

People v. Jackson Daniels: The shooting of Riverside Police Officers Dennis Doty and Phillip Trust

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Abstract

In 1982 Officers Dennis Doty and Phillip Trust entered a residence in Riverside, California to arrest Jackson Daniels, a wheelchair-confined felon. Upon entering the house, both Doty and Trust were involved in an exchange of gunfire with Daniels and were killed. Jackson Daniels was convicted of the homicides in 1985 and was retried in 2009. Our study reinterprets the evidence and emphasizes the use timeline graphics to present the crime scene reconstruction. The original presentation of an incomplete crime scene reconstruction could have contributed to Daniels' successful appeal after the 1985 trial.

Key Words: forensic science; criminalistics; shooting scene reconstruction; timeline

Introduction

On May 13, 1982, at 0900, officers Dennis Doty and Phillip Trust entered paraplegic Jackson Daniels' home in Riverside California to arrest him. Daniels became a paraplegic when he was shot during the commission of a robbery. The officers were admitted to the Daniels' home by Renee Ross, who was also a resident of the house. Ross led the officers to Daniels' bedroom (the northeast (N/E) bedroom, Figures 1A & B).

Daniels was dressed only in a shirt. Ms. Ross started gathering clothing to dress Daniels while the officers were observing. Daniels requested Ross find shoes from his closet. As Ross was facing into the closet or perhaps turning toward the officers with the shoes, Daniels produced a .38 revolver and started shooting. In this initial volley, Doty received four bullets and Trust one. Both Doty and Trust managed to draw their .38 revolvers. The positions of the individuals at the beginning of the shooting in the N/E bedroom are shown in Fig. 1B. Renee Ross, within seconds of the start of the shooting, went into the closet and closed the door.

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Officer Doty appeared not to have significantly changed his position in the room other than rotating and falling from his standing position. He died in the initial volley of bullets from Daniels. After Officer Trust's wounding in the N/E bedroom, he went into the southeast (S/E) bedroom. While Officer Trust was in the S/E bedroom, nine more shots were fired with Trust succumbing after his sixth bullet wound. Daniels was convicted of the first degree murders of Officers Doty and Trust in 1985. He was given the death penalty.

The defense in the first trial apparently failed to provide a psychological evaluation of Mr. Daniels which was grounds for a successful appeal. Mr. Daniels was retried in November/December 2009 and the jury again found him guilty. He was sent back to death row. One of us (BRB) was asked by Daniels' attorneys to evaluate the crime scene. A neurological issue concerning one of Officer Trust's wounds arose which required input of a forensic neurologist (JDS). The neurological consequence of that wound in the context of the crime scene provided a reconstruction which if presented in the first trial of Mr. Daniels might have prevented his second trial.

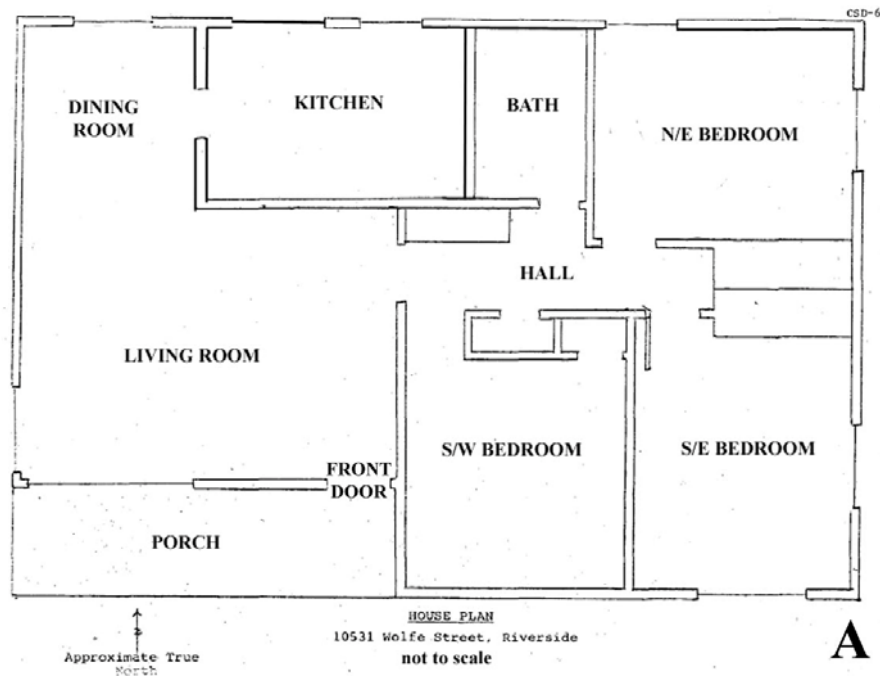


Figure 1A

The layout of the house in which the shooting of Officers Doty and Trust took place.

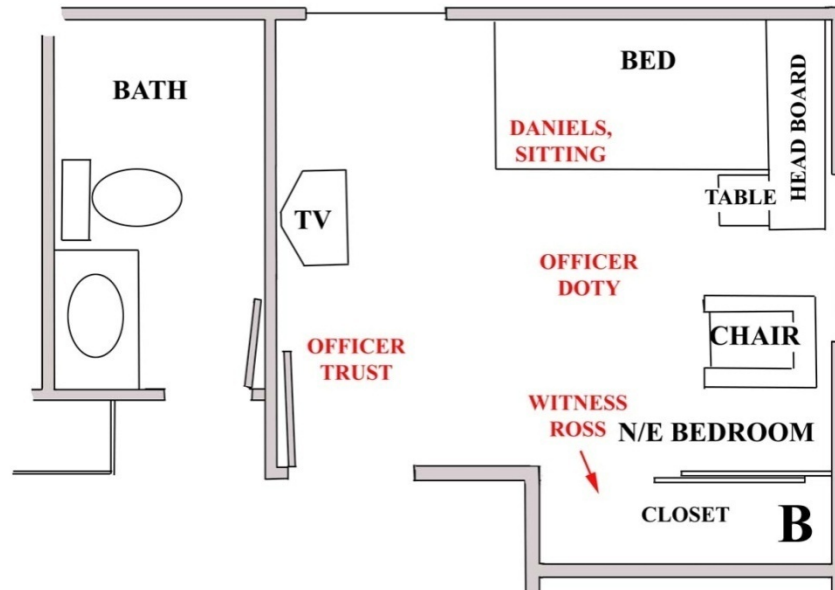


Figure 1B

Drawing of the N/E bedroom with the probable positions of the officers, Daniels and witness Ross just prior to the start of the shooting. Daniels was sitting on his bed. Ross was either searching for Daniels' shoes or had just recovered them and was turning around when Daniels produced his .38 revolver and started shooting. Ross, upon the start of the shooting, hid in the closet with the door closed until the shooting stopped and was called out by Daniels.

The crime scene evidence and its partial reconstruction was presented by the criminalist who originally evaluated the scene in the 2009 trial (Riverside Superior Court Transcript, 2009). The majority of the criminalist's testimony focused on the evidence. There was little discussion on the meaning of that evidence in a reconstruction - it was left up to the prosecutor and jury to interpret.

The purpose of this paper is to present a complete reconstruction of the homicides of Officers Doty and Trust, evaluate the content of the criminalist's court testimony, discuss issues relating to the autopsies, evidence interpretation and the quality of evidence received by the defense.

Dennis Doty Autopsy

Officer Doty received four shots from Daniels' revolver. Two of the bullets remained in his body. The Coroner's report is summarized in Fig. 2.

Bullet 1, wound 1, penetrating (Fig. 2, mid left). "The autopsy findings are interpreted as a death resulting from injuries to the brain produced by a bullet passing through the brain and additionally causing brain hemorrhages and skull fractures. The fatal bullet entered in the right medial occipital area and after passing through the skull its course in the brain was forward, to the left and upward. This bullet fragmented into three major pieces and these were recovered in association with the left parietal area of the brain."

Bullet 2, wound 2, penetrating (Fig. 2, upper right). "The wound identified as no. 2 ... is the entrance for a bullet that passed upward into the abdominal cavity and across the midline and came to rest in the mesentery."

Bullet 3, wounds 3-6, perforating (Fig. 2, mid left). "The bullet causing the three injuries entered the back of the right wrist, passed through the hand to exit in the hypothenar area then passed through the tip of the fourth finger. It entered the pad of the fourth finger and exited nail-side."

Bullet 4, wound 7, grazing (Fig 2, mid right). "At the time of the autopsy, it was suggested that a bullet may have grazed the left side of the face producing the band-like abrasion in the skin in the lateral aspect of the left eye."

Although x-rays were relied upon in the autopsy report of Doty, they were not supplied in the discovery for the 2009 retrial of Daniels.

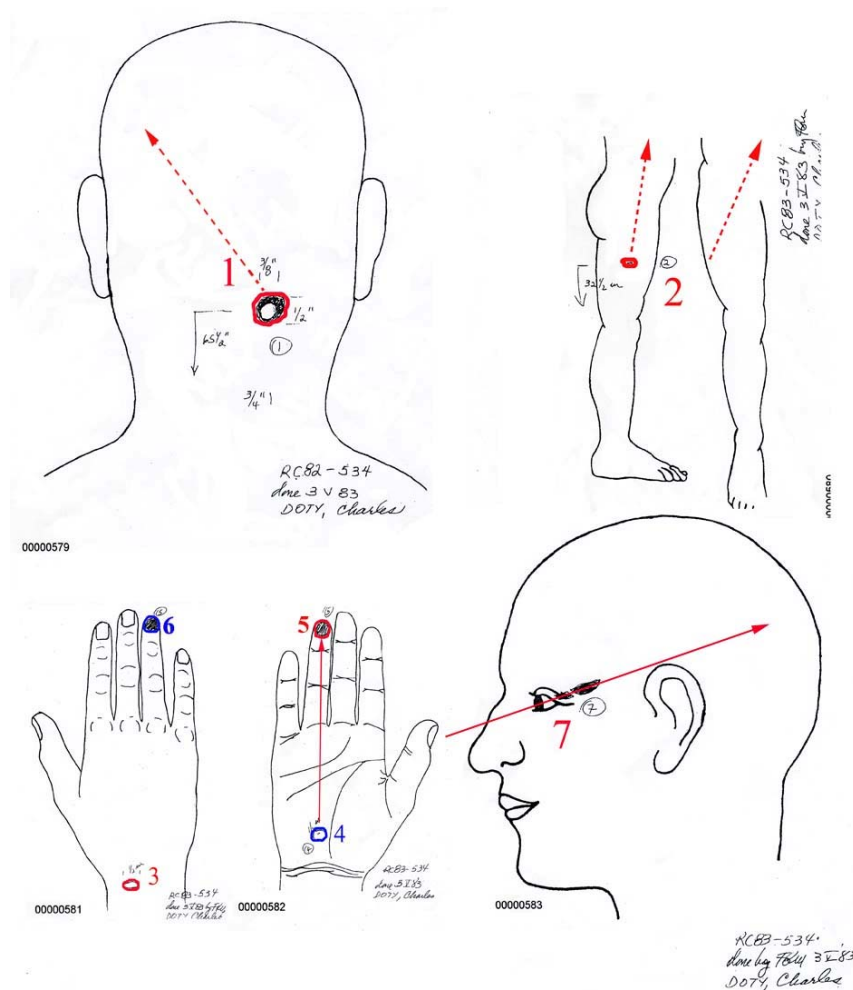


Figure 2

The wounds received by Officer Doty. The fatal wound was to the back of the head (upper left) and was the final shot into Doty. Wound 2 (upper right), was likely the second bullet received from Daniels where Doty had crouched and was turning counterclockwise. The third bullet to Doty struck the right hand (mid left at 3) followed by striking finger 4. Wound 7, lower right, was likely the first bullet to hit Doty and was not recovered. Entrance wounds are indicated in red; exit in blue. Solid arrow either connects wounds created by the same bullet or shows bullet trajectory (mid right); dashed arrow shows the approximate internal track of the bullet.

Bullet	Entrance Wound	Exit Wound	Bullet Recovered from Body	Bullet Origin & Item Number
1	1	-	Yes, Fragmented	Daniels .38, A-29
2	2	-	Yes	Daniels .38, A-32
3	3 & 5	4 & 6	No	Daniels .38, 44
4	7	-	No - Grazing	Daniels .38, -

Table 1

Summary of the bullet wounds from the autopsy report on Officer Doty. Bullet 1 was the fatal bullet. Bullet 2 entered the upper thigh and went in an upward direction into the abdomen. Bullet 3 (right hand, see Fig. 6A) was recovered from the living room (item 44). Bullet 4, which grazed the left side of the head, likely entered Daniels’ bedroom closet and was not recovered.

Phillip Trust Autopsy

Officer Trust received six shots from Daniels’ and Doty’s revolvers. Four of the bullets remained in him. The Coroner’s report is summarized in Fig. 3.

Bullet 1, wounds 1, 2 and 3, penetrating (Fig. 3, top left). “The autopsy findings are of a death due to injuries to the intercostal blood vessels associated with the sixth left rib at the perforation fracture site, laceration of the left lung, multiple lacerations of the spleen and lacerations of the left kidney caused by a bullet passing in the body so as to produce the mentioned injuries. The fatal bullet first struck the body in the lateral aspect of the left arm producing the perforating wound described as item 1 ... passing through the posterior substance of the left arm exiting on the posteromedial aspect of the left arm producing the wound described as item 2..., then passing into the chest producing the wound described as item 3 ..., then passing so as to fracture the sixth rib and enter the left pleural cavity, then lacerating the left lung, then perforating the left leaf of the diaphragm, then extensively lacerating the spleen, then passing into the left psoas muscle group where it came to rest...”

Bullet 2, wound 4, penetrating (Fig. 3, mid right). “The wound described as wound 4 ... entered the body just below the rib cage, avoided perforating any of the bowel and then passed through the psoas muscle group on the right side to become buried in the right sacroiliac region. This bullet was completely buried in bone. It passed through the abdominal wall without actually perforating any of the bone.”

Bullet 3, wounds 5 and 6, perforating (Fig. 3, mid left). The wound described as item 5 ... is the entrance for a bullet that stayed entirely in soft tissue and did not enter the abdominal cavity but rather passed toward the left downward and slightly backward to exit the left thigh making the wound described as item 6...”

Bullet 4, wounds 7 and 8, perforating (Fig. 3, top right). “The perforating wound described as item 7 ... represents the entrance of still another bullet that passed subcutaneously to exit in the upper right shoulder area causing the wound described as wound 8...” “The skin on a straight line between wounds identified as item 7 and item 8... was incised and the depth was demonstrated a connecting line of hemorrhage between the two wounds.”

Bullet 5, wounds 9 and 10, perforating (Fig.3, mid left). “The wound described as item 9 ... is the entrance for a bullet that passed through the soft tissue exiting the right forearm causing the wound described as item 10...”

Bullet 6, wound 11, penetrating (Fig. 3, mid left). “The wound described as item 11... is the entrance wound of the bullet that fractured the distal part of the left radius and came to rest as three major fragments in the soft tissues of the upper part of the forearm.”

X-rays were noted as being taken in the autopsy report but were not available for review in this report.

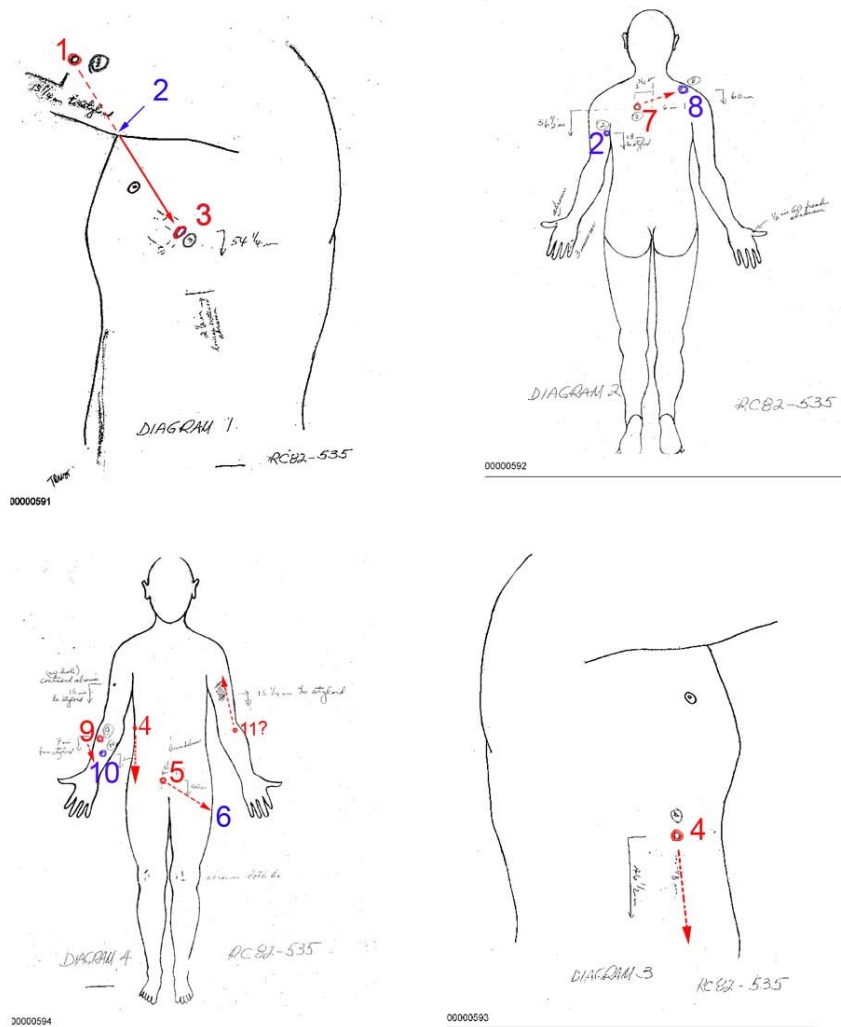


Figure 3

Drawings made during the autopsy of Officer Trust. Bullet 1, wound 2 exits the left arm and enters the torso at wound 3 (upper left drawing). Bullet 4, wounds 7 - 8 (upper right drawing) was likely from Daniels' .38. Bullet 3, wounds 5 - 6, lower left, exit wound 6 (posterior upper thigh) is not shown. Bullet 6, wound 11 (left lower, at 11?) was not shown in the autopsy drawings nor could an autopsy image of it be found. The location is surmised from the autopsy description. Entrance wounds are indicated in red; exit in blue. Solid arrow connects wounds created by the same bullet; dashed arrows are the approximate internal track of the respective bullets.

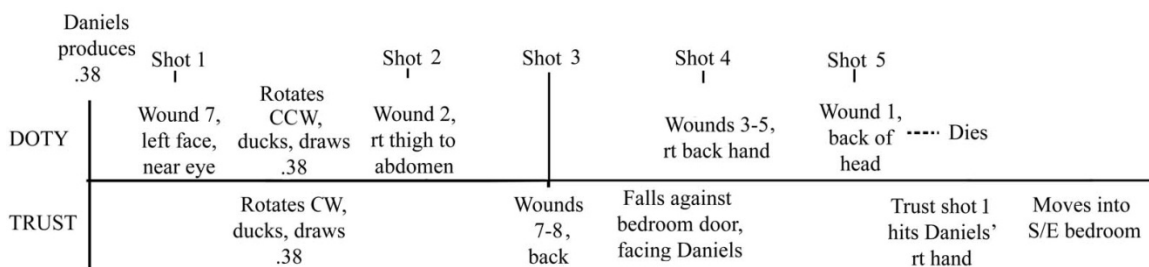
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Bullet	Entrance Wound	Exit Wound	Bullet Recovered from Body	Bullet Origin & Item Number
1	1 & 3	2	Yes	Doty .38, A-34
2	4		Yes	Doty .38, A-36
3	5	6	No, in parts	Doty, 38, A-23
4	7	8	No	Daniels .38, 60
5	9	10	No	Doty .38, 141
6	11		Yes, Fragmented	Doty .38, A-35

Figure 4.

Reconstruction of the timeline of the shots in the N/E bedroom.



Crime Scene Reconstruction

This reconstruction is based on the materials provided to the defense for the 2009 retrial of Mr. Jackson Daniels: the police and crime scene reports, crime scene and autopsy photographs, crime scene drawings, autopsy reports, some transcripts (not all provided) of witness interviews and the prosecution criminalist testimony of December 2009.

The N/E bedroom: The first shots. Daniels had hidden his .38 revolver near him prior to the entry of the officers into his bedroom. The positions of the four persons in the bedroom at the time of the start of the shooting are shown in Fig. 1B.

The reconstruction of this part of the crime scene is presented through a timeline (Fig. 4). It appears that both Doty and Trust were distracted when Daniels produced his .38 revolver. Daniels' first shot was at Doty's head. The bullet grazed Doty's left face (Fig. 2, mid right; bullet 4) and apparently entered the interior of the closet (the door was open with this first shot). Renee Ross entered the closet after this shot and closed the door. When the shooting ended, Ross emerged from the closet and closed the door. The closet door appears to have remained closed throughout the crime scene photography and evidence collection. Only one photograph was produced of a sliding door closet's contents, but this photograph was likely of the closet contents of the S/E bedroom. Even if this photograph was of the N/E bedroom, it did not include the upper part of the closet where this bullet likely hit. It is probable the bullet that created Doty's wound 7 (bullet 4, Fig. 2) struck high within the closet and was not collected.

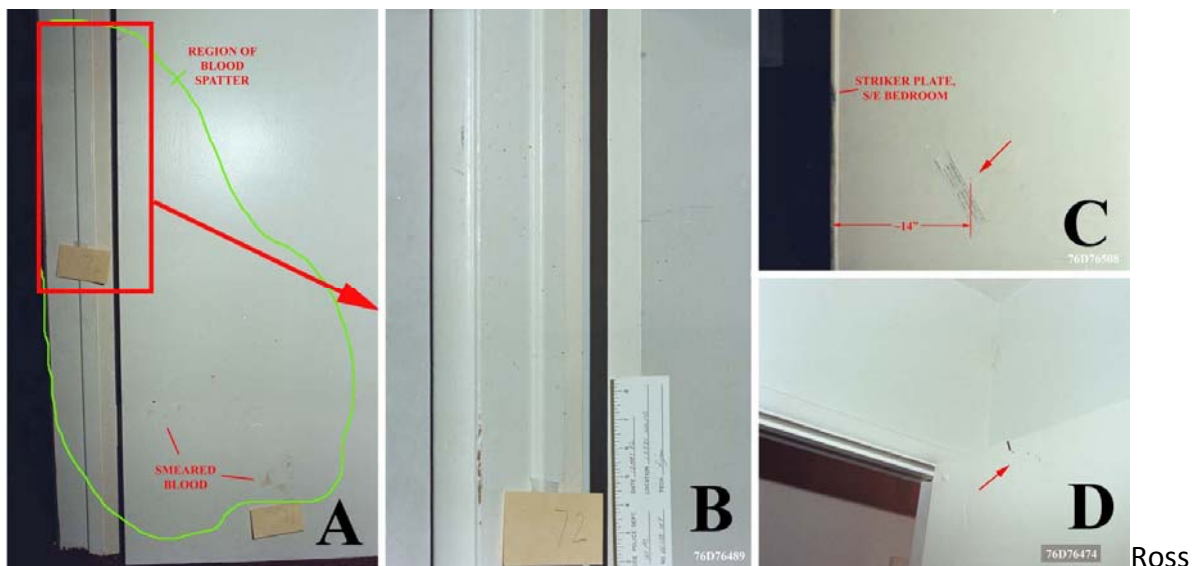


Figure 5

(A) Blood spatter region on the N/E bedroom door and jam is outlined in green. Smearing of the blood spatter occurred in the lower part of this region. The rectangular area outlined in red is enlarged in B. (B) Region of the door and frame showing a small blood transfer on the N/E bedroom door molding as well as blood spatter on the N/E bedroom door. (C) Bullet impact (arrow) on the hall wall opposite the doorway to the N/E bedroom. This bullet, item 60, came to rest on the bathroom floor (Fig. 1A). The impact is ~ 14 inches (36 cm) from the S/E door molding and ~ 8 inches (20 cm) below the bottom of the door latch striker plate. (D) The N/E bedroom door was likely broken (at arrow) by Trust falling against it after receiving his back wound.



Figure 6

(A) Autopsy image of Doty's right hand showing the trajectory rod in place. Daniels was shooting downward from his position on the bed. Doty likely had dropped his revolver prior to this wound. The stiffness of the fingers suggest Doty was in rigor when this image was taken. The acute angle of the hand to the wrist indicate the wrist was broken by the bullet probably fracturing the proximal carpal bones. (B) The bullet which hit Doty's hand went through the carpet, (arrow 1), ricocheted off the hardwood floor (arrow 2) and hit the wall (arrow 3). (C) The bullet strike on the wall from the bullet which went through Doty's hand.

At first sight of Daniels' revolver and its discharge at Doty's head, both officers started to duck and rotate - Doty counterclockwise and Trust clockwise. When Doty received the second shot in his thigh (bullet entered his abdominal cavity, Fig. 2, upper right), he was ducking and had partially completed his rotation. Doty had his revolver in his hand prior to this shot and he likely dropped it while falling to the floor with his back to Daniels.

Daniels quickly turned his attention to Officer Trust and his third shot hit the ducking Trust in his upper back (Fig.3, upper right - at 7 to 8). The small blood spatter on the bedroom door (Figs. 5A and 5B), the bullet deflecting off the hall wall (Fig. 5C) and ending up in the adjoining bathroom (Fig. 1A), place Trust near the N/E bedroom door (Fig. 1B, also see Fig. 9) when he received this bullet. Following this wound, Trust fell back against the door (door broken, Fig. 5D) and smeared some of the blood spatter on the door (Fig. 5A). Trust may have fired a wild shot from his revolver at this time which hit the wall near the ceiling west of the north window, although it is more likely he later fired this shot at Daniels from a position inside the S/E bedroom near the door.

The fourth bullet from Daniels' revolver hit Doty's right rear wrist, traveled forward, through the palm and then perforated the tip of finger four (Fig. 2, mid left). Doty was falling forward from his crouched position when he received this bullet. The autopsy image of his hand with the trajectory rod in place (Fig. 6A) suggests the revolver handle was no longer in hand when this shot was received. After striking Doty's hand, the bullet passed through the carpet, ricocheted off the hardwood floor and hit low on the south wall (Fig. 6B). The hand was near the floor when the bullet hit. This bullet had little remaining momentum to make much of an impression on the wall (Fig. 6C) and inexplicably ended up on the carpet near the west wall in the living room.

The fifth and final bullet from Daniels' revolver struck Doty in the back of his head (Fig. 2, upper left) which was identified as the fatal bullet. Doty was on his hands and knees and facing the south wall. Upon receiving this wound, Doty fully collapsed with his head almost touching the south wall (Fig. 7).

Immediately following Daniel's final shot, Trust fired at Daniels from his position on the floor with his back on the N/E bedroom door facing Daniels. The bullet hit Daniels' right hand causing him to drop his empty revolver. Trust then left the N/E bedroom and entered the S/E bedroom.

A transcribed interview account of the shooting from Theodor Smith, a friend of whom Daniels had recounted the details of the shooting, supports this part of the reconstruction. Daniels admitted to Smith that he had emptied his revolver prior to his hand being shot by Trust. Daniels, despite being shot in his right hand, was obviously still able to effectively use this hand. Daniels' revolver was not recovered.



Figure 7

The body of Doty at the crime scene in the N/E bedroom.

The nature of Trust's back wound and its behavioral effect. The bullet fired by Daniels at Trust penetrated the left posterior thoracic musculature adjacent to the medial border of the left scapula at the level of T4-T5 and exited through the right shoulder region approximating the upper border of the trapezius muscle. There were no contusions observed on external examination to indicate the bullet's path (Fig. 8A). Since the thoracic vertebrae are in the direct path of this bullet and their posterior spinous processes are in direct contact with the dermis with no intervening subcutaneous tissue to conceal bleeding, the bullet's trajectory had to have penetrated deep enough to strike the posterior elements of T4-T5 at the level of the transverse process or posterior lamina. The bullet's interaction with the thoracic vertebrae caused it to veer slightly posterior and then exit the right shoulder area. If the bullet struck the left thoracic vertebra anterior to the transverse process, its trajectory would have been either through the spinal canal or even more anterior and into the vertebral body. In this scenario, the bullet could not have exited the shoulder.

Figure 8B illustrates the dissected bullet tract. The margins of the mid-third of the tract seem to be more irregular than on either end. This could have resulted from shattered bone fragments as a result of the bullet contacting and fracturing the posterior bony elements.

An acute injury to the thoracic spinal cord could not have been avoided in the path of this bullet. Anything from a spinal cord concussion, contusion or even severing the spinal cord would have occurred. The subject would immediately collapse and depending on the extent of spinal cord injury would have suffered varying degrees of incapacitation. The victim was able to crawl from the doorway of the northeast bedroom where he was shot, through the hallway and into the southeast bedroom. This suggests Officer Trust's spinal cord was not completely severed. However, the evidence from the S/E bedroom shows that he was unable to stand and he would have been incapable of fleeing to safety.

After an acute spinal cord injury (SCI) improvement may or may not occur and is dependent on a variety of factors, not the least being the severity of the injury. However, reversal of paralysis does not occur in minutes. If there is to be any improvement, it takes hours to days to occur (Ling, 2007). Quite often, secondary injurious effects take place after the initial trauma resulting from continued bleeding and swelling within the spinal canal, as well as a host of cellular toxic factors (Ling, 2007).

Perhaps the least understandable aspect of this crime scene is why Trust did not remain in the N/E bedroom and either kill Daniels or hold him until other officers were summoned. At the shooting of Daniels' right hand, Trust was apparently unaware that Daniels had fired all the cartridges in his .38 revolver and his shot had disarmed Daniels. Trust's back wound had affected both his legs and likely his judgment at this time.

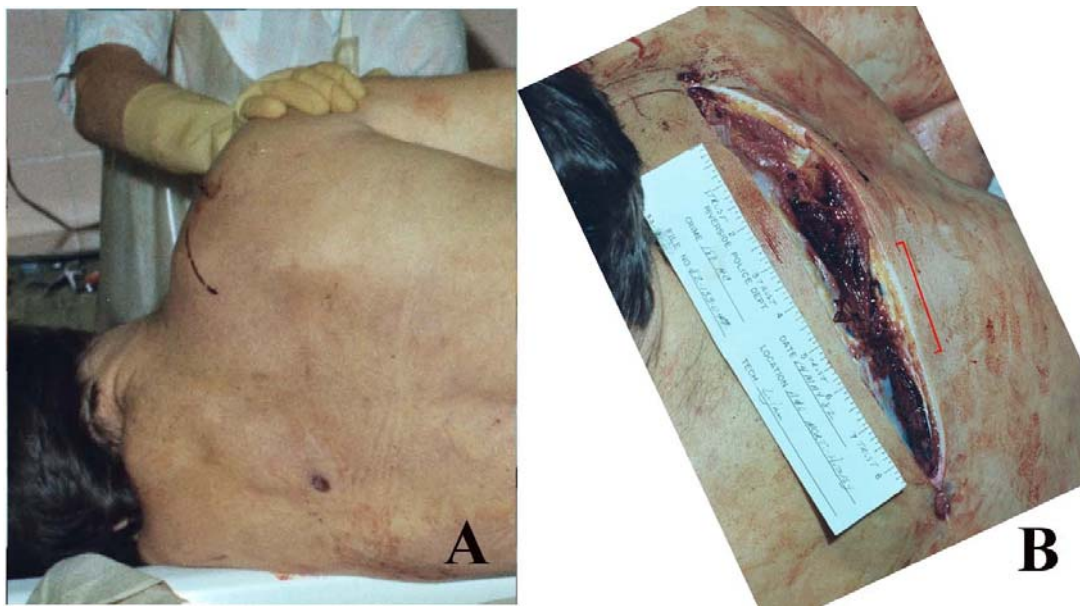


Figure 8

Bullet 4, wound 7-8 through the back of Officer Trust. (A) The autopsy report claims the bullet had “passed subcutaneously,” but the lack of bruising indicates it penetrated much deeper and likely interacted with the thoracic vertebrae 4 and 5. (B) Dissected bullet track revealed hemorrhaging and likely bone interaction of the bullet (at bracket). The shock of the passing bullet probably damaged the spinal cord and caused partial leg paralysis of Officer Trust.

Paraplegic Daniels crawled to Doty’s body and picked up Doty’s revolver. He proceeded to the N/E bedroom door where he shot from within the N/E bedroom one time at Trust, who was near the door in the S/E bedroom.

The S/E bedroom. The crime scene in the S/E bedroom follows the shooting in the N/E bedroom. This lasted a number of minutes after Trust entered this room. The activities of Trust and Daniels are broken down into scenes A through G (Fig. 9). Scene A, which occurred in the N/E bedroom, was previously discussed.

The evidence indicates Officer Trust’s legs were at least partially paralyzed as a result of the back wound he received in the N/E bedroom. Scenes B through G in the S/E bedroom (Fig. 9) are interpreted with Trust having impaired leg control. He was able to get up on the bed and break the west window suggesting he could crawl. Because of his likely need to use his arms and hands to move, Trust had his revolver in his right hand and was not in a position to defend himself during the time of his movements. Daniels appears to have taken advantage of this vulnerability.

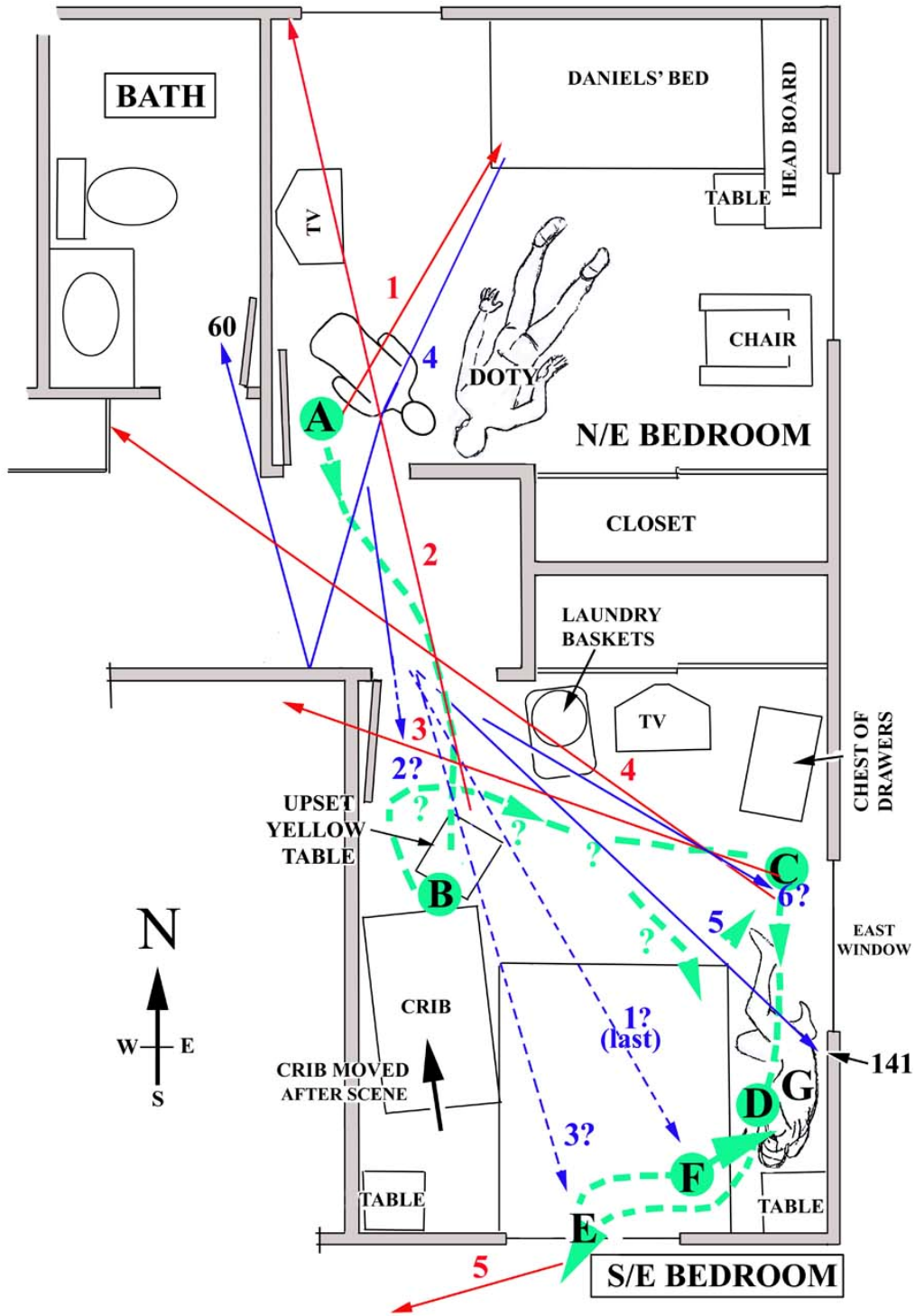
The trajectories of the shots fired by Daniels (Fig. 9), are indicated by the blue arrows and numbers (refers to the wound number of Trust, Fig. 3). Trust's exact position at any one time is uncertain. However, it is certain that Trust's location when he received bullet 5 (Fig. 3, wounds 9-10 in the right arm) was near the northeast corner of the bed (Fig. 9). It is also certain that two shots fired by Daniels with Doty's revolver which hit the yellow table leg (Figs. 10 and 11C) and the laundry basket (Fig. 10) also hit Trust. The other Trust wounds will be discussed as to his likely positions when he received them.

Scene B (Figs. 9 and 10). A feature of this part of the crime scene is the broken baby crib (Figs. 11A and 11B). There are two scenarios as to how it was broken. The most likely is that the first officer that entered the building after the shooting discovered a baby in the crib. In his effort to both extract the baby from the scene as well as interact with the scene as little as possible, the officer leaned over the end of the crib and pulled it toward him to grab the baby. He broke the crib as shown in Figs 11A and 11B during this process. Alternatively, it is possible that when Trust entered the S/E bedroom he fell against the crib, breaking parts of it into the crib (Fig. 11A) as well as casting wood fragments onto the floor (Fig. 11B). The authors believe, considering the severity of Trust's back wound, that he was unable to lift himself high enough to break the crib.

The yellow table was in a position near the door and Trust was between it and the crib. Daniels could have been at the N/E bedroom door when, by Doty's revolver, Trust received a second bullet (Fig. 3, bullet 2, wound 4?). The yellow plastic table was an intermediate target for this second bullet to hit Trust by evidence of a bullet hole in one of the legs of the table (Fig. 11C). The table was turned upside down and at some point Trust was on top of part of it, as evidenced by blood on the underside of the table (Fig. 11C). The upside-down table had shifted east from this position in that a number of linear lines, apparently in blood and about the length of the table edge, are present on the carpet (Figs. 10 and 11B at arrow heads). The lamp was on the table when the table was upset, sending its glass top eastward several feet to the base of the northeast corner of the bed. A bent plug indicates the cord of the lamp was violently pulled from the wall.

Figure 9 (Below)

A scaled reconstruction of the crime scene involving Officer Trust. The solid blue arrows are the probable trajectories of the shots from Daniels revolver and Doty's .38 revolver fired while in Daniels' possession; the dashed blue arrows are uncertain trajectories. The blue numbers associated with the blue arrow refer to the bullets that wounded Trust (Fig. 3), most of which are uncertain (as shown by "?"). Trust's bullet 2 (at blue "2?") might have been received while he was behind the yellow plastic table. The red arrows are the horizontal bullet trajectories shot from Trust's revolver; the associated red numbers reflect the order of these shots. Trust's shot 2 could have come from near the doorway of the S/E bedroom, as shown. The green arrow heads indicate Trust's direction of movement; the green dots are where he stopped and are designated with a scene letter. Each scene is discussed in the text. Trust's final position (at G) is on the east side of the bed shown by the line drawing of his body. The crib was moved toward the bedroom door by an officer (to recover a baby) on the scene following the shooting.



Trust likely fired his second shot while he was in the S/E bedroom and after he had received his second bullet from Daniels. The second shot from Trust hit on the west side of the north window of the N/E bedroom (Fig. 9, red arrow 2). At this point, Daniels did not shoot again which gave Trust time to reach the bedroom door and close it. The doorknob did not have a privacy lock.

Trust, between the scenes B and C (Figs. 9 and 10), would have been crawling with some leg use, but mostly with his arms and hands. During this uncoordinated movement, magazines, papers and clothing on the floor were shifted.

Scene C (Figs. 9 and 10). Trust now had his back against the left end of the bed (Fig. 12A arrow 1). His bloodied back also contacted the corner of the chest of drawers (Fig. 12A arrow 2), and finally several positions against the east wall under the window (Fig. 12A arrow 3), leaving blood transfers from his back wounds on the wall and a large stain on the brown carpet (Fig. 10).

When Daniels reached the closed S/E bedroom door he apparently smashed the butt of the Doty revolver against the doorknob despite it not having a privacy lock. Either this caused the door to open or Daniels reached up from the floor, turned the knob and opened the door with force. When the door swung open and hit the wall, a piece of the damaged doorknob was projected out to fall on the yellow plastic table previously upset by Trust (Fig. 11C). At this point Trust fired his third shot (Fig. 9, red arrow 3). Daniels responded by pointing his (Doty's) revolver at the stacked laundry baskets near the door and firing through it to hit Trust (left arm? Fig. 3, lower left, wound 11; Fig. 9, blue arrow 6), fracturing the "the distal part of the left radius." The pain experienced by Trust from this wound was likely intense. Bleeding from his left arm added to the stained carpet. Daniels quickly withdrew into the hall out of sight after the shot. Trust, in response to the shot to his left arm, fired a fourth shot into the bedroom door.

At this point, Trust made his way to the east side of the bed (Fig. 9 at D) where he not only had cover of the bed, but also could watch the door. It appears that about this time, Trust got up onto the northeast part of the bed, likely to break the east window (to call for help?). The window was broken near this time since window glass is on top of the rug blood stains (Fig. 12A, arrow 4). Daniels fired another shot at Trust likely during his exposure, while he was getting down from the bed, with that bullet perforating Trust's right arm (Fig. 3, bullet 3, wounds 5 and 6) and hitting the wall (Fig. 9 at 141). Daniels, upon seeing Trust's new position, again withdrew.

Scene D (Fig. 9). While watching the hall from the east side of the bed, Trust reloaded his revolver on the bed (4 casings and a reloading strip with two cartridges were on the bed, Fig. 13) despite having wounds from at least three, probably four bullets. Daniels remained out of sight.

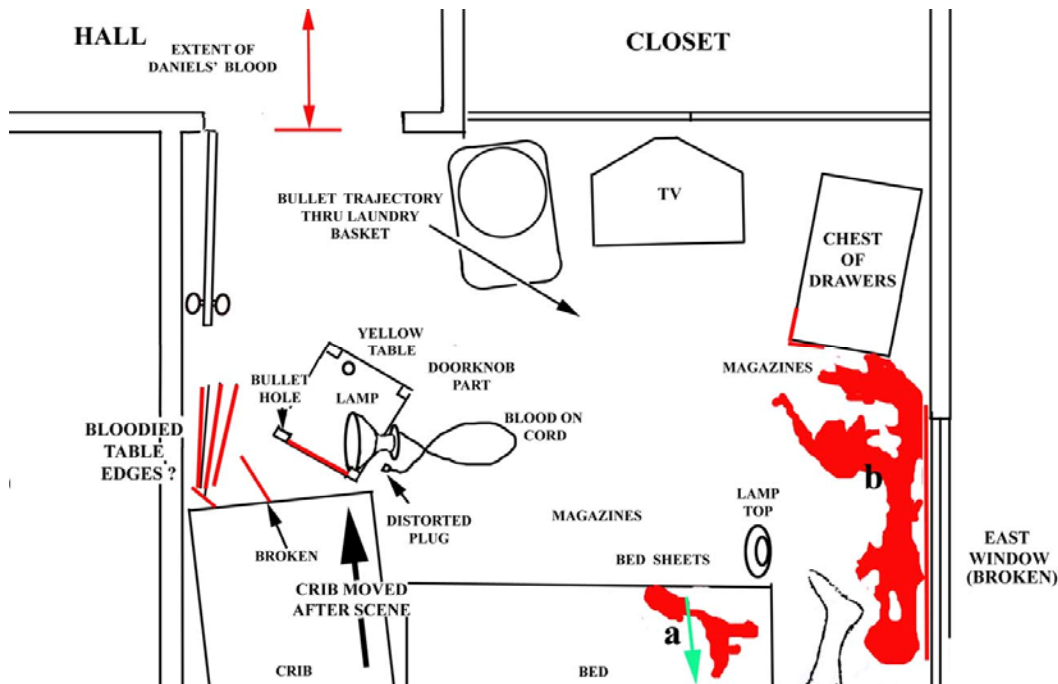


Figure 10

Scenes B and C (see Fig. 9), north portion of the S/E bedroom. The blood stains (shown in red) on the dark brown carpet are estimated. The green arrow is the direction of smearing for the blood stain on the bed. The yellow table is a key feature of the northwest part of the room (Scene B). A glass lamp was on top of the table and was likely plugged into a receptacle on the west wall. Prior to the Table being upset, Daniels had fired a bullet through a leg of the table (Fig. 11B) which hit Trust (bullet 2, wound 4?). The central area of this part of the room showed some blood drips on the magazines. The dark brown carpet concealed blood evidence. Blood on the east corner of the bed (at a) indicates that Trust had at some point moved across in the direction of the head of the bed (green arrow). A major blood stain at b (C in Fig. 9) indicates that Trust had stayed at this position relatively long and received a bullet with the laundry basket as an intermediate target. Trust also fired two times from approximately this position (Fig. 9, red arrows 3 and 4).

Scene E (See Fig. 9 above). Trust was on east side of the bed. Likely driven by desperation, he decided to attempt to escape out the south window. He hugged the wall under the south window leaving mostly transfer bloodstains on the left head region of the bed (Fig.14). Trust then broke the west side of the south window with the revolver in his right hand. Trust's right side was orientated toward the bedroom door and Daniels. When Trust started his attempt to flee out the window, Daniels reappeared and fired, hitting Trust in the right groin area (Fig. 3, bullet 3, wounds 5 to 6; Fig. 9 at E, blue arrow 3). It was at this time that some children on the street witnessed Trust partly fall through the window and yell. The yell was likely in response to this new bullet hit. Trust's right arm and revolver were momentarily outside the window. At this time Trust wildly fired his fifth and final shot (Fig. 9, red arrow 5), the bullet hitting the driveway. Upon this wound, Trust withdrew from the window and started turning around to return to the safety of the east side of the bed.

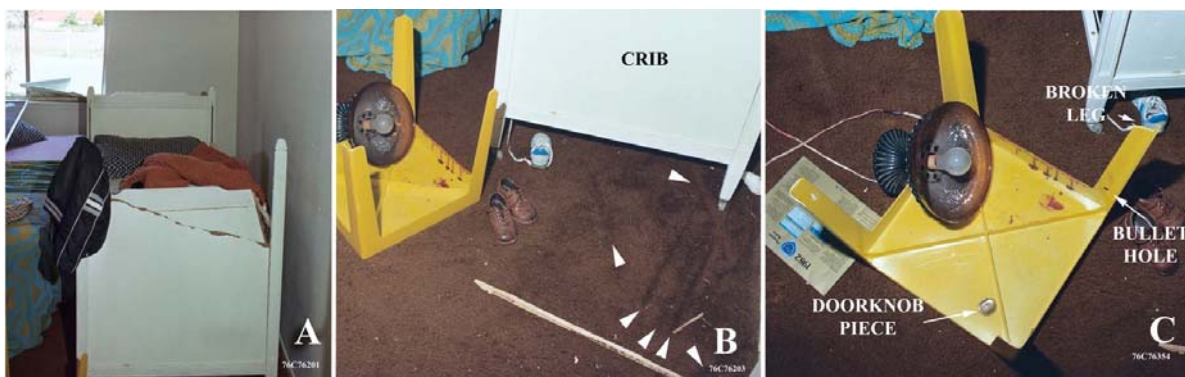


Figure 11

Scene B; entry way into the S/E bedroom. (A) The broken crib. (B) Apparent blood lines left by the upside down table edge; Trust was in a position bleeding onto this table's undersurface and then the table was moved a number of times leaving the blood "lines" (at arrow heads). It is apparent that the crib was moved over some of these blood transfers. A strip of molding from the crib is in the foreground of the image. (C) The plastic table that was upset by Trust. The lamp likely had been on top of the table. The round piece of metal is from the knob of the bedroom door. It does not appear from the crime scene images that there was a privacy lock on the doorknob.



Figure 12

Scene C. (A) The east wall of the S/E bedroom below the east window. (1) Mostly transfer bloodstain on the bed sheet; (2) Blood transfer stain on the chest of drawers; (3) Multiple transfer bloodstains on the east wall; (4) glass shards on the carpet on top of apparent blood stains. The size of the broken window and the small amount of glass on the floor indicate the window was broken from the inside. (No images were provided of the ground under the east window). (B) The exterior of the house showing the east window of the S/E bedroom broken. The edges of the broken window have been accentuated.

Scene F (See Fig. 9 above). Trust completed his turn and started to try to regain the side of the bed when he collapsed on the bed and Daniels fired the fifth and final cartridge in the Doty revolver. Trust's left side was now orientated toward Daniels and he was flat on the bed with his left arm against his body when he receive the final, fatal wound (Fig. 3, bullet 1, wounds 1,2 and 3; Fig. 9 at F, blue arrow 1). Trust stopped his movement while on the bed, apparently halfway off the bed with his head oriented toward the east wall. Witness Ross noted when she saw him that he was alive and on the bed. Ross stated at the end of this interview, "He was leanin' ... over like this, okay?" suggesting Trust was not fully lying on the bed at the time.

Scene G (See Fig. 9 above). Trust's body was found in the position shown in Fig 9 at G. After Daniels and Ross left the crime scene, Trust had turned around and regained the east side of the bed. He appears to have placed his revolver in the position found on the bed and then died.



Figure 13

The deceased Officer Trust in the S/E bedroom. Trust's .38 revolver is on the bed and three of the four casings that he expelled from his revolver can be seen on the bed (short arrows). A reload strip is next to the revolver and is shown in the inset. The screen was pushed in by an investigating officer after Daniels and Ross left the house.



Figure 14.

The bed in the S/E bedroom with the body of Officer Trust and the other evidence removed. There was extensive blood transfer and some direct bleeding on the bed from Trust.

Conclusions

The autopsy images of Trust's perforating back wound (Fig. 8) show that the bullet path involved the thoracic vertebrae and injury to the thoracic spinal cord could not have been avoided. The effect of this wound on Trust's behavior in the S/E bedroom is key to understanding this crime scene. Officer Trust had mostly lost the use of his legs. His inability to walk allowed only movement from the N/E bedroom into the S/E bedroom.

The complexity of the crime scene in the S/E bedroom means that some features of this crime scene reconstruction are tentative. For instance, it is unclear as to the which of several of the wounds were received by Trust at a particular crime scene location.

It is evident from our analysis that there were interludes between the shots from Daniels, indicating he had adopted a strategy of ambush from the S/E bedroom door with one shot and withdraw into the hall before Trust was able to effectively return fire. This strategy enabled Daniels' to achieve his goal to kill Trust. While Trust was in the S/E bedroom, all of Daniels shots hit Trust; none of Trust's return shots were successful. Daniels was likely listening for when Trust was moving or actually taking short peeks, knowing that at such times Trust's revolver was not in a position to be quickly brought up to return fire or fire before Daniels was able to aim and fire.

Our reconstruction of the crime scene shows that Daniels hid his revolver upon the approach of the officers to arrest him with the intent to inflict harm. He ambushed the officers when he thought they were most vulnerable. Daniels executed Office Doty with the shot to the back of his head. He relentlessly pursued the wounded Officer Trust after Trust fled into the S/E bedroom. His pursuit was thoughtful and patient. Daniels only intent after the murder of Officer Doty was to kill Officer Trust, regardless of the danger to himself.

Discussion

Our crime scene reconstruction was substantially more inculpatory than presented by the criminalist for the prosecution, much to the consternation of the defense attorney. Needless to say, we were not asked to testify for the defense.

Officer Trust's back wound. The first wound to Officer Trust had to have been more incapacitating than that produced by a perforating arm wound (as claimed by the prosecution criminalist), or he could have easily fled the house. That as well as other supportive evidence left the perforating wound to his back (Fig. 8) as the probable first wound received by Officer Trust. It appears that the prosecution criminalist interpretation of this shooting was subject to an anchoring heuristic: "the strong influence of the starting point or first approximation on the final estimate" (Rossmo, 2009).

The medical examiner who conducted the autopsies of officers Doty and Trust died prior to the 2009 retrial of Mr. Daniels. Neither he nor his replacement who testified in the 2009 trial recognized the consequence of Officer Trust's back wound. If the criminalist had known this (i.e., the medical examiner had informed the criminalist of the probable behavioral consequence of this wound), would the criminalist have formulated a reconstruction to make sense of the

crime scene in the S/E bedroom? Would a reconstruction by the prosecution criminalist that identified Trust's back wound as the first received from Daniels have led to our conclusion concerning the behavior of Daniels following the shooting of Officer Doty? If our reconstruction had been presented in the first trial of Daniels in 1985 would Daniels' appeal have been successful? Perhaps the second trial of Jackson Daniels could have been avoided.

The prosecution criminalist's crime scene reconstruction. On November 23, 2009 the prosecution's criminalist testified. Of the 118 pages of testimony, only three dealt with reconstruction (pp. 1951 to 1953, Riverside Superior Court Transcript, 2009). The rest of his testimony dealt with descriptions of the evidence. Remarkably, no reconstruction of the crime scene in the S/E bedroom was presented.

According to the prosecution criminalist's reconstruction of the crime scene in the N/E bedroom, the first of the four shots from Daniels revolver was to Trust's right arm (bullet 5, wounds 9 - 10, Fig. 3). The second (bullet 3, wounds 3 - 6, Fig. 2) was to Officer Doty's right hand which somehow caused the grazing wound (wound 7, Fig. 2) on Doty's left face; the third to his thigh (bullet 2, wound 2, Fig. 2) and the final to the back of Doty's head (bullet 1, wound 1, Fig. 2). This scenario is quite different from our reconstruction of the shooting in the N/E bedroom (Fig. 4) and is unrealistic.

Timelines. The value of timelines in the evaluation of a crime scene cannot be overemphasized. Construction of a crime scene timeline assists in organizing the evidence into a cohesive scenario for presentation and provides direction for additional inquiry, if required, to complete the crime scene analysis. Our analysis of the crime scene utilizes two timeline graphics (Figs. 4 and 9). The nature of the crime scene dictates the type of timeline graphic(s) required. For the scene in the N/E bedroom, the assailant and officers remained essentially stationary for the five shots from Daniels revolver and the one from Trust's revolver. A line graphic (Fig. 4) best presents the scene reconstruction for the N/E bedroom. But, the crime scene extended into the S/E bedroom. The movement of Officer Trust in the S/E bedroom and his positions at various times were best portrayed by scenes in a scaled graphic of the two bedrooms (Fig. 9). The crime scene involving Officer Trust in the N/E bedroom is included in this timeline as the first scene (Fig. 9 at A).

Evidence provided to the defense. The evidence transmitted to us for evaluation consisted of five DVDs. These disks contained the crime scene and autopsy images (four DVDs) and the remaining DVD contained the digitized reports and witness transcripts in PDF format.

There was no effort to place the crime scene and autopsy images in order on the disks. Autopsy images of Doty were mixed with images of Trust. There were often no image identifications. It took an enormous amount of time to identify and organize these images. Some of the images could not be identified. It was impossible to relate the photograph log to the images to determine if any were missing. The autopsy X-rays of both Doty and Trust were unavailable.

The police reports, witness interview transcripts, scene drawings and crime lab reports in PDF format were organized into two digital "binders" of several hundred pages each. Remarkably, one of the binders consisted of only blank pages. Despite two requests for these missing reports and transcripts, they were never provided.

The diagrams of the crime scene house were not to scale. Time was required to render a scaled diagram for our scene reconstruction.

The funds supplied to the defense for the review of the evidence was limited. Because of the disarray of the evidence supplied to us, we had to go *pro bono* to “complete” our analysis. The evidence reviewed by us was incomplete. Was there exculpatory evidence in the missing pages and unidentifiable images? Perhaps there are grounds for another successful appeal by Jackson Daniels.

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