

Judge rejects defense's coconut demonstration

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Courts: Johnson murder trial hearing focuses on ballistics testing

By Patti Murphy - Times-News correspondent

BOISE -- The judge in the Sarah Johnson double murder trial ruled Monday that a videotape showing a coconut being shot with a rifle may not be introduced as evidence to depict what happened to Diane Johnson when she was shot through the head. "Quite clearly it does not represent what happened," said Fifth District Court Judge Barry Wood. "All you need to do is look at the video and compare it to the photos of the crime scene."

The video, created by Sarah's defense team, uses a coconut filled with half-and-half cream that had been colored with red and blue food coloring to represent blood and other body materials. The coconut was positioned on a pillow and a rifle was strapped into the hands of a mannequin standing next to it. The videotape rolled as the coconut was shot by a .264 Magnum rifle.

The point was to show how a close-range gunshot to the head creates an explosive mist and blood spatter all around, and that whoever pulled the trigger to murder Diane Johnson would have been covered in blood. Immediately following the shooting, Sarah was tested and blood spatter was found on her.

Sarah, now 18, is accused of shooting her mother in the head while she slept and then turning the rifle on her father, killing him as he came out of the shower. She was 16 years old at the time of the Sept. 2, 2003, murders. Prosecutors say she killed her parents because they disapproved of her relationship with a 19-year-old Mexican immigrant.

'Daubert Hearing'

Monday's hearing took place without the presence of a jury so the judge could hear arguments on both sides about why the video should or should not be admitted. Called a "Daubert Hearing," it is designed to test the admissibility of scientific evidence. The judge ultimately determines whether the evidence is "probative or will confuse the jury."

Prosecuting attorney Jim Thomas opened the hearing by asking state's witness Glen Groben, a pathologist with the Ada County Coroner's office, "Can you compare a human head with a coconut?" Groben replied, "It's like apples and oranges."

"A coconut is an empty space. There is no brain material, no vessels, no pressure. Only fluid," Groben said.

Rocky Mink, a forensic scientist who had assisted in producing the video, defended the use of the coconut to replicate a head.

"Did your coconut have a brain in it?" asked prosecutor Justin Whatcott, referring to prosecution's contention that a coconut is unlike a human head.

"Not that I know of," Mink said.

The prosecution argued against allowing the coconut videotape to be presented as evidence because, not only is a coconut not like a human head, but also that the gunshot experiment did not replicate the exact environment found at the scene of the crime, they said.

Earlier testimony by two first-responders to the Johnson crime scene stated that Diane Johnson's head was under the covers when they first discovered her in the bed. This could explain why there was not a lot of blood that sprayed back toward the shooter, prosecutors maintain.

Judge Wood asked Howard if covering the coconut would have made a difference in how the blood mist would fly, and he answered yes.

A handprint of Alan's was found on the sheet and Howard suggested, "with Mr. Johnson coming along the bed, if he simply covered his wife back up" before he died.

Judge Wood said, "What's bothersome to me, frankly, is that the re-enactment was done to try to show the environment of the room. It seems to me this tries to create a result then work backwards.

"The blood pattern was not replicated. It was not sufficiently similar. I will not allow it," he said.

By this time Sarah Johnson had been brought back into the courtroom and, as Judge Wood stated his decision, Sarah began to cry.

Today, Sarah's brother Matt is scheduled to testify. He is the final person on the prosecution's witness list.