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Cold Case Homicide with Paternity as an Investigative Lead (People of State of New York v. Robert Symonds, Jr.)

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In 2009, a New York jury convicted a forty three year old Florida man of murder for the death of a Bronx man in February 1994, fifteen years after the incident [1]. Louis Moscatelli was found murdered at his home on 2553 Tendroeck Avenue where he was stabbed thirty nine times and had his throat slit during a fight and struggle. The victim has been heard shouting "no, Bob, don't hit me" for approximately twenty minutes before the neighbourhood became silent again. The first scene of the crime was in the bathroom where the victim was found. In the dining room area, there was blood from an ashtray and three bloodlike stains from the floor were collected for further analysis. A trail of blood led out the door, droplets of blood were found on the concrete walk outside and at the second scene at 2559 Tendroek Avenue where bloodstains were located on the shower curtain and bath mat. The main question in this case became who did the blood belong to? Was someone bleeding when they exited the house or did the blood droplets come from a dripping knife? Since this was a cold case, the original testing did not include DNA but did include ABO blood typing and isoenzyme analysis, both protein-based tests used by serologists to classify the potential number of blood sources at a scene.

Blood and other physiological fluids contain polymorphic genetic markers that may differ from person to person and can be tested to compare samples from different sources. ABO blood typing, isoenzymes and ultimately DNA analysis were performed on samples found at the scenes to determine if they were human blood and if the stains were associated with the victim or a potential second bleeder. Within the home, sample bloodstains were collected from an ashtray, a bathtub mat, a bathtub shower curtain, three stains in the dining area, and the cement walk outside the home. A sketch of the three bloodstain samples on the dining room floor from scene 1 are depicted in figure 1. A sketch of the stains on the bathtub mat and bathtub shower curtain depicting the location where the stains were collected in scene 2 is shown in figure 2. The results from the presumptive blood test performed with Kastle-Meyer 3 (phenolphthalein) reagent, confirmation of human blood by antibody interaction with human haemoglobin and results with isoenzyme tests for human Esterase D (ESD), Acid phosphatase (ACP) and Phosphoglucomutase (PGM) which show differential activities on red blood cells are recorded in table 1. At this time, no DNA testing was available.

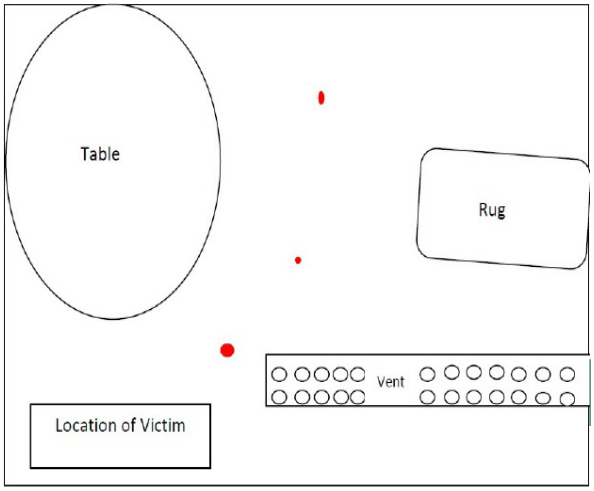

Figure 1: A sketch of a portion of crime scene 1 illustrating the three bloodstains swabbed and collected on the dining area floor. These blood droplets originated in the bathroom where the victim was stabbed to death and subsequently travelled through the home and out the door on the concrete walkway to a second home, scene 2.

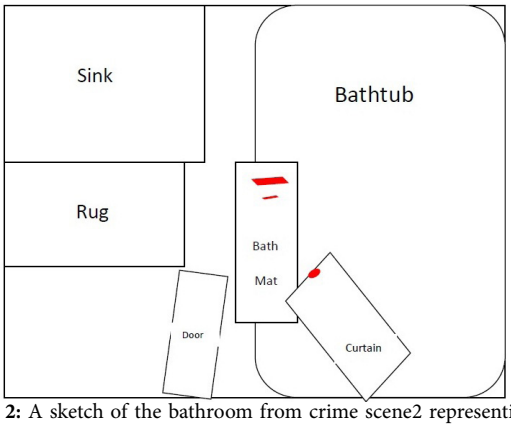

Figure 2: A sketch of the bathroom from crime scene2 representing the stains collected for testing from the bathtub mat and shower curtain.

Table 1. Serological Results for Bloodstains Collected from Both Crime Scenes.

Item	KM	aHUM	ESD	ACP	PGM/subtype
Victim Reference			1	B	2-1/2+1+
Sample from ashtray	+	+	1	B	---/2+1+
Sample from cement walk	+	+	*	---	*
Bathtub shower curtain					
Stain A	+	+	*	A	*/2+1+
Substrate control A	-	-			
Bathtub Mat					
Stain A	+	+	*	A	*/2+1+
Substrate control A	-	-			
Tan Pants (Suspect A)					
Stain A	+	-			
Substrate control A	-	-			
Stains B, C, D	-				
Dining room					
S-1, swab of bloodstain					
S-2, swab of bloodstain				-	
S-3, swab of bloodstain				-	

*= typing not attempted
---= negative results

The blood present on the sample from the ashtray contained the same enzyme types as the victim therefore; Louis Moscatelli could be the source of this blood. Blood, however, present on the bathtub shower curtain and bathtub mat at the second scene had an ACP isoenzyme result different than that of the victim. Therefore, this blood could not have come from the victim, Louis Moscatelli. During the original testing, no conclusion could be given about the source of blood present on the sample from the dining room or cement walk outside the home. Additionally, originally the pants stain A (collected from suspect A; Robert Symonds, Sr.) was misclassified as not being of human origin although, later, as part of a cold case investigation, the sample was retested and confirmed as human blood. Additional investigation suggested that a son by the same name (suspect B) might be involved in the case but the son had fled the area.

Table 2. DNA Results for Various Bloodstained Items at the Scene Attributed to Donor 1 and Donor 2.

Loci:	D3S1358	D16S539	Amel.	TH01	TPOX	CSF1PO	D7S820	vWA	FGA	D8S1179	D21S11	D18S51	D5S818	D13S317
bath mat														
(stain A)	16, 17	11	X, Y	7	8, 11	10	10, 13	17, 18	23	14	29, 31.2	14, 16	11, 12	9, 11
shower curtain														
(stain A)	16, 17	11	X, Y	7	8 **	NEG	NEG	17, 18	23	14	29, 31.2	**	11, 12	**
Cement	16, 17	NEG	X, Y	7	NEG	NEG	**	17, 18	23	14	29, 31.2	NEG	11, 12	9, 11
Sample "S-3"														
	16, 17	11	X, Y	7	8, 11	10	10, 13	17, 18	23	14	29, 31.2	14 **	11, 12	9, 11
Pants														
(stain A)	15, 17	11, 12	X, Y	7, 8	8, 11	10, 11	10	14, 17	23, 24	12, 14	28, 31.2	16, 20	11, 12	11, 12

** = additional peaks detected which did not meet laboratory criteria for allele identification, these additional peaks are not reported
NEG = no alleles detected

In 2006, DNA testing was performed on the shower curtain stain A, pants stain A, the ashtray, the sample from the cement walk, a sample from the dining room S3, and the bath mat stain A. Results from the DNA analysis are located in table 2 for the following genetic loci: D3S1358, D16S539, Amelogenin, TH01, TPOX, CSF1PO, D7S820, vWA, FGA, D8S1179, D21S11, D18S51, D5S818 and D13S317. All of the DNA alleles for the ashtray were the same as the DNA alleles of the victim confirming the serological results and the victim as the source of the blood on this item. The combination of DNA alleles on shower curtain stain A, the sample from the cement walk, and the dining room sample S3 were not the same as the DNA alleles from the victim. This DNA then must have come from another DNA source, donor 1. DNA alleles from the pants stain A also were not the same as the DNA alleles of the victim or DNA donor 1. This DNA then must have come from another male source, donor 2 (Suspect A). With the DNA analysis, the laboratory was able to confirm that there were in fact two sources of blood for scene 1. In comparing the percent shared alleles between the father reference (pants stain A, donor 2) and the other bloodstains not related to the victim (donor 1), the data was consistent with paternity (50% shared alleles, one per locus) indicating the bloodstains attributed to donor 1 were consistent with coming from a biological son.

This investigative lead from a paternity assessment of bloodstains from a crime scene allowed for both a basic crime scene analysis of simple blood patterns and establishment of the number of bleeders that was ultimately solved by DNA. The murder that occurred at Moscatelli's home was committed by Robert Symonds, Jr. who had gone to Moscatelli's home to collect a debt he owed to the defendants father. According to court records, Robert Symonds, Jr. was found guilty on one count of murder in the 2nd degree for homicide [1].

Acknowledgements

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References

1) Convicted 15 years later