

15 JAMES HOLDMAN, being duly sworn by the clerk,
16 testified as follows:

17 DIRECT EXAMINATION by Mr. Rupp:

18 Q. Sir, would you introduce yourself to the ladies and
19 gentlemen of the jury.

20 A. My name is James D. Holdman, Jr.

21 Q. And, sir, what is your occupation?

22 A. I'm an investigator for the Missouri Division of
23 Fire Safety, which is the State Fire Marshal's Office.

24 Q. And how long have you been employed with the State
25 Fire Marshal's Office?

1 A. This year, starting my eighth year with them.

2 Q. Prior to becoming a state fire marshal, do you have
3 any other experience in law enforcement?

4 A. I started out as a deputy in 1989, in Washington
5 County, and have been involved in law enforcement ever
6 since.

7 Q. Did you receive any training prior to becoming a
8 deputy?

9 A. As far as law enforcement training?

10 Q. Correct.

11 A. When I was a deputy the first year, I went through
12 basic law enforcement academy in Jefferson City through the
13 Missouri State Highway Patrol.

14 Q. You went through the highway patrol law enforcement
15 academy?

16 A. Yes.

17 Q. And then you became a certified, a commissioned
18 deputy?

19 A. Certified police officer, yes.

20 Q. And then after that you left the Washington County
21 Sheriff's Department; is that correct?

22 A. Yes. In late 1991 I went to work for the Missouri
23 State Highway Patrol as a VIN salvage inspector, which is
24 basically checking vehicles for stolen parts, things like
25 that.

1 Q. And after you left the Missouri State Highway
2 Patrol, where did you go?

3 A. Missouri Division of Fire Safety.

4 Q. And prior to becoming a fire marshal, did you
5 receive any kind of training in fire investigations?

6 A. There is ongoing training with the Missouri
7 Division of Fire Safety. After I was hired by the Missouri
8 Division of Fire Safety, they have a certification program
9 which is taught by our office. So I'm a certified police
10 officer in the State of Missouri, a certified fire
11 investigator in the State of Missouri. I've also attended
12 the FBI Police and Arson School in Quantico, Virginia. I've
13 attended the National Fire Academy in Emmitsburg, Maryland.
14 I attend courses through Alcohol, Tobacco, and Firearms in
15 the United States military and post-blast fire
16 investigation.

17 Q. And have you received any other training or
18 education?

19 A. Other training, there's other law enforcement type
20 training. Haz-mat training.

21 Q. What is haz-mat training?

22 A. Hazardous material training. Also training with
23 the meth lab awareness and also processing meth labs,
24 dismantling meth labs, things like that.

25 Q. And in your eight years with the fire marshal's

1 office, have you ever received any awards or certificates?

2 A. Yes, I have. I've received the Meritorious Service
3 Award from the Missouri Department of Public Safety. Also
4 Employee of the Month Award from the Department of Public
5 Safety. And Employee of the Month from the Missouri
6 Division of Fire Safety. Also I received an award from the
7 Professional Fire and Fraud Investigator's Association for
8 my investigative duties and also from the Missouri Chapter
9 of the International Arson Awareness Group.

10 Q. And, sir, have you done any teaching or training in
11 that period of time as a fire marshal?

12 A. For the Division of Fire Safety I teach fire
13 investigation courses. I teach meth lab awareness courses
14 to fire departments, police, and EMS. Like I said, I've
15 also done a training video for investigations and also meth
16 lab awareness for the Federal Emergency Television Network.

17 Q. Have you investigated any arson fires or any fires?

18 A. Yes, sir.

19 Q. Have you ever investigated a suspicious fire?

20 A. Yes, sir.

21 Q. And could you estimate for the jury how many of
22 those investigation you've done?

23 A. Total number of fires up to now would be somewhere
24 in approximately a thousand.

25 Q. And, sir, have you ever been qualified as an expert

1 witness in fire investigations in any court anywhere?

2 A. In state courts, approximately, I believe 13, 14
3 counties in the State of Missouri and also in federal court.

4 Q. How about in this circuit? Have you ever been
5 qualified as an expert witness?

6 A. Yes, sir.

7 Q. And has that been several time?

8 A. Yes, sir.

9 MR. RUPP: Your Honor, I offer this witness as an
10 expert in the field of arson investigations.

11 MR. WILLIAMS: No objections, Judge.

12 THE COURT: Court recognizes the witness as an
13 expert in that field.

14 Q. (By Mr. Rupp): Sir, I'd like to call your attention
15 to December 5th, of the year 1998, and ask you, do you recall
16 beginning to do a fire investigation on that day?

17 A. Yes, sir.

18 Q. And can you tell the ladies and gentlemen of the
19 jury how you became aware that there was a fire?

20 A. Approximately 7:00 a.m. I was contacted by the
21 Potosi Fire Department in requesting my assistance with a
22 fire scene investigation in Hopewell, which was the Politte
23 residence.

24 Q. And what county was Hopewell or the Politte
25 residence at?

1 A. In Washington County.

2 Q. And did you in fact respond out there?

3 A. Yes, I did.

4 Q. Can you basically tell us how you got there where
5 it is?

6 A. Basically the residence is 8 highway, east of
7 Potosi, and take what I call Hopewell Road which runs south
8 of 8 highway to the Politte residence.

9 Q. And at that particular point what did you do?

10 A. Upon arrival Sheriff Ron Skiles was at the location
11 with members of his department, also the fire department. I
12 contacted Sheriff Skiles. Basically he told me that there
13 was one fatality and also there had been a couple
14 individuals at the residence. He requested that I process
15 the fire scene evidence, and his department would take care
16 of everything else.

17 Q. And what do you do to process the fire scene?

18 A. Part of it as far as photographing, documenting the
19 scene. Basically we worked the exterior to the interior,
20 from the least amount of damage --

21 Q. So you start outside; is that correct?

22 A. Yes.

23 Q. And work inside?

24 A. Yes.

25 Q. And you take photographs; is that correct?

1 A. Yes, sir.

2 Q. I'm going to show you what has been marked as photo
3 board number 3. And I don't want to go into a lot of
4 detail, but first of all, do you recognize these
5 photographs?

6 A. Yes, I do.

7 Q. And who took these photographs?

8 A. It looks like my photographs.

9 Q. Okay. Are these true and accurate of what the
10 crime scene looked like when you arrived?

11 A. Yes, sir.

12 MR. RUPP: Your Honor, I ask that State's Exhibit
13 No. 3 be introduced.

14 THE COURT: Any objections?

15 MR. WILLIAMS: No objections, Judge.

16 THE COURT: Exhibit 3 is admitted.

17 Q. (By Mr. Rupp): So you said you start from the outside
18 and work your way inside; is that correct?

19 A. Yes. With a fire scene investigation you work from
20 the least amount of damage to the most amount. Basically,
21 you do an exterior examination, then the interior, leading
22 from the least amount of damage to the most amount.

23 Q. All right. Let's start with the exterior of the
24 building. What did you first do?

25 A. Did a walk-around the residence basically looking

1 at the exterior of the residence and also photographing the
2 residence.

3 Q. When you arrived what's the first thing that you
4 would see?

5 A. As I approached the residence, the first thing
6 would have been the front of the residence.

7 Q. I'm going to show you what has been marked as
8 photograph number 5 for identification, and ask you, do you
9 recognize that photograph?

10 A. That's the photograph of the front of the Politte
11 residence, or what I call the east side of the residence.

12 Q. And is that a true and accurate photograph of how
13 it looked on December 5th, when you arrived?

14 A. Yes, sir.

15 MR. RUPP: Your Honor, I ask that State's Exhibit
16 No. 5 be admitted.

17 THE COURT: Any objection?

18 MR. WILLIAMS: No objection, Judge.

19 THE COURT: Admitted, 5.

20 Q. (By Mr. Rupp): Sir, starting with number 5, you
21 arrived at the residence and you began the exterior
22 examination. What were some of the things that you observed
23 right out towards the front of the residence when you
24 arrived?

25 A. One of the things was, there were three gas cans,

1 containers sitting on a concrete walkway along the driveway,
2 concrete wall. The containers had their lids off but
3 basically empty. Just had small residual amounts of liquid
4 in them.

5 Q. So this would be located just a few feet from the
6 home?

7 A. Approximately 30 feet, something like that.

8 Q. Okay.

9 A. Approximately 25 to 30 feet probably.

10 Q. Okay, on a concrete slab?

11 A. Yes. There's actually a concrete slab, gravel
12 driveway leading up to that. There's like a rock or a
13 concrete wall actually just to the west of the concrete
14 slab. And the containers were sitting on that wall, the
15 small of the wall. (Drive Way / Garage Slab Area)

16 Q. Did you continue to look at the residence?

17 A. Yes, I did.

18 Q. Did you walk all the way around the residence?

19 A. Yes, sir.

20 Q. I'm going to show you what's been marked as State's
21 Exhibit No. 6, and ask you if you can identify that?

22 A. Again, a photograph of the exterior of the
23 residence. The photograph was actually taken kind of the
24 southwest of the residence, showing the west exterior of the
25 wall or actually it would be the back of the trailer, mobile

1 home, and also a portion of the south exterior of the wall.

2 Q. Is this a true and accurate photograph of what it
3 looked like on that day?

4 A. Yes, sir.

5 MR. RUPP: Your Honor, I ask that 6 be admitted.

6 MR. WILLIAMS: No objections, Judge.

7 THE COURT: Admitted, 6.

8 Q. (By Mr. Rupp): Now, why would you be looking at the
9 exterior of the trailer?

10 A. Again, based on training, working the investigation
11 from the least amount of damage to the most amount, in this
12 case very little damage was evidenced to the exterior of the
13 residence. So, again, doing a full investigation, needed to
14 go from the least amount to the most amount.

15 Q. Well, what does it tell you, that there was no
16 damage on the outside of the trailer?

17 A. Basically it showed that the fire had not burned
18 enough to actually penetrate the exterior walls, burnt to
19 the exterior portion. No direct flame damage to the
20 outside.

21 Q. Did you look any further around the residence?

22 A. Yes. I made a complete circle around the
23 residence.

24 Q. And did you notice anything else around the
25 residence that caught your attention?

1 A. (No response.)
2 Q. Did you look around the vehicle?
3 A. Yes.
4 Q. Was there a vehicle parked there, first?
5 A. There was a pickup truck parked in the driveway on
6 the gravel, just before you got to the concrete slab.
7 Q. Would that be right off to here?
8 A. Yes. It would be kind of the lower left-hand
9 portion of that photograph.
10 Q. And anything catch your attention at that point?
11 A. By the vehicle there was a melted plastic, like,
12 soda bottle that was melted. It apparently had some type of
13 flame damage at some point to melting.
14 Q. I'm going to show you what has been marked as
15 State's Exhibit No. 7 and 8 for identification, and ask you
16 if you first of all recognize these photographs?
17 A. Yes, sir.
18 Q. And who took these photographs?
19 A. It looks like photographs that I would take.
20 Q. Are they true and accurate of what the scene looked
21 like at that time?
22 A. Yes, sir.
23 MR. RUPP: I ask, Your Honor, that 7 and 8 be
24 admitted.
25 THE COURT: Any objection?

*This is
From An
incident
that occurred
on Dec 1st
The Tuesday
Before. Mike
& Friends
Were playing
around &
Mike Burnel
his leg. Went
to hospital.
We have
met
Records
to prove
it.*

1 MR. WILLIAMS: No, Your Honor.

2 THE COURT: Exhibit 7 and 8 are admitted.

3 Q. (By Mr. Rupp): First of all, let's go with number 7.

4 A. Okay.

5 Q. What are we looking at?

6 A. It's basically the passenger's side. There's a
7 pickup that was sitting there in the driveway. The main
8 thing that I was focusing on was the melted container that
9 was laying on the gravel driveway.

10 Q. And 8 would be what?

11 A. It would be a closeup, more of a closeup type
12 photograph of the melted container.

13 Q. Okay. Did you continue to do an exterior
14 examination around the area?

15 A. Yes.

16 Q. And did you find anything else that you noticed
17 that was unusual?

18 A. One of the other things, I found another melted
19 soda bottle or plastic bottle. It appeared to be a soda
20 bottle. It would be actually southeast of the residence.
21 It was partially melted. There was a burned area in the
22 leaves, extending kind of north and south from the bottle
23 itself. And it appears to have, like, a cloth in the open
24 part of the container. It appeared to be, like, a wick or
25 something like that.

*The same
Melted Plastic
discussed on
pg. 259*

*From same
loc. 1st
'Boys Playing'
Thruout
We have
multiple
witnesses
to that*

1 Q. Sir, I'm going to show you what has been marked as
2 State's Exhibit 9 and 10 for identification. First, I'd ask
3 you, do you recognize those photographs?

4 A. Yes I do.

5 Q. And have you ever seen them before?

6 A. Yes. They would be photograph that I took on that
7 day.

8 Q. And is it true and accurate how it appeared when
9 you arrived at the crime scene?

10 A. Yes, sir.

11 MR. RUPP: Your Honor, I'd ask 9 and 10 be
12 admitted.

13 THE COURT: Counsel, do you have any objection to 9
14 and 10?

15 MR. WILLIAMS: No objections, Your Honor.

16 THE COURT: Admitted.

17 Q. (By Mr. Rupp): Let's go with 9 first, and ask you,
18 what is this a photograph of?

19 A. It's a photograph of a melted plastic bottle.

20 Q. And what is 10?

21 A. Ten is a photograph of the same bottle, only from a
22 little farther distance, showing a burnt area of the leaves
23 basically extending just a short ways south of the bottle
24 and probably 10 or 15 feet north of the bottle.

25 Q. And where approximately was that located?

*1st Same
Playing Boys
Incident
Again, we
Have lots
of witnesses*

They spent 3 pages talking about something that has nothing to do with the crime. To make look bad

1 A. It would have been southeast of the residence as
2 you're looking at it.

3 Q. Do you see the rough diagram up there?

4 A. This is the front of the residence. Right here,
5 somewhere, right here pretty close to the driveway, so as
6 you come in the driveway approximately a hundred, 125 feet
7 southeast of the residence.

8 Q. Other than that, did you find anything noteworthy
9 on the exterior of the residence not leaving that property?

10 A. At that time, no.

11 Q. Then you indicated after you do an exterior
12 examination you then do what?

13 A. Went to the interior of the residence.

14 Q. And when you went into the interior of the
15 residence, did you do a diagram or anything to assist you in
16 testifying with this jury?

17 A. After going through the fire investigation process,
18 yes, I did make a diagram.

19 Q. I'm going to show you what has been marked as
20 State's Exhibit No. 2 for identification, and ask you if you
21 recognize this?

22 A. It's a blown up version of a rough sketch that I
23 made of the residence showing exterior walls and interior
24 walls.

25 Q. And you indicated this sketch is not to scale?

1 A. Yes.

2 Q. Other than that, is that a fair and accurate
3 representation of how it looked?

4 A. Yes.

5 Q. And do you think this will aid you in testifying
6 today?

7 A. Yes, sir.

8 MR. RUPP: Your Honor, I ask that it be admitted.

9 MR. WILLIAMS: Judge, we would object to the
10 admission of 2, due to the fact that it's not to scale. It
11 could be misleading later. The measurements maybe important
12 in this case. We would object at this point.

13 THE COURT: Objection will be overruled. It's
14 testified that it's not to scale, and the jury must
15 understand it's not to scale, but it will aid the witness.
16 Objection's overruled.

17 Q. (By Mr. Rupp): All right. First of all, would you
18 show the ladies and gentlemen of the jury where the front or
19 where you entered the residence from?

20 A. Okay. One of the things, what I call is the east
21 side of the residence, which would be the front portion of
22 the residence, which is basically to the bottom of the
23 sketch itself.

24 Q. Okay. And when you entered in the residence where
25 then did you go?

1 A. Entered through the front door or small wooden
2 porch. Entered through the front door, which actually took
3 me into kind of a walkway. To the right would be the living
4 room area.

5 Q. And then where did you go?

6 A. Basically I had been told there was a victim in the
7 northeast corner bedroom. I walked into the living room,
8 could see the legs of the victim in that northeast corner
9 bedroom. I proceeded to the southern portion of the
10 residence, again, working from the least amount of damage to
11 the most amount of damage, looking for the cause of the
12 fire, origin, things like that.

13 Q. Let me show you what has been marked as photo board
14 number 4, and ask you first of all, do you recognize these
15 photographs?

16 A. Yes, I do.

17 Q. Do you know who took them?

18 A. It looks like my photographs.

19 Q. And are these true and accurate of how the crime
20 scene appeared when you did your investigation on the 5th of
21 December?

22 A. Yes.

23 MR. RUPP: Your Honor, I ask 4 be admitted.

24 MR. WILLIAMS: No objection.

25 THE COURT: Admitted.

1 Q. (By Mr. Rupp): So you indicated that you entered the
2 house through a walkway or a front door?

3 A. The front door on the top left photograph shows a
4 small wooden porch, the doorway which would lead into the
5 area. There's a small walkway type just inside the door,
6 which is shown in the middle photograph at the top of the
7 page there.

8 Q. And is this the living room area?

9 A. Yes. The living room as you walk in the door would
10 be off to your. This is the TV, kind of in the southeast
11 portion of the living room, sir.

12 Q. And then you walked into the living room; is that
13 correct?

14 A. Yes.

15 Q. And you indicated from where you could stand or
16 see, you could observe --

17 A. Yes. As shown in the photograph, kind of the top
18 right-corner of Exhibit 4, you see the victim lying in that
19 northeast corner bedroom. Again, I proceeded on to the
20 southern portion of the residence, again, working least
21 amount of damage to the most amount.

22 Q. So would the middle column, bottom photograph, what
23 is that a photograph of?

24 A. Be the living room area. Also in the left-hand
25 portion of that photograph you can see a doorway which would

1 go into the northeast corner bedroom where the victim was
2 located.

3 Q. And so you then went to the opposite end of this
4 bedroom to begin your investigation; is that correct?

5 A. Yes.

6 Q. Which would be where?

7 A. What I determined as the southern portion of the
8 residence, which as you're looking at the sketch would be to
9 your left-hand side as marked "bedroom areas".

10 Q. And, again, I'm going to have you focus on the
11 middle column, middle photograph, and ask you, do you
12 recognize that photograph?

13 A. The photograph in the middle is a photograph of a
14 bedroom basically in the southeast portion of the mobile
15 home itself.

16 Q. And were you able to determine later, at some
17 subsequent point who occupied that bedroom?

18 A. Would be the defendant, Michael Politte.

19 Q. And is that true and accurate of how it looked when
20 you got there?

21 A. Yes.

22 Q. Undisturbed to your knowledge?

23 A. That was how it was when I got to the scene, yes.

24 Q. Okay. Again, I have --

25 MR. WILLIAMS: Judge, may we approach?

1 THE COURT: Yes.

2 (The following proceedings were had at
3 the bench out of the hearing of the jury:)

4 MR. WILLIAMS: Judge, my concern, I don't really
5 have any major objections at this point, but my concern is
6 that Mr. Rupp, he has a lot of photographs of this body.
7 And I don't think we need an undue number of photographs of
8 the body of this murder victim show to the jury, because
9 they're gory in detail. I would just ask that at some point
10 maybe Mr. Rupp knows how many total photographs he has
11 total.

12 THE COURT: I don't know.

13 MR. WILLIAMS: Especially, it would be redundant to
14 show the same thing.

15 MR. RUPP: I don't intend on putting but four of
16 these photographs, four of these photographs of the actual
17 body and, of course, a couple after she was removed, because
18 they're all part of the fire investigation, and it was a
19 murder scene.

20 THE COURT: So about four to six total of the body?

21 MR. RUPP: Of the body. I do have other
22 photographs, but of the body, yes.

23 MR. WILLIAMS: We have no objections to that,
24 Judge.

25 THE COURT: Very well.

1 (The proceedings returned to open court, and
2 the following was had:)

3 Q. (By Mr. Rupp): Again, I hate to back you up, but I'm
4 going to show you now what has been marked as State's
5 Exhibit No. 12. And that is just a blowup of the top
6 photograph; is that correct?

7 A. Yes.

8 Q. Top center?

9 A. Top center on Exhibit 4, yes.

10 Q. And that you've already testified is true and
11 accurate of how it appeared when you arrived at the scene;
12 is that true?

13 A. Yes, sir.

14 MR. RUPP: I ask 12 be admitted.

15 MR. WILLIAMS: No objection, Judge.

16 THE COURT: Twelve, admitted.

17 Q. (By Mr. Rupp): After that, that corner of the living
18 room, what is directly as you're taking this photograph
19 right here facing that TV, what would be directly behind
20 you?

21 A. The center photograph on Exhibit 4?

22 Q. Yes, directly behind you?

23 A. It would be the dining room, kitchen area and also
24 a fireplace.

25 Q. Okay. Again, I'm going to ask you if you'd look at

1 State's Exhibit No. 13 for identification, and ask you if
2 you recognize that photograph?

3 A. The photograph of the interior of the Politte
4 residence.

5 Q. And specifically what is contained in that
6 photograph?

7 A. You're standing actually south of the dining table,
8 looking north back into the kitchen area.

9 MR. RUPP: I ask that 13 be admitted, Your Honor.

10 MR. WILLIAMS: No objection.

11 THE COURT: Admitted.

12 Q. (By Mr. Rupp): And as you're turned around from the
13 point of that photograph, would you see what's contained in
14 State's Exhibit No. 14?

15 A. It would be the living room area.

16 Q. Okay. And, again, is that true and accurate of how
17 the scene looked?

18 A. Yes, sir.

19 MR. RUPP: I ask that 14 be admitted.

20 MR. WILLIAMS: No objection.

21 THE COURT: Admitted, 14.

22 Q. (By Mr. Rupp): After you went to the living room,
23 then you headed in a, what kind of direction? Please
24 indicate with the chart, please.

25 A. Again, as you're looking at the diagram, the right-

1 hand side, over the victim, that is the north end of the
2 residence. As I come in the east side of the residence,
3 which is the front of the residence, I proceeded to the
4 southern portion, which is a bedroom area and then a
5 bathroom located in that portion.

6 Q. I'm going to show you what has been marked as
7 State's Exhibit No. 15 for identification, and ask you if
8 you recognize that?

9 A. Basically standing, looking south from the living
10 room, dining room area. Doorway to the left is a southeast
11 corner bedroom. The doorway basically straight ahead is the
12 southwest corner bedroom.

13 Q. And, again, is that true and accurate?

14 A. Yes, sir.

15 MR. RUPP: I ask that 15 be admitted.

16 MR. WILLIAMS: No objection, Judge.

17 THE COURT: Admitted, 15.

18 Q. (By Mr. Rupp): And as you go into that hallway, and
19 I'm talking about that hallway in between the two bedrooms,
20 you indicate a room right here; is that correct?

21 A. As you enter the hallway there's a bathroom located
22 north of the southwest corner bedroom, actually south of the
23 dining room.

24 Q. I'm going to show you what has been marked as 16,
25 and ask you, what is that a photograph of?

1 A. It's a photograph of the bathroom which is located,
2 again, just south of the dining room area.

3 Q. And, again, is that true and accurate of how it
4 appeared on the 5th of December, 1998?

5 A. Yes, sir.

6 MR. RUPP: I ask 16 be admitted.

7 MR. WILLIAMS: No objection.

8 THE COURT: Admitted, 16.

9 Q. (By Mr. Rupp): And as you're facing the bathroom,
10 what would be directly behind you?

11 A. Behind you would be basically the southeast corner
12 bedroom.

13 Q. Okay.

14 A. It would be the hallway and that bedroom.

15 Q. This bedroom?

16 A. Yes, the lower left-hand portion of the diagram.

17 Q. I want to show you what's been marked as State's
18 Exhibit No. 17 for identification, and ask you if you
19 recognize that?

20 A. It's a photograph, kind of an overall photograph of
21 the southeast corner bedroom standing from the doorway,
22 actually looking east to southeast.

23 Q. I think you previously identified that as being
24 occupied by Josh Sansoucie or his bedroom?

25 A. It is Michael B. Politte's, the defendant.

1 Q. Yes, thank you.

2 A. It's his bedroom.

3 Q. And I'm going to show you what has been marked as
4 State's Exhibit No. 18 for identification, and ask you if
5 you recognize that photograph?

6 A. Again, standing at the doorway of this bedroom is
7 the bedroom located in the southwest portion of the
8 residence. Actually, it would be kind of the upper left-
9 hand corner of the diagram.

10 Q. And is that true and accurate how it appeared on
11 December 5th?

12 A. Yes, sir.

13 MR. RUPP: Ask that 18 be admitted.

14 MR. WILLIAMS: No objection.

15 THE COURT: You haven't offered 17, have you?

16 MR. RUPP: Your Honor, I'm offering 17 as well.

17 MR. WILLIAMS: No objection.

18 THE COURT: Exhibit 17 and Exhibit 18 are admitted.

19 Q. (By Mr. Rupp): I'd like to take a break from the
20 photographs real briefly and ask you, after you went inside,
21 how does looking from the least amount of damage to the most
22 amount of damage, what does that assist you with in doing a
23 fire investigation? Why do you do that?

24 A. Determining, working from the least amount of
25 damage to the most amount of damage would lead you under

1 normal conditions from the, again, least amount to the most
2 amount, will lead you to the area of origin and also the
3 cause of the fire.

4 Q. And can you tell the ladies and gentlemen of the
5 jury where the least amount of damage was located?

6 A. No fire damage was found in the southern portion of
7 the residence. There was some smoke damage, more in the
8 southwest corner bedroom and also bathroom. Very little to
9 none in the southeast corner bedroom. And it was evident
10 from the smoke lines that that door had been closed due to
11 the way the smoke lines were on that door.

12 Q. And you're talking about the bedroom that was
13 occupied by the defendant, right?

14 A. Yes, sir.

15 Q. What did you do then?

16 A. Actually proceeded back north through the dining
17 room, kitchen area. There was a utility room just north of
18 the kitchen itself. And I proceeded back into the living
19 room, which would be the eastern portion, mid-section of the
20 trailer, and then also into the northeast portion of the
21 residence where the victim was found.

22 Q. Prior to getting into the bedroom, did you try to
23 determine if there were any natural, artificial, other
24 causes of a fire other than what was in that bedroom?

25 A. One of the things in doing a fire investigation,

1 before a person can rule a fire, an intentionally set fire,
2 what we can an incendiary fire, we need to rule out all the
3 natural possibilities and accidental possibilities. The
4 actual possibilities are such things like lightning.
5 Accidental possibilities are things like electric systems,
6 things like that.

7 Q. And did you investigate those?

8 A. Through the course of the entire investigation,
9 that is part of the elimination process. And that was done,
10 and all that was taken into account at the end of your
11 investigation.

12 Q. Did you investigate every possibility that you know
13 of to investigate it?

14 A. Yes. And as we go through each room, we were
15 looking for signs of any fire damage, any signs of fire
16 origin, anything that could have caused or contributed to
17 that fire, yes.

18 Q. You then headed back towards the area of the most
19 fire, is that correct, heaviest concentration of fire
20 damage?

21 A. Yes. Again, going through the residence, least
22 amount of damage to the most amount, that led me to the
23 northeast corner bedroom, which was the area that had
24 basically the most fire damage.

25 Q. And by that, are you heading in the direction of

1 photograph number 19?

2 A. Yes. That's a photograph from the living room
3 looking north through the doorway of the northeast corner
4 bedroom.

5 Q. Is that true and accurate of how that appeared
6 looking into the northwest corner?

7 A. Into the northeast corner, yes.

8 Q. Northeast, I'm sorry.

9 A. Yes, sir.

10 MR. RUPP: I ask 19 be admitted.

11 THE COURT: Any objection to 19?

12 MR. WILLIAMS: No objection, Judge.

13 THE COURT: Admitted.

14 Q. (By Mr. Rupp): Tell us what happened when you went
15 into that bedroom.

16 A. Again, from the doorway, actually a portion of the
17 living room looking into the doorway of the northeast corner
18 bedroom, it was evident there was a victim laying just
19 inside the doorway, actually feet south toward the doorway.
20 Victim's head north toward the bed.

21 Q. Okay. I'm going to show you Exhibit No. 20 for
22 identification, and ask if you recognize that?

23 A. Yes. It's a photograph of the victim lying in the
24 floor of the northeast corner bedroom.

25 Q. And from what direction would you be taking that

1 photograph?

2 A. The photograph is being taken from the doorway,
3 looking north over the victim toward the bed, actually
4 looking north of the victim itself.

5 Q. So in this direction facing that way?

6 A. Yes. You'd be in the doorway, between the living
7 room and the northeast corner bedroom.

8 Q. Is that true and accurate of how it appeared on
9 December 5th, 1998?

10 A. Yes, sir.

11 MR. RUPP: I ask that number 20 be admitted.

12 MR. WILLIAMS: No objection.

13 THE COURT: Twenty is admitted.

14 Q. (By Rupp): What then, after you observed the body
15 laying there, what then did you do?

16 A. Continued with the investigation. Went around that
17 room, looking at the victim, looking at any accidental
18 possibility there could be in the room that could have
19 caused the fire itself.

20 Q. And when you went around the side of the victim,
21 did you find any accidental possibility?

22 A. The fire scene itself was actually a simple fire
23 scene compared to some of them that we work. The fire
24 damage was contained to the upper portion of the victim's
25 body and barely scorched the southwest corner of the bed.

1 And, again, all that fire damage was contained just to the
2 upper portion of the victim's body itself.

3 Q. I'm going to show you what has been marked as
4 Exhibit 21, 22, and 23. What are those photographs of?

5 A. Both photographs are of the victim and the fire
6 damage to the floor itself.

7 Q. And would that be at different angles?

8 A. Yes, sir.

9 Q. One would be from the left side of the victim and
10 the other one the right side?

11 A. Yes. Number 21 would be a photograph more from the
12 upper right-hand portion above the victim's right arm, the
13 upper portion shooting back toward that victim.

14 Q. And 22?

15 A. Photograph mainly of the left-hand side, left arm
16 of the victim.

17 MR. RUPP: I ask that 21 and 22 be admitted.

18 THE COURT: Any objection?

19 MR. WILLIAMS: No objection, Judge.

20 THE COURT: Exhibits 21 and 22 will be admitted.

21 Q. (By Mr. Rupp): You indicated from your observations
22 that you didn't believe that any natural or accidental
23 causes caused this fire?

24 A. Yes, sir.

25 Q. What did you base that on?

1 A. Portions of it is on process of elimination, again,
2 going through the trailer, looking for natural and
3 accidental possibilities. Also the area of origin. There
4 was no accidental or natural possibility in that area, which
5 is the upper portion of the victim's body.

6 Q. Were you able to determine an approximate area of
7 origin?

8 A. Again, area of origin, upper portion of the
9 victim's body extending out onto the carpet itself was where
10 the burn damage was. Heaviest burn area would be just below
11 the victim's right ear and above the shoulder area.

12 Q. And did you take a photograph of that?

13 A. Yes, sir.

14 Q. I'm going to show you what's been marked as State's
15 Exhibit No. 23 for identification, and ask you what is
16 significant about that photograph?

17 A. Again, the photograph showing the victim, heavy
18 burn to the upper portion of the victim's body, chest
19 shoulders, head area, fire actually damaging the carpet.
20 Heavy damage just above the right shoulder, between the
21 right shoulder and the right ear.

22 Q. I'm going interrupt at this time. Is that fair and
23 accurate?

24 A. Yes, sir.

25 MR. RUPP: I ask that 23 be admitted.

1 THE COURT: Any objection?

2 MR. WILLIAMS: No objection.

3 THE COURT: Exhibit 23 is admitted.

4 Q. (By Mr. Rupp): Now, if you can hold that where the
5 jury can see what you're talking about. I'm real sorry to
6 make you repeat that, but you indicated that you determined
7 where the approximate origin of the fire is; is that
8 correct?

9 A. Yes. Again, the area of origin is in the area of
10 the upper portion of the victim's body. Basically, there
11 was heavy fire damage from, basically, the chest, shoulders,
12 head area of the body, also spreading out onto the carpet
13 itself. There's a floor joist that you can see in the hole.
14 Basically the fire burned hot enough and fast enough that it
15 went down through the carpet and through the floor and
16 exposed and caused damage to the floor joist. Again, the
17 heaviest amount of damage was basically right below the
18 right ear of the victim and above the right shoulder, again,
19 taking out portions of the carpet, wood flooring, and also
20 damaging the floor joist.

21 Q. Did you later find significance as to where that
22 origin of fire was in relation to this homicide
23 investigation?

24 A. Through the autopsy report, the victim had a
25 fracture to the right lower portion of the skull. Would

*I would like
A second
opinion on that.
Seems it would
have a while to burn
down, through
her then
through the
floor
yet
catch
nothing
else
on fire...*

*It also
had to
burn long
enough
279
For
Smoke to
Get
into
Mike's Room
w/ Door closed
(enough to wake
him up)*

1 have had a wound there. The heaviest area of damage was to
2 that area.

3 MR. WILLIAMS: Judge, at this point we would object
4 to a continuing publication of these exhibits at this point,
5 just the last ones of the body. The State is free to
6 publish them at a later date. It just seems unreasonable to
7 put them in front of this jury for an extended period of
8 time.

9 MR. RUPP: The officer's testifying about his
10 arson/homicide investigation. These are relevant
11 photographs for the jury to see.

12 THE COURT: They are admitted into evidence. We've
13 already had a side bar about the quantity of photographs to
14 determine that there's not an excessive number. Objection's
15 overruled.

16 Q. (By Mr. Rupp): Again, I'm going to show you Exhibit
17 No. 24 and 25 for identification, and ask you, do you
18 recognize these?

19 A. Number 24 is a closeup. At that point the victim
20 had been moved by the coroner. It shows the heavy floor
21 level damage, also heavy fire damage down on the actual
22 floor joist, where the fire had actually burned down, again,
23 to the carpet wood flooring on the floor joist. The clear
24 portion where you can see the plyboard up here, the reason
25 that is not burned, that was actually protected by the

1 carpet. And I had taken a sample, so that's why you see
2 that board up there.

3 Q. So you removed that portion right there; is that
4 correct?

5 A. Yes.

6 Q. That's on the right side of this photograph?

7 A. Upper left-hand corner as the jury's looking at.
8 Yes, I did remove that portion, and that's why you see clear
9 wood that is not burned.

10 Q. And, again, I showed you number 25. Would that be
11 approximately the same thing after the victim was removed
12 and from a little further back?

13 A. Yes. The victim, and you actually see an imprint
14 of the legs of the victim and the mid-section. It will
15 actually tell you the photograph was taken from the east
16 side of the victim, where the victim had been laying,
17 pointing west. Again, you still see an imprint of the body
18 showing the burn, the heavy burn to the upper portion of
19 that. Again, at the top of the photograph there's clear
20 unburned wood, and that was where I had taken my sample.
21 But that's just backed off a little bit.

22 MR. RUPP: I ask that 24 and 25 be admitted, Your
23 Honor.

24 THE COURT: Any objection?

25 MR. WILLIAMS: No objection, Judge.

1 THE COURT: State's 24 and 25 are admitted.

2 Q. (By Mr. Rupp): Now, Officer Holdman, after you
3 determined that this was not an accidental fire, were you
4 able to make some sort of determination of what would have
5 caused this type of fire?

6 A. From conducting a full investigation, least amount
7 of damage to the most amount, ruling out natural and
8 accidental possibilities, it was clearly evident that it was
9 an intentionally set fire, what we call an incendiary fire.
10 That someone had intentionally started that fire. Again,
11 with the fire damage to the upper portion of the victim's
12 body, the damage below the right ear, and also the damage to
13 the floor, it was clearly evident that someone had added a
14 liquid accelerant to introduce that to that scene and
15 ignited the accelerant.

16 Q. Now, you indicated that there was a large amount of
17 charring and burning down; is that correct?

18 A. Yes, sir.

19 Q. The fire did not spread out?

20 A. The fire basically did damage to the body, the
21 carpet just above the victim's head, the upper portion of
22 the body just above the victim's head, and also barely
23 scorched the bedding on the southwest corner or the bed.

24 Q. Are you talking about this bed skirt here?

25 A. Yes.

1 Q. Which the victim's head was, what, a couple of
2 inches, feet?

3 A. Couple feet probably.

4 Q. A very short distance from that?

5 A. Two to three feet, something like that, somewhere
6 in that area.

7 Q. Is there anything else that you observed that made
8 you feel other than the fire damage that this might be a
9 homicide or a suspicious death?

10 A. It was clearly evident, again, from the area of
11 origin and the cause that someone had intentionally set that
12 fire causing damage to that body. And that was a
13 possibility on severely -- or on killing the victim. It
14 could have been a contributing factor.

15 Q. Did you observe the victim's body?

16 A. Yes, sir.

17 Q. And did you observe anything about the legs that
18 indicated that there might be evidence of foul play?

19 A. There was in the room and on the victim's left
20 thigh, there was blood.

21 Q. Would you please exit the witness stand and show
22 me.

23 A. Looking at this photograph in the upper left-hand
24 corner, this appeared to be blood, kind of splattered down
25 or streaked down on the upper thigh area down toward the

1 knee on the left leg.

2 Q. Did you find any other blood splatters or anything
3 else that indicated intentional foul play?

4 A. Yes I did.

5 Q. And can you tell the ladies and gentlemen of the
6 jury what else did you observe?

7 A. On the doorway as you go into the room, the door
8 would open to your left, there were some small blood
9 splatters there. Also as you see, the right-hand side of
10 this photograph where the door jam is, just inside that door
11 jam where the light switch was, where some blood actually
12 ran down the wall and also some smears, some smeared blood
13 on that wall itself.

14 Q. In addition to your still photographs, did you do
15 any other kind of photography?

16 A. Basically to backup my photographs, a lot of times
17 I'll actually do that, and I'll always, sometimes, just to
18 backup my photographs, I take a video.

19 Q. I'm going to show you what I've previously marked
20 as State's Exhibit No. 34 for identification, and ask you if
21 you recognize that?

22 A. Yes. It would be a copy of the original videotape.

23 Q. Okay.

24 A. I made this copy for you.

25 Q. On your original videotape was it on a VHS format?

1 A. The original videotape was on an 8-millimeter. I
2 transferred it over to the large tape for court purposes.

3 Q. And did you observe the copy that you made?

4 A. Yes, I did.

5 Q. And did you observe the original?

6 A. Yes, I did.

7 Q. And is the copy an identical of the original that
8 you made?

9 A. Yes, sir.

10 Q. Did you edit it, delete it, change it, or anything?

11 A. No, sir.

12 MR. RUPP: Your Honor, at this time I ask that
13 Exhibit No. 34 be admitted into evidence.

14 THE COURT: Any objection?

15 MR. WILLIAMS: No objection.

16 THE COURT: Exhibit 34 is admitted.

17 MR. RUPP: Your Honor, I ask that 34 be played for
18 the jury.

19 THE COURT: No objection?

20 MR. WILLIAMS: No objection.

21 THE COURT: You may do so. Set it up. There will
22 be no questioning or comments during the playing of the
23 video.

24 MR. RUPP: Yes, Judge.

25 (At this time State's Exhibit No. 34, the

1 videotape is played for the jury in its entirety.)

2 Q. (By Mr. Rupp): Mr. Holdman, one of the things that
3 might be of confusion to the jury, on the front door you
4 pointed to some red marks around that door?

5 A. Yes. Initially when I taped the videotape, I
6 thought it could possibly be a couple drops of blood. The
7 Washington County Sheriff had asked for some assistance in
8 handling the scene. Contacted my office. Members from the
9 Missouri State Highway Patrol crime lab came down and
10 processed the scene, prints, and blood, and things like
11 that.

12 Q. Okay.

13 A. And basically that was not blood above the door.
14 It was some type of a stain, but it was not blood.

15 Q. Or around the door; is that correct?

16 A. Yes.

17 Q. You also indicated you found a baseball bat in the
18 yard with some red marks?

19 A. Yes.

20 Q. Was that also submitted to the lab?

21 A. The sheriff's department obtained that bat. I'm
22 not sure.

23 Q. I'm sorry for the interruption. I just thought
24 that was the best time to go through the video. We were
25 talking about what you observed physically on the victim.

He can testify to what Missouri State Patrol collected & tested

But Not what Sheriff's Dept collected

Is there a report on this was tested?

(John Rupp charges this subject really quick)