

Criminal Profile

Homicides of Maria and Gaetano Russo (2001)

This case involves the 1998 double murder of Gaetano and Maria Russo in their home. Both victims were brutally beaten to death. Gaetano was found in the kitchen, and Maria was found outside next to the back steps.

In 2001, the author was contacted by then Sergeant Graham Ross of the Victoria Police in Melbourne, Australia, to assist with the case. After examining the case materials, a profile was rendered which determined, in part, that the scene had been staged. Subsequently, the victim's son, Joseph (a.k.a. Giuseppe Russo), was arrested, tried, and convicted of their murder. He appealed, the case was overturned, and in 2005 he was tried and convicted for a second time. Ultimately, he was sentenced to 28 years.

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FIGURE VI.1

Gaetano Russo was found in the kitchen. He had been beaten to death, suffering multiple blunt-force traumas to the head. Maria Russo was found outside of their home next to the back steps. She suffered multiple blunt-force traumas as well. Her face had been pounded into the cement repeatedly and then covered up.

The facts of the case are taken from the original trial court ruling, *Queen v. Russo* (2003):¹

2 Your parents separately immigrated to Australia from Italy and married here in 1963. You were their only child and the sole beneficiary of their estates which was subsequently valued in excess of \$200,000. They spoke little English and had few friends that visited them.

¹ *Queen v. Giuseppe Russo*. (2003) VSC 164, Supreme Court of Victoria a Melbourne, Criminal Division, No. 1452 of 2001.



FIGURE VI.2

In 2003, a jury found Russo, 39, guilty of murdering his 71-year-old father, Gaetano, and his mother, Maria, 70.

3 Your parents had been very generous in providing you with financial assistance. A unit at 55 Monash Street, Sunshine, was purchased for you and your wife to live in and when it was sold you received of the proceeds of sale. Subsequently, a property at Alma Avenue, Laverton was purchased by your parents, the Title being registered in the name of your father and yourself. They purchased a car for you and provided you with other financial assistance.

4 At the time that your parents were murdered you were separated from your wife and your two children and you were living with your girlfriend, Jenny Rinnan, in her home at Heidelberg. You had been retrenched from the Victorian Railways in 1993 and since then had not been in gainful employ. You were in receipt of Unemployment Benefits. No evidence was placed before the jury as to your life style or as to how you supported yourself. Some evidence which threw light on such matters was excluded by agreement between the Crown and your legal representatives in the course of the

previous trial in which the jury was discharged prior to the completion of final addresses by counsel.

5 Your father had been ill for some time. He underwent surgery for bowel cancer and following such surgery used a colostomy bag. He was, it appears on the evidence, cancer free at the time of his death although he was in fairly frail health and needed walking sticks. You were a regular visitor at your parents' home assisting in changing your father's stoma every four or five days. You continued to irregularly stay overnight in your bedroom at your parents' home.

6 For some time prior to their death you had found it a burden to look after your parents. Prior to their deaths, you had spoken about them in an unkindly and resentful manner. On one occasion you had referred to your father as a silly old bastard who would be better off dead. A number of your former friends testified that you were tired of looking after your parents and that you were angry and frustrated that they did not give you more financial support. Approximately two weeks before their deaths, you revealed that you were in urgent need of a substantial amount of money and expressed frustration that your parents were not prepared to provide you with financial assistance. You said you would bash them. At that time you had virtually no money.

7 On 18 April 1998, you travelled with your wife to your parents-in-laws' home near Ararat to collect your children, returning to Melbourne in the mid-afternoon. After leaving them, you went to your parents' home and were observed walking toward the front door by a friend at about 5.00 pm. Shortly thereafter, you were heard by a neighbour having an argument with your parents in the back yard. Some time later you viciously assaulted your father in the lounge room of the house, using his walking sticks to inflict a large number of wounds to his head. At some stage you also assaulted your mother, first with the walking stick and then by bashing her head against the rear concrete steps on numerous occasions, causing multiple wounds

and fractures to the facial bones. After she was dead you covered her face. You were aware that your parents kept a small portable safe on the top shelf of the kitchen pantry, the shelf being some 9 feet from the ground. You took the money from the safe and returned the safe to its position on the top shelf of the pantry. You disturbed the contents of your parents, and a third bedroom, in an attempt to make it appear as though there had been a burglary. There were numerous obvious places in these bedrooms and other parts of the house where your parents kept cash and other valuables, but you did not take these items. You left your bedroom undisturbed. There was evidence to suggest that you used the bathroom before leaving your parents' premises. Later that evening you were seen at the Crown Casino.

8 On Sunday, 19 April 1998, you looked after your son Guy. You left him with your wife in the early evening, informing your wife that you intended to go to your parents' home as you had not been able to raise them by telephone when you had called them a number of times during the course of the day. You said that you were not intending to go inside but just to check to see that they were alright. You returned to your parents' home and went through the motions of discovering your parents' death. The police attended your parents' home at about 8.00 pm and thereafter you provided investigators with information about your movements on Saturday and Sunday. You had numerous conversations with police on that evening, and during the ensuing weeks and months. You told lies to the police which the jury were satisfied demonstrated a consciousness of guilt of your crime. You told numerous other lies which led to the jury's conclusion that much of your account to the police of your conduct on Saturday, 18 April 1998 was untruthful.

9 The jury, by its verdict, must have been satisfied about most, if not all of these facts. During the plea no other conclusions of fact were suggested as open, consistent with the jury's verdict. These were facts which were "logically crucial" to the prosecution case or facts which must by implication have been accepted by the jury. I do not regard it as necessary or appropriate to make any findings of fact beyond those to which I have referred.

Personal Circumstances

10 You are 39 years of age having been born on 1 December 1963 in Melbourne. In an understandably brief plea made on your behalf, I was told you attended Altona Gate Primary School and Altona North High School leaving school in Year 10 in 1979. You became an apprentice fitter and turner, completing your four year apprenticeship at Colonial Sugar Refineries. From 1984 you were self-employed, utilising your skills as a fitter and turner together with some mechanical knowledge to carry out mechanical repairs from the garage of your parents' home. You conducted this business until about 1989 when you became a guard on the Victorian Railways. You were retrenched from this position following government re-arrangement of the Railways in 1993 and since that time you have been unemployed. Following your retrenchment you became more involved in the welfare of your parents, particularly your father, who as a result of his serious illness required ongoing care and attention and assistance in travelling to and from medical and like appointments.

11 In 1988 you married Michelle Russo. You have two children from that marriage, Guy aged 12 and Gemma aged 9. Apart from your parents, your only close relative residing in Australia was your father's sister who married here, had a daughter who in turn has married and has two children of her own. I am informed by your counsel that this part of the family has remained supportive since the deaths of your parents.

12 You were charged with the murder of your parents on 3 May 2001 and you were on bail from 22 May 2001 until you were remanded in custody following the jury's verdict on 20 March 2003. Although it appears that your relationship with Jenny Rinnan continued after the death of your parents and you continued to reside with her in Heidelberg, no reference was made to any aspect of your personal life during the course of your plea. No evidence or information emerged during the course of the trial or on your plea which gave the Court any insight as to your life style since you separated from your wife some six years ago.

13 You have been receiving medication to address an anxiety state over the last year. You are currently receiving an anxiety suppressor, Ducene, and have required medication as a result of the stress and anxiety associated with your prosecution.

14 I take into account in your favour that you are a devoted father to your two children Guy and Gemma and that you have no prior convictions and no history of violence. Although you have not been in gainful employment since 1993 you were for some time a loyal son who provided support to his father after he underwent his surgery. These factors enhance your prospects of rehabilitation.

Nature & Gravity of the Offence

15 You have been found guilty of a most brutal and sustained attack upon both of your parents. Your father was struck at least 18 times and in circumstances where initially, despite his infirmity, he attempted to defend himself. Your mother's face was battered beyond recognition. I have already referred to the evidence of your motive for killing your parents. Despite the evidence of your pressing financial needs and your increasing resentment of your parents, the Crown do not challenge the submission made on your behalf that the facts do not support the conclusion that your conduct was premeditated. I propose to sentence you on the basis that your acts were spontaneous and followed an argument with your parents in which you lost control, brutally assaulted each of them and took the money from the safe. You returned the safe to its position on the top shelf of the pantry resolving to make it appear as a crime committed during an attempted burglary of the house by a stranger.

16 In assessing the appropriate penalty for your offences I take into account the fact that your parents were elderly and vulnerable. The manner in which you killed your parents has all of the hallmarks of anger and fury. It is implicit in the jury's verdict that you were, whether by great care or good fortune, able to conceal your involvement in these crimes. You concealed or disposed of the clothing which you wore at the time that you murdered your parents. You repeatedly lied to investigators about your movements and over the ensuing months gave detailed false explanations as to your conduct.

17 The video interviews did not demonstrate that you were suffering from any apparent psychological or psychiatric disturbance. Rather, the evidence suggests you proceeded under the misguided belief that your parents, who had been exceedingly generous to you, had some continuing obligation to meet your financial demands. The circumstances which led to your pressing financial need remains unknown. Most of your personal circumstances for some years prior to your conviction remain a mystery.

18 In determining the appropriate sentence I have considered the provisions of the Sentencing Act 1991 and the more important recent authorities dealing with multiple killings referred to in *Camilleri v R* (2001) 119 A Crim R 106 @ 139.

19 This is the second occasion within a relatively short time that this Court has found it necessary to sentence a son for the murder of a parent. Though it can still be said that it is a rarity for a son to kill a parent, one of the purposes of the sentence which I must pronounce is to dissuade persons from taking human life whatever their relationship with the victim. This Court has an obligation to protect the sanctity of human life. The sentence which I must impose must reflect this Court's denunciation of your brutal conduct. It must deter others who are minded to resort to such violence as a solution to their problems.

20 Mr Russo, I have concluded that the appropriate sentences are as follows: on Count 1, the murder of your father, Gaetano Russo you are sentenced to be imprisoned for 18 years. On Count 2, the murder of your mother, Maria Russo, you are also sentenced to be imprisoned for 18 years. I order that ten years of Count 2 be served cumulatively with Count 1 resulting in a total effective sentence of 28 years. I fix a minimum of 23 years before you become eligible for parole. Pursuant to s 18 of the Sentencing Act 1991, I declare that the time that you have spent in custody in relation to these proceedings is 84 days (inclusive of today's date) and I direct that it be reckoned as a period of imprisonment already served under the sentence imposed.

The following profile was attached to the brief of evidence provided by police investigators who gave evidence in this case at both trials.

CRIMINAL PROFILE

Homicides of Maria and Gaetano Russo

Bodies found: Sunday, April 19, 1998, at approximately 7:35 p.m. by Joseph Russo (Vs- son)

Investigating Agency: Victoria Police, Crime Department, Homicide Squad, Melbourne

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After reviewing the case materials detailed below, a determination was made by this examiner that sufficient investigation and forensic analysis have been performed in this case to warrant the rendering of a *criminal profile*.

A *criminal profile* is a report that reviews and describes the investigatively relevant or probative characteristics of the offender responsible for a particular crime, or a series of related crimes, based on a thorough *crime analysis*. It should include crime analysis and victimological information as a foundation, as well as logical, evidence-based arguments for each offender characteristic elicited from that foundation (Baeza *et al.*, 2000).

Crime analysis is the process of examining and evaluating evidence from a crime, as well as the results of any tests or examinations, in order to form an opinion regarding the behavioral evidence for a particular crime or a series of related crimes (Baeza *et al.*, 2000). It involves the employment of scientific principles and knowledge, including Locard's exchange principle, critical thinking, analytical logic, and evidence dynamics.

Locard's exchange principle, a cornerstone of the forensic sciences, states that when an offender comes in contact with a location or another person, an exchange of evidence occurs (Saferstein, 1998). As a result of this exchange, the offender both leaves something of himself or herself behind and takes something of that person or place away when they leave.

Critical thinking may be described as the process of actively and skillfully conceptualizing, applying, analyzing, synthesizing, or evaluating information gathered from, or generated by, observation, experience, reflection, reasoning, or communication, as a guide to belief and action (Turvey, 1999). In terms of forensic analysis, it involves the evaluation of the real merits and limitations of physical evidence, and the results of subsequent tests performed on that evidence, as opposed to taking a position because it is agreeable to one's personal beliefs on an issue.

Analytical logic involves the ability to study a crime scene and any subsequent documentation and arrive at logical, well-reasoned conclusions. This ideally involves the formation of hypotheses that can be tested against the established facts of the case. The end result of this process is that conclusions may be drawn that follow naturally from the evidence that is present. Such conclusions may be referred to as deductions (Thornton, 1997).

Evidence dynamics refers to any influence that changes, relocates, obscures, or obliterates physical evidence, regardless of intent. It can occur during the interval that begins as evidence is being transferred and ends when the case is ultimately adjudicated (Chisum and Turvey, 2000).

Examinations Performed

The examiner made this *criminal profile* of the above case based on, but not limited to, a careful examination of the following case evidence:

- Victoria Police Department crime scene and investigative results
- Victoria Police Department crime scene diagram
- Various autopsy and crime scene photos
- Victoria Police crime scene diagrams
- Autopsy protocols and related statements
- Various crime lab results
- Various witness and suspect interviews
- Various telephone records and telephone transcripts
- Various financial records
- While this examiner has not visited the crime scene, extensive documentation of the crime scene was provided and determined to be more than sufficient basis for the opinions presented in this report.

Background

According to documents in the Victoria Police Homicide Squad *Brief of Evidence, Appendix H*, the bodies of both victims were found at their home, 348 Blackshaws Road, Altona North, at approximately 7:35 p.m. on Sunday, April 19, 1998, by their then 34-year-old son, Joseph Russo. Joseph Russo states that after unsuccessful attempts to phone his parents during the afternoon, he went for a visit and discovered the body of Gaetano Russo, fully clothed, in the kitchen. He states that he then phoned his estranged wife, Michelle, to arrange for an ambulance. He further states that he went on to search the house and found the body of his mother, Maria Russo, against the back steps of the couple's home with a pair of sweat-type pants placed over her face. Joseph Russo is adamant that he did not disturb either body.

Gaetano Russo had been struck in the head, face, and ribs with blunt-force weapons that included one or more of his own walking sticks. The cause of death was multiple severe blunt-force traumas to the head. Maria Russo was also found to have died of multiple severe blunt-force traumas to the head. As evident in the crime scene photos and video, her head and face were pounded repeatedly into the east side concrete steps outside of and leading up to the self-contained flat on the north end of the house.

Victimology

Victimology is a thorough study of all available victim information. This often includes items such as sex, age, height, weight, family, friends, acquaintances, education, employment, residence, and neighborhood. This also includes background information on the history and lifestyle of the victim such as overall personal habits, hobbies, criminal history, and medical histories. Establishing victimology is a necessary part of determining the context of some crimes (Baeza *et al.*, 2000). Furthermore, it is generally accepted that the decedent's social, medical, and mental health history can provide insight into the behavior/state of mind of an individual,

focus further investigation, and produce clues that will aid in establishing the cause, manner, and circumstances of a death (National Medicolegal Review Panel [NMRP], 1999).

Name: Maria Russo

Race: Caucasian

Sex: Female

DOB: July 6, 1927 (Militello, Italy)

Age: 70

Name: Gaetano Russo

Race: Caucasian

Sex: Male

DOB: November 16, 1926 (Buccheri, Italy)

Age: 71

Residence location: 348 Blackshaws Road, Altona North, Victoria

Residence type: As evident in the crime scene photos, the crime scene video, and the crime scene sketch, the decedents' home is a one-story brick, three-bedroom, single-family dwelling. There is a garage on the west side, a long patio on the east side, and a self-contained flat on the north end that sits on the corner of a grassy backyard. The residence is surrounded by timber and brick fences.

Relationship status: Maria and Gaetano Russo have been married and living together since April 20, 1963. On April 20, Maria and Gaetano Russo would have celebrated their 35th wedding anniversary.

Family history: According to the Victoria Police Homicide Squad *Brief of Evidence*, Maria and Gaetano Russo have only one child, Joseph (Guiseppe) Russo, who was born in Melbourne on December 1, 1963. At the time of the murders, Joseph Russo was living with his girlfriend of approximately four years, Jenny Rinon, at F3/75 Yarra St., Heidelberg. He met Jenny Rinon at the Harem brothel in South Melbourne.

Joseph Russo had been separated from his wife, Michelle Russo, for approximately one year. Joseph and Michelle's two children, Guy (seven) and Gemma (four), lived with their mother.

According to the Victoria Police Homicide Squad *Brief of Evidence*, Maria and Gaetano Russo were not aware that their son was separated from his wife Michelle, and none of them were aware that he was living with his girlfriend, Jenny Rinon. Maria and Gaetano Russo were under the impression that Joseph and Michelle were still living together, and Michelle Russo was apparently of the understanding that Joseph had moved in with his parents or stayed with friends. Michelle Russo was not aware of Joseph's girlfriend, Jenny Rinon, until after the investigation of the murders began.

According to the Victoria Police Homicide Squad *Brief of Evidence*, Joseph Russo had been unemployed for the past five years, having worked previously for the railways

as a railway guard for approximately six years. He has been receiving unemployment benefits since that time and admits to a history of gambling.

Work history: According to the Victoria Police Homicide Squad *Brief of Evidence*, Maria and Gaetano Russo were both pensioners at the time of their death. Gaetano had previously worked as a file acider at the Wiltshire File Company in Tottenham, from August 1967 to November 1987.

Criminal history: According to the Victoria Police Homicide Squad *Brief of Evidence*, neither victim had any criminal history or known dealings with the police while living in Australia.

Medical and mental health history: Gaetano Russo was suffering from cancer, used walking canes to assist his mobility, and had a colostomy bag, which Joseph Russo changed regularly (every three to four days). According to Joseph Russo, it needed to be changed on Saturday, April 18, 1998. According to the Victoria Police Homicide Squad *Brief of Evidence*, the bag was flat and empty at the time of his murder. It should also be noted that some of the materials for maintaining the colostomy bag, as well as a pair of eyeglasses, were still on the table outside. This may suggest that the homicides occurred within a short time after the most recent maintenance to the bag.

Toxicology reports indicate benzodiazepines, Diazepam, and Nordiazepam in Gaetano Russo's system; and there were no drugs in Maria Russo's system.

Victim lifestyle risk: This term refers to the overall risk of becoming a victim that is inherent in an individual's lifestyle (Turvey, 1999). Because of their age, their health status, their dependence on others for some care and maintenance, these victims would have a low to medium lifestyle risk. This means that in some circumstances, especially those outside of their home, they could be exposed to the possibility of violence, harm, or loss. This exposure would be spotty at best.

Victim incident risk: This term refers to the risk of becoming a victim that is present at the moment an individual is initially acquired by an offender (Turvey, 1999). As the victims were attacked in their home during waking hours, indicated by their manner of dress, and as the incidence of home invasion—type stranger burglaries in their area is extremely low, this would indicate a decreased incident risk of becoming the victim of such a crime.

Scene Characteristics

Location and scene types: The known death scene in this case is 348 Blackshaws Road, Altona North, the decedents' residence. It is an indoor and outdoor scene as described.

Point of contact: This is defined as the location where an offender first approaches or acquires a victim (Turvey, 1999). The available evidence strongly suggests that the offender was in the home and attacked while the victims were in the process of eating a snack or a meal. As described in the *Examination and Analysis of Crime Scene* section of the Victoria Police Homicide Squad *Brief of Evidence*, Gaetano Russo was attacked quite suddenly within his home, and his manner of dress indicates that he was not dressed for bed. Bloodstain patterns on the ceiling above and on the wall

near the armchair in the lounge strongly suggest that the initial attack against him began while he was seated in that chair.

The evidence allows that the offender could have initially approached Maria Russo either inside or outside of the home. Ultimately, however, the offender made the first physical contact with her outside, most likely where her body was found, given the absence of evidence of an attack on her elsewhere in the residence.

Use of weapons: As evidenced by the distinctive nature of the victims' injuries, the wooden splinters found at the scene in association with their bodies, and the broken, bloody canes found throughout the scene, it is most likely that the victims were beaten with one or more of these wooden canes. There is no evidence that a firearm or sharp-force object such as a knife was used in the commission of this crime.

Method of approach: This term refers to the offender's strategy for getting close to a victim (Turvey, 1999). In this case, the offender was able to approach both victims in their home while they were engaged in regular daily activity. This suggests that either the offender had gained their trust via an elaborate and prolonged con requiring extensive preplanning or that the offender had a prior relationship with the victims, which allowed him or her access to the victims' home. See the *Knowledge of victims* and *Trust of victims* sections of this report.

Method of attack: This term refers to the offender's mechanism for initially overpowering a victim once the offender has made an approach. It is appropriate to describe a method of attack in terms of the weapon and the nature of the force involved (Turvey, 1999). Evident in the crime scene photos and video, the offender used the immediate application of lethal levels of punishment-oriented force to overpower both victims. There is evidence in the form of wound patterns and bloodstain patterns that Gaetano Russo was attacked by the application of punishment-oriented and lethal force with one or more wooden canes. There is evidence in the form of wound patterns and bloodstain patterns that Maria Russo was attacked by the application of punishment-oriented and lethal force, as she was both beaten with and manually driven, head first, into concrete stairs from multiple angles.

Methods of control: This term refers to the means an offender uses to manipulate, regulate, restrain, and subdue victim behavior of any kind throughout the offense (Turvey, 1999). As suggested by previous sections, the offender did not evidence a great deal of interest in victim control; rather the offender ultimately physically punished both victims, as evidenced by the overkill in the crimes. See the *Anger Motivation* section of this report.

Use of force: This refers to the amount of force used by the offender during an attack (Turvey, 1999). The amount of force used against both victims may be characterized as both *punishment oriented* and *lethal* (Turvey, 1999). That is to say, it involved much more force than was necessary to achieve mere victim compliance, delivered repeatedly to a potentially lethal area of the body (neck, face, and head). Furthermore, the amount of force was not correctional, sexual, or merely control oriented. This is owing to the severity of the blows, their repetition, and the general physical infirmity of the victims, which decreased their ability to resist and protect themselves.

Victim resistance: This refers to the amount and type of opposition or noncompliance offered by the victim during an attack (Turvey, 1999). There is some evidence

of limited victim resistance and defensive injuries to their hands. However, given the infirmity of the victims and the amount of force used against them, it is the opinion of this examiner that meaningful victim resistance could not have lasted more than a few moments.

Items taken: The only known items taken would have been the contents of the portable safe found in the pantry. However, as no firm documentation of the safe's contents exists, it is not possible provide reliable comment. It is important to note that this does seem to be the only other element of the crime of interest to the offender (see the *Evidence of staging* section), aside from delivering punishment to the Russos. As such, the offender most likely expected something of value to have been in it, and subsequently the offender had foreknowledge of both the safe and the item.

Sexual acts: This examiner did not find mention or evidence of sexual acts in this case.

Verbal behavior: Unknown.

Evidence of planning and precautionary acts: Precautionary acts are offender choices made before, during, or after an offense that are consciously intended to confuse, hamper, or defeat investigative or forensic efforts for the purposes of concealing the offender's identity, his or her connection to the crime, or the crime itself (Turvey, 1999). Their existence may be used to suggest planning during various phases of a crime.

The weapons used in the commission of this crime were available material (brute strength, wooden canes, and the cement stairs). The nature of the force used, in combination with this fact and the victimology, suggest that the homicides were unplanned (see the *Anger Motivation* section of this report for further discussion).

Though there is evidence of staging, these attempts lack sophistication and forensic knowledge. That is to say, the offender did make certain attempts to stage the scene yet failed to sufficiently clean up or remove evidence of the actual events involved in the commission of the crime and in the staging. See the following section for a more complete discussion.

Evidence of staging: The *simulated* or *staged* crime scene is that in which the offender has purposely altered evidence so as to mislead authorities or redirect the investigation. It is best identified by examining the inconsistencies, contradictions, and logical breaks in the physical/behavioral evidence found at the scene (Turvey, 2000). It is the opinion of this examiner that there is some evidence that the offender attempted to stage this crime scene to appear as a stranger burglar. The basis for this opinion resides in the consideration of the following:

1. A large glass tabletop was removed from its metal base and carefully placed on the floor, undamaged. This was done after the attack, as indicated by the fact that it covered areas of bloodstain pattern. This suggests that the offender took great care not to break this clearly expensive item, which would be paradoxical behavior for a stranger burglar.
2. Valuables remain evident in the scene (large amounts of cash, jewelry, watches, TV, etc.), contrary to a profit motivation.

3. The drawers in one of the rooms appeared rummaged through and placed carefully on the bed. Drawers in another room were pulled out yet not removed and only superficially “gone through.” This appears to have been done by the offender to give the illusion of a search for valuables. Given item 2, this rummaging was unrelated to a burglary and was likely an attempt to create the illusion that a burglar was responsible.

The offender did move Gaetano Russo’s body into the kitchen near the island counter area, dragging him from the lounge, as evidenced by bloody drag patterns on the kitchen floor and the state of the victim’s clothing. It appears that the offender then placed a clean and unbroken wooden cane on the kitchen floor nearby. However, this examiner does not see this act as a part of a staging attempt by the offender. By itself, this act does not accomplish a redirection of the crime toward or away from any potential suspect group, given the absence of attempts to conceal or cleanup clear evidence of dragging and victim relocation within the scene.

Rather, the blood smear evidence found on the inside and outside of the portable safe and the bloody fingerprint of Gaetano Russo found on the inside of the empty fan box used to conceal the portable safe suggest to this examiner the following: It is possible, and even likely, that these were the result of the offender forcing a beaten and injured Gaetano Russo to locate or open the portable safe, which required a key. This could have been accomplished after the offender initially overpowered Gaetano Russo with a few blows, left him bleeding in the lounge, and then proceeded to attack a fleeing Maria Russo outside on the cement stairs.

It is important to note that some staging efforts remain, however unskillful. The most plausible reason for staging a crime scene to appear as though a stranger burglar is responsible is to conceal a preexisting relationship of some kind between the victims and the offender. That is to say, a *stranger* would not stage a crime scene to make it appear as though a *stranger* were responsible. Rather, the offender would wish to divert attention to a family member or away from the crime entirely (make a homicide appear as a suicide, for example).

OFFENDER CHARACTERISTICS

Anger Motivation

It is the opinion of this examiner that there is overwhelming evidence of an anger motivation associated with the attacks on both victims. The basis for my opinion on this issue resides in the consideration of the following:

1. There is evidence of *overkill* in the injuries to both victims. In other words, both attacks involved the use of force well beyond that necessary to simply kill, suggesting intense rage on the part of the offender. This includes, as evident in the autopsy and crime scene photos, (a) the multiple and severe blunt-force trauma to the heads and faces of both victims and (b) the evidence of sustained rage across both homicides. In particular, Maria Russo was beaten with a blunt object consistent with one of the wooden canes found at the scene, as evidenced by the distinctive lacerations to her head. She also suffered an attack to her neck, which resulted in a broken

hyoid bone. She was finally rammed headlong and down against the edge of the cement stairs previously mentioned.

2. As already discussed, there is a lack of planning evident in the commission of the homicides, suggesting spontaneity.
3. There is an absence of sexual activity that would indicate a sexual motivation.
4. There is an absence of direct evidence of profit motivation, as items of value (large amounts of cash, jewelry, TV, etc.) were left behind at the scene. There is evidence that the offender forced Gaetano Russo to open the portable safe, but its specific contents are unknown. In fact, it could have been empty. Regardless, this came after the initial beating to Gaetano Russo and most likely after the severe attack on and subsequent death of Mario Russo.

Trust of Victims

It is the opinion of this examiner that the offender had the trust of both of the victims. The basis for my opinion on this issue resides in the consideration of the following:

1. The victims had motion sensors installed in their home.
2. The front door had a security chain, peephole, and two door locks, including a deadbolt.
3. The outer wire mesh security door had a key lock.
4. There is no evidence of forced entry.
5. The attack took place inside the victims' home.
6. The victims were eating or preparing food and involved in other daily activities, as indicated by the presence of prepared/uneaten food at the time of the attack.

In concert, this evidence strongly suggests that not only did the offender know the victims, but he was allowed entry into their home, and the victims went on about their regular routine with the offender present.

Knowledge of Scene

In addition to the indications of knowledge relating to the victims and, subsequently, their home, it is the opinion of this examiner that the offender had intimate knowledge of the scene before the homicides. This is demonstrated by the fact that the offender knew precisely where the portable safe was hidden (in a ceiling fan box on the top shelf of the pantry in the kitchen) and that it existed at all. The evidence strongly suggests that the offender forced an injured Gaetano Russo to open this portable safe, as evidenced by the blood smears inside and outside and the bloody fingerprint on the box, while ignoring items of clear value in the residence.

Evidence of Remorse

Maria Russo's body was found with a pair of pants placed over her face, which had been disfigured from repeated pounding into the concrete steps as previously mentioned. It is the opinion of this examiner that the offender concealed this victim's face with the pants, which were determined to be available at the scene with other

laundry hanging outside of the residence, out of remorse over the consequences of the violence inflicted on her. Put another way, the offender could not emotionally bear to look at the victim's bloody, disfigured face.

The basis for my opinion on this issue resides in the consideration of the following:

1. This act was not committed in concert with sexual activity, reducing the possibility that it was meant to facilitate fantasy behavior.
2. This act was committed after death, eliminating the possibility that it was meant to serve as a precautionary act (conceal the identity of the offender from the victim).
3. This response from the offender is consistent with a reaction that an offender could have if the homicide was committed out of anger, which dissipated with the conclusion of the violence, as is indicated by the evidence in this case.
4. This response from the offender is consistent with a reaction that an offender could have with a victim that is known to him or her, as is indicated by the evidence in this case.

INVESTIGATIVE SUGGESTIONS

The following is a list of suggestions for further investigating and establishing the facts of this case:

1. All food evidence found in the kitchen should be submitted to the crime lab for STR DNA analysis. This requires only a single epithelial cell, and many such cells are left behind by human saliva on food, cups, and silverware during a meal.
2. Vacuum Metal Deposition and Alternative (i.e., laser, etc.) Light Source examination should be made of the fan box, the interior of the portable safe, and the pants found covering Maria Russo's face.
3. The pants found covering Maria Russo's face should be submitted to a crime lab with extensive experience in recognizing, documenting, and collecting bloody fingerprints on clothing.
4. A thorough interview with Jenny Rinon should be conducted, wherein she is confronted with the full scope of the inconsistencies of the case and the physical evidence. This should be done before any contact with her then boyfriend, Joseph Russo.
5. A thorough interview with Joseph Russo should be conducted, wherein he is confronted with the full scope of the inconsistencies of the case and the physical evidence. During the interview, he should be shown the crime scene photographs and autopsy photographs of his mother and subsequently given the opportunity to change the content of his previous statements.

I swear and affirm to the best of my knowledge that the above statements are true under penalty of perjury.

Brent E. Turvey, M.S.
Forensic Scientist

REFERENCES

- Baeza, J., Chisum, W. J., Chamberlin, T. M., McGrath, M., and Turvey, B. (2000) "Academy of Behavioral Profiling: Criminal Profiling Guidelines," *Journal of Behavioral Profiling*, 1(1).
- Chisum, W. J., and Turvey, B. (2000) "Evidence Dynamics: Locard's Exchange Principle & Crime Reconstruction," *Journal of Behavioral Profiling*, 1(1).
- National Medicolegal Review Panel (NMRP). (1999) *Death Investigation: A Guide for the Scene Investigator*, Washington, D.C.: National Institute of Justice.
- Saferstein, R. (1998) *Criminalistics: An Introduction to Forensic Science*, 6th Ed., New York: Prentice Hall.
- Thornton, J. I. (1997) "The General Assumptions and Rationale of Forensic Identification," in D. L. Faigman, D. H. Kaye, M. J. Saks, and J. Sanders (Eds.), *Modern Scientific Evidence: The Law and Science of Expert Testimony*, vol. 2, West.
- Turvey B. (1999) *Criminal Profiling: An Introduction to Behavioral Evidence Analysis*, Academic Press.
- Turvey B. (2000) "Staged Crime Scenes: A Preliminary Study of 25 Cases," *Journal of Behavioral Profiling*, 1(3).

