

At a Pre-Trial hearing, Eddie's attorney filed a motion to compel the production of hair and blood samples of Paul Downing Sr., Paul Downing Jr., Ryan Downing, Carey (sic) Ann Downing, and Artie Ortiz. The DA was in possession of their hair and blood. Eddie's attorney wanted to compare their hair/blood/DNA with the hair/blood/DNA founs at the crime scene.

The ADA objected to this motion and the judge denied the motion to compel (turn over) the samples to Eddie's attorney.

Paul Downing Sr., Paul Downing Jr., Ryan Downing, and Artie Ortiz could not be excluded as possible contributors to some blood samples collected at the crime scene during the serology testing. DA Tom Reilly never sent their blood samples to Cellmark Laboratories to compare their DNA to the blood found at the scene that went unidentified.

1 THE COURT: Thank you. That takes care of
2 that, doesn't it?

3 MR. GEORGE: What's the title of that
4 particular motion? I see it, Your Honor.

5 THE COURT: Do you have it, Motion To Be
6 Furnished With Copy Of Fingerprint Examination?
7 That takes care of that. Then Motion For Order To
8 Compel Production Of Hair And Blood Samples.

9 MR. GEORGE: That is directed, once again,
10 Your Honor, I believe the Commonwealth objects to
11 it, but let me see what they say.

12 MR. O'REILLY: Complete objection, Your
13 Honor. There is no basis for it.

14 MR. GEORGE: It is on the basis of seeking
15 - - I am in the process, Your Honor, of retaining
16 experts who will examine all the blood and
17 fingerprint evidence taken at the scene. I feel,
18 and I submit to the court, that on the basis of the
19 case law in the memorandum, and that's attached to
20 the memorandum of the Motion For Evidence Of Other
21 Suspects Or Commonwealth's Knowledge Of Other
22 Suspects In This Case, on the basis of that same
23 case law, that I have a right in defending Mr.
24 O'Brien to examine and secure as many possible blood

1 samples as I can to compare them to what was found
2 at the scene. That's why I'm seeking these things.
3 I need - - -

4 THE COURT: Well, I am denying the Motion
5 To Compel The Production Of Hair And Blood Samples
6 with regard to Paul Downing, Junior; Paul Downing,
7 Senior; Ryan Downing, Carey Ann Downing, and who is
8 Art Ortiz?

9 MR. O'REILLY: A brother-in-law of the
10 victim, Judge.

11 THE COURT: And Art Ortiz.

12 MR. GEORGE: Please note my objection,
13 Your Honor.

14 THE COURT: Next. Motion For
15 Sequestration Of Jury, that will be dealt with by
16 the trial judge. The next motion I have is Motion
17 For Inspection Of Evidence By Defendant's Experts.

18 MR. O'REILLY: In coordination, Your
19 Honor, all the blood samples, other than the ones
20 that were subject to the court order allowing
21 testing evidence preserved for defendant's experts
22 in coordination with our chemists, as well as, our
23 fingerprint expert, they may view any piece of
24 evidence that they want.