

During a Pre-Trial motion, Eddie's attorney requested that he be provided with any other fingerprints that were discovered at the crime scene and put into the AFIS computer system to see if there were any matches. ADA Tom O'Reilly said that there were no other fingerprints found at the crime scene.

During the trial, State Trooper Wayne Riley actually testified that there were 5 identifiable but not yet identified finger and/or palm prints found at the scene.

To this day, those 5 identifiable but not yet identified finger/palm prints have not been submitted into the AFIS computer system.

Why would the DA's office lie about the prints and not have them put into the AFIS computer system?

1 problem with that, Your Honor.

2 THE COURT: Good.

3 MR. O'REILLY: And the last one is to
4 compel fingerprint identification procedures.

5 THE COURT: Yes.

6 MR. O'REILLY: Your Honor, the
7 Commonwealth fingerprint comparison was made by
8 comparison of the latent prints of Mr. O'Brien. We
9 have no problem of providing copies, photographs of
10 the latents, a copy of the fingerprint card to
11 counsel. Basically, this is requesting that we be
12 compelled to put this information into the AFIS
13 computer system. We shouldn't be required to do
14 this. We have sufficient expert testimony on this,
15 and Mr. O'Brien, up until the day he was arrested on
16 this crime, wouldn't have been on AFIS. The
17 Commonwealth has met every expertise qualification
18 for fingerprint analysis on this. This is an
19 additional burden for the Commonwealth on this.

20 MR. GEORGE: I didn't mean I wanted Mr.
21 O'Reilly to feed Mr. O'Brien's fingerprints into the
22 automated system. He told me in the hallway, and I
23 don't like saying in court what people said to me in
24 the hallway, but I don't think he has a problem with

1 it, that no other fingerprints were seized at the
2 crime scene.

3 THE COURT: Is that the case?

4 MR. O'REILLY: That's correct, Your Honor.

5 THE COURT: Well, I don't see that we've
6 got an issue here.

7 MR. GEORGE:⁴ Well, it was only an issue if
8 they had seized other fingerprints at the crime
9 scene.

10 THE COURT: But they don't have any other
11 fingerprints.

12 MR. O'REILLY: Fine, Your Honor. The
13 Commonwealth has no problem with that.

14 MR. GEORGE: But I'm not waiving it. It's
15 just that if none were taken then I can't be asking
16 them to feed them into a computer.

17 THE COURT: All right. Have we taken up
18 everything now that deals with discovery?

19 MR. O'REILLY: Here, Judge, we still have
20 one discovery material we'll be unable to provide
21 for possibly another four or five weeks is the
22 results of the DNA testing that were initiated last
23 Tuesday, the fifteenth. Those are the materials
24 that we were awaiting.

1 CROSS-EXAMINATION OF WAYNE RILEY BY MR. GEORGE

2 And did you receive prints from Paul
3 Downing?

4 A Yes, sir.

5 Q Carrie-Ann Downing?

6 A Yes, sir.

7 Q Paul J. Downing?

8 A Yes, sir.

9 Q Ryan Downing?

10 A Yes, sir.

11 Q Aristides John Ortiz?

12 A Yes, sir.

13 Q And Carol Ortiz?

14 A Yes, sir.

15 Q Now, you had identified some prints at the
16 scene.

17 What prints were you trying to identify
18 when you received these prints?

19 A They're just a one-palm print.

20 Q And where was that palm print?

21 A That palm print was on a door frame.

22 Q Which door frame?

23 A Ah, the entrance to the dining area.

24 Q Okay. The dining area?

1 CROSS-EXAMINATION OF WAYNE RILEY BY MR. GEORGE

2 A Yes, sir.

3 Q And, when you actually did your printing in
4 this case, how many unidentified prints did
5 you find, other than the prints that you
6 told us about here, which you identified.
7 Prints.

8 A Five.

9 Q And latent print 1-D, is it fair for me to
10 identify -- do you remember where latent
11 print 1-D is on?

12 A I think I have it, right here.

13 Q And where is that?

14 A This is the basement post 1-D is on.

15 Q Okay.

16 And is latent print 1-D on there?

17 A Yes, sir.

18 Q Okay.

19 How about latent print 1-E? Is that on
20 there?

21 A Yes, sir.

22 Q And latent number 4? Is that located in
23 the first floor bathroom?

24 A That -- okay. That's not a print.

1 CROSS-EXAMINATION OF WAYNE RILEY BY MR. GEORGE

2 Q Okay.

3 A That's an area that was examined.

4 Q Okay.

5 Did you examine another area where you
6 found an unidentified print, other than on
7 that post that you're looking at?

8 A Yes, sir. The bathroom and the door frame.

9 Q Okay.

10 And is that latent print number 4?

11 A If that's what you have in your report,
12 sir, yes. Yes, it is.13 Q And latent number 5: Do you remember where
14 that unidentifiable -- is that the palm
15 print you're talking about?

16 A If I could see the report --

17 Q Sure.

18 A I could -- make that determination.

19 Yes, sir.

20 Q Okay.

21 Is that the palm print you were just
22 talking about?

23 A Yes, sir.

24 Q And is that why you ordered up, or asked

1 CROSS-EXAMINATION OF WAYNE RILEY BY MR. GEORGE

2 for these additional prints, in an effort
3 to determine who those -- these
4 unidentified, old prints belonged to?

5 A Yes, sir.

6 Q Okay.

7 And did they help you?

8 Were you able to make any determination?

9 A No. That was inconclusive. No, sir.

10 Q Were you present during the entire crime
11 scene search that was done by Mr. Pino?
12 Ron?

13 Mr. Pino, from the Public Safety Lab.

14 A Oh, from the Crime Lab. Yeah.

15 I think so.

16 Q Okay.

17 And were you with him the entire time?

18 A I don't know if he returned. I was with
19 him that night.

20 Q Okay.

21 On the night in question?

22 A Yes, sir.

23 Q And how long were you there?

24 A Ah, I believe it was until 10:00 o'clock on

1 CROSS-EXAMINATION OF WAYNE RILEY BY MR. GEORGE

2 the 24th. About 10:00 o'clock in the
3 morning, we finally left.

4 Q So, it was a long time. Seven hours?

5 A Yes, sir.

6 Q It was a long time?

7 A (No audible answer.)

8 Q And you were there that entire time?

9 A No, sir.

10 Q Now, as you were examining the crime scene,
11 you have already told us that you didn't
12 find anything of importance on the kitchen
13 door. And you didn't find any -- did you
14 examine -- are there any other doorways in
15 and out of that house, that you remember
16 today, other than a cellar door, the front
17 door and the kitchen door?

18 A Yes. There were other doors. But they
19 weren't indicated. Ah, they weren't part
20 of the crime scene, as I explained.

21 The trail.

22 What we do is we follow the -- a trail of
23 blood.

24 Q Okay.

1 CROSS-EXAMINATION OF WAYNE RILEY BY MR. GEORGE

2 I know you were following a trail of blood.

3 But were you also examining where people

4 can get in and out of the premises who

5 didn't have any blood on them?

6 In other words, you are following a

7 bloody -- you were following blood?

8 A Yes. If we -- yes. Had been there for a

9 century, or something like that? Is that

10 what you -- or?

11 Q No. I'm looking for prints.

12 Were you examining all the doorways to see

13 where a person would come in or go out may

14 or may not have left prints?

15 A We viewed the doorways. But again, we -- I

16 worked along the crime scene.

17 The entire house was not the crime scene.

18 We spent that time looking for details in

19 the crime scene, which was the foyer area,

20 that narrow area walking through the dining

21 room.

22 Q Right.

23 A As it went on the left, the angle, the

24 blood trail went to the basement door and