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The Defendants, G.H. Perez-Amaya, R.A. Parada-Mendoza and
J. Parada, in person

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1 ladies and gentlemen.

2 All right, Mr. Fahey.

3 MR. FAHEY: Your Honor, the Government calls
4 Detective Matthew Anderson.

5 THE COURT: All right.

6 NOTE: The witness is sworn.

7 MATTHEW R. ANDERSON, called by counsel for the
8 United States, first being duly sworn, testifies and states:

9 DIRECT EXAMINATION

10 BY MR. FAHEY:

11 Q. Please state your full name.

12 A. Matthew Robert Anderson.

13 Q. What do you do for a living?

14 A. I am a crime scene detective for the Fairfax County
15 Police Department.

16 Q. How long have you been with the Fairfax County Police
17 Department?

18 A. I was hired in 1987 as a cadet, and then have been an
19 officer since 1989.

20 Q. How long have you been a crime scene detective?

21 A. Since 1998.

22 Q. Do you have a specific title for your, as a crime scene
23 detective?

24 A. I am known as a crime scene detective for the police
25 department.

1 Q. If I could draw your attention to Government's Exhibit 3,
2 if you could look at that.

3 Do you have Government's Exhibit 3 in front of you?

4 A. Yes, I do.

5 Q. What is that?

6 A. That is basically a resumé of all my training and
7 experience.

8 Q. Is that relating to being a crime scene detective?

9 A. Yes, it is.

10 Q. What are some of your duties as a crime scene detective?

11 A. My main duties are to respond to major crimes, suspicious
12 deaths, accidental deaths within Fairfax County. Once there,
13 to document those scenes through notes, photography, sketches,
14 as well as locate evidence, identify evidence, collect it,
15 preserve it, process it for latent fingerprints. And then
16 maintain the chain of custody, the packaging of it and
17 evidence that needs to be further examined by a laboratory to
18 submit it to the laboratory.

19 Q. Have you received any specialized training in crime scene
20 investigations?

21 A. Yes, I have.

22 Q. And just generally can you highlight some of the training
23 that you have received from your resumé on Exhibit 3.

24 A. My training basically started from the base academy in
25 fingerprinting and those types of the basics of it. As a

1 patrol officer, I was selected to go to metropolitan D.C. to
2 their crime scene search school, which was three weeks.

3 From there I was selected into our crime scene
4 section. I had several months of on-the-job training. And
5 then I went to the Virginia Forensic Science Academy, which is
6 a nine-week intensified school taught by the state lab in
7 Virginia, taught by their scientists and by crime scene
8 instructors.

9 Q. What types of things were you instructed in that course?

10 A. Those courses cover everything from the basic photography
11 of the scene, note taking, diagramming, as well as the
12 evidence collection. Best evidence, how to collect it, how to
13 package it, how to submit it for analysis. As well as
14 fingerprinting techniques, chain of custody issues. And
15 everything from basic blood stain pattern analysis, shooting
16 reconstructions, buried bodies. Basically the whole aspect of
17 everything that they could possibly think of to throw at you
18 and get you involved in processing and handling crime scenes.

19 Q. If I could draw your attention to page 6 of your CV.

20 Do you have that in front of you?

21 A. Yes, I do.

22 Q. Under major crime scene investigations, what types of
23 crimes did you include in the major investigations?

24 A. Major investigations, homicides, probably up over 20
25 homicide investigations that I have been the lead detective

1 in. And I assisted in numerous other ones in the ten years
2 that I have been up in the crime scene section. As well as
3 doing police-related shootings involving officer shootings,
4 whether it was a Fairfax County officer involved or some other
5 officer that has come into Fairfax County. And I have
6 testified in federal and local courts involving those types of
7 cases.

8 Q. Is it approximately 55 trials, is that still accurate?

9 A. Yes.

10 Q. Are you a member of any organizations relating to crime
11 scene investigations?

12 A. Yes. I am a member of the IAI, which is the
13 International Association of Identification, as well as a
14 member of the forensic alumni, the Virginia Forensic Academy
15 Alumni Association.

16 Q. Have you ever testified as an expert in court, as a crime
17 scene investigation expert?

18 A. As a--

19 Q. As an expert witness?

20 A. Yes, I have.

21 Q. In what case?

22 A. It was actually in this courthouse, it was as a shooting
23 reconstruction expert involving a murder trial.

24 Q. Have you also testified as an expert in Fairfax County
25 Circuit Court?

1 A. Not that I am aware of.

2 Q. On page 6.

3 A. That was my mistake. I believe that wasn't in this
4 courthouse, it was in Fairfax County court.

5 Q. That was in Fairfax County?

6 A. Fairfax County court.

7 MR. FAHEY: Your Honor, at this point I offer
8 Detective Anderson as an expert witness in crime scene
9 investigations.

10 THE COURT: Any objections?

11 MR. CONNELL: I have a couple, Your Honor. Would
12 the Court prefer me to argue from here?

13 THE COURT: Yes, sir, go ahead.

14 MR. CONNELL: I don't have any issue with Detective
15 Anderson's qualifications to process a crime scene, but the
16 Government hasn't noticed him to give any opinions.

17 So, under the Federal Rules of Evidence, he doesn't
18 need a designation as an expert since he is not going to seek
19 to give an opinion.

20 THE COURT: All right. Let's see how the testimony
21 goes. Object if you think an opinion is being offered, and we
22 will resolve that at that time.

23 MR. CONNELL: Yes, sir.

24 MR. FAHEY: Your Honor, we did notice him, and the
25 reason we did notice him--

1 THE COURT: I am sorry, you did or did not notice
2 him?

3 MR. FAHEY: We did notice him.

4 THE COURT: As an expert?

5 MR. FAHEY: Yes.

6 MR. CONNELL: Yes, certainly they gave notice and he
7 is in their expert disclosure, but not to testify to any
8 opinion. He would testify about the methods and procedures,
9 his role in the investigation, which is what he is qualified
10 to do, but that's not expressing any opinion that would
11 require a designation as an expert under the rules.

12 THE COURT: All right, let's see where we go. And
13 if you have any objection to any question that is asked by Mr.
14 Fahey, we will resolve it at that time.

15 MR. CONNELL: Yes, sir.

16 BY MR. FAHEY: (Continuing)

17 Q. As a crime scene detective, how are you assigned cases to
18 investigate?

19 A. Cases are based in our section, there is basically an
20 assignment or schedule set up to where you work, you have
21 certain people that are on call for after hours. There are
22 several of us in the office, there are ten of us in the
23 office. Eight would be on a normal schedule. Two would be
24 the on-call people. And on-call people would handle calls
25 that came in after hours. The other eight would handle calls

1 that come in during the normal daytime or normal business
2 hours.

3 Q. On the types of cases you are called out to investigate,
4 is one detective designated sort of as the lead detective on a
5 crime scene?

6 A. Yes.

7 Q. Does that just depend on the rotation?

8 A. It depends on the rotation and how the teams work. With
9 eight people, the people are divided, it is two-person teams.
10 So, there is always a primary and a backup. And if it is a
11 major call, then the primary is usually the person that would
12 take the lead and the backup would be the assistant.

13 Q. Were you on duty in the early morning hours of December 2
14 of the year 2007?

15 A. I was on call that night, yes.

16 Q. Did you receive a call.

17 A. Yes, I did.

18 Q. Why did you get a call?

19 A. They called me for a shooting that had happened at
20 Springfield Mall.

21 Q. Were you designated to be the lead crime scene detective
22 on that case?

23 A. Yes, I was.

24 Q. Do you recall approximately what time you received the
25 call?

1 A. It was between 2:20 and 2:25 a.m.

2 Q. Did you respond to the Springfield Mall parking lot?

3 A. Yes, I did.

4 Q. What time was that?

5 A. I arrived a little after 3 in the morning.

6 Q. And is Springfield Mall in Fairfax County?

7 A. Yes, it is.

8 Q. Is that in the Eastern District of Virginia?

9 A. Yes, it is.

10 Q. When you arrived at the scene, what did you observe?

11 A. I arrived at the scene, there was a large area that was
12 roped off, several police cars there. And within the roped
13 off area was, there were two vehicles, one was closer to the,
14 I guess they call it Ring Road, but it's the road that's
15 inside the parking lot that separates the inner parking lot
16 from the outer parking lot.

17 On the inner parking lot there was a vehicle, there
18 was a vehicle laying in front of the vehicle, and then several
19 orange traffic cones in front of the vehicle. And then
20 several spaces further down there was a second vehicle that
21 was inside the cordoned-off area.

22 Q. How was the area, you say cordoned off. How was that
23 done?

24 A. Yellow crime scene tape was up, and then there some
25 police cars on the outside basically securing the scene, some

1 officers standing there making sure no one was coming and
2 going into the scene.

3 Q. When you first arrived at the scene, did you seek out
4 another officer that was there?

5 A. Yes, I did.

6 Q. At that point did you become the lead crime scene
7 detective on that scene?

8 A. Yes, sir.

9 Q. Were you able to see the body of the victim?

10 A. Yes.

11 Q. Where was the victim's body?

12 A. It was approximately five parking spaces in from the Ring
13 Road area, between the Target or the entrance 3 side of
14 Springfield Mall. And it was in front of a small Toyota
15 pickup truck.

16 Q. When you saw the-- Describe the victim. Was he laying
17 down?

18 A. He was laying on his back. His feet were toward the
19 vehicle. His head was, from standing on Ring Road, outside
20 the perimeter of the scene itself, his head was to my left,
21 which was toward the food court. With the left side of his
22 body was facing across the parking lot toward the Target
23 store, the entrance number 3.

24 Q. Was he dead when you arrived?

25 A. Yes.

1 Q. When did you notice-- Did you notice anything initially
2 about once you viewed the body, anything around the body that
3 drew your attention?

4 A. Well, the orange traffic cones, once I got up there, I
5 could see that there were several cartridge casings laying
6 within the inner perimeter of those orange cones.

7 Q. What are cartridge casings?

8 A. Cartridge casings are the casing that holds the entire
9 cartridge for more or less a bullet. The cartridge is the
10 bullet itself, the lead projectile, the cartridge casing which
11 encompasses that which holds onto the bullet, as well as the
12 primer and the powder that is inside that ignites to propel
13 the bullet out of the gun. The cartridge is what is left
14 over, the cartridge casing is what is left over after the
15 bullet has been fired.

16 Q. Where were these cartridge casings in relation to the
17 victim's body?

18 A. It was his vehicle, the body, and then the cartridge
19 casings were all above him from his, above his head and toward
20 the left.

21 Q. Based on finding the cartridge casings in the specific
22 location, did that tend to focus your investigation on a
23 certain area?

24 A. Yes, it did.

25 Q. Why is that?

1 A. Because the cartridge casings, once I was able to take a
2 look at them coming from a semiautomatic weapon which ejects
3 the cartridge casing each time it is fired and brings up
4 another round to be fired, they were all within a small area,
5 a general area. And between where the cartridge casings were
6 and the decedent and the vehicle, that was pretty much my
7 scene. Anything going off that direction, that was the only
8 evidence that I could find, it was all together per se when
9 you look at the fact that you are talking about a large
10 parking lot.

11 Q. The cartridge casings are ejected from the firearm?

12 A. Yes.

13 Q. So, they were in a certain area. What did that tell you
14 based on your experience in terms of looking for firearm or
15 other clues about where a potential shooter may have been?

16 A. Well, the shooter would have had to have been in
17 proximity, very close proximity, standing right next to where
18 these cartridge casings are landing because as you are firing,
19 the gun is kicking them out of the weapon and they are landing
20 on the ground.

21 So, the gun would have had to have been fired in
22 close proximity to where they are landing or they are falling
23 on the ground.

24 Q. Did you take photographs of the crime scene that night?

25 A. Yes, I did.

1 Q. If I could ask you to look at Government's Exhibits 4
2 through 4X, as in x-ray.

3 A. Okay.

4 Q. Have you looked through all of those?

5 A. Yes.

6 Q. Are those all photographs that you took that night?

7 A. Yes, they are.

8 Q. Are they all fair and accurate depictions of the crime
9 scene as you found it that night?

10 A. Yes.

11 MR. FAHEY: Your Honor, at this point I would offer
12 Government's Exhibit 4 through 4X into evidence.

13 THE COURT: Any objection?

14 MR. GREENE: I do have an objection on a couple of
15 the photographs, Your Honor. I am not sure if you would like
16 to take this up at the bench or at the podium.

17 THE COURT: No, just tell me, give me the reason and
18 identify it first, please.

19 MR. GREENE: Yes, I think Mr. Linnell would like me
20 at the podium.

21 THE COURT: Yes.

22 MR. GREENE: The Court's indulgence, Your Honor.
23 Your Honor, we have an objection to 40.

24 I apologize for the delay. The Court's indulgence,
25 if I may.

1 Yes. Thank you, Your Honor. We object to 40. It
2 is repetitive of the other photographs. And while it
3 certainly does not add anything to assist the jury in their
4 review of this case, it carries with it a potentially unfair
5 prejudicial impact.

6 THE COURT: Well, does the Government want to be
7 heard in response?

8 MR. FAHEY: Your Honor, there is only one picture
9 that looks like 40. We were very judicious in selecting
10 photos in this case. I would be glad to demonstrate to the
11 Court how we did that.

12 THE COURT: No, I have gone through the exhibits in
13 the 4 grouping, and I don't find repetition, don't find that
14 this is unreasonably prejudicial given the nature of the case
15 we are trying.

16 So, I will overrule your objection. I will admit
17 each of the Exhibits 4 through 4X.

18 MR. FAHEY: Yes.

19 MR. GREENE: Thank you, Your Honor.

20 THE COURT: Yes, sir.

21 BY MR. FAHEY: (Continuing)

22 Q. If I could draw your attention to, if you could go back
23 to Government's Exhibit 4. And I do ask permission to publish
24 this exhibit. It was published through the defendant in the
25 last exhibit.

1 THE COURT: Yes, sir. Go ahead. You can publish--
2 And for both counsel, you have my permission to publish
3 anything that has been admitted into evidence as long as we
4 don't unduly delay the proceedings. But if you have a select
5 number of exhibits you want to publish, then go ahead, as long
6 as they are admitted.

7 BY MR. FAHEY: (Continuing)

8 Q. Detective Anderson, if you could look at Government's
9 Exhibit 4. I don't know if you could see a screen to your
10 left, are you able to see that?

11 A. Yes.

12 Q. Is that the condition of the victim when you arrived on
13 the scene?

14 A. Yes, it is.

15 Q. And these cones that were testified about earlier by you.
16 What's the significance of these cones?

17 A. Just basically making another inner perimeter
18 encompassing the cartridge casings, identifying the location
19 that they were in.

20 Q. Just generally, if you could just show on the screen
21 where these cartridge casings as a general matter were found?

22 A. They were found basically just above the decedent. I
23 don't know if I can make a mark along here or not. Basically
24 from within about a foot above him to about eight or nine feet
25 further above him.

1 Q. So, the closest would have about a foot from him and the
2 farthest about eight or nine feet?

3 A. Eight or nine feet, yes.

4 Q. If I could show you Government's Exhibit 4A. Do you have
5 4A to your left?

6 A. Yes.

7 Q. Is that a close-up view of the victim?

8 A. Yes, it is.

9 Q. And if you could just show, where on that picture,
10 approximately, would be the closest cartridge casing to the
11 victim?

12 A. I believe the closest one is just, it is actually just
13 above-- I don't know if it will make a mark on there or not.
14 There is no way to make an easy mark. Probably just above his
15 head, probably within less than a foot.

16 Q. If I could show you Government's Exhibit 4B. And just if
17 I could just have you focus on the victim's left, inside of
18 his left arm.

19 What is that a picture of or what does that show in
20 that picture.

21 A. On the ground is a wallet with El Salvador written on the
22 front of it.

23 Q. And 4C through 4H are all photos of cartridge casings, is
24 that right?

25 A. Through 4--

1 Q. I believe it is 4I.

2 A. 4I. Yes.

3 Q. And if I could show you Government's Exhibit, without
4 showing any of those, Government's Exhibit 4J. If you could
5 just look to your left when it comes on the screen.

6 Do you see Government's Exhibit 4J?

7 A. Yes, I do.

8 Q. Although it is tilted to the side, there is a number 10
9 and there is, looks to be written in yellow and a circle.
10 Could you just tell the jury what is within that circle?

11 A. That's the closest cartridge casing to the decedent that
12 we could find.

13 Q. And the number 10, what does that signify?

14 A. That was the tenth item that I collected when I was
15 actually drawing my diagram. Item number 1 was not a
16 cartridge casing, but 2 through 10 were.

17 Q. So, those were written by you at the scene?

18 A. Yes.

19 Q. If you could look at Government's Exhibit 4K.

20 What does that show on Government's Exhibit 4K?

21 A. 4K were the items that were in his right front pants
22 pocket.

23 Q. Were they taken out of his pocket?

24 A. Yes, I took them out.

25 Q. If you could look at Government's Exhibit 4L.

1 What is the significance of that picture?

2 A. That's the Social Security card that was inside the
3 wallet right next to him.

4 Q. Was that for the purpose of identifying the victim?

5 A. Identifying what information we had in the wallet.

6 Q. I am not going to publish 4M and 4N, but if you could
7 just describe what is 4M?

8 A. 4M is the vehicle that was right next to the victim or
9 right by, the closest one to him at the parking space by his
10 feet. And a bullet had struck the front of the vehicle going
11 through the grill into the engine compartment. We used a
12 dowel rod to push through the hole and determine the
13 trajectory that the bullet had entered the front of the
14 vehicle.

15 Q. What's a dowel rod?

16 A. Dowel rod is a wooden rod, small diameter. We paint it
17 bright orange so you can see it, it shows up better in the
18 pictures. And by running that through, as long as you had
19 two, it least two holes, the dowel rod goes through and it
20 holds itself and you can look and see what the trajectory was
21 of the bullet that entered into the front of the vehicle.

22 Q. If I could just show you that one briefly, 4M. The
23 orange on the picture, that's the dowel rod?

24 A. Yes, it is.

25 Q. What direction is that going?

1 A. If you are in the vehicle, it would be coming at an angle
2 going out across toward, across the driver's side and out to
3 the front.

4 Q. Where was the victim in relation to this truck?

5 A. The victim was just off the front left corner, driver's
6 side of the vehicle.

7 Q. Is 4N just a can that you collected?

8 A. Yes, it is.

9 Q. Is there any reason you collected that can?

10 A. It was in proximity to where the vehicle was, the
11 decedent and the cartridge casings were, so we collected that.

12 Q. Was the fact of its location, other than the fact of its
13 location, was there any other reason that you collected the
14 can?

15 A. No. At the time we were collecting the evidence, we
16 didn't have information on who the other parties were other
17 than this was our scene. So, we collected what appeared to be
18 items that hadn't been out there for more than a few hours if
19 not a day.

20 Anything that has been out, weathered and stuff,
21 this was a clear day, so if it was weathered, it had been out
22 there a longer period of time, it wouldn't have been involved.

23 Q. If I could ask you to look at Government's Exhibit 40.

24 And I would like to publish this.

25 What is Government's Exhibit 40?

1 A. That's a photograph of the decedent's back.

2 Q. Did you flip the decedent over?

3 A. Yes, we rolled him onto his side.

4 Q. And what does it show in the middle of his back?

5 A. There is injuries, holes in his back and his side. And
6 there was also lead fragments that were on the ground
7 underneath him or on the asphalt underneath him.

8 Q. Did you collect the led fragments underneath him?

9 A. Yes, we did.

10 Q. Why did you collect those?

11 A. Those were collected, obviously wearing gloves. They
12 were collected, placed into clear zip-lock bags and then
13 placed inside the six-by-nine envelopes to be labeled, sealed
14 and then secured at the crime scene section until submitted to
15 the state lab.

16 Q. I would like to show you Government's Exhibit 4P as in
17 Paul. This may be hard to see for the jury, but can you
18 describe what's in this photo and why you took this particular
19 photo?

20 A. Well, when we take photographs, we are trying to identify
21 the victim. You know, we took the photograph earlier of the
22 wallet with the Social Security card in it. We also take
23 photographs of tattoos, jewelry, those type of things to help
24 identify somebody later on if we have an issue with not
25 getting fingerprints back or something.

1 This was a tattoo that was inside the webbing of the
2 hand on the decedent.

3 Q. Would you look at 4Q.

4 Is that also, is the purpose of that photo because
5 of the tattoo?

6 A. Yes, photographing a tattoo on the upper left arm.

7 Q. Are you able to read what the tattoo says or what's on
8 the tattoo?

9 A. It is SSL are the initials.

10 Q. I ask you to look at Government's Exhibit 4S. What's
11 that a photograph of?

12 A. That's a photograph of a bullet, the projectile that came
13 out of the cartridge.

14 Q. I would like you to look at Government's Exhibit 4V, as
15 in victor.

16 What's the significance of that picture?

17 A. That's the front of the vehicle that was by the decedent.

18 Q. Is that the same truck where the dowel rod was placed in?

19 A. Yes, it is.

20 Q. You testified about the photographs you took of the
21 cartridge casings, the bullets and things of that nature.

22 How many cartridge casings were recovered from the
23 scene?

24 A. Nine.

25 Q. How did you go about recovering them?

1 A. Each cartridge casing was collected, put into a clear
2 zip-lock bag. Once in the zip-lock bag, they were placed into
3 a six-by-nine envelope, paper envelope, where they were
4 labeled, sealed.

5 Out of the nine that were collected, there were
6 seven different head stamps or manufacturer's markings on the
7 back of the cartridge casing. So, each one of those was drawn
8 on the outside of the envelope and they were numbered as 2
9 through 10. And then they were packaged, sealed, placed in
10 the crime scene section lockers until submitted to the
11 division or Department of Forensic Science.

12 Q. If I could ask you to look as Government's Exhibit 7
13 through 7H.

14 Do you have those in front of you?

15 A. Yes, I do.

16 Q. What are those?

17 A. These are the cartridge cases with the envelopes that
18 they were originally packaged in.

19 Q. How are you able to tell that?

20 A. Well, they were in the packaging up until I moved them to
21 the outside of the packaging to save some time and make it
22 easier to view them.

23 Q. Do they have any identifiers on them so you are able to
24 recognize them?

25 A. I didn't put any markings on them because they were going

1 to be examined by the Department of Forensic Science.

2 Q. But in terms of the packaging?

3 A. The packaging has my original seal on the back, as well
4 as my initials and the date.

5 Q. Is that on each one of them?

6 A. Yes.

7 Q. If I could just ask you, just to show one of them to the
8 jury. If you could just hold up 7.

9 And is the cartridge casing within that bag?

10 A. Yes, it is. I don't know if they can see that or not.

11 MR. FAHEY: At this point I offer Government's
12 Exhibit 7 through 7H into evidence.

13 THE COURT: Any objection?

14 MR. CONNELL: No, sir.

15 THE COURT: All right, they will be received without
16 objection.

17 BY MR. FAHEY: (Continuing)

18 Q. Can you take a look at Government's Exhibit 8.

19 Do you have Government's Exhibit 8 in front of you?

20 A. Yes, I do.

21 Q. What is Government's Exhibit 8?

22 A. It's a bullet that was located in the parking lot.

23 MR. FAHEY: If I could, at this point I offer
24 Government's Exhibit 8 into evidence.

25 MR. CONNELL: No objection.

1 THE COURT: All right, 8 will be received.

2 BY MR. FAHEY: (Continuing)

3 Q. If you could just hold that up and show the jury.

4 Where in the parking lot was that recovered?

5 A. I would have to look at my note real quick.

6 Q. We could move on at this point, if you want to.

7 A. It won't take but a second. It was in the parking space
8 to the left, just outside the driver's door of the truck below
9 the decedent.

10 Q. I would like you to look at Government's Exhibit 9 and
11 9A.

12 Do you have 9 and 9A in front of you?

13 A. Yes, I do.

14 Q. What are those?

15 A. Exhibit 9 was a lead fragment that was found underneath
16 the victim's upper back when we turned him over.

17 And 9A is, it is actually three lead fragments that
18 were under the lower part of his back when we turned him over.

19 Q. Did you also collect these in the same manner as the
20 cartridge casings?

21 A. Yes.

22 Q. And take them to the Virginia Division of Forensic
23 Science?

24 A. Yes.

25 MR. FAHEY: Your Honor, at this point I offer 9 and

1 9A into evidence.

2 THE COURT: Any objection?

3 MR. CONNELL: No, sir.

4 THE COURT: All right, they will be received without
5 objection.

6 BY MR. FAHEY: (Continuing)

7 Q. Could you look at Government's Exhibits 10 and 11.

8 Do you have 10 and 11?

9 A. Yes, I do.

10 Q. What are 10 and 11?

11 A. No. 10 is another bullet, lead bullet. This one was
12 found in the parking lot behind the decedent's vehicle, or the
13 vehicle that was right next to him or below him.

14 And No. 11 is a bullet that was removed from the
15 engine compartment of the vehicle.

16 Q. Who removed that?

17 A. Detective Netherton.

18 Q. Did he provide it to you afterwards?

19 A. Yes.

20 Q. Did you package these in a similar manner as the
21 cartridge casings from the other fragments you just testified
22 about?

23 A. Yes.

24 Q. Did you take them to the Virginia Division of Forensic
25 Science?

1 A. Yes, I did.

2 Q. Are you able to identify them in the same manner, by what
3 is marked on the packaging?

4 A. Yes.

5 MR. FAHEY: Offer Government's Exhibit 10 and 11
6 into evidence.

7 THE COURT: Any objection?

8 MR. CONNELL: Your Honor, can I have just a moment?

9 THE COURT: Yes, sir.

10 MR. CONNELL: No objection.

11 THE COURT: All right, they will be received without
12 objection.

13 BY MR. FAHEY: (Continuing)

14 Q. Did you attend the autopsy of Christian Argueta?

15 A. Yes, I did.

16 Q. Do you recall approximately what date that was?

17 A. I believe it was on the 3rd, a Monday.

18 Q. Were there any bullets recovered from Mr. Argueta's body
19 during the autopsy?

20 A. Yes.

21 Q. I would like to ask you to look at Government's
22 Exhibit 12 and 12A.

23 Do you have those in front of you?

24 A. Yes, I do.

25 Q. What are those?

1 A. Two more bullets that were removed from the decedent.

2 Q. Did you also package these in the same manner as the
3 previous exhibits?

4 A. Yes.

5 Q. And deliver them to the Virginia Division of Forensic
6 Science?

7 A. Yes, I did.

8 Q. Are you able to identify them by markings on the
9 packaging materials?

10 A. Yes, it still has my original seal and the date.

11 MR. FAHEY: At this point I would offer Government's
12 12 and 12A into evidence.

13 THE COURT: Any objection? They will be received.

14 BY MR. FAHEY: (Continuing)

15 Q. Please look at Government's Exhibit 13.

16 What is Government's Exhibit 13?

17 A. 13 is a bullet fragment that was found on the decedent's
18 body at the medical examiner's office.

19 Q. Did you package that in a similar manner to the previous
20 exhibits?

21 A. Yes.

22 Q. Did you deliver it to the Division of Forensic Science?

23 A. Yes, I did.

24 Q. Are you able to identify it by markings on the packaging
25 material?

1 A. Yes.

2 MR. FAHEY: At this point I offer Government's
3 Exhibit 13 into evidence.

4 THE COURT: Any objection? All right, it will be
5 received.

6 BY MR. FAHEY: (Continuing)

7 Q. I want you to take a look at Government's Exhibit 5.

8 And I ask permission to publish Government's
9 Exhibit 5.

10 THE COURT: Go ahead.

11 Q. Is that an aerial photo of the Springfield Mall?

12 A. Yes, it is.

13 Q. If you could look to your, the screen to your left. Are
14 you able to see that?

15 A. Yes.

16 Q. If you could just broadly circle where the victim's body
17 was and where this evidence was recovered on this diagram or
18 on this photograph.

19 A. There.

20 Q. And if I could show you Government's Exhibit 6.

21 Do you have Government's Exhibit 6 in front of you
22 before I publish them?

23 A. Yes.

24 Q. What is that?

25 A. It's a diagram I drew of the close proximity view of the

1 scene itself, the vehicle, the evidence, and the decedent.

2 Q. Is it a fair and accurate diagram of the crime scene that
3 evening?

4 A. Yes, it is.

5 MR. FAHEY: Offer Government's Exhibit 6 into
6 evidence.

7 THE COURT: Any objection?

8 MR. CONNELL: No objection.

9 THE COURT: All right, it will be received into
10 evidence.

11 BY MR. FAHEY: (Continuing)

12 Q. Showing you Government's Exhibit 6, if you could-- Did
13 you also do-- Is there also a blowup diagram of Government's
14 Exhibit 6?

15 A. Yes, I believe so.

16 Q. With the assistance of the Court Security Officer, I
17 would like to show you Government's Exhibit 6A, which is just
18 a larger version of Government's Exhibit 6.

19 Your Honor, I don't know if the Court would permit
20 the detective to step down.

21 THE COURT: Yes, please step down. And if you have
22 got a marker of some sort, you can use it.

23 Can the ladies and gentlemen of the jury, can you
24 see the diagram? Is it large enough?

25 THE WITNESS: Am I blocking?

1 MR. FAHEY: I don't know if we can move it a little
2 closer.

3 THE COURT: That's why I asked. Joe, could you move
4 it up to the front here at the risk of cutting off my young
5 law clerks' view.

6 BY MR. FAHEY: (Continuing)

7 Q. Detective Anderson, if you could just keep your voice up
8 when you are speaking. What does this diagram show?

9 A. Again, this diagram is a closer, basically an aerial view
10 looking straight down onto the scene showing the vehicle, the
11 decedent, and the location of the evidence that was collected.

12 Q. And you have on the left, you have a key?

13 A. Yes.

14 Q. What does that key show?

15 A. It identifies with the numbers. Number 1 being the soda
16 can, which was right here on the parking lot markings, parking
17 space markings.

18 2 through 10 are here, the cartridge cases that were
19 collected.

20 11, 12-- It goes through all the different items of
21 evidence.

22 The cigarette, that was number 11.

23 12, the Heineken can that was in front of the
24 vehicle.

25 13 being a bullet.

1 14 was some broken glass, appeared to be like
2 headlight glass, like if a vehicle was parked there.

3 15 was the wallet underneath his arm.

4 16 and 17 were fragments underneath the victim.

5 18 was a bullet behind the vehicle.

6 19 was a small plastic zip-lock baggie,
7 approximately that big, light blue.

8 20 was a Heineken can which was actually down by
9 Ring Road on a little median, grass/dirt area that separates
10 the parking spaces from the Ring Road.

11 And 21 was a Corona bottle that was about four or
12 five parking spaces up, out of the parking lot just a little
13 bit.

14 Q. And you have certain items you have in blue, certain ones
15 in orange. What are the numbers in the blue?

16 A. Items in blue are the cartridge cases. Items in orange
17 were the bullet or bullet fragments. And they are signified
18 in different colors to show which items were collected and
19 actually submitted to the Department of Forensic Science for
20 examination.

21 Q. So, the items in blue, if you could just highlight those.
22 Are all those all the cartridge casings that were found?

23 A. Yes, those are all the cartridge cases that were found
24 right here. And the bullet fragments were here. The bullet
25 there. And a bullet back behind the vehicle.

1 I did not highlight the one that was actually inside
2 the vehicle because we didn't find that until later.

3 Q. When you testified earlier about the distance between the
4 fragments and the victim's body, I believe you testified
5 anywhere from about a foot to several feet away. How far
6 would the furthest one be, I guess that would be number 2 on
7 the diagram, from the victim?

8 A. Number 2 was about eight or nine feet from the decedent,
9 the decedent's head.

10 Number 9 and 10, the one photograph, it shows it was
11 within a foot of the decedent.

12 Q. And 16 and 17, are there arrows pointing to the victim?
13 Were these the ones that you testified that were underneath of
14 the victim?

15 A. Yes.

16 Q. And number 13, that was approximately how far away from
17 the victim?

18 A. 13 was probably about somewhere between five and
19 seven feet.

20 Q. Number 18, this was found-- Where was that found?

21 A. Back behind the Toyota pickup truck.

22 Q. And just to be clear, your numbers on your chart don't
23 match up with the Government's exhibit numbers, is that
24 correct?

25 A. That's correct.

1 Q. At this point I would like to show Detective Anderson, if
2 you could take your seat, Government's Exhibit 6B.

3 Do you have Government's Exhibit 6B?

4 A. Yes, I do.

5 Q. What is that?

6 A. 6B is another diagram that I drew, a larger overall
7 diagram of the parking lot and a portion of the mall to show
8 where in the parking lot the incident occurred.

9 Q. If I could show you-- Is it a fair and accurate
10 depiction of the mall parking lot?

11 A. Yes, it is.

12 Q. If I could show you Government's Exhibit 6B.

13 And I offer Government's 6B in evidence. And I
14 would like to show it to the detective.

15 MR. CONNELL: No objection.

16 THE COURT: It will be received.

17 BY MR. FAHEY: (Continuing)

18 Q. Just generally, if you could show on this diagram where
19 is the victim's body? Where was the victim's body found and
20 where is the victim's car?

21 A. The victim's body and vehicle are down on the bottom part
22 of the screen right there, right down there.

23 Q. I would like to highlight this section of the exhibit.

24 And the vehicle that you described, right next or
25 close to the victim, is that the Toyota truck?

1 A. Yes, it is.

2 Q. Approximately how far away is that from the victim?

3 A. The truck itself? Probably about eight feet.

4 Q. I would like to show you Government's Exhibit 14 and 14A.

5 Do you have Government's Exhibit 14?

6 A. 14 is right here.

7 Q. What is Government's Exhibit 14?

8 A. 14 was the shirt that the decedent was wearing.

9 Q. If you could-- I offer Government's Exhibit 14 in
10 evidence.

11 MR. CONNELL: No objection.

12 THE COURT: It will be received.

13 BY MR. FAHEY: (Continuing)

14 Q. If you could hold up Government's Exhibit 14.

15 A. Do you want me to step down?

16 THE COURT: Please, go ahead, Detective.

17 Q. Did you recover that from the victim's body?

18 A. Yes, the medical examiner's office.

19 Q. If I could ask you to hold it up with the back side of
20 the shirt facing the jury.

21 And what is shown on the back?

22 A. On the back side of the shirt, I will move to the side
23 real quick, there are several markings. There is a small hole
24 up in the top, very top center.

25 There is another hole here to the, just off the

1 right of center.

2 Q. When you say the center, is that the center back?

3 A. The center back.

4 Then you have got-- I will hold it up. And off to
5 the left, left middle of the back there is a larger hole with
6 a smaller hole right next to it.

7 As well as a small hole right here.

8 There is, the holes that run down the back left,
9 there is actually one just into the sleeve, I am sure that it
10 is hard to see, I am sure you are having a hard time over
11 there seeing it.

12 There is a hole, almost in a line with this one.

13 And then these two together.

14 Q. I would like you to take a look Government's Exhibit 14A.

15 What is Government's Exhibit 14A?

16 A. 14A are the jeans with the belt that the decedent was
17 wearing.

18 MR. FAHEY: Your Honor, at this point I offer
19 Government's Exhibit 14A into evidence.

20 THE COURT: Any objection? All right, 14A will be
21 received without objection.

22 BY MR. FAHEY: (Continuing)

23 Q. Detective Anderson, in the course of your investigation,
24 did you do a gunshot residue test, or a GSR test?

25 A. On the clothes?

1 Q. On the victim, yes.

2 A. Yes.

3 Q. What is that generally?

4 A. A gunshot residue kit, it's a small vial with a cap on
5 it. On the bottom side of the cap is a black sticky surface.
6 And that sticky surface, you can run it across, it is made to
7 run across somebody's hands. And it picks up gunshot residue,
8 the primer, the antimony, barium and lead, the particles that
9 are leftover from a gunshot.

10 And it is basically to collect those, it is turned
11 into the Department of Forensic Science, and they analyze it
12 and look for those particles. And those particles can tell
13 you that that person either fired a gun, they were in
14 proximity to a gun being fired, they touched something that
15 had those types of particles on it.

16 So, if I shot a gun and shook somebody's hand, it
17 can transfer. It basically shows that somebody was in close
18 proximity to or fired a gun or handled something that had
19 those particles on it.

20 Q. When is this test done?

21 A. We use it in almost all shooting cases, from
22 self-inflicted gunshots to accidental shootings and to
23 murders. We use it on suspects, we use it on victims, just to
24 see, just another thing to see the proximity or who fired the
25 gun or who could have handled the gun.

1 MR. FAHEY: No further questions, Your Honor.

2 THE COURT: All right.

3 MR. FAHEY: Your Honor, at this point if I didn't
4 admit 14A, I offer 14A.

5 THE COURT: 14A was received. But the blowup, 6A, I
6 don't think you offered that. Is there any objection to 6A?

7 MR. CONNELL: I wasn't sure if 6A was being offered
8 or if it was just demonstrative.

9 THE COURT: Is it offered?

10 MR. FAHEY: Your Honor, I would like to offer 6A
11 into evidence. It is a blowup of 6, they are the same
12 exhibit.

13 MR. CONNELL: I don't have any objection. I just
14 know it is a hassle to keep big exhibits sometime.

15 THE COURT: Thank you. It will be received then.

16 All right. Cross-examination, Mr. Connell.

17 MR. CONNELL: Thank you very much.

18 CROSS EXAMINATION

19 BY MR. CONNELL:

20 Q. Good afternoon, Detective Anderson. My name is James
21 Connell, I am Mr. Perez-Amaya's attorney.

22 I would like to begin by showing you what has been
23 admitted as Government's Exhibit 2, which is the CAD traffic
24 report.

25 A. Okay.

1 Q. Do you see the time stamp 1:58 for the beginning of the
2 CAD traffic?

3 A. Yes, I do.

4 Q. Is that consistent with your understanding of the
5 sequence of events that you testified about where you got a
6 call?

7 A. Yes.

8 Q. Okay. And what time did you tell us that you got the
9 call?

10 A. My pager went off at approximately 2:23, right around
11 there.

12 Q. And you told us that you were on scene by a little after
13 3 a.m.?

14 A. Yes, 3:08 I think is what I had in my notes.

15 Q. 3:08, okay. Now, I would like to show you, and I will
16 finish speaking and then move, I would like to show you
17 Government's Exhibit 4, which is your book. It will also be
18 on the screen.

19 Now, in this picture, the north is to the right of
20 Government's Exhibit 4, is that correct?

21 A. That's correct.

22 Q. And so, in this picture Mr. Argueta's feet are pointing
23 to the north?

24 A. Correct.

25 Q. His head is pointed to the south?

1 A. Correct.

2 Q. Okay. Sir, I am showing you now Government's Exhibit 4A.

3 This picture was taken from the reverse, from the
4 opposite side of Exhibit 4, correct.

5 A. That's correct.

6 Q. So, Mr. Argueta's head in this picture is pointed to the
7 right, but he was still, his head was still pointing to the
8 south?

9 A. That's correct. He wasn't moved.

10 Q. On this picture the south is to the right-hand side of
11 the picture?

12 A. That's correct.

13 Q. I am showing you Government's Exhibit 4P.

14 Now, you testified briefly about 4P on direct
15 examination. Can you tell what letters are depicted in this
16 tattoo that is shown in 4P?

17 A. I believe that is SSL.

18 Q. SSL?

19 A. The same as up here, just a little closer together,
20 almost on top of each other.

21 Q. Have you seen that SSL on top of each other before?

22 A. No. I have seen some of the signs before just in
23 training, and working in patrol. But that's what it appeared
24 to be.

25 Q. Okay. I am showing you Government's Exhibit 4Q.

1 On direct examination 4Q was turned in a different
2 direction and it was a little more difficult to read.

3 But this is the one, this is the one that shows sort
4 of a highly scripted S, a highly scripted S and then a highly
5 scripted L, is that correct?

6 A. That's correct.

7 Q. And this is a picture taken from Mr. Argueta?

8 A. Yes, this is his upper left arm.

9 Q. Upper left arm?

10 A. Yes.

11 Q. And which hand was the other picture, 4P?

12 A. That was left-hand also.

13 Q. Okay. I'm showing you now Government's Exhibit 6, which
14 is your crime scene diagram. Now, you testified-- This shows
15 items number 2 through 10 are in blue, are the cartridge
16 casings that you testified about on direct examination, right?

17 A. Correct.

18 Q. Now, this diagram shows the scene as it appeared to you
19 after it had been stabilized when you arrived a little after
20 3 a.m., correct?

21 A. That's correct.

22 Q. All right. You don't have any direct personal knowledge
23 of what happened before 3 a.m. when you arrived?

24 A. No. I photographed what's there when I get there.

25 Q. Sure. You arrive on the scene, there is a perimeter that

1 has been set up, you work inside that perimeter, or if
2 necessary expand the perimeter?

3 A. That's correct.

4 Q. I take it in the course of the many crime scene
5 investigations that you have done, you have extensive
6 experience with shell casings?

7 A. Yes.

8 Q. Now, you mentioned this just briefly on direct
9 examination, but I want to make sure it is clear. There is a
10 kind of weapon which is sometimes called an automatic weapon,
11 but it refers to an automatic feed of bullets into the
12 chamber, correct?

13 A. That's correct, yes.

14 Q. But there is another thing that is called an automatic
15 weapon which is one pull of the trigger fires more than one
16 bullet. But this is a different use of the word "automatic"?

17 A. Yes. Well, semiautomatic versus a fully automatic is you
18 hold the trigger down and it keeps firing. The semiautomatic,
19 every time you pull the trigger, it cycles another cartridge.
20 You have to pull the trigger again to get the next cartridge
21 to fire.

22 Q. And in a semiautomatic weapon like you described, this
23 use of the word "automatic" or "semiautomatic," there are
24 bullets which are in a magazine which are fed into a chamber
25 and then ejected, the cartridge casings are ejected, correct?

1 A. Correct.

2 Q. And those cartridge casings are in general made of brass,
3 correct?

4 A. Correct.

5 Q. A bullet is made of lead or could be jacketed, but the
6 cartridge casing itself is generally made of brass?

7 A. That's correct.

8 Q. And have you yourself fired semiautomatic weapons of this
9 type on many occasions, I gather?

10 A. Yes.

11 Q. Pretty standard for police departments?

12 A. Yes.

13 Q. And one of the characteristics of these casings is that
14 when they hit a hard surface, they bounce, is that right?

15 A. Yeah, they can bounce, they can be kicked.

16 Q. So, when you are at the firing range, if you are in a
17 firing booth, for example, they might bounce forward, they
18 might bounce back, they might hit you in the head, bounce all
19 over the place?

20 A. That's correct.

21 Q. Okay. And that's true for a hard surface such as asphalt
22 in this crime scene, correct?

23 A. Yes.

24 Q. So, you would expect-- It's also true that when the
25 cartridges are ejected from a semiautomatic weapon, they are

1 not uniformly-- They are generally ejected to the right, but
2 within that spectrum they are ejected in different directions
3 on different fires, correct?

4 A. As long as you are holding the gun upright. If you are
5 holding the gun canted, if you cant the gun this way instead
6 of going up to the right, it can go basically straight up. If
7 you turn it upside-down, it is going to eject them.

8 But in general, holding the gun straight, it's going
9 to go off to the right.

10 Q. Okay. But it doesn't uniformly always go off in exactly
11 the same direction to the right, correct?

12 A. That's correct.

13 Q. Different vectors depending on I don't know what factor,
14 but it can go in different directions just generally to the
15 right?

16 A. Yeah, within, it's not going to eject them, you know,
17 100 feet, but it is going to drop them off. The manufacturers
18 don't want those cartridge casings to come back and hit you.
19 So, they kick them off to the side. So, they bounce off to
20 the right.

21 Q. Sure. Sometimes to the right and a little forward,
22 sometimes a right and little back, sometimes directly to the
23 right, et cetera?

24 A. Yes.

25 Q. Okay. And those cartridges are not very heavy, are they?

1 A. No.

2 Q. So, if a person intentionally or accidentally kicks the
3 cartridge, it will travel, correct?

4 A. It can, yes.

5 Q. Okay. And in fact, on a shooting range it is generally
6 considered polite to take a broom and sweep up your casings
7 after shooting, right?

8 A. Yes.

9 Q. And you don't have any trouble just using an ordinary
10 broom and sweeping up casings, right?

11 A. No.

12 Q. You mentioned on direct examination that this was, that
13 this was a clear day?

14 A. Yes.

15 Q. Is that right? By that you meant, you didn't mean that
16 it was daytime, you meant that there was no rain or fog or
17 anything else that would ordinarily obstruct one's ability to
18 see?

19 A. Yes, visibility was fine.

20 Q. At the parking lot did you find that the lighting was
21 sufficient?

22 A. I thought, other than, you know, we still look around
23 with flashlights and extra lights to make sure we don't miss
24 something. But the lighting was sufficient to be able to see
25 what we were looking for. Not only with the street lights,

1 but there were some headlights on cruisers and spotlights that
2 we could use.

3 Q. Okay. You testified on direct examination that you
4 recovered nine cartridge casings, is that right?

5 A. Yes.

6 Q. And how long were you on the crime scene?

7 A. Three, approximately four hours.

8 Q. All right. The jury may not be 100 percent familiar with
9 how excruciating crime scene investigation can be sometimes.
10 Can you describe for them all the efforts that you made to
11 make sure that you had found all the casings that were in the
12 area?

13 A. Basically the scene is roped off, I believe the one
14 photograph that we showed of the overall. We went, I went
15 from that scene, we kind of worked that main part and then we
16 expanded out. We went back about two rows further toward the
17 food court to the south. And then we kind of made a cone away
18 from where the cartridge casings were, where it appeared that
19 the shooter had been standing, kind of made a cone pattern out
20 and walked the parking lot back and forth in a grid pattern or
21 a line pattern trying to see if we could find any more
22 bullets, bullet fragments, anything of that nature to see if
23 it had gone down farther out into the parking lot.

24 Q. All right. And the last thing I want to ask you about is
25 you testified on direct examination about the gunshot residue

1 test that you performed?

2 A. Yes.

3 Q. Can you tell us exactly what you did?

4 A. What I did, at the scene the decedent's hands, paper bags
5 are placed over them and held in place before he is placed
6 into the body bag. The paper bags are sealed to basically
7 hold any type of foreign matter, trace evidence, that type of
8 thing inside the paper bag.

9 The body bag is then sealed. The body is
10 transported to the medical examiner's office with an officer
11 following for chain of custody.

12 At the autopsy that body bag is opened, the lock
13 seal is still on it, we are there when it they unlock it,
14 maintain the chain of custody. The medical examiner then
15 removes the bags. I collect the bags in case there is any
16 trace evidence that fell off the decedent into the bag.

17 And then the GSR kit is utilized to basically run
18 along the-- If you're holding a gun, most of it is going to
19 be on the tops of your hands, somewhere closest to where the
20 action is working when the gun is being fired. So, it is run
21 across the top of the hands from the thumb, first finger, a
22 little bit inside, a little bit outside.

23 And it is just a sticky tab on the bottom of the
24 cap. So, you take the one for the right hand, basically just
25 run it back and forth just so the sticky part can pick it up.

1 And then you put that cap right back on to the little canister
2 that it is in. Then you take the one for the other and do the
3 exact same thing for the other hand.

4 Those are then placed into an envelope, and it is
5 sealed, and it is submitted to the Division of Forensic
6 Science for examination.

7 Q. Okay. So, the sticky thing that you are talking about,
8 it is not unlike the action of a Post-it' note, right? It has
9 a gum on it?

10 A. It has a tacky surface.

11 Q. It has tacky surface which picks up particles, et cetera,
12 that are on the hand?

13 A. That's right.

14 Q. That's what you did in this case?

15 A. Yes.

16 Q. Which hand, or both of them?

17 A. Both hands.

18 Q. Both hands. And once you-- And then you take the cap,
19 the tacky surface is on the inside of the cap?

20 A. It's on the under side of the cap that sits down inside
21 the canister.

22 Q. The canister is not unlike a baby food jar, you screw the
23 cap back on and it keeps the tacky surface from contamination?

24 A. That is correct. It comes in a sealed package and you
25 have to unseal the package, take the canisters out, open the

1 cannister, utilize the cannister, close it, and put it back in
2 the package and seal it. Then seal the package back up and
3 submit it.

4 Q. In this case did you seal up the gunshot residue kit to
5 prevent any external contamination?

6 A. The lid just snaps back on. They were snapped back on
7 and placed back into the envelope and closed and the envelope
8 was sealed.

9 Q. And you did that in this case?

10 A. Yes.

11 Q. And what did you do with the gunshot residue kit once you
12 sealed it up?

13 A. It was submitted to the Department of Forensic Science
14 for examination.

15 Q. All right. Was a proper chain of custody maintained from
16 you to the Department of Forensic Science?

17 A. Yes.

18 Q. Okay. Did you take it to them?

19 A. Yes, I did.

20 Q. I just had one more question. I am sorry for doing this
21 backwards.

22 The SSL that you saw on Government's Exhibit 4Q, the
23 tattoo, did you at the time know what that stood for?

24 A. I assumed it stood for South Side Locos.

25 MR. CONNELL: Thank you, sir.

1 THE COURT: Any other cross-examination?

2 MR. GREENE: I do.

3 THE COURT: Mr. Greene.

4 MR. GREENE: Thank you.

5 BY MR. GREENE:

6 Q. Good afternoon, Detective. My name is Matt Greene. I
7 represent Mr. Parada-Mendoza.

8 I would like to show you Government's Exhibit 5 on
9 the ELMO and then ask you some questions about it.

10 When Mr. Fahey was asking you questions, sir, you
11 were able to indicate where your crime scene investigation
12 occurred with the body being in the center of it. Could you
13 do that again?

14 A. Where the vehicle and the decedent were?

15 Q. Exactly.

16 A. Right there.

17 Q. Could you make a dot where on Government's Exhibit 6,
18 your chart, where you collected a variety of matters, could
19 you make a dot where that location was?

20 A. A little bit to the outside.

21 Q. Now, during the course of your crime scene investigation,
22 did you take any measurements of where that dot was, its
23 distance from the entrance to the Cerro Grande where the
24 number 3 is?

25 A. A distance from where the cartridge cases were to the

1 entrance to the mall?

2 Q. Yes.

3 A. No, I did not.

4 Q. Okay. Were you able, based on your recollection, looking
5 at this, are you able to take an educated guess as to the
6 distance?

7 A. If I counted parking spaces-- The parking spaces are all
8 approximately ten feet wide. If I took the time to count the
9 parking spaces, I could come somewhat close to the building,
10 but-- It is going to be well over 100 feet.

11 Q. Okay, well over 100 feet.

12 When you arrived at the scene at approximately 3:08,
13 during the course of your investigation you were advised that
14 there had been cars in the parking lot, correct?

15 A. That's correct.

16 Q. And then you were advised that those cars had left prior
17 to you coming there to investigate the scene?

18 A. That's correct.

19 Q. So, it's true that you did not have an opportunity to
20 examine any of the cars that had left the scene, unlike you
21 being able to examine the Toyota where the dowel was in the
22 grill?

23 A. That is correct.

24 MR. GREENE: The Court's indulgence very briefly.

25 Thank you, sir. Those are my questions.

1 MR. IWEANOGE: No questions, Judge.

2 THE COURT: Thank you. Redirect.

3 MR. FAHEY: Yes, Your Honor.

4 REDIRECT EXAMINATION

5 BY MR. FAHEY:

6 Q. You were asked on cross-examination about the distinction
7 between automatic and semiautomatic weapons. Just to be
8 clear, the ones that expel the shell casings, how do you
9 characterize those?

10 The shell casings or cartridge casings that you
11 found, based on your training and experience, what type of
12 weapon were those fired from?

13 A. The 9 millimeters?

14 Q. Yes.

15 A. All the 9 millimeters that I have run into have been
16 semiautomatic weapons.

17 Q. In those, does each shot fired require a deliberate
18 action of pulling the trigger?

19 A. Yes.

20 MR. FAHEY: Okay. No further questions.

21 THE COURT: All right. May Detective Anderson be
22 excused?

23 MR. FAHEY: He can from the Government, Your Honor.

24 THE COURT: Any need to have the detective remain?

25 MR. CONNELL: Your Honor, we would like him subject

1 to recall, but we will let him know if we need him again.

2 MR. FAHEY: We will make sure he can be available.
3 If he can be excused now and if that comes up--

4 THE COURT: Detective, you are excused presently.
5 You are not to discuss your testimony with anyone until the
6 case is over.

7 You are subject to recall. You may go about your
8 normal official duties, and the U.S. Attorney's Office or
9 counsel for one of the defendants will let you know if you are
10 going to be needed further.

11 THE WITNESS: Thank you.

12 THE COURT: All right. Have a good day. Thank you,
13 sir.

14 NOTE: The witness stood down.

15 THE COURT: Do you want to go a little while longer,
16 or are you ready for a break? I see-- Keep going? Keep
17 going, all right.

18 Next witness.

19 MS. LINEHAN: Your Honor, the Government calls
20 Madalein Argueta.

21 NOTE: The witness is sworn.

22 MADALEIN ARGUETA, called by counsel for the United
23 States, first being duly sworn, testifies and states:

24 DIRECT EXAMINATION

25 BY MS. LINEHAN:

1 that the evening won't produce different results as we think
2 about further things we could have, should have, might have
3 asked. Which is exactly what I would spend the whole evening
4 doing if I was in your shoes.

5 All right, Mr. Rangel, you are in the middle of your
6 testimony, sir. You are under oath. You are going to be
7 brought back tomorrow morning for further testimony at 9 a.m.
8 You are not to discuss this case with anyone between now and
9 9 o'clock tomorrow morning.

10 Do you understand that, sir?

11 THE WITNESS: Yes.

12 THE COURT: All right. And you are subject to
13 contempt of court if you violate that order. Do you
14 understand that?

15 THE WITNESS: All right.

16 THE COURT: Okay. All right, then we are in recess.
17 We will see you all at 9 a.m.

18
19 NOTE: The May 27, 2009 portion of the case is
20 concluded.

21 -----

22
23 I certify that the foregoing is a true and
24 accurate transcription of my stenographic notes.

25 /s/ Norman B. Linnell
Norman B. Linnell, RPR, CM, VCE, FCRR