

CRIME SCENE SCENE ANALYSIS

Date

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Forensic Examiner

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Case

Estate of Samantha G. Harer et al v. Felipe "Phil" Flores
Decedent: Samantha Harer (23 YO WF/ DOB 07/25/1994)

PURPOSE

The purpose of this report is to provide a forensic assessment relating to the examination of available physical and behavioral evidence in the death of *Samantha Harer* (23 YO WF). She was found by law enforcement investigators in her bedroom, nude, with a single gunshot wound to the head. Her death occurred just before Valentines Day, subsequent to an argument with her former boyfriend, *Felipe "Phil" Flores* (M/H, DOB 01/30/1984). Flores was in her home at the time but did not live with her. Additionally, he was at the time a police officer in Crest Hill, Illinois.

It should be noted that the internal CAD DATA report on this case refers to the incident as a "HOMICIDE". However, the Coroner did not determine the cause of death as suicide until December of 2018. This determination has been called into question due to the many investigative and forensic irregularities documented in this case.

::CAD DATA FROM RDW::

INCIDENT NO.:	SW-18-00001157	REPORT DATE:	Jun 23 2021 3:33PM
OPENED:	Feb 13 2018 11:43AM	CLOSED DATE:	Feb 13 2018 7:15PM
CREATED BY:	KIM PAVOLKA	SOURCE:	FIELD INITIATED
PRIORITY:	1		

INCIDENT	TYPE:	HOMICIDE
	DISPOSITION:	PI, SC

LOCATION	ADDRESS:	CHANNAHION/WILL CO
	LOCATION:	
	CITY:	
		VERIFIED: NO
		I

CALLER	NAME:	
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PERSONS	ROLE	NAME	ADDRESS	PHONE	DL INFO
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VEHICLES	LIC	MK	MOD	YR	CL	VIN
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PERSONNEL	UNIT ID	OFFICER NAME	ID	
	SW/F11	MONIQUE HARMS	#4878	<-PRIMARY
	SW/F47	CARY MORIN	#5930	<-PRIMARY
	SW/F63	SEAN GROSVENOR	#5145	
	TC	KIM PAVOLKA	#17515	
	TC	PAMELA LANTER	#14084	

As a consequence, this examiner was asked to conduct a crime scene analysis of this case by attorney Jennifer Bonjean. Given the many inconsistencies surrounding the shooting death of Samantha Harer; the intersectional context of the event; the inconsistencies within Officer Flores' statements about what took place; and the efforts of law enforcement to keep pertinent details from becoming public — this request was more than reasonable.

Crime Scene Analysis requires assessment and integration of the complete forensic investigation. This includes forensic victimology (required to be collected in every alleged sexual assault and forensic medical examination) and the subsequent examination of available physical and behavioral evidence (e.g, crime reconstruction). The goal of

crime scene analysis is to reliably establish what happened, how it happened, where it happened, to whom, and ultimately why - from the perspective of the physical and behavioral evidence. Additionally, limitations within the available evidence must be identified to prevent inappropriate or unfounded theories and interpretations. See generally Chisum & Turvey (2012), Crowder & Turvey (2017), and Turvey (2013a, 2013b).

As with any forensic examination, crime scene analysis requires an evaluation of the nature and quality of the underlying forensic investigation. This is a crucial scientific requirement, necessary to reliably establish that *due diligence* by government agencies has resulted in a showing of *evidence integrity*¹, and an absence of *negligence*². This scientific requirement accommodates the legal reality that every complainant has the right to access justice, to include a competent investigation into the essential elements and evidence associated with their complaints³.

All forensic examiners have a responsibility to perform their examinations and assessments competently, without bias, and with attention to due diligence — in order to prevent the violation of individual rights⁴.

MATERIALS EXAMINED

This examiner agreed to analyze the evidence in this case for attorney Jennifer Bonjean in August of 2021. Subsequently, this examiner began to receive related discovery ma-

¹ *Evidence integrity* refers to the scientific reliability and subsequent court-worthiness of any evidence that has been collected. It is demonstrated by adherence to basic protocols associated with establishing a reliable chain of custody, the protection of physical evidence while it is in custody, and its competent testing and interpretation by qualified forensic personnel. It also refers to any failure to collect, protect, and/or test essential items of evidence. In a scientific examination, evidence integrity may not be assumed — rather it must be established. Otherwise reliable interpretations are not possible. See Bay (2008), Gardener (2011), Turvey (2013a), and *Sweet v. Sisters of Providence* (1995).

² *Negligence* refers to the failure to follow basic practice standards and protocols, resulting in a breach of a professional's duty of care. It can imply negligent action, as well as the failure to act. This is especially true when the duty to take action is mandated by established agency policies, protocols, and related legal rulings or statutes.

³ Access to justice is a basic right for all crime victims, and is solely the responsibility of the Government. In the State of Illinois, related rights are explicitly and implicitly detailed in The State Constitution, Article I, § 8.1 – Crime Victim's Rights. The United States Constitution also has a Due Process requirement, which necessitates a thorough and competent investigation of all allegations. These collective declarations establish that thorough and competent investigations by the State are both a State and Federal right, which can only be satisfied by the due diligence of government agents. Absent Due Diligence by state investigators, which is necessary for Due Process, individual rights may be ignored or directly even violated.

⁴ It is understood that until a thorough and competent investigation has taken place, it is not possible to know whether a crime has actually occurred, or who precisely is the victim. This, again, is the function of Government agents. And it is only possible through attendance to Due Diligence and the good practices that this requires.

terial from her office. Upon request, this examiner was provided with, and relied upon, at least the following evidence to form the forensic conclusions offered in this report:

1. Various Investigative Reports from The Channahon Police Department
2. Various Investigative and Forensic Reports from the Illinois State Police
3. Crime Scene Photos
4. Bloodstain Pattern Analysis report by Crime Scene Investigator Cary Morin
5. Photos of clothing collected from Felipe "Phil" Flores
6. Autopsy report and photos
7. Death Investigation report by Paul Kish, March 6, 2019
8. Various court filings and rulings
9. Deposition of FELIPE "PHIL" SALINAS FLORES, 12/9/20
10. Deposition of KEVIN BRENT HARER, 12/10/20
11. Deposition of ANDREW MCCLELLAN, 2/5/21
12. Deposition of JEREMIAH LEDFORD, 6/21/21
13. Deposition of SGT. CARY MORIN, 7/7/21
14. Deposition of KRISTIE VOGEL, 7/9/21
15. Deposition of SAUL TELLEZ, 7/21/21
16. The Affidavit of HEATHER HARER, 10/14/21
17. Other related third party depositions

I. RELEVANT INCIDENT BACKGROUND

The relevant historical and contextual information provided in this section is derived from the record of discovery provided to the examiner in this case:

On February 12, 2018, Flores spent the night at Samantha's apartment in Channahon, Illinois. The couple slept separately that night: Samantha in her bedroom and Flores on the couch. Flores was awake much of the night and had taken Samantha's cell-phone while she slept. At sometime after 8:00 a.m. the next morning, a neighbor whose apartment was adjacent to Samantha's apartment, heard a commotion coming from Samantha's apartment. The confrontation escalated. A neighbor heard banging on the walls and a woman repeatedly yelling: "Let me go."

At 8:19 a.m., Flores called 9-1-1 and told the operator that Samantha had shot herself. He explained that they had been arguing, she had asked him to leave, and he was in the process of leaving when he heard Samantha's "gun rack" followed by a single shot. Samantha's bedroom door was locked, so he "busted into the bedroom." Flores saw Samantha unconscious with a head wound and a gun lying between her legs.

The operator suggested Flores perform CPR, but Flores declined; he said Samantha was not breathing and that he could see her brain matter. Flores later recounted that he had lifted her head after she shot herself. The police never asked Flores to reconcile these inconsistent statements.

Thereafter, police and emergency personnel arrived. They observed a gunshot wound to Samantha's head, among other injuries, and detected a faint pulse. Although Flores told them that he was on the other side of the locked door when he heard Samantha shoot herself, there was blood spattered on the front and right sleeve of Flores's sweatshirt. Likewise, Flores's white socks did not have any blood on them, despite that he said he was "kneeling" next to Samantha and "talking to her" while he was still on the phone with the operator. Paramedics took Samantha to the hospital, where she died.

An hour after the shooting, the Channahon detective in charge of investigating Samantha's death, Andrew McClellan, examined the scene. He did so with a forensic evidence technician from the Illinois State Police. As the technician was evaluating the blood spatter evidence, Detective McClellan incorrectly told him that Flores had rendered aid to Samantha.

The Harers believe the detective misled the technician to minimize the significance of the blood splatter on Flores's sweatshirt. They home in on how the investigators failed to ask Flores why he had blood spatter on his clothing if he was not in the room when Samantha discharged the weapon.

What is more, the Harers say the investigators never questioned Flores about why they found Samantha naked if the couple was allegedly arguing prior to the shooting. Rather, the investigators simply accepted Flores's story that Samantha was just "depressed," as opposed to testing Flores for alcohol and drug use and looking into his prior history of violence against women. This alleged misconduct culminated in Detective McClellan either implicitly or explicitly instructing the technician to make a preliminary finding of suicide. The technician complied and—without processing any forensic evidence or talking to Flores, or any other witness—determined that the scene was consistent with a suicide.

A day later, Detective McClellan, joined by Channahon Chief of Police Shane Casey, told Samantha's parents that their daughter had died from a self-inflicted gunshot wound. Chief Casey and Detective McClellan did not tell the Harers that a neighbor had heard a struggle shortly before the shooting or that Flores's sweatshirt had blood spatter on it. Instead, they told the Harers that Samantha's hand was positive for gunshot residue and that Flores's was negative. That was not true. No test discovered any gunshot residue on Samantha's hands. Conversely, tests revealed gunshot residue on Flores's right hand and the front and cuffs of his sweatshirt.

The history and contextual information referenced in this section are necessary and foundational to the forensic conclusions offered within this report. This is in compliance with the national protocols for death investigation established by The NIJ (2011, 2013). It is also in compliance best scientific practices established in the published scientific literature cited at the end of this report.

It is important to note that the nature and quality of the crime scene investigation in this case, and the resulting evidence integrity, was poor. Specifically, pertinent evidence in this case was either misinterpreted, ignored, or abandoned by law enforcement. So much so that crime scene investigation efforts in this case fell to the level of *professional abandonment*⁵.

II. RED FLAGS FOR DECEDENT VULNERABILITY

The collection and examination of victim information is an obligatory function in every case of gender related violence; cases involving allegations of domestic violence; every

⁵ *Professional abandonment* is a term used in the legal and healthcare community to signal malpractice related to neglecting one's duty of care to a client. It includes lawyers, medical doctors, psychologists, and counselors. In this instance, the physical evidence is the explicit statutory province of law enforcement investigators. Nobody else has the statutory mandate to collect it from the scene during the initial phases of the investigation, or to compel testing with the resources of the state. The abandonment of physical evidence by law enforcement is therefore negligence with respect to duty of care, evidences bad faith, and results in evidence spoliation (Bay, 2008).

alleged sex crime; and every female death — especially those under questioned circumstances (UN, 2014). It is intended, in part, to facilitate a determination of victim risk with respect to suffering harm or loss. This is a function of victim exposure and vulnerability (Turvey, 2013; UN, 2014). Referred to as *victimology* or *forensic victimology* (see Burgess et al., 2009 and Turvey, 2013), this information helps to establish and contextualize crime related evidence and behavior; and further helps to establish potential motives. In this case, the following intersectional elements must be taken into consideration:

1. Samantha Harer had a reported history of anxiety related to her work as a dispatcher. However, this by itself is not an indicator of suicidal intent — and it is fairly common for those in her line of work⁶. It is common for laypersons to believe that depression in general can be used to indicate a clear suicidal intent, but this is not supported by the literature. More importantly, such intent cannot be interpreted without significant examination of other contextual variables.
2. Samantha Harer was under the care of a mental health treatment professional named Kristie Vogel, who prescribed her with medication for "anxiety and mild depression" (see Vogel deposition, pp.18-19). Later in her treatment, Samantha Harer disclosed a previous incident of sexual assault which was causing problems with anxiety and sleep. This incident apparently occurred in 2015, on or around Valentines Day, and was not reported to the police. It was later observed that she had "Anxiety, depression, and sleep disturbance, no suicidal ideation" (see Vogel deposition, pp.45-46). She was not believed to be suicidal at the time of her death, and was in fact reported to be engaged with her treatment program and related options (see Vogel deposition, pp.87-88).
3. Samantha Harer exchanged texts with Kristie Vogel on the morning of February 3, 2018 — stating that she felt the treatment process had helped to get her work stress under control. She stated that "...I was able to get my work anxiety fairly calmed down." And then: "The Xanax helped a lot. If I get too worked up, one would help immensely. My work got better and my personal life got worse." This indicates that the problems she was having in her life were related to personal issues and relationships — around the time that she was breaking up with Felipe "Phil" Flores (see Vogel deposition, pp.86-87).
4. Samantha Harer had just ended her romantic relationship with Felipe "Phil" Flores, a sworn police officer with the Crest Hill Police Department at the time of the incident.

⁶ As explained in the literature (Smith, Holmes, and Burkle (2019; p.619): "Emergency service (ambulance, police, fire) call-takers and dispatchers are often exposed to duty-related trauma, placing them at increased risk for developing mental health challenges like stress, anxiety, depression, and post-traumatic stress disorder (PTSD). Their unique working environment also puts them at-risk for physical health issues like obesity, headache, backache, and insomnia. Along with the stress associated with being on the receiving end of difficult calls, call-takers and dispatchers also deal with the pressure and demand of following protocol despite dealing with the variability of complex and stressful situations."

She reportedly terminated the relationship subsequent to an argument regarding his suspicions of her infidelity, and his controlling and jealous nature. This increased her vulnerability dramatically, as the significant others of law enforcement personnel experience greater rates of domestic violence, alcohol abuse, and depression (Violanti, et al; 2017). This vulnerability is compounded during the context of a break-up (see references to multiple break-ups over accusations of infidelity in the Flores deposition).

5. Of note, Felipe "Phil" Flores still had the key code to her apartment, and used it to enter her residence without permission while she slept on the day prior to the shooting (see Flores deposition, p.271). This occurred after their break-up, when consent to use her key code and enter the premises would naturally have been rescinded. He testified that he had just purchased a new firearm; and that he sat in her living-room playing with it while she slept in her bedroom. He further admitted to consuming alcohol during this time, which is problematic for someone diagnosed with "alcohol use disorder" (see Flores deposition, pp.273-275).
6. In December of 2006, Felipe "Phil" Flores' then wife, Samantha Gross, left him after less than two years of marriage. Subsequently, his drinking increased to the point where he drove his car into a ditch while intoxicated. During his deposition, however, Flores initially denied the accident. Then he progressively conceded to drinking and driving his car into ditch while being intoxicated (see Flores deposition, pp.102-106).
7. In his deposition, Samantha Harer's father Kevin testified that her relationship with Felipe "Phil" Flores was characterized by verbal arguments during which he berated her; that is was an "on again, off again" type of relationship; and that Flores routinely refused to leave her apartment to the point that Samantha would sleep at her parents house to avoid him (this reportedly occurred between 10-20 times; see Harer deposition, pp.177-181).
8. In his deposition, Samantha Harer's father Kevin testified that she complained of Felipe "Phil" Flores' illegally accessing and monitoring her activity on her electronic devices without her permission - to include her computer, her iPhone, iWatch, and her iPad. He testified that she reported Flores had broken into her electronics without her permission, that she subsequently changed her password, and that he reportedly did it again (See Harer deposition, pp.200-202). Kevin Harer specifically testified that she did not want Flores to have access to these devices. Flores contradicts this testimony, testifying that he had the passwords and access to all of her devices (see Flores deposition, p.196).
9. Felipe "Phil" Flores has a history of reported sexual assault (see Flores deposition). Kristin Kurtz, a former roommate of Flores, testified that she was assaulted by Flores on February 6, 2016. Flores lived with Kurtz for approximately two months in April and May of 2015. (See Kurtz deposition, p.16). After moving out, they ran into each other at a bar on February 6, 2016 (p.18). Later that same evening, Flores

showed up at her home drunk and Kurtz told Flores he could spend the night because she didn't want him to drive drunk (Ex. 1 – statement of Kurtz). Kurtz went upstairs to her bedroom and was later awoken to Flores on top of her raping her. (p.19; Ex. 1 – statement of Kurtz). She immediately yelled at him to stop and pushed him off of her (p.19, line 20-22).

As a result of that incident, she made a sexual assault complaint against Flores to the Crest Hill police department (p.19, line 23 – p.20, line 2) She also sought an order of protection against Flores (p.30, line 7-10). According to Kurtz, the Illinois State Police told her they would not have enough evidence to fully prosecute and find Flores guilty but they were sorry for what happened to her. (p.43, lines 10-20). According to a 2018 article with *The Joliet Patch*, the protection order taken out by Kristen Kurtz, then 30, was granted by a Will County Judge, extended one time, and later dismissed by a judge (p.49, lines 9-16)⁷. She reported that prosecutors told her that because she and Flores had previously been friends, a conviction would be difficult. This specific series of contextual and historical red flags suggests the need to investigate the related events carefully; not to dismiss them with the suggestion that evidence a prior relationship precludes the possibility of rape. This would be entirely inappropriate, and would ignore a substantial volume of related literature regarding rape myths and rape culture.

10. In his deposition, Felipe "Phil" Flores admitted to going through Samatha Harer's phone and iWatch without her consent, to review her private messages in an attempt to find evidence of infidelity. He further admitted to taking pictures of what he felt were inappropriate messages between her and a married police officer, with the intent of confronting her and sending the screen shots to the officer's wife. He testified that he confronted Samantha with the messages, but never actually sent the screenshots to anyone else (see Flores deposition, pp.187-207).
11. In his deposition, Felipe "Phil" Flores admitted to possessing and going through her phone in the living room while she slept, in the hours prior to the shooting (see Flores deposition, pp.298-301).

⁷ Court documents state that Kristin Kurtz "filed a report on Phillip and the rape against me. Pictures were taken and bedding was taken from my home" (p.31, line 2 – pg. 32, line 9). The Will County protection order was served against Flores in March 2016 at 1620 Plainfield Road, which is the Crest Hill Police Department where Flores worked the night shift, from 6pm to 6am, reflected in court documents. Kurtz told *The Joliet Patch* on Wednesday that she did file a police report at the Crest Hill Police Department, and that Flores was put on paid leave from the Crest Hill for about a year while her allegations of rape were under investigation (pp. 85-86). Kurtz said that Crest Hill Police turned the case over to the Will County Sheriff's Department. Eventually, she got a phone call from a representative of Will County State's Attorney James Glasgow. He told her that a decision had been made not to bring criminal charges against Flores. Kurtz testified that she was told prosecutors did not feel there was at least an 80 percent chance of success if they filed criminal charges against Flores (p.43, lines 10-20).

12. Samantha Harer's prior romantic relationship with Felipe "Phil" Flores was characterized by his insecurity and subsequent jealousy. This aggressive behavior created an environment of hostility and mistrust. It also served to control who she felt safe contacting using any of her electronic devices. For example — her close friend Taylor Jacobs informed police that she had to be careful with what she wrote in her text and social media messages to Samantha Harer, because she understood that Flores was secretly going through Harer's electronic devices. Jacobs also stated that Samantha Harer once remarked to her that she hoped her relationship with Flores didn't end "like Drew Peterson" (Channahon 94 – Off. Michael Ryan Supplemental Report). Another friend of Samantha Harer's, Jeremiah Ledford, stated that she complained to him on more than one occasion that Flores was monitoring her electronic devices and sending her screenshots of conversations she was having with other individuals on social media (see Ledford deposition, pp.35-48). This unwanted and aggressive behavior by Flores, which essentially involved tracking and monitoring Harer against her wishes, is described as coercive and controlling at best.



13. In 2019, Felipe "Phil" Flores was found unfit for duty after being diagnosed with "alcohol use disorder" (see Flores deposition, p.93 and Crest Hill 001757-001762 – Independent Medial Evaluation of Flores). As explained by the Mayo Clinic "Alcohol use disorder (which includes a level that's sometimes called alcoholism) is a pattern of alcohol use that involves problems controlling your drinking, being preoccupied with alcohol, continuing to use alcohol even when it causes problems, having to drink more to get the same effect, or having withdrawal symptoms when you rapidly decrease or stop drinking."⁸ Flores denied knowledge of this diagnosis in his deposition, and downplayed the context of the diagnosis as simply the result of having alcohol in his system during the evaluation. However, this completely misrepresents the diagnosis which references a historical "pattern of alcohol use" that is akin to *alcoholism*.

⁸ See Mayo Clinic - Alcohol Use Disorder, url: <https://www.mayoclinic.org/diseases-conditions/alcohol-use-disorder/symptoms-causes/syc-20369243>

14. Samantha Harer had recently ended her relationship with Felipe “Phil” Flores. This provided a context of immediate conflict. It is also a time where emotions are the most volatile.
15. There is a recent fist shaped indentation in the drywall inside of Samantha Harer’s bedroom. This damage is immediately beneath a yellow ruled sticker. It is also in the location where her body was found. The affidavit of Heather Harer states that she was in her daughters bedroom on February 11, 2018, just days prior to the shooting. Her affidavit states that the damage to the dry-wall was not there during her visit. This is symbolic violence, characteristic of domestic violence. And it took place in her bedroom, right where her body was found, just days before her death.
16. Samantha Harer’s neighbor, Saul Tellez, shared a wall with her apartment. The walls are very thin, as this apartment complex is formerly a motel. Tellez reported and testified that he heard a struggle coming from her apartment immediately prior to the time of the shooting. He heard noises consistent with someone being thrown up against the wall, and then heard a woman yell “Let me go!” (See Tellez deposition).
17. In this case, there is an evident pattern of *asymmetric violence*⁹ and *coercive control*¹⁰ which exists in the relationship between Harer and Flores. This includes a significant age difference, given Harer’s youth and inexperience; it includes accusations of infidelity, during and after the end of the relationship; it includes, access and control of Harer’s cellphone, during and after the end of the relationship (a form of social control and isolation); and it includes accessing Harer’s apartment, also after the end of the relationship. This evidences a clear pattern of ongoing violence, which explains why she ended the relationship. It may also explain her mental health / anxiety issues — as reported to Kristie Vogel.

The behavioral evidence and vulnerability detailed in this section, and the historical / contextual violence it represents, establishes the existence of factors related to extreme violent escalation (UN, 2014; pp.79-80). This type of violence is known to precede and even result in domestic homicide. The evident violence in this case was originating almost entirely from her tumultuous and controlling relationship with Felipe “Phil” Flores.

⁹ *Asymmetric violence*, in a domestic context, refers to an abusive relationship in which one partner is physically, sexually, economically, and / or psychologically violent against a partner that is generally passive or non-violent (Walby & Towers, 2018). This imbalance can have many different outcomes, including various coping mechanisms and various forms of resistance.

¹⁰ *Coercive control*, in a domestic context, refers to a pattern of controlling behaviors that create an unequal power dynamic in a relationship. These behaviors give the perpetrator power over their partner, making it difficult for them to leave the relationship. Examples include threats of violence, abandonment, belittling, and social isolation (Morales-Brown, 2020). Common manifestations include control of schedules, to include the restriction of coming and going from the home; restriction or monitoring of electronic devices; monitoring or restricting social media activity; and monitoring or restricting contact and communication with friends and family.

III. FELIPE “PHIL” FLORES - MULTIPLE STATEMENTS

Felipe “Phil” Flores, a sworn police officer with the Crest Hill Police Department at the time of the incident, has given multiple conflicting statements regarding what occurred that evening. The statements have been both evasive and inconsistent with respect to his actions and decisions. It is important to note that that these statements were given to his friends and colleagues in law enforcement. This includes both 911 operators who appeared sympathetic to the point of tears, and also appeared to know him by his first name.

Also of note, during this time with the 911 operators, Flores states that Harer was not breathing, that he could see brain matter, and that CPR was not necessary.

Statement #1

In the 911 audio, Flores states, in essence: I walked out of the room. She argued with me. I heard the gun rack. I tried to come back into the room and she shot herself.

This statement provides no real context, and does not explain Harer’s lack of clothing. But it does place Flores in her bedroom in the context of what must have been serious argument. It does not express urgency with respect to entering her bedroom after the gunshot.

However, this statement clearly indicates that Harer was in her bedroom, naked, and arguing with her controlling ex-boyfriend — with her gun drawn.

Statement #2

In the 911 audio, Flores also states, in essence: We were arguing. She asked me to leave. I left. I heard the gun rack. She locked herself in her bedroom. She pulled the trigger. I came busting in.

Again, this statement provides no real context, and does not explain Harer’s lack of clothing. However this version indicates urgency and his desire to heroically make an entrance.

This statement also clearly indicates that Harer was in her bedroom, naked, and arguing with her controlling ex-boyfriend, with the door locked to keep him out — with her gun drawn.

Statement #3

In a statement to first-responding Officer Kevin McCravin, Flores states that they were arguing in the morning and she told him to leave. He asked her, “For a couple hours? A couple days? Or What?” He said she peered around the bedroom door at him and said, “Just leave”. Flores stated she slammed the bedroom door and locked it.

Flores stated he was in the living room gathering up his belongings when he heard the sound of a pistol slide. He went to the bedroom door and tried to pick the lock and yelled to her “Don’t do this” and he heard a “pop.” He then forced the door open and found Harer on the floor with the gun between her legs and was bleeding from the head(Channahon 55 – Off. Kevin McRaven Supplemental Report).

In this new version of events, he is trying to "pick" the door-lock and not bust it open.

Statement #4

This is from information provided in the Bloodstain Pattern report, which states that “Flores reportedly attempted to provide aid at the scene, and was in contact with the victim during the moments shortly after sustaining her injury.” He also states that this was a verbal argument.

This assertion selectively recalls information that could have been garnered from the 911 call, however the author neglects to mention the inconsistent elements, namely that Flores refused to attempt CPR, despite being a trained first responder; and that “Flores told the operator that he never touched Samantha’s body. (He later recounted that he had lifted her head after she shot herself. The police never asked Flores to reconcile these inconsistent statements.)” It also appears to ignore the fact that the victim was naked in her room — with her gun drawn — which makes the altercation more than just verbal.

This kind of selective and ultimately biased presentation has no place in a forensic report.

Statement #5

Information provided in a brief given by Det. McClellan states that: “Flores reported hearing the slide of the pistol followed by a gunshot, Flores then reportedly found Harer on the floor behind the bedroom door with a gunshot wound to the head. Flores also reportedly attempted to provide aid to the victim at the scene.”

Again, this assertion selectively recalls information that could have been garnered from the 911 call, however the author neglects to mention the inconsistent elements, namely that Flores refused to attempt CPR, despite being a trained first responder; and that “Flores told the operator that he never touched Samantha’s body. (He later recounted that he had lifted her head after she shot herself. The police never asked Flores to reconcile these inconsistent statements.)” This kind of selective and ultimately biased presentation has no place in a law enforcement briefing or report.

As will be discussed in sections IV-V of this report, these statements are also not consistent with the physical evidence.

Statement #6

This statement is from the Deposition of Felipe “Phil” Flores (see Flores deposition, pp.295-348).

1. Flores testified that he and Samantha Harer were arguing in her bedroom, and that she was nude and still in bed during this argument. This was subsequent to giving her back her phone upon request, which was apparently in his possession. He testified that she was yelling at him and he did not know why. The context would tend to suggest that she did not want him in her apartment, as he admits she instructed him to leave.
2. Flores testified that when he turned to leave her bedroom, she threw her phone into the closet and it hit a wall shooting words the effect of “fuck this phone”. The entire context, including throwing the phone, suggests that the argument was about something related to the phone.
3. Flores testified that while getting clothed in the living room, he heard the gun rack inside of her bedroom. This would suggest that he was at least partially unclothed while in her bedroom, however this is unclear.
4. Flores testified that he immediately attempted to enter her bedroom while yelling through the door at her. He testified that the door was locked, but that he gained entry using a key from his keyring because it was a generic locking mechanism requiring only a flathead screwdriver.
5. Flores testified that as he pushed open the door, he heard the gun discharge inside of her bedroom. He testified that he found her on the floor bleeding out of the injury to her head.
6. Flores testified that he only touched her cheek lightly, that he did not touch her body in any other way or location.
7. Flores testified that he called 911 immediately, while on his knees next to her body. His testimony did not include any description or attempts of rendering aid.

This statement, as will be discussed, is not consistent with the physical evidence.

Note: A video recorded interview of Felipe “Phil” Flores was conducted with Detectives Robert Austin and Carlos Matlock. However, many of the issues raised by the inconsistencies in that interview have been addressed here. During that law enforcement interview, Flores was hostile and evasive; and he also made similar demonstrably false statements inconsistent with the evidence in this case.

IV. CRIME RECONSTRUCTION: GENERAL FINDINGS

The following are general findings made evident by the existence of clear and unambiguous physical evidence found in association with the shooting death of Samantha Harer.

A. Gunshot Residue

A Gunshot Residue examination was conducted on the hands of both Felipe “Phil” Flores and Samantha Harer. These results were withheld by law enforcement for an extended period of time, during which the results were apparently falsely reported to the family of Samantha Harer (see Harer deposition). This was done in a reported effort to convince them that the shooting was a suicide, along with stating that “dark” evidence was found on her electronic devices, though in the absence of a definitive finding from the delayed autopsy report (see the Harer deposition; see also the McClellan deposition, pp.131-149)

The GSR results for Samantha Harer’s hands were negative, indicating that she had not fired a gun recently. This would not be possible if she had shot herself, unless her hands had been cleaned. This did not occur, as evidenced by her bloody hands documented with photos at the time of autopsy.

The GSR results for Felipe “Phil” Flores’ hands were positive, indicating the he had either fired a gun recently, or that he was in the immediate proximity when a gun was fired¹¹.

It is also significant to note that Flores’ DNA was found on Harer’s gun, despite the fact that he claimed never to have touched it (see Furtek deposition, pp.49-52).

B. Bloodstain Patterns: Flores’ Clothing

A sweater, jeans, and other clothing worn by Felipe “Phil” Flores, was photo-documented and examined. Blood-spatter was reported on to have been found on the sweater — on both sleeves at the wrist, and more on the front. Blood-spatter was also reported to have been found on his jeans and related items.

The Blood-spatter report by Cary Morin

The Blood-spatter report by Cary Morin does attempt to document the blood patterns found on the clothing and at the scene, but offers no actual reconstructions or clear interpretations. More specifically, with respect to the sweater, this report negligently fails to make obvious interpretations regarding the actual *conditions of transfer* for these stains on the clothing.

¹¹ There is significant inconsistency and controversy over whether and how law enforcement reported and interpreted these GSR findings. Despite obvious indications that this was a positive result with respect to rapid testing, the results were apparently misinterpreted as negative or inconclusive. This highlights the importance of such testing being the strict province of forensic science professionals — in order to avoid bias and misinterpretations.

First, this report fails to explain that these stains in the wrist area are not *swipes*, *wipes*, or *smears* from contact transfer — as was theorized by the author to broadly explain them away. They are medium and high velocity spatters, characteristic of *Drips* and *Impact Patterns*. Second, the pinpoint blood spatter evident in these areas are characteristic of high velocity spatter, which is consistent with a gunshot. These patterns, again, are not at all consistent with contact smears. Failure to explain this, and to instead suggest that the scene is too “dynamic” for an interpretation, is incompetent, negligent and scientifically unsupported.

The Death Investigation report by Paul Kish

The Death Investigation report by Paul Kish states: “In Figure #37, transfer stains were observed on the holster clip; belt adjacent to the holster; and on the region above the right front pocket (Areas A & B). In Figure #37, round to elliptical shaped stains are located on the right front thigh region of the jeans (Areas C & D). The physical characteristics of these stains are consistent with their being spatter stains.” These patterns, again, are not at all consistent with contact smears. They are the result of blood traveling through the air and striking the noted items and clothing worn by Flores. Failure to explain this, and to instead concluding that “All of the bloodstain evidence observed on the clothing of Filipe Flores may be accounted for by actions reportedly taken by Mr. Flores after Samantha Harer sustained her gunshot wound”, is incompetent, negligent and scientifically unsupported. It also allows for the erroneous conclusion that these patterns are consistent with the many contradictory statements given by Flores.

In addition, this report states that “Figure #38 depicts the appearance and location of bloodstains on the left knee region of the jeans (Area E, Figures #35 and #36)” — along with a photo of the area. The report also provides a related definition “Bloodstain: A deposit of blood on a surface.” This term is generic, and the report does not attempt to describe the precise nature of the bloodstains observed. This is significant because they appear to be spatter patterns, again the result of blood traveling through the air and striking the clothing. Not smears or patterns from kneeling in blood. Again, this approach and the related failure to describe the bloodstains in detail is incompetent, negligent and scientifically unsupported. Again, it further allows for the erroneous conclusion that these patterns are consistent with the many contradictory statements given by Flores.

C. Bloodstain Patterns: Felipe “Phil” Flores’ Hands

The Channahon Police Department took multiple photos of Felipe “Phil” Flores away from the crime scene. In the photos, he is fully clothed, but without shoes.

Most importantly, both of his hands are covered in bloody transfer — to include smears, medium velocity spatter, and high velocity spatter (see the four images provided below). If Flores had not touched Harer subsequent to the shooting, there would be no blood on his hands. Moreover, if he had only touched her to check for a pulse or something similar, the blood would only be evident as transfers and smears.



WCSAO 00030



WCSAO 00034



WCSAO 00042



WCSAO 00040

The bloodstains evident on his hands are inconsistent with multiple statements from Flores denying that he touched Harer; some are inconsistent with transfers received due to touching bloody objects or surfaces; and some are consistent with resulting from medium and high velocity spatter, indicating that he was not on the other side of the door when she was shot and bleeding.

D. Bloodstain Patterns: Samantha Harer's hands

The only source of blood in this case is the single gunshot wound to Harer's head. In the crime scene photos, there is clear evidence of bloody transfer in the form of hand shaped swipes and smears in different locations. For example, they can be observed on the bedroom light switch and on the bedroom door beneath the doorknob. These transfers are fairly unambiguous.

At autopsy, the victim's hands were both observed to be bloody. They are, in fact, completely smeared with blood. This means that anything they touched would receive bloody transfer in the form of swipes and smears.

These facts indicate that the victim was alive for a short period of time after receiving the gunshot wound, and attempted to move around while touching multiple surfaces in the process. This was not mentioned in any statement regarding the events of that evening; and this evident interpretation was not mentioned in the Bloodstain Pattern report.

As a related matter, there is no bloody smearing on the gun — which would be the case if she had touched it subsequent to getting blood on her own hands.

Again, the Bloodstain Pattern report does attempt to document some of the bloodstain patterns at the scene, but offers no firm or reliable reconstruction on this issue. Either the author does not understand that the point of such a report is provide an interpretation of these events; or the author does not know how to render such interpretations for lack of understanding what is being observed.

E. Bloodstain Patterns: Quality Control Issues

It is relevant at this point to note that the Bloodstain Pattern Analysis report by Crime Scene Investigator Cary Morin was reviewed internally, twice, by his supervisors. His report failed one of those internal reviews. It was found by Lt. Rebecca Hooks to be confusing with respect to language and findings; it was also found to contain unsupported conclusions (See Morin deposition, pp.141-149; pp.203-208).

Significantly, he was asked to remove several specific observations and conclusions — which he did (See Morin deposition, pp.203-208). This process, and the elimination of specific conclusions by supervisors, evidences profound interference with the rendering of this report. It demonstrates that either CSI Morin is not believed to be a reliable and competent forensic investigator; or that supervisors were intent on interfering with his conclusions in an attempt to maintain preferential case theories.

F. Sexual Assault Protocol

The victim in this case was found deceased in her bedroom, and also fully nude. This context indicates the possibility of both sexuality activity and sexual assault. The medical examiner did take extreme close shots of the victim's genitalia with measurements in place, indicating that he is aware of the importance of this evidence. However, this specific step made no sense to this examiner, as nothing was being measured in these photos and the ruler used only served to obscure evident patterns. More to the point, a sexual assault kit was collected but not tested. This is more evidence of professional abandonment.

V. CRIME RECONSTRUCTION: STAGING

The crime scene in this case presents as an attempt at staging. A *staged crime scene* is one in which the offender has purposely altered evidence so as to mislead authorities or

redirect the investigation, suggesting an alternate cause events (Chisum and Turvey, 2012). The following evidence supports this conclusion:

1. According to neighbors interviewed at the scene by law enforcement, on the night of the shooting they heard a thud, the sounds of a struggle, and someone saying “let me go” — all from Samantha Harer’s apartment (see McClellan deposition, pp.161-163, & 268; and Morin deposition, pp.105-107). Felipe “Phil” Flores acknowledged that he and Samantha Harer were arguing in her home that night. However, he denied that it was physical or that Samantha Harer ever told him to let her go.
2. There was evident pressure at the scene to form a hasty opinion in favor of suicide, to which Flores would necessarily have been a party but his mere presence among friends. Even during the 911 call he was making requests regarding the desire for specific personnel to attend the scene. Moreover, it was reported that: “McClellan implicitly or explicitly directed the technician to make a preliminary finding of suicide. The technician obliged. Without processing any forensic evidence and without talking to Flores or any other witness, the evidence technician concluded that the scene was consistent with a suicide.” This is consistent with the depositions read by this examiner.
3. The GSR evidence indicates that Flores either fired weapon or was near one when it discharged; and that Harer did not and/or was not. If she shot herself, this would not be the case.
4. The medium and high velocity bloodstain pattern evident on the sleeves and cuffs of Flores' sweater, and on his hands, in combination with the GSR, indicate that he was in close proximity to a gunshot that was fired into a blood source (pictured below). This would not be possible if the shooting happened on the other side of a bedroom door, as reported.



5. In the crime scene photos, there is a laundry basket pictured in the bedroom. This plastic basket is white with green handles, and it is full of clothing items. It is positioned on the floor, at the end of the bed, and at the base of bureau beneath the television. The sides of the basket have what appears to be bloody transfer from contact with a bloody object in two separate areas. These are not cast off patterns. This is evidence that someone with bloody hands touched the laundry basket, after the victim was shot.



Importantly, as admitted in the deposition of Det. Andrew McClellan of the Channahon Police Department, this item was not formally photographed, documented, inventoried, or even collected. It was, instead, abandoned (see the McClellan deposition, pp.192-198). There is no legitimate reason for this abandonment.

6. The gun in this case was reported to have been collected from in-between Harer's legs as she came rest on the floor behind her bedroom door. If she had died instantly as suggested, the gun would have fallen to her side, and not neatly between her legs. This by itself is indicative of staging.

However, the fact that she moved around subsequent to the gunshot to her head also precludes the possibility of this final resting position. The placement of the gun between her legs (without bloody transfer), and her final position seated against the wall, cannot be explained without suggesting the interference of a third party. The gun should either be beside her, or under her.

Additionally, her abdominal and thigh area received a great deal of bloody transfer subsequent to the gunshot, which is not reflected on her gun. There is significant

blood present on her thighs and in her pubic / vaginal area. However no void pattern to indicate a gun was in place blocking the transfer.

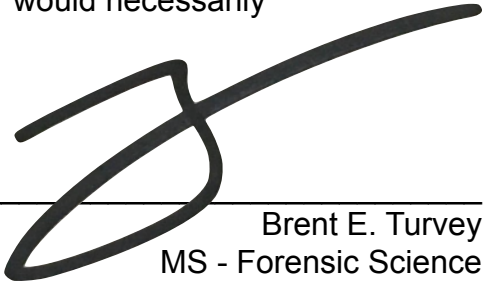
7. Despite specifically stating that he did not touch Samantha Harer's gun, Felipe "Phil" Flores' DNA was found on the gun. This indicates that he did in fact handle the gun.
8. Flores testified in his deposition that he got on both knees beside Samantha's body to check her condition (See Flores deposition, p.330). However, there is no evidence of bloody transfer on his knees to support this statement. If he had gotten on both knees next to her body, subsequent to the shooting, there would be bloody transfer present on his pants, at the knees, transferred as it soaked in from the floor.

Taken separately, the findings in this report strongly suggest that the crime scene was staged. Taken together, the findings in this report demonstrate that Samantha Harer did not shoot herself, and that the scene was intentionally altered. They also tend to suggest that basic elements of evidence which demonstrate these facts were either negligently interpreted, ignored or intentionally suppressed by decision-makers.

CONCLUSION

It must be noted that this report is not merely a series of criticisms regarding the nature and quality of investigative and forensic efforts. Rather, it describes in detail the history, context, and evidence which has been neglected or misinterpreted in such a manner as to advantage Felipe "Phil" Flores, and protect him from scrutiny. In accordance with best practices as provided by NIJ, all death scenes must be treated as homicides to preserve evidence until it is determined that they are not. Doing otherwise is professional abandonment. In this case, however, the evidence against suicide is substantial enough to suggest that ignoring, and explaining it away without investigation, it is intentional.

Should new evidence become available, this examiner would necessarily reconsider any of the related findings in this report.



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