

Testimony continues in Wallin-Reed murder trial

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Forensic experts differ on origin of gunshot residue found in victims' car

Forensic experts testifying in the Wallin-Reed murder trial all agreed the car six Susanville men used to flee from the shooter contained gunshot residue.

But, as expected, the experts disagreed on how the residue got there.

A forensic scientist, testifying for the defense, said the residue came from a gun fired by someone inside the car. Experts for the prosecution testified the residue came from bullet fragments fired by Wallin-Reed's AR-15 assault weapon.

Wallin-Reed, 38, of Reno, admitted shooting the AR-15 and a handgun at the car. He is on trial for murder in the shooting death of Rory McGuire.

McGuire, 20, was driving the car on the night of July 2, 2011, when he was shot in the head by Wallin-Reed after an 8-mile car chase. Two passengers were shot in the leg.

The chase began when Wallin-Reed caught the men — aged 19 and 20 — stealing solar lights from the driveway leading to his cabin along the Janesville grade.

The jury trial, which began Sept. 3 in Plumas County Superior Court in Quincy, is expected to last through the end of the month.

“It's safe to assume there was going to be a lot of lead in this car, because it had been shot up,” said Department of Justice criminalist John Brogden.

Brogden was one of 20 prosecution witnesses to testify during the first two weeks of the trial. The witnesses included officers who gathered evidence at and along the 8-mile crime scene. It also included testimony from two of the five shooting survivors, who told the jury they stole solar lights and a sign, but didn't have a gun.

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The jury heard testimony from forensic experts for the prosecution who backed up the Susanville men's claim that they were unarmed. Investigators didn't find a gun at or near the crime scene.

Although the prosecution isn't expected to rest its case until later this week, the court allowed a defense witness to testify early because of a scheduling conflict.

Richard Ernest, a forensic scientist from Fort Worth, Texas, said the residue lifted from the door of the car's front passenger seat was consistent with a gun being fired from that spot.

"My conclusion was that a gun was fired from the passenger seat," Ernest told the jury. "And there is physical evidence to support that."

Ernest, who was on the stand for the entire Sept. 11 court session, stood behind his opinion during cross-examination from District Attorney David Hollister.

Hollister argued it would have been nearly impossible for the residue to have come from a shooter in the car. He said it was located too far toward the front of the door and under the rear-view mirror. He said that the person in that seat, Cesar Gonzalez, would have been pointing the wrong direction.

He added Gonzalez was shining a spotlight out the window and would have had to use both hands.

"Mr. Ernest, I'm going to suggest to you that you are just flat-out wrong," Hollister said.

Forensic experts for the prosecution later testified that the lead residue came from one of the AR-15's .223 shells that broke apart after hitting the car.

A three-dimensional reconstruction of the final shooting scene, provided by Precision Simulations, Inc. CEO, Craig Fries, showed the trajectory of the AR-15's bullets as they traveled through the car.

Using measurements of tire and oil tracks provided by the California Highway Patrol, along with the eight .223 casings found at the scene, Mr. Fries' reconstruction showed the car had turned around and was traveling in a meadow in the opposite direction of Wallin-Reed.

Wallin-Reed told investigators the car was coming directly at him.

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Fries determined the car was parallel to Wallin-Reed and about 50 feet away when the shots were fired. His 3D reconstruction showed one of the rounds was headed directly to the spot where the gunshot residue was found in the car.

Pittsburg forensic scientist Thomas Morgan said he agreed with the gunshot residue findings provided by Department of Justice firearms examination expert Don Dunbar.

Dunbar testified he didn't think the pattern of lead found on the inside of the front passenger door was from the vapor of a gun being fired.

"That's a classic pattern of particulate gunshot residue from a bullet breaking apart," he told the jury.

Forensic scientist Allison Murtha testified that tests of the Susanville men's hands showed they did not have gunshot residue on them.

She said gunshot residue consists of a three-component particle consisting of barium, antimony and lead. She said a person with those three particles on him has either fired a gun, been around a person who fired a gun or come into contact with a person who fired a gun.

She testified the men did have two-component and one-component particles (barium and lead, or just lead) on them. She said two-component particles can come from other sources, such as fireworks or brake pad dust. She said one-component particles can come from many sources.

Investigators who combed the road after the shooting testified they found other bullet casings that did not match those from Wallin-Reed's guns.

Plumas County Sheriff's Sgt. Matt Beatley testified that he led a team along the route four days after the shooting. Deputy Mike Grant said he led a team of six search and rescue officers that searched the 8-mile route for evidence 10 days later.

Grant testified his team searched the roadway and up to 15 feet on each side of the road. He said the search uncovered one of the solar lights the men threw from the car. Grant said the searchers also found a variety of bullet shell casings.

He said the searchers didn't gather casings that had obviously been on the ground for a long time. However, he said a few casings appeared to be newer: In particular, three .380 shells and two .25-caliber shells.

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Hollister told the jurors the shells could not have come from the car. He said the .25-caliber shells — which were less than 10 feet apart — were on the wrong side of the road. He said the .380 shells — two of which were 2 feet apart — were too close together to have come from a car traveling 50 miles per hour.

He also argued that none of the shells were found at the location where Wallin-Reed said the men in the car shot at him.

Wallin-Reed's defense team of John Ohlson and Richard Young were expected to begin calling their witnesses next week.

They have not said whether Wallin-Reed will testify in his defense.

Plumas County Superior Court Judge Ira Kaufman is conducting the proceedings.

The jury is comprised of 10 women and two men.