

1 about this case with a photograph of Mr. Yablonsky.

2 No one has seen anything about that; have they?

3 No one's read the article? Stay away from the paper, I  
4 suppose, until the case is over.

5 Anything else anyone wants to bring up on this  
6 subject, Mr. Thomas or Mr. Sanders?

7 MR. THOMAS: No, your Honor.

8 MR. SANDERS: No, sir, thank you.

9 THE COURT: Donald Jones is still on the  
10 witness stand -- he was going to go into  
11 cross-examination, and Mr. Thomas has indicated that  
12 he had a few questions that he meant to ask that he  
13 didn't ask and asked to have an opportunity to reopen  
14 his direct examination. Mr. Sanders has not objected.

15 Proceed.

16 MR. THOMAS: Thank you, your Honor.

17

18 **DONALD JONES**, having previously been duly sworn,  
19 testified further as follows:

20 **DIRECT EXAMINATION (reopened)**

21 BY MR. THOMAS:

22 Q Good morning, Mr. Jones.

23 A Good morning, sir.

24 Q Yesterday, do you recall me showing you a bunch  
25 of photographs?

26 A Yes, sir, I do.

27 Q Okay. And those photographs, each one of those  
28 photographs I showed you yesterday, are those all true

1 and accurate depictions of the crime scene as you saw it  
2 back on September 23rd of 1985?

3 A To the best of my recollection, yes, sir.

4 Q I was going to ask you about the extraction  
5 process.

6 As far as that process is concerned, I think we  
7 already went through yesterday that that was done in  
8 accordance with the scientific procedures that you were  
9 familiar with?

10 A Yes, sir. You're referring to the extraction  
11 of DNA from the stains?

12 Q Yes.

13 A Yes, sir.

14 Q As far as that process is concerned, did you do  
15 that in accordance with the training that you received?

16 A Yes, sir. In accordance with the training I  
17 received in accordance with the procedures that we have  
18 established and that have been reviewed as part of our  
19 accreditation.

20 Q Was there anything about that process that  
21 caused you any concern, anything that happened that was  
22 unusual?

23 A Not that I recall and not that I remember  
24 looking through and seeing in my notes.

25 Q That would have been something that you would  
26 have noted if that had happened?

27 A Yes, sir.

28 Q And then I asked you about item A dash 11

1 yesterday and the extraction that occurred on that item.

2 Did you also do the extractions regarding

3 A dash 18?

4 A Yes, sir. Actually, there were several samples  
5 that had been taken from A dash 18, and I took a look  
6 at -- I extracted two of them then went on to do some  
7 work on one of those two.

8 Q Then as far as the extractions that you did on  
9 A dash 18, that was specifically the felt pad?

10 A That's correct, yes, sir.

11 Q When you did the extractions, you were familiar  
12 with the felt pad from back when you collected it in --  
13 on September 23rd of 1985?

14 A Yes, sir.

15 Q And it appeared to be in the same condition as  
16 when you collected it?

17 A Well, actually, the samples that I looked at  
18 with regard to the felt pad were samples cut from the  
19 felt pad. When we take the samples back to the crime  
20 lab, rather than store a gigantic piece of evidence in  
21 our freezer, we'll cut out the stains, and then we put  
22 the stains in a smaller envelope, and that can be stored  
23 in our freezer. The rest of the items then are stored  
24 at room temperature.

25 Q The question that I have is, the cutouts that  
26 you had, did they appear to be cutouts from the felt pad  
27 that you observed back on September 23rd, 1985?

28 A Yes, sir.

1 Q Okay. And then as far as that extraction  
2 process went, you did the same process that you did with  
3 the felt pad cuttings as you did with A dash 11?

4 A Yes, sir. In terms of separation of the sperm  
5 cell and non-sperm cells into two fractions.

6 Q Then you did the same thing as far as being  
7 able to -- that you preserved the extracted DNA for  
8 future use by other criminalists?

9 A Yes, sir.

10 Q Did you label that in some way?

11 A Yes, sir. I spoke yesterday of some plastic  
12 tubes with screw caps on the top called cryovials. Each  
13 of those vials would have been then labeled with the  
14 LR number and with the item number and with the fraction  
15 number. For instance, for the felt pad, it would have  
16 said the LR number, 44659, would have had the item  
17 number, A dash 18. I believe it was stain B, and then  
18 the fraction number would be E-2. E-1 is generally the  
19 first extraction. It will have the non-sperm cell DNA,  
20 and E-2 is the second extraction, if you will, and that  
21 will have the sperm cell DNA.

22 Q Were they labeled A dash 18a and A dash 18b?

23 A I believe, yes, sir. I did extractions on two  
24 stains from A dash 18a and b, and they would have been  
25 labeled independently.

26 Q Okay. Then was there anything about that --  
27 strike that. As far as that extraction process, you did  
28 that in accordance with the scientific training

1 procedures that you received?

2 A Yes, sir. There probably is something that I  
3 should note also that when we do this extraction  
4 procedure, at the time we're doing the sample, working  
5 with the samples, and so on, we extract not only the  
6 evidential sample from the stain, but I have another  
7 tube which has a blank in it. Basically, I put all the  
8 reagents in it, all of my enzymes, all of my buffers in  
9 this other tube, but it has no stain in it. It should  
10 have no DNA. It is what we call a reagent control,  
11 something that at the end should show no DNA at all.

12 Also, extract a known positive control, one  
13 that I know has DNA in it to show that the extraction  
14 works in case all my samples are negative. I want to  
15 make sure that the extraction process is working. So I  
16 run -- with each set of extractions, I run a negative  
17 control and positive control. Those also would have  
18 been collected in the small screw-cap vials and stored  
19 with the rest of the samples, the positive and negative  
20 controls for the extractions that I did.

21 Q Okay. And do you yourself test that  
22 afterwards?

23 A In general, I test the negative control. I  
24 will test them all to see if there's human DNA. If I  
25 find human DNA in the evidential sample, and there's  
26 human DNA in the positive extraction control, and  
27 there's no DNA in the reagent control, things are coming  
28 out as I expect. Then the positive extraction control,

1 I will not type that. I already know what the type of  
2 that is. Its purpose is to see if I was able to recover  
3 DNA.

4 The negative control, I will go on with the  
5 rest of the processes to see if, even though I didn't  
6 detect DNA in there, if there's anything in there that  
7 would -- would be carried over into the typing process.  
8 I expect that to have no DNA typing results.

9 In this particular case, it had no DNA typing  
10 results. I also then will save that sample along with  
11 the evidential sample, so that if somebody in the future  
12 wants to test using a different typing technique or  
13 different technology, they can test the known blank to  
14 make sure there's something that won't show up in this  
15 other type of test in the known blank.

16 Q So you did this with Item A dash 18a and b?

17 A Yes, sir.

18 Q And then you also did it with the item that we  
19 spoke of yesterday, A dash 11?

20 A Yes, sir, the vaginal swab that was collected  
21 at the crime scene.

22 Q Okay. And later, after you were done, you did  
23 all the tests that you just explained as far as testing  
24 the negative portion of it and as far as all of the  
25 tests were concerned, anything come out that caused you  
26 any concern?

27 A Nothing that caused me concern. The results of  
28 the DNA typing that I did showed that it was the same

1 semen donor for the felt pad as for the vaginal swab,  
2 but it did not match any of the reference samples that  
3 had been submitted to the laboratory at the time.

4 At the time I did the testing, I had what we  
5 call a semen donor profile, but I had nobody that it  
6 matched.

7 Q Okay. As far as the quality control of the  
8 testing that you performed on A dash 18a and b and  
9 A dash 11, was there any concerns that you had regarding  
10 that quality control that you talked about?

11 A No, sir.

12 Q Then the other thing I forgot to ask you  
13 yesterday is, you mentioned a pair of panties that were  
14 found on the floor next to the bed.

15 Do you recall that?

16 A Yes, sir. I believe we called that Item  
17 A dash 3. They were on the -- as you looked from the  
18 foot of the bed, they were on the right-hand side up  
19 toward the head of the bed near a set of eyeglasses.

20 Q As far as that pair of panties, was there any  
21 testing that was done by the crime lab to determine  
22 whether or not that contained any serological fluids of  
23 any sort?

24 A There was a screening test for semen on the  
25 panties. That test was negative.

26 MR. THOMAS: Nothing further.

27 THE COURT: Cross.

28 MR. SANDERS: Thank you, your Honor.

CROSS-EXAMINATION

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

BY MR. SANDERS:

Q Good morning, Mr. Jones.

A Good morning, sir.

Q Let me make sure I understand this. Your job back in 1985 was to collect evidence; is that correct?

A Yes, sir.

Q And you were hired by the sheriff's department to do that?

A I was hired for a number of reasons. One of my assigned tasks was crime scene investigation.

Q Then as the years went by, you assumed more responsibilities; is that correct?

A I have had different assignments as the years went by. I came to a point where I specialized. I would characterize it when I first started, I was a generalist. I worked in a number of different areas, but as time went by, I began to specialize in a particular area. In this instance, forensic serology, which became forensic biology or DNA.

This is a necessity that you wind up specializing. It is something that has been forced upon us by our accreditation that they want us to specialize in one particular task or assignment that we perform.

Q Back in 1985, you were called to go out to Highway 18 in Lucerne Valley; is that correct?

A Yes, sir.

Q And do you remember what time you arrived?



1           A     I could check the -- my notes if you don't  
2 mind.

3           Q     Feel free.

4           A     Okay. According to my notes, I actually  
5 received the call when I was in Rancho Cucamonga at  
6 right about 2:00 in the afternoon and went from  
7 Rancho Cucamonga to the address at 35435 Highway 18 in  
8 Lucerne Valley and got there a little bit after 3:00 in  
9 the afternoon.

10          Q     When you arrived, was anybody inside the crime  
11 scene at that time?

12          A     I don't know who was where. I can tell you  
13 that the notes I took indicate that Sergeant Dave Baker  
14 and two detectives that I have listed here as Gary Wood  
15 and Al Long.

16                THE COURT: What was that last name?

17                THE WITNESS: Long L-o-n-g.

18                THE COURT: Thank you.

19 BY MR. SANDERS:

20          Q     Do you know if someone had kept a log of people  
21 that entered or left the crime scene before you arrived?

22          A     I do not know.

23          Q     No one showed you a log indicating who had been  
24 in and out?

25          A     No, sir. My understanding is part of the  
26 investigation the homicide detectives kept track of who  
27 was at the scene, but in terms of a physical log, I  
28 don't remember seeing one or noting one.

1 Q All right. And then you have not seen one  
2 since?

3 A That's correct.

4 Q Were you one of the persons responsible for  
5 observing or collecting or preserving evidence outside  
6 of the house that you went to?

7 A I don't believe we did any physical evidence  
8 collection. There probably were photographs that were  
9 taken by the identification division. As far as I can  
10 recall, the only evidence that I collected was evidence  
11 from inside the residence.

12 Q You were not the person responsible for  
13 photographing; is that correct?

14 A That was handled by two -- at least -- at least  
15 two other people that were there. I believe I mentioned  
16 yesterday it was a Tom Moody and Jeff Bedetti. They  
17 were from the identification division.

18 Pretty much people from the identification  
19 division would do the photography and any latent  
20 fingerprint development. People from the crime lab  
21 would sketch and document the scene and collect the  
22 physical evidence. The homicide investigators pretty  
23 much would oversee the scene and make sure it was  
24 processed and then handle the interviews and so forth.

25 Q Since you've mentioned it, let me ask you about  
26 the fingerprint -- the effort that was made by the  
27 sheriff's department to search the residence for  
28 fingerprints.

1           Who was it that conducted that search?

2           A     My answer to that is based upon procedure. I  
3 don't know. I was not involved with the fingerprint  
4 aspect of it, but that would have been Tom Moody and  
5 Jeff Bedetti who did the fingerprint processing  
6 throughout the crime scene.

7           Q     As they do that, did they ever draw your  
8 attention or show you some fingerprints they found?

9           A     I don't remember anything with regard to  
10 fingerprints at the scene.

11          Q     I know that technology is different today than  
12 it was back then, and sometimes we hear that you could  
13 pretty much get DNA from anything these days.

14                 Let me ask you this; is there -- is it possible  
15 to get DNA from the same oil on hands that causes  
16 fingerprints?

17          A     The way I would answer that, in the continuum  
18 of possibilities, it's possible. My experience with  
19 what you call touch DNA is that it is -- it's very  
20 dependent upon what it is that's being touched. If it's  
21 a common object, the chances of getting DNA are good.  
22 The chances of you being able to say it came from one  
23 individual, not very good. In fact, probably from more  
24 than three or four people. Generally, touch DNA on  
25 common surfaces really is more confusing than -- than it  
26 really is worth while to even attempt. It will give you  
27 more questions or not answer any questions at all.

28                 If you have something that is restricted in

1 terms of who could touch it, the handle of a tooth  
2 brush, maybe a particular individual touches that and  
3 nobody else uses the tooth brush. That has a greater  
4 potential for showing a single source of DNA that would  
5 have come from the touching on the hands that was  
6 transferred to the tooth brush.

7 Q What you're saying is you can collect it, but  
8 it's often compromised? It's often --

9 A It is what I would call a true forensic sample  
10 in that you don't know what you're going to get and a  
11 lot of times you're going to get stuff that's not going  
12 to mean anything or not be helpful to you.

13 Q You can collect DNA from hair?

14 A Yes, sir.

15 Q You collect it from skin cells?

16 A Yes, sir.

17 Q You can collect it from sweat?

18 A I have done tests on items that pretty much it  
19 was in the sweaty area, and I have gotten good results,  
20 yes, sir.

21 Q All right. So when you went to the scene then,  
22 I think you said you have a protocol of when you enter  
23 the front to which way you go and what you do; is that  
24 correct?

25 A I don't know that I said that. I said that the  
26 way we processed that particular scene, we had a way of  
27 entering the primary bedroom. That was a decision we  
28 made at the time based upon the information we had about

1 the investigation.

2 Q So there was a decision made not to process  
3 other rooms in the house that same way because of the  
4 situation you found yourself in?

5 A Yes, sir. It was felt that our greatest  
6 probability of finding something that might be related  
7 to the perpetrator of the crime would be in this  
8 bedroom. The evidence seemed to point that everything  
9 happened in that room and, therefore, we should  
10 concentrate our efforts on that.

11 Q Let me ask you a question about that. Was  
12 there any thought in your mind that perhaps something  
13 had happened outside this bedroom causing blood spatter  
14 in the hallway?

15 A Well, the actual patterns that were in the  
16 hallway aren't what I would call blood spatter. They're  
17 probably more transfer. They were on some object and  
18 were transferred to the wall or the doorjamb. There was  
19 no other evidence outside in the hallway of any sort of  
20 blood stain patterns, whether impact or cast off or  
21 anything, other than these two what appear to be  
22 transfer spots.

23 There were other items in the house that we did  
24 collect for potential forensic biology examination.  
25 Those are the cigarette butts that were present in  
26 various ashtrays, but I think in terms of the rest of  
27 the house, that was almost the extent of what we  
28 collected.

1 Q What about the car that was out in the carport  
2 or the garage, did you process the car to look for  
3 evidence?

4 A No, sir.

5 Q Whose decision was that?

6 A That, I don't know. In general, speaking again  
7 by procedure, if the vehicle had been requested for  
8 processing, it would have been done at the crime  
9 laboratory.

10 Q You indicated when you went into the bedroom,  
11 the first thing you did was performed a vacuuming  
12 operation?

13 A Yes, sir.

14 Q And was that done by yourself?

15 A Both by myself and by my partner,  
16 Dave Stockwell.

17 Q Okay. And what, if anything, did you find when  
18 you examined the results of the vacuuming?

19 A I did not examine them. Dave Stockwell did,  
20 and he has a number of notes that he made with regard to  
21 hair and fibers that he pulled from -- from different  
22 parts, whether it be the vacuum sweeping or from  
23 articles of clothing, so when they were collected and  
24 there, but I did not do that examination.

25 Q All right. One of the things that you did was  
26 not only did you vacuum the floor, but you vacuumed the  
27 clothing?

28 A Actually, the clothing would have been examined

1 back at the laboratory, open it up and do any sort of  
2 collection --

3 Q And shake it out?

4 A -- or processing looking for stains and so  
5 forth. The vacuuming was on the areas of carpet around  
6 the bed and then the surface of the bed itself.

7 Q And I'm assuming you have some kind of a  
8 special vacuum cleaner that you --

9 A Yes, sir, we do. It looks like a regular  
10 vacuum. The one we used at the time was  
11 over-the-shoulder-type vacuum. It had a hose. Then at  
12 the hose end, there was a special trap. It was a round  
13 filter thing that you could unscrew, place a filter over  
14 a screen, screw it back on, and then go through your  
15 vacuuming. All the air would pass through and the  
16 filter would trap any hairs, fibers, debris, trace  
17 evidence and so forth onto the filter.

18 The filter would be taken out, placed in -- I  
19 could check my notes. I believe we had Ziploc bags, we  
20 placed the filters into. The trap would then be wiped  
21 out in terms of any residual dust, put another filter  
22 back into this cartridge and go on to the next section.

23 Q So you use a filter for the rug and then  
24 switched and used a different one for the bed?

25 A Yes, sir. I think there were two or three  
26 areas of the carpet that we did independently. We would  
27 have used a separate filter for each of those and then  
28 also a separate filter for the bed.

1 Q I'm assuming on the bed you did find hair  
2 samples and fibers?

3 A Honestly, I don't know. I did not physically  
4 examine the vacuum sweepings. We collect them because  
5 you only got one shot. If someone wants to look at them  
6 at a later time, I believe Mr. Stockwell may have done  
7 that, then at least we have them. In terms of what the  
8 sweepings contained, I couldn't tell you.

9 Q What about the -- when you approach the body, I  
10 believe you said you took some tapings; is that correct?  
11 How do you refer to that?

12 A Tape lifts.

13 Q Tape lifts.

14 A Yes, sir. My notes indicate that we took tape  
15 lifts of various sections of the body. The idea is that  
16 whatever occurred would be the most resent thing;  
17 therefore, any potential evidence would be on the top or  
18 the surface.

19 Q And in conjunction with that, you combed  
20 through the victim's hair; is that correct?

21 A I don't remember doing that at the scene, and I  
22 haven't seen any notes to indicate that we did comb  
23 through the hair. That may have been done at the  
24 autopsy, but I really can't tell you one way or the  
25 other.

26 Q My understanding is sometimes when there's even  
27 a suspicion that there was some type of sexual activity,  
28 they'll take a combing of pubic hair to see if there's



1 any foreign hair?

2 A That is a common collection technique that is  
3 used in sexual assault cases, yes, sir.

4 Q You do not know if that was done in this case?

5 A That's correct. I do not know.

6 Q Did you do any testing to the watch pin that  
7 was found close to the victim's head?

8 A No, sir.

9 Q Was that ever examined to see if it had any  
10 touch DNA?

11 A To have DNA, no, sir. I don't know if anybody  
12 has looked at it again. I did not, and, honestly, if  
13 someone requested we do touch DNA on it, I would find a  
14 way to convince them that we weren't going to do it.

15 Q Did you examine the victim's fingernails or any  
16 scraping from under her fingernails?

17 A I can check the autopsy notes that I have.

18 Q Thank you.

19 A In the notes that I have right here, a couple  
20 of things. One is, with regard to fingernail scrapings,  
21 no, sir. I don't have an indication of fingernail  
22 scrapings.

23 Earlier you asked me with regard to pubic  
24 combings. Pubic combings were done as part of a sex kit  
25 that was collected at autopsy prior to me arriving  
26 there. I received the sex offense kit from one of the  
27 detectives that was attending the autopsy,  
28 Detective Larry Brown, but there was an item called

1 pubic combings.

2 Q Did you analyze those findings?

3 A No, sir. In fact, the only thing that we  
4 really -- with regard to the sex offense kit, the only  
5 thing we really made any attempt to type or do anything  
6 with was the reference blood sample that was collected,  
7 and the blood sample itself was too putrid due to  
8 decomposition to do anything meaningful with, so we did  
9 not look at any of the other items collected as part of  
10 the sex offense kit collected at the autopsy.

11 Q Why would a person be interested in looking at  
12 fingernail scrapings?

13 A In general, fingernail scrapings may have  
14 potential -- they have the potential of having DNA  
15 underneath them if someone were to physically injure or  
16 scratch their attacker in a confrontation, some sort of  
17 assault.

18 Q In other words, if someone was being strangled  
19 or having a coat hanger placed around their neck, they  
20 may reach out and scratch the person that was doing  
21 that?

22 A That's correct.

23 Q In this case, you said you did not -- no one  
24 took any fingernail scrapings?

25 A As far as the notes I have, there were no  
26 fingernail scrapings taken.

27 Q Is this something that was uncommon in 1985?

28 A I think it was uncommon. It's hard to go back

1 and take a look at what our common protocols were. At  
2 the time, if we took a look at fingernail scrapings,  
3 there was no serology that we could do at the time.  
4 With the advent of DNA techniques, we have become more  
5 aware and cognizant of the idea that you can get  
6 meaningful information from underneath the fingernails.

7 Prior to that, using fingernail scrapings were  
8 used to give an idea of a location that somebody was in  
9 if they had dirt under there, what type of dirt it was,  
10 anything else along that line. It was less likely that  
11 you were looking at it to do some sort of genetic-marker  
12 typing or there wasn't any DNA typing at the time, but  
13 no serology typing.

14 I would say in terms of evidence collection,  
15 fingernail scrapings were not high on the list with  
16 regard to the things that were done all the time. With  
17 the advent of the DNA techniques, that has totally  
18 changed.

19 Q Did you determine whose fingerprints were found  
20 in the residence?

21 A Again, sir, I had nothing to do with  
22 fingerprints. I don't know if fingerprints were found.

23 Q Did you -- you said that you collected the  
24 panties that were on the floor next to the bed; is that  
25 correct?

26 A That's correct, yes, sir.

27 Q Did you examine those panties other than  
28 looking for stains?

1 A No, sir.

2 Q For example, can you tell us whether or not  
3 those panties were torn in any way?

4 A No, I cannot.

5 Q What about the eyeglasses that were on the  
6 floor, was there any way in which they were damaged?  
7 Was the lens cracked? Was the rim bent? Anything like  
8 that?

9 A I have no notes at all with regard to the  
10 condition of the eyeglasses.

11 Q My understanding is there were a number of  
12 physical items in the room that you collected and put  
13 into paper bags; is that correct?

14 A Yes, sir.

15 Q What would those items be?

16 A Those items would be clothing that was found on  
17 the floor, the panties which we've spoken of, the --  
18 there were pillows that were on the bed. There was a  
19 group of articles we call A dash 18 that were on the bed  
20 at the bottom of the bed.

21 Q A dash 18 is -- is the number that you gave to  
22 the items that were in a certain bag --

23 A They were in --

24 Q -- placed in a bag?

25 A They were toward the foot of the bed. The  
26 primary item was this felt pad.

27 Q Was a blanket included in A dash 18?

28 A Let me --