

1 crime scene at the top of the page.

2 A Yeah. Tire prints located on the east side of
3 the structure and tire prints there (indicating).
4 Located on the west side of the structure, there were
5 additional vehicle tire prints.

6 Q So as far as these specific set of tire tracks,
7 you wouldn't be able to tell us if they were the tire
8 tracks on the east side or the west side?

9 A Not from that photograph. It's only been 25
10 years.

11 Q As far as the tire tracks, I notice there
12 appear to be placards in Exhibit 21, Placard 1 and 2.

13 Do you see that in the photograph?

14 A Yes.

15 Q I'm going to show you what has been marked
16 Exhibits 22 and 23, put them up on the screen, 22 being
17 the exhibit up at the top and 23 being the photograph at
18 the bottom. Speaking first about Exhibit 22.

19 What does Exhibit 22 depict?

20 (Whereupon Exhibit 22 was marked
21 for identification.)

22 THE WITNESS: Tire prints.

23 BY MR. THOMAS:

24 Q That's the tire prints that you marked as
25 Placard Number 1?

26 A Yes.

27 Q And then there's another set of tire tracks in
28 Exhibit 23; is that correct?

1 (Whereupon Exhibit 23 was marked
2 for identification.)

3 THE WITNESS: Correct.

4 BY MR. THOMAS:

5 Q You used Placard Number 2 to designate that
6 tire track?

7 A Correct.

8 Q At some point did you see what appears to be a
9 12-pack of Coors at the location?

10 A Yes.

11 Q At the residence?

12 A Yes.

13 Q Where's that located?

14 A On the outside, I believe, the front porch.

15 Q I'm going to show you what's been marked
16 Exhibit 24.

17 Do you recognize that?

18 A Yes.

19 Q Is that the 12-pack of Coors that you spoke
20 about?

21 A Yes.

22 Q That's depicted in the photograph on top of
23 what appears to be some sort of concrete?

24 A Cinder block.

25 Q Cinder block?

26 A Yes.

27 Q At some point did you find out who brought that
28 12-pack to the location?

1 A Yes.

2 Q Who was that?

3 A Rita's son.

4 Q That would have been Daryl Kraemer?

5 A Yes.

6 Q Once you got inside the house, did you look
7 around to see if there's anything of evidentiary value
8 to you?

9 A Other than in the bedroom where the deceased
10 was found?

11 Q Yes.

12 A Yes.

13 Q And just for the record, did you go to -- where
14 did you start your investigation? Did you start out in
15 the bedroom or did you start out at some other location
16 in the house?

17 A Do an overall from the front door. Start from
18 the front door and work our way into the structures.

19 Q And on Exhibit 39, the diagram that you
20 prepared in this case, where is the front door if you
21 can recall?

22 A It's on the northeast corner, I suppose would
23 be the best place to put it.

24 Q On the diagram, if you're looking at it, it's
25 at the bottom left-hand corner and you see what appears
26 to be a door swinging open?

27 A Correct.

28 Q So you started your investigation at that

1 particular location?

2 A Correct.

3 Q And then as far as the investigation
4 progressed, did it go to this room just adjacent to what
5 appears to be a living room where you see the circle
6 table?

7 A Yes.

8 Q Okay. You marked -- did you mark any items in
9 that particular area?

10 A I believe there -- there was another container
11 of beer in that general area.

12 Q As far as that container -- are you sure it was
13 beer?

14 A There was beer located in the house, and I'm
15 thinking that's where it was at.

16 Q Would looking at your report refresh your
17 recollection as to whether or not --

18 A Certainly.

19 Q Specifically, it would be bottom of Page 2?

20 A That's where the ashtray was located.

21 Q Do you recall seeing anything about a mention
22 of beer in this report?

23 A Yeah. It seems there was another 6-pack of
24 beer or something.

25 Q Would that have been indicated in your report?

26 A Should be, yes.

27 Q Do you recall seeing a Slurpee cup?

28 A No.

1 Q I'm going to show you a photograph that's been
2 marked Exhibit 25.

3 Do you recognize that photograph?

4 A In relationship to the Slurpee cup, no. It's
5 part of the interior of the residence, but I don't
6 recall a Slurpee cup.

7 Q Okay. As far as the Slurpee cup was concerned,
8 there's a placard just to the right of the Slurpee cup
9 in the photograph.

10 Do you see that?

11 A Yes.

12 Q That would be Placard Number 6?

13 A It appears to be, yes.

14 Q As far as Placard Number 6, what was contained
15 or designated by Placard Number 6?

16 A I don't readily find that in my report.

17 Q Would looking at a close-up of Placard Number 6
18 help refresh your recollection?

19 A I don't believe so.

20 Q You want to try?

21 A Can't hurt.

22 Q Okay. I'm going to show you what has been
23 marked Exhibit 26.

24 Do you recognize that?

25 A Yes, but it wasn't for the Slurpee cup.

26 Q What was it designating?

27 A The Virginia Slim cigarette pack.

28 Q Okay. Then looking at your report, bottom of

1 Page 2 of your report, you wrote also located in the
2 dining area is a round table which stood soft drink
3 containers and a package of Virginia Slims cigarettes.

4 Do you see that?

5 A Yes.

6 Q The soft drink container, that would have been
7 what you were referring to, the Slurpee cup?

8 A I would assume.

9 Q Okay. Then there were other items that were
10 located in the desk area.

11 Do you recall those items?

12 A Not specifically but --

13 Q Specifically, would referring to your report,
14 specifically Page 2, the last paragraph on Page 2, would
15 that refresh your recollection as to what was found on
16 the desk area?

17 A Well, it indicates the Virginia Slims
18 cigarettes and the soft drink.

19 Q Those were located, according to your report,
20 on the round table; right?

21 A Yes.

22 Q Just above that there's a -- located in the
23 dining area of the residence is a desk, which is located
24 against the south wall of the dining area. Then it
25 talks about items that were found on top of the desk.

26 A Yes.

27 Q Okay. And Placard Number 5 would have been,
28 according to your report, an ashtray?

1 A Correct.

2 Q I'm going to show you what has been marked
3 Exhibit 27.

4 Looking at Exhibit 27, that's the desk that is
5 referred to in your report?

6 (Whereupon Exhibit 27 was marked
7 for identification.)

8 THE WITNESS: Yes.

9 BY MR. THOMAS:

10 Q And then specifically I'll show you Exhibits 28
11 and 29 together, 28 being the one on top, 29 being the
12 one on the bottom.

13 Placard Number 5 appears right behind what
14 appears to be an ashtray with some cigarette butts in
15 there?

16 (Whereupon Exhibits 28 and 29 were marked for
17 identification.)

18 THE WITNESS: Correct.

19 BY MR. THOMAS:

20 Q Then Placard Number 7, what does that
21 designate?

22 A The Benson and Hedges cigarettes.

23 Q Okay. And then did you locate what appeared to
24 be blood stains or blood spots of some sort in the
25 residence?

26 A Yes.

27 Q How were those labeled?

28 THE COURT: Why don't we stop right now and

1 take our afternoon recess and call this the end of a
2 chapter and start up in 15 minutes.

3 Ladies and gentlemen, you're admonished that it
4 is your duty not to converse among yourselves or with
5 anyone else about any matter connected with this case
6 nor form or express an opinion on it until it's
7 submitted to you.

8 (Whereupon a recess was taken.)

9 (Whereupon the following proceedings were held in open
10 court in the presence of the jury:)

11 THE BAILIFF: Remain seated. Come to order.
12 Court is now in session.

13 THE COURT: Good afternoon. Back on the
14 record in the case of People of the State of
15 California versus John Henry Yablonsky. Mr. Yablonsky
16 is here with his attorney, David Sanders, along with
17 his counterpart from the District Attorney's Office,
18 John Thomas, and Detective Robert Alexander.

19 On the witness stand, we have
20 Sergeant Roger McCoy, retired, and continuing in direct
21 examination.

22 MR. THOMAS: Thank you, your Honor.

23 BY MR. THOMAS:

24 Q Before we left for the break, we were about to
25 get into what you -- what appeared to be blood spatter
26 of some sort in the residence; is that correct?

27 A Correct.

28 Q And those were designated how?

1 A A-24 and A-23.

2 Q On the diagram, Exhibit 39 that you see on the
3 screen, if you can use the laser pointer up there, can
4 you point out to us where A-23 is first?

5 A (pointing).

6 Q You're pointing to the hallway to the right
7 center of the screen where it's marked A-23, and then
8 there's an arrow to what appears to be the end of a wall
9 or doorway?

10 A Right.

11 Q Then do you see A-24 on there?

12 A (pointing).

13 Q You're pointing to an area on the diagram to
14 the right of center just before you enter the victim's
15 bedroom where it says A-24, and then there's an arrow
16 pointing to the door where it would hinge open and shut?

17 A Right.

18 Q Then as far as A-23 was concerned, did you do
19 any measurements as far as that particular suspected
20 blood drop?

21 A Yes.

22 Q What were the measurements that you took?

23 A If I can refer to my notes?

24 Q Would that refresh your recollection?

25 A Yes, it will.

26 THE COURT: Don't you think by now it's a
27 better idea to say refer to those and see if it
28 refreshes your recollection because the answer could

1 be no, and you're still going to ask him to look.

2 Go ahead, please.

3 THE WITNESS: A-23 was located approximately
4 35 inches above the floor of the hallway.

5 BY MR. THOMAS:

6 Q I'm going to show you an exhibit that's been
7 marked Exhibit 36.

8 Looking at Exhibit 36, is that the blood spot
9 that you saw that was marked A-23?

10 (Whereupon Exhibit 36 was marked
11 for identification.)

12 THE WITNESS: Yes, I believe it is.

13 BY MR. THOMAS:

14 Q And then as far as A-24 was concerned, what was
15 the description that you gave on A-24?

16 A That was located on the molding in the doorway
17 leading from the hall of the residence into the bedroom
18 where the victim was located.

19 Q How far off the ground was that located?

20 A Located approximately 43 inches from the floor
21 of the hallway.

22 Q I'm going to show you another photograph that's
23 been marked Exhibit 37.

24 Do you recognize that photograph?

25 (Whereupon Exhibit 37 was marked
26 for identification.)

27 THE WITNESS: Yes.

28

1 BY MR. THOMAS:

2 Q Is that the photograph of the blood drop or
3 blood spot marked as A-24?

4 A Yes.

5 Q As far as the exterior of the house, before we
6 get into the victim's bedroom, did you find any
7 cigarette butts?

8 A Yes, I believe there were.

9 Q Okay. I'm going to show you a couple
10 photographs. First, Exhibit 30.

11 Do you recognize what's depicted in Exhibit 30?
12 (Whereupon Exhibit 30 was marked
13 for identification.)

14 THE WITNESS: No, I do not.

15 BY MR. THOMAS:

16 Q As far as Exhibit 30 was concerned, can you see
17 just to the right of Placard 9 there appears to be some
18 cigarette butts?

19 A Yes.

20 Q Does the photograph -- if you look at the front
21 porch photograph that I showed you earlier --

22 A Exhibit 1.

23 Q I think it's Exhibit 1 or 2 or 3.

24 A I have Exhibit 1.

25 Q Do you see any of the items that you see in
26 Exhibit 30 in Exhibit 1?

27 A No, I do not.

28 Q Okay. So you don't recall marking any of the

1 cigarette butts with Placard Number 9?

2 A Those placards were generally set up by the ID
3 tech that was on scene, and they refer to his -- his
4 notes --

5 Q Okay.

6 A -- and the location of which was documented
7 when they're collected, and they're usually collected by
8 the crime lab personnel.

9 Q That would have been Don Jones?

10 A Correct.

11 Q Okay. I'll ask him.

12 Now, as far as the interior of the bedroom or
13 the victim's bedroom inside the house, could you
14 describe what you saw when you walked in there?

15 A There was a woman's body lying on the bed. She
16 was nude. It was a moderate state of decomposition,
17 face was all purple and swollen.

18 Q And then I believe you wrote in your report
19 moderate to advanced state of decomposition?

20 A Correct.

21 Q And then was there anything about her face that
22 you saw that was unusual?

23 A Her head was swollen quite a bit. Her face was
24 purple in color.

25 Q Was there a white cloth at any point that you
26 observed?

27 A Yes.

28 Q Where was that white cloth?

1 A I believe it was on the floor next to her.

2 Q Would referring to your report refresh your
3 recollection?

4 A Sure.

5 Q Page 2, top of the page, first paragraph.

6 A I'm thinking of another situation. This was
7 used as a gag in her mouth. Yes, that was present.

8 Q I'm going to show you what has been marked
9 Exhibit 33.

10 Do you recognize that exhibit?

11 (Whereupon Exhibit 33 was marked
12 for identification.)

13 THE WITNESS: Yes.

14 BY MR. THOMAS:

15 Q What does that exhibit depict?

16 A That depicts the position and the location of
17 the body when I entered the room.

18 Q And I notice there appears to be a white cloth
19 covering the victim's face in Exhibit 33?

20 A Yes.

21 Q And that's the white cloth that you referred to
22 as being used as -- possibly being used as a gag?

23 A I believe so, yes.

24 Q Show you another photograph that's been marked
25 Exhibit 13.

26 Do you recognize that photograph?

27 (Whereupon Exhibit 13 was marked
28 for identification.)

1 THE WITNESS: Yes, it's the same victim from
2 a different angle.

3 BY MR. THOMAS:

4 Q That particular picture, Exhibit 13, is taken
5 from the doorway that would lead out to the hallway?

6 A Correct.

7 Q Okay. In that particular photograph, do you
8 remember there being any clothing?

9 A Yes, there was some clothing on the bed.

10 Q Okay. Was it on the bed or --

11 A In my mind, it's on the bed.

12 Q Would referring to your report refresh your
13 recollection as to where the clothing was located?

14 A Certainly. According to my notes, it was on
15 the floor of the bedroom adjacent to what is the north
16 wall.

17 Q In looking at that photograph, the north wall
18 would be that wall just to the right there in that
19 photograph, Exhibit 13?

20 A Yes.

21 Q So there was clothing on the floor there?

22 A Yes.

23 Q I'm going to show you what's been marked
24 Exhibit 11.

25 Looking at Exhibit 11, do you recognize that --
26 what's depicted in this photograph?

27 (Whereupon Exhibit 11 was marked
28 for identification.)

1 THE WITNESS: No.

2 BY MR. THOMAS:

3 Q As far as that particular photograph, you can
4 see the victim's leg in the bottom left-hand corner of
5 the photograph?

6 A Yes.

7 Q Okay. And so looking at the other photograph,
8 that would be the -- I guess it would be the north side
9 of the bed?

10 A Yes.

11 Q Okay. And then there's what appears to be some
12 sort of item in that photograph depicted?

13 A Yes, cloth or something.

14 Q At the top of the photograph, the top
15 right-hand corner of the photograph, and I'll point it
16 out to you with the laser, there appears to be a set of
17 glasses.

18 Do you see that?

19 A Yes.

20 Q Those glasses, were they there that you can
21 remember?

22 A They're in the photograph, so they were there
23 because nothing was moved. All we were there doing was
24 measurements, and what have you. Nothing gets moved
25 until the crime lab, the ID tech, homicide, we are all
26 satisfied, the coroner comes in and the only thing
27 that's moved is the victim's body.

28 Q Okay. Were you present when the coroner came

1 in to move the victim's body?

2 A Yes.

3 Q And typically what happens when the victim's
4 body's moved?

5 A It's rolled to one side so we can inspect
6 what's under the body directly and for additional
7 evidence or investigative leads.

8 Q Okay. And then as far as the bedding, how
9 would you characterize the bedding? If you look at the
10 photographs I've shown you already, was it -- was the
11 bedding neat?

12 A No, it was -- it had been, in my description,
13 wadded up more or less.

14 Q Okay.

15 A Disturbed.

16 Q When you say wadded up, what part of the bed
17 was wadded up?

18 A If I can use the photograph as an example, it's
19 in the northeast corner of the bed.

20 Q Okay. And then let me show you another
21 photograph that's been marked Exhibit 14.

22 Do you see where the bedding was wadded in this
23 exhibit?

24 (Whereupon Exhibit 14 was marked
25 for identification.)

26 THE WITNESS: Yes, over there.

27 BY MR. THOMAS:

28 Q Then looking at Exhibit 14, that's just from a

1 different angle from the previous exhibit that I showed
2 you?

3 A Right, yes.

4 Q Okay. At any point did you notice a -- I guess
5 it would be a watch pin of some sort?

6 A Yes.

7 Q Do you recall where that was located?

8 A Located up by her head in this general area.

9 Q Show you a photograph that's been marked
10 Exhibit 12.

11 I guess it would be characterized as a
12 watchband pin?

13 (Whereupon Exhibit 12 was marked
14 for identification.)

15 THE WITNESS: Yes.

16 BY MR. THOMAS:

17 Q And so that particular item was just above
18 Rita's head on the right side of the bed?

19 A Yes.

20 Q Did you notice, as far as the bedroom itself
21 was concerned, did you notice if it appeared to be
22 somewhat orderly or was it ransacked or is that
23 something that you can't remember?

24 A The bedroom, like the rest of the house, was
25 not organized. There were things that should have been
26 put away that weren't depending on who your wife is I
27 guess. The whole house had things that were out of
28 place that just were not put away. Either she didn't

1 have a place for them or she had chosen not to put them
2 away.

3 Q As far as some of these items that were out and
4 about, would you characterize some of these items as
5 being items of value?

6 A No, just normal every day things that you'd
7 collect. You go to the store and instead of putting it
8 away, you set it down and that type of thing.

9 Q As far as the bedroom was concerned, were there
10 dressers or anything like that in that bedroom that you
11 can recall?

12 A I do not have it indicated in the diagram, and
13 I don't remember any.

14 Q When you looked through the house, did you see
15 drawers or anything that were left open like somebody
16 had been going through that?

17 A No, the house did not appear to be ransacked.
18 It was not orderly. It hadn't been torn apart.

19 Q And then as far as the victim was concerned,
20 did you notice a murder weapon or anything on the
21 victim?

22 A Yes, she had what appeared to be a coat
23 hanger -- a wire coat hanger wrapped around her neck.
24 At that point she was in a state of decomposition. She
25 was swelling, so it was cutting very deeply into her
26 throat.

27 Q Do you recall whether or not her dentures were
28 inside her mouth?

1 A She -- if I remember, uppers were inside and
2 her lowers were on the bed with her I believe.

3 Q I'm going to show you a couple photographs.
4 First, Exhibit 16.

5 Looking at Exhibit 16, can you see the wire
6 hanger that you were speaking about?

7 (Whereupon Exhibit 16 was marked
8 for identification.)

9 THE WITNESS: Not real well in that picture,
10 but in this picture certainly, yes.

11 BY MR. THOMAS:

12 Q When you say not real well in that picture,
13 you're talking about the picture on the big screen?

14 A The projection picture is not indicating the
15 wire as well as the regular photograph.

16 Q Do you see her upper dentures and lower
17 dentures in that photograph?

18 A Yes.

19 Q Again, if you can just point out to where her
20 upper dentures and lower dentures are in the photograph.

21 A Uppers are still in her mouth.

22 Q Just for the record, you're pointing to the
23 upper center of the photograph, Exhibit 16?

24 A Correct. The lowers were on the bed next to
25 her.

26 Q Then you're pointing to the area on the bottom
27 right-hand corner of the photograph.

28 A Yes.

1 Q Show you what has been marked Exhibit 15.
2 Did you notice whether or not the victim had a
3 bracelet of some sort on?

4 (Whereupon Exhibit 15 was marked
5 for identification.)

6 THE WITNESS: Yes.

7 BY MR. THOMAS:

8 Q And do you see that bracelet in the photograph,
9 Exhibit 15?

10 A Yes.

11 Q Okay. Where is it?

12 A In the projection picture, it's hard to see.
13 It's right in there.

14 Q Did she also have a watch on?

15 A Yes.

16 Q Where is the watch?

17 A Either that -- this portion is the watch and
18 this is the jewelry or it's the other way around. This
19 is probably the bracelet and that's the watch.

20 Q So --

21 A She had them on her wrists.

22 Q Just for the record, you think that the
23 bracelet might be on the right hand -- right wrist area
24 of the victim and the watch on the left wrist area of
25 the victim?

26 A Correct, yes.

27 Q Then as far as the body being rolled, one of
28 the purposes of doing that is so that the coroner