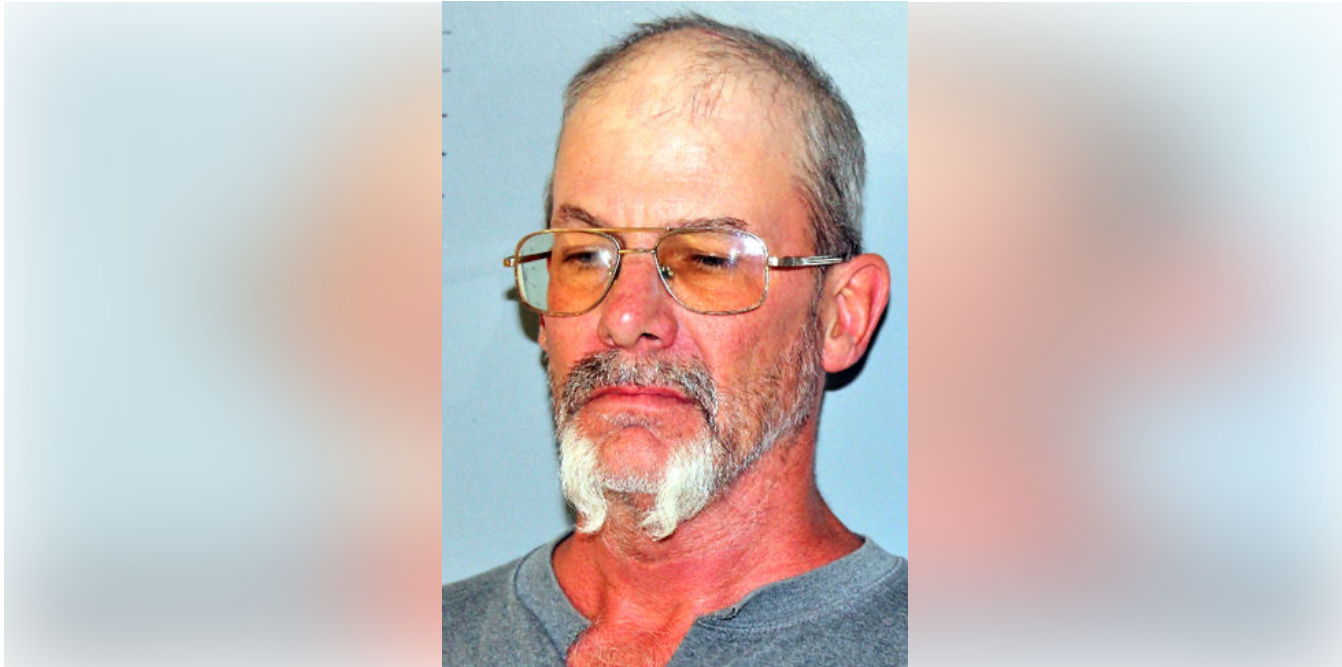


FEATURED

Defense questions investigator during Heimberg trial

Closing arguments to begin today

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Ben Wood, investigator for the defense, was among the witnesses who testified Wednesday in the Stephen Heimberg trial in Saguache County.

Defense attorney James Castle questioned Wood about his investigation of the scene and witness interviews starting in October 2018, a month after the shooting death of Richard Wharton.

Wood spent time investigating the scene of the incident, including climbing up on the roof of the shed or carport Wharton was on at the time of his death.

Videos and photos of Wood's investigations were shown to the jury, including a map that displayed a time line of Wharton's movements the last day of his life, based on witness accounts and surveillance camera at the Sinclair Station across U.S. 285 from Heimberg's property, where the shooting later took place.

Footage from that camera shows a person dressed similarly to Wharton walking through the parking lot within an hour of the shooting incident at Heimberg's property.

Wood testified he did sound tests to determine how much noise was made by banging on the metal roof of the structure with a two-by-four and if it was plausible the sound could be heard a half mile away, as reported by a witness who called 911 that morning.

Wood chose a morning with similar lighting conditions, with a waning crescent moon and clear skies, to determine what could have been seen that night. A video shown to the jurors gave an idea of what could be seen.

Wood said an outline of a moving figure could be seen, but not details like facial features.

Under cross-examination by Senior Deputy District Attorney Robert Willett, Wood confirmed he was paid for his time investigating.

He said he was not charging for hours appearing in court.

Willett questioned Wood about his method of doing interviews with witnesses, which includes a written summarization written by Wood, which is then read by the witness, who can make corrections.

He also questioned Wood's investigation of the roof of the shed and sound tests, which were performed during the day so as not to alarm neighbors after he and Heimberg had walked the neighborhood to tell neighbors what was going on.

Closing arguments in the case are expected to begin this morning.