

DNA at center of Swanson murder trial

By Kathryn Reed

PLACERVILLE – DNA, motive and crime scene tactics will play a prominent role in the prosecution and defense of Andrew Sanford.

Nearly two years to the day after being arrested in the 1980 murder of Richard Swanson, Sanford went on trial March 18 in El Dorado County Superior Court before Judge James Wagoner.

Swanson was a 16-year-old South Tahoe High School student working the graveyard shift at the former Shell station at the Y when he was bound with duct tape and left to die of asphyxiation.

Until March 2010 no one had been arrested in the murder that took place Aug. 14, 1980.



The local Secret Witness program was started because of the Richard Swanson case.

The District Attorney's Office believes DNA, which was not used in cases at the time, will prove 52-year-old Sanford is the murderer. The defense believes there is no proof Sanford committed the murder because the crime scene was so contaminated and that with Sanford regularly working on his vehicle at the station proves his DNA would be at the scene.

For Swanson's parents, who now live in Sonora, they are grateful that nearly 33 years after their son's death someone is standing trial.

Swanson's father, Ronald, told *Lake Tahoe News*, "It was a great relief (when an arrest was made)." Mother, Sharon, said of her son's death, "You learn to live with it, but it won't go away."

Their son, Bob, who is eight years younger than Richard, was with them in the Placerville courtroom. Mostly they were expressionless as they sat behind the assistant district attorneys.

Sanford, dressed in a gray pinstripe suit, sat next to his attorney at times taking notes, other times reading legal documents.

The trial is not expected to be over soon.

On Tuesday the eight-woman, four-man jury heard opening statements from both sides and testimony by the first five prosecution witnesses.

"Andrew Sanford – he is a thief. He stole money from the Shell station and more important he stole Mr. Swanson's life," Trish Kelliher, El Dorado County assistant district attorney, said in her opening statement.

"The evidence will be insufficient to demonstrate that Mr. Sanford was responsible for this criminal offense. You will ask yourself, 'Is that all there is?'" defense attorney Erik

Schlueter said in his opening remarks.

The prosecution says: Sanford lived in South Lake Tahoe at the time of the murder. He left shortly thereafter. He was convicted in 1982 for stealing a truck. At times he used a different name.

The defense says: The South Lake Tahoe Police Department used a maintenance man to collect evidence. At times gloves were not used, other times they touched multiple items. Pictures show evidence was moved.

Robert Blasier, DNA expert for the defense, said it's impossible to detect when DNA got on an item or if was transferred there unknowingly.

Ronald Swanson was the first witness of the day. He relived what it was like to be contacted by officers at work at Coldwell Banker, to have to go home and tell his wife their son had been killed, and then go the mortuary to identify him. As a former Ventura County sheriff's deputy and officer with the California Highway Patrol, Swanson knew the protocol of a crime scene. Even though he went to the Shell station, he said he didn't cross the yellow crime scene tape to see where his son had died.

By the time Swanson got to the mortuary the duct tape that had covered his son's mouth and nose, and bound his hands behind his back were removed. He stayed there for about a half hour.

"It was hard to leave," Swanson testified.

Then Timothy Deal, who worked at the Shell station at the time, talked about what it was like to work there and the different procedures. He swung by the station about 2 the morning of the murder to do some paperwork. Deal said everything was fine at that hour.

Rodney Jones was working a construction job back in 1980 and

staying at the KOA campground in Meyers. Almost daily they filled up at the Shell station. When Kelliher asked him if he recalled telling officers that there was no one to pay that morning he had no recollection. Reading the police report didn't jar his memory either.

Kelliher kept trying to ask if Jones had a propensity to lie to cops. The judge didn't allow the line of questioning.

Frederick Hudson was spending that August in Meeks Bay with his family, but he still had to drive to Watsonville on occasion to work. Aug. 14 was one of those days. He filled up at the shell station about 5am.

"(The officer) said I was one of the last people to see the young man who took my credit card. You don't hear that too often," Hudson said.

Hudson gave his statement to police over the phone; never met them in person. He testified that he was never shown a picture of Swanson.

Patrick Riley was the pathologist who performed the autopsy on Swanson. He was working for Reno-based Laboratory Medicine Consultants. He relied on his written report at the time for details about what he found during the autopsy.

"There was a laceration from the middle left of the scalp extending from the top of the head to essentially to the left ear," Riley said.

Several black specks were found in the laceration, which he said were pieces of bone from the skull.

Officers at the time had asked him if any wood fragments were found. "No" was the answer. Schlueter, in his opening statement, said a pipe was found a few days after the murder but that it was later destroyed.

The device used to whack Swanson over the head has not been

recovered.

Riley testified that Swanson died after the blow to the head.

He said death would have occurred three to four minutes after Swanson's mouth and nose were taped.

Testimony continues today at 8:30am.