

APPENDIX C

The Corpus Christi Police Department's Examination of the Physical Evidence

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A. **PHYSICAL ITEMS OBTAINED AT THE CRIME SCENE; TESTS CONDUCTED; RESULTS OBTAINED**

Red = tests conducted

Item	Where found	Tests? Results?
Blood	On sidewalk outside store	No swabs taken; no tests
Blood	“smearred on the [store’s front] door handle on the inside of the door and on lower left hand side of the door”	No swabs taken; no tests, including for fingerprints
Trail of blood	From check-out counter inside store to the door to the store	No swabs taken; no tests
“Foot steps (prints)” in blood; what Escobedo (2/5/83 Supp.) called “a trail of blood, and foot prints in blood, leading from behind the counter, heading toward the door.... The trail led behind the check out counter where the whole area was in total disarray and more blood was found in the area.”	“toward the front door” (Infante)	No swabs taken; no tests; no measurements or close-up photos
Roll-about stool	“pulled out in front of the check out counter”; “chair is always supposed to be behind counter”	No swabs taken; no tests, including for fingerprints
Writing pen	On check-out counter	Not confiscated; no tests, including for fingerprints
Calculator	On check-out counter	Not confiscated; no tests, including for fingerprints
Penny	On check-out counter	Not confiscated; no tests, including for fingerprints
Winston cigarette pack (#40151)	On check-out counter	Tested for fingerprints at scene only; negative. Not tested for blood or biological material. No superglue, ninhydrin, or other laboratory tests for prints.

Paper towels scattered, "bloodied"	Behind check-out counter on floor	Not confiscated; no tests, including for fingerprints and footprints; see photo of Sgt. Escobedo standing on top of one of these towels
Cigarette butt (# 40149)	Behind check-out counter on floor	No tests
Calendar, the upper left-hand corner of which was bloodied (# 40154)	Behind check-out counter on floor (appears to have been knocked or brushed onto the floor)	No tests
Plastic bag for cold drinks, with blood pools on it	Behind check-out counter on floor (appears to have been knocked or brushed onto the floor)	Not confiscated; no tests including for fingerprints
Blood smears	Behind check-out counter on floor near back room	No swabs taken; no tests
Blood splatter, possibly multi-directional	Behind check-out counter on floor near back room on floor and wall near back room	No swabs or close up photographs taken; no tests, including blood splatter analysis
Soft drink cans from display knocked to floor	Behind check-out counter on floor near back room	Not confiscated; no tests, including for fingerprints
Victim's slap shoe, right side up (# 40147)	Behind check-out counter on floor near back room	No tests
Victim's slap shoe, bloodied sole, upside down (# 40155)	Behind check-out counter on floor near back room (nearer to back room)	No tests
Maroon-colored button (# 40148)	Red floor mat near front door	No tests; no comparison to anyone's clothing
Empty penny wrapper	Behind check-out counter on floor underneath register tray (appears to have been moved or swept onto the floor)	Not confiscated; no tests, including for fingerprints
Penny	Behind check-out counter on floor underneath register tray (appears to have been moved or swept onto the floor)	Not confiscated; no tests, including for fingerprints

Stainless steel "Pakistan" lock-blade knife with "some type of congealed body tissue, fatty substance" on it. (tagged 40153) (Infante testified that the knife was covered with blood)	On floor, "underneath the opened cash tray ... on the floor next to the side of the store safe"; behind check-out counter on floor underneath register tray near left hand side of safe as you face it and near penny wrapper and penny. Infante's report says "behind the counter ... under some shelves".	Tested for finger-prints at scene only; searched for prints at the scene only; negative. Given to Dr. Rupp on 2-9-83 "to be examined by Dr. Rupp, attempt to identify substance." No other tests, including for blood/type. No superglue, ninhydrin, or other laboratory tests for prints.
\$5 bill stained w/blood ser # B12101408 (#40150)	Behind check-out counter on floor underneath register tray	O.E. Phys Ev Submisn Form, 2/9/83: "Examine for latents, also determine if substance is blood, and type, Latents to be compared to suspect" Tested positive for human blood; ABO-type unknown; "it did not respond to tests for type." Unclear what happened re: latents.
Cash register tray w/2 \$5 bills across coin tray; other bills missing	Pulled out from register on check-out counter on south side	None of these items were confiscated; no tests, including for fingerprints; no tests of tray or bills for fingerprints or blood
Carbon paper torn from credit card receipt from "previous customer"	"haphazardly lying on top of the [cash register] tray" on check-out counter on south side	Not confiscated; no tests, including for prints; no investigation of prior customer
Blood	Smearred on cash register on check-out counter on south side	No swabs taken; no tests
Blood smears	Back side of check-out counter on south (??) side	No swabs taken; no tests

Telephone	In cradle behind check-out counter; "phone as it was on the hook" (Infante)	Tested at scene only for finger-prints; one partial print found; did not match DeLuna. Not confiscated; no superglue, ninhydrin, or other laboratory tests for prints.
"A woman's watch, "Advance Quartz" gold digital watch (# 40152)	removed from WL's wrist by ambulance attendants	No tests
Victim's purse, comb	Underneath check-out counter	No tests; give to RN at hospital "who placed it in victim's personal property"
Keys to safe	In key slot in safe underneath check-out counter	Not confiscated; no tests
"Kool Tube" (evidently some type of candy)	On floor near victim's bloodied shoe behind check-out counter and near storage room	Not confiscated; no tests
2 Miller Lite beer cans	"in the rear of the station ... in the grass" (Sgt. Fowler's offense report); on east side of gas station, near north east corner of store and between store and trash bin (Fowler's diagram); "rear of the station" (Infante's handwritten report); "out the back of the gas station on the grass" north and east of the store (2 nd pg of same)	Tested for finger-prints at scene only; "some partial prints obtained"; not useful for comparison. Not tested for saliva. No superglue, ninhydrin, or other laboratory tests for prints.
Victim's sweater found on roller stool	Gas station somewhere, by Sgt. Fowler, according to his offense rep.	No tests; give to RN at hospital "who placed it in victim's personal property"
Bloody hand or fingerprints	Stange: when store was turned over to him, he saw prints on inside of south window of gas station behind counter. Baker: when pulled up to pump gas, he heard a "bang" on the window	Not noticed/noted by police; not tested.
"36 Photos area inside the gas station where a struggle took place"; "the photos take were done under the direction of C.I.D. Sgt. Escobedo"		

B. EVIDENCE OBTAINED FROM WANDA LOPEZ; TESTS CONDUCTED; RESULTS OBTAINED

Item	Where found	Tests? Results?
Victim's beige pull-over top with lettering on the front, "worn by the victim at the time of the incident"; "heavily stained with blood" (#40254)	O.E. observed WL in these while being worked on by EMS; her parents "obtained them from the hospital"; on 2/9/83 (5 days after shooting), OE goes to Vargas home to "retrieve the victim's clothing"	No tests
Victim's bra, "worn by the victim at the time of the incident"; "heavily stained with blood" (#40254)	O.E. observed WL in these while being worked on by EMS; her parents "obtained them from the hospital"; on 2/9/83 (5 days after shooting), OE goes to Vargas home to "retrieve the victim's clothing"	No tests
Victim's white Sigmor Smock, "worn by the victim at the time of the incident"; "heavily stained with blood" (#40254)	O.E. observed WL in these while being worked on by EMS; her parents "obtained them from the hospital"; on 2/9/83 (5 days after shooting), OE goes to Vargas home to "retrieve the victim's clothing"	No tests
Victim's dark brown slacks	O.E. observed WL in these while being worked on by EMS, but these were never obtained by O.E.	Not confiscated; no tests
Blood sample	Wanda Lopez's chest cavity	O blood type
Fingernails	Wanda Lopez	No cuttings or scrapings recovered
Victim's elimination (reference) fingerprints and footprints		None obtained; on 2/8/83 "request" of ADA Jack Hunter, Olivia Escobedo ordered I.D. officers (mainly Sgt. Morales) to obtain "elimination prints from the victim's body" but they failed to go in time, before victim was buried: see Escobedo cya memo of 2/8/83

<p>Tape and mater's tape of WL call to dispatcher</p>	<p>See 2-10-83 report by O.E.: "On Sat., February 5, 1982 [sic], I left a note for Lt. Robert Klemp, #290 instructing him to make a copy of the conversation between the victim and the dispatcher on 02-04-83. This incident was recorded on the master tape in the dispatcher's office. Lt. Klemp is a Communications Supervisor and he is the one who is in charge of making recorded copies off the mater tape. On 02-07-83 I was informed by Lt. Klemp that the tape I had requested was ready. I picked up the cassette tape from him this same date. Later, this same day I was advised by Jack Hunter of the D A's office that he wanted for the Police Dep't to preserve the master tape on which the conversation between Wanda Lopez and Jesus Escochea was recorded. This information was passed onto Lt. Kelmp by Lt. Rodney Hohle, Homicide Supervisor, and the mater tape has now been preserved."</p>	<p>Transcribed in OE 2/10/83 supp.</p>
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C. EVIDENCE OBTAINED AT THE TIME OF DELUNA'S ARREST; TESTS CONDUCTED; RESULTS OBTAINED

Item	Where found	Tests? Results?
1 swab. See Schauer 1 st typed report; Parker 2/5/83 report	Alleged cuts on DeLuna's face	Tested for blood; negative
1 swab. Schauer 1 st typed report; Parker 2/5/83 report.	DeLuna's throat	Tested for blood; negative
1 swab. Schauer 1 st typed report; Parker 2/5/83 report.	Alleged cuts on DeLuna's chest	Tested for blood; negative
Fingernails	Carlos DeLuna	No cuttings of scrapings recovered
\$149 in bills: (3) twenty dollar bills, (7) ten dollar bills, (1) five dollar bill, and (14) dollar bills. (#40139) – Schauer 1 st typed report.	Right front pocket of Carlos DeLuna's pants at the time of his arrest	Tested for blood; negative. Tested for fingerprints; negative: "no prints of any value had been detected" (2/10/83 O.E. report)
Men's black slacks. (#40138) -- Schauer 1 st typed report.	Worn by Carlos DeLuna at time of arrest	OE 2/9/83 Phys Ev Submn Form: "Examine item for blood, also type." "No blood was found on the pants, shirt or shoes" (DPS's Waller 2/17/83 letter)
White tennis shoes	Found in Garcia's yards near scene of arrest of Carlos DeLuna	OE 2/9/83 Phys Ev Submn Form: "Examine shoes and determine if <u>substance</u> is possible blood." "No blood was found on the pants, shirt or shoes" (DPS's Waller 2/17/83 letter)

White button down long sleeve dress shirt	Found in Garcia's years near scene of arrest of Carlos DeLuna	OE 2/9/83 Phys Ev Submn Form: "Examine item for possible blood substance." "No blood was found on the pants, shirt or shoes" (DPS's Waller 2/17/83 letter)
Wallet. Desk tag 40139 -- Schauer 1 st typed report.	Found on CDL's person by Constable Rivera at time of initial pat down	No tests [seven though had same tag # as the \$149 in currency, it evidently was not tested for blood.]
Two 1 dollar bills. Desk tag 40139 -- Schauer 1 st typed report.	In wallet just above	No tests [seven though had same tag # as the \$149 in currency, it evidently was not tested for blood.]

D. FINGERPRINTS LIFTED BY SGT. INFANTE; RESULTS OBTAINED BY SGT. WILSON

What Infante lifted: Note other than prints listed below, Infante's report says "No other prints found". As to all of these, it says "Latents of no value". Infante's report makes no mention of print on telephone	Where lifted/attempted to lift from	Wilson's results
2 partial prints; "some latents" (SX. 27 is latent card with 1 lift of several partial prints from inside of door; SX 28 is 3 lifts, including 1 from inside glass front door.)	Inside area of glass door to store (Infante handwritten report, p.2)	"Bad quality"; did not match DeLuna
No prints	Aluminum bar handle on inside of door to store (Infante handwritten report, p.2)	
No prints: "No Latents were recovered because there were NONE."	Formica on top of check-out counter (Infante handwritten report, p.2)	
1 partial print. (SX 28 is 3 lifts, including 1 from phone behind counter.)	Telephone receiver(?) behind check-out counter (we have this on a latent card in the exhibits, but it is not mentioned in Infante handwritten report)	No discussion in Wilson's testimony; did not match DeLuna
No prints: "No prints were lifted [at scene] because simply there were NONE."	Winston cigarette pack on top of check-out counter on east side (attempt to lift at the scene: Infante report)	
"some partial prints" (SX 28 is 3 lifts, including 1 from beer can.)	One of Miller Lite beer cans found on grass to east and north of store (attempt to lift at the scene: Infante report)	Superimposed prints, so not comparable
No prints: "No prints were lifted [at scene] because simply there were NONE."	Knife covered with blood underneath cash register and check-out on east side (attempt to lift at the scene: Infante report, pp.1, 2)	