

1 A Yes; I stayed outside to keep people away.

2 Q And the detectives proceeded to examine for evidence inside

3 the apartment as well as her automobile, isn't that correct?

4 A Yes, sir.

5 Q Did some news media arrive there, if you know?

6 A I don't remember. They may have arrived before I left, but

7 there were none on the scene as far as I remember.

8 Q When you were in there, other than the body, of course, did

9 you observe anything unusual besides the broken window we

10 have heard some testimony about?

11 A No, sir.

12 MR. DUNCAN: Thank you very much.

13 (Witness excused.)

14

15

16 JOHN MUEHLENBACHER, having been first duly sworn, testified:

17 DIRECT EXAMINATION BY MR. ROBB:

18 Q Would you state your name and occupation?

19 A John Muehlenbacher, retired police officer.

20 Q Mr. Muehlenbacher, you retired from the police department

21 when, last year?

22 A January 4 of this year.

23 Q I want to direct your attention back to November 13, 1980.

24 You were a detective with the St. Joseph Police Department

25 on that date, is that correct?

1 west wall. She would have been facing west.

2 Q And the head of the bed was to the east?

3 A To the east.

4 Q Now, when Detective Randall arrived, the evidence technicians
5 there was also a couple more, isn't that correct, that
6 arrived?

7 A Evidence technicians?

8 Q Yes.

9 A Yes, I believe there was.

10 Q They did a thorough and professional evidence job, isn't
11 that correct?

12 A To the best of my knowledge.

13 Q They looked for trace evidence; that would be hairs, fibers,
14 anything that might have given them some clue as to who
15 did it or how it happened, isn't that correct?

16 A I assume so, yes.

17 Q They also checked for fingerprints? You saw them dusting
18 around the apartment?

19 A Yes.

20 Q They also dusted the victim's automobile for fingerprints?

21 A I didn't see it, but I presume they did.

22 Q That would certainly be the professional way to do it,
23 isn't that correct?

24 A Right.

25 Q You told us about this knot. You said it was on the right

1 side. Do you recall whether it was around the front or
2 toward the back or in the middle?

3 A No; it was about in this area right here (Indicating).

4 Q Toward the front?

5 A Right in here (Indicating).

6 Q All right; in front of your ear where you are pointing?

7 A Right in this area, I believe (Indicating).

8 Q Would you state for the record where you say it was? You
9 are saying underneath--

10 A It was more or less toward the middle.

11 Q The middle of the neck?

12 A Yes.

13 THE COURT: Let the record show he is pointing
14 to his right side.

15 Q Now, when you rolled the body over and discovered the hands
16 were tied, you also discovered a stab wound on the right
17 side of the head, isn't that correct?

18 A There was a puncture wound of some type.

19 Q Later a second puncture wound was discovered, isn't that
20 correct?

21 A I think the pathologist found one, yes.

22 Q You weren't present at the autopsy?

23 A Yes, I was.

24 Q Was there any bath towel found around the bedroom, like for
25 instance if the victim had been wearing one and it dropped?

1 Did you find one around the house, any place like that ?

2 A Not to my knowledge.

3 Q Could you tell us whether or not the bed appeared to be

4 messed up; that is, like someone had been laying on it?

5 A Well, there wasn't no spread over it that I could tell.

6 Q But could you tell, was there any indentation of a body,

7 anything like that on it?

8 A Not to my knowledge.

9 Q And I believe there was a hammer found there, isn't that

10 correct?

11 A There was a hammer laying on top of the clothes hamper in

12 the bedroom.

13 Q I take it that along with other items, it was taken and

14 sent to the lab, isn't that correct?

15 A To the best of my knowledge, it was, yes.

16 Q Now, Detective Muehlenbacher, on April 7, 1981, you had an

17 occasion to talk to the defendant, isn't that correct?

18 A I talked to her. I don't know the exact date, but I talked

19 to her sometime.

20 Q I have before me a copy of your report.

21 A Okay.

22 Q And that was while she was confined in jail, isn't that

23 correct?

24 A Yes.

25 Q Do you recall how you happened to have that conversation

1 with her? Was it because you got some information from
2 her that she may know something about--

3 MR. ROBB: Your Honor, I'd like to ask to
4 approach the Bench.

5 THE COURT: All right.

6 (The following proceedings were
7 had outside the hearing of the jury:)

8
9 MR. ROBB: Your Honor, what I'm objecting to, Mr.
10 Duncan is getting into a statement made by Sandra
11 Henne after she pled guilty back in 1980, where she
12 said she knew or had knowledge of another homicide,
13 where another body was buried. She gave the infor-
14 mation to Detective Muehlenbacher and led Muehlenbacher
15 to the area where the body was disposed of. They dug
16 and couldn't find it.

17 The reason I'm objecting to this evidence, first
18 of all, it's hearsay and self-serving. It's not
19 offered as an admission against her; it's offered in
20 support of the defense. Basically, it's self-serving
21 hearsay on the part of the defendant.

22 MR. DUNCAN: There is also a part of the statement
23 pertaining to this alleged crime, in which she says
24 someone else did it. Basically, the defense in this
25 case is that she has given so many stories about this

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thing, you can't believe any of them. I was merely going to use this opportunity, since he took one statement, to bring out one more of the stories.

THE COURT: I can't see any connection with this story about another death.

MR. DUNCAN: Well, how he happened to be over to talk to her, then they talked.

THE COURT: Why he was there is not important. I think the story about another death is irrelevant. What about this other part that you want to get in about this case?

MR. DUNCAN: It's kind of all tied up. His report reveals he went over to talk to her about this alleged missing person, which is totally irrelevant, which is somebody else. But in that she says on the day of this crime, this Mr. Hollman picked her up in a pickup truck, how they went over to Pat's house. That's when he killed Pat. Then he took her out and showed her where this other woman was buried.

MR. ROBB: Which wasn't true.

MR. DUNCAN: Which turned out totally untrue. This was three days before she pled guilty.

THE COURT: Well, I don't see the connection between that and the plea of guilty.

MR. DUNCAN: I don't think there is any.

1 THE COURT: You want to show that she told
2 Muenlenbacher that she didn't do it but that--

3 MR. DUNCAN: Holiman did.

4 THE COURT: And she was present?

5 MR. DUNCAN: And she was present, yes.

6 THE COURT: You object to that?

7 MR. ROBB: Yes, your Honor.

8 THE COURT: On what grounds?

9 MR. ROBB: On the grounds it's hearsay; that it's
10 another way of putting her testimony on without her
11 taking the stand. If she wants the jury to give that
12 consideration, she should have to take the stand, not
13 put it through this way. It's self-serving hearsay.

14 MR. DUNCAN: The state is going to offer several
15 different stories.

16 MR. ROBB: That's right. They are admissible as
17 admissions.

18 THE COURT: You have already told the jury about
19 the statements in which she said she didn't do it.
20 Ordinarily the objection would be well-taken. What
21 bothers me, you are putting in evidence some state-
22 ments which she made about this which are all contra-
23 dictory and different. Why can't one more come in?

24 MR. ROBB: We are not putting them in as evidence.
25 We are putting them in as admissions on the part of