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L.A. criminalist to evaluate evidence in alleged suicide

By **GEORGE FLYNN**
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A judge Monday ordered Houston police to stop testing evidence in an alleged suicide until it can be monitored by Dennis Fung, the Los Angeles police criminalist sharply criticized in the O.J. Simpson murder trial.

State District Judge Scott Brister granted a limited injunction sought by attorneys for the family of Jaciel Gonzalez, 15.

He died from a gunshot wound to the head while handcuffed behind

his back in a police car June 10. He had been arrested minutes earlier on suspicion of stealing a bicycle in the 2000 block of Milford.

Attorneys Raul Loya of Dallas and **Zoe Littlepage** of Houston said they hired Fung to evaluate evidence. Brister froze the testing for 10 days, so Fung can be present.

Police spokesman Jack Cato said the department is asking the City Attorney's Office to appeal the ruling. The Harris County District Attorney's Office would join in the appeal, he said.

"They are concerned this could create a bad precedent," Cato said.

"Every attorney who wanted to stop a criminal investigation could simply file for a civil restraining order and injunction."

Plaintiff's attorneys said they are concerned over what they call investigators' continuing secrecy, and need an independent determination before deciding if police conduct warrants a civil lawsuit.

Brister agreed it makes sense to have both sides on hand for the testing.

"Otherwise, you are just creating an 'O.J.-type' case — with claims you're racist and you've destroyed evidence," he said.

Ironically, Fung was a central state witness in the trial of Simpson, acquitted of charges of murdering ex-wife Nicole and her friend Ronald Goldman.

Defense attorneys attacked Fung's handling of blood specimens, quizzed him about his testimony of bloody socks found at the Simpson estate, and challenged his using an inexperienced criminalist as his assistant.

Littlepage said the criticism of Fung was over DNA-related disputes and the chain of custody of evidence, not involved in the Gonzalez case. "His credentials and com-

petence are unquestioned," she said.

Senior Assistant City Attorney Murry Malakoff told Brister the Gonzalez family had no standing to join in the police investigation. No evidence was presented of police misconduct or concerns of a cover-up, Malakoff said.

Cato said police have almost completed their investigation, being monitored by the District Attorney's Civil Rights Bureau. He said Gonzalez got out of a stolen car and stole the bicycle in an effort to elude police. His revolver, found in his hand after the shooting, had also

been reported as stolen, Cato said.

On June 11, state District Judge Richard Hall granted a temporary restraining order against the destruction of evidence.

Malakoff told Brister the squad car and revolver had already been cleaned at that point. Cato said the evidence and shooting scene were well documented by videotape and camera prior to any cleaning.

Loya and Littlepage say they still need answers on how Gonzalez could have concealed a revolver in a police search, then pull it while handcuffed and shoot himself behind the left ear.