

**Drew Peterson Trial 2012 - Murder of Kathleen Savio
People of the State of Illinois v. Drew Peterson (09CF-1048)
Will County, Joliet, Illinois**

(CSI) Robert Deel Testified August 7, 2012

**A Personal Collection of Found Materials ("as is")
(Note: This is "not" an official legal court transcript)
(Dialog spacing done below for format and reading ease)**

08/07/12: Court discussion regarding objections calling CSI Robert Deel

In Session

<https://www.facebook.com/InSession>

Prior to the next witness, the attorneys approach the bench for a sidebar.

August 7 at 12:22pm · Like · 4

In Session

The jury has now left the courtroom.

The prosecution confirms that Robert Deel will be the next witness.

Attorney Steve Greenberg: "This gets into areas I think the State should not be allowed to get into... my understanding with Sgt. Deel and also Investigator Collins is that they want to get into the investigation was possibly not done probably... the problem I have with this argument is the State doing almost what the defense is supposed to do... raising reasonable doubt, trying to raise questions about the investigation. I don't think the State can do that. The inference the State wants to draw is, 'Had they done more, there might be evidence.' The problem with that is they didn't do more, and it's totally irrelevant that they didn't do things... their failure to do anything doesn't lead to any conclusion that makes it more likely than not that a crime was committed, or that Mr. Peterson committed a crime... it's burden-shifting... it's very troubling to me... so we're asking that you restrict them from getting into that."

August 7 at 12:29pm · Edited · Like

In Session

Prosecutor Coleen Griffin responds, denies that this is burden-shifting in any way. She says that witness Deel should be able to testify about this issue.

Greenberg then responds. "That's speculation... the whole thing is just irrelevant

speculation... it's burden-shifting, because they're leaving it to us to fill in the blanks... what is the relevancy of what he didn't do? It's got no relevancy."

Judge Burmila: "I can't tell the State what to argue... as far as the officer's role in the investigation, he's entitled to tell what he did in this particular case, and I believe he's entitled to tell what he would ordinarily do... but I don't believe any of those questions would lead to burden-shifting... the State is not going to be allowed to infer that there were fingerprints or blood and they missed it, and if they had only found it it would have proved the defendant was there... they can't ask the jury to speculate as to what they would have found if they'd done more... if they ask a question that Mr. Peterson believes is inappropriate, I'm sure that he'll object."

August 7 at 12:32pm · Like · 2

In Session

August 7

WATCH THIS THREAD FOR LIVE UPDATES FROM THE DREW PETERSON MURDER TRIAL

The judge sends for the jurors. Once they're back inside the courtroom, the prosecution will call its new witness, Robert Deel, the Illinois state police evidence technician who gathered evidence in Savio's bathroom where she was found dead in her bathtub.

08/07/12: Prosecutor Kathleen Patton on direct examination

In Session

The jurors are now back in the courtroom, and the prosecution calls its next witness:

Robert Deel (questioned by prosecutor Patton).

"I'm a state police officer, with the Illinois State Police... seven years this December."

He briefly goes over his training and experience in law enforcement.

August 7 at 12:36pm · Like · 5

In Session

He was not on duty when he received a call on March 2, 2004.

Pursuant to that call, he was dispatched to the Savio house in Bolingbrook.

"There was a death investigation, and I was asked to go and process the scene... I arrived

around 1:30 in the morning.”

As part of his investigation, he took photographs at the scene.

He is then handed a lengthy series of photos, and asked to look at all of them (which takes quite a while).

“Are these photographs you took at the scene and at the autopsy?”

“Yes, they are.”

August 7 at 12:49pm · Like · 4

In Session

When the witness arrived at the scene, it was explained to him “that the victim had been found dead in the bathtub... and that the victim was the ex-wife of a Bolingbrook police officer, and that Bolingbrook had requested that the State Police handle the investigation because of that fact.”

The first thing he did was look for any signs of disturbance or break-in, “eventually working my way up to the bathroom.”

He was looking for “anything that seemed unusual, anything that didn’t seem right... anything that just didn’t seem to be normal.”

“Did you observe the escape windows leading to the basement?”

“I remember walking around to see if there were windows there; they were closed.”

“You didn’t check to see if they were locked or unlocked?”

“I don’t believe so, no... my main focus inside the house was the area where she was found.”

“Did you go through all the rooms?”

“No.”

August 7 at 12:51pm · Like · 3

In Session

The witness is shown a photograph, and notes a can “of something” in the bedroom that can be seen in it (“Spot Shot”).

“Did you see that can?”

“Yes.”

“Feel it was of any evidentiary value?”

“No.”

“Did you process it?”

“No, I did not.”

After checking out the master bedroom, he moved to the master bathroom.

“Had you ever been in that room before?”

“No.”

“So you wouldn’t really know if anything was out of place, would you?” Objection/Sustained.

“The doorway leading into the bathroom was open; I could see that the tub was at the far end of the room. I could see a little of the body inside the tub.”

August 7 at 12:54pm · Like · 4

In Session

The witness now identifies a photograph “showing the overall location of her body as it was that day.”

“Can you see what appears to be a redness or mark on her left buttocks?”

“Yes.”

“Do you recall seeing it that day?”

“Not particularly. But it’s in the photo.”

A second photo of the victim in the tub is shown to the witness.

“Did you see a wine glass anywhere?”

“I don’t recall one.”

Another photo shows

“her in the tub, taken at a slightly different angle... her head, and the location of items around the tub.”

August 7 at 12:56pm · Like · 3

In Session

“When you observed the tub, and the body in the tub, what if any conclusions did you come to?”

“That there was a dead person in the tub.”

“Anything else?”

“Not particularly.”

“Did you want to talk to anyone about the body?”

“I did not speak to paramedics,”

“Did you contact them, to ask them any questions?”

“No, I did not.”

“Did you speak to any family members?”

“There were none there.”

“Did you talk to the police about her friends or family, any other information you might obtain?”

“That was all outside my duty... I did not speak to anyone.”

“You went to the room and saw the items and the tub and the body... did you process the tub for fingerprints?” Objection/Overruled.

“I did not, no... it was unclear as to what had happened to her, whether she'd fallen in the tub, had committed suicide... so I made the decision that the best cause of action was to remove the body.”

“At that time, you saw nothing that made you think it was a homicide?”

“I did not think it was a homicide at that time... I can only look to see if things to me appear askew or in disarray... I could tell that nothing appeared to me to be disturbed or out of place.”

August 7 at 1:01pm · Like · 4

In Session

“Did you think that she may have fallen?”

“Yes.”

“Did it concern you that nothing fell down, only one item in the tub?”

“ No.”

August 7 at 1:01pm · Like · 6

In Session

Judge Burmila: “This appears to be an appropriate place to take a break.

The jurors’ lunch is here.

We’ll reconvene at 1:15 [CT].” The trial is in recess until 2:15 ET.

August 7 at 1:02pm · Edited · Like · 3

In Session

The judge has left the bench, and the trial is in recess until 1:15 CT/2:15 ET.

August 7 at 1:02pm · Like · 4

In Session

August 7

WATCH THIS THREAD FOR LIVE UPDATES FROM THE DREW PETERSON MURDER TRIAL

The parties have returned to the courtroom.

Judge Burmila returns to the bench.

He sends for the jury, and witness Robert Deel returns to the stand.

In Session

The jurors are now back in the courtroom, and prosecutor Kathy Patton resumes her direct examination of Illinois State Police officer Robert Deel.

“Do you recall when you observed the tub, did you observe anything about the drain?”

“The drain was closed... there was no water in the tub.”

August 7 at 2:30pm · Like · 12

In Session

The witness is now shown another photograph.

“Is that one of the autopsy photos that you took?”

“It is... it’s a close-up photograph that was taken of the back of the witness’ [sic] head.” ‘

Did you see any injuries to her head?”

“When we took her out of the tub, we knew that she was bleeding from the head, because we got blood all over our gloves. But I did not do an examination to see what kind of injury she had.. that’s beyond the scope of what I’m supposed to do.”

Another autopsy photo is identified.

“Did you see that injury that night?”

“I don’t particularly recall... but I did note that she had various bruises and injuries about the body.”

“Were those injuries important to you?”

“Not at that time, no.”

August 7 at 2:34pm · Like · 4

In Session

“Did you look at the surfaces of the bathroom?”

“I examined the bathroom, yes.”

“Did you take any evidence from that bathroom?”

“Just the photographs that we collected as evidence.”

“Was there a garbage can in that bathroom?”

“I don’t remember.”

“Did any investigator ask you to look at any evidence in the bathroom?” Objection/Sustained.

Judge Burmila then asks the parties to approach the bench (“for a second”).

August 7 at 2:37pm · Like · 3

In Session

The sidebar ends, and the direct examination continues.

The witness says he has received forensic light source training.

“It allows light to be used, with goggles; that will allow you to see things not often visible to the naked eye.”

“Did you use any of those in the Savio residence that evening?” Objection/Sustain.

“You looked around the house... did you go into all of the rooms on the second floor?”

“I did not, no.”

“On the first floor?”

“Maybe, maybe not. I don’t remember all of the rooms I went into on the first floor.”

In addition to the bedroom and bathroom, he took photos in other rooms as well (“in the garage, outside the house, and in the kitchen, I believe”).

He identifies a photo that shows “a blister pack of pills and a glass of orange juice” that he saw in Savio’s kitchen.

“After taking that photograph, did you do anything else in the kitchen?”

“Not that I recall, no.”

August 7 at 2:39pm · Like · 4

In Session

Prosecutor Patton asks for a sidebar.

August 7 at 2:39pm · Like · 3

In Session

The sidebar ends.

The judge asks the jury to be taken from the courtroom.

August 7 at 2:40pm · Like · 2

In Session

The jurors are now gone.

Judge Burmila: "Do you want to put your objection on the record?"

Defense attorney Steve Greenberg: "There are a thousand different things an investigator can do at a scene... they want the jury to think his investigation was incomplete, and there's something else out there blowing in the air. And they're the prosecution; they can't do that... they're asking all these questions, 'did you do this?', 'did you do that?' that they know he didn't do, because they want to plant the idea with the jury that the investigation was incomplete... they're trying to create this inference that a poor investigation was done... and there's no reason for the prosecution to try to put before a jury that the investigation was poorly done, no legal basis for them to ask these questions, because there's no legal or factual inference that can be drawn that helps the prosecution... it's just totally improper; it's not evidence. It's the absence of any evidence. And the prosecution can't do that."

August 7 at 2:46pm · Like · 3

In Session

Prosecutor Patton responds: "There's no argument to be made for what the defense believes our argument later is going to be... we believe it's important at the end of the day for the jury to understand what was done and what was not done in this case... we are not asking why necessarily, we're just asking him what he did and what he didn't do."

Greenberg: "But just saying 'we didn't do this stuff' means nothing... it's not a fact; they're not proving any fact, establishing any fact by this evidence."

Judge Burmila: "As I said before, the State is the captain of their own ship... asking the investigator the question, 'Did you take any fingerprints?' I don't see how that's objectionable, and it's one they can ask the office. If the State thinks they're going to argue that if they'd looked harder they would have found Mr. Peterson's fingerprints, ask the jury to speculate, it's not going to happen... if they can't tie any of this stuff, it's not going to come in under this guise. But if they want to ask the witness, I can't stop them from doing that. And I don't see how it prejudices Mr. Peterson."

August 7 at 2:49pm · Like · 3

In Session

Greenberg responds, argues with the judge's ruling.

"It's not probative... it's not establishing anything."

Judge: "We're going to give the jurors a complete set of instructions to follow. If we need to give them an additional instruction, we'll give them an additional instruction... you've made your record. They're [the State] going to be allowed to ask the question. If they follow up with others, and you feel the need to make another objection, you go right ahead."

With that, Judge Burmila asks to have the witness and the jurors returned to the courtroom.

August 7 at 2:51pm · Like · 6

In Session

Everyone is now back in the courtroom, and Ms. Patton continues her direct examination.

"You are now looking at a photograph of the orange juice in the kitchen... did you take any fingerprints from any items on that counter?"

"No."

"When you were finished walking through the house and taking photographs, what's the next thing you did?"

"I completed a sketch of the bathroom with the victim still there... and then she was transported to the coroner's office."

"Who made that decision?"

"I did, I guess... ultimately, I decided it was time to move the body."

"Did you know deputy coroner VanOver?"

"I knew who he is, but we're not friends."

"At some time, between the two of you, you decided it was time to move the body?"

"Yes... I put on gloves, we lifted her from the tub, put in a body bag, put on a gurney, and put in the back of his van... we just got her out of the tub; it's not a graceful or pretty sight."

August 7 at 2:56pm · Like · 3

In Session

“We do the best we can to lift her up... ultimately, she’s going to go into the body bag. I would imagine we probably had it on the floor, but I don’t really recall... I don’t remember where the body bag was, on the gurney or on the floor.”

“But this all took place in the bathroom?”

“Yes.”

“What’s the next thing that happens?”

“She would be placed on the gurney, strapped down, and then ultimately taken downstairs, placed in his van, and transferred to the coroner’s office.”

“Did you do anything to her hands?”

“I placed paper bags over both of her hands, and sealed those with tape.”

“And when you were handling the body you were wearing gloves?”

“Yes.”

“After you secured the body in the bag, did you go down the stairs to the first floor?”

“Yes... I imagine there were probably quite a few people there... I know me and the deputy coroner were there; I don’t remember how many other people.”

Once again, the witness says that Savio’s body was eventually placed in the back of VanOver’s van.

August 7 at 2:57pm · Like · 4

In Session

“Once the body was out of the house, did you secure the scene?”

“Once the body was out of the house, I was out of there... after the autopsy, we’d have some idea what had occurred. And if it was necessary to return to the house, we could go back there.”

“Did you secure the scene?”

“It’s not my responsibility to secure the scene.”

“So when you left that residence, you had no idea if the scene was secured or not?”
Objection/Sustained.

August 7 at 2:59pm · Like · 4

In Session

Ofc. Peel attended the autopsy the next day, and took photograph there (“I believe we were still using film back then”).

So you weren’t able to show the pathologist any photos that you had taken at the scene?”

“No.”

August 7 at 3:01pm · Like · 5

08/07/12: Defense Attorney Joel Brodsky on cross examination

In Session

The direct examination is now finished, and defense attorney Joseph Lopez begins his cross.

“The State started by asking you questions about your training... 27 years ago you were in the academy?”

“Yes, Sir.”

“You were once a regular patrol officer, and then moved to become an investigator?”

“Yes.”

His first investigative job was in Internal Affairs (“for about a year and a half”).

“How many fellow officers did you investigate?”

“Eight or ten, probably.”

“Were some of them accused of serious crimes?”

“The most serious, I think, was a battery.”

“Did you give him a break because he was a fellow officer?” Objection/Sustained.

August 7 at 3:02pm · Like · 4

In Session

“Most of the investigations were policy violations, that kind of thing. But there was a trooper

accused of sexual assault, and one accused of battery... we were charged with investigating those.”

“What did you do next?”

“I went back to the patrol division... for another year or so. Then I was assigned to general criminal investigations... we conducted all types of criminal investigations... pretty much anything that came in. I was assistant squad supervisor... I was there for probably five years.”

“How many serious crimes do you think you investigated?”

“Probably a couple hundred.”

“How many homicides?”

“Maybe eight or ten.”

August 7 at 3:05pm · Like · 4

In Session

Deel continues to go over his history with the Illinois State Police.

“You were actively involved in all these different kinds of crime investigations?”

“Yes.”

At one point, he was also assigned to the Marine Unit (on Lake Michigan).

“You investigated a lot of drowning deaths?”

“There were a few.”

“About 50?”

“That would be a good guess... I don’t know if any were a homicide; most of them were accidents... there were a few suicides, too.”

August 7 at 3:08pm · Like · 4

In Session

The witness is now asked about the proficiency or competency tests he is regularly required to take.

“You did pretty well on those tests, didn’t you?” Objection/Sustained.

“You always were tested as proficient?”

“Yes.”

August 7 at 3:08pm · Like · 4

In Session

In August, 2002, he moved to the Crime Scene Investigations unit (at his request).

“You would get actually mock crime scenes, and have to do the investigation and pass that test?”

“Yes.”

“And there were mock court scenes, so you’d know how to act in court?”

“Yes.”

“And you passed as proficient in all of that?”

“Yes.”

August 7 at 3:09pm · Like · 5

In Session

“You’ve processed over 500 crime scenes?”

“Yes, Sir.”

“You’re trained to look for people who have tried to cover their tracks?”

“That’s part of it, yes.”

“You’re trained to try to pick out the signs that somebody tried to cover their tracks?”

“Yes, Sir.”

“And that’s something you’ve come across before?”

“I have, yes... it’s one of the things you look for... at least to be aware it’s a possibility someone would try that, yes.”

“Ever come across where somebody after death fires a gun?”

“Yes.”

“How does that happen?” Objection/Sustained.

August 7 at 3:11pm · Like · 3

In Session

Deel describes a crime scene where it originally looked like a homicide, but it turned out to be a suicide (as rigor mortis set in, the corpse’s tightening muscles actually fired another round).

“This is not something for amateurs?”

“ No.”

August 7 at 3:12pm · Like · 4

In Session

The witness repeats that he arrived at the Savio home around 1:30 on the early morning of March 2, 2004.

“Did you see Drew Peterson then when you arrived?”

“No.”

“Had you ever met Drew Peterson before?”

“No.”

Michael VanOver (and others) were present when he arrived.

“The first thing you did was take a survey of the house?”

“Yes.”

“As you’re walking around the house, you’re looking for anything out of order?”

“Yes.”

“You looked at the windows, the basement windows, from outside?”

“Yes.”

“And nothing was out of order?”

"No."

"You didn't see any footprints, or smudge marks?"

"No."

"So everything looks secure?"

"Yes."

August 7 at 3:16pm · Like · 4

In Session

Deel then went into the Savio house.

"The first thing you did was go around the first floor of the house?"

"Yes."

"To see if there was anything unusual?"

"Yes."

Another trooper walked around with him.

"Neither of you saw anything that was out of place?"

"No."

August 7 at 3:16pm · Like · 3

In Session

The witness is shown a photograph that shows the orange juice in the kitchen.

"Somebody asked... I don't recall exactly who asked me to take that picture."

"That might be an indication as to what time of day the person in that house might be alive?"
Objection/Sustained.

"After going around the first floor, then you went upstairs to the bathroom?"

"Yes."

"Deputy Coroner VanOver was up there?"

"I believe he was already up there."

"At some point, Investigator Collins showed up?"

"I don't remember when he showed up."

"But he was there?"

"Yeah."

August 7 at 3:18pm · Like · 3

In Session

"One of the things they did was gather up any pharmaceuticals in the house?"

"I believe they did, yes."

The witness tries to give a description of his duties as a crime scene investigator.

"We use our training, our observations, our experiences to try to figure out the most logical scenario as to what happened at the scene."

He then contrasts that with the duties of the coroner's investigators.

"Our focus is on things that are there... the scene securement is to help me focus completely on what I'm doing."

"Your job isn't to interview witnesses?"

"No."

"And the deputy coroner's job is as an investigator?"

"They are an investigator, yes."

"And their responsibility is the body?"

"Yes."

"VanOver collected the pharmaceuticals?"

"I don't know... those would be his responsibility, yes."

August 7 at 3:26pm · Like · 2

In Session

“In the bathroom, you saw nothing out of place?”

“Correct.”

“You pointed out that “Spot Out” there... know if that’s for animal stains?”

“I don’t know.”

“You have cats?”

“I have two dogs.” Objection/Sustained.

August 7 at 3:26pm · Like · 2

In Session

“In the bathroom, you saw no sign of a disturbance, nothing out of place?”

“Other than the victim in the tub, yes... there was small items that looked where they belonged; nothing was broken. Things looked like they had been normally placed there... the position of the body was consistent with where it should be and how it would have been from the time of death. There was no indication the body had been moved, or anything along those lines... it looked to me as if it was a normal bathroom; nothing appeared to have been damaged, disturbed, or moved.”

August 7 at 3:27pm · Like · 4

In Session

The witness is shown a photograph.

“These items to the right... you’re referring to them as little items that were not out of place?”

“Yes.”

“The counter, those look like contact containers?”

“Yes.”

“And those little items in the back, all perfectly in place?”

“Yes.”

August 7 at 3:31pm · Like · 3

In Session

CORRECTION: This is actually Joel Brodsky, NOT Joe Lopez, who is conducting the cross-examination.

“Does movement of the body cause blood to come out?”

“Yes.”

“And you saw blood on your gloves... that’s when you noticed the laceration in the scalp?”

“I knew she had had to have some kind of injury to cause the bleeding.”

“But you didn’t do a more thorough investigation, because that’s the job of the coroner?”

“Yes.”

August 7 at 3:32pm · Like · 3

In Session

Another photograph shows a towel.

“This towel was there when you took this picture?”

“Yes.”

“That towel is folded up, correct?”

“As we see it there, yes.”

“Know if that towel might have been moved from the floor, where it was used as a ledge?”

“I do not know.”

“If there was a bath mat on the floor, and one of the investigators moved it, that would be wrong?” Objection/Sustained.

“That would be wrong.”

“Did you ever ask VanOver or Deputy (?) if they had moved that towel?”

“I did not, no.”

August 7 at 3:35pm · Edited · Like · 3

In Session

The witness repeats that he took photos of the outside of the house.

“That’s just something you thought you needed to do, to document the scene?”

“Yes.”

August 7 at 3:35pm · Like · 3

In Session

The witness is shown another photo.

“See those little towels up there?”

“Yes.”

“They were there when you came into the bathroom?”

“Yes.”

“And this little terrycloth towel, and this blue robe beneath it?”

“Yes.”

“Those were all there when you came into the bathroom?”

“Yes.”

August 7 at 3:35pm · Like · 4

In Session

“When you came to take the body out of the tub, you had bagged the hands of Ms. Savio before she was removed from the tub?”

“Before she was removed from the tub... the purpose is in the event there was any kind of a struggle, and the DNA or any other material under the fingernail would be preserved in that bag.”

“So when you bagged those hands, you still had a open mind as to what had occurred?”

“No.”

“You didn’t see any sign of a struggle in that house?”

“No... it’s just a procedure we go through, to make sure we don’t miss any evidence. We didn’t really know what had happened to her... so we just put the bags on there to ensure that that didn’t happen.”

August 7 at 3:38pm · Edited · Like · 4

In Session

“You’ve seen crime scenes before where people were fighting for their lives?”

“Yes... someone fighting for their lives is a pretty intense thing.”

“Nothing even close to that here?”

“No.”

“Ever hear of the concept ‘first blow free’?”

“I know what you’re talking about.”

“You were looking for a point where her head might have come into contact with the tub?”

“No... when an object strikes your head, and opens the skin for bleeding, there’s no transfer... the first blow lays open the wound, and therefore there would be no blood transfer to that object.”

“If there was a second blow, then there’d be blood spatter?”

“Even if that is not a given... it takes a repeated blow to the same area.”

“But Ms. Savio had only one injury to the head?”

“Yes.”

“In this case, there was no blood spatter that you found?”

“No.”

“And you looked for it?”

“Yes.”

"If that cut, that injury on her head had occurred elsewhere in the house, and she'd been moved to the tub, what would you have expected to find?" Objection/Sustained.

"A head wound bleed pretty profusely?"

"Yes."

"See any sign of a blood trail in this case?"

"No."

"Is that something that could be easily hidden?"

"Absolutely not."

"And you looked for it?"

"I did... but it was contained to the bathroom. Once there was nothing there, there was no reason to continue."

"That led you to the conclusion that Kathy died in the bathroom, and in the bathtub, correct?"

"Yes."

August 7 at 3:44pm · Like · 5

In Session

"After Kathy's body had been removed, you measured the tub?"

"Yes."

"And you made a drawing of the tub, from those measurements?"

"I did."

"How long did you take to measure this tub, and make all your measurements and observations?"

"At least a half an hour, maybe a little longer."

The witness is now shown this drawing.

"This is something that you use in the investigation?"

"Yes."

“How long did you spend in the house that night?”

“At least two hours, maybe a little longer... I left around 3:30; I’d have to look at my report to be sure.”

“You process all death scenes the same way?”

“Yes.”

“So in your mind, there’s no such thing as a suspicious death protocol, they’re all the same?”

“I’ve never even heard of a suspicious death protocol.”

August 7 at 3:44pm · Like · 5

In Session

Savio was wrapped in a white sheet, and then placed in a body bag.

“And you then attended the autopsy, performed by Dr. Mitchell, and took photographs?”

“Yes.”

“And you’ve attended 400 autopsies?”

“More than that.”

“You also said previously that at the death scene you didn’t see any bruises that raised any suspicions to you?”

“Correct.”

“You did see some bruises on the body, though?”

“For the most part, it appeared to be typical bruising people have on their bodies from daily life, not from trauma.”

“And you didn’t see any signs of beating on Kathleen Savio’s body?”

“Correct.” Objection/Overruled.

August 7 at 3:47pm · Like · 3

In Session

The witness is shown a photograph of Savio’s body.

“Would you call this an injury?”

“No.”

“It’s not indicative of any beating or anything?”

“No.”

“Nothing was hidden during the autopsy?”

“No.”

“Who was at the autopsy?”

“Me, Dr. Mitchell, a technician, the deputy coroner might have been there.”

“Was there a discussion about what they felt the nature of Kathy Savio’s death was?”

“Yes.”

“Did Dr. Mitchell express any opinion as to what the manner of death was?”

“He did... he told me that her death was not a homicide.”

“You knew Dr. Mitchell?”

“Very well.”

“He passed away about two years ago?”

“Yes.”

“Did he ever waver in his opinion that Kathy Savio’s death was not a homicide?”

“No.”

August 7 at 3:52pm · Like · 3

In Session

Brodsky is now trying to get the witness to acknowledge that the State’s Attorney’s office is “not happy” with his handling of this case.

That prompts a prosecution objection, and Judge Burmila calls the parties to a sidebar.

August 7 at 3:52pm · Like · 4

In Session

The jurors have just been taken from the courtroom.

Judge Burmila asks the prosecution if it ever filed a complaint about the witness' performance in this case.

Brodsky says that was a letter about this, and the judge asks to see it.

"We'll take a brief recess."

August 7 at 3:55pm · Edited · Like · 3

In Session

Judge Burmila has left the bench.

Brodsky has alleged that there was a letter written by the Will County State's Attorney's office to Deel's supervisors complaining of his work in this case.

Court is in recess until this letter can be produced, so the judge can personally see it.

August 7 at 3:55pm · Like · 4

In Session

Everyone continues to mill around in the hallway outside the courtroom.

Some of the defense attorneys are inside the courtroom, but others are hanging out in the hallway.

The prosecution team seems to be completely missing in action.

August 7 at 4:19pm · Like · 5

In Session

August 7

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The parties are going back into the courtroom.

Judge Burmila is back on the bench.

“Are we ready to bring the jury back in?”

“Yes, Your Honor.”

The jurors and the witness return to the courtroom... but there’s no mention of the letter that led to the recess.

In Session

Judge Burmila sustains the last objection.

“The jury will disregard the question about the complaint.”

Brodsky: “To this day, it’s still your opinion that Kathy Savio died in an accident?”

“Yes, Sir.”

That ends the cross-examination of Robert Deel.

August 7 at 4:44pm · Like · 3

08/07/12: Prosecutor Kathleen Patton on redirect examination

In Session

Prosecutor Patton begins her redirect.

The witness says that it’s always been his training that “any un-witnessed drowning would be determined as unknown or unexplained.”

“And it appeared to you that this person drowned?”

“I didn’t know how she died.”

“You saw blood coming from her head, and you didn’t look to see what caused it?”

“That is the job of the coroner.”

“But you didn’t even look at her head?” Objection/Sustained.

“I could tell the blood was coming from her head; she also had blood from her nose and mouth... but, again, all of those things are for a pathologist to determine.”

“You’re not a trained medical person?”

"No."

"So you don't know what blood in the tub was purge and what might have come from her head?"

"I know what I think it was . . . that purge was part of the natural decomposition."

"But you just saw blood in the tub? You didn't run tests on that blood to see exactly where it came from?" Objection/Sustained.

August 7 at 4:48pm · Like · 3

In Session

"You said the position of the body would be a position that she would have just floated into, and that made sense to you?" Objection/Sustained.

"Did you say that position of the body looked like a position she would have been found in if she drowned?"

"That's not what I said... I said her body appeared not to have been moved, and in a position I would expect her to be in in that tub."

"With her feet pressed back?"

"I didn't have an issue with that."

August 7 at 4:49pm · Like · 4

In Session

"Did you notice that the contact lens case was open and upside down?"

"Yes."

"Know if there were contact lenses in her eyes when the autopsy was performed?"

"I do not know."

"Know if there were contacts in the tub?"

"I wear contacts, and I know what they look like. If I had seen them in the tub, I would have noted them."

"You said you didn't see a blood trail... did you look in every room for a blood trail?" Objection/

Sustained.

“You looked around the bathroom and didn’t see any blood there?”

“Other than in the tub.”

“Did you consider if blood could have been there and wiped away?” Objection/Sustained.

“One of the things that could cover up a crime scene would be to wipe away blood that was there?” Objection/Sustained.

August 7 at 4:52pm · Like · 3

In Session

“Dr. Mitchell told you he thought this was undetermined?”

“He told me that once.”

“It was at a later date that he told you that?” Objection/Overruled.

“He told me that he thought the case should have been determined as an undetermined death.”

August 7 at 4:52pm · Like · 16

In Session

“When you did a diagram of the tub... the tub that you used wasn’t at all the same size or shape of the tub at the Savio residence, correct?”

“I didn’t actually complete that diagram. I did a sketch at the scene, a rough sketch that was turned into a field sketch. Someone in Springfield actually did that finished sketch that’s in your hand... that finished diagram was done by somebody who was never at the scene.”

“And it appears to be a long, rectangular bathtub?”

“Well, you’re holding it, and I’m not.”

“You didn’t make any change to that, to reflect the actual bathtub that was at the scene?” Objection/Overruled.

“The body is correct, and the measurements are correct... the measurements and locations reflected on the diagram are correct.”

“But it makes it appear that there’s a lot of bathtub on either side, doesn’t it?”

"I wouldn't argue with you there."

August 7 at 4:55pm · Like · 10

In Session

The witness repeats that he saw no signs of a struggle.

"You don't know what happened prior to that drowning, do you?"

"No."

"Ever take into consideration that a person can be overcome without a struggle?"
Objection/Sustained.

August 7 at 4:57pm · Like · 11

In Session

"If the wound to her head, which you didn't check to see..." Objection/Sustained.

"If the wound to her head was..." Objection/Sustained.

"Are there certain types of wounds to the head that if you see them you would not want to move the body?" Objection/Overruled.

"Not that I can think of, no."

August 7 at 4:59pm · Like · 3

In Session

"If you look at the position of the body, and the feet of that person . . . are the feet you drew on that drawing the same position as you saw in that tub?"

"I didn't draw that drawing . . . somebody in Springfield did that, based on my measurements . . . it's a computer-generated diagram, and I don't have control over the icons or whatever you call them that can be placed into them . . . it's merely to show the size of the room, and the placement of things in the room."

"So they didn't depict what was really in the room?" Objection/Sustained.

August 7 at 5:07pm · Like · 6

In Session

“You didn’t show Dr. Mitchell any photographs at the autopsy?”

“There were no photographs at that time to show, no.”

This concludes the redirect examination.

August 7 at 5:07pm · Like · 3

08/07/12: Defense Attorney Joel Brodsky on recross examination

In Session

Attorney Brodsky begins his recross.

“I’m going to show you this diagram that was prepared in Springfield . . . see in the lower left hand corner . . . what does that say?”

“That this diagram is not in scale . . . it was never intended as such.”

“The dimensions are correct?”

“Yes.”

August 7 at 5:07pm · Like · 4

In Session

“Are you the one who did the test of water draining out of that tub?”

“No, someone else did it.”

“That floor was grouted?”

“Yes.”

“That would make blood very easy to see?”

“Yes.”

“You looked for blood, and you didn’t see any?”

“No.”

“You know the difference between blood and purge?”

“Yes.”

“Purged blood has a different texture, a different look?”

“Yes.”

“And the blood in the bottom of the tub when you got there was purged blood?”

“Yes.”

August 7 at 5:07pm · Like · 4

In Session

Deel didn't do a full examination of the house “because that's the job of investigators.”

“This was the position you'd expect a body to be in this tub?”

“Yes.”

“Because of the interior of the tub?”

“Knowing that the most common type of household accident is a slip and fall injury, and then to see the position of her body in that tub, I believe that's consistent with somebody slipping and dropping down . . . there's only so much room in the tub to land.”

“Your friend, Dr. Mitchell . . . he said maybe this should be classified as undetermined?”

“Yes.”

“Did he also say at the same time that Kathy Savio's death was still not a homicide?”

“Yes.”

That concludes the testimony of this witness, and he is excused.

August 7 at 5:11pm · Like · 7

08/07/12: Court discussion regarding witness Patrick Collins

In Session

Before the next witness can be called, the State has some issues it would like to discuss.

The jurors are removed from the courtroom.

Prosecutor Connor says the next witness will be Patrick Collins, and Connor wants to discuss possible hearsay issues regarding this issue.

Attorney Greenberg jumps in, says the hearsay issue here involves Stacy Peterson, and is something that Judge White previously excluded.

“Judge White ruled that there wasn’t going to be any false alibi testimony . . . I don’t know any evidence that has come in that would change the prior ruling on the motion in limine that we presented in 2010.”

August 7 at 5:14pm · Like · 3

In Session

Connor also notes that there were computer dispatch calls made by Kathleen Savio in 2002 and 2003 regarding visitation problems.

“Two of them in particular are calls from Kathleen Savio that she might be running a little late . . . some are from the defendant, saying he’d been refused to receive the children. The foundational elements have been stipulated to already. We’re offering them to show the state of mind of Kathleen Savio.”

Greenberg: “I thought her state of mind was irrelevant.”

Judge: “What is relevant about her state of mind?”

Connor says the point is only that Savio documented these exchanges.

Greenberg: “I still don’t see what the relevancy is . . . the first is a dispute as to when the children should be returned. The second is that he dropped the kids off 30 minutes late. And the third is that Stacy called her names when the children were dropped off . . . and then she calls the police department to say the kids are sick, and the police should notify Drew that he cannot have his visitation . . . she may be late for her 5:00 pick-up, that she sent Stacy Cales a certified letter warning her to stay away, that she is complaining about the physical condition of the children when they were returned. Then there’s a call that she refused to release the children to Drew at 5:00, and then Drew calling in a battery on her. They go up to November of 2003; most of them are in 2002. I don’t know what that has to do with anything in this case.”

Judge: “The phone calls regarding the transportation of the children will be admissible. The phone calls regarding the name calling will not be admissible.”

Greenberg: “These calls are her not returning the children, not Mr. Peterson . . . we didn’t think this was coming in because of the prior hearings . . . the last one is the only one dealing with visitation times, and on that one they apparently had a dispute about what time the children were to be returned.”

Judge: "The State has to demonstrate whether this was a homicide, regardless of whether Mr. Peterson committed the homicide. So these phone calls are going to be admitted for that."

Connor wants to have a police dispatcher read summaries of what the calls were;

Greenberg complains that the actual calls are not available.

August 7 at 5:23pm · Like · 5

In Session

Greenberg insists that the original phone conversations with police dispatch have been destroyed, and all that are left are summaries.

Connor: "Again, it's not offered for the truth of the matter asserted . . . the issue is what was her state of mind when she made her calls? As Your Honor has previously ruled on habit testimony, specific acts of conduct are admissible . . . we're offering it to show she is documenting return and drop-off issues with the Bolingbrook Police Department."

Greenberg: "Again, I just don't understand . . . they have no authority. Do they have a case that says they can do this? . . . how can we cross-examine about what was said? It totally violates everything."

Judge Burmila goes over some of the reports, decides that most are inadmissible.

For three, however, he will allow the State to ask dispatchers if calls were made, but not go into details about them.

August 7 at 5:26pm · Like · 3

In Session

The judge and attorneys return to the first issue.

"You want to use the actual words that she told the police?"

"Connor: "Correct, Your Honor . . . basically, his ruling was that we had to approach before we put this on."

Greenberg: "Yes, that they had to approach the explain the reason for it."

Judge: "And now you want to use the actual alibi?"

Connor: "Yes."

Judge: "What is the relevance of what she actually told the police?"

Connor: "Her statement mirrors the defendant's almost exactly. And there will be testimony about the defendant's presence during her statement."

Judge: "Why is this actual statement relevant?"

Connor: "Well, she's been instructed to lie . . . obviously, if she were to come in and tell the truth and the story she tells is basically unrelated to anything the defendant says, that would be a significant issue."

Judge: "But is it relevant whether she followed through or not?"

Connor: "As the defendant is sitting with her in this interview, helping her to come up with answers, what those answers are obviously becomes relevant."

August 7 at 5:30pm · Like · 3

In Session

Greenberg: "They have no evidence that this is a false alibi. Absolutely none."

Judge: "That's what troubles me."

Connor: "It's not just the defendant or Neil Shori, or the defendant's statement the day before . . . receipts maintained for three years. That was a time frame he wanted an alibi for."

Greenberg: "Because he has evidence of his alibi it must be false? That's what I'm hearing. How can you put in a false alibi that's the truth?"

August 7 at 5:33pm · Like · 3

In Session

Judge Burmila makes his ruling: "I'm with you [the State] about 95% . . . I agree it's admissible that the defendant asked for a professional courtesy and wanted to sit in with his wife . . . we don't know if she subsequently lied, just that he asked her to lie. Her statement to the police at this point is inadmissible. If the defendant testifies and it becomes relevant, we'll revisit it."

Connor then asks the defense to look at some phone records he'd like to introduce through the next witness.

Judge: "How long will this next witness be?"

Connor: "At least 45 minutes on direct."

The judge suggests that everyone stay late tonight to finish the direct of Pat Collins . . . but

after a conference with the other prosecutors, Connor reports that “we have a shorter witness we could put on.”

With that, the judge sends for the jurors.

August 7 at 5:38pm · Like · 3

In Session

A new thread will start when the next witness is called.

August 7 at 5:39pm · Like · 5
