously  
14 indicated, from the corner of the right mouth toward  
15 the hairline?

16 A Yes, sir. They were all examined under  
17 close scrutiny, and the skin was always piled up from  
18 the inferior toward the superior.

19 Q Dr. Allen, did you make a determination as  
20 to whether these abrasions were postmortem or  
21 antemortem?

22 A These abrasions were antemortem; in other  
23 words, they occurred before death.

24 Q Can you explain to the jury how you make  
25 that determination?

1           A       Well, appearance of the abrasions in an  
2 antemortem injury, an antemortem abrasion has  
3 redness, or hyperemia, is the term we use associated  
4 with the wound; postmortem does not show the same  
5 degree of redness or hyperemia around the margins.

6           Q       If you continue then and find Exhibit Number  
7 48, the photo. Again, viewing to your right what's  
8 been placed on the slide as Exhibit 48, continuing  
9 with your examination, moving down the body, would  
10 you describe what findings you made in regards to the  
11 left breast of Peggy Hettrick?

12          A       Yes, sir. The slide on the screen is the  
13 same as the photograph People's Exhibit 48. This is  
14 an autopsy morgue photograph of Peggy Hettrick's left  
15 breast. Her head is up to the -- this side here,  
16 that I'm indicating with the pointer. This is her  
17 neck. This down at the lower end of the screen here  
18 is her left arm. So here's her left breast.

19                   The finding on her left breast is that the  
20 nipple or the areola complex, the brownish skin of  
21 the breast, has been rather neatly excised or cut  
22 away. The margins are relatively sharp in most  
23 areas, a little bit slightly ragged toward the upper  
24 medial end, as I'm indicating on the pointer; and the  
25 tissue, the skin tissue of the breast, has been

1 essentially skinned away. There is removal of the  
2 underlying connective tissue.

3 Also looking at the photograph, I'm  
4 indicating on the pointer there is a semicircular or  
5 elliptical incision. This is not very deep. It  
6 appears to be a -- what one might refer to as a  
7 hesitation mark or a practice mark of the instrument  
8 used to perform this excision of this skin on Peggy  
9 Hettrick's breast.

10 It appears as though an incision had been  
11 started, and then the procedure had been stopped and  
12 repositioned -- the knife had been repositioned to  
13 take only the brown skin.

14 Q Dr. Allen, are you familiar with the removal  
15 of skin from a person's body?

16 A Yes, sir, I am.

17 Q And how are you familiar with that?

18 A Well, I've done thousands of autopsies, and  
19 I've examined thousands upon thousands -- probably  
20 several hundred thousands of surgical specimens; and  
21 throughout the course of my career, many of those  
22 have involved dissection of various body organs,  
23 including breasts, in mastectomy procedures in women  
24 having breast cancer.

25 Part of our procedure is to remove the

1 nipple and areola complex to examine the tissues  
2 under a microscope to examine for metastatic cancer  
3 in that area.

4 Q Can you describe how this type of a removal  
5 of, in this case, a nipple, can be accomplished?

6 A Well, first of all you have to be careful  
7 and make sure you're dissecting it properly and not  
8 carelessly. It requires a sharp blade, and it  
9 requires creating some degree of tension or pulling  
10 above the edge of the skin, and then carefully  
11 excising or shaving the undersurface of the skin in  
12 order to remove the desired piece of skin from the  
13 underlying connective tissue.

14 Q Is this a difficult procedure to do?

15 A Not for me it's not.

16 Q Okay. For yourself, could you provide for  
17 the jury an estimate for the amount of time it might  
18 take for you to remove a nipple, like in this case?

19 A For myself?

20 Q Yes.

21 A Within a minute, within probably 30 seconds.

22 Q Okay. For someone less experienced, it  
23 would just be a matter of an additional amount of  
24 time then?

25 A Matter of an additional amount of time,

1 depending on the equipment involved and skill level  
2 and facilities available.

3 Q And you indicated a moment ago that a  
4 cutting of this nature would require a very sharp  
5 instrument?

6 A Yes, sir.

7 Q Would such an instrument as a scalpel or  
8 razor be that type of instrument?

9 A Yes, sir, it would.

10 Q We previously discussed whether or not a  
11 wound was postmortem or antemortem. Did you  
12 determine, or can you provide an opinion as to  
13 whether or not this was postmortem or antemortem?

14 A The wound on Peggy Hettrick's left breast is  
15 a postmortem wound. It shows no characteristics of a  
16 antemortem wound: No hyperemia, no tissue reaction  
17 around the margins of the wound. There is some  
18 brownish coloration, that is drying of the margins of  
19 the wound; but that's postmortem, it has nothing to  
20 do with hyperemia.

21 Q If you could also examine what's been  
22 previously marked as Exhibit 45. Do you have that?

23 A Yes, sir.

24 Q Continue with your examination. Did you  
25 proceed down the body and come to the vaginal area?

1           A       Yes, sir. The projection on the screen is  
2 of People's Exhibit 45, an autopsy or morgue  
3 photograph of Peggy Lee Hettrick autopsy as  
4 originally viewed.

5                       What we see here is the genitalia of Peggy  
6 Hettrick, and the slide shows an area of skin which  
7 has been resected from the upper portion of the  
8 genitalia, including the clitoris and labia minora.

9           Q       Again, your examination, did you or can you  
10 tell the jury the nature of the cutting on the  
11 vaginal area, in terms of whether or not it was a  
12 sharp cut or a jagged cut?

13           A       This, again, was a sharp cut. The labial  
14 tissues are extremely malleable or pliable; in other  
15 words, they can move around a lot. Nonetheless, the  
16 cuts that were made here were sharp. They were well  
17 oriented; in other words, they were not haphazard,  
18 and they followed a general symmetrical or uniform  
19 outline.

20                       They proceeded to remove the skin, as I've  
21 described before, including the clitoris and most of  
22 the labia minora; and, again, these areas were  
23 skinned out; in other words, the soft tissue beneath  
24 the skin was, for the most part, left in place and  
25 was not removed.

1 Q If you would also examine People's Exhibit  
2 44. Is this a photograph from a different angle of  
3 the same area that you've just described?

4 A Yes, sir. The projection on the screen is  
5 of People's Exhibit 44, an autopsy photograph of  
6 Peggy Hettrick's genitalia. What is depicted here is  
7 a close-up photograph of the same area taken from the  
8 right side; in other words -- but in the area of  
9 Peggy Hettrick's right thigh.

10 These are my gloved hands in the photograph.  
11 This photograph depicts the genitalia, including the  
12 labia majora, and the area that I'm outlining here is  
13 the area where the skin has been excised. At the  
14 inferior or lower margin on the right, there are a  
15 few superficial cuts, very similar to what was seen  
16 on the breast, in that they were almost tracing or  
17 outline or hesitation-type cuts in order to get the  
18 right outline to perform the, really, quite  
19 symmetrical dissection away of this piece of skin.

20 Q Did you attempt to measure the amount of  
21 skin that had been excised?

22 A Can I refer to my notes?

23 Q If you would, please.

24 A Thank you.

25 Okay. The overall dimensions of the area

1 measured were 45 by 25 millimeters.

2 Q You've indicated that the cutting was a  
3 somewhat symmetrical pattern. Can you describe the  
4 approximate shape of a symmetrical pattern that you  
5 observed?

6 A Certainly. The overall piece of skin was --  
7 I guess you could say boomerang shaped or inverted  
8 v-shaped; in other words, it came to a point up near  
9 the clitoral region and extended down each labia  
10 majora back up toward the clitoral region and  
11 urethral orifice, back down the labia majora and back  
12 down toward the clitoris; in other words, a  
13 inverted V.

14 Q And, again, would you have an opinion as to  
15 how such a cutting could be accomplished?

16 A It's accomplished with a sharp instrument,  
17 sharp blade of some sort.

18 Q Would you have to pull the skin in order to  
19 make the type of sharp cuts that I believe you  
20 described earlier with the breast?

21 A The skin would definitely have to be  
22 manipulated and moved around. The skin in this area  
23 folds upon itself. It is extremely pliable and  
24 moveable; and to make sharp cuts, it requires some  
25 degree of ability to trace and maintain a relatively

1 straight line, know where you're going and know where  
2 you're going to end up, and that requires being able  
3 to pull and arrange the tissue to accomplish that.

4 Q And, again, in regards to this cutting, did  
5 you have an opinion as to whether it was postmortem  
6 or antemortem?

7 A That was ante -- excuse me, correction, I'm  
8 sorry. This was a postmortem wound. There was no  
9 viable reaction. This occurred after death.

10 Q During your approximately 21 years as a  
11 coroner, have you ever observed mutilations of this  
12 nature to a victim?

13 A No, sir.

14 Q Do you have an opinion as to whether or not  
15 this is a very rare occurrence?

16 A It's my opinion it's a rare occurrence.

17 Q Continuing with the examination, after the  
18 external examination, did you conduct an internal  
19 examination, as you previously described?

20 A Yes, sir, I did.

21 Q Before I go any farther, let me back up a  
22 bit.

23 Did you examine the back of Peggy Hettrick?

24 A I certainly did.

25 Q Would you please examine Exhibit 46.

1           A       Certainly. The depiction on the screen is  
2 of People's Exhibit 46, a morgue or autopsy  
3 photograph taken of Peggy Hettrick's back. This is a  
4 stab wound. It's on the left side of Peggy  
5 Hettrick's back.

6           Q       Did you measure exactly where the stab wound  
7 was?

8           A       Yes, I did.

9           Q       And if you need to, would you refer to your  
10 report again as to the exact measurements.

11          A       Of course, I need to refer to my report.

12                   So the wound was on the left side of the  
13 back in the scapular region or shoulder-blade region,  
14 first of all. This wound was located 3 1/2 inches to  
15 the left of midline and 13 3/4 inches from the top of  
16 the head.

17          Q       And did you also measure this wound?

18          A       Yes, I did. The wound measured -- again,  
19 I'm referring to my notes here -- it was  
20 35 millimeters in length and 2 millimeters in width.  
21 To orient you to what's on the screen here, Peggy  
22 Hettrick's head, the back of her head would be over  
23 here to the left of the screen, as I'm indicating on  
24 the wall.

25                   Her buttocks would be down this way, and her

1 left arm would be below the screen down here toward  
2 the floor. So the wound is located roughly  
3 vertically -- in other words, up and down, directed  
4 from the head region toward the foot region.

5 And we see the stab wound, which was, as I  
6 said, 35 millimeters in length and approximately  
7 2 millimeters in width based on the width of the base  
8 area. Now, looking at this wound, we can see the  
9 pointed end and the blunt end of the wound.

10 Q Do the pointed end and blunt end of the  
11 wound have any significance to you?

12 A They indicate only the sharp side of the  
13 knife and the duller side of the knife, if that's --  
14 if I'm answering your question.

15 Q Yes. I'd like you to carefully examine the  
16 blunt end of that knife. Do you have an opinion as  
17 to whether or not that is a typical blunt end of a  
18 knife wound, or if it appears to be slightly  
19 different?

20 A Well, it's a blunt end of a knife wound, in  
21 that it's squared off and that it's not sharp. It  
22 has a little bit of an irregularity to it. I'm  
23 indicating with the pointer on the top end of the  
24 wound that I'm circling right here, there is a little  
25 bit of an additional tear area to that blunted end.

1 Q Do you have an opinion as to what might  
2 cause that irregularity?

3 A That could come from a number of things,  
4 including a -- for instance, an irregular back of a  
5 knife, a saw edge on the back of a knife. Sometimes  
6 it can be caused by some twisting motion of the  
7 knife.

8 MR. GILMORE: If I may approach the witness,  
9 your Honor.

10 Q (By Mr. Gilmore) Dr. Allen, I've placed in  
11 front of you what's been marked as People's Exhibit  
12 32; for the record, a box. Would you please examine  
13 the contents of the box.

14 You've removed a knife from the box?

15 A Yes, sir.

16 Q And on the blunt side of the blades of that  
17 knife, are there certain irregularities?

18 A The noncutting side of the knife has a  
19 serrated edge, like a fish-scaler thing, and kind of  
20 like a bottle opener or can-opener type configuration  
21 on it.

22 Q Do you have an opinion as to whether or not  
23 that type of a configuration of the blade of that  
24 knife could account for the irregularity that you  
25 observed in the stab wound on the back of Peggy

1 Hettrick?

2 A It could.

3 Q Thank you.

4 Finally, in the external examination, did  
5 you also examine Peggy Hettrick's hands?

6 A Yes, I did.

7 Q And did you find a small abrasion on one of  
8 her hands?

9 A Yes, sir, I did. Again, I'm going to refer  
10 to my notes. There was one tiny 1 by .05 millimeter  
11 abrasion on the back of the fourth finger of her  
12 right hand.

13 Q Did you find any evidence on -- during the  
14 external examination of Peggy Hettrick as to any  
15 defensive wounds of any kind?

16 A There is nothing that I would characterize  
17 as an obvious defensive wound.

18 Q Did you find any abrasions or scrape marks  
19 on the buttocks or lower back area of Peggy Hettrick?

20 A There were none.

21 Q Continuing, then, with the normal protocol  
22 for an autopsy. Did you conduct an internal  
23 examination?

24 A Yes, sir, I did.

25 Q Would you proceed and tell the jury how that

1 progressed.

2 A Okay. The internal examination, as I  
3 alluded to earlier, is a systematic dissection of the  
4 organs in the body cavities, and it proceeds along a  
5 standard protocol or procedure that I always follow,  
6 and it entails opening the body cavities and removing  
7 the organs and weighing them, making measurements  
8 when noted, taking pieces for microscopic examination  
9 and, during the course of all this, noting any  
10 disease or injury.

11 Q Did you examine the head of Peggy Hettrick?

12 A Yes, I did.

13 Q Did you find any signs of injury or disease?

14 A No, sir. There were none.

15 Q Did you continue in opening the chest cavity  
16 or thorax?

17 A Yes. The abdominal region and chest cavity  
18 were opened.

19 Q Would you relate to the jury what, if  
20 anything, of significance you found during that  
21 period of time.

22 A Certainly. The prominent finding of the  
23 autopsy was a stab wound to Peggy Hettrick's left  
24 back. That was a knife wound that penetrated into  
25 the left thoracic cavity or left chest cavity from

1 behind.

2           It proceeded into the left lung and  
3 proceeded into the -- what's called the hilar region  
4 of the left lung. That's the region where all the  
5 blood vessels and the airways supply that lung; in  
6 other words, where the air supply and the blood  
7 supply comes in, which is located in the middle of  
8 the body, about midway between the top and the bottom  
9 of the lung.

10           That area was injured by the knife, created  
11 a sharp ridge wound to the blood vessels of the lung  
12 area and also the airway of that lung, and this  
13 resulted in massive blood loss. That's what killed  
14 Peggy Hettrick.

15           Q     During the autopsy did you make a  
16 determination as to the amount of blood found within  
17 her thorax or the chest cavity?

18           A     There were approximately 1,500 milliliters  
19 of blood in her left chest.

20           Q     Was that a significant finding?

21           A     That's a very significant finding. That's a  
22 large amount of blood. That's about a quart and a  
23 half of blood.

24           Q     Would you tell the jury -- explain to the  
25 jury, if you would, please, the concept of bleeding

1 internally.

2       A       Okay. The wound to the lung created blood  
3 which was retained inside the body, but it was inside  
4 the body in a nonfunctional space; in other words,  
5 your blood vessels, vascular systems, contain a  
6 certain amount of blood. Everybody has a different  
7 amount depending on our size and our body build. But  
8 if the blood vessels are torn, that blood is washed  
9 from the body.

10               Now, we talk in terms of people bleeding out  
11 or losing their blood volume. In Peggy Hettrick's  
12 case, that's what she did. She bled out or lost most  
13 of her blood volume; but she didn't lose it to the  
14 outside of her body, at least not all of it.

15               She lost her blood, but most of it was  
16 retained inside her chest cavity. Even though it's  
17 still in her body, it's not of any use to her, not  
18 inside a blood vessel. It's just sitting there as a  
19 big pool or bucket of blood, full, unable to do its  
20 function, which is to carry oxygen to the body and  
21 take away carbon dioxide.

22       Q       In examining the path that the knife took  
23 from the back of Peggy Hettrick through the lungs,  
24 did you find any evidence of it coming in contact  
25 with any bones?

1           A       Yes, sir. It hit one of the left ribs. I  
2 think it was rib number 7. Let me refer to my notes.  
3 It hit rib number 7 posteriorly.

4           Q       What effect, if any, did it have upon  
5 hitting the rib?

6           A       It splintered the -- broke the rib. What I  
7 mean by that, it splintered pieces of bone away from  
8 the rib.

9           Q       Did you make a determination based on the  
10 path of the wound caused by the knife as to an upward  
11 angle or degrees to the left or right?

12          A       Yes, sir, I did. Based on the assumption of  
13 a person standing upright, first of all, the wound  
14 proceeded from Peggy Hettrick's back toward her  
15 front. It proceeded from the left side of her body  
16 toward the right side of her body, ending in the left  
17 hilar region of the left lung. It proceeded upwards  
18 at a slight angle, approximately 5 degrees.

19          Q       I'm not sure I caught that, but did you  
20 describe the approximate angle it proceeded left to  
21 right?

22          A       The left-right angle was approximately  
23 20 degrees.

24          Q       Based on your examination of the path of the  
25 wound through the back and the lung, did you make a

1 determination as to the depth of the knife wound?

2 A Certainly. By measuring the distance from  
3 the skin to the point of penetration into the hilar  
4 region, it was measured at approximately 5 inches.

5 Q Do you have an opinion, then, as to the type  
6 of weapon that would be used to cause such a wound?

7 A Well, it would be a -- an edged weapon, like  
8 a knife with a blade of at least about 5 inches long,  
9 could be longer.

10 Q I'd like to go back a little bit here. You  
11 explained to the jury the concept of bleeding  
12 internally and the fact that there were 1,500  
13 milliliters of blood found within the chest cavity.

14 You also had an opportunity to observe the  
15 blood at the scene. I believe you described the  
16 blood pool and the bloody drag trail?

17 A Yes, sir.

18 Q Can you provide any information to the jury  
19 as to the amount of blood lost by Peggy Hettrick,  
20 both internally and externally?

21 A We can do it in a number of ways. First of  
22 all, I know that Peggy Hettrick's body was relatively  
23 dry at the time of autopsy, and that she had lost  
24 most of her blood volume from her blood vessels.  
25 There is always some still remaining in blood

1 vessels, but much of it was gone.

2 We also know that she lost about three units  
3 or about a quart and a half of blood into her left  
4 chest cavity. There was also blood on the curb, and  
5 there was also some blood on the drag trail between  
6 the curb and where Peggy Hettrick lay, and there was  
7 also some blood underneath Peggy Hettrick and soaking  
8 her coat and her blouse at the scene where she was  
9 lying on her back.

10 So the part that we will never know is how  
11 much blood is outside of the body at the scene into  
12 the environment; in other words, at the curb or on  
13 the dirt and the grass along the drag trail. That's  
14 impossible to measure because it can't be  
15 quantitated. Some of it can soak in and then it  
16 dries over a period of -- not very long period of  
17 time, several hours.

18 Q Do you have an opinion, then, as to -- let  
19 me strike that.

20 In a situation such as this, where there's  
21 been a stab wound -- let me first ask you to describe  
22 to the jury what happens to a stab wound when a knife  
23 penetrates the skin and then is pulled back out.

24 What physiologically happens to the opening  
25 of the stab wound?

1           MR. FISCHER: I'm going to -- I guess I'm  
2 going to object. As a forensic pathologist, he would  
3 be in a position to testify to things that happened  
4 afterwards, after the death; but I don't know that  
5 there has been any foundation laid to testify, so I  
6 will object to foundation.

7           THE COURT: Why don't you rephrase your  
8 question and ask if he is able to give an opinion in  
9 that area first.

10          MR. GILMORE: What happens to a stab wound?

11          THE COURT: Yeah.

12          Q        (By Mr. Gilmore) As a forensic  
13 pathologist, are you familiar with how the body  
14 reacts when a knife penetrates the exterior surface  
15 of the skin?

16          A        Yes.

17          Q        Would you describe to the jury what that  
18 process is, how the body reacts when the skin is  
19 penetrated?

20          A        Well, when the skin is penetrated by a sharp  
21 object, such as a knife, various blood vessels of all  
22 sizes are compromised. They're torn or penetrated or  
23 severed by the knife blade. This creates bleeding.

24                    In this particular case, there is some  
25 bleeding at the skin and the subcutaneous tissue and

1 muscle outside the chest cavity. Then the knife  
2 proceeds into the chest cavity and penetrates the  
3 lung, from which there is bleeding internally into  
4 the left chest cavity.

5 At that point proceeding onward, the knife  
6 blade at this point goes into the left hilar region  
7 and makes a penetrating injury or an incised injury  
8 into the great blood vessels into the left lung.  
9 This creates bleeding inside the chest cavity.

10 This creates an immediate -- as far as the  
11 internal injury into the lung cavity, an immediate  
12 higher volume blood loss, and the blood then starts  
13 to fill up the left chest cavity.

14 This also, at the same time, creates what's  
15 called a pneumothorax, which is the escape of air  
16 from the interior of the lung and also from the  
17 environment, from the stab wound itself, and  
18 proceeding into the chest cavity.

19 This creates a collapse of the left lung; in  
20 other words, the lung is not inflated like a balloon,  
21 but collapsed, like a collapsed balloon. That means  
22 it cannot transpire air in and out of itself. That  
23 means that your inspiratory capacity or venicatory  
24 capacity is cut in half at that point proceeding from  
25 full venicatory capacity to half.

1           During that period of time the lung  
2 continues to collapse and is pressed by the amount of  
3 blood in the chest cavity, thereby prohibiting its  
4 reexpansion with air, because not only is the lung  
5 still prone to the collapsing forces of the external  
6 environment, but also being compressed by the fluid,  
7 which is blood surrounding the lung.

8           During this period of time the blood  
9 pressure is dropping and the blood is -- do you want  
10 me to go on?

11           Q     Let me ask you another question, please.  
12 The physical hole, if you will, caused by the knife  
13 in Exhibit 46, can you describe to the jury what you  
14 would have expected in terms of blood coming out of  
15 that wound?

16           A     There is going to be some blood coming out  
17 of it. It may be a moderate amount, may not be as  
18 much as one might expect from watching TV, for  
19 instance.

20                   The wound is obviously going to bleed.  
21 Blood vessels have been compromised, and there might  
22 be an immoderate amount of blood. You wouldn't  
23 expect a large amount of blood spurting or blowing  
24 every which way. That's based on not only the wound  
25 itself, but based on the fact that Peggy Hettrick had

1 on heavy clothing to absorb or dampen any spread of  
2 blood.

3 Q Many times people hear if an artery is cut  
4 that there's a spurting of blood or shooting of  
5 blood. Would that have occurred in this type of a  
6 case with the lung tissues that were damaged?

7 A Yes. The lung tissues that were damaged  
8 collided from the vasculature of the lung. These are  
9 large-diameter or large-bore blood vessels which  
10 create loss of blood.

11 Any major loss of blood with any spurting or  
12 great expression of blood occurred inside the body  
13 cavity; in other words, inside the chest cavity.  
14 None of this was exposed to the external environment;  
15 in other words, it wasn't exposed to the outside of  
16 Peggy Hettrick's body or to the ground.

17 Q So your opinion would be, out of this wound  
18 there was no shooting of blood or anything of that  
19 nature?

20 A If there was any shooting, it occurred only  
21 from the breakage or tearage of small arterioles in  
22 the skin and subcutaneous and skeletal muscle region  
23 on the exterior of the thoracic cavity. Those would  
24 have been dampened to some degree or another by her  
25 clothing --

1 Q And they would have been also -- I'm sorry.

2 A -- I was taking a breath. Those would be  
3 extremely -- blood vessels, we're talking, in terms  
4 of blood vessels, of 1 to 2 millimeters at the most  
5 in this area.

6 Q The jury has heard a witness just prior to  
7 you speak of a stab wound closing itself off or  
8 sealing itself. Are you familiar with that term?

9 A I'm very familiar with that term.

10 Q Would you describe, as a pathologist, what  
11 the body is doing when a stab wound is sealed off?

12 A The sealing off of a stab wound to the chest  
13 simply means this: The chest is a relatively fixed  
14 structure by virtue of the rib cage; in other words,  
15 it's always going to have a chest -- barrel-shaped  
16 shape to it because of the ribs. They give you your  
17 chest shape.

18 But on the other hand, we also have soft  
19 tissues on the exterior of the thoracic cavity; in  
20 other words, the skin, the subcutaneous fat and  
21 muscles and all of these can move, and they do move,  
22 and they may slide to one degree or another over the  
23 wound, and the sliding of the soft tissue over a  
24 wound may, in fact, stop the blood flow to the  
25 outside.

1           It doesn't mean a person is not still  
2     bleeding, but they're not bleeding, expressing a lot  
3     of blood exteriorly. They may be bleeding  
4     internally. That can come and go. You can have  
5     blood flowing and then not flowing, and then flowing  
6     again to the outside.

7           Q     You indicated as part of your autopsy  
8     protocol you also performed a toxicology examination  
9     on the person you're performing the autopsy on?

10          A     Yes, sir, I did.

11          Q     Did you do that in this case also?

12          A     I did.

13          Q     As to a level of alcohol, did you make a  
14     determination based on toxicology reports --

15          A     Yes, I did.

16          Q     -- or results?

17          A     Yes. As I indicated earlier, Peggy  
18     Hettrick's body was relatively dry of blood from a --  
19     what I'll call a reputable, clean source to obtain  
20     blood from. We don't like to obtain blood from a  
21     body cavity like a chest cavity. The reason for that  
22     is it can be contaminated with gastric contents.

23                 If a person has been drinking and they  
24     regurgitate some gastric contents or vomit a little  
25     bit, that can be sucked into the lung, sucked through

1 that stab wound into the lung and into the chest  
2 cavity where there was blood, and create an  
3 artificial level of alcohol.

4 So I didn't run a blood-alcohol on Peggy  
5 Hettrick. I took some vitreous fluid from her eye.  
6 That's a very good toxicology medium. The vitreous  
7 ethanol level was 100 -- 110 milligrams per  
8 deciliter.

9 Q That would be slightly above the legal limit  
10 in Colorado to drive?

11 A That would be; however, vitreous ethanol  
12 is -- does not translate 100 percent into a  
13 blood-ethanol level. This would translate into  
14 approximately about an 85 to 90 blood-ethanol level.  
15 It's usually 120 percent or thereabouts of the blood.

16 Q As part of your autopsy report, I believe  
17 your assistant or one of the investigators attempted  
18 to make some determinations as to an approximate time  
19 of death. Are you familiar with that term?

20 A I'm familiar with what you're talking about,  
21 yes.

22 Q Can you explain to the jury what that  
23 procedure was an attempt to do?

24 A Yeah. My investigator at the time drew  
25 vitreous fluid from Peggy Hettrick's eye; and then at

1 a later time, several hours later, he drew fluid from  
2 the other eye. The background of this or the  
3 principle of this is to try to determine the time of  
4 death.

5 Sometimes it is possible to -- by drawing  
6 the vitreous fluid and determining the vitreous  
7 potassium level, to backtrack a course and estimate  
8 the time that the person was killed.

9 Q Was such a chart or procedure done in this  
10 case?

11 A My investigator did such a chart and had a  
12 range of times.

13 Q Are you comfortable with those range of  
14 times?

15 A I'm comfortable with his mathematics. I'm  
16 not necessarily comfortable, you know, with the  
17 answer. The times ranged from times before she was  
18 definitely seen alive, so those times didn't equate,  
19 out to a time in the mid to late -- late to early  
20 morning; mid, late, or early morning.

21 I mean -- I'll refer to the notes here, if I  
22 can find it. He used various values for normal  
23 potassium readings and came up with times somewhere  
24 in the range of 6:30 to 8:30 in the evening out to  
25 2:30 to 4:30 in the morning.

1 Q Did you, yourself, make any determination as  
2 to the time of death?

3 A No, sir, not based on potassium. I relied  
4 on investigative information supplied to me.

5 Q Based on the investigative information  
6 supplied to you, did you estimate a time of death?

7 A All I was willing to commit to was her death  
8 was consistent with being early on the morning of  
9 February 11th, 1987.

10 Q Following up to the questions I asked you  
11 about the internal bleeding and external bleeding,  
12 the amount of blood which Peggy Hettrick lost  
13 internally would be approximately what percent of her  
14 total volume of blood?

15 A Peggy Hettrick was a fairly small  
16 individual. She was about five, two, weighed about  
17 110 pounds, and her blood volume would probably be in  
18 the range of about 8 or 10 pints. So she has lost  
19 into her chest cavity approximately 3 pints; and on  
20 the exterior of her body and along the drag trail,  
21 another pint and a half to 2 pints. So at least half  
22 to two thirds of her blood volume was probably  
23 accounted for, and there is always some blood left in  
24 the blood system.

25 Q Finally, Dr. Allen, as a result of your

1 autopsy and analysis, did you prepare a certificate  
2 of death for Peggy Hettrick?

3 A Yes, I did.

4 MR. GILMORE: If I may approach the witness,  
5 your Honor.

6 Q (By Mr. Gilmore) I hand you what's been  
7 marked as People's Exhibit 49. Can you identify that  
8 item?

9 A People's Exhibit 49 is the death certificate  
10 for Peggy Lee Hettrick, signed by me on  
11 February 12th.

12 Q And the cause of death that you determined?

13 A The cause of death is acute hypovolemic  
14 shock, which is blood loss as a result of the stab  
15 wound to the left back, lacerating the left lung and  
16 left pulmonary artery.

17 Q And on the death certificate, did you also  
18 provide the amount -- your estimation as to the  
19 amount of time from the time she was stabbed to the  
20 time she died?

21 A I just list the word minutes.

22 Q Okay. Can you explain to the jury how  
23 quickly a human body dies from a stab wound of this  
24 nature?

25 A Well, a stab wound, any sort of a

1 penetrating wound like this that tears the great  
2 blood vessel requires a period of time to die. That  
3 might be anywhere from, on the low end, you know, 3  
4 or 4 or 5 minutes, up to 15 or 20 minutes, maybe a  
5 half an hour, I would say at the most, longest period  
6 of time. It's impossible to say exactly. Every  
7 person is different.

8 MR. GILMORE: I have no further questions.

9 THE COURT: Counsel?

10 CROSS-EXAMINATION

11 BY MR. FISCHER:

12 Q Good afternoon, Doctor.

13 A Good afternoon.

14 Q I may have misunderstood you or misheard  
15 you, but I thought you originally testified it was  
16 impossible to tell how much blood had been lost to  
17 the outside environment; is that correct?

18 A That's correct.

19 Q Okay. So you really can't make a percentage  
20 determination because you don't know how much blood  
21 was lost to the outside environment?

22 A That's correct.

23 Q Doctor, I noticed in your report that you  
24 have Miss Hettrick's weight between 110 and 115. Was  
25 she weighed, or did you just make an estimation based

1 on some other fact?

2 A That was an estimated weight.

3 Q Okay. Now, there was one thing that was not  
4 talked about in your direct examination; but, in  
5 fact, Miss Hettrick had several small abrasions,  
6 puncture abrasions, on her chin, correct?

7 A Yes, sir. I think so, yes.

8 Q What can you contribute that to?

9 A Well, those are blunt-force traumatic  
10 injuries. Any abrasion is the result of a scraping  
11 motion of some blunt object or blunt-nature type of  
12 an object against the skin, enough to tear the  
13 surface of the skin.

14 Q Okay. Now, would you be responsible -- I  
15 understand the victim's hands and feet and head are,  
16 in effect, bagged to try to preserve evidence. Are  
17 you responsible, as the person doing the autopsy, of  
18 cutting those bags off?

19 A I don't recall on this particular case  
20 whether I personally cut the bags off or my autopsy  
21 assistant did.

22 Q Okay.

23 A It's been a long time.

24 Q You noted in your autopsy that there was a  
25 cut on the left blouse cuff. Do you believe that

1 would have happened in cutting the bags off?

2 A Not if I were cutting the bags off.

3 Q Okay. According to the calculations of your  
4 assistant, what was the latest possible time that  
5 Miss Hettrick's death may have occurred?

6 A May I refer to my notes?

7 Q Please.

8 A Thank you. The latest possible time was  
9 4:30 a.m., based on one set of calculations.

10 Q Okay. Now, Doctor, let's talk about the  
11 left seventh rib, which you wrote in your report was  
12 fractured, correct?

13 A Yes, sir.

14 Q What kind of force does it take to fracture  
15 a rib in a human being?

16 A Well, sir, it's impossible to quantitate the  
17 amount of force; in other words, I can't give you  
18 pounds per square inch per second squared.

19 Q Everybody's rib is different, correct?

20 A Everybody's rib is different. It takes  
21 enough force, it takes a good force, a considerable  
22 force to fracture a rib. Now, it, again, depends on  
23 the size of the rib and the size of the blow.

24 Q Would you agree it takes considerable force  
25 to plunge a knife into somebody 5 inches without

1 hitting a rib?

2 A No, I would not.

3 Q Okay. But you would agree if you're going  
4 to hit a rib and break a rib and plunge a knife into  
5 somebody 5 inches, it would take a considerable  
6 amount of force, correct?

7 A It would take more force than if the rib  
8 were not hit, yes, sir.

9 Q Okay. Doctor, you were asked to give some  
10 opinions about the wounds -- in effect, what is the  
11 mutilation -- correct, as to the type of knife used?

12 A That was brought up, yes.

13 Q Okay. As I grew up in Fort Collins, I had  
14 some friends of mine that would trap animals and skin  
15 animals, and they had some incredibly sharp knives  
16 that would look about the size of the one that was  
17 presented to you.

18 It is possible that any size knife, as long  
19 as the blade were sharp enough, made those wounds;  
20 isn't that correct? And we're talking about removing  
21 the left nipple.

22 A The left nipple, yes.

23 Q And excising the labia and the clitoris,  
24 correct?

25 A In the case of the genitalia mutilations on

1 the labia and clitoris, first of all it has to be a  
2 sharp instrument, but that was a tight confined space  
3 because of the anatomic positioning of Peggy's --  
4 Peggy Hettrick's legs and also because of her  
5 clothing, the jean -- or her pants, jeans were down  
6 around her knees, so there was not a lot of room to  
7 maneuver in there.

8 Q Understanding there's some limitations to  
9 maneuver, there's nothing in your report that would  
10 indicate that based upon the cutting, that it had to  
11 be a scalpel, correct?

12 A No, sir.

13 MR. FISCHER: Okay. If I may approach, your  
14 Honor.

15 Q (By Mr. Fischer) Doctor, you were asked if  
16 this knife could have caused the stab wound to the  
17 back, correct?

18 A Yes, sir.

19 Q Okay. Are you aware that -- well, let me  
20 ask you, have you taken a close look at this knife?

21 A I looked at it just now when I was sitting  
22 here. I don't know what you mean by "close."

23 Q That's the first time you've seen this  
24 knife?

25 A I saw it earlier today during a recess.

1 Mr. Gilmore and I were in the room, and I looked at  
2 it briefly for probably about one or two seconds.

3 Q Okay. Now, are you aware that, in fact,  
4 Miss Hettrick's body was exhumed and tested; in other  
5 words, your findings were put in question, tested to  
6 find the tip of a knife. Were you aware of that?

7 A I was there.

8 Q You were there?

9 A I was.

10 Q I thought you were. That was to find the  
11 piece of a knife that had been later discovered in  
12 this case, correct?

13 A Your question is to find a piece of a knife  
14 or to find the knife?

15 Q To find the piece of the knife. In other  
16 words, the body was exhumed and X-rayed for metal,  
17 correct?

18 A That's correct.

19 Q Okay.

20 MR. FISCHER: Thank you, Doctor.

21 THE COURT: People?

22 MR. GILMORE: I have no other questions,  
23 your Honor.

24 THE COURT: May this witness be excused?

25 MR. GILMORE: Yes, your Honor.

1 THE COURT: Thank you. You may step down.  
2 You're hereby excused. Let's take a short five-  
3 minute stretch break. Take a short stretch break.

4 Please rise.

5 (A recess was taken from 4 o'clock p.m.  
6 until 4:15 p.m.)

7 THE COURT: Please return the jury.

8 (The jury entered the courtroom.)

9 THE COURT: Please be seated. People may  
10 call their next witness.

11 MR. GILMORE: People would call Leslie  
12 Gaines.

13 LESLIE GAINES,  
14 called as a witness on behalf of the People, having  
15 been first duly sworn, testified as follows:

16 THE CLERK: Please be seated.

17 DIRECT EXAMINATION

18 BY MR. GILMORE:

19 Q Miss Gaines, for the record, would you  
20 please state your full name and spell your last name.

21 A Leslie Gaines, G-a-i-n-e-s.

22 Q And where do you presently reside?

23 A Littleton, Colorado.

24 Q Maybe if you'd lean forward a little bit and  
25 speak in the mike.

1 A Littleton, Colorado.

2 Q Are you employed?

3 A Yes.

4 Q In what capacity?

5 A Computer operations.

6 Q Did you previously reside in Fort Collins?

7 A Yes.

8 Q Do you recall approximately when it was that  
9 you resided in Fort Collins?

10 A Well, from '77 to '87.

11 Q I'd like to direct your attention to  
12 February of 1987. Were you residing in Fort Collins  
13 then?

14 A Yes.

15 Q Do you recall where you resided?

16 A In some condominiums on Landings Street.

17 Q Landings Drive?

18 A Yes.

19 Q And how were you employed at that time?

20 A State Farm in Greeley.

21 Q Do you remember approximately the hours that  
22 you worked at that job?

23 A 3 to 11, Monday through Friday. I worked  
24 nights.

25 Q On the days that you worked your shift from

1 3 to 11, do you recall approximately what time you  
2 would arrive home in Fort Collins to your  
3 condominium?

4 A Usually every -- left at 11, got there right  
5 after 12. Took me an hour to get home.

6 Q I'd like to direct your attention to -- I  
7 guess the workday would have been February 10th, and  
8 in the early minutes of February 11th. Do you recall  
9 coming home from your work in Greeley on that date?

10 A Yes.

11 Q Could you tell the jury what, if anything,  
12 that you saw that was unusual when you were coming  
13 home that day.

14 A Well, I saw a small, petite girl walking up  
15 my road where I live, and she was carrying a purse or  
16 a sack of some sort.

17 Q Let me back up a minute. When you say you  
18 saw a small, petite girl, are you saying a girl or a  
19 woman or --

20 A Oh, woman. Yeah.

21 Q And she was just small in stature then?

22 A Yeah.

23 Q Okay. Do you recall anything else about her  
24 physical appearance, the color of her hair?

25 A Just that it was light in color. I thought

1 it was blond. It looked like she had black clothing  
2 on.

3 Q Dark pants?

4 A Yeah.

5 Q Dark jacket and a dark top?

6 A Yeah.

7 Q Do you remember anything about the type of  
8 hair she had, the length of it, anything of that  
9 nature?

10 A It was shorter length. Shorter.

11 Q Could you describe her build?

12 A Well, she was -- I thought she was small. I  
13 mean, not small, but just a medium-sized person.

14 Q Did she appear to be heavy or overweight or  
15 anything of that nature?

16 A Not heavy, no.

17 Q You believe that she was carrying some kind  
18 of a purse or a sack type of thing?

19 A I thought it was a sack, I think, at the  
20 time.

21 Q Do you recall approximately where it was  
22 that you observed her?

23 A Well, she was -- she was walking near our  
24 mailboxes. I can't remember what side of the street  
25 that was on, but she was in the bike lane -- not on

1 the -- she was not on the sidewalk, I don't think.

2 Q Okay. She was on the roadway then?

3 A Yeah.

4 Q Okay. And were you going north on Landings  
5 to your apartment? Do you remember?

6 A I think I was -- I think it was south, and  
7 she was going the same direction, I think.

8 Q Okay. She was going -- you believe she was  
9 going south?

10 A And then I turned off and she kept moving,  
11 but . . .

12 Q When you pulled into your condominium  
13 project, did you look back and see if she was still  
14 there?

15 A I -- I don't think so. She was just walking  
16 in the same direction. There wasn't anybody nearby.

17 Q Am I correct in that you think she was  
18 walking south on Landings?

19 A Uh-huh. Yeah.

20 Q And you said there was nobody else with her?

21 A No.

22 Q Is there any particular reason that you  
23 remember seeing this person as she was walking down  
24 the street?

25 A Well, just because it was late and there

1 isn't -- it's a residential, or it was. There's  
2 nobody usually walking around out there that late.  
3 It's not a place to walk.

4 Q That was unusual to you to see somebody  
5 walking when you got home from work?

6 A Yeah. Yes.

7 Q Were you contacted the next morning?

8 A Yes.

9 Q And did you relate to police officers that,  
10 in fact, you had seen an individual walking down the  
11 street?

12 A Yes.

13 MR. GILMORE: Okay. That's all I have, your  
14 Honor.

15 THE COURT: Counsel?

16 MR. FISCHER: Thank you, your Honor.

17 CROSS-EXAMINATION

18 BY MR. FISCHER:

19 Q Ms. Gaines, it's true you thought you'd  
20 never seen that woman before, correct?

21 A Uh-huh.

22 Q So you hadn't seen her before?

23 A No.

24 Q And, again, you thought her hair was light  
25 blond?

1 A Uh-huh.

2 Q Do you remember what type of night was it?  
3 Was it a clear night?

4 A I think it was, not no snow or anything.

5 Q Do you remember if it was a full moon?

6 A I don't remember.

7 Q Okay. It was a long time ago?

8 A No.

9 Q How close did you get to the woman?

10 A Well, I'm thinking I passed her in the car  
11 and I turned off.

12 Q So if you passed her in the car, you could  
13 have been as close as me to you?

14 A Probably, but she was going in the direction  
15 I was going in. She was facing -- not facing me.

16 Q But at that close and with the light of that  
17 night, you thought her hair looked light blond,  
18 correct?

19 A Yeah.

20 Q Okay. And this would all have been about  
21 12 o'clock on that evening?

22 A Uh-huh.

23 MR. FISCHER: Okay. Thank you. Nothing  
24 further.

25 MR. GILMORE: Nothing further, your Honor.

1 THE COURT: Thank you. You may step down.  
2 You're excused. You may leave.

3 MR. GILMORE: May she be excused, your  
4 Honor?

5 THE COURT: Yes.

6 MR. FISCHER: She may be.

7 MR. GILMORE: People call Dawn Gilbreath.

8 DAWN GILBREATH,  
9 called as a witness on behalf of the People, having  
10 been first duly sworn, testified as follows:

11 THE CLERK: Please be seated.

12 DIRECT EXAMINATION

13 BY MR. GILMORE:

14 Q Miss Gilbreath, for the record would you  
15 please state your full name and spell your last name.

16 A Dawn Gilbreath, G-i-l-b-r-e-a-t-h.

17 Q And where do you presently reside?

18 A In Helena, Montana.

19 Q Approximately how long have you lived in  
20 Montana?

21 A 10 years.

22 Q And how are you employed?

23 A I'm a casino manager.

24 Q Do you recall where you were living in 1987?

25 A In Loveland, Colorado.

1 Q Were you employed at that time?

2 A Yes.

3 Q Do you recall what type of work you were  
4 doing?

5 A I was working at the Good Samaritan as a  
6 nurse assistant.

7 Q Miss Gilbreath, I'd like to direct your  
8 attention to the evening of February 10th, 1987, and  
9 ask you to kind of, to the best of your recollection,  
10 go through your activities that evening.

11 A Okay.

12 Q I'd like to begin about 8:00 or 8:30 that  
13 night and ask if you recall where you were.

14 A I was at the Laughing Dog Saloon with a  
15 girlfriend of mine.

16 Q Do you remember her name?

17 A Sue Hanson.

18 Q And after you left the Laughing Dog Saloon,  
19 do you recall where you went?

20 A We went to Rumors, downtown area.

21 Q Is that a bar also?

22 A Yes.

23 Q Did you and your -- was it your roommate or  
24 a friend?

25 A Just a friend.

1 Q Did the two of you have drinks there?

2 A Yes.

3 Q Do you recall what type of drinks you were  
4 having?

5 A We were drinking wine coolers.

6 Q Okay. Do you recall coming into contact  
7 with an individual by the name of Matt Zoellner?

8 A Yes, I did.

9 Q Did you know him previously?

10 A I knew him a couple of years ago. I was  
11 going to buy a vehicle from him at a car dealership.

12 Q Okay. Had you ever dated or done anything  
13 with him prior to that time?

14 A No.

15 Q Do you remember talking with Mr. Zoellner at  
16 the Rumors Bar?

17 A Yes.

18 Q Do you recall approximately how long you  
19 think you talked with him?

20 A I'd say we talked about an hour.

21 Q Do you recall the two of you arriving at a  
22 decision to leave that bar and to go somewhere else?

23 A Yeah. He was planning to go to the Prime  
24 Minister.

25 Q Do you know where that was?

1 A On College Avenue.

2 Q Did Mr. Zoellner leave Rumors Bar?

3 A Yes, he did.

4 Q Okay. At some time later did you leave the  
5 bar?

6 A I left approximately a half hour later and  
7 dropped my girlfriend off at our place of work, which  
8 she worked at Good Samaritan Nursing Home too.

9 Q So her car was already there?

10 A At the nursing home, yeah.

11 Q After dropping your friend off at the Good  
12 Samaritan Nursing Home, did you go to the Prime  
13 Minister?

14 A Yes, I did.

15 Q Would you tell the jury what transpired when  
16 you got there.

17 A I walked in and I saw Matt talking to a lady  
18 and a gentleman who was on the other side of her.  
19 And I walked up, talked to him, gave him a kiss on  
20 the cheek, and he ordered a drink, and I went to the  
21 restroom, came back, and got a place to sit.

22 Q Can you describe the lady that Mr. Zoellner  
23 was sitting with?

24 A Oh, red hair, about my height, five, six;  
25 five, seven.

1 Q She was sitting down the whole time?

2 A Sitting down, yeah. She had been sitting  
3 down. She's probably 20-ish, 30-ish, late 20s, early  
4 30s, wavy red hair.

5 Q When you gave Mr. Zoellner the kiss on the  
6 cheek, did he have any reaction?

7 A He got a little nervous. He didn't like  
8 that.

9 Q You indicated that you went to the restroom.  
10 You came out and sat at a table?

11 A Yes.

12 Q Can you continue, then, with what you recall  
13 happening.

14 A He was talking to the lady. He got us our  
15 drinks, and he came and sat down.

16 Q At the table you were at?

17 A Yes.

18 Q Do you remember anything about physically  
19 within the Prime Minister Restaurant where that table  
20 was at?

21 A Oh, it was probably in the middle of the bar  
22 area.

23 Q Did you and Mr. Zoellner have a conversation  
24 at that time?

25 A Yeah.

1 Q And did you stay with Mr. Zoellner for a  
2 period of time?

3 A He was going in and out of the restroom a  
4 lot. Yeah. I was there pretty much all the time  
5 until we left.

6 Q Okay. Do you have any recollection of,  
7 again, what you were drinking?

8 A Wine coolers.

9 Q Do you remember what Mr. Zoellner was  
10 drinking?

11 A He was drinking draft beers.

12 Q Do you have any recollection of how many  
13 wine coolers you had?

14 A I had two.

15 Q Okay. Do you have any recollection of how  
16 many beers Mr. Zoellner had?

17 A He had three.

18 Q Do you recall seeing the woman that you had  
19 previously seen sitting with Mr. Zoellner again that  
20 evening?

21 A Yes. He was watching her pretty close, and  
22 she was talking to that other gentleman.

23 Q When was the last time that you saw this  
24 particular woman that had been with Mr. Zoellner?

25 A At 1:20. I noticed she was talking to some

1 people which were standing up and talking like they  
2 were leaving.

3 Q Did you ever see her actually leave?

4 A No.

5 Q So at approximately 1:20 is the last time  
6 you saw her --

7 A Yes.

8 Q -- at any time in the bar?

9 A Yes.

10 Q Would you continue, then. At the Prime  
11 Minister Restaurant, is there a time in the evening  
12 when the bar might announce what's called a last  
13 call?

14 A Yes.

15 Q Do you recall that happening?

16 A Yes.

17 Q Okay. Were you still at the restaurant  
18 then?

19 A Yes.

20 Q Approximately how long -- strike that.

21 At the time that you were at the last call,  
22 was Mr. Zoellner still there also?

23 A Yes, he was.

24 Q Okay. Did you two have any conversation  
25 about what you might do after leaving the Prime

1 Minister?

2 A Yeah. Matt asked me if I wanted to go over  
3 to his house for last call, and I agreed upon it.

4 Q Do you recall approximately, to the best of  
5 your recollection, what time it would have been that  
6 you left the Prime Minister?

7 A No, I can't recall that.

8 Q Okay. Did you have a last-call drink at the  
9 Prime Minister? Do you remember that?

10 A No, I didn't.

11 Q Can you remember or give the jury any idea  
12 of how much time it was between when you last saw the  
13 woman that had previously been with Mr. Zoellner and  
14 when you left?

15 A It would -- it would have to be about 20  
16 minutes, 20, 30 minutes.

17 Q When you left the Prime Minister, would you  
18 tell the jury the arrangements in which you and  
19 Mr. Zoellner left the Prime Minister?

20 A He got in his dealer car and I got in my  
21 truck, and I followed him to his house.

22 Q And when you got there, did you have more to  
23 drink?

24 A Yes. We had wine.

25 Q Would you describe, first of all, how

1 Mr. Zoellner was?

2 A He acted like he was a little intoxicated,  
3 tired, wanting to go to sleep.

4 Q Okay. Did you have any food?

5 A I didn't.

6 Q Did Mr. Zoellner have any food?

7 A He had toast. He made some toast.

8 Q Did you discuss any relationship between the  
9 two of you, or any future relationship?

10 A No, we didn't discuss between us. We  
11 discussed children, how I'd like children and he  
12 hated them.

13 Q Okay. Did Mr. Zoellner attempt to make any  
14 sexual overtones to you?

15 A No, he didn't.

16 Q Did you ever kiss at all, even in his  
17 apartment?

18 A Yeah, we kissed.

19 Q Do you recall approximately what time you  
20 left Mr. Zoellner's apartment?

21 A I left about 3 o'clock.

22 Q Okay. And where did you go?

23 A I went home in Loveland.

24 Q And approximately what time do you believe  
25 you got home to Loveland?

1           A       It was about a half an hour later, about  
2 3:30.

3           MR. GILMORE:   Okay.   Thank you.   I have no  
4 further questions, your Honor.

5           THE COURT:   Counsel.

6                           CROSS-EXAMINATION

7 BY MR. CHAMBERS:

8           Q       Good afternoon.

9           A       Good afternoon.

10          Q       You spent the better part of February 10th  
11 and -- until about 3:30 in the morning with  
12 Mr. Zoellner; is that right?

13          A       Well, about 9:30, yeah.

14          Q       Okay.   You ran into Mr. Zoellner at Rumors?

15          A       Yes.

16          Q       And it was agreed between you that the two  
17 of you, that you would meet him again back at the  
18 Prime Minister?

19          A       Meet at the Prime Minister, yeah.

20          Q       So you went to the Prime Minister, arrived  
21 there at about 1 o'clock in the morning?

22          A       Shortly before 1.

23          Q       Okay.   And at the Prime Minister,  
24 Mr. Zoellner was having a conversation with this  
25 woman you just described?

1 A Yes.

2 Q And you went up to him?

3 A Yes, I did.

4 Q And you gave him a little kiss on the cheek,  
5 and he felt uncomfortable by that?

6 A Yes.

7 Q Okay. You and Mr. Zoellner ultimately got a  
8 table in the Prime Minister, and you sat there and  
9 you had some drinks?

10 A Yes, we did.

11 Q And he was keeping his eye on this woman, it  
12 appeared to you?

13 A Yes.

14 Q And you weren't really keeping your eye on  
15 her; but because he was, you made some observations  
16 as to what he was doing?

17 A Yes.

18 Q You saw her at one point, I think you said,  
19 talking to a gentleman at the bar?

20 A When I came in, there was a gentleman on her  
21 right side.

22 Q I see. And after you and Mr. Zoellner went  
23 to your table, you again saw her engage in a  
24 conversation with that gentleman?

25 A Yes.

1 Q Okay. And you also at one point saw her  
2 engage in a conversation with a group of people?

3 A Yes.

4 Q And it seemed to you or appeared to you that  
5 this group of people was getting ready to leave the  
6 bar?

7 A Yes.

8 Q You didn't actually see this woman that  
9 you've been talking about leave the bar?

10 A No, I hadn't.

11 Q The last you saw her was with this group of  
12 people who appeared to be leaving the bar?

13 A Yes.

14 Q Okay. And so you didn't see if she left on  
15 foot or in a car?

16 A No, I didn't.

17 Q About -- I think you said -- approximately  
18 20 minutes after that observation, you and  
19 Mr. Zoellner left?

20 A Yeah.

21 Q Guess? Estimate?

22 A Yeah.

23 Q Okay. Could have been a few minutes more or  
24 a few minutes less?

25 A Okay. I'd say it was probably about 15

1 minutes later.

2 Q Okay. And you ended up going over to  
3 Mr. Zoellner's house?

4 A Yes.

5 Q And you were at his house until 3:00 or 3:30  
6 in the morning?

7 A Yes.

8 MR. CHAMBERS: Thank you.

9 THE COURT: Further questions?

10 MR. GILMORE: No, your Honor.

11 THE COURT: May this witness be excused?

12 MR. GILMORE: Yes, your Honor.

13 MR. CHAMBERS: No objection.

14 THE COURT: You may step down and you're  
15 hereby excused.

16 MS. BLAIR: People would call Lieutenant  
17 James Broderick to the stand.

18 JAMES BRODERICK,  
19 called as a witness on behalf of the People, having  
20 been first duly sworn, testified as follows:

21 THE CLERK: Please be seated.

22 MS. BLAIR: Your Honor, for the record, the  
23 parties have stipulated that the People will be  
24 allowed to establish the whereabouts of Peggy  
25 Hettrick in the evening hours into the early morning

1 hours of February 10th to February 11th, 1987,  
2 through Lieutenant Broderick as a result of the  
3 investigation which was conducted in this case  
4 without objection to hearsay.

5 MR. FISCHER: That's correct, your Honor.

6 THE COURT: Ladies and gentlemen, basically  
7 hearsay statements made out of court, usually they're  
8 not admissible unless there's some exception to the  
9 evidence rule.

10 Counsel are agreeing to allow this witness,  
11 based upon hearsay statements made to others, to give  
12 you an overview of what the investigation may have  
13 determined as to the whereabouts of the deceased that  
14 evening.

15 You may proceed.

16 MS. BLAIR: Your Honor, one other thing:  
17 The People will be calling Lieutenant Broderick later  
18 on in their case in chief again.

19 DIRECT EXAMINATION

20 BY MS. BLAIR:

21 Q Would you please state your name for the  
22 record and spell your last name.

23 A Jim Broderick. That's B-r-o-d-e-r-i-c-k.

24 Q And how are you currently employed?

25 A I'm a lieutenant at the Fort Collins Police

1 Department.

2 Q And in preparation for this portion of your  
3 testimony, have you had occasion to review police  
4 reports and witness statements with respect to the  
5 whereabouts of Peggy Hettrick on the evening of  
6 February 10th into the early morning hours of  
7 February 11th, 1987?

8 A Yes, I have.

9 Q First starting with where Peggy Hettrick was  
10 employed; are you aware of that?

11 A She was employed at Fashion Bar, which was  
12 at The Square Shopping Center in South Fort Collins.

13 Q And do you know whether or not she was  
14 working on the date of February 10th, 1987?

15 A Yes, she was.

16 Q Are you also aware as to where Peggy  
17 Hettrick resided in relation to The Square mall?

18 A She resided at the Aspen Leaf Apartments,  
19 which was directly east of the shopping mall. I'd  
20 estimate no more than a block and a half to the east.

21 MS. BLAIR: Your Honor, at this point of the  
22 testimony, I'd ask that Lieutenant Broderick be  
23 allowed to approach People's Exhibit 1.

24 THE COURT: Sir, please keep in mind, when  
25 you're up there, when you talk, talk towards the jury

1 so they can hear you.

2 THE WITNESS: Yes, your Honor.

3 A The victim, Peggy Hettrick, lived here in  
4 this building here. This is Stanford Road,  
5 Horsetooth Road, and the Fashion Bar is designated by  
6 the number 3 here, and her place of living was  
7 number 4.

8 Q (By Ms. Blair) What time did she get off  
9 work?

10 A Her time card indicated that she punched out  
11 from her place of employment at Fashion Bar at  
12 9:01 p.m.

13 Q Do you know where she went after leaving  
14 work?

15 A She went to her apartment; and upon being  
16 unable to enter the apartment, then walked to the  
17 Laughing Dog Saloon, which is designated number 5 on  
18 the exhibit.

19 Q And just for the jury's point of reference,  
20 what is designated as number 9?

21 A Number 9 is the Albertsons supermarket. It  
22 still exists at this location. This building where  
23 Laughing Dog Saloon is at is still there, but  
24 different set of businesses. For orientation, this  
25 is Horsetooth Road here and College Avenue running

1 north and south.

2 Q And were different witnesses at the Laughing  
3 Dog Saloon interviewed with respect to what time  
4 Peggy Hettrick was there?

5 A Yes. Three different witnesses were  
6 contacted, and they said that she arrived there  
7 sometime or -- sometime after 9 p.m. on the night of  
8 the 10th.

9 Q What did she do upon her arrival at the  
10 Laughing Dog Saloon?

11 A She talked to a witness by the name of  
12 Mr. Schwindt, who told the police Peggy had  
13 complained that she could not get in her apartment,  
14 that she was locked out, that she had given her house  
15 keys to a temporary roommate, a Sharon Deconick, and  
16 that she had come to the bar thinking that Deconick  
17 might be there.

18 She was told by witnesses that Peggy  
19 Hettrick had just missed her roommate; that her  
20 roommate had been taken back to the apartment by two  
21 other individuals that were also at the Laughing Dog  
22 Saloon.

23 Q What did Peggy Hettrick do while at the  
24 Laughing Dog Saloon?

25 A With the assistance of one of the witnesses,

1 she used the phone at the bar to call back to her  
2 apartment, and there was even a period of time that  
3 one of the witnesses, Collis Brown, actually held  
4 onto the phone and listened to it ring and ring and  
5 ring in an attempt to reach someone at the residence,  
6 hopefully Ms. Deconick.

7 Q Was she ever able to contact Miss Deconick  
8 by her telephone call?

9 A She was unsuccessful.

10 Q How long was she at the Laughing Dog Saloon?

11 A She was only there a few minutes and then  
12 left the Laughing Dog Saloon and walked --

13 MR. FISCHER: Your Honor, I guess we need to  
14 make an issue. I don't know if there is any  
15 witnesses who can tell of her mode of transportation.  
16 I let it go the first time. I guess I object to them  
17 saying she walked at any particular -- he can say  
18 when she arrived, but we're not going to agree to  
19 walking.

20 THE COURT: The testimony is she left, and  
21 then what happened?

22 Q (By Ms. Blair) Where did she go after the  
23 Laughing Dog?

24 A Prime Minister Restaurant, designated by  
25 Number 6.

1 Q How were you able to verify that?

2 A Specifically the bartender Mr. Lemmons,  
3 recalled her arriving there about 9:30 p.m., to the  
4 best of his recollection.

5 Q And how were you able to confirm through Ken  
6 Lemmons that he knew who you were speaking of, Peggy  
7 Hettrick?

8 A He's familiar with Miss Hettrick from prior  
9 occasions that she's been at that particular bar,  
10 knows her by sight as well as name.

11 Q And did he tell you what she did upon  
12 arrival the Prime Minister?

13 A Again, very similar to what the witnesses at  
14 the Laughing Dog Bar said. She expressed she was  
15 upset that she was locked out of her apartment, that  
16 it was her estimation at that point that her roommate  
17 was intoxicated, was asleep at the apartment, and she  
18 couldn't get in; and she made additional phone calls  
19 from the Prime Minister Restaurant in an effort to,  
20 again, awake her temporary roommate.

21 Q Was Ken Lemmons able to tell you what she  
22 was wearing at that point in the evening?

23 A I believe he described it as a tannish-type  
24 jacket and skirt, an ensemble that matched.

25 Q And was that consistent with information you

1 received with respect to what she wore to work that  
2 day?

3 A That's true.

4 Q How long was she at the Prime Minister  
5 according to Mr. Lemmons?

6 A Mr. Lemmons recalled her activities. She  
7 had one drink, got change, and then -- I think, five  
8 or six dimes to make additional phone calls, and had  
9 two more drinks. And he didn't have any more  
10 information as to when she actually left. He didn't  
11 look at his watch.

12 But another witness -- I believe his name  
13 was a Mr. Schmidt, said that he thought she left  
14 around 9:45 and that he'd seen her get one drink and  
15 leave. So it's -- it was unclear exactly what  
16 Mr. Schmidt was observing, as to whether that was the  
17 first drink or one of the two subsequent ones.

18 Q So the best you can gather from your  
19 investigation, what time did she leave the Prime  
20 Minister bar?

21 A The last witness, Mr. Schmidt, estimated  
22 9:45.

23 Q Do we know her whereabouts after leaving the  
24 Prime Minister?

25 A After she left the Prime Minister, based on

1 the note that was found in her purse, she went to  
2 Mr. Zoellner's apartment, which is designated by  
3 Number 7 here. And, again, this is accessible via  
4 Boardwalk to JFK. This is Troutman Parkway, and then  
5 Mr. Zoellner's apartment right here.

6 He had -- Miss Hettrick had written a note  
7 to Mr. Zoellner stating, again, she'd been locked out  
8 and words to the effect of, Don't be grumpy if I come  
9 banging on your door at 2 in the morning.

10 Q Do we know approximately how long she spent  
11 at Mr. Zoellner's apartment?

12 A Physical evidence found in the parking lot  
13 area in front of Mr. Zoellner's apartment, where he  
14 usually parks, were some Merit cigarettes, and I  
15 believe there were Benson & Hedges, which is two  
16 types of cigarettes that the victim smoked -- were  
17 there.

18 I think another witness may testify to the  
19 number, that there were at least three or four,  
20 indicating that she had spent some time there;  
21 additionally, footprints right around in this area  
22 very similar to her footwear.

23 Q Where do we see her later on in the evening?  
24 When's the next time a witness can verify seeing  
25 Peggy Hettrick?

1           A       The next time we can verify a witness seeing  
2 her is, again, back at her building, where a  
3 Mr. Main, Dean Main, I believe was his name, lived in  
4 Apartment 252, which is across the hall from Peggy  
5 Hettrick's apartment, which was 250, and then up or  
6 down the hall a bit.

7                   He stated that he recalled hearing and  
8 seeing a female calling out for another female by the  
9 name of Sharon and knocking on the apartment door of  
10 Number 250. He said that he was awakened by this,  
11 went to the peephole in the apartment, looked out.

12                   And his observations were by virtue of  
13 hearing things as well as looking out the peephole.  
14 He recalled that when he had initially come home from  
15 work, he'd seen two paper sacks next to the door. He  
16 said that after a period of time, this female calling  
17 out for Sharon, someone finally opened the door at  
18 Apartment 250 where Peggy Hettrick lived and heard an  
19 exchange between the two females.

20           Q       And was he able to tell you approximately  
21 what time of the evening that was?

22           A       His estimation was based on -- he watched  
23 Star Trek from 10:30 p.m. to 11:30 p.m. He said he  
24 has a feature where he can put his TV on a timer so  
25 that it goes off at midnight. He said at the time he

1 was awakened by Peggy Hettrick calling out for  
2 Sharon, it was after midnight based on the timer,  
3 because there was -- the show was -- there was  
4 nothing on the TV. It was a blank screen.

5 Q And what did Peggy Hettrick do once she  
6 finally gained access to her apartment?

7 A She went inside her apartment, changed  
8 clothes, and then left her apartment, and was last  
9 sighted by Leslie -- Leslie Wills.

10 Q And that's on Landings Drive?

11 A That would have been right around here.  
12 Leslie Wills' apartment is one of these apartments.  
13 The mailbox she speaks to is right around in this  
14 area here. The sidewalk ends and then becomes the  
15 street curb line here. So she was last seen walking  
16 southbound on the west curb line of Landings Drive.  
17 Those apartments are -- 3737 Landings is the address.

18 Q And I don't recall the time that Leslie  
19 Wills testified to seeing a female walking in that  
20 area.

21 Would that be consistent with the time frame  
22 that was reported by Dean Main?

23 A Yes, it would. Leslie Wills thought it was  
24 right around midnight, and that's the time that  
25 Mr. Main was estimating as well.

1 Q And who next sees Peggy Hettrick?

2 A Mr. Zoellner then sees Peggy Hettrick  
3 arriving at the Prime Minister at about the same time  
4 as he was. And that was estimated to be around  
5 12:30.

6 Q And how long was she at the Prime Minister  
7 the second time that evening?

8 A She was there for a period of time after she  
9 talked with Mr. Zoellner, had one or two drinks, and  
10 then was seen leaving, as the last witness testified,  
11 sometime around 1:20, 1:15.

12 Q Do other witnesses corroborate the fact that  
13 she was at the Prime Minister on those occasions that  
14 evening?

15 A Yes. Detectives probably talked to close to  
16 35 to 40 people that were at the Prime Minister on  
17 this particular night; the hours and -- the nighttime  
18 hours of the 10th, early morning hours of the 11th.  
19 And a variety of those have been -- most of them  
20 employees -- corroborated that Mr. Zoellner -- in  
21 fact, Mr. Lemmons saw both Mr. Zoellner and  
22 Ms. Hettrick arrive at the same time.

23 Other wait personnel recall them talking for  
24 a while, having a drink, Mr. Zoellner going to a  
25 table that was toward the west end of the bar where

1 the dart board was, and sitting with a witness that  
2 was later identified as Miss Gilbreath.

3 And, again, Mr. Lemmons spoke of overhearing  
4 a conversation between Matt Zoellner and  
5 Miss Hettrick about calling the apartment again to  
6 wake up Sharon Deconick. The context was that they  
7 were going to go wake her up, and should they wake  
8 her up, and by virtue of her having caused  
9 Miss Hettrick so much trouble that particular night.

10 Q The last time that Peggy Hettrick was seen  
11 alive in the early morning hours of February 11th was  
12 approximately when?

13 A Approximately 1:20.

14 Q That's by Dawn Gilbreath and Mr. Zoellner?

15 A That's correct.

16 Q Did they see her leave the bar, either one  
17 of them?

18 A Mr. Zoellner offered a ride to  
19 Miss Hettrick. She declined the ride. And he last  
20 saw her walking out the front door to the restaurant,  
21 which is located about right here.

22 MS. BLAIR: Thank you. No further  
23 questions, your Honor.

24 THE COURT: Do you wish him to stand here or  
25 return to the stand?

1 MR. FISCHER: He can return to the stand.

2 THE COURT: If you push that back, I'd  
3 appreciate it.

4 THE WITNESS: Sure.

5 CROSS-EXAMINATION

6 BY MR. FISCHER:

7 Q Good afternoon, Lieutenant.

8 A Good afternoon.

9 Q There are just a couple of things I want to  
10 clear up. It is clear that according to your  
11 investigation, that Miss Hettrick was extremely upset  
12 with her current roommate, Sharon Deconick,  
13 throughout that evening, correct?

14 A Yes.

15 Q Okay. It's also true that when  
16 Miss Hettrick arrived at the Prime Minister the  
17 second time, that she became upset with Mr. Zoellner;  
18 isn't that correct?

19 A Yes.

20 Q In fact, Mr. Zoellner said that they had had  
21 a fight, correct?

22 A He did.

23 Q And it was your understanding that  
24 Mr. Zoellner and Miss Hettrick were currently in the  
25 process of breaking off their boyfriend-girlfriend

1 relationship?

2 A The relationship had actually been off and  
3 on. They were seeing different people for about the  
4 last six months.

5 Q Okay. But your understanding of the night  
6 in question was that they had had a fight, correct?

7 A Based on Mr. Zoellner being there with  
8 Miss Gilbreath, yes.

9 Q Okay. When you rely on the time of 1:20 as  
10 the time that Miss Hettrick left, in fact,  
11 Mr. Zoellner had thought she had left a little bit  
12 earlier, correct, at 1 o'clock?

13 A I'd have to look at reports, but you're  
14 correct. Mr. Zoellner estimated the time much  
15 earlier than Miss Gilbreath's observations.

16 Q And, again, Mr. Zoellner, while he thought  
17 he saw her leave, did not know if she left with  
18 anybody or left alone, correct?

19 A His last observation was she was alone.

20 Q Okay. But that is my question. The  
21 question is, he's not aware that she left with  
22 anybody; is that correct?

23 A Correct. He's not aware of him -- of her  
24 leaving with anyone. Okay.

25 MR. FISCHER: Okay. Thank you. That's all

1 I have.

2 THE COURT: Further questions?

3 MS. BLAIR: No, your Honor.

4 THE COURT: Okay. You may step down.

5 MS. BLAIR: May we approach, your Honor?

6 THE COURT: You may.

7 (A discussion was had at the bench off the  
8 record.)

9 THE COURT: Ladies and gentlemen, we're  
10 going to go take the recess at this time until Monday  
11 at 9:30. We have some other matters to take up, but  
12 ask that you be back here Monday at 9:30.

13 Please keep in mind the admonitions that I  
14 have previously given to you about not discussing  
15 this case or the evidence with anyone, and do not  
16 read, listen to, or watch news reports of this or  
17 other types of trials or legal proceedings. Put  
18 aside that type of material, whether it's newspapers,  
19 magazines, television, what have you.

20 Likewise, do not go out and visit the  
21 location. Don't go look up matters or seek other  
22 information. It's important -- no doubt, you have  
23 some curiosity, thoughts about some things that you  
24 heard. It's important that you follow these  
25 requests.

1           And over the weekend, family, friends, and  
2 others, I know, will want to know about what you're  
3 involved in. Simply tell them it's a trial that will  
4 probably last until Thursday and you can't say  
5 anything until then.

6           Put your material back in the notebooks,  
7 leave them in the jury room. The bailiff will secure  
8 them. We'll see you -- as indicated, the room will  
9 be open from 8:15 on, so come back any time you want.  
10 We tend to start about 9:30 on Monday. Okay? Have a  
11 nice weekend.

12           We'll be in recess in this case until  
13 Monday, 9:30.

14           (The trial was in recess at 4:55 p.m.)  
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