

1 Q In essence you were dependant on what the
2 person at the other end of the line told you as to what
3 you knew that night, were you not?

4 MR. ADCOCK:

5 A That's correct.

6 MR. URICK: Nothing further.

7 THE COURT: Any recross?

8 MS. GUTIERREZ: No, Your Honor.

9 THE COURT: May the witness be excused?

10 MR. URICK: Yes, thank you.

11 THE COURT: Thank you, Officer Adcock.

12 MR. ADCOCK: Thank you.

13 MR. URICK: May Counsel approach?

14 THE COURT: Yes.

15 (Counsel approached the bench and following
16 ensued:)

17 MR. URICK: I just didn't want to ask a
18 scheduling question in open court. Do you plan to take
19 an afternoon break?

20 THE COURT: Yes.

21 MR. URICK: It would be an appropriate time
22 if you did.

23 THE COURT: No, I want to go around 3:30.

24 MR. URICK: Okay.

25 MS. GUTIERREZ: Judge, while we're up here

1 (Counsel returned to the trial tables and
2 the following ensued:)

3 MR. URICK: If I could have the Court's
4 indulgence for just one moment.

5 THE COURT: Yes, Mr. Urick, your next
6 witness?

7 MR. URICK: May I have the Court's indulgence
8 for just a second. Your Honor, may Counsel approach --
9 we need to use the video player at this time.

10 THE COURT: Pull it out.

11 MR. URICK: Where would the Court like it
12 put?

13 THE COURT: Marianna, would you just pull it
14 straight out. I assume you've also taken the tab out
15 that permits that it can not be recorded over.

16 MR. URICK: Yes, it has been suitably --

17 THE COURT: Made Judge proof?

18 MR. URICK: Made machine proof.

19 THE COURT: No, make it Judge proof, that's
20 the important one. Can all the members of the jury see
21 the TV screen? Alternates? Alternates? Okay.

22 MR. URICK: Mr. Clerk, can you mark this for
23 identification as State's Exhibit Six?

24 (State's Exhibit No. 6 was
25 marked for identification.)

1 I'd like to bring the Court's attention and ask for
2 some relief. I believe that the first person is on my
3 left, the closest seat to the jury is the victim's
4 mother and that's an assumption I make that a mother
5 like age relative of the victim who is very upset, who
6 is having alternately difficulty breathing. She is at
7 least as to two of the jurors less than three to five
8 feet away. I have observed the jurors, it is
9 distracting. I believe it is a tremendous pressure on
10 jurors particularly given the proximity of the mother
11 where almost every word and I certainly understand it
12 must upset her a great deal. I'd ask that we make
13 arrangements to either move her further back from the
14 jury and see if it less disruptive or less
15 intimidating. I think it's --

16 THE COURT: State can move her back at the --
17 after the break.

18 MS. MURPHY: That would be an appropriate
19 time.

20 THE COURT: I won't make a point of it now,
21 but at the end of the break I do think she is too close
22 to the jury.

23 MS. GUTIERREZ: Thank you.

24 MS. MURPHY: Okay.

25 THE COURT: Okay.

1 THE COURT: Are we plugged in? Are we
2 plugged in? Are you on playback deck 5? Okay. Good,
3 that's fine.

4 MS. MURPHY: Should I leave it on for the
5 time being?

6 THE COURT: Um-hum.

7 MS. MURPHY: Leave it on?

8 THE COURT: Well, when are you going to --
9 are you going to get to it right away?

10 MS. MURPHY: In a few minutes.

11 THE COURT: Okay. We can fix that. Who's
12 your witness?

13 MR. URICK: The State at this time would call
14 Sergeant Kevin Forrester to the stand.

15 THE CLERK: Raise your right hand please.

16 KEVIN FORRESTER,

17 a witness produced on call of the State, having first
18 been duly sworn, was examined and testified as follows:

19 THE CLERK: You may be seated. Keep your
20 voice up for the record. State your name and your
21 current assignment.

22 MR. FORRESTER: Detective Sergeant Kevin
23 Forrester, Baltimore City Homicide Unit.

24 THE COURT: How do you spell your name,
25 Detective Sergeant?

1 MR. FORRESTER: First name, K-E-V-I-N, last
2 name, F-O-R-R-E-S-T-E-R.

3 THE COURT: Thank you very much. Mr. Urick.

4 MR. URICK: Thank you, Your Honor.

5 DIRECT EXAMINATION

6 BY MR. URICK:

7 Q Sergeant Forrester, what is your current
8 assignment?

9 MR. FORRESTER:

10 A Area I Homicide which includes northwest,
11 southwest and southern districts.

12 Q And did you have occasion to be involved in
13 the investigation of a homicide that derived as a
14 result of the finding of a body in Lincoln Park on
15 February 9th of 1999?

16 A Yes, I was.

17 Q What were your -- tell the ladies and
18 gentlemen of the jury in general what your duties
19 consist of?

20 A Basically what happens is once the call comes
21 in, homicide detectives which would be the up detective
22 in this case was Detective Greg McGilavary are assigned
23 the case. The go out and begin the investigation,
24 establishing crime scene, maintaining the integrity of
25 the crime scene, photographs as the case goes on.

1 Q And do you recognize that?

2 A Yes, I do. They had approximately 2:45 that
3 morning we observed our victim's car parked like in the
4 rear lot behind the 300 block of Edgewood behind the
5 row houses. It's partially grass, partially asphalt
6 paved common area.

7 Q And do those photographs fairly and
8 accurately depict the location where the car was found?

9 A Yes, it does.

10 MR. URICK: We would offer State's Exhibit 12
11 the photographs.

12 THE COURT: Without objection State's 12 is
13 admitted.

14 (State's Exhibit No. 12, previously
15 marked for identification, was
16 received into evidence.)

17 MR. URICK: May I publish that exhibit to the
18 jury at this time, Your Honor?

19 THE COURT: Yes.

20 MR. URICK: May I approach the witness at
21 this time? I'd like to show him what's been marked for
22 identification as State's Exhibit Number 8.

23 (State's Exhibit No. 8 was
24 marked for identification.)

25 BY MR. URICK:

1 Basically my job is I review all their case folders,
2 all their investigation documents, making sure
3 everything is being done the right way.

4 Q Now, specifically drawing your attention to
5 February 28th of 1999. Did you have occasion to be
6 part of a team that was being led or directed to a
7 location by one Jay Wilds?

8 A Yes, I was.

9 Q Where was Mr. Wilds directing you to?

10 A Basically once -- I wasn't sure the exact
11 location, he said he knew where it was, he was in a
12 vehicle with Detective McGilavary, Detective Ritz in
13 the second vehicle was myself and Detective Scott
14 Serio.

15 Q And did he direct you to a location?

16 A Yes. It was in the 300 block of Edgewood off
17 Edmondson Avenue in the southwest district.

18 BY MR. URICK:

19 Q If I may approach the witness at this time.
20 I'm going to show you, officer what's been marked for
21 identification as State's Exhibit Number 12 and ask you
22 to take a look at it. Have you had a chance to look at
23 that?

24 MR. FORRESTER:

25 A Yes, I have.

1 Q Sergeant, if you can take a look at that for
2 a moment. Have you had a chance to examine that?

3 MR. FORRESTER:

4 A Yes, I have.

5 Q And what if anything does that show?

6 A It shows the right side of the steering
7 column of the victim's car with selector switch in a
8 downward angle with a hole approximately that size in
9 the side of the steering column.

10 Q By a selector switch, do you mean a
11 windshield wiper control arm?

12 A Yeah, later on we learned that it was
13 actually the windshield wiper control.

14 Q And did you have an occasion to observe that
15 car on the scene?

16 A Yes, I did.

17 Q And what if anything did you observe about
18 that upon seeing it?

19 A This is how it was when we first got on scene
20 looking through the window. We did not enter the car
21 until the car was processed later that morning down in
22 the crime lab bay.

23 Q And does that photograph fairly and
24 accurately depict the condition of the windshield wiper
25 control arm when you first observed it?

1 A Yes, it does.

2 MR. URICK: We would offer State's Exhibit 8.
3 Let me, as State's Eight, the single photograph
4 exhibit.

5 THE COURT: Without objection State's 8 is
6 admitted.

7 (State's Exhibit No. 8, previously
8 marked for identification, was
9 received into evidence.)

10 MR. URICK: May that be published to the jury
11 at this time?

12 THE COURT: If that's going to be helpful to
13 them to them to publish now, yes you may.

14 BY MR. URICK: If you could hand it to the
15 third alternate there.

16 Q At this point, Sergeant upon arrival at the
17 scene where the car was located what if anything was
18 done?

19 MR. FORRESTER:

20 A At that time district officer was called to
21 help with the towing of the vehicle down to
22 headquarters so it could be processed. No one entered
23 the car, the remained as it was, I remained on scene, a
24 tow truck was ordered which was a flat bed. We then --
25 the car was lifted up on the flat bed truck, the truck

1 was taking directly to our crime lab processing bay
2 with myself, detectives and along with the marc unit
3 following down into the headquarters building where it
4 was then put into a secured bay.

5 Q And when a car is processed what is done to
6 it?

7 A That's when crime lab technicians will take
8 more photographs of the car, they'll recover any
9 property that's inside of it, if need be they'll try to
10 recover any type of fingerprints, physical or trace
11 evidence that may be inside the vehicle.

12 Q And were you present at the time the car was
13 processed?

14 A Yes, I was.

15 Q If I may approach the witness at this time
16 I'd like to show him what's been marked for
17 identification as State's Exhibit 14 and 15.

18 (State's Exhibits No. 14 & 15
19 was marked for identification.)

20 BY MR. URICK:

21 Q Please take a look at those. Have you had a
22 chance to examine the two exhibits?

23 MR. FORRESTER:

24 A Yes, I have.

25 Q And what do they depict?

1 A How we observed the car when we first saw it
2 in the 300 block of Edgewood on that lot and then when
3 we first started processing down at the crime bay with
4 different items that were inside of it.

5 Q And do those photographs fairly and
6 accurately depict the car and it's contents at the time
7 you observed them?

8 A Yes, I do.

9 MR. URICK: Would offer State's Exhibits 14 &
10 15, the two exhibits.

11 THE COURT: Without objection State's 14 & 15
12 are admitted.

13 (State's Exhibits No. 14 & 15,
14 previously marked for
15 identification, were received into
16 evidence.)

17 MR. URICK: If those two could be published
18 to the jury at this time. If I can approach the
19 witness at this time I'm going to show him what's been
20 marked for identification as State's Exhibit 6.

21 (State's Exhibit No. 6 was
22 marked for identification.)

23 BY MR. URICK:

24 Q Have you had a chance to examine that object?

25 MR. FORRESTER:

1 A Yes, I have.

2 Q Can you identify it?

3 A Yes, this is a videotape that we took of Hae
4 Lee's vehicle on 3/16/99 at approximately 12:45 hours.

5 Q Will you tell the ladies and gentlemen of the
6 jury how you came to take that videotape?

7 A One thing we noticed once going into the car
8 when we saw the selector switch was in fact broken we
9 had crime lab take pictures of that. However, you can
10 not really observe that it is broke. It just shows
11 that it's hanging down in a downward angle.

12 So, after talking with Detectives McGilavary and
13 Ritz it was decided that the only proper way to show
14 that the selector arm/windshield wiper was broken was
15 to take a videotape of it where you could actually see
16 lifting it up it would just fall automatically where
17 you could actually see that it was in fact broken.

18 Q And did -- who ran the video camera for this?

19 A I did the video camera and Detective Hastings
20 with me was opening the car doors and assisting.

21 Q And where was the car when it was -- this was
22 done?

23 A I don't recall the exact address, but I
24 believe it was at a body shop maybe, I believe it was
25 an uncle of Hae Lee's.

1 Q And does the videotape fairly and accurately
2 depict the condition of the windshield wiper control
3 arm at the time that you first found the vehicle?

4 A Yes, it does.

5 MR. URICK: Would offer State's Exhibit --

6 THE COURT: Six?

7 MR. URICK: Six.

8 THE COURT: Without objection State 6 is
9 admitted.

10 (State Exhibit No. 6, previously
11 marked for identification, was
12 received into evidence.)

13 BY MR. URICK:

14 Q Why was it videotaped later?

15 MR. FORRESTER:

16 A It was an afterthought. If the photos
17 itself, crime lab actually showing it. Like if we had
18 a hand and then letting it go and then showing it at a
19 downward angle. We probably done that, but we only had
20 a still photograph of it and it was like an
21 afterthought.

22 Well, we said the only way we can properly show
23 that it was broken was to do a videotape of the actual
24 car showing, you know an officer or Detective Hastings
25 lifting it up and then letting go and you could see

1 Q Now, I'm going to show you -- yes, it's in
2 evidence. Mr. Clerk, if you can now move it, mark it
3 as evidence State's Exhibit 6. Your Honor, I'm going
4 to request the use of the easel again at this time if I
5 may.

6 THE COURT: Um-hum. You've seem to have lost
7 your assistance.

8 BY MR. URICK: Sometimes though, sir not even
9 present. May I have the witness approach the exhibit
10 at this time?

11 THE COURT: Yes.

12 BY MR. URICK:

13 Q Sir, if you could come over here. I'm going
14 to ask you to take a few moments to look at what's been
15 marked for identification as State's Exhibit 33.

16 (State's Exhibit No. 33 was
17 marked for identification.)

18 Q Which is a map of a section of Baltimore
19 City. Have you had a chance to look at the exhibit?

20 MR. FORRESTER:

21 A Yes, I have.

22 Q And are you familiar with that area?

23 A Yes, I am.

24 Q And does that area depict where the vehicle
25 was recovered?

1 that it would fall.

2 MR. URICK: May we publish this exhibit to
3 the jury at this time?

4 THE COURT: Yes, you may. Lets see if we can
5 make this work. Is it queued up?

6 THE CLERK: It should be.

7 THE COURT: Are we in deck five?

8 THE CLERK: Yeah.

9 THE COURT: Okay. Lets see if this works.

10 (The videotape was played.)

11 MR. URICK: It's extremely short. I believe
12 that may not be the start of it though, so after it's
13 through playing I'd ask the Court to rewind it and play
14 it a second time.

15 THE COURT: Is that it?

16 MR. URICK: It's almost over.

17 THE COURT: Yes, Mr. Urick.

18 BY MR. URICK:

19 Q This is a videotape of the car after it was
20 processed?

21 MR. FORRESTER:

22 A Yes, it was.

23 Q What happened to the contents of the vehicle?

24 A It was recovered by crime lab and submitted
25 to evidence control.

1 A Yes, it was.

2 Q And do you see the place where the vehicle
3 was found?

4 A Yes, I do.

5 Q Would you please point it out for the members
6 of the jury?

7 A Since there are no real streets, this is a
8 parkway, Edgewood is two blocks west. The parkway
9 another good landmark --

10 THE COURT: At the moment we have a crowd of
11 people around the map. Ms. Gutierrez, perhaps if you
12 would move over to over here out of the way of the
13 jury. Okay. Now, can all the members of the jury see?

14 MR. FORRESTER: Okay. This landmark would be
15 Northern Parkway. Another landmark for anybody
16 familiar with Edmondson Avenue is Saint Bernadines
17 Church, the church with the real big gold top that
18 would be right here on Edmondson Avenue. Edgewood
19 Street starting right her would be the 500 block and
20 400 block in where it veers, where it goes down on an
21 angle is the 300 block, that's where we located the
22 vehicle right below Mulberry Street would be another --
23 one block south of Mulberry.

24 BY MR. URICK:

25 Q At this time I would ask you to take this dot

1 that has a C on it for car and place that basically at
2 the location where the car was found. Now, were you
3 present on the day that the victim was found?

4 MR. FORRESTER:

5 A No, I was not.

6 Q You may return to the stand at this time. If
7 I may have the Court's indulgence for just a second.
8 If I may have the Court's indulgence. Ms. Gutierrez.
9 Witness with the Defense.

10 THE COURT: Cross.

11 CROSS EXAMINATION

12 BY MS. GUTIERREZ:

13 Q Detective Sergeant, the person who directed
14 you to where this car was found was Jay Wilds.

15 MR. FORRESTER:

16 A Yes, it was.

17 Q Nothing further.

18 THE COURT: Any redirect?

19 MR. URICK: No, thank you.

20 THE COURT: Very good. May the witness be
21 excused?

22 MR. URICK: Yes.

23 THE COURT: Thank you, Lieutenant Sergeant.
24 Ladies and gentlemen we're going to take our afternoon
25 recess now. It will be twenty minutes, we'll be

1 calling for you at 3:45. Again, please stay in your
2 jury room until you are called for. Please now return
3 to your jury room.

4 Please leave your note pads on the chair as you
5 will at the end of each day just leave them there.
6 We'll turn them over so no one can see them. Again,
7 remember do not discuss the case with anybody either
8 among yourselves or with anyone else.

9 (The jury was excused from the courtroom.)

10 THE COURT: Counsel, please be in place at
11 3:45. Also please make the seating changes we
12 discussed.

13 THE CLERK: All rise.

14 (Brief recess.)

15 THE COURT: Please be seated. Yes, Mr.
16 Urick.

17 (The jury returned to the courtroom.)

18 MS. GUTIERREZ: Excuse me, Judge, there's a
19 juror missing.

20 THE COURT: Oh, yes. Are we missing? Thank
21 you. Mr. Urick?

22 MR. URICK: With the Court's permission I'll
23 go get the next witness. The State at this time would
24 call Sal Bianca to the stand.

25 THE CLERK: Raise your right hand please.

1 SALVATORE JOHN BIANCA.
2 a witness produced on call of the State, having first
3 been duly sworn, was examined and testified as follows:

4 THE CLERK: You may be seated. Please keep
5 your voice up for the record. State your name.

6 MR. BIANCA: My name is Salvatore John
7 Bianca.

8 THE CLERK: And your work address?

9 MR. BIANCA: 601 East Fayette Street, that's
10 the Baltimore Police Department.

11 MR. URICK: If I may have the Court's
12 indulgence for just a second.

13 DIRECT EXAMINATION

14 BY MR. URICK:

15 Q Good afternoon, Mr. Bianca.

16 MR. BIANCA:

17 A Good afternoon, sir.

18 Q What do you do for the Baltimore City Police
19 force?

20 A I'm currently a criminalist in the trace
21 analysis unit, that's a portion of the crime lab. It
22 analyzes physical evidence that's been recovered from
23 crime scenes, individuals and objects.

24 Q And how long have you been doing that?

25 A I'm been doing the trace analysis work for

1 the last eleven years and I've been with the department
2 twenty six years, but the first fifteen years being in
3 the crime lab.

4 Q Now, what is serology?

5 A Serology is the study of biological fluids
6 such as blood or saliva or semen. Also included with
7 that would be hairs and some skin.

8 Q And what if any training have you had in
9 serology?

10 A Okay. I have a degree from the University of
11 Maryland, Baltimore County in biology. Zoology falls
12 within the field of biology. Since then I have study
13 at a graduate school at Towson State University in a
14 Master's program in biology. I worked two years in a
15 hospital in a histology lab which works with tissues
16 and assisted on autopsies during that period. Once I
17 left that I worked in the -- I came to work for the
18 Baltimore Police Department. I received training as a
19 local crime lab technician. Part of their training was
20 the recognition and recovery and preliminary testing of
21 fluids and biological materials that would fall under
22 zoology.

23 In 1980 along with other training I had the
24 opportunity to go to the FBI Academy in Quantico,
25 Virginia and received training in crime scene