

In RE Joseph Hathorn Nuccio, Petitioner/Defendant.,

Superior Court of California

County of San Joaquin,

Case No. STK-CR-FMISC-2021-0006365 (SF101949A)

EXPERT WITNESS REPORT

OF

Beth A. Mohr, CFE, CFCS, CAMS, CCCI, PI

The McHard Firm

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The McHard Firm

Administrative offices:
933 San Mateo Blvd NE, Suite 500-151
Albuquerque, NM 87108
505/554-2968 Albuquerque
619/764-6144 San Diego

INTRODUCTION

This report has been prepared by Beth A. Mohr, CFE, CFCS, CAMS, CCCI, PI. I have compiled the information and formulated the opinions contained in this report at the request of Jennifer Mikaere Sheetz, Attorney at Law, in connection with the matter entitled *In RE Joseph Hathorn Nuccio, Petitioner/Defendant*, which is filed in the Superior Court of California, County of San Joaquin, as Case No. STK-CR-FMISC-2001-0006365 (SF101049A).

It is possible that additional documents, including discovery, physical evidence, testimony of parties and witnesses, and opinions of experts, may be produced after the date of this report. If documents or other information later become available which supersedes, updates, or corrects the documents and information I relied on, I reserve the right to examine the new documents and information to inform and potentially revise relevant facts and my opinions as stated here. I also reserve the right to update the opinions expressed in this report to accommodate the results of relevant testimonial evidence and to address conclusions reached by the State's expert witnesses, if any. Finally, I expect to testify and use certain exhibits at a hearing or trial, and understand that I may be asked to express opinions in rebuttal of matters that are raised at a hearing.

A version of this report was originally issued on August 13, 2023, in accordance with an extremely short deadline imposed by the Court; this report has been updated and expanded in anticipation of possible testimony on October 24, 2023. None of the expert conclusions in the original report were changed in this updated version, this report is merely an expansion of the original, which would have been reflected in the original report, if time had allowed.

In forming my opinions and preparing this report, I relied in whole or in part on the documents or files listed in **Appendix A**, which were provided by Ms. Sheetz. Listed documents included documents which were duplicates, as well as scans or copies which were illegible or difficult to read. I did not conduct any interviews in this matter; independent investigation was limited to the use of publicly available records such as Google Maps, Google Earth, news media reports, historical weather data, or similar, as well as scholarly research.

ASSIGNMENT

I was retained by Attorney Jennifer Mikaere Sheetz, on behalf of Petitioner/Defendant, in this matter to:

1. Analyze and opine on certain police procedures, processes, operations, tactics, and training relevant to this case, and;
2. Analyze and respond to the report of any expert or fact witnesses that the State, or other parties in this action, may retain.

ANALYSIS

Background and Incident:

On 9/26/2001, at about 8 am, Jody Lynn Zunino's dead body was found in a field near railroad tracks about 300' from the western dead-end of Jackson Street, in Stockton, CA. Ms. Zunino had been stabbed and slashed multiple times, a knife was located laying near her head. Ms. Zunino was known to have been a sex worker in the period just prior to her death and was also known to have been addicted to heroin. Ms. Zunino's body had tire tread marks consistent with being run over by a vehicle at or after the time of death. Tire tread impressions were found in the mud at the scene, and casts of these impressions were made by Stockton Police evidence technicians, and also by California DOJ Criminalist Sarah Yoshida.

Witnesses described that Ms. Zunino was last seen getting into a white Ford Bronco, driven by a bald male with a mustache. One witness provided officers with a license number of the vehicle, written on a piece of paper. The license number corresponded to a white Ford Bronco belonging to Terry D. Sprinkle, a white male who was balding, with a mustache. Mr. Sprinkle was a parolee. An FBI Task Force Agent found what appeared to be bloody shoes and clothing at Mr. Sprinkle's home, as well as \$30 in cash that appeared to be bloody. This evidence was seized, and provided to Stockton Police, but was never subsequently booked into evidence, or tested for the victim's blood. The location of this evidence remains unknown at this time.

Mr. Sprinkle was detained and interviewed by Stockton Police. It was noted that Mr. Sprinkle had cuts on his hands, and referred to being cut during his interview. Mr. Sprinkle gave a statement indicating that he didn't know the victim, but when confronted, later admitted that they had gone to school together. He told police that he slapped a different prostitute a year ago, and any blood in his vehicle would be from her, he also stated that any blood could be from prostitutes who had shot up heroin in the back seat of his car. Mr. Sprinkle was taken to the hospital and his blood was drawn, and the blood vial was booked as evidence in the Zunino murder case. Mr. Sprinkle did not offer any explanation or statement that would exclude him as the primary suspect in Ms. Zunino's murder.

Mr. Sprinkle's vehicle, the white Ford Bronco with the exact license plate number provided by witnesses, was searched and partially processed by Stockton police and California DOJ Criminalist Sarah Yoshida. As depicted in photographs, the vehicle's white interior had dark red liquid splatter emanating from the passenger seat and throughout the interior, which appeared to be consistent with blood splatter. The vehicle had cuts to the seat and headliner, that may have been from a knife. The vehicle was partially processed by police and crime scene investigators. Fingerprints were lifted from the interior passenger door of the vehicle, and photographs were taken.

However, despite the appearance of the vehicle as a possible or even likely crime scene, swabs of the splattered and pooled liquid were not collected nor retained in evidence for DNA or other analysis. The tires treads were not recorded via the standard procedure for documenting tire tread and wear patterns. The tire tread and wear patterns were not scientifically analyzed for consistency with the tire tread impressions left at the scene or on the victim's body. However, Criminalist Yoshida, who had just recently taken a course on documentation and analysis of tire tread evidence, visually looked at the tires, without



comparing them to casts taken at the scene, nor with photographs of the tire marking on the victim's body, but nevertheless decided that the tires were inconsistent with the murder evidence. Criminalist Yoshida failed to collect any evidence of the Bronco's tire tread and wear patterns.

The partial processing of the Bronco does not conform to proper practices for the complete collection of evidence, nor does Criminalist Yoshida's visual determination, lacking comparative evidence, conform to the proper procedure for judging whether or not tire tread evidence is matching or consistent with casts taken from a crime scene. The proper procedure would have been to apply petroleum jelly (Vaseline) to the tires, and then to have rolled the vehicle over butcher paper, causing the transfer of the Vaseline from the tire treads to the paper, whereupon print powder is applied to the transferred material, bringing up a visual depiction of the tire impressions on the paper, which is then photographed, and also collected as evidence.

At some point during the processing of the vehicle, Criminalist Yoshida conducted a presumptive test to determine whether or not the splattered liquid was actually blood. In her report and notes, Criminalist Yoshida explained that she took swabs of the blood-like substance and tested it for blood. However, Ms. Yoshida's notes and testimony do not reflect the proper procedure for the leucomalachite green (LMG) testing for the presumptive presence of blood.

According to Criminalist Yoshida's testimony "we use a chemical called leucomalachite green, otherwise known as LMG, for easier discussion. And it's just a color tests, we put a little water on a swab, we swab up the stain we see and then we add LMG to it. If it turns a nice, very pretty blue-green, it indicates its blood" (15-15684 hearing on 4-14-2014, 442:26-442:2).

However, that is *not* the appropriate testing protocol for LMG. In fact, if the swab turned blue-green after just the addition of the LMG, as described by Criminalist Yoshida, it would indicate a *false positive*, which can be caused by oxidation from materials such as rust, or even certain types of vegetation. The proper procedure starts out the way Ms. Yoshida described, however the second portion of the test, whether the swab initially turns green or not, is to apply a drop of reagent (hydrogen peroxide). After the second step, the swab is observed, and if the swab turns a "very pretty blue-green color", it then indicates the presumptive present of blood.

According to Ms. Yoshida's testimony, she took a swab with water, then swabbed a spot that might be a blood sample, then added LMG to the swab. It had no color change, and thus wasn't blood. In fact, the initial step of the test can only indicate a false positive; only the second step, the adding of the reagent, indicates the presumptive presence of blood, or lack thereof, on the swab.

Ms. Yoshida testified that she repeated this same (incomplete) test at various locations throughout the vehicle. Ms. Yoshida thus appears to have wrongly determined that the sample wasn't blood, by conducting an incomplete test, numerous times. There is no evidence that Ms. Yoshida performed the necessary second step of the LMG presumptive blood test protocol, which requires adding a drop of reagent (hydrogen peroxide), at which time the sample would then have turned color if blood was presumptively present. Additionally, the swabs were not preserved, and photos were not taken of the test swabs.



Once Criminalist Yoshida determined to her satisfaction, using the incomplete and incorrect testing procedure described in her testimony, that the liquid splatter was not blood but was evidently something other than blood, the investigation and processing of the vehicle as a crime scene appears to have essentially stopped. She testified that she and the others conducting the investigation were "excited" because the splatter looked "really good", like blood (443: 7-9), but once Ms. Yoshida performed the testing, which as described in her testimony would have been both incomplete and invalid, and the splatter was determined not to be blood, they decided that the vehicle must not be a crime scene.

Again, the partial and incorrectly performed processing of the vehicle, as described by Criminalist Yoshida's sworn testimony, does not conform to appropriate crime scene investigative practices. The complete LMG test should have been performed on numerous swabs, taken from numerous areas of the vehicle. Those swabs should have been photographed, then the swabs should have been preserved as evidence. Studies show that properly performed LMG tests do not destroy DNA, and thus the swabs could be subjected to an additional test to determine the presence of DNA, and potentially matched to an individual, such as the victim of the homicide. There is also nothing to suggest that the cut or stab marks in the vehicle were compared to murder weapon.

Once the vehicle was processed, and the improper testing protocol was used to conclude that there was no blood in Mr. Sprinkle's Broncho, there is no evidence that additional investigation was conducted, or that the homicide investigation continued at all, beyond the fall of 2001.

Despite the fact that Mr. Sprinkle was described by witnesses as having picked up the victim, including providing his license plate number, and despite the fact that Mr. Sprinkle had injuries to his hands that were consistent with having stabbed someone, and despite the fact that he admitted to being at the scene precisely when Mr. Zunino was picked up, as well as the fact that he admitted that he had a sex worker in his car who brought a knife with her, Mr. Sprinkle wasn't brought in for additional interviews. Witnesses were not contacted and interviewed or reinterviewed. Mr. Sprinkle was instead released from custody on the morning of Oct. 1, 2001, prior to the processing of his Bronco, and continued investigation of him ceased, as soon as Ms. Yoshida's incorrect testing procedure mistakenly led investigators to believe that there was no blood in Mr. Sprinkle's vehicle.

Mr. Sprinkle had a history with picking up and associating with sex workers, and even admitted that there might have been blood in his car because he struck and injured a sex worker on a prior occasion. A recently discovered police report (from 1994) details the report of a sex worker who told Stockton Police that Mr. Sprinkle stabbed her with his knife in a hotel room on Wilson Way. This is virtually the same location that Ms. Zunino was last seen alive.

Evidence from the victim was collected at the scene and at autopsy. This evidence included: 1) the victim's tank top, 2) a swab of a blood-like handprint on the back of the victim, 3) the rape kit, 4) two swabs of blood taken from the blade of the knife at the handle, and two control swabs from the top of the knife. The evidence was sent for testing shortly after the murder, in early October, 2001. The police report related to that evidence has not been located, or provided to me. A subsequent report which includes the local Department of Justice report, suggests that all of the evidence except the anal swab from



the rape kit was “inventoried not examined.” This report was issued on or about January 25, 2002. It is unclear why evidence sent to the DOJ would merely be inventoried, but not examined.

The January 25, 2002, the DOJ report notes that the anal swab was found to contain semen, so it was forwarded on to the DOJ DNA lab. The record of DNA testing is limited to the anal swab. I have not been provided with explanation for the lack of testing of the other evidence sent for testing in 2001, including the lack of analysis of what appeared to be blood on the knife. Mr. Nuccio’s DNA should have been in the system, since he had a 1998 felony conviction, thus it unknown whether or why Mr. Nuccio’s DNA wasn’t matched during the initial investigation.

Instead, by October 2001, the investigation essentially, and inexplicably, stopped. The case was not closed, but appears to have been completely untouched until 2006; there are no known police reports between 2001 and 2006 in this case. It is unknown what prompted Stockton Police to stop pursuing the investigation after the fall of 2001, and it is also unknown what caused police to renew the investigation into the case in 2006.

Interestingly, the lead case investigator, Officer Anderson, was actually related to the victim, Ms. Zunino, whose birth name was Jody Anderson. This fact does not appear to have been disclosed by Officer Anderson to his supervisors. Proper police procedure dictates that anyone with a personal relationship to either the homicide victim, or a potential homicide suspect, would not be allowed to continue on the investigative team, and should definitely not have been allowed to be the lead investigator. Personal bias, either for or against someone involved in the case, poses to grave a risk for the investigator’s personal feelings to corrupt their professional judgment.

In this case, Ms. Zunino was a member of Officer Anderson’s family, however, families of sex workers frequently want to sweep the person’s work and lifestyle under the carpet, and are loath to call attention to it (Boroumandfar, 2022; Poulsen, 2023). In cases where a sex worker is killed as a result of their profession or concurrent lifestyle (such as drug addiction), family members frequently just want the entire case to go away, so they can avoid the embarrassment of a public trial; this is borne out by academic studies (Alexandru, 2023; Howard, 2023; Khan, 2023; Oakley, 2007). If that was what Jody Zunino’s family have preferred, then Officer Anderson would have been in the position to simply let the case go cold, thus avoiding family conflict. Additionally, Officer Anderson himself may have found it embarrassing to be associated with Ms. Zunino, a known sex worker and drug addict, and may have determined individually that he didn’t want to pursue the case. One possibility for why the case was simply dropped in October 2001, even though there was a viable suspect in Terry Sprinkle, may have been the familial relationship between the lead investigator and the victim.

Additionally, Officer Anderson has a history of issues, including receiving disciplinary action, for failing to complete investigations, and failure to conduct diligent work generally, but specifically failing to put forward his best efforts towards investigations. In 2006, just about the time that Officer Anderson was being investigated for another Delinquency of duty allegation, this homicide case came back to life, and investigation was restarted. It is unknown if the timing of these two events is related, or coincidental. However, at the time the murder investigation was reopened, Officer Anderson was still working at the Stockton Police Department, but did not participate in the Cold Case investigation of Mr. Nuccio.



Rather, the Cold Case investigation was handled entirely by Officer Rodriguez. It is worth noting that the reprimands from the Internal Affairs record denote two cases of Delinquency of Duty, in those cases, as with Ms. Zunino's homicide case, leads were not appropriately followed and evidence was not properly preserved.

Regardless of the reason for the reopening of the case, in 2006, interest was renewed in the case. One of the two original investigators, Officer Ed Rodriguez reopened the case, citing the presence of DNA from the victim's anal swab that matched with Joseph Nuccio. Officer Rodriguez was involved in every aspect of the original investigation, and thus it is unclear what new information was presented, and why Officer Rodriguez did not know about the matching DNA back in 2001.

Mr. Nuccio admitted to police that he had paid Ms. Zunino for sex, specifically for anal sex, but stated that the encounter was consensual, as part of a sex work business arrangement, and he denied hurting Ms. Zunino. This is consistent with the physical evidence found by the coroner that there was an absence of trauma and no evidence of sexual assault. The medical examiner reported, "The anus is very slightly dilated, without evidence of trauma except for a 1/8th inch split of the skin associated with a small amount of dried blood on the perianal skin" (emphasis added). This defect is consistent with consensual anal sex (Faustino, 2020, 2022; McBride, 2010; Rahmani, 2021). Nevertheless, the prosecution argued that Mr. Nuccio raped and then killed Ms. Zunino, a fact pattern which is not consistent with the physical evidenced in the case.

During his interview, police told Mr. Nuccio that his DNA would appear on the knife, and he adamantly denied that it would, and challenged officers to test the knife for his DNA, because it would not be present. Officer Rodriguez subsequently took Mr. Nuccio's buccal swab, the victim's blood, and the knife itself from the Evidence Locker in Stockton and delivered it to the DOJ in Ripon, CA, for testing. Officer Rodriguez signed the knife out of evidence, indicating that he was submitting it for "latent print" tests.

The knife was processed by the DOJ Lab in Ripon, CA, and it was tested for blood. The DOJ found the knife did not have any trace blood on it. On December 20, 2007, the DOJ Criminalist created 6 new swabs from the knife. The state of the knife was described as "clean," with no trace blood; this is remarkable given the state of the knife when discovered in 2001. There is no mention of the original "blood swabs" from the knife despite the fact that they were last catalogued as stored with the DOJ Lab at Ripon. It would have been expected that the case numbers would have linked the evidence, and that the Lab would have retrieved the bloody swabs. It's also unknown why Det. Rodriguez didn't request testing of the blood swabs.

In 2007, the 6 new swabs from the knife were forwarded from DOJ Ripon to the DOJ DNA Lab in Richmond, CA, for DNA testing. The testing yielded some DNA evidence. In fact, Mr. Nuccio's DNA was not found on the knife, but the partial DNA profiles of two other men were present there. It is not known whether that DNA could belong to Terry Sprinkle, because there is no evidence that the male blood on the knife was ever tested against Terry Sprinkle, nor that it was run against the California database of convicted felons, known as CAL-DNA, which should have contained Mr. Sprinkle's DNA, as a convicted felon.

Mr. Nuccio owned a white Chevy Blazer at the time of the murder, by 2006 when the vehicle was processed by criminalists, the vehicle had been wrecked, and was sitting unused, and



open to the weather, in his father's yard. It is unknown whether the tires on the vehicle in 2006 were the same tires present on the vehicle in 2001, when the murder occurred, but investigators presumed that they were the same tires.

Mr. Nuccio's Blazer was fully processed by evidence technicians including Criminalist Yoshida. However, unlike Mr. Sprinkle's Bronco, the Blazer did not have any visible liquid splatter. Criminalists processed numerous presumptive tests for blood, and found Mr. Nuccio's blood to be present on the driver's side door, likely from the accident which disabled the vehicle. Ms. Yoshida testified that she performed the process for presumptive blood properly on Mr. Nuccio's vehicle. The area tested was in the driver's portion of the vehicle, and it was known that the last time that Mr. Nuccio drove the vehicle he suffered a head injury in an accident. The trace amount of blood on the driver's side of the vehicle was consistent with the description of the accident. Mr. Nuccio's vehicle didn't have cut marks on the headliner and upholstery, it lacked pooled liquid, liquid splatter, or any of the other characteristics of concern found in Mr. Sprinkle's Bronco. The fact that the presumptive tests showed blood would indicate that Criminalist Yoshida performed the 2-step test properly for Mr. Nuccio's vehicle.

Criminalist Yoshida had "visually determined" that Mr. Sprinkle's Bronco wasn't a match for tire tread impressions left at the scene or on the victim's body. This is not the proper analysis that should have been conducted to determine whether or not the tires on Mr. Sprinkle's vehicle were the tires that left impressions at the murder scene, and on Ms. Zunino's body. Ms. Yoshida fully and properly processed Mr. Nuccio's vehicle tires, including following the proper procedure of applying petroleum jelly to the tires, and rolling the vehicle over butcher paper, whereupon print powder is applied to the transferred material, bringing up a visual depiction of the tire impressions; she testified that she rolled up the paper and properly preserved it. This is the procedure that should have been performed with Mr. Sprinkle's Bronco, but Ms. Yoshida failed to perform that test.

Criminalist Yoshida variously described the tires on Mr. Nuccio's Blazer as being a "match" to the crime scene where Ms. Zunino's body was dumped, later the tires are described as being "consistent" with the tire impressions left at the crime scene, and finally, at trial, stated that while the tires were not a match, they "could not be eliminated" as potentially matching the crime scene. This is a series of extremely fine distinctions. Studies show that juries do not understand this type of terminology, and are unable to parse through these types of distinctions around forensic evidence without the assistance of a *bona fide* expert to explain these scientific nuances.

There is no record to indicate that either the casts of the tire tracks left at the scene, or the photographs of the tire marks on the victim's body, were submitted for expert identification with the FBI or other forensic experts who possess complete databases of tire impressions. It is unknown why this wasn't done, particularly since Criminalist Yoshida testified that she had a difficult time getting the tire manufacturer to provide her with information. There is no record to indicate that the processed impressions from Mr. Nuccio's Blazer were provided to any forensic expert, to determine whether there was a match with the photographs or casts from the scene or victim's body. And, of course, no tire tread evidence was ever gathered from Mr. Sprinkle's Bronco in the days immediately following the murder, and thus could not have been compared to anything.



The appropriate actions would have been for the photos and casts of the tire impressions left where Ms. Zunino's body was dumped to have been sent to the FBI, or another similarly qualified laboratory with a database of tire impressions. From the photographs and tire casts, a qualified laboratory could have provided the brand and type of tires, and could likely have opined as to which vehicles would likely have been sold with these tires, or whether the tires were aftermarket replacements. It probably could have been determined whether the tire impressions left at the scene were originally sold on a Ford Bronco, like Mr. Sprinkle's vehicle, or a Chevy Blazer, like Mr. Nuccio's vehicle. Instead, Ms. Yoshida contracted a tire company directly, and was unsuccessful in making any determinations. It is unclear why Ms. Yoshida failed to utilize the resources available to her, such as the FBI. It's just another in a series of crucial errors made by Ms. Yoshida in this homicide case, to include the processing and evidence collection at the scene, and the processing of Mr. Sprinkle's vehicle.

At the time of Mr. Nuccio's trial, the jury was not informed that a balding white male with a mustache had been described by witnesses as being the last person to pick up Ms. Zunino, nor that a witness had provided the license plate to the last vehicle that picked up Ms. Zunino, which was to a Ford Bronco belonging to Terry Sprinkle, a man who looked like the bald man described by witnesses. Mr. Nuccio did not resemble the subject seen last picking up Ms. Zunino; but the description matched Mr. Sprinkle quite precisely.

The jury was also not informed that this other man, Mr. Sprinkle, had cuts on his hands consistent with injuries that occur when using a knife, they were not told that his vehicle was covered with splatter of what appeared to be blood, nor that his vehicle had stab marks or cuts consistent with a knife. The jury was not told that this man admitted to having picked up a sex worker when and where Ms. Zunino was picked up, nor that he admitted to having slapped a female sex worker who was in his car, causing her to bleed. Finally, the jury was not informed that Mr. Sprinkle had, on another occasion, attacked a sex worker with a knife. In fact, not even Mr. Nuccio's defense attorney was told about Mr. Sprinkle's prior violent history involving attacking a sex worker with a knife. When taken together, all this evidence presents Terry Sprinkle as a very likely suspect, and the investigation of him should have been completed, running all relevant leads to their logical conclusion.

Tunnel Vision (AKA: the Rush to Judgment):

The phrase describing the situation where investigators ignore salient facts and relevant evidence to pursue a single suspect or theory, to the exclusion of all else, is referred to as "tunnel vision". Tunnel vision, also known as the "rush to judgment", is a natural human tendency that has been proven to occur in criminal investigations (Tyler 2017). This occurs when there is a shared goal and outcome – namely, to identify, arrest and convict a suspect – humans use shortcuts (heuristics) and make logical leaps to reach the desired conclusion (Tversky 1974).

This is made worse by pressure to "close the case", which can come from the victim's family, the community, the media, politicians (including prosecutors), police leadership, and even the investigative team themselves. Like confirmation bias, discussed below, tunnel vision causes investigators, prosecutors, and even forensic scientists to focus on a suspect and filter all information through the lens of quickly building a case. In this rush to the end-goal, evidence that points away from guilt, or towards another suspect, is ignored or dismissed (Salet 2013). Tunnel vision has been identified retrospectively in the analysis of



cases where individuals are proven to have been wrongly convicted (Humphrey 2018), (Judson 2017), (Maynard 2017).

All information supporting the adopted conclusion is elevated in significance, viewed as consistent with the other evidence, and deemed relevant and probative. Evidence inconsistent with the chosen theory is easily overlooked or dismissed as irrelevant, incredible, or unreliable. Properly understood, tunnel vision is more often the product of the human condition, as well as institutional and cultural pressures, than of maliciousness or indifference. (Findley 2006)

In the rush to achieve the end-goal of arrest and subsequent prosecution, alternate theories of the crime are not proposed, even by officers who have doubts about the suspect's guilt, or have reason to suspect another individual. Tunnel vision, like the optic of a rifle scope, naturally excludes everything except what is presented in the narrow, targeted range of the viewfinder.

In this case, the investigation of a very strong suspect, Terry Sprinkle, was abandoned, and the entire case lay dormant for many years. Once the case was reopened, and the DNA match was made to Mr. Nuccio from anal sex with Ms. Zunino, investigators disregarded all the prior evidence and investigation, and simply pushed forward with Mr. Nuccio as the only possible suspect.

Confirmation bias – *Believing is seeing*:

It's also simply human nature to assume that our own beliefs and observations are correct, and to seek out validation that we are correct, and ignore or minimize indications that we are wrong, or could be wrong. However, when that human tendency leads an investigator to give more weight and credibility to evidence and witnesses that support the investigator's own theory of a crime, and to discount or ignore evidence and witnesses contrary to that theory, that investigator has given in to confirmation bias (O'Brien 2009). Confirmation bias is a common type of cognitive bias. Confirmation bias is the error most frequently described in the literature as being responsible for wrongful convictions which were later overturned based on DNA evidence (Judson 2017).

One of the earliest studies of this concept, and an analogy that I frequently use to teach to law enforcement officers on the subject of confirmation bias and ethics in criminal investigations, is a phenomenon which can be witnessed at any sports event – sports fans rooting for their own teams report more fouls being committed by the other side (Hastorf 1954). Fans viewing the same instant-replay will view the results in a manner consistent with their team loyalties, even in the face of conclusive evidence to the contrary.

In criminal investigations, once an officer has developed a belief of a subject's guilt, this belief predicts their evaluations of other types of ambiguous evidence, and these biased evaluations of evidence, suspect viability, witness veracity, and even the relevance of witness statements track the officer's beliefs and taint the results of the investigation, resulting in a bias snowball effect (Balcetis 2006; Charman 2017; Meissner and Kassir 2002). Essentially, *believing is seeing* (Jones 2017; Krapohl 2018).

In this case, officers initially investigated Mr. Sprinkle as a suspect. Mr. Sprinkle was seen at the scene, a witness provided his license number as being the vehicle that Jody Zunino



got into the last time she was seen alive. Mr. Sprinkle met physical description of the person described by witnesses – a bald, white male with a mustache; Mr. Nuccio did not meet this description. Mr. Sprinkle admitted being at the scene and picking up a sex worker, and stated that she brought a knife with her, into his vehicle.

Mr. Sprinkle had cuts on his hands consistent with a knife attack. When someone has a knife and stabs something deeply, their hand will frequently slip off the knife handle and come in contact with the blade; this is a commonly seen injury in individuals who have stabbed someone. Mr. Sprinkle's Ford Bronco, bearing the license plate provided by a witness, had dark liquid splatter consistent with a knife attack as well as a liquid splatter pattern consistent with cast-off created by repeated stabbing. A cast-off spatter pattern is a bloodstain pattern resulting from blood droplets released from an object due to its motion. The pattern can indicate the direction and velocity of the motion of the object that cast-off the splatter. Mr. Sprinkle's vehicle also had actual stab-like cuts in the seat and headliner. In other words, given the totality of the evidence, Mr. Sprinkle was a very likely suspect in Ms. Zunino's murder.

Officers evidently dismissed the possibility that Mr. Sprinkle killed Jody Zunino. Mr. Sprinkle had a criminal history that included having stabbed a sex-worker at the very hotel where Ms. Zunino was picked up. Mr. Sprinkle admitted being in that location and picking up a sex worker, who brought a knife with her. Investigators indicated that Mr. Sprinkle's wife gave him an alibi, which makes little sense, since he had confessed being at the scene on the date and approximate time that Ms. Zunino was picked up. Additionally, law enforcement officers are notoriously distrustful of spousal alibis, as well they should be. In this case, the alibi makes little sense, but was nevertheless suggested as a reason that Mr. Sprinkle was not pursued as a suspect.

Confirmation bias is self-sustaining, in that each subsequent case development is used to reinforce the correctness of the line of reasoning, even in the face of evidence to the contrary (Ask and Granhag 2005). Further, confirmation bias is "contagious", because it effects the perceptions and judgments of other officers, witnesses, the prosecutor, and even forensic scientists (Kassin 2003), (VanDenEeden 2016), (Balcetis 2006).

In this case, the initial scene investigation was not properly conducted – criminalists from different agencies performed different tasks, information wasn't properly recorded, such as photographing the measurement of the stance of the vehicle at the body-dump-scene, and various criminal investigators used different techniques and materials to process different parts of the scene, as described by Criminalist Yoshida. The tire tread casts and photographs weren't sent off to the FBI or another competent lab to determine the make, model, and tire sizes, nor to determine which vehicles left the factory with those tires, if any. Instead, Ms. Yoshida tried a "DIY" approach to the evidence follow-up, which failed; this is likely due to the fact that she had only just received initial training in the collection and analysis of tire tread evidence, and didn't actually know the procedures.

Evidence was sent out, but not examined, instead being inexplicably just inventoried by the lab. The processing of Mr. Sprinkle's vehicle was botched, tests were done improperly, samples and swabs which could have been retested for blood and DNA were not collected, or preserved. Ms. Yoshida stated that she "visually eliminated" the tires on the Bronco as being consistent with those at the scene, despite the fact that she didn't have those casts or photographs for reference. In other words, she allegedly memorized the exact appearance



and specifications of the tire impressions at the scene, and compared them to the tires on Mr. Sprinkle's Bronco from memory, and allegedly eliminated them as possibly being the same. Even *bona fide* experts don't analyze tire tread impressions in this manner, which is improper and unreliable.

Treatment of the physical evidence in this case is well outside of the proper and expected treatment of evidence.

Case Discussion:

The collection and preservation of evidence is one of the most basic functions of law enforcement when conducting a criminal investigation. One of the most elementary principles of criminal investigation and crime scene analysis is the notion that evidence collection must be thorough and complete, and that a documented chain of custody must account for each individual piece of evidence from its collection to the present moment.

36. All movable evidence must be carefully wrapped or placed in suitable containers, sealed, and marked with the identification symbol with the following notations thereon: the place from whence taken, the date and time, the names of witnesses to the act, the name or number of the report, and the name of the person who removed the evidence. 37. Every article taken must be handled and packed so that all characteristics will be preserved from the moment of collection until presented to the expert for examination or introduced by the investigator at the trial. All evidence must when presented in court show a complete chain of its custody from the time it was first taken into possession until presented as evidence. The courts have continuously held that evidence must be identified with the place of discovery, that it be uncontaminated and unchanged in character.

Quote from: *Elements of Police Science* (1942) by Rollin Perkins, Page 50, quoted by Supreme Court of the United States in *Heller v. New York* (71-1043).

The importance of the proper collection and preservation of evidence was known in 1942, and has become even more important in more modern times. The introduction of so-called "touch DNA", and much more sensitive tests for DNA, as well as scientific analysis of other materials, mandate that evidence must be properly collected and preserved.

Modern evidence collection requires planning and cooperation among investigators and evidence technicians. In this case, Criminalist Yoshida discussed the fact that she and the Stockton Police Department's evidence technicians were working independently, not cooperatively. She watched a small portion of the measurement of the vehicle stance at the scene, for example, but didn't participate, and didn't document the way in which the measurements were taken. Nobody photographed the measurement, as would be expected, to depict exactly where the tape measure was being placed. Criminalist Yoshida took 3 tire impression casts, but the Stockton Police Department took a 4th cast, with some unknown material that Ms. Yoshida deemed to be of inferior quality.

Tire impression evidence is extremely fragile, and the collection of them is destructive. In other words, taking a cast of a section of tire impression effectively destroys that evidence, rendering the cast itself as the only remaining evidence. Fragile evidence collection requires



the most planning, since poor collection practices can destroy evidence and render it useless.

Although the scene was large and spread out over an open field, there's no evidence that the investigators and technicians planned the evidence collection at the scene, whether they decided on a grid search, as opposed to another search pattern, or that any planning or communication took place at all. It appears that the techs were all wandering around independently, doing their own work – this virtually always results in duplication of effort in some areas, and in evidence and analysis being missed in other areas, because nobody is doing it.

It was determined that Ms. Zunino's body was dumped in the field, and then run over by a vehicle; it was known that the crime did not occur there, because there was insufficient blood on the ground to have been the scene of the crime. Investigators were told by witnesses about a location where Ms. Zunino typically took her sex work customers, which was different from where her body was dumped. There is no indication that investigators or technicians went to that location, as described, to determine if that could have been the actual scene of the murder. It cannot be known what sorts of evidence may have existed at the actual murder location – there could have been blood, hair, or bodily fluids. Ms. Zunino's missing clothing, undergarments, and shoes might have been in that location (only her blouse was found at the scene), along with other property such as her purse or bag. There may have been additional tire impression information, possibly shoe prints, or other identifying information that could have been connected to the murderer. Since the actual scene of the homicide was never located, this can never be known, and that evidence is forever lost.

In this case, a number of concerns exist with the investigation, the collection and preservation of evidence, and the maintenance of a proper chain of custody for that evidence. Pieces of evidence have disappeared completely, important items of evidence were improperly destroyed, and evidence was not preserved properly so that the evidentiary value no longer exists. Additionally, pieces of evidence in this case lack an appropriate chain of custody - having an unknown chain of custody for a number of years - before mysteriously reappearing.

Questions surround the following items of evidence in this case, and are discussed here. This is by no means an exhaustive list of the items of evidentiary value which have been alleged to have been mishandled, lost, have questionable chains of custody, or have various other concerns.

1. A knife was found next to Mr. Zunino's body at the scene where her body was dumped; this was presumed by investigators to have been the murder weapon. The knife was collected at the scene, and Officer Anderson reportedly sent swabs of the blood or other material on the knife to the DOJ for DNA processing and other forensic examination. The DOJ's report concerning the knife, derived from the first, and best, swabs of what was likely the murder weapon, was not attached to the officer's report referencing it. The swabs were last known to have been submitted to the DOJ, but due to conflicting documentation at various points in this case, questions about the original report and the original swabs remain unanswered. Consequently, the results from the original swab of the knife cannot be known with any confidence, at this point.



In 2006, Officer Rodriguez checked the knife out of evidence, reportedly to have it analyzed for latent fingerprints. At the same time, the DNA sample from Ms. Zunino, and the buccal swab DNA collected from Mr. Nuccio, were also each checked out. It is unclear why DNA samples would have been checked out in order for the knife to have been examined for fingerprints. The knife was returned to evidence. However, Mr. Nuccio's DNA buccal swab was never returned to evidence, and the current location is unknown. A lost item report was completed for the missing buccal swab. However, District Attorney Himelblau stated in a hearing on April 10, 2023, that through his efforts, in constantly writing the police department, demanding that they find the evidence, some of the items may have been found, including possibly the buccal swab containing Mr. Nuccio's DNA (28:1-36:3). Evidence having a history of being lost or misplaced, and subsequently found, cannot have a clear chain of custody, by definition. This includes the recently discovered "latent print cards" from Mr. Sprinkle's vehicle, which Mr. Himelblau provided to the defense in April of 2023, with no known chain of custody.

2. The casts of the tire tread imprints from the scene of the murder were all destroyed shortly after Mr. Nuccio's trial. On August 06, 2012, a police officer at the Stockton Police Department filed a request for destruction of evidence, requesting the destruction of all of the original casts and the impressions from Nuccio's Blazer. The form was not filled out completely, and the officer who made the request did not put his or her name on the form. There was no court order granted for the destruction of the evidence, and no D.A. filed a motion or proposed order for the destruction of the original casts.

Proper procedure for requesting the destruction of evidence does not appear to have been followed; certainly, the form was not filled out in its entirety, and should not have been processed. Nevertheless, the tire impression casts were checked out of evidence, and destroyed. According to DA Himelblau's 4-10-2023 statement, this is the fault of the Court, because the Court was moving and getting rid of evidence (42:107). Since the case was being appealed, the Court likely would not have approved the destruction of these important pieces of evidence. The destruction of this evidence means that the casts taken at the scene where Ms. Zunino's body was dumped can never be compared to Mr. Nuccio's Chevy Blazer tires, by an actual expert, to determine if there was truly a match, or if, in fact, the tires are entirely inconsistent with what was collected at the scene.

Actual tire impressions were never collected from Mr. Sprinkle's vehicle tires, according to Criminalist Yoshida, so these could never be compared either. This failure to collect evidence was based on the Criminalist Yoshida's visual determination, which was made without the actual scene tire casts being present for reference, was also improper procedure. Ms. Yoshida's opinion was made and given within a few months of her initial training on tire and footwear impression, and was her first instance of evidence collection of this type since her training, per her testimony.

3. Mr. Sprinkle's shoes and clothing and \$30 in cash, all of which contained what appeared to be blood, were seized from Mr. Sprinkle's residence by an FBI Task Force Officer, Richard Fields. This evidence was reportedly collected from a search of



Mr. Sprinkle's home, pursuant to conditions of a parole search, and the items were provided to Stockton Police. However, these items evidently never made it to the Stockton Police Department's evidence locker, there is no chain of custody to indicate they were ever properly accepted, preserved, or booked into evidence, much less tested for the victim's blood. The loss of these potentially vital pieces of evidence means that these items, purportedly seized from Mr. Sprinkle's home, can never be tested for the victim's blood. If this evidence had been properly collected and preserved, it could be known whether or not Ms. Zunino's blood was on Mr. Sprinkle's clothes, shoes, and money.

4. Mr. Sprinkle's blood was collected upon his arrest, in the days following the murder. The blood vial was placed into evidence in Ms. Zunino's murder case, but there's no evidence that it was tested, nor matched to anything at the scene. The vial remained in evidence for this case. However, when the blood vial was personally delivered to a private forensic laboratory in 2017, as part of Mr. Nuccio's appeal, the lab received the vial in an unlabeled condition, and described it as being dark brown and damaged or contaminated. This means that at some point, the vial of Mr. Sprinkle's blood shed its label, and was improperly stored or handled in such a way as to destroy it for the purposes of testing. The lack of label on the vial also means that the chain of custody for this item cannot be properly documented, as well.

5. Early in the murder investigation, investigators were given a slip of paper by a witness who did not want to be involved, but nevertheless provided a written description of a vehicle, including the license plate number, into which Ms. Zunino was last seen entering. That license plate and vehicle was the white Ford Bronco belonging to Terry Sprinkle. The Bronco was the vehicle containing what appeared to be dark red liquid splatter, pooled liquid, and cut or stab marks. That piece of paper was never booked into evidence, despite being one of the most important items linking Mr. Sprinkle and his vehicle to the murder, as the last place that Ms. Zunino was seen alive.

6. Film negative strips were found near Ms. Zunino's body at the crime scene. It is unknown whether these belonged to the victim, the killer, or were unrelated to the crime scene in any way. The photo negative strips appear scratched and damaged in the crime scene photos. There is no record of the negative strips being printed prior to 2022. The photo negatives were properly placed into evidence, and preserved. However, according to the chain of custody, the negatives were checked out of evidence in 2006 for Mr. Nuccio's trial, and not checked in again until 2019, 13 years later.

The evidence is unaccounted for between 2006 and 2019, until they reappeared in the evidence room, having been checked back in by Officer Rodriguez, who was the person who had checked them out in 2006. The chain of custody for the film negative strips is thus broken, and at this point cannot be accounted for during the period of roughly 13 years. The lack of chain of custody means that it cannot be stated with any certainty that the item placed back in evidence in 2019 is the exact same item that was collected at the murder scene in 2001, and checked out for Mr. Nuccio's trial in 2006.



The negative film strips in the photos at the scene look more damaged than the ones now in evidence. It is unknown if they underwent a cleaning and restoration process, or why they appear to look so different than the original items photographed at the scene. The film strip sleeve also appears to be different; it is depicted in the crime scene photos as being torn, but 13 years later is not torn. The evidentiary value of the film strips, if any, has been forever clouded, due to the lack of a complete chain of custody. If the original film strip sleeve contained any fingerprints, that evidence is also forever lost.

7. In August of 1994, Mr. Sprinkle was accused of having stabbed a woman, listed in a police report as "Elaine Mulholland", who occasionally stayed with him at the Crest Motel, in Stockton. Police investigated, and Mr. Sprinkle admitted stabbing the woman, but stated that it was because she was trying to steal his money, and she threatened him with a pair of pliers. Mr. Sprinkle was detained, transported to the police station for photographs, and ultimately released; the case was referred to the District Attorney's Office for consideration of prosecution. The knife, the knife sheath, and the pliers were booked into evidence, per the report.

The Crest Motel has been implicated in a number of allegations regarding prostitution, sex trafficking, drugs, and violence, including mention in various news articles. The Crest Hotel was the scene of a homicide discussed in *People v. White (1995), Court of Appeal, Third District, California, No. C016065, June 01, 1995*, a case in which the Crest Hotel is described as "seedy" as well as being known for prostitution and drugs. That particular case involved prostitution, drug sales, a robbery and murder. That incident occurred right around the time when Mr. Sprinkle was living there with the woman he allegedly cut or stabbed.

The police report of Mr. Sprinkle's incident cutting a woman with a knife had purportedly disappeared, and was not provided to Mr. Nuccio's defense counsel at the trial, per an admission filed by the San Joaquin County District Attorney's Office. The fact that Mr. Sprinkle had a history of using a knife against a woman, and his association with prostitutes, may have been helpful information for Mr. Nuccio's defense counsel to have known.

When sought in this appeal, a CD containing the 1994 report, along with scans of latent fingerprints, and other potentially relevant information was purportedly discovered "under a credenza" in 2022. The location of the information between its collection and reporting 1994, its transfer to a CD, and its later appearance under a piece of furniture in 2022 is unknown; the discussion of the CD in the April 10, 2023 hearing, does not make the situation any clearer. It is noted that Mr. Himelblau represented that he sent the latent print cards for analysis in the automated fingerprint system in July of 2022. The CD itself would not be considered evidence, merely a copy of the evidence, but it is still disturbing that copies of evidence in a criminal case could disappear under a piece of furniture, then be sent for testing or analysis with no notification to the Court, despite a complete lack of appropriate chain of custody. It's unclear what happened to the original evidence that was depicted on the CD; it's possible that the CD itself is now the best remaining evidence, although it has no chain of custody.



It is also unknown whether the knife from the 1994 incident is still in evidence connected with that or any case, or has been destroyed, or otherwise disposed of, since no charges were ever filed in connection with this incident. It's unclear why charges were never filed in the 1994 case.

8. Other new evidence has been found that was evidently previously lost or otherwise not provided to Mr. Nuccio's trial defense counsel. This includes several fingerprints and smears which were lifted from the inside passenger window of Mr. Sprinkle's car, when the vehicle was partially processed in 2001. Evidently, comparisons for those fingerprints were not sought until 2022. When examined by the California DOJ Latent Print Section, it was determined that the prints did not belong to Ms. Zunino, nor to Mr. Nuccio. One set of prints matched Mr. Sprinkle, unsurprisingly, since it was his vehicle, and another set of prints belonged to Elaine Marie Barnes. Ms. Barnes' fingerprints were in the system, and she has both an FBI number and a California SID number, which may indicate a criminal history; Elaine Barnes' former name is Elaine Mulholland. It's unknown if this individual is the same as Elaine "Mulholland", as listed in the reported assault with a knife by Mr. Sprinkle, but it seems likely.

As depicted in the discussion above, this case has a variety of evidence which was lost, destroyed, not properly preserved, not properly stored and/or has an inadequate chain of custody to guarantee that it is authentic and identical to the original evidence seized. Important evidence was never collected, including samples of the liquid material splattered and pooled in Mr. Sprinkle's vehicle, the tire tread information for Mr. Sprinkle's Bronco, and the piece of paper provided to officers with Mr. Sprinkle's license plate, represented to be the last place Ms. Zunino was seen alive.

Remarkably, other pieces evidence in this case are *suddenly appearing*, such as the report of Mr. Sprinkle's stabbing of a lady at a hotel known for prostitution, and CD containing copies of the fingerprint lifts from the inside of Mr. Sprinkle's Bronco. Other known issues identified regarding the evidence include a court clerk allegedly putting the wrong date on materials, which would have indicated the investigation of the homicide occurred prior to the crime actually occurring, as well as allegations that an evidence technician tasked with copying a cassette tape allegedly didn't know that cassette tapes had to be copied on both sides, as well as other issues (from April 10, 2023 hearing).

EXPERT OPINIONS AND CONCLUSIONS:

Errors in procedure and judgement early on in the case likely resulted in a snowball effect of subsequent errors. These include the failure to plan the investigation and evidence collection at the scene where Ms. Zunino's body had been dumped, failure to photograph and properly document the tire stance measurement, having two separate entities collect different types of tire impressions, and failure to check the usual location Ms. Zunino took her customers to determine if it was the scene of the crime. Other issues include failing to have collected relevant evidence during the subsequent investigation, such as the failure to gather tire impression evidence from the Bronco, the reliance upon a newly-trained criminalist for a visual determination about whether the Bronco tires may have been consistent with the tire prints at the scene where the body was dumped, the apparent improper processing of the presumptive blood tests from the dark red liquid splattered about the interior of the Bronco, and failure to photograph, collect, and preserve those



swabs, all by the same criminalist. As well as the loss of documented and valuable evidence, the improper destruction of evidence and/or the loss of any documented chain of the custody for pieces of evidence, renders what would have and should have been evidence in the murder into nothing more than an object of curiosity.

It cannot be known whether the list of lost, damaged, or unaccounted for evidence is the result of a failure in processes, policy, and procedures at the Stockton Police Department's evidence and investigative units, the result of some sort of intentional malfeasance by one or more individuals, or is merely the result of ineptitude, lack of training, or lack of supervision in this instance. I am not aware of any other cases involving this agency where a pattern and practice of evidence collection and preservation issues have been brought forward as a concern. However, regardless of the cause, the cumulative weight of the sheer number and variety of issues with the investigation, evidence collection, and chain of custody of evidence in this case is gravely concerning.

As a retired police officer, nationally certified law enforcement trainer, investigator, and expert witness with over 30 years of experience, I have never seen a case where so many things went so wrong, with so many different pieces of evidence, via so many different means, in a single case. I have seen various cases where evidence was lost, destroyed, improperly collected, or simply missed, and where investigations went awry in nearly every way imaginable. However, prior to this matter, I have never seen them all occurring in the same case.

The Stockton Police Department disciplined Officer Anderson on more than one occasion for failing to properly investigate cases, failure to follow appropriate leads, and general Delinquency of duty surrounding the investigation of serious crimes. That malfeasance is echoed in the investigation of this case. Also concerning, is the fact that Officer Anderson was related to the victim, Jody Zunino. There is no evidence that this fact was revealed to his supervisors; Officer Anderson should have been removed as an investigator on this case, and certainly should not have been allowed to be the lead investigator.

This investigation has a litany of failures, both by Officer Anderson and by Criminalist Yoshida, as well as others. Evidence was not collected – everything from the failure of Officer Anderson and investigators to photograph the injuries to Terry Sprinkle's hand, to Criminalist Yoshida's failure to collect swabs of the splattered liquid material from Mr. Sprinkle's vehicle, where she subsequently conducted the presumptive test for blood improperly, invalidating the results, to her failure to collect photographs of the tires on Mr. Sprinkle's vehicle. Evidence was lost, misplaced, kept out of custody for a dozen years, and evidence was destroyed which should have been retained. At the same time, evidence is appearing, having been unknown and/or lost for many years, but are only now suddenly being "found", but with no chain of custody whatsoever. The lack of chain of custody renders the objects useless as evidence, making them merely a curiosity.

The failure of the Stockton Police Department's investigators and evidence technicians, along with DOJ Criminalist Yoshida, to properly plan the investigation, collect and preserve evidence, process that evidence using appropriate forensic techniques, all the while maintaining a proper chain of custody, is quite stunning. These actions are not consistent with the minimum accepted standards of professional police procedures, and is not consistent with how law enforcement and criminal investigative personnel are trained to conduct themselves in a serious criminal investigation such as a homicide.



The lack of continued investigation into Terry Sprinkle as a likely suspect in this homicide is simply incomprehensible, as was the complete lack of additional investigation on the case at all after the fall of 2001. When investigators picked up the case again in 2006, Mr. Sprinkle was never reconsidered as a suspect. Instead, investigators focused exclusively on Mr. Nuccio. These efforts are not consistent with police investigative training or investigatory best practices, particularly in a homicide case. These investigative actions are, however, consistent with what we know about tunnel vision and bias, in that alternate suspects and evidence are simply discarded, as investigators press towards a predetermined suspect, regardless of other facts and evidence that should inform investigative decisions.

QUALIFICATIONS AND PREVIOUS TESTIMONY

I have over 30 years of sworn and non-sworn investigative experience. I retired from the San Diego Police Department having worked patrol and specialized investigative assignments, including patrol, vice, and sex crimes. During my career with San Diego Police Department, I was awarded three Commanding Officer's Citations, which were the highest awards offered by that Department for investigative acumen in complex criminal cases at the time.

I am a Nationally Certified Law Enforcement Instructor, as certified by the International Association of Directors of Law Enforcement Standards and Training (IADLEST); fewer than 150 individuals have been awarded this elite certification. I am also a law enforcement instructor as certified by the State of California Commission on Peace Officer Standards and Training (POST). Courses I have created and instructed have been certified for law enforcement agencies in New Mexico, California, and elsewhere.

Following my law enforcement service, I have conducted police misconduct investigations, death-penalty phase homicide investigations, and serious felony investigations for a variety of governmental and private employers. While working with the Whatcom County (Washington) Public Defender's Office, I investigated cause of death investigations, homicides, and conducted death penalty mitigation investigations.

I served as an investigator for the City of Albuquerque's Independent Review Office, where I investigated allegations of police misconduct against the Albuquerque Police Department (APD), for the Independent Review Officer, the Hon. Anne Steinmetz, and others. While an investigator with the Independent Review Office, I conducted investigations concerning the events and police response surrounding the 2003 anti-war protests, as well as allegations of misconduct surrounding the APD's crime lab and evidence room. Those cases included allegations of financial mismanagement, white collar crimes, excessive force, civil rights violations, tampering with evidence, and destruction of evidence.

I have testified as an expert on police procedures and police misconduct in state and federal courts, in both criminal and civil matters, and in depositions resulting from that work, called on behalf of both plaintiffs and defendants. Over the course of my career, I have testified as an expert in New Mexico, Arizona, California, Ohio, Illinois, and Washington state, as well as other jurisdictions, on a variety of subjects, including police procedures, police misconduct, Bitcoin and cryptocurrency, white collar crimes, fraud, and fraud examinations.



I have specifically been affirmed by the courts as an expert, through a *Daubert* challenge in federal court, in the areas of police practices, interviewing, interrogation, and false confessions, as well as in the areas of human trafficking and vice. A subsequent motion to limit my expert testimony was filed in the same case following the *Daubert* hearing. The only "limitation" by the judge was to agree that I would be testifying only about matters within the period of the indictment. My testimony has never been limited in any other way, in any case.

From 2015 to 2017, I chaired the City of Albuquerque's newly formed Police Oversight Board, created in the wake of Albuquerque's Consent Decree with the United States Department of Justice. This work involved reviewing investigations of alleged police misconduct and serious use-of-force incidents, including shootings and in-custody deaths, as well as deciding cases presented to the Board, consulting on changes to training, and writing and consulting on use-of-force standards, standard operating procedures (SOPs), and other policies.

In 2010, I joined The McHard Firm, an accounting and investigations firm that specializes in financial and other complex investigations, expert testimony, and professional education; I currently serve as Managing Partner. I am a Certified Fraud Examiner, a certification bestowed upon examination by the Association of Certified Fraud Examiners. I am also a Certified Financial Crimes Specialist, Certified Anti-Money Laundering Specialist, and am a Certified Cyber Crimes Investigator; all certifications bestowed upon examination. Additionally, I am a private investigator licensed by the states of New Mexico, Arizona, and California (PI28441 exp 9/30/2025).

Additionally, I have taught professional education courses to sworn and non-sworn investigators, attorneys, Certified Public Accountants, and other professionals, all over North America on the subjects of investigations, interviewing, white collar crime examinations, investigative ethics, and cryptocurrencies. I have taught courses certified for continuing legal education (CLE) on behalf of the New Mexico State Bar, and the National Association of Criminal Defense Lawyers (NACDL), and the International Municipal Lawyers Association (IMLA), as well as other professional organizations. I was also honored to present a breakout session at the Association of Certified Fraud Examiners Global Conference, on the topic of evidence collection in white collar cases.

I have a published chapter entitled "*Skepticism*" in the second edition of the book The Art of Investigation Revisited. I also have a recently published article on "Understanding and Preventing False Confessions" in the March/April 2023 of Fraud Magazine, the publication of the Association of Certified Fraud Examiners. I have written articles published in bar journals and professional magazines on subjects of investigation, evidence collection, expert witness testimony, as well as Bitcoin and cryptocurrency, and white-collar crime. I have also published in the technical peer-reviewed journal The Bulletin of Science, Technology & Society. I have presented research papers, by invitation, at conferences for National Association for Civilian Oversight of Law Enforcement and also the International Association for Science, Technology & Society.

I hold a Masters of Public Administration (MPA) from the University of New Mexico, where my master's research thesis was on the development of performance measurement in the evaluation of civilian oversight of police. I also hold Bachelor of Science in Administration of Justice from Pacific Western University.



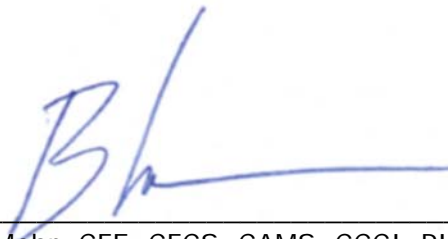
Attachment A contains my curriculum vitae and includes a listing of courses and seminars conducted by me, including training sessions for sworn law enforcement personnel on topics such as police and investigative ethics, conducting investigations, interviewing techniques, and evidence handling. **Attachment B** is my recent testimony list.

COMPENSATION

I am billing for expert services in this matter at a discounted rate of \$255 per hour. My usual and customary rate is \$365 per hour, plus any costs incurred. My compensation is not contingent on the outcome of this litigation, nor on the opinions I express in this matter.

SIGNATURE

I completed and issued this report on October 22, 2023. I declare under penalty of perjury, pursuant to the laws of the State of California, that the foregoing is true and correct to the best of my knowledge, information, and belief.



Beth A. Mohr, CFE, CFCS, CAMS, CCCI, PI
Managing Partner, The McHard Firm



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APPENDIX A:

In forming my opinions and preparing this report, I relied in whole or in part on the documents or files listed below, which were provided by Ms. Sheetz. The materials included files which were badly scanned, and illegible, incomplete, and files which were which duplicates, along with other files which had identical names but were not duplicates.

- Assgn. Not. Rep. w Sprinkle.pdf
- Coroner's Report.pdf
- CusIns Profile of Bobbi Pritz.pdf
- CV-01-8470 BFS1.pdf
- CV-01-8470-02 notes.pdf
- CV-01-8470-02 report.pdf
- DAI Reports.pdf
- Declaration of Bobbie Pritz.pdf
- Declaration of Jack Turturici.pdf
- Declaration of Jennifer Mikaera Sheetz
- Declaration of Paul Ramirez.pdf
- Defendant's Exhibit D.pdf
- DiscoveryBinder_20220519.pdf
- DOJ Reports (various).pdf
- Exh. 10 RT Discovery Motion 02-08-2021 .pdf
- Exh. 11 - 3-25-21 RT of Discovery Motion Hearing.pdf
- Exh. 12 Discovery Motion Jun 8 2021.pdf
- Exh. 2 Physical Subm. Forms - Duplicate.pdf
- Exh. 3 DOJ Report 12 20 07.pdf
- Exh. 4 Assgn. Not. Rep. w Sprinkle.pdf
- Exh. 5 - Officer Anderson 1 22 02 Report.pdf
- Exh. 6 Officer Anderson Report 10 25 01.pdf
- Exh. 7 EvidenceLog- Himmelblau 5-24-22.pdf
- Exh. 9 JMS Decl.docx
- Exh. V Lodi Murder Case.pdf
- Exh.1 Initial Rodriguez PR.pdf
- Exhibit 8 knife photos.pdf
- Exhs. A and B Nuccio Disq..pdf
- Exhs. C,D,E Nuccio Disq..pdf
- Galt PD Report #89-2553 (Sprinkle).pdf
- Interview Alyce Swinney by Turturici Investigations.pdf
- interview Archuleta_Valtierra.pdf
- Interview Debbie Sexton.pdf
- Interview Joseph Nuccio.pdf
- Interview Sprinkle 9.16.2001.pdf
- Interview Sprinkle 9.16.2001.pdf
- Interview Sprinkle 9.28.2001.pdf
- Interview Sprinkle 9.28.2001.pdf
- J Nuccio Informal Response.pdf
- JJ Exhibits.pdf
- JT Excerpt_Sylvia Valtierra.pdf
- knife photos.jpg
- Lab Report - Institute of Forensic Sciences 10.21.2001.pdf



- Latent Print Analysis
- Latent Prints
- Lodged Documents (Nuccio, 2229 pages).pdf
- LP80-00695.pdf
- McGinnis Notes.pdf
- MOTION to Disqualify -NUCCIO.pdf
- Nuccio_Def's Motion New Trial.pdf
- Nuccio_EvidenceLog- Himmelblau 52422.pdf
- Nuccio_Exam Rpt fr James L. Norris (forensic).pdf
- Nuccio_Return.pdf
- Online Image of 1978 Ford Bronco.pdf
- People v. Nuccio.docx
- People's Exhibit 1.pdf
- People's Exhibit 2.pdf
- Peoples Exhibit 6.pdf
- Physical Subm. Forms - Duplicate.pdf
- Physical Subm. Forms - Duplicate.pdf
- Police Procedure
- Police Report of Sprinkle Stabbing 1994.pdf
- Police Rpts (various) & other records.pdf
- Record On Appeal Transcripts 2229 pgs.pdf
- Reply to OPP. to Disqualify -NUCCIO copy.pdf
- SP01_50890.pdf
- Sprinkle_ATIMS Inmate Summary.pdf
- Sprinkle_Reports re 1980 Bar Fight.pdf
- Stipulations (1-3).pdf
- Terry Sprinkle 9-28-01 1.mp3
- Terry Sprinkle 9-28-01.mp3
- VOLUME I.pdf
- VOLUME II.pdf
- VOLUME III.pdf
- VOLUME IV.pdf
- Writ Pet. Nuccio copy.pdf
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ATTACHMENT A



The McHard Firm

933 San Mateo Blvd NE, Suite 500-151, Albuquerque, NM 87108
Administrative Offices 505/554-2968; Cellular 505/450-2818
Offices in Albuquerque & San Diego – Practicing Nationwide

BETH A. MOHR, CFE, CFCS, CAMS, CCCI, MPA, PI

EDUCATION:

Master of Public Administration – December 2007
School of Public Administration
University of New Mexico

Bachelor of Science – February 1995
Administration of Justice
Pacific Western University

PROFESSIONAL DESIGNATIONS:

Nationally Certified Law Enforcement Instructor – November 2021
International Association of Directors of Law Enforcement Standards
and Training (IADLEST)

Certified Financial Crimes Specialist (CFCS) – April 2021
Association of Certified Financial Crime Specialists (ACFCS)

Certified Cyber Crimes Investigator (CCCI) – September 2015
International Association of Financial Crimes Investigators (IAFCI)

Certified Anti-Money Laundering Specialist (CAMS) – June 2013
Association of Certified Anti-Money Laundering Specialists (ACAMS)

Certified Fraud Examiner (CFE) – April 2011
Association of Certified Fraud Examiners

Licensed Private Investigator
State of New Mexico, License #2503
Expires 12/31/2026

Licensed Private Investigator
State of Arizona, License #1639941
Expires 6/20/2025

Licensed Private Investigator
State of California, License #28441
Expires 9/30/2025

California Commission on Peace Officer Standards and Training (POST)
Certified Law Enforcement Instructor #A46-I32
Instructor Development Institute (IDI) – Level II

New Mexico Department of Public Safety
Certified Law Enforcement Instructor #NM14-63M

Certified Police Officer - December 1990
Intermediate P.O.S.T. Certification
Police Officer Standards & Training
State of California

Certified Police Officer - February 1986
Basic P.O.S.T. Certification
Police Officer Standards & Training
State of California

PROFESSIONAL EXPERIENCE:

McHard Accounting Consulting, LLC – July 2010 to present
Managing Partner as of January 2011
Albuquerque, New Mexico

Mohr Investigations LLC – December 2010 to December 2014
NM Firm PI License #2505
Albuquerque, New Mexico

City of Albuquerque – July 2006 to December 2011
Performance Improvement Manager
Albuquerque, New Mexico

City of Albuquerque – September 2001 to July 2006
Independent Review Investigator
Independent Review Office of the Police Oversight Commission
Albuquerque, New Mexico

Protection & Advocacy Systems – February 1997 to July 2002
Fair Housing & Investigative Trainer
Albuquerque, New Mexico

ArcA Inc. - March 1997 to September 2001
Housing & Transportation Manager
Albuquerque, New Mexico

Legal Aid Society of Albuquerque – March 1997 to March 1998
Investigator & Testing Coordinator – Fair Housing Project
Albuquerque, New Mexico

Whatcom County Public Defender - June 1993 to February 1997
Criminal Investigator



Bellingham, Washington

San Diego Police Department – October 1985 to February 1992
Senior Police Officer & Investigator
San Diego, California

PROFESSIONAL ASSOCIATIONS:

Association of Force Investigators (AFI)

Association of Workplace Investigators (AWI)

Association of Certified Fraud Examiners (ACFE)

Association of Certified Anti-Money Laundering Specialists (ACAMS)

International Association of Financial Crimes Investigators (IAFCI)
San Diego & Baja California ACAMS Chapter

Association of Certified Financial Crimes Specialists (ACFCS)

California Association of Licensed Investigators (CALI)

New Mexico Chapter, Association of Certified Fraud Examiners

Arizona/New Mexico Chapter, International Association of Financial
Crimes Investigators (IAFCI)

National Association for Civilian Oversight of Law Enforcement
(NACOLE)

Association of Former Intelligence Officers (AFIO), Past Member

International City/County Management Association, Past Member

American Society of Public Administration, Past Member

St. Joseph's Hospital/Ardent Central Institutional Review Board
IRB/Ethics Board, Past Member

PROFESSIONAL COMMITTEES:

Association of Certified Fraud Examiners
ACFE Advisory Council, Member, 2018-Present

Diverse Leaders 2017 Selection Committee
Albuquerque Business First, Business Journal



Police Oversight Board, Past Chair
City of Albuquerque, New Mexico
Appointed February 2015
Chair February 2016-January 2017

Association of Certified Fraud Examiners, New Mexico Chapter
Past President
Past Director of Education

California Bureau of Security and Investigative Services (BSIS)
Designated Subject Matter Expert, Investigations

National Association for Schools of Public Affairs & Administration
Commission on Peer Review and Accreditation (NASPAA-COPRA)
Site visit team – 2014: School of Public Policy and Leadership,
University of Nevada, Las Vegas (UNLV)
Site visit team – 2015: John Jay College of Criminal Justice, CUNY

Advisory Board on Graduate Education
International City/County Management Association
Past Board Member

University-Profession Connections Committee
International City/County Management Association
Past Committee Member

PUBLICATIONS:

Mohr, Beth Anne. 2023. "Skepticism." In *The Art of Investigation Revisited*, edited by Chelsea Binns and Bruce Sackman. Boca Raton, FL: CRC Press.

Mohr, Beth Anne. *March/April 2023*. When subjects admit guilt, but they're innocent: Understanding and preventing false confessions. *Fraud Magazine*. Association of Certified Fraud Examiners.

Mohr, Beth Anne. *August 2021*. Understanding Bitcoin for Criminal Defense cases. *The Champion*. NACDL.

Mohr, Beth Anne, Layne, Anne M. & McHard, Janet M. *April 2020*. The Expert: Faker or Fabulous. *Defense News: The Legal News Journal for New Mexico Civil Defense Lawyers*.

Mohr, Beth Anne, & McHard, Janet M. *Jan/Feb 2020*. A Primer on Financial Records in Economic Crime Cases. *The Champion*. NACDL.

Mohr, Beth Anne. *January 2018*. Retaining the expert witness: Begin with the end in mind. *Defense News: The Legal News Journal for New Mexico Civil Defense Lawyers*.



Mohr, Beth Anne. *June 2017*. Expert Briefing: Bitcoin Basics. *Financier Worldwide Magazine*

Mohr, Beth Anne. *Summer 2015*. What Defense Attorneys need to know about Bitcoin, *For the Defense*, publication of the New Mexico Criminal Defense Lawyers Association Vol XIX, Issue 2

Mohr, Beth Anne. *July 2015*. What Private Investigators need to know about Bitcoin- Part 2, *The California Investigator Magazine*

Mohr, Beth Anne. *April 2015*. What Private Investigators need to know about Bitcoin- Part 1, *The California Investigator Magazine*

Mohr, Beth Anne. *March/April 2014*. Don't let your tongue trip you up: As an expert witness, avoid implicating in hypothetical situations, *Fraud Magazine*

Mohr, Beth Anne. *July/August 2013*. CFEs Investigate This: Are you required to be licensed as a Private Investigator? *Fraud Magazine*

McHard, Janet M. & Mohr, Beth Anne. *September/October 2012*. Career Connection: Hanging out your Shingle, Part 2. *Fraud Magazine*

McHard, Janet M. & Mohr, Beth Anne. *July/August 2012*. Career Connection: Hanging out your Shingle, Part 1. *Fraud Magazine*

Mohr, Beth. *Winter 2011*. Leveraging the Expert: How Soon is too Soon? *For the Defense*, publication of the New Mexico Criminal Defense Lawyers Association. Vol XV, Issue 4.

McHard, Janet M. & Mohr, Beth Anne. *July/August 2011*. Hotlines for Heroes: Making a Fraud Hotline Accessible and Successful. *Fraud Magazine*

Mohr, Beth Anne. 2009. Feeling Blue in the South Valley: A case study of nitrate contamination in Albuquerque's South Valley. *Bulletin of Science, Technology & Society* 29 (5): 408-420.

Mohr, Beth Anne. 2007. The Use of Performance Measurement in Civilian Oversight of Law Enforcement, Master's Thesis. School of Public Administration, University of New Mexico, Albuquerque.



PROFESSIONAL SPEAKING:

Date: October 2023
Group: ACFE – San Diego Chapter
Topic: Ethics & The Ethics Game Show, Procurement Fraud
Location: San Diego, California

Date: August 2023
Group: International Municipal Lawyers Assn (IMLA)
Topic: Why can't they just shoot the gun out of their hand?
Defending allegations of excessive force by police in
the era of BWC and cell phone video.
Location: Via webinar (CLE awarded)

Date: July 2023
Group: State of Oklahoma Office of the State Auditor and
Inspector
Topic: Fraudsters and Fraud Victims: Case Studies into the
Psychology of Both - revisited
Location: Via webinar

Date: January 2023
Group: Harvey M. Rose Associates, LLC
Topic: Identifying Possible Fraud Schemes – Day Two
Location: Via webinar

Date: December 2022
Group: New Mexico Defense Lawyers Association
Topic: Why didn't they just shoot the gun out of his hand?
Defending allegations of excessive force by police
Location: Albuquerque, New Mexico (CLE awarded)

Date: December 2022
Group: Harvey M. Rose Associates, LLC
Topic: Identifying Possible Fraud Schemes – Day One
Location: Via webinar

Date: October 2022
Group: Oklahoma State Auditors
Topic: Contract & procurement fraud, vendor fraud
Location: Via Webinar

Date: May 2022
Group: Pueblo of Tesuque
Topic: Recognizing Red Flags and Avoiding Fraud
Location: Tesuque Pueblo, New Mexico

Date: April 2022
Group: Mississippi Band of Choctaw



Topic: Active Shooter Response Training
Location: Pearl River, Mississippi

Date: November 2021
Group: Southern California Fraud Investigators Association
Topic: What Investigators Need to Know About Bitcoin
Location: Palm Springs, California (CA-POST Certified)

Date: October 2021
Group: Tallahassee Chapters: ACFE & IIA
Topic: Interviewing in Fraud Cases: Tricks That Even Experienced Investigators Forget; Case Studies
Location: Via webinar

Date: October 2021
Group: Enterprise University
Topic: Frauds to Watch Out For: A Case Study Approach
Location: Via webinar

Date: August 2021
Group: ACFE – Fort Myers Chapter
Topic: Ethical Considerations in Fraud Investigations
Location: Via webinar

Date: May 2021
Group: County of San Francisco
Topic: Evidence Collection for Auditors
Location: Via webinar

Date: April 2021
Group: Institute of Internal Auditors Nashville Chapter
Topic: Investigating Management Fraud - Part I
Location: Via webinar

Date: April 2021
Group: Association of Certified Fraud Examiners – El Paso
Topic: Small Business Fraud Awareness: Strategies for Identification and Prevention
Location: Via webinar

Date: November 2020
Group: Association of Certified Fraud Examiners – El Paso
Topic: Forensic Accounting Investigative Practices
Location: Via webinar



Date: September 2020
Group: Association of Certified Fraud Examiners – New Mexico Chapter
Topic: Don't Let Your Tongue Trip You Up: Dealing with Hypotheticals During Expert Testimony
Location: Via webinar

Date: September 2020
Group: Association of Certified Fraud Examiners – New Mexico Chapter
Topic: The Do's & Do Not's of Report Writing
Location: Via webinar

Date: September 2020
Group: Association of Certified Fraud Examiners – New Mexico Chapter
Topic: Ethics, How Do You Know If You Have Them?
Location: Via webinar

Date: August 2020
Group: Association of Certified Fraud Examiners – El Paso Chapter
Topic: Evidence Collection for CFEs, CPAs, Auditors & Investigators
Location: Via webinar

Date: January 2020
Group: New Mexico Tribal Gaming Symposium
Topic: Money Laundering in Casinos
Location: Santa Ana, New Mexico

Date: January 2020
Group: New Mexico Tribal Gaming Symposium
Topic: Anatomy of Fraud: Insight from Real Cases
Location: Santa Ana, New Mexico

Date: October 2019
Group: Association of Certified Fraud Examiners – San Diego Chapter
Topic: Fraud in Governmental Entities and ACFE Ethics
Location: San Diego, California

Date: September 2019
Group: Escrow Institute of California
Topic: Red Flags of Fraud and Psychology of Fraud
Location: Irvine, California



Date: September 2019
Group: Association of Certified Fraud Examiners – Greater Toronto Area Chapter
Topic: Understanding and Investigating Management Fraud
Location: Toronto, Ontario, Canada

Date: August 2019
Group: Office of the State Auditor and Inspector
Topic: Stupid Fraud: Too Dumb to Get Caught & Professional Ethics
Location: Oklahoma City, Oklahoma

Date: June 2019
Group: 30th Annual Global Association of Certified Fraud Examiners Conference
Topic: Evidence Collection for CFEs and Auditors
Location: Austin, TX

Date: April 2019
Group: Association of Certified Fraud Examiners – Las Vegas Chapter
Topic: Anatomy of Fraud
Location: Las Vegas, Nevada

Date: April 2019
Group: New Mexico State Bar Foundation
Topic: Surviving White Collar Cases – Just the Facts Ma’am: The Challenge of Proving Intent – Dumb or Diabolical Accounting?
Location: Albuquerque, New Mexico

Date: April 2019
Group: National Association of Criminal Defense Lawyers
Topic: Forensic Accounting 101
Location: Las Vegas, Nevada

Date: March 2019
Group: TCTC – New York State Auditors
Topic: Psychology of Fraud & Case Studies, Bitcoin Basics, Hotlines for Heroes
Location: Albany, NY

Date: October 2018
Group: ACFE –San Diego Chapter & IIA San Diego Chapter
Topic: Fraud & Ethics – Half-day Seminar
Location: San Diego, CA



Date: August 2018
Group: Office of the State Auditor & Inspector
Topic: Fraudsters & Fraud Victims: Case Studies into the Psychology of Both
Location: Oklahoma City, OK

Date: October 2017
Group: Association of Certified Fraud Examiners – Hawaii Chapter
Topic: Ethical Considerations for Fraud Investigations, Fraud Case Studies
Location: Honolulu, Hawaii

Date: September 2017
Group: Association of Certified Fraud Examiners – Greater Kansas City Chapter
Topic: Ethical Considerations, Case Studies and Expert Witness Seminar
Location: Kansas City, Kansas

Date: September 2017
Group: Association of Certified Fraud Examiners – New Mexico Chapter
Topic: Interviewing for the facts: Getting from “Yes” to “No” to Resolution and Beyond
Location: Albuquerque, New Mexico

Date: August 2017
Group: Oklahoma State Auditors
Topic: Anatomy of Fraud: Insights from Real Cases
Location: Oklahoma City, Oklahoma

Date: July 2017
Group: Century Bank Business Connector Group
Topic: Red Flags of Fraud & Employee Investigations
Location: Albuquerque, New Mexico

Date: March 2017
Group: Association of Certified Fraud Examiners – New Mexico Chapter
Topic: Ethics – The Game Show
Location: Albuquerque, New Mexico

Date: February 2017
Group: Virginia Banker Association
Topic: The Personality of the Fraudster
Location: Charlottesville, VA



Date: January 2017
Group: Institute of Managerial Accountants
Topic: Bitcoin Basics: What you need to know
Location: Albuquerque, New Mexico

Date: October 2016
Group: Embry-Riddle Aeronautical University
Topic: Fraud Examinations: Methodology, Interviews & Case Studies
Location: Prescott, Arizona

Date: August 2016
Group: Financial Investigations
Topic: Bitcoin Basics: What investigators need to know
Course Certified for Law Enforcement credit by the NM Department of Public Safety
Location: Albuquerque, New Mexico

Date: May 2016
Group: Nusenda Credit Union
Topic: Bitcoin Basics: What CFEs need to know
Location: Albuquerque, New Mexico

Date: May 2016
Group: ACFE-El Paso (Texas) Chapter
Topic: Fraud in Governmental Entities: Case Studies and Other Fun Stories, Bitcoin Basics
Location: El Paso, Texas

Date: February 2016
Group: ACFE-New Mexico Chapter
Topic: Bitcoin Basics: What CFEs need to know
Location: Albuquerque, New Mexico

Date: August 2015
Group: New Mexico State Bar, 2015 Tax Seminar CLE
Topic: Money Laundering
Location: Albuquerque, New Mexico

Date: July 2015
Group: AGA Albuquerque Chapter
Topic: Interviewing Techniques
Location: Albuquerque, New Mexico

Date: February 2015
Group: Wells Fargo Specialty Markets Group
Topic: Anatomy of Theft & Personality of a Thief
Location: Albuquerque, New Mexico



Date: January 2015
Group: New Mexico Criminal Defense Lawyers Association
Topic: Practice Management
Location: Albuquerque, New Mexico

Date: October 2014
Group: San Juan Basin Chapter, New Mexico Society of Certified Public Accountants
Topic: Red Flags of Fraud
Location: Farmington, New Mexico

Date: August 2014
Group: Association of Certified Fraud Examiners – New Mexico Chapter
Topic: Ethics: New ACFE Professional Guidance – “The Ethics Game Show”
Location: Albuquerque, New Mexico

Date: June 2014
Group: New Mexico Gaming Control Board
Topic: Understanding Financial Statements and Financial Statement Fraud, Interactive Case Studies, Conducting Investigative Interviews and Admission Seeking Interviews. *Course Certified for Law Enforcement credit by the NM Department of Public Safety*
Location : Albuquerque, New Mexico

Date: May 2014
Group: New Mexico Gaming Control Board
Topic: Fraud Basics, Basic Financial Investigations with Case Studies, Using Tax Returns in Financial Investigations, Casino Compliance, the Bank Secrecy Act and Anti-Money Laundering. *Course Certified for Law Enforcement credit by the NM Department of Public Safety*
Location : Albuquerque, New Mexico

Date: May 2014
Group: Association of Certified Fraud Examiners – New Mexico Chapter
Topic: ACFE Professional Standards – “Don’t Let Your Tongue Trip You Up”
Location : Albuquerque, New Mexico

Date: April 2014
Group: Virginia Bankers Association
Topic: Interviewing & Interrogation Basics
Location : Charlottesville, Virginia



Date: April 2014
Group: New Mexico Regulation – Securities Division
Topic: Interviewing & Interrogation
Location: Santa Fe, New Mexico

Date: December 2013
Group: New Mexico Government Finance Officers Association
Topic: Fraud Prevention through Process Improvement
Location: Albuquerque, New Mexico

Date: October 2013
Group: McHard Accounting Consulting & Don Rabon
Topic: Contemporary Interviewing Dynamics
Location: Albuquerque, New Mexico

Date: September 2013
Group: Institute of Internal Auditors – El Paso Chapter
Topic: Fraud Seminar: Case Studies
Location: Albuquerque, New Mexico

Date: September 2013
Group: Association of Certified Fraud Examiners – New Mexico Chapter
Topic: NM Private Investigations License – Who needs one?
Location: Albuquerque, New Mexico

Date: May 2013
Group: International Association of Special Investigation Units
Topic: Forensic Accounting: An Aid to Claims Investigations
Location: Albuquerque, New Mexico

Date: April 2013
Group: Admiral Beverage Corporation
Topic: Red Flags of Fraud
Location: Albuquerque, New Mexico

Date: October 2012
Group: Institute of Internal Auditors – El Paso Chapter
Topic: Interview Techniques for the Auditor
Location: El Paso, Texas

Date: July 2012
Group: Association of Certified Fraud Examiners – New Mexico Chapter
Topic: Essential Interview Secrets for the CFE
Location: Albuquerque, New Mexico



Date: May 2012
Group: City of Albuquerque, Family & Community Services
Topic: 2012 Management Retreat: Leveraging FCS Services
Location: Albuquerque, New Mexico

Date: February 2011
Group: Association of Certified Fraud Examiners
Topic: Hotlines for Heroes: Creating an Approachable Fraud Reporting Hotline
Location: Webinar; Albuquerque, New Mexico

AWARDS:

Albuquerque Business First Diverse Business Leader 2016
Albuquerque Business First, Business Journal

Phi Kappa Phi, December 2007
National Graduate Honor Society of Public Administration

Pi Alpha Alpha, May 2007
National Honor Society for Public Administration

Commanding Officer's Citation, July 1990
San Diego Police Department
Development of training program for SDPD

Commanding Officer's Citation, April 1987
San Diego Police Department
Investigation/arrests of serial burglary ring

Commanding Officer's Citation, June 1986
San Diego Police Department
Investigation/arrests of white-collar crime syndicate

VOLUNTEER ACTIVITIES:

San Diego Police Historical Association
Commissioner I
San Diego, California

Alexis de Tocqueville Society, Member
United Way of Central New Mexico
Albuquerque, New Mexico

Operation from the Heart (OpFTH)
Past Agent
Albuquerque, New Mexico



ATTACHMENT B



The McHard Firm

Administrative offices:
933 San Mateo Blvd NE, Suite 500-151
Albuquerque, NM 87108
505/554-2968 Albuquerque
619/764-6144 San Diego

USA v. Mario Castro, et al.

2:19-cr-00295-GMN-NJK

Trial

Allowed by Court as expert witness: forensic accounting

Counsel: Rich Tanasi

April 2023

USA v. Kamal Bhula, et al.

1:19-RC-01631-DHU

Motions hearing

Noticed by counsel as expert witness: Forensic accountant

Counsel: Nicole Moss

October 2022

LDB Proprieties, LLC and Las Cruces Comprehensive Rehabilitation, Home Care and Hospice v. Pools and Spas Unlimited, d/b/a Pools by Design, Franklin Wells, Jay G. Miller, P.E. and New Mexico Environment Department

D-307-CV-2020-00555

Trial

Noticed by counsel as expert witness: Forensic accountant

Counsel: Nathan Mann and Wesley Jackson

September 2022

LDB Proprieties, LLC and Las Cruces Comprehensive Rehabilitation, Home Care and Hospice v. Pools and Spas Unlimited, d/b/a Pools by Design, Franklin Wells, Jay G. Miller, P.E. and New Mexico Environment Department

D-307-CV-2020-00555

Deposition

Noticed by counsel as expert witness: Forensic accountant

Counsel: Nathan Mann and Wesley Jackson

September 2022

Larry Gutierrez and Adelaida Gutierrez v. Mackie Reid & Co, PA, and Brian C. Reinhardt, CPA

D202-CV-2021-02730

Deposition

Noticed by counsel as expert witness: Forensic accountant

Counsel: Jeannie Hunt

April 2022

People of the State of California v. Jason Becher

16WF2885

Trial

Expert witness

Allowed by Court as expert witness: accounting and forensic accounting

Counsel: Irene Pai

April 2021

Janet M. McHard, MBA, CPA, CFE, MAFF, CFF, CGMA

Sworn testimony

Page 1 of 3



State of New Mexico v. Irene Archer

D-1314-CR-201600343

Trial

Expert witness

Allowed by Court as expert witness: accounting, forensic accounting and fraud examination

Counsel: Anthony Long

December 2019

Hooper Pointe Ltd Partnership, et al. v. Seldin Company

CI 17-8757

Deposition

Noticed by counsel as expert witness: Forensic accountant

Counsel: Julie Jorgensen

August 2019

USA v. Coddington

1:15-CR-00383-1-RBJ

Trial

Summary witness

Counsel: Kristen M. Frost and Patrick Ridley

July 2018

Alicia Eileen White v. Ryan Daniel White

D-1116-DM-2015-484-3

Final hearing

Appointed by Court as 11-706 Neutral Expert

June 2018

In the matter of Suzanne M. LeBeau

D-101-PB-201400068

Motion hearing

Allowed by Court as expert witness: Accountant

Counsel: Robert Richards

February 2017

State of New Mexico v. William Kalinowski

D-101-CR-201300538

Evidentiary hearing and trial

Allowed by Court as expert witness: Forensic accountant

Counsel: Jeff Buckels and Hans Erickson

November 2016

USA v. Channon et al.

CR-13-966

Sentencing hearing

Allowed by Court as expert witness: Forensic accountant

Counsel: Marc Robert and Todd Hotchkiss

September 2016

Janet M. McHard, MBA, CPA, CFE, MAFF, CFF, CGMA

Sworn testimony

Page 2 of 3



In the matter of the Estate of Paul Bradley Costa

Case No. D-412-PB-2012-00001

Deposition

Noticed by counsel as expert witness: Forensic accountant (settled before trial)

Counsel: Eugene S. Mathis

February 2016

The People of the State of California v. Tri Minh Do

Case No. C1363940

Trial

Allowed by Court as expert witness: Forensic accountant

Counsel: Thomas Nolan and Emma Bradford

February 2016

USA v. Channon et al.

CR-13-966

Evidentiary hearing

Allowed by Court as expert witness: Forensic accountant

Counsel: Marc Robert and Todd Hotchkiss

January 2016

