

COLORADO SPRINGS
METRO FORENSIC LABORATORY

LABORATORY REPORT

Lab Number: 06L-00
Date of Report: 01-10-06
Date Received: 09-06-05
Victim: Anthony Madril
Suspect: _____

Agency: El Paso County Sheriff's Office
Officer: Jeff Lindsey (DA's Office)
Offense: Homicide
Agency Report #: 04-17134

Location: Metro Forensic Laboratory

In 2005 Criminalist Jeff Saviano and Crime Scene Technician Kimberly Bjorndahl were requested by DDA Jeff Lindsey to examine photographs, evidence, and written documentation in order to complete a bloodstain pattern analysis and crime scene reconstruction for this case.

Items ExaminedPhotographs

- Photographs of the crime scene located on Conrad Street taken by investigators
- Photographs of 1988 Jeep Cherokee taken by investigators
- Photographs of 1995 Dodge truck taken by investigators
- Photographs of evidence items taken by CBI personnel
- Photographs of evidence items taken by Criminalist Jeff Saviano
- Photographs of 1411 W. Cucharras taken by investigators

Written Documentation

- Crime Scene Report and supplementary reports written by Technician Dan Dilts
- Autopsy Report written by Dr. Don Richie
- Investigative reports written by various El Paso County Sheriff's Office investigators
- Diagrams created by witnesses and by Technician Dan Dilts

- Written table indicating analysis and interpretation of the crime authored by Bill Newmiller.
- Email addressed to "Brad" dated December 11, 2004 with indicated authorship by Todd Newmiller

Videotaped Interviews

- Interview with Charles Schwartz on 11-20-04
- Interview with Chisum Lopez on 11-20-04
- Interview with Charles Schwartz on 11-22-04
- Interview with Chisum Lopez on 11-22-04
- Interview with Jason Melick on 11-22-04
- Interview with Brad Orgill on 11-23-14
- Interview with Joel Newmiller on 11-24-04

Physical Evidence

See Attachment A (Physical Evidence Inventory)

Definitions

- Low Velocity Impact Spatter: Stains considered to be caused by a force or energy equivalent to or slightly greater than gravity. The diameter of the preponderance of the stains is generally greater than 4mm.
- Medium Velocity Impact Spatter: Stains resulting from a force or energy generally considered to be between 5 and 25 feet per second. The measurement of the preponderance of stains is approximately 1-4mm in diameter.
- Transfer Pattern: Stains occurring as the result of a bloody object or surface coming in contact with another object or surface.
- Projected Blood: Blood projected from a wound as the result of some force, as in that resulting from a breached artery.

Bloodstain Evidence

1. Bloodstains observed at the crime scene in the area of Conrad Street are primarily a combination of Low Velocity Impact Spatter and Projected Blood. Particular stains, which were subsequently tested serologically and by means of DNA analysis, are identified in photographs by numbered placards. These stains are also depicted numerically in the crime scene diagram prepared by Technician Dan Dilts. Bloodstains located at Placard #1, Placard #12, and Placard #21 were all

subsequently identified by CBI as coming from the victim, Anthony Madril, as illustrated in Attachment B (Physical Evidence Chart) at the end of this report.

2. Stains appearing on and in the 1988 Jeep Cherokee are primarily Transfer Patterns, indicating that blood was transferred from some object or surface (clothing, etc.). One such stain (collected from the rear passenger door handle) is consistent with that of the victim, Anthony Madril, as illustrated in Attachment B (Physical Evidence Chart) at the end of this report.
3. Stains appearing on and in the 1995 Dodge Truck represent both Transfer Patterns and Low Velocity Impact Spatter. Stains tested by CBI are found to be human blood as illustrated in Attachment B (Physical Evidence Chart) at the end of this report.
4. Stains appearing on the folding Buck-style knife recovered from the front seat of the Dodge truck are Transfer Patterns, one of which is identified by DNA analysis as belonging to the victim, Anthony Madril, as illustrated in Attachment B (Physical Evidence Chart) at the end of this report.
5. Stains appearing on the toe of the right Coleman hiking boot recovered from 1411 W. Cucharras represent both Low Velocity Impact Spatter and Medium Velocity Impact Spatter originating from an area in front of and above the toe of the boot. These stains are identified through DNA analysis as belonging to the victim, Anthony Madril, as illustrated in Attachment B (Physical Evidence Chart) at the end of this report.
6. Stains appearing on the green Reactor+I.D.D. jacket recovered from 1411 W. Cucharras are a combination of Transfer Patterns and Medium Velocity Impact Spatter. These stains are identified through DNA analysis as belonging to the victim, Anthony Madril, as illustrated in Attachment B (Physical Evidence Chart) at the end of this report.
7. Stains appearing on the left shoulder, chest, and sleeve areas of the Puritan blue T-shirt recovered from Mike Lee are Transfer Patterns. Subsequent DNA analysis indicates that these stains are a mixture and that the major component is identified through DNA analysis as belonging to the victim, Anthony Madril, as illustrated in Attachment B (Physical Evidence Chart) at the end of this report.
8. The particular patterns of the stains appearing on the knife recovered from Todd Newmiller cannot be determined from the photographs (analysts were unable to procure the actual item for examination). Subsequent DNA analysis indicates that the blood on the blade of this knife is consistent with that of the victim, Anthony Madril.

Additional items tested by CBI are illustrated in Attachment B (Physical Evidence Chart) at the end of this report.

Pattern Analysis

1. The overall series of bloodstains on and around Conrad Street begins at Placard #1, which is located in the parking lot east of Conrad and continues onto the street and primarily to the west, and finally toward the north. The determination of the direction of the overall stains is based upon two factors: (a) the volume of blood is minimal around Placard #1 and Placard #2, and increases in volume toward the middle and west side of Conrad and (b) certain stain groupings demonstrate slight, but discernable east-to-west directionality and others demonstrate south-to-north directionality. Beginning with stains associated with Placard #5 the overall stain pattern becomes erratic, which indicates an unorganized movement of the victim, consistent with the victim being engaged in an altercation with another individual. The largest concentration of blood is associated with Placards 11, 12, and 13. This is Projected Blood consistent with that produced by a breached artery. The blood is traveling east-to-west and spatters up onto the curbing and two wooden planks located in front of the curbing. Beyond Placard #16, the blood diminishes in volume, but continues to demonstrate a south-to-north directionality. The diminished volume may indicate that the victim (or another individual) is partially covering the wound, or that the systolic blood pressure has dropped considerably by this time, or that both of these have occurred.
2. Transfer stains associated with the Jeep are the result of a bloody object (skin or clothing, for example) coming in contact with the surfaces of the vehicle. This could have come from anyone with blood on his skin or clothing. There is no indication that the assault occurred in or around this vehicle. The stain on the rear passenger door handle indicates that the person who opened this door had blood on him that was consistent with the blood of the victim, Anthony Madril.
3. Low Velocity Impact Spatter in the Dodge truck is consistent with the victim, Anthony Madril entering the cab of the truck from the driver's side. Additional transfer patterns are consistent with the victim being located in the cab of the truck after being stabbed. There is no indication that the assault took place inside this vehicle.
4. Blood on the folding knife recovered from inside the Dodge truck belongs to the victim, Anthony Madril. The stains are transfer stains and are located primarily on the knife handle. The only stains that appear to be on the knife blade itself are on those areas of the blade that are accessible when the knife is closed.
5. Low Velocity Impact Spatter on the right Coleman hiking boot was deposited from a source above the toe of the boot and resulted from a force consistent with that of gravity. Medium Velocity Impact Spatter originated from an area in front of and slightly above the toe of the boot. This blood could be the result of blood hitting the asphalt and spattering up onto the boot, or it could be the result of projected blood (as from a breached artery) hitting the asphalt and spattering up onto the boot, or it could also result from this boot being used to kick the victim. In any of these cases,

In any of these cases, this places the wearer of the boot in a position facing the front of the victim. The victim, at this point, could be in any position (from standing to lying on his side), as long as he is facing the wearer of the boot.

6. Multiple transfer patterns on the green jacket places the wearer in direct contact with the victim subsequent to the victim being stabbed. Medium Velocity Impact Spatter could be the result of projected blood (as from a breached artery) or from blows sustained by the victim or the wearer of the jacket during an altercation.
7. Transfer patterns on the shirt worn by Mike Lee indicate that the wearer came in contact with the blood of the victim. Multiple accounts place Mike Lee seated in the back of the Jeep. Bloodstains are observed on the back of the Jeep; therefore it is possible that the stains on the shirt are a result of blood having been transferred either from the seat back or from another bloody object. The minimal amount of staining on this item makes it unlikely that the wearer was in contact with the victim subsequent to the stabbing.
8. The blood on the knife recovered from Todd Newmiller indicates that the knife blade was at some time in contact with the blood of the victim, Anthony Madril. There is at least one account of the knife being wiped off, which could account for the small amount of blood on the knife. There are also accounts that the knife may have been used to cut the tire of the Dodge truck, which would also contribute to blood being wiped off.

Conclusion

The bloodstain evidence supports that the victim, Anthony Madril, was stabbed at a location either near or in the parking lot located east of Conrad Street. The victim then traveled in a westerly direction across Conrad, became involved (or continued to be involved) in an altercation which took him to the west side of the street and, eventually, in a northerly direction along Conrad toward Galley. The victim then appears to have entered the Dodge truck and was driven away from the scene.

The clothing displaying the heaviest concentration of blood (besides that of the victim) belongs to Brad Orgill. This indicates that Mr. Orgill was in contact with Mr. Madril for a period of time subsequent to the stabbing. While there is little doubt that Mr. Orgill was engaged in an altercation with Mr. Madril, based on both physical and testimonial evidence, a conclusion cannot be drawn from this, that it was Mr. Orgill who stabbed Mr. Madril.

Two knives of significance were recovered in this case and both knives had blood on them that (according to DNA analysis) is consistent with that of the victim. One of these knives was recovered from the front seat of the Dodge truck in which the victim was riding. When recovered, this knife was in a closed condition. The blood on this knife is observed on the handle and on the parts of the blade that are exposed when the knife is closed. Given the minute amount of blood observed on the blade, it is unlikely that this knife is the murder weapon. The blood staining is more consistent with having come in contact with the victim while the knife is closed. Furthermore, there is no indication that anyone would have taken the time to wipe the blood off of the open knife blade, close the knife, and then place it back on the seat of the vehicle.

The second knife was recovered from the right jacket pocket of Todd Newmiller. This knife, when subjected to DNA analysis, was found to contain blood that is consistent with that of the victim, Anthony Madril. There was very little blood observed on this knife; however, there are witness accounts that indicate that the knife was used to puncture a tire of the Dodge truck and also that the knife was wiped off at a later time. Either or both of these actions, if true, could account for the minimal amount of blood on the knife blade.

As already stated, the clothing of Mr. Orgill has a much larger volume of blood on it when compared to the clothing of Mr. Newmiller. This in itself, however, does not mean that Mr. Newmiller could not have inflicted the stab wound to Mr. Madril. Contrary to common belief, a stab wound will not necessarily produce an immediate gush of blood, particularly when the victim is stabbed through clothing as was the case with Mr. Madril. Therefore, it is quite common for a person to inflict a stab wound and not have his or her clothing spattered with the blood of the victim, especially if the assailant moves out of the way quickly.

Based on the bloodstain and other physical evidence, the analysts cannot say precisely who stabbed Mr. Madril, nor can either Mr. Newmiller or Mr. Orgill be ruled out as the assailant. It is clear that the knife recovered from Mr. Newmiller contains blood consistent with that of the victim; and that there is no indication that Mr. Orgill possessed a knife during the incident. The only other knife involved is unlikely to be the murder weapon due to the condition in which it was found and the location and volume of the bloodstains on the blade.



Criminalist Jeff Saviano, #1235C



Technician Kimberly A. Bjorndahl, #659C

PHYSICAL EVIDENCE INVENTORY

ITEM #	DESCRIPTION	COMMENTS **
1-RF	Knit Hat	NBO
2-RF	Blue Plaid Polo Shirt	Bloodstains observed front left NBO on back
3-RF	Brown Belt w/Rodeo Buckle	NBO
4-RF	White Left Athletic Shoe	Two presumptive tests were + blood
5-RF	White Right Athletic Shoe	One presumptive test was + blood
6-RF	Blue Jeans	Bloodstains observed on left front leg; Blood observed on front & back
9-RF	Black Ball Cap	NBO
10-RF	Multicolor "G Unit" Jersey	Bloodstains observed on left side edge near underarm; Bloodstains observed on upper chest area and overall front of jersey
11-RF	Black "G Unit" T-shirt	Bloodstains observed on back of sleeves; Void area on upper left chest area; Bloodstains observed basically on entire front of T-shirt & sleeves
12-RF	Black Belt	NBO
13-RF	Lugz Brown Left Athletic Shoe	Bloodstains observed on front & sides
14-RF	Lugz Brown Right Athletic Shoe	Bloodstains observed on top and right outer edge/side
15-RF	White & Grey Cotton Socks	NBO
16-RF	Blue Denim Jeans	Bloodstains observed on left & right front jean legs (more blood on right); Small amount of bloodstains observed on the back of jeans

ATTACHMENT A

PHYSICAL EVIDENCE INVENTORY

20-RF	Black Polo Shirt	NBO
23RF	Black Jeans	NBO Presumptive test for blood negative
24-RF	Bostonian Black Shoes	NBO
1-JRV	Tan Pants	NBO
2-JRV	Black T-Shirt	NBO
3-JRV	Grey Sweat Shirt	NBO
DR-1	Phat Farm T-Shirt	Blood Spatter observed on upper front by sleeve; T-Shirt is blood soaked
2-RJ	Black Leather Gloves	NBO
3-RJ	Black Leather Jacket	NBO (section from inside left sleeve cutout prior to examine)
2-JM	Black Leather Pants	NBO (section from left collar, right sleeve, lower back cutout prior to examine)
3-JM	Multicolor Plaid Shirt	NBO (sections from left collar, right sleeve at lower back cutout prior to examine)
4-JM	Black & Grey Socks	NBO
5-JM	Black & Grey Shoes	NBO
7-JM	Blue T-shirt	NBO (sections cutout on upper left shoulder, back left shoulder, lower left back & left sleeve prior to examine)

PHYSICAL EVIDENCE INVENTORY

8-JM	Puritan Black Pants & Belt	NBO (section cutout from back left rear by pocket & front inner right knee inner edge)
9-JM	Teva Black & Grey Left Hiking Shoe	NBO
10-JM	Teva Black & Grey Right Hiking Shoe	NBO
2-JN	Keys – Jeep Cherokee	
4-JN	Keys – Chevrolet Truck	
6-JN	Paring Knife	Small drop of blood on left side @ tip
6-JN	Carolina Black Leather Right Boot	NBO
7-JN	Carolina Black Leather Left Boot	NBO
2-SB	Red & White Shoes	Bloodstains on both shoes with some directionality, swipes, wipes and transfer blood in tread
3-SB	Black Socks	NBO
4-SB	Raw Edge Black Pants	Bloodstains observed on both front and rear of pants
5-SB	Black Belt	Bloodstains observed
5-S	Eye Glasses	NBO
7-S	Board	Bloodstains observed
8-S	Board	Bloodstains observed

PHYSICAL EVIDENCE INVENTORY

8-VT	Outback Coat	Bloodstains observed on right sleeve, left sleeve; Patterns consist of swipes on left placket, transfer on placket/lapel and left lower inner pocket
9-VT	Marlboro Cigarette Package	Transfer bloodstain pattern
10-VT	Marlboro Cigarette Package	Transfer bloodstain pattern
13-V	Vehicle Seat Material 1988 Jeep	
14-V	Vehicle Seat Material	NBO
16-V	Vehicle Floor Mat	NBO
17-V	Vehicle Floor Mat	NBO
18-V	Vehicle Floor Mat	NBO
19-V	Vehicle Floor Mat	Stains observed Three presumptive tests negative
20-V	Vehicle Headrest	NBO
21-V	Vehicle Rear Bench Seat	Cutout on rear driver side & center area
22-V	Rear Vehicle Bench Seat Cover	Presumptive test negative
6-SW	Eddie Bauer Green Jacket	NBO (sections cutout from upper left & right chest areas prior to examine)
7-SW	Reactor +I.D.D. Green Jacket	Bloodstains observed at lower left front @ pocket (spatter) & back side of jacket; Transfers along right hand side of jacket
8-SW	Coleman Multicolor Left Shoe	Bloodstain (impact spatter) on left outer side of shoe

ATTACHMENT A

PHYSICAL EVIDENCE INVENTORY

9-SW	Coleman Multicolor Right Shoe	Bloodstains on toe of boot, sole and sides
15-SW	Martex Tan Towel	NBO

The following items were unavailable for examination (at C.B.I. for analysis):

DR-1:	Bench Made black serrated knife
6-VT:	Folding buck style knife from Dodge truck
11-VT:	Truck tire/Wheel rim from Dodge truck

** **NBO:** No Blood Observed

ATTACHMENT B
PHYSICAL EVIDENCE CHART

ITEM #	DESCRIPTION	DNA RESULTS	SEROLOGY H, +C OR NONE	CBI #	ASSOCIATED WITH
4-S	BALL POINT PEN		H	2	CONRAD STREET
5-S	EYE GLASSES		+C	3	CONRAD STREET
9-S	BLOOD SAMPLE PLACARD #1	MADRIL *	H	4	CONRAD STREET
13-S	BLOOD SAMPLE PLACARD #5		H	5	CONRAD STREET
18-S	BLOOD SAMPLE PLACARD #10		H	6	CONRAD STREET
20-S	BLOOD SAMPLE PLACARD #12	MADRIL *	H	7	CONRAD STREET
23-S	BLOOD SAMPLE PLACARD #15		H	8	CONRAD STREET
28-S	BLOOD SAMPLE PLACARD #20		H	9	CONRAD STREET
29-S	BLOOD SAMPLE PLACARD #21	MADRIL *	H	10	CONRAD STREET
6-SW	JACKET		Presence of blood but further analysis failed to characterize the stain as human	11	1411 W CUCHARRAS ORGILL'S HOUSE
7-SW	GREEN REACTOR+I.D.D. JACKET BLOODSTAINED 1 - MID RIGHT BACK 5 - RIGHT FRONT SLEEVE 6 - LEFT FRONT CENTER STOMACH	5 - MADRIL * 6 - MADRIL *	1 - H	12	1411 W CUCHARRAS ORGILL'S HOUSE
8-SW	COLEMAN LEFT HIKING BOOT		H	13	1411 W CUCHARRAS ORGILL'S HOUSE

ATTACHMENT B

PHYSICAL EVIDENCE CHART

9-SW	COLEMAN RIGHT HIKING BOOT BLOOD STAINED 4 - FRONT TOE	4 - MADRIL *	H	14	1411 W CUCHARRAS ORGILL'S HOUSE
12-SW	1 - HUNTING KNIFE 2 - SHEATH		1 - NONE 2 - NONE	15	1411 W CUCHARRAS ORGILL'S HOUSE
15-SW	MARTEX HAND TOWEL - BLOODSTAINED	MIX NOT VICTIM	H	16	1411 W CUCHARRAS ORGILL'S HOUSE
16-SW	WATER SAMPLE		NONE	17	1411 W CUCHARRAS ORGILL'S HOUSE
1-V	BLOOD SAMPLE TOP FRONT PASS DOOR HANDLE		+C	18	1988 JEEP CHEROKEE SUSPECT VEHICLE
3-V	BLOOD SAMPLE REAR PASS DOOR HANDLE	MADRIL	H	19	1988 JEEP CHEROKEE SUSPECT VEHICLE
4-V	BLOOD SAMPLE REAR PASS WINDOW		H	20	1988 JEEP CHEROKEE SUSPECT VEHICLE
5	BLOOD SAMPLE REAR PASS DOOR SEAM		H	21	1988 JEEP CHEROKEE SUSPECT VEHICLE
8-V	BLOOD SAMPLE REAR PASS DOOR		NONE	22	1988 JEEP CHEROKEE SUSPECT VEHICLE
13-V	FRONT PASS VEHICLE SEAT MATERIAL - BLOODSTAINED	MIXTURE **	H	23	1988 JEEP CHEROKEE SUSPECT VEHICLE
14-V	BLOOD SAMPLE BACK FRONT PASS SEAT		+C	24	1988 JEEP CHEROKEE SUSPECT VEHICLE
20-V	VEHICLE HEADREST		H	25	1988 JEEP CHEROKEE SUSPECT VEHICLE
21-V	REAR BENCH SEAT BACKREST		+C	26	1988 JEEP CHEROKEE SUSPECT VEHICLE

ATTACHMENT B

PHYSICAL EVIDENCE CHART

22-V	REAR BENCH SEAT COVER		+C	27	1988 JEEP CHEROKEE SUSPECT VEHICLE
1-VT	BLOOD SAMPLE EXTERIOR DRIVER'S DOOR		H	28	1995 DODGE TRUCK VICTIM VEHICLE
4-VT	BLOOD SAMPLE STEERING WHEEL		H	29	1995 DODGE TRUCK VICTIM VEHICLE
6-VT	FOLDING BUCK STYLE KNIFE BLOODSTAINED 1 - SIDE A 2 - SIDE B	2 - MADRIL *	H	30	1995 DODGE TRUCK VICTIM VEHICLE
11-VT	DUNLOP TRUCK TIRE AND WHEEL RIM #		NONE	31	1995 DODGE TRUCK VICTIM VEHICLE
1-DR1	PHAT FARM T-SHIRT - BLOODSTAINED		H	32	ANTHONY MADRILL
3-RJ	LEATHER JACKET 1 - REMOVABLE LINER 2 - MAIN PORTION		H 1 - NONE	33	TODD NEWMILLER
6JN	RIGHT BOOT		NONE	34	TODD NEWMILLER
7JN	LEFT BOOT		NONE	35	TODD NEWMILLER
2JM	LEATHER PANTS		+C	36	TODD NEWMILLER
3JM	MULTICOLORED PLAID SHIRT - BLOODSTAINED	NO MATCH	H	37	TODD NEWMILLER WEARING AT TIME OF ARREST
7JM	PURITAN BLUE T-SHIRT 1 - LEFT SHOULDER/CHEST/SLEEVE	1 - MADRIL * & MIXTURE ****	H	38	MIKE LEE

ATTACHMENT B

PHYSICAL EVIDENCE CHART

8JM	CLOTHING 1 - BELT 2 - PANTS		1- NONE 2 - +C	39	MIKE LEE
9JM	LEFT SHOE		NONE	40	MIKE LEE
10JM	RIGHT SHOE		NONE	41	MIKE LEE
DR1	KNIFE 1 - HANDLE 2 - BLADE	2 - MADRIL	H	46	TODD NEWMILLER
27	ASH/CHARCOAL DEBRIS ###			45	1411 W CUCHARRAS ORGILL'S HOUSE

H PRESENCE OF HUMAN BLOOD

NONE FAILURE TO INDICATE THE PRESENCE OF BLOOD

+C PRESUMPTIVE TEST INDICATES BLOOD - FURTHER TESTING FOR HUMAN BLOOD MAY CONSUME SIGNIFICANT PORTION OF SAMPLE

* REASONABLE DEGREE OF SCIENTIFIC CERTAINTY

** NOT INTERPRETABLE

*** MAJOR COMPONENT MATCHED MADRIL TO REASONABLE DEGREE OF SCIENTIFIC CERTAINTY; MINOR COMPONENT NOT INTERPRETABLE

THE SINGLE PUNCTURE HAS NO VALUE FOR MICROSCOPIC COMAPRISON

MATERIAL PIECES, BUTTONS & SNAP PORTIONS RECOVERED