

Forensic Report: Preliminary Forensic Assessment



Date: June 26, 2020

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Case: *Kansas v. Rontarus Washington, Case No. 15CR40*

PRELIMINARY FORENSIC ASSESSMENT

This examiner was hired to conduct a crime scene analysis and reconstruction in this case. It involves the stabbing and beating death of Justina Altamirano Mosso. As described in the report of Det. David Axeman, LPD (11/10/2014): "The decedent, Justina Mossa, is a nineteen year old Hispanic female who may or may not have resided at the scene investigated¹. Per Detective Axeman, Lawrence Dispatch received a check welfare request from the decedent's cousin at approximately 19:00 on 11/9/2014. The cousin states the last time she saw the decedent was Friday (11/7) evening when she was going to the residence in question to meet her boyfriend. The cousin states the couple had been feuding but is unaware of any further details. Close to the same time dispatch received a second check welfare from Riley County Sherriff's office for the same residence and person. This check welfare came from a Philipe Cantu-Ruiz, the boyfriend of the decedent. Cantu-Ruiz states after a dispute with the decedent on 11/7, he gave her the keys to his car and apartment and told her he was moving to Manhattan. Cantu-Ruiz states he then had a friend pick him up and drive him to Manhattan that evening. According to Det. Axeman, Cantu-Ruiz called Riley County Sheriff's four times requesting a check welfare and told them that the door to the apartment should be unlocked. Cantu-Ruiz then returned to Lawrence the evening of 11/9 with two friends and a "priest of some sort" prior to any notification of the victim's death."

A preliminary review of the facts and evidence in this case, provided to my office by Attorney Angela Keck, has been completed. As a result, this examiner has identified what may be referred to as *discriminatory forensic practice* by law enforcement as well as the DA's Office — bearing in mind that theirs is the only absolute legal obligation and authority to identify, collect, preserve, and test physical evidence in any given criminal

¹ She did not. Investigators determined that Justina Mosso had moved out of her boyfriends apartment and was living with her cousin at the time of her death.

case². This report addresses four issues: The initial 911 calls and interviews with Felipe Cantu Ruiz, which were misunderstood and mischaracterized; the DNA evidence at the scene, which was presented in an inaccurate and discriminatory fashion; the initial reconstruction findings which demonstrate specific findings which directly implicate Felipe Cantu Ruiz; and the evidence of motive.

1. Felipe Cantu Ruiz / 911 Calls and Interviews

The 911 calls and interviews of Felipe Cantu Ruiz were highly suspect to the point of appearing to set an alibi, for the following reasons:

- A. During his 911 calls, Felipe describes himself as the Justina Mosso's husband, boyfriend, and ex-boyfriend at different points to different members of law enforcement, in order to create the sense of heightened rights and privilege, or to distance himself from events, as needed.
- B. During his 911 calls, Felipe speaks to law enforcement in a manner that suggests he has made a definitive and permanent change of address from Lawrence to a new residence in Manhattan. He does not disclose that he has no residence in Manhattan; that he moved to Manhattan suddenly and impulsively subsequent to a violent argument with the victim; that he did not take many of his belongings; and did not arrange a definitive place to stay. He just grabbed some items and suddenly left town.
- C. During his 911 calls, Felipe repeatedly states to authorities that he does not understand English. However, it is clear that he has a good command of the English language, because he answers without waiting for the translation of complex sentences. He also answers in English when it suits him.
- D. Felipe takes advantage of the evident discomfort of those who do not speak or understand Spanish on his level, directing the conversation where he wants and away from providing the information he is being asked for.
- E. Felipe does not make the specific substance of his concerns clear with respect to his multiple 911 calls. Rather, he alters the nature and severity of his concerns depending on who he is speaking to, and whether they are responding in a manner that he wants. From these transcripts, it appears his focus is getting law enforcement to enter his apartment, and discover what is there. He states this explicitly on multiple occasions.

² *Discriminatory forensic practice* refers to disregard or abandonment of the physical evidence (e.g., cherry-picking what is documented, collected, tested, and / or presented in court) in order to curate a particular case theory or implicate a particular suspect. This extends to the curation of evidence that is presented in court, and whether the presentation is scientifically accurate or misleading.

- F. During his 911 calls, Felipe does not explain clearly why Justina Mosso would still be in his apartment if she actually lived somewhere else. He mentions that she has moved in with her cousin. However, he also attempts to imply that she still lives in that apartment, or that she would want to live there given that he is gone.
- G. During his 911 calls, Felipe switches between concern for Justina Mosso's lack of response, to concern for her harming herself, and then concern over her new boyfriend — describing her as suffering in a “captive” relationship”. Then he explicitly states that he is not responsible for whatever authorities find in his apartment.
- H. At first, Felipe states he cannot make a welfare check himself because he has no transportation back to Lawrence, and then because he does not have keys to the apartment. However, he also agrees that if authorities make entry he will come back immediately.

This entire series of 911 calls, and Felipe's subsequent interviews and testimony, make it clear that these are potential alibi calls. They demonstrate knowledge, and false or misleading information, that should have been clear red flags to investigators.

2. DNA Evidence

The DNA evidence in this case is not definitive for three important reasons. First, the results are not conclusive; they refer to failures to exclude and not positive individuating findings. Second, there are mixtures at key collection sites indicating unidentified male donors. Until those donors have been identified the resolved it is not possible to fully appreciate the relevance of those specific DNA samples and who else was in the crime scene. And finally, the conditions of transfer for the DNA evidence in this case have not been established with a competent crime reconstruction.

Without a crime reconstruction, the conditions of DNA transfer are not reliably established. This means that the DNA analysis is only half done. First, the source of the DNA must be accurately established. Then, the conditions of that transfer must be made clear, in order to associate them with not just the crime scene, but the crime as well.

What is confirmed is that at every location site where DNA was collected, Rontarus Washington was excluded. This with the exception of a mixed sample of DNA found on only one finger of the victim's fingernails³. At this location, a very small amount of DNA was found with three male contributors. This DNA is consistent with 1:2,000 males in the general population. It cannot be characterized as a match to anyone, or be used to suggest the presence of Rontarus Washington's DNA, without misrepresenting the

³ Note: At trial, testimony from the KBI Police Lab Analyst established that it is unknown whether the DNA came from under the fingernail or top of it, due to the general nature of examination and testing methods used. Only that it was found somewhere on one fingernail and not beneath multiple fingernails.

limitations of DNA evidence. In fact, none of the male contributors of that DNA have been identified by the KBI Police Laboratory.

3. Crime Reconstruction: Shirt, Hair, Shower, and Shave

The crime reconstruction in this case is not yet complete. However pertinent events have been reliably established in the following sequence:

- A. *Injury / Felipe's Right Hand:* There is an injury to Felipe's right hand which he has stated is the result of a slice from an onion slicer. This injury does not appear to be a slice. It appears to be a circular burn mark, with characteristic blackening around the edges and blistering in the center. This should be examined by a forensic pathologist and/or ER doctor to confirm.
- B. *Toilet tank cover:* Evident in the crime scene photos, a piece of the toilet tank cover is on the floor, with bloody transfer.
- C. *Felipe's shirt:* Evident in the crime scene and crime lab photos, Felipe's shirt was hit from the front and side with impact blood spatter. There is also evident on the right cuff and sleeve but not the left. This indicates that it was being worn by someone who was facing Justina when she was being stabbed and / or struck. This also demonstrates that it was not simply hanging in a static position, and that it did not fall to the floor and received transfer in that location. The shirt is found on the floor, front down, back exposed and without transfer, on top of the aforementioned piece of toilet tank cover.
- D. *The Body:* Justina's body (her high buttock and thigh) are on top of Felipe's shirt. This indicates that during the struggle and before she went down, his shirt was removed by the person wearing it. The removal of a shirt, whether or not by force, is a very common occurrence in such a fight or struggle.
- E. *Pulled Hair:* Clutched in Justina's bloody hand is hair consistent with Felipe's, using mtDNA analysis. Microscopic examination apparently indicates that the full roots are present, meaning that it is not cut hair. This appears to be pulled hair as opposed to simply being transferred for a surface, given the nature and context visible in the photos. It is not possible to suggest that this could only have occurred from hair falling out, given the nature of the transfer and reality that pulled hair can result in full roots remaining present.
- F. *The Shower:* Evident in the crime scene photos, the water is still dripping in the shower while the scene is being processed. Also, the inside of the bathtub has impact spatter and diluted bloody water. And there is bloody transfer on both the outside and inside of the shower curtain. This is evidence that someone took a shower after Justina was killed to clean themselves up.

G. *The Sink: Blood, Cut Hair and Hair Gel*: Evident in the crime scene photos, there is bloody transfer on the sink counter and in the sink bowl. **Most importantly, the trimmed hair around the sink is resting on top of dried blood.** This includes areas designated E1 (46.1) and E2 (45.1) in the photos associated with Justina's blood⁴. Then they used Felipe's hair gel without putting the lid back on. This indicates a lack of attention to detail and haste. **This also means that the trimmed hair belongs to someone cleaned up in bathroom after the murder, over the sink, using the scissors after the blood dried.**

4. Crime Scene Analysis: Indicators of Femicide

The stated motive for Rontarus Washington in this case is burglary, and then presumably the commission of murder to conceal his identity. There is, however, no direct evidence of any actual theft. Rather, items of clear value, such as the phone, are left at the scene. Moreover, the evidence of rage and overkill, and absence of any evidence of theft whatsoever, make this motive unlikely.

Rather, this murder is more consistent with a Femicide, given the victim's historical context of domestic violence, her own belief that she was pregnant, the recent end of her relationship with Felipe Cantu Ruiz, and the symbolic violence relating to the destruction of her broken phone, bracelet and watch⁵.

In addition, if the victim was having a relationship with someone else, and they believed she was pregnant with someone else's child — this would provide a direct motive of anger and jealousy to anyone in an established relationship with her.

PRELIMINARY CONCLUSIONS

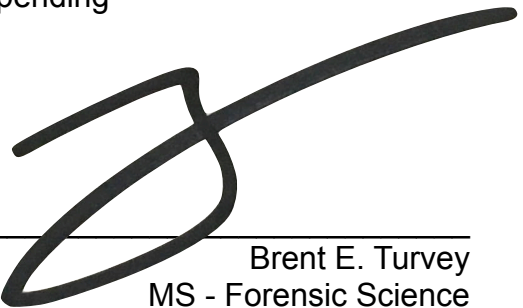
These findings lead to the conclusion that the victim was attacked by someone wearing Felipe Cantu Ruiz's shirt which was left stained and spattered on the bathroom floor; that while defending herself during the attack, she pulled Felipe Cantu Ruiz's hair from his head; and that after the attack the offender took a shower, trimmed his hair, and used the hair gel on the bathroom counter. This series of events and actions points directly away from your client. These events, the physical evidence, the historical

⁴ It is unclear whether the source of the mixed DNA samples in 46.1 are the result of two blood sources, or a blood source and another form of DNA such as skin or epithelial cells. This would require a microscopic examination of the cells tested for DNA. Simply stating that it is a mixture suggesting equally plausible origins is misleading.

⁵ This is based on the definitions protocols set forth in U.N. (2014) *Latin American Model Protocol for the Investigation of Gender-Related Killings of Women* (femicide/feminicide), United Nations High Commissioner for Human Rights, United Nations Entity for Gender Equality and the Empowerment of Women (UN Women); url: <http://lac.unwomen.org/en/digiteca/publicaciones/2014/10/modelo-de-protocolo>. The United Nations, in preparing these protocols, referenced this authors prior work with respect to crime scene analysis and victimology.

context, and the motive evident in the crime scene suggest a greater likelihood that this is a femicide.

Status: Final crime scene analysis and reconstruction pending



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