

1 back on.

2 Go ahead.

3 BY MR. MOAWAD:

4 Q. Detective, you said that you pointed  
5 that out to the finder, Detective Brown?

6 A. Yes.

7 Q. Does that mean that you didn't -- you  
8 didn't touch it or move it from its location in  
9 that photograph to the time that Detective Brown  
10 and Officer Slater took control of it?

11 A. That's correct, never touched it.

12 MR. MOAWAD: Nothing further.

13 THE COURT: Cross examination.

14 MR. MANOUKIAN: Thank you, your Honor.

15

16 ~~CROSS~~-EXAMINATION

17 BY MR. MANOUKIAN:

18 Q. Good afternoon, Detective.

19 A. Good afternoon.

20 Q. Now, you stated that you first got to  
21 the scene about 1:00 o'clock?

22 A. That's correct.

23 Q. And where did you first see Mr. Mendell  
24 and Ms. Longfellow?

25 A. It was on the corner, a street next to  
26 the house which would be east of the house. I  
27 don't recall exactly what street that was.

28 Q. They were with a sheriff's vehicle?

1 A. Yes.

2 Q. And were there sheriffs -- were there  
3 uniformed sheriff officers there?

4 A. Yes.

5 Q. Could you tell what was going on; could  
6 you see what they were doing?

7 A. When we pulled up all I saw was them  
8 standing next to that deputy. I couldn't hear  
9 anything specific.

10 Q. Okay. So you -- you saw them. When  
11 you saw them, you saw Mr. Mendell and  
12 Ms. Longfellow standing by the sheriff vehicle?

13 A. Yes.

14 Q. And did you see them looking into or  
15 doing anything inside the sheriff's vehicle?

16 A. I did not.

17 Q. Did you talk to the sheriff's officer  
18 about what he or -- he or she, was it a male,  
19 female?

20 A. It was a male.

21 Q. Did you talk to the sheriff's officer  
22 to see what he had done or what he had talked to  
23 the witnesses about?

24 A. I did not.

25 Q. Did you ever have a conversation with  
26 the sheriff deputy there at the scene regarding him  
27 showing a single photo show-up?

28 A. I did not.

1 Q. Now, earlier -- and then subsequently  
2 did you ever have a conversation with  
3 Ms. Longfellow or Mr. Mendell about them looking at  
4 any photograph before you showed them your  
5 photographic lineup?

6 A. I did not.

7 Q. So at the time you ultimately show them  
8 the photographic lineup you didn't have any idea  
9 that they had already seen a lineup -- they had  
10 already seen a photograph?

11 A. That's correct.

12 Q. So I take it certainly you weren't  
13 aware that the photograph they had seen previously  
14 was the same photograph that was in your lineup; is  
15 that correct?

16 A. That's correct.

17 Q. And would have you used a photograph in  
18 a lineup that a witness had previously seen in a  
19 show-up?

20 A. If -- no, I would not.

21 Q. Why wouldn't you do that?

22 A. Just to make it more fair.

23 Q. And you said that you weren't familiar  
24 with a -- or you hadn't really heard of the  
25 photographic show-up. You were usually used to a  
26 live person show-up; is that correct?

27 A. That's correct.

28 Q. And because in a live person show-up

1 the issue is to determine whether the person you  
2 have detained is the suspect or not, correct?

3 A. That's correct.

4 Q. You got a witness/victim describes a  
5 person, you find a person in the vicinity matches  
6 that description, you drive the victim over to the  
7 person and say is that the guy, right?

8 A. In so many words, yes.

9 Q. And as we said the purpose is if it is  
10 the person you have got them. If it isn't the  
11 person you let them go along their way, right?

12 A. That's correct.

13 Q. And normally if you have a name of a  
14 person you use a photographic lineup to see if the  
15 witness can pick the -- the person out of a group  
16 of six, as you say, to keep it fair, right?

17 A. That's correct.

18 Q. And you went through some effort, it  
19 sounds like, to tell Ms. Longfellow and Mr. Mendell  
20 not to talk about the case at all once they were in  
21 your custody, right?

22 A. That's correct.

23 Q. Custody may not be the right word, but  
24 they were with you, correct?

25 A. That's correct.

26 Q. And why did you do that?

27 A. To keep things separate so I have an  
28 independent statement, independent recollection.

1 Everything is independent from each other.

2 So it's -- whatever is said it's the most  
3 fair.

4 Q. And did you do the same thing when you  
5 are showing them the lineups?

6 A. Yes.

7 Q. For the same reason?

8 A. Yes.

9 Q. You don't want to cross-contaminate  
10 what one witness may say about a photograph  
11 with what another witness may say about a  
12 photograph?

13 A. That's correct.

14 Q. And when you are dealing with couples  
15 or someone with a very close relationship is there  
16 any particular concern you have about  
17 cross-contamination of information?

18 A. Not necessarily. As long as you  
19 control the environment, which I thought I did,  
20 it's not a concern.

21 Q. You felt that you had controlled the  
22 environment in which they were viewing the  
23 photographs?

24 A. And from the time I contacted them to  
25 the transport to the station to the interviews and  
26 everything involved, yes.

27 Q. Were you ever present when -- or were  
28 you present when Mr. Mendell had a conversation

1 with Detective McColgin before you showed him a  
2 lineup?

3 A. I was not present.

4 THE COURT: Mr. Manoukian, I am sorry to  
5 interrupt you, but we have been instructed to call  
6 it a night.

7 MR. MANOUKIAN: Yes, sir.

8 THE COURT: So the presiding judge wants us  
9 to recess.

10 I will take a moment, folks.

11 We talked about our schedule, and assuming  
12 we go through the day tomorrow, we are dark  
13 Thursday, meaning you're off. You are free to go  
14 about your business.

15 Is anybody not able to come in on Friday  
16 because of the overly optimistic estimate I had  
17 given you at the beginning?

18 You made plans that are not alterable?

19 All right. Seeing no hands, I appreciate  
20 that.

21 Now the more difficult question. If you're  
22 still deliberating into Monday of next week, will  
23 anybody -- does -- is anybody unavailable the  
24 following Monday if you're deliberating at that  
25 point, which frankly is increasingly likely.

26 You put my mind at great ease.

27 So thank you for adjusting your schedules.  
28 I know it's an inconvenience to all of you, but