

1 stretch your legs and use the facilities. By a show of  
2 hands, anyone that would like us to do that, please raise  
3 your hand and we will do that. Otherwise, we will  
4 continue until 12:30.  
5 (No response.)  
6 THE COURT: Okay, I see no hands, we'll  
7 continue till 12:30.  
8 THE COURT: Sir, I need you to stand. Raise  
9 your right hand.  
10 Whereupon,  
11 GRANT DELACAMP GRAHAM,  
12 a witness produced on call of the State, having first  
13 been duly sworn, was examined and testified as follows:  
14 THE CLERK: You may be seated. Please keep  
15 your voice up, state your name and address for the  
16 record?  
17 THE WITNESS: My name is Grant Delacamp Graham,  
18 Sr.  
19 THE CLERK: Address?  
20 THE WITNESS: Address?  
21 THE CLERK: Uh-huh.  
22 THE WITNESS: [REDACTED],  
23 Germantown, Maryland.  
24 DIRECT EXAMINATION:  
25 BY MR. URICK:

1 Q. Good afternoon. What is your title?  
2 A. I'm the Chief of Forensic Trace Materials  
3 Analysis of the office of the Armed Forces Medical  
4 Examiner.  
5 Q. All right. If you would speak up a little bit  
6 louder please so that the -- lean forward and speak into  
7 the microphone?  
8 A. Yes. I am the Chief of Forensic Trace  
9 Materials Analysis for the Office of the Armed Forces  
10 Medical Examiner.  
11 Q. What does that mean? What do you do?  
12 A. It means I supervise and manage the forensic  
13 laboratory for the office of the Armed Forces Medical  
14 Examiner, as well as I conduct forensic examinations and  
15 analyses, and assist with processing crime scenes.  
16 Q. And when you assist in processing a crime  
17 scene, what are you doing?  
18 A. I am searching the crime scene looking for  
19 evidence, gathering evidence, things of that nature.  
20 Q. And how long have you been doing this?  
21 A. I've been doing this for about three years.  
22 Q. Now, drawing your attention back to February  
23 9th of 1999, did you have occasion to be in Baltimore  
24 City?  
25 A. Yes, I did.

1 Q. And what brought you to the City that day?

2 A. A phone call from Dr. William Rodriguez, who  
3 was my supervisor. We were called out to assist with  
4 recovering some remains.

5 Q. And did you respond to Leakin Park in Baltimore  
6 City?

7 A. We actually responded to the Medical Examiner's  
8 Office here in Baltimore where we were escorted by a  
9 detective out to Leakin Park.

10 Q. And when you got there what, if anything, did  
11 you observe?

12 A. When I got to the scene, I observed a partially  
13 buried body of a female.

14 Q. And what, if anything, did you do at that  
15 point?

16 A. Well, following standard procedure, we suited  
17 up in some light tie-back suits to keep contamination of  
18 the scene -- or to eliminate contamination of the scene,  
19 and then we proceeded to look over the area and recover  
20 the remains.

21 Q. And were you -- while that was going on were  
22 you responsible for examining the scene for any possible  
23 evidence?

24 A. Yes, I was.

25 Q. And what did you do in order to do that?

1       A.   Well, first of all, we looked around the  
2   general area.  I used what's called a "Wood's Lamp."  It  
3   uses ultraviolet light, kind of like a black light that  
4   you can buy in a store.  And I used that light to scan  
5   over the area of the remains prior to removing any of the  
6   dirt to see if I could find any type of trace evidence.

7       Q.   And did you find anything?

8       A.   Yes, I did.  I found one fiber that was foreign  
9   to the remains that we recovered.

10      Q.   And what, if anything, happened next?

11      A.   Then we removed the soil and leaves that were  
12   covering the remains, photographed the scene, removed the  
13   remains from the area from which it lay, and then I  
14   processed the soil of the area where the remains were  
15   lying underneath the body as well for any evidence that  
16   may have been left there.

17      Q.   And what, if anything, did you find?

18      A.   I found one more fiber that was foreign to the  
19   remains?

20               (Pause.)

21           MR. URICK:  Just, at this time, I'd enter  
22   pursuant to stipulation State's Exhibit 4 which are the  
23   two actual fibers that were recovered, and State's  
24   Exhibit 5 which is the trace analysis done by the  
25   Baltimore City Police Department of those two fibers.

1           THE COURT: They're being entered by way of  
2 stipulation?

3           MR. URICK: Yes.

4           MS. GUTIERREZ: Yes, Your Honor.

5           THE COURT: Without objection? Let them be  
6 admitted.

7           And for the record I would indicate to the  
8 jurors that again, items that are being admitted into  
9 evidence for your consideration by agreement of the  
10 parties, which means that they're required authenticity  
11 and other related would not be necessary; is that correct  
12 Ms. Gutierrez?

13           MS. GUTIERREZ: Yes, Your Honor.

14           THE COURT: All right. Very well.

15                               (State's Exhibit Nos. 4 and  
16                               5, previously marked for  
17                               identification, were  
18                               received in evidence.)

19           THE COURT: Just for my information, is also  
20 the chain of custody being stipulated as well?

21           MS. GUTIERREZ: As to those items that were  
22 stipulated to, yes.

23           THE COURT: Okay. Very well.

24           MR. URICK: May I have the Court's permission  
25 to approach the witness?

1 THE COURT: Yes, you may.

2 BY MR. URICK:

3 Q. At this time I'd ask you to examine what have  
4 been marked for identification purposes as State's  
5 Exhibits 9, 10, and 11. If you'd take a few seconds and  
6 look at those?

7 A. Okay.

8 (Pause.)

9 BY MR. URICK:

10 Q. Have you had a chance to examine the exhibits?

11 A. Yes, I have.

12 Q. Can you identify those?

13 A. Those are photographs from the scene.

14 Q. Start with the -- if you look on the back,  
15 you'll see a red sticker with numbers on it. Start with  
16 the one that says Number 9. And, can you identify those  
17 photographs on State's Exhibit 9?

18 A. Yes. this is a photograph, the first  
19 photograph on the upper left is a photograph of the  
20 roadway that's adjacent to the side of the road or the  
21 wooded area where the remains were discovered. And then  
22 there's some photos of some of the vehicles parked next  
23 to that area.

24 Q. Drawing your attention to the top row of the  
25 far right, what, if anything, can you see in the trees in

1 the background?

2 A. I can see what appears to be some people  
3 standing off in the distance, probably about 35, 30  
4 yards.

5 Q. And is that approximately where you saw the  
6 body?

7 A. Yes.

8 Q. And do those five photographs fairly and  
9 accurately depict the scene as seen from the roadway at  
10 that location?

11 A. Yes, they do.

12 MR. URICK: I would offer at this time into  
13 evidence State's Exhibit Number 9.

14 THE COURT: Any objection?

15 MS. GUTIERREZ: No.

16 THE COURT: Let it be admitted as State's  
17 Exhibit Number 5 for the record, a composite --

18 MR. URICK: Number 9.

19 THE COURT: Number 9, I'm sorry. And for the  
20 record the composite has five photographs.

21 (State's Exhibit No. 9  
22 having previously been  
23 marked for identification,  
24 was received in evidence.)

25 THE COURT: You may continue.

1 BY MR. URICK:

2 Q. And are you looking at State's Exhibit 10 now?

3 A. Yes, I am.

4 Q. And can you identify those photographs?

5 A. Those are photographs of the immediate crime  
6 scene.

7 Q. And what, if anything, do they show?

8 A. They show a fallen -- fallen tree. And then  
9 adjacent to the fallen tree, it shows the remains of the  
10 victim.

11 Q. And do those fairly -- fairly and accurately  
12 describe the scene on the date in question?

13 A. Yes, they do.

14 MR. URICK: I would offer at this time State's  
15 Exhibit 10 into evidence, a composite of four  
16 photographs.

17 THE COURT: Okay.

18 Any objection?

19 MS. GUTIERREZ: No, Your Honor.

20 THE COURT: State's 5 -- I'm sorry -- State's  
21 10, a composite of three photos.

22 Mr. White, may I see that exhibit when you're  
23 done?

24 (State's Exhibit No. 10,  
25 having previously been



1 marked for identifica-  
2 tion, was received in  
3 evidence.)  
4 THE COURT: You may continue.  
5 BY MR. URICK:  
6 Q. And looking at State's Exhibit 11, can you  
7 identify the four photographs on that exhibit?  
8 A. Yes, I can.  
9 Q. And what, if anything, do they depict?  
10 A. They depict the remains of the victim during  
11 various stages of the recovery process.  
12 Q. And do they fairly and accurately depict the  
13 recovery of the body?  
14 A. Yes, they do.  
15 Q. And there's a hand in the upper left one. Do  
16 you have any idea who that might have been?  
17 A. Yes, that's Dr. Rodriguez.  
18 Q. And you said those photographs fairly and  
19 accurately depict the scene?  
20 A. Yes.  
21 MR. URICK: I would offer into evidence at this  
22 time State's Exhibit 11, a composite of four photographs.  
23 THE COURT: Any objection?  
24 MS. GUTIERREZ: No, Your Honor.  
25 THE COURT: Let that be admitted as State's

1 Number 11, four photographs.

2 (State's Exhibit No. 11,  
3 having previously been  
4 marked for identification,  
5 was received in evidence.)

6 (Pause.)

7 MR. URICK: Witness with the defense.

8 CROSS-EXAMINATION

9 BY MS. GUTIERREZ:

10 Q. Mr. Graham, you work for the Armed Forces;  
11 correct?

12 A. Yes, I do.

13 Q. You're a civilian employee or a member of the  
14 Armed Forces?

15 A. I am active duty Air Force.

16 Q. Okay. And you and Dr. -- Dr. Rodriguez also  
17 works for the Armed Forces Medical Unit, does he not?

18 A. Yes, he does.

19 Q. And you and Dr. Rodriguez were called in  
20 specifically because of your expertise with dealing with,  
21 in your words, remains of unknown age; is that correct?

22 A. Not necessarily the remains of unknown age, no.

23 Q. Well, sir, on that day did you have anything to  
24 do with your getting called -- I need to see that Exhibit  
25 -- your getting called to Baltimore?

1           A.    Yes.

2           Q.    Did you request to get called to Baltimore?

3           A.    No.

4           Q.    Okay.  And were you the person that found these  
5 remains?

6           A.    No, I was not the person that found them.

7           Q.    Were you given information before you got there  
8 about the circumstances under which those remains were  
9 discovered?

10          A.    I cannot recall if I was given information  
11 about that.

12          Q.    It would not have been unusual for you to have  
13 received or not received such information, would it have?

14          A.    No, it's not unusual.

15          Q.    And, sir, did you request any information as to  
16 the discovery of these remains before you went out there?

17          A.    Yes.

18          Q.    And were you given all information that you  
19 requested?

20          A.    I cannot recall the questions that I asked, nor  
21 can I recall the information that I was given, so I  
22 cannot say that.

23          Q.    Did you write a report?

24          A.    No, I did not.

25          Q.    Is that unusual?

1           A.    No, it is not.

2           Q.    That you did not write a report?  Mr. Graham,

3   I'm showing you what's in evidence as State's Exhibit

4   Number 9.  On the far left it shows the roadway by which

5   you got to the location; is that correct, where the

6   remains were?

7           A.    Yes.

8           Q.    Okay.  That's the photograph in the far left

9   corner; is that correct?

10          A.    Yes.

11          Q.    And you see crime tape in the picture, do you

12   not?

13          A.    I see yellow tape of some type, yes.

14          Q.    Okay.  I'm now gonna show you State's Exhibit

15   11 and 10, sir.  Do either -- are either -- are any of

16   the pictures on either of those exhibits visible from the

17   vantage point of the photograph in State's Exhibit 9, if

18   you would look?  State's Exhibit 11 are the photos of the

19   body before and during the removal?

20          A.    I'm not sure whether I understand.

21          Q.    Okay.  Well, let me -- answer my question

22   first.  On State's Exhibit 11 shows the photographs of

23   the body before and during removal by you and Dr.

24   Rodriguez, does it not?

25          A.    This exhibit here and this exhibit here does,

1 yes.

2 Q. This one? Does that show -- excuse me --  
3 photographs of the body? Yes or no?

4 A. yes.

5 Q. Is what is depicted in State's Exhibit 11  
6 visible from where the crime scene tape appears in  
7 State's Exhibit 9?

8 A. No, it is not.

9 Q. And in State's Exhibit 10, at one -- one of the  
10 photographs, the photograph in the left corner, the top  
11 left corner shows a dead tree or dead log?

12 A. It shows a log laying on the ground, yes.

13 Q. All right. And that log, sir, in length is in  
14 excess of 50 feet; is it not?

15 A. I cannot recall the length.

16 Q. Were you aware that it was in excess of 50  
17 feet?

18 A. I'm not aware that it is in excess of 50 feet  
19 or --

20 Q. Did you see the log?

21 THE COURT: Whoa. Can we let him finish.

22 MS. GUTIERREZ: I'm sorry.

23 THE COURT: Did you say, "I was not aware it  
24 was in excess of 50 feet"?

25 THE WITNESS: I'm not aware of how long the log

1 is at all. I know that it's a very -- it's long, but I'm  
2 not aware of exactly how long it is.

3 THE COURT: Next question.

4 BY MS. MURPHY:

5 Q. Sir, in regard to the body that's shown on  
6 State's Exhibit Number 11, was the body on the side of  
7 the log closest to the road from whence you came or  
8 furthest away?

9 A. It was on the opposite side.

10 Q. Okay. And beyond the log, then you would find  
11 the body; correct?

12 A. Yes, immediately on the opposite side of the  
13 log.

14 Q. Now, before disinterring this body, you,  
15 because you were called in for your forensic expertise,  
16 examined the ground around, did you not?

17 A. Yes, I did.

18 Q. You walked around, did you not?

19 A. I walked around the scene, yes.

20 Q. Okay. And you noticed and observed the terrain  
21 there, did you not?

22 A. Yes, I did.

23 Q. Beyond the body is a stream that curves; is it  
24 not?

25 A. There's a stream. I'm not sure whether or not

1 is curves.

2 Q. Okay. And the stream, sir, from what you  
3 observed, could you observe evidence that the stream has,  
4 in the past, overflowed its banks?

5 A. No, I cannot recall --

6 Q. Did you make any --

7 MS. MURPHY: Objection.

8 BY MS. GUTIERREZ:

9 Q. -- notations regarding that?

10 THE COURT: Ms. Gutierrez, I need your  
11 assistance in letting the witness finish.

12 MS. GUTIERREZ: Okay. I'm sorry.

13 THE COURT: Because remember Mr. Madden here  
14 has to repeat the witness's answer and then your  
15 question. So if you could just pause a moment after the  
16 witness has answered, that will be helpful to the Court,  
17 and I'm sure the stenographer, as well.

18 Thank you.

19 BY MS. GUTIERREZ:

20 Q. And I don't remember what the question was, but  
21 your answer was you don't recall whether or not there was  
22 evidence of the stream having overflowed its banks?

23 A. That is correct.

24 Q. Okay. Now, you didn't write a report that day;  
25 correct?

1           A.    No.

2           Q.    And you never wrote a report after that day; is  
3 that correct?

4           A.    No.

5           Q.    Your purpose in being there was to offer your  
6 assistance in terms of disinterring the body and looking  
7 for any trace evidence that might be there; is that  
8 correct?

9           A.    That is correct.

10          Q.    And trace evidence would include fibers such as  
11 you've described; correct?

12          A.    Yes.

13          Q.    And trace evidence can also include all other  
14 kinds of evidence including, for instance, soil?

15          A.    Yes, it can.

16          Q.    It can include hair?

17          A.    Yes, it can.

18          Q.    It can include other items that might be found?

19          A.    Yes, it can.

20          Q.    Now, you, sir, used the term on the items, the  
21 fibers that you recovered, the two, one before the body  
22 was disinterred, and once afterwards as elements that  
23 were foreign; is that correct?

24          A.    Yes.

25          Q.    Meaning they didn't match the remains, they



1 didn't come from the remains?

2 A. They appeared not to have come from the  
3 remains.

4 Q. And that was in your expert opinion; is that  
5 correct?

6 A. It was based on what I saw at the crime scene.

7 Q. Okay. And based on your determination that  
8 they appeared to be foreign, they're foreignness to the  
9 body had significance to you in regard to collecting  
10 those elements; isn't that correct?

11 A. Can you rephrase the question, please?

12 Q. The fact that they were foreign to the body,  
13 meaning not appearing to come from the body, made those  
14 two fibers significant to you, did they not?

15 A. It made them worthy of being collected, yes.

16 Q. Okay. And you collected them, did you not?

17 A. Yes, I did.

18 Q. And you carefully preserved them and marked  
19 them; correct?

20 A. I collected them and handed them over  
21 immediately to the crime scene technicians from the  
22 Police Department.

23 Q. From Baltimore City?

24 A. Yes.

25 Q. Is that correct? And, sir, you were never

1 asked to observe them again?

2 A. No, I was not.

3 Q. Or examine them?

4 A. No, I was not.

5 Q. Or conduct any analysis on them?

6 A. No, I was not.

7 Q. Now, sir, the body that's depicted in the

8 pictures had to be disinterred from that which was on top

9 of it, did it not?

10 A. Yes, it did.

11 Q. And did --

12 A. The body was partially buried. There were

13 parts of the body that were exposed.

14 Q. Okay. But it had to be disinterred, including

15 the removal of dirt and leaves; is that correct?

16 A. Yes, that's correct.

17 Q. And did you ever see the collection of dirt and

18 leaves?

19 A. I don't understand what you mean.

20 Q. Did you collect any dirt and leaves?

21 A. Yes. I did collect some soil.

22 Q. And did you hand those over? Did you hand that

23 soil over to the Baltimore City crime lab?

24 A. Yes, I did.

25 Q. Okay. And that was your looking for any

1 evidence that might be helpful to determine how this body  
2 got in the position that you observed it; is that  
3 correct?

4 A. That is correct.

5 Q. Okay. Now, sir, getting to this tree or log,  
6 the length of which you don't recall -- well, sir, on --  
7 let me digress here. On State's Exhibit 9, several of  
8 the pictures show a log in front of what is commonly  
9 referred to as "Jersey walls," concrete walls that block  
10 off an area. Do you see that log?

11 A. The one that you're pointing to, yes, I do.

12 Q. Okay. And, sir, the log behind which this body  
13 you assisted in the disinterment of and the collection  
14 of trace evidence, was that log bigger or smaller than  
15 the log that's depicted in the pictures on State's  
16 Exhibit 9?

17 A. I would say probably in circumference, smaller  
18 in circumference, but longer in length.

19 Q. A lot longer, or just a little bit?

20 A. I can't recall whether it would be a lot or a  
21 little bit.

22 Q. Sir, from the pictures that you are looking at  
23 in State's Exhibit 9, can you see, from any vantage  
24 point, the log shown on State's Exhibit 10 beyond which  
25 the remains were located?

1       A.    May I take a look at the pictures again?  
2       Q.    Yes.  
3       A.    Thank you.  
4       (Pause.)  
5       THE WITNESS:  In these pictures, no, I cannot.  
6       BY MS. GUTIERREZ:  
7       Q.    No, and those pictures are taken from the  
8 roadway looking directly back into the park, are they  
9 not?  
10      A.    They're looking into portions of the park from  
11 the roadway, yes.  
12      Q.    You, sir -- you testified that you thought it  
13 was a distance of 30 to 35 yards?  
14      A.    Yes.  
15      Q.    And that distance was from the roadway to where  
16 it is that the body which you assisted in the  
17 disinterrment of was located?  
18      A.    Yes.  
19      Q.    Were you aware, sir, that the actual  
20 measurement as measured by a surveyor called to the site  
21 was 127 feet?  
22      A.    No, I was not.  
23      Q.    Would that surprise you in any way?  
24      A.    No.  30 or 35 yards is pretty much  
25 approximately the same distance, give or take a few feet?

1       Q.    Okay.  Now, sir, in regard to the State's  
2 Exhibit 11 that shows the body, the picture in the lower  
3 right-hand corner shows the body on what appears to be a  
4 sheet of some materials on which the body is now spread.  
5 Do you see that?

6       A.    Yes, I do.

7       Q.    That sheet -- well, incidentally, do you  
8 remember what that material was?

9       A.    Yes, it is a type of a bag that's used by the  
10 Medical Examiner's Office of plastic type, probably a  
11 vinyl bag that's used to place bodies for transport to  
12 the Medical Examiner's Office.

13       Q.    So that wasn't in the hole, or the place where  
14 this body was buried?

15       A.    No, it was not?

16       Q.    That was brought from elsewhere and placed  
17 there, and then the body was placed on that?

18       A.    Yes, ma'am.

19       Q.    And it was after that that you then examined  
20 the area underneath the body from where you first saw it?

21       A.    Yes.

22       Q.    And underneath the body is where you found the  
23 second fiber; is that correct?

24       A.    It was not underneath the body, it was in the  
25 area where the remains had been placed.  After we removed

1 the body, it was on the ground. It was not underneath  
2 the body. It was on the ground where the body had laid  
3 before.

4 Q. So the body you that removed on this plastic  
5 sheet had been on top of the ground that you then  
6 examined; is that correct?

7 A. Yes.

8 Q. So it would appear, from your own observation,  
9 that the fiber that you removed had, in fact, laid under  
10 where the body that you observed first was?

11 A. That is where I found it.

12 Q. Okay. And you were careful to ensure that  
13 nobody else around interfered with your and Dr.  
14 Rodriguez's examination of the body or the collection of  
15 evidence?

16 A. While we were present at the scene, that is  
17 true.

18 Q. And there were others who were present at that  
19 scene, were there not?

20 A. Yes, there were.

21 Q. There were detectives from the local police  
22 department?

23 A. Yes, there were.

24 Q. There were people from the local Medical  
25 Examiner's Office?

1           A.    I'm not sure about that.

2           Q.    Okay.  And there were --

3           A.    Excuse me.

4           Q.    -- people from the Mobile Crime Lab of

5 Baltimore City to which you handed items that you

6 collected?

7           A.    Yes.

8           Q.    And there were other police officers, correct?

9           A.    Yes.

10          Q.    Now, going back, Mr. Graham, to State's Exhibit

11 9, where the Jersey walls and the log are in the pictures

12 which are shown in all of the pictures from different

13 angles where the crime scene tape is, is that from where

14 you entered the park to get to where the body was located

15 behind the log?

16          A.    As I recall, we entered through this area right

17 here, this open area between the two Jersey walls.

18          Q.    Where the crime tape is stretched; is that

19 correct?

20          A.    Yes.

21          Q.    And from that vantage point, sir, is there a

22 pathway that is delineated between that point and where

23 the body was found?

24          A.    As in a walking-type path?

25          Q.    Any type of path?

1           A.    I do not recall a walking-type path, no.

2           Q.    Okay.  Is the terrain solid and even from that

3 point back to where the body was found?

4           A.    No, it is -- if you're referring to being

5 level?

6           Q.    Yes.

7           A.    No, it was not level.

8           Q.    It was not level, and that meant that it was --

9 sometimes the terrain was higher than when you first

10 entered?

11          A.    It was -- in places it was a little bit higher,

12 maybe a foot, and in places maybe a little bit lower.  It

13 was uneven terrain.

14          Q.    These pictures show clearly the logs inside the

15 first set of Jersey walls, do they not?

16                THE COURT:  And for the record, you're looking

17 at the --

18                MS. GUTIERREZ:  State's is -- still same,

19 State's Exhibit 9.

20                THE COURT:  And you're looking at all the

21 photos, or just --

22                MS. GUTIERREZ:  All the photos.

23                THE COURT:  Okay.  Very well, State's Exhibit

24 Number --

25                MS. GUTIERREZ:  The logs are --



1 THE COURT: 10.  
2 MS. GUTIERREZ: -- inside the Jersey walls, are  
3 they not?  
4 THE COURT: 9, excuse me. State's Exhibit 10  
5 -- 9.  
6 THE WITNESS: There appears to be two logs  
7 inside -- in between two sets of Jersey walls.  
8 BY MS. GUTIERREZ:  
9 Q. Okay. And then, so that those logs are inside  
10 there; is that correct?  
11 A. Inside?  
12 Q. Inside the Jersey walls?  
13 A. In between the two set of Jersey walls.  
14 Q. Okay. So there's Jersey walls, then in the  
15 pictures you see the crime scene tape stretched across;  
16 correct?  
17 A. Yes.  
18 Q. And back behind those Jersey walls are another  
19 set of Jersey walls; is that correct?  
20 A. There's one set of Jersey walls adjacent to the  
21 road, and then there's another set of Jersey walls beyond  
22 that.  
23 Q. Inside of that?  
24 A. Yes.  
25 Q. Is that correct? Further away from the road;

1 is that correct?

2 A. Yes.

3 Q. More inside the park than the first set of

4 Jersey walls?

5 A. Yes.

6 Q. If you would look at the photograph on the

7 lower left side, sir, after the Jersey walls it shows a

8 rusted guard rail, does it not?

9 A. Yes, it does.

10 Q. And underneath the guard rail it shows items of

11 plainly visible debris or trash, does it not?

12 A. Yes.

13 Q. That was not the only place where there was

14 visible debris or trash, was it?

15 A. No.

16 Q. Back where you disinterred this body on the far

17 side of the tree, in fact, was other debris and trash,

18 was there not?

19 A. Yes.

20 Q. Did you collect any of that?

21 A. No, I did not.

22 Q. Did you, sir, observe back there in the tree

23 any light source, artificial light source of any kind, of

24 any size?

25 A. We used artificial light sources such as in

1 flood lights because --

2 Q. You brought them?

3 A. Yes.

4 Q. Okay.

5 A. Well, I did not bring them, the police did.

6 Q. And you utilized them, but it was clearly

7 apparent that those light sources had been brought to the

8 scene; isn't that correct?

9 A. Yes.

10 Q. That they were not indigenous to that

11 particular place; is that correct?

12 A. Yes, that is correct.

13 Q. And you didn't observe any other light source

14 back there? A lamp post? A light stuck up on a tree?

15 Any source of light or electricity back there?

16 A. No, there was not.

17 Q. Okay. Now, sir, on State's Exhibit 10, it

18 shows all four are pictures with the exception of the one

19 that shows a portion of the tree, of the body, which you

20 call the remains, before they were disinterred; is that

21 correct?

22 A. Yes.

23 Q. That's how the body, the remains, appeared to

24 you when you first approached this scene, did they not?

25 A. Yes.

1 Q. Okay.

2 A. Excuse me.

3 Q. And, sir, at the time, because you don't recall  
4 what information you asked for or what information you  
5 were given, you had no idea of how long that body had  
6 been there, did you?

7 A. No, I did not.

8 Q. And there's no snow or ice that appears on the  
9 ground, does it?

10 A. No.

11 Q. And there are no facial features readily  
12 apparent, are there?

13 A. No.

14 Q. And you, sir, not knowing how and under what  
15 circumstances the body was discovered, nor by whom, had  
16 no idea of who, if anyone else, other than the discoverer  
17 of these remains had touched the body or altered that  
18 scene, did you?

19 A. I did not know if anyone had touched the body,  
20 or altered the scene, to include the person who  
21 discovered the remains.

22 Q. Right.

23 A. I didn't know if the discoverer had touched the  
24 body or not, either.

25 Q. Okay. And that includes whether or not they

1 had pushed off any of the soil that covered the entire  
2 body?

3 A. Let me rephrase my last answer. I could tell  
4 that something had touched the remains prior to my  
5 arrival.

6 Q. Uh-huh.

7 A. Upon looking at the remains, the victim had  
8 been wearing, or was wearing nylon stockings, and I could  
9 see that there were scratch marks on the stockings that  
10 are torn through the stockings onto the skin, such as a  
11 dog or a raccoon or something kind of pawing curiously at  
12 what was there. And you could see the scratch marks --

13 Q. Okay.

14 A. -- on her. So something had touched the  
15 remains.

16 Q. And that was from your own observations --

17 THE COURT: I'm sorry.

18 Go on. Something had touched?

19 THE WITNESS: Touched or scratched. You could  
20 see, like, claw marks --

21 THE COURT: Okay.

22 THE WITNESS: -- that had cut through the nylon  
23 stockings and kind of scratched the skin beneath.

24 THE COURT: Okay.

25 BY MS. GUTIERREZ:

1 Q. You couldn't see that, sir, until you started  
2 to disinter the body, however; correct?

3 A. No.

4 Q. Okay. Because the stockings, or the skin where  
5 the stockings covered near the abdomen or any part near  
6 was not readily visible when you first came upon this  
7 scene, was it?

8 A. It was visible when I looked at the scene  
9 without removing any dirt or leaves. A portion of the  
10 remains were exposed and they were not covered, and those  
11 exposed portions of the remains is what I looked at. And  
12 that is where I saw the apparent claw marks or scratch  
13 marks.

14 Q. Okay. And did you make a note of that  
15 observation?

16 A. I made a mental note and I informed the  
17 detectives and Dr. Rodriguez of what I had observed.

18 Q. Of that. Now, sir, the tree that we've been  
19 talking about, the tree that the body was right beyond,  
20 as it appears there, did you have to cross that tree to  
21 get to the body?

22 A. Yes, I did. I stepped over it.

23 Q. Okay. And to step over it, it -- was there a  
24 certain point you picked to step over it?

25 A. It was a point that I was instructed to step

1 over it by the detectives that were on the scene.

2 Q. So the detectives led the way from where the  
3 Jersey walls and back to where the log is and the body  
4 beyond it?

5 A. Yes.

6 Q. Okay. Sir, were you ever called upon to  
7 conduct any other part of an investigation into the  
8 discovery of these remains after February 9th?

9 A. I returned to the scene the following morning.

10 Q. The 10th of February?

11 A. Yes.

12 Q. Okay. And by that time the body was already  
13 removed?

14 A. Yes.

15 Q. Did you collect any other trace evidence from  
16 that day?

17 A. No, I did not.

18 Q. And were you ever asked to conduct any analysis  
19 on any item that you or Dr. Rodriguez collected that day?

20 A. No, I was not.

21 MS. GUTIERREZ: I have nothing further.

22 THE COURT: Any redirect?

23 MR. URICK: Just one question, Your Honor.

24 REDIRECT EXAMINATION

25 BY MR. URICK:

1 Q. That crime scene is one that can be clearly and  
2 fairly depicted through the photographs that were taken,  
3 is it not?

4 MS. GUTIERREZ: Objection.

5 THE WITNESS: Yes, it is.

6 THE COURT: Overruled.

7 BY MR. URICK:

8 Q. You may answer the question?

9 A. Yes.

10 MR. URICK: Nothing else. Thank you.

11 RECROSS EXAMINATION

12 BY MS. GUTIERREZ:

13 Q. Mr. Graham, how is it that you know that a  
14 crime was committed at the scene in anything these  
15 photographs depict?

16 MR. URICK: Objection.

17 THE COURT: Overruled.

18 THE WITNESS: I do not know that a crime was  
19 committed on the scene, however, it is commonly referred  
20 to as a "crime scene."

21 BY MS. GUTIERREZ:

22 Q. So you were just using the common reference of  
23 others to answer Mr. Urick's question?

24 A. I was not using the common reference of others,  
25 I was using a reference that is used within the



1 profession of law enforcement and criminalistics as a  
2 crime scene. A scene where the body is recovered  
3 anywhere is referred to as a crime scene. A crime can  
4 have many different scenes depending upon how it occurs.

5 Q. So, Mr. Graham, from your own knowledge or  
6 observation you have no idea of whether or not a crime  
7 occurred there, do you?

8 A. That is correct.

9 Q. You weren't asked to, and you could not, from  
10 your own observations, indicate when and under what  
11 circumstances that body was placed where you observed it  
12 on February 9th?

13 A. No, I cannot.

14 Q. Nor by whom, or if it was more than one person?

15 A. That is correct.

16 Q. Okay. And you were never asked at any other  
17 time to conduct any analysis on this scene at all; is  
18 that correct?

19 A. Other than to remove the remains, process the  
20 scene itself, no, I was not.

21 Q. Okay. And you were never asked, nor did you  
22 ever write a report of your observations?

23 A. No.

24 Q. Thank you.

25 THE COURT: Any other redirect?

1 MR. URICK: No, thank you.

2 THE COURT: May this witness be excused?

3 MR. URICK: Yes.

4 MS. GUTIERREZ: Yes.

5 THE COURT: May this witness be excused and  
6 removed from any need to return through a subpoena?

7 MS. GUTIERREZ: Yes.

8 MR. URICK: Yes.

9 THE COURT: Very well. Sir, you are free to go  
10 at this time.

11 (The witness was excused.)

12 MR. URICK: The State will call Hope Schab at  
13 this time.

14 THE COURT: All right.

15 MS. GUTIERREZ: Is Hope Schab the French  
16 teacher?

17 MS. MURPHY: Uh-huh.

18 MS. GUTIERREZ: May we approach the bench?

19 THE COURT: Yes.

20 (Counsel and the defendant approached the  
21 bench, and the following ensued.)

22 THE COURT: Okay. What I need you to do, is if  
23 you would have your client step on this side?

24 MS. GUTIERREZ: Uh-huh.

25 THE COURT: Your client step on this side.