

1   excused.)

2           MS. GUTIERREZ: My next witness is --

3           THE COURT: Very well.

4           Thank you very much, Mr. Davis.

5           THE WITNESS: Yes, ma'am.

6           THE COURT: Sir, please remain standing by the

7   witness stand, face Mr. White, raise your right hand and be

8   sworn.

9   Whereupon,

10                   PHILLIP BUDDEMEYER

11   was called as a witness at 3:06 p.m., and after having been

12   first duly sworn, was examined and testified as follows:

13           THE CLERK: Keep your voice up. State your name

14   for the record.

15           THE WITNESS: My name is Phillip Buddemeyer. I

16   work for Baltimore City as a surveyor.

17           THE CLERK: Spell your last name for the record.

18           THE WITNESS: Buddemeyer, B-U-D-D-E-M-E-Y-E-R.

19                   DIRECT EXAMINATION

20           BY MS. GUTIERREZ:

21           Q   Mr. Buddemeyer, what's your job?

22           A   I'm a surveyor for Baltimore City.

23           Q   Okay. And does that make you a city employee or

24   a state employee?

25           A   I'm a city employee.

1 Q Okay. And how long have you done surveying?  
2 A Thirty-nine years.  
3 Q As a surveyor, do you have an occasion to measure  
4 distances for other agencies of Baltimore City?  
5 A Yes, ma'am.  
6 Q Mr. Buddemeyer, let me direct your attention back  
7 to February 9th, 1999, do you recall that day?  
8 A Yes, ma'am.  
9 Q Did you have occasion to be called out to the  
10 4400 block of Franklintown Road, in the middle of an area  
11 known at Leakin Park?  
12 A Yes, I was.  
13 Q Okay. Back on that day, were you familiar with  
14 that stretch of Franklintown Road?  
15 A Yes, ma'am.  
16 Q You had been there before?  
17 A Several occasions.  
18 Q Were you familiar with Leakin Park?  
19 A Yes, ma'am.  
20 Q And on that day, who called you out there?  
21 A It was a detective from the Baltimore City Police  
22 Department.  
23 Q And as a result of being called, did you then go?  
24 A Yes, ma'am, right away.  
25 Q Were you asked to perform any duties or

1 functions?

2 A Yes, ma'am.

3 Q What were those?

4 A I was requested to measure the location of the  
5 body from the edge of the road into the park area where the  
6 body was found.

7 Q When you got there, were you shown where the body  
8 was?

9 A When I arrived, I wasn't shown where the body  
10 was. I walked back toward the area where the body was.

11 Q Is it easy walking back there?

12 A No. You have to find a path of the least  
13 resistance on account of the underbrush.

14 Q There's not any direct visible path?

15 A No, ma'am.

16 Q Was there overgrowth?

17 A Yes, ma'am.

18 Q Were there vines hanging down?

19 A Yes, ma'am.

20 Q Did things have to be moved out of the way to  
21 enable you to get back?

22 A Yes, ma'am.

23 MR. URICK: Objection.

24 THE COURT: Overruled.

25 BY MS. GUTIERREZ:

1 Q And when you got back, did you locate the body?

2 A Well, when I arrived at the site, I walked back  
3 to the site, which was approximately 125 feet off the road,  
4 expecting to see a body. I never saw any, okay. I didn't  
5 know where it was, even though there was people around the  
6 body. A detective pointed the body out to me because it  
7 was partially buried, but I did not see the body until --

8 Q Do you remember where you were told the body was?

9 A The body was -- well, when I arrived at the site  
10 where the body was, there was a log on the ground  
11 approximately 40 feet long. I stepped over the log. I  
12 walked along the edge of the log, expecting to find a body  
13 real soon. I never saw one. At which time, had I taken  
14 one more step, I would have walked on the grave site where  
15 the body was. A detective --

16 Q Without having seen it?

17 A I didn't see it.

18 Q And at that point, there were others on the  
19 scene?

20 A Yes, ma'am, there was a lot of people there.

21 Q And at some point, did somebody point out to you  
22 the exact location of the body?

23 A Yes, ma'am. A detective pointed to the site. I  
24 looked down at the ground and I said well, I don't see any  
25 body. And the detective said well, the body is buried and

1 parts of the body are visible, of which he pointed out  
2 various parts of the body which I examined and I found out  
3 that it, in fact, was a body there. But until he said  
4 that, I didn't know there was a body there.

5 Q So after he pointed it out, did you then examine  
6 where the body was?

7 A Pardon?

8 Q Did you then examine where the body was?

9 A Yes, ma'am.

10 Q And did you observe that it was at least  
11 partially interred, buried?

12 A It was probably 95 percent buried.

13 Q And could you tell whether the ground -- was  
14 there ground or dirt on top of the body?

15 A Well, after the officer pointed it out, the  
16 location of it, it just appeared to be a mound of dirt that  
17 had been undisturbed for a period of time. It wasn't  
18 freshly disturbed.

19 Q It was not freshly disturbed?

20 A No.

21 Q Okay. And that's how it looked to you?

22 A Yeah. It just blended in with the natural  
23 surroundings of the ground.

24 Q Okay. Were you asked to measure the distance of  
25 where that body was interred to the road of Franklinton?

1           A     Yes, ma'am.

2           Q     Okay. And did you do that?

3           A     Yes, ma'am.

4           Q     And what distance did you determine it to be from

5 the edge of Franklinton Road to the body?

6           A     127 feet.

7           Q     Okay. And did you make a map of that distance?

8           A     Pardon?

9           Q     Did you make a map --

10          A     Yes, ma'am.

11          Q     -- demonstrating that?

12          A     Yes, ma'am.

13          Q     And that map was --

14          A     I'm sorry, I --

15          Q     The map was made in the course of your duties?

16          A     Yes, ma'am.

17          Q     And did you bring that map with you?

18          A     Yes, ma'am.

19          Q     And this is the original map that you made on

20 February 9th?

21          A     Yes, ma'am, it's original, and I made several

22 copies of it.

23                MS. GUTIERREZ: May I have this marked as -- is

24 this Defense 9?

25                THE CLERK: Yes.

1 (Whereupon, the document referred  
2 to as Defendant's Exhibit No. 9  
3 was marked for identification.)  
4 MS. GUTIERREZ: May I approach the witness,  
5 Your Honor?  
6 THE COURT: Yes, you may.  
7 BY MS. GUTIERREZ:  
8 Q Mr. Buddemeyer, if we were to open this up, and  
9 perhaps I could hold it for you -- if I can, this is a map  
10 printed on Department of Public Works, City of Baltimore  
11 paper. And did you actually draw this map?  
12 A Well, this map is on record at -- this is  
13 available to anyone. I actually drew the measurements and  
14 so forth at the bottom and a description of where it was  
15 found.  
16 Q Of where the body was found?  
17 A Yes, ma'am.  
18 Q And where --  
19 THE COURT: Mr. Buddemeyer -- one moment.  
20 Mr. Buddemeyer, I couldn't hear the end of what you just  
21 said. You actually drew the what?  
22 THE WITNESS: I drew the location of the body on  
23 this map. This is a photographer's drawing of the area.  
24 THE COURT: All right.  
25 BY MS. GUTIERREZ:

1 Q And on top of that, you drew where the body  
2 appeared, as you observed in, back on February 9th?  
3 A That's correct.  
4 Q The body that was hard to see?  
5 A Right.  
6 Q Okay. And does that indicate on the map the  
7 distance from the 4400 block -- the edge of the 4400 block  
8 of Franklinton Road?  
9 A Yes, ma'am.  
10 Q Okay. And you were actually back there, right?  
11 A Yes, ma'am.  
12 Q And you actually measured the distance?  
13 A That's correct.  
14 Q Okay. And the log, as you've drawn it inside  
15 this -- is that where the log was or is that a logo --  
16 A Okay, this is just a blown-up description of  
17 where the body was, which is right here.  
18 Q Okay. And where --  
19 A And this is all to scale.  
20 Q Okay. Meaning the distance that you measured?  
21 A Yeah, it's correct.  
22 Q And it's to scale. It shows that Leakin Park is  
23 far greater than just that little area?  
24 A Leakin Park is large, very large.  
25 Q And could you -- inside the little cloud, you



1 have the 40-foot log drawn?

2 A Yes, ma'am.

3 Q Okay. Now, in regard to the direction that

4 Franklintown Road goes at that area, is the log parallel or

5 perpendicular?

6 A It's more parallel to the road.

7 Q Running the same direction?

8 A Very close.

9 Q Okay. And right past that area -- and beyond

10 where you saw the body behind the tree, is there a stream?

11 A Gwynns Falls.

12 Q Okay. And is that stream plainly visible?

13 A It sure is.

14 Q And at that juncture, does that stream run

15 parallel or perpendicular to the same direction,

16 Franklintown Road?

17 A Perpendicular.

18 Q Okay. Now, sir, back there after you climbed

19 over the jersey walls and you went back and, as you said,

20 you took the path of least resistance and you discovered

21 the body, did you notice any lighting sources back there?

22 A There was no lighting at all.

23 Q There's no city lights?

24 A No.

25 Q No lights from private property?

1 Q No lights from private property?  
2 A No.  
3 Q No lamp posts?  
4 A No lights whatsoever.  
5 Q No lights whatsoever  
6 A There isn't any need for lights out here.  
7 Q Okay. On Franklinton Road, are there any light  
8 poles or lights in that hundred block of Franklinton Road?  
9 A I don't know.  
10 Q Okay. Did you observe any?  
11 A No, ma'am.  
12 Q Sir, if you would again mark this topography  
13 shows that beyond --  
14 THE COURT: Mr. Buddemeyer, can I ask you to move  
15 your chair just a little bit back this way? Yes. So that  
16 your mouth still will be in the mike, so that we might hear  
17 you a little better? Thank you.  
18 MS. GUTIERREZ: Thank you, Judge.  
19 BY MS. GUTIERREZ:  
20 Q Beyond where you have indicated you measured the  
21 127 feet distance on the map, right below that you measured  
22 a distance on Franklinton Road.  
23 A That's correct.  
24 Q And that distance is?  
25 A 760 feet.

1           Q     And that's from where it is -- where the jersey  
2 walls are off of Franklinton Road?  
3           A     That's the distance from --  
4           Q     To where? From that point to --  
5           A     From the intersection of Franklinton Road and  
6 Winands Parkway.  
7           Q     It's 760 feet, right?  
8           A     That's correct.  
9           Q     And that distance is shown on your map that then  
10 indicates Winands Way?  
11          A     That's correct.  
12          Q     And Winands Way is on the preprinted portion of  
13 the map?  
14          A     Yes, ma'am.  
15          Q     You actually measured the distance between where  
16 the cut-off surrounded by jersey walls is and the  
17 intersection where Winands Way dissects into Franklinton  
18 Road?  
19          A     Again, that's correct.  
20          Q     Okay. And are you familiar with Winands Way?  
21          A     Yes, ma'am.  
22          Q     And as Winands Way goes up and gets closer to  
23 Edmondson Avenue, are there houses there?  
24          A     At one point there is. You reach houses a fairly  
25 good distance up the road.

1 the map?

2 A Yes, ma'am.

3 Q And where are they?

4 A They're down below, right here.

5 Q Down below, and that's off of a road called

6 Briarcliff?

7 A That's correct.

8 Q And that's quite a distance off the intersection

9 of Franklinton and Winans Way?

10 A That's right.

11 MS. GUTIERREZ: Judge, I would move Defendant's  
12 Exhibit 9 into evidence and ask that it be published to the  
13 jury.

14 THE COURT: Any objection?

15 MR. URICK: No.

16 THE COURT: Let it be admitted.

17 (Whereupon, the document referred  
18 to as Defendant's Exhibit No. 9  
19 was received into evidence.)

20 MS. GUTIERREZ: May I publish it?

21 THE COURT: You may.

22 MS. GUTIERREZ: I'm going to fold it up, and if  
23 they want to unfold it, they can do so.

24 THE COURT: Thank you, counsel.

25 (Pause)

1 BY MS. GUTIERREZ:  
2 Q Mr. Buddemeyer, after these events on  
3 February 9th, did you have an occasion to return to the  
4 same scene?  
5 A I went there the day after to relocate the body  
6 more accurately, using a surveyor's transit.  
7 Q To make sure that your survey and the map were  
8 accurate?  
9 A That's correct.  
10 Q Did you make any changes to --  
11 A No, ma'am.  
12 Q Okay. They were accurate?  
13 A They were accurate.  
14 Q Okay. Now, after those events, did you agree to  
15 return to the scene in September of 1999?  
16 A Yes, ma'am.  
17 Q And at whose request was that?  
18 A Your request.  
19 Q At my request.  
20 And did you meet me there?  
21 A Yes, ma'am.  
22 Q And did you show me and others exactly where the  
23 body was? Where it was back then, on --  
24 A Yes, ma'am.  
25 Q -- on February 9th, is that right?

1           A     That's correct.

2           Q     And did you walk with us from Franklinton back

3 to where the body that was, as you said, 90 percent

4 covered?

5           A     Yes, ma'am.

6           Q     Back on --

7           THE COURT: The tape needs to be pushed in. I

8 believe it may be already in.

9           (Whereupon, the videotape was played.)

10          MS. GUTIERREZ: Thank you. Mr. Urick may have

11 questions of you.

12          THE WITNESS: Thank you.

13          MS. GUTIERREZ: You have to wait. He might have

14 some questions for you.

15          THE COURT: Witness with you, Mr. Urick?

16          MR. URICK: Thank you, Your Honor.

17                   CROSS-EXAMINATION

18          BY MR. URICK:

19          Q     Mr. Buddemeyer, good afternoon.

20          A     How you doing?

21          Q     It's your testimony that the ground there is

22 reasonably flat?

23          A     Reasonably flat.

24          Q     And it's only 127 feet from the edge of the road

25 to where the body was buried, is that correct?

1           A     That's correct.

2           Q     And the path of least resistance pretty much led  
3 you to the spot where the body was buried, correct?

4           A     I picked my own path.

5           Q     But you described it as the path of least  
6 resistance?

7           A     Yeah, that's right.

8           Q     Okay, thank you.

9           MR. URICK: No further questions, Your Honor.

10          THE COURT: Very well.

11                         REDIRECT EXAMINATION

12          BY MS. GUTIERREZ:

13          Q     Mr. Buddemeyer, is 127 feet a short distance?

14          A     Well, it depends on your point of view. Off the  
15 road, it's probably a long distance, 127 feet. That's  
16 probably a good distance back into the woods.

17          Q     And when you went there on February 9th, 1999,  
18 could you, from the road see where the tree was?

19          A     No, ma'am.

20          Q     Did you see the body at any time as you traversed  
21 back where there were already people?

22          A     No. I never saw it at all until it was pointed  
23 out to me.

24          Q     And was there any clear visibility from that  
25 area, bounded by jersey walls, back to where the body was?

1           A     Not really.

2           Q     And in regard to the road, the log is parallel  
3 with the road?

4           A     Yes, ma'am.

5           Q     And was the body on the side of the tree nearest  
6 to the road or farther away?

7           A     On the far side.

8           Q     On the far side.

9                 And was there any visibility of that tree or body  
10 once you knew that it was there from the road?

11          A     No, ma'am.

12          Q     Would it have been possible to see the area where  
13 the body was buried from the road?

14          A     No, ma'am.

15          Q     Thank you.

16                 MS. GUTIERREZ: I have nothing further.

17                 MR. URICK: Nothing on redirect.

18                 THE COURT: One moment, Mr. Buddemeyer.

19                 Counsel, may I see you at the bench?

20                 May I see the exhibit?

21                 (Whereupon, counsel and the Defendant approached  
22 the bench and the following ensued.)

23                 THE COURT: Question from the jury.

24                 MS. GUTIERREZ: Okay. He did testify, but maybe  
25 it wasn't clear, that this area is a blow up of this, not a



1     separate.

2             THE COURT:   The area in the cloud?

3             MS. GUTIERREZ:   Yes.

4             MR. URICK:   That's the interest they're showing  
5     in that small section -- the larger one.

6             THE COURT:   I'll clarify it.

7             MS. GUTIERREZ:   That's fine.   Thank you.

8             (Whereupon, counsel and the Defendant returned to  
9     trial tables and the following ensued.)

10            THE COURT:   Ladies and gentlemen, the exhibit  
11     that was sent around for you to look at is Exhibit No. 9,  
12     has a blown up section.   Mr. Buddemeyer has testified that  
13     the area in the cloud is a blown up version of the small  
14     area on the lower left-hand corner.   There's an area on the  
15     lower left-hand corner, and he's testified that this is a  
16     blown up.   What's in the cloud, as evidenced by the cloud,  
17     is what's in --

18            Is that correct, Mr. Buddemeyer?

19            THE WITNESS:   That's correct.

20            THE COURT:   Very well.   I indicate this as  
21     there's been a question as to the body being found in two  
22     different places, and counsel's asked the Court to clarify  
23     that point with regard to this exhibit.

24            And I'm going to ask that the exhibit be placed  
25     into evidence, as well as the juror's question.