

1 SUPERIOR COURT OF NEW JERSEY
2 CRIMINAL DIVISION-HUDSON COUNTY
3 INDICTMENT NO. 0435-03-07
4 APP. DIV. NO. A-3348-11T3

5 STATE OF NEW JERSEY :
6 :
7 COMPLAINANT : TRANSCRIPT
8 : OF
9 -vs- : PROCEEDINGS
10 : (TRIAL)
11 ELMO M. RIVADENEIRA :
12 :
13 DEFENDANT :
14 - - - - -

15 Place: Hudson County Courthouse
16 595 Newark Avenue
17 Jersey City, NJ 07306
18 Date: September 28, 2011

19 BEFORE:

20 THE HONORABLE PAUL M. DE PASCALE, J.S.C.

21 And a Jury

22 TRANSCRIPT ORDERED BY:

23 HELEN C. GODBY, ESQ.
24 (OFFICE OF THE PUBLIC DEFENDER)

25 APPEARANCES:

26 JOHN R. MULKEEN, ESQ.
27 (ASSISTANT PROSECUTOR, HUDSON COUNTY)
28 FOR THE STATE

29 JOHN ZUNIC, ESQ.
30 (JOHN ZUNIC, ESQ.)
31 FOR THE DEFENDANT

32
33 PATTIE JOHNSON, C.C.R.
34 OFFICIAL COURT REPORTER
35 HUDSON COUNTY COURTHOUSE
36 595 NEWARK AVENUE
37 JERSEY CITY, NEW JERSEY 07306

I N D E X

1	2	WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
3	4	CORTNEY MAC DONALD				
4	5	BY MR. MULKEEN	4, 7		39	
6	7	BY MR. ZUNIC		7, 30		
8	9	LINNEA SCHIFFNER				
9	10	BY MR. MULKEEN	39, 50		104	
10	11	BY MR. ZUNIC		46, 87		108
11	12	THERESA NEZEZON				
12	13	BY MR. MULKEEN	109, 114			
13	14	BY MR. ZUNIC		113, 133		

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10	11	NUMBER	DESCRIPTION	IDENT.	EVD.
11	12	S-45	Schiffner's C.V.	3	
12	13	S-46	allele table (1)	3	80
13	14	S-47	conclusion 7-14-05	3	
14	15	S-48	conclusion 11-2-05		
15	16	S-49	lab receipt 5-19-05		
16	17	S-50	swabbing of outside		
17	18	S-51	stocking	3	
18	19	S-52	swabbing of inside		
19	20	S-53	stocking	3	
20	21	S-54	DNA Packet	3	
21	22	S-55	DNA Packet	3	
22	23	S-56	allele table (2)	3	
23	24	S-57	Mac Donald's C.V.	3	
24	25	S-58	Nezezon's C.V.	3	
25		S-59	buccal swab of Defendant	3	
		S-60	lab receipt 9-23-05	3	
		S-61	lab receipt 10-04-06	3	
		S-61 A	brown paper bag	3	
		D-2	Rape Kit	3	
		D-3	notes of Mac Donald	3	
		D-4	criminalistics report	3	
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		D-6	allelegraph	87	
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		S-62	STR mixed	87	
		D-8	conclusions	121	
			DNA report	134	

1 Q Did you make notes after your conversation
2 with him regarding those items?

3 A I did.

4 Q And I am going to ask you next about item
5 number two, in your report, did you do any testing with
6 respect to overalls?

7 A Yes.

8 Q And what, if anything, did you conclude?

9 A I concluded that in the inside crotch area of the
10 overalls there was a stain that was positive for blood
11 and I tested the entire overall inside and outside for
12 acid phosphatase which is a component of semen and it
13 was negative for that.

14 Q And with respect to item number 2-1, what was
15 item 2-1?

16 A 2-1 is the stain that I cut out from the crotch of
17 the overalls. It measured five eighths inch by five
18 eighths inch, and then, again, you will see my witness
19 that watched me cut it out and place it into an
20 envelope.

21 And then item 2-2 is a swabbing of the straps of
22 the overalls and we do this to determine if we can try
23 to determine the primary wearer of the overalls.

24 Q And what, if anything, did you do with the
25 items with respect to 2-1, did you forward them any

Colloquy

CERTIFICATION

I, PATTIE JOHNSON, License Number XI01125, an Official Court Reporter in and for the State of New Jersey, do hereby certify the foregoing to be prepared in full compliance with the current Transcript Format for Judicial Proceedings and is a true and accurate non-compressed transcript to the best of my knowledge and ability.

s/ Pattie Johnson

Official Court Reporter

HUDSON COUNTY COURTHOUSE

Date:

May 5, 2014