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DNA expert testifies in murder trial

BY ADAM LINHARDT Citizen Staff

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Jurors heard testimony Tuesday from a DNA expert that could prove central to the state's 2011 Fantasy Fest murder case against Peter Erik Hedvall.

Florida Department of Law Enforcement senior lab technician Emily Booth Varan was on the stand all day. She identified clothes that both Hedvall and victim Jonathan Alvarado Perez were allegedly wearing the day Perez's body was found.

As expected, she testified that Perez's blood was on a white costume suit and a motorcycle boot the state alleges was worn by Hedvall the day of the murder.

But tempers flared when Assistant State Attorney Val Winter attempted to have Varan testify about debris that falls off clothes as they're handled.

Defense attorney Julio Margalli said that was a violation of the rules -- called a discovery violation in legal parlance -- because defense lawyers were not aware of that evidence and had not been alerted of it prior to trial. Margalli asked county Judge Wayne Miller for a mistrial, which Miller denied.

Miller, however, did rule that a discovery violation had occurred, though he called it a "trivial violation" and "not substantial." He also scolded Margalli for suggesting that Winter was unethical and for pointing his finger.

Miller told Margalli that he was not a "babysitter," and that Margalli could write a letter to the Florida Bar if he believed Winter was acting unethically.

Margalli was joined by lead counsel Jason Smith and fellow Key West attorney Alan Fowler, but Margalli appeared to spearhead the defense's maneuvering regarding the DNA aspect of the case.

Margalli spent much of Tuesday focused on the DNA testing that Varan didn't do, most specifically a newer form of DNA testing scientists sometimes perform when the evidence is damaged, or if multiple people's DNA are on or believed to be on some of the evidence.

Margalli spent a good deal of time suggesting that this newer, more specific form of testing is more accurate. There was some evidence introduced that had blood splatter that was mixed with other blood, Varan testified.

As expected, Margalli also grilled Varan on the lack of DNA testing done on some of the evidence for DNA other than Perez's.

Smith told jurors in his opening statement last week that detectives "jumped to conclusions," citing that no fingerprints, blood, hair or other forensic evidence was collected that would suggest Hedvall had been in a fight, or was at the crime scene.

The defense argument is that detectives arrested the wrong man and didn't do their homework, according to Smith's opening remarks.

Hedvall was dressed in a dark casual sweater and sometimes smiled and spoke to family members in the audience during breaks from testimony.

There appeared to be very few people in the audience who knew Perez.

Neighbors found Perez underneath a truck at 1019 Grinnell St. on Oct. 28, 2011. Fantasy Fest was in full swing. Soon thereafter, police charged former Irish Kevin's and Bare Assets bouncer Hedvall with first-degree murder.

According to witnesses, Perez had been at neighborhood tavern Dons' Place, at the corner of Grinnell Street and Truman Avenue, acting the drunk and being bothersome to patrons, who would be among the last people to see him alive.

The trial could last into next week. Miller issued a gag order to attorneys on both sides, which restricts them from speaking to the press. Hedvall, 28, remains at Monroe County Detention Center on Stock Island in lieu of \$500,000 bail.

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