

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

STATE OF NEW JERSEY

COMPLAINANT

-VS-

ELMO M. RIVADENEIRA

DEFENDANT

TRANSCRIPT  
OF  
PROCEEDINGS  
(TRIAL)

Place: Hudson County Courthouse  
595 Newark Avenue  
Jersey City, NJ 07306

Date: September 28, 2011

BEFORE:

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

And a Jury

TRANSCRIPT ORDERED BY:

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

APPEARANCES:

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

JOHN ZUNIC, ESQ.  
(JOHN ZUNIC, ESQ.)  
FOR THE DEFENDANT

PATTIE JOHNSON, C.C.R.  
OFFICIAL COURT REPORTER  
HUDSON COUNTY COURTHOUSE  
595 NEWARK AVENUE  
JERSEY CITY, NEW JERSEY 07306



I N D E X

WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
CORTNEY MAC DONALD				
BY MR. MULKEEN	4, 7		39	
BY MR. ZUNIC		7, 30		
LINNEA SCHIFFNER				
BY MR. MULKEEN	39, 50		104	
BY MR. ZUNIC		46, 87		108
THERESA NEZEZON				
BY MR. MULKEEN	109, 114			
BY MR. ZUNIC		113, 133		

INDEX TO EXHIBITS

NUMBER	DESCRIPTION	IDENT.	EVD.
S-45	Schiffner's C.V.	3	
S-46	allele table (1)	3	80
S-47	conclusion 7-14-05	3	
S-48	conclusion 11-2-05		
S-49	lab receipt 5-19-05		
S-50	swabbing of outside		
S-51	stocking	3	
S-52	swabbing of inside		
S-53	stocking	3	
S-54	DNA Packet	3	
S-55	DNA Packet	3	
S-56	allele table (2)	3	
S-57	Mac Donald's C.V.	3	
S-58	Nezezson's C.V.	3	
S-59	buccal swab of Defendant	3	
S-60	DNA extract	3	
S-61	lab receipt 9-23-05		
S-61 A	lab receipt 10-04-06	3	
D-2	brown paper bag	3	
D-3	Rape Kit	3	
D-4	notes of Mac Donald	3	
D-5	criminalistics report	3	
D-6	allelegraph	87	
D-7	allelegraph	87	
D-8	statistics	87	
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

*Pattie Johnson, CLK*

Official Court Reporter

Date:

*May 5, 2014*

HUDSON COUNTY COURTHOUSE

*Seal of the State of New Jersey  
Court Reporter  
Pattie Johnson, CLK  
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