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ACTION WHA-00

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 UTED-00 H-00 TEDE-00 INR-00 OCS-00 NIMA-00 PA-00  
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DEPT FOR WHA/MEX AND CA/OCS/ACS/WHA

E.O. 12958: N/A  
 TAGS: CASC, PHUM, ASEC, MX  
 SUBJECT: Kiecker Case: Experts Say Remains Could Be Alleged Victim's

REF: CDJ 10756

1. SUMMARY: U.S. forensic experts brought in by Cynthia Kiecker's defense team oversaw the exhumation of the alleged victim's remains and conducted forensic exams, including taking a DNA sample from the remains. Despite widespread suspicion that the remains were those of a middle-aged woman, the experts agreed that the bones appeared to be those of a teenaged girl. Test results are expected within the next three weeks. END SUMMARY.

2. On September 6, 2004, ConOff and ConAssist met with U.S. forensic experts Dr. Lori Baker and Dr. Steven Symes, Amcit Cynthia Kiecker's defense attorney Adrian Arzate, and Chihuahua State First Penal Court Judge Fabio Valdez Benzazon in order to discuss and establish parameters for the September 7 exhumation of the alleged remains of Viviana Rayas. Following Dr. Baker's explanation of the sanitary and health necessity of conducting the forensic exam in a closed environment, it was agreed that the exam would take place in a crematorium located on the cemetery premises; Valdez Benzazon authorized this despite his earlier insistence that the exam be conducted grave-side. He then explained that he was authorizing the exhumation for the sole purpose of conducting a DNA test to determine the DNA chain and compare it with the one obtained in the prosecution's earlier DNA test conducted by a laboratory in Guanajuato. Despite Dr. Baker's contention that it would be very helpful to

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take blood samples of the victim's parents to obtain a more accurate result, the judge stated that he would request blood samples from the Rayas family only if Dr. Baker's DNA results did not match those of the lab in Guanajuato. If necessary, this third DNA test would be performed by an independent laboratory. Valdez Benzazon gave copies of Guanajuato's DNA results to Dr. Baker so she could use the same chemical agents in performing her own DNA test. He also provided Dr. Symes with a copy of the inventory of remains done by the State Judicial Police for comparison with the inventory of the remains on the day of the exhumation.

3. Those present for the exhumation and examination procedure on September 7 were Dr. Baker, Dr. Symes, Valdez Benzazon, two other representatives of the First Penal Court, two officials from the prosecutor's office, Kiecker's defense attorneys, ConOff and ConAsst. The entire procedure took approximately four hours and was filmed using the doctors' video camera; Dr. Symes and ConAsst also took multiple photographs. Once the coffin was transported to the crematorium and opened, the forensic doctors sifted through the assorted bones, lime, and charcoal in the coffin to organize and inventory the remains, forming a skeleton. The DNA sample was taken from the right femur. At his request, Dr. Baker also gave Valdez Benzazon two sample pieces from the same bone to be held by the court for possible DNA tests in the future. Following the examination, the remains were returned to the coffin and re-buried. Dr. Baker estimated that the DNA test results will be ready within three weeks, at which time they will be forwarded directly to the court.

4. After the completion of the exhumation and examination of remains, both forensic experts mentioned to ACS staff that the remains did appear to be those of a teenaged girl. Since the remains were initially found and presented by the state as those of Viviana Rayas, there has been widespread suspicion that the bones were actually those of a middle-aged woman, but this may not be the case. Dr. Symes, a bone trauma expert, did note that the prosecution's theory of the victim's cause of death having been Kiecker's attack with a small jewelry-making tool was unlikely, given the position in the neck of the broken vertebrae presented by the prosecution as evidence of the purported attack. Dr. Baker also commented that the judge's restrictions on the DNA test made her job significantly more difficult, as she will have to try to replicate the same testing procedure used by the lab in Guanajuato; simply using different chemical reagents or different equipment may skew her results.

5. Post will continue to advise of developments in this case.

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