

DEAD VENT

By Christopher Valen

“My client is innocent.”

Santana smiled to himself. “Every defense attorney says that.”

“Difference is, I mean it, John.”

“That why you called?”

“Why I’ve *been* calling,” Vicki Hayden said. “No one in Homicide wants to listen.”

“And you think I will.”

“Always have.”

Santana released a weary breath. Hayden’s client, Manuel (Manny) Contreras had been in jail for a month on a murder charge when Vicki Hayden dropped a stack of medical records on Santana’s desk this morning while he was out.

“My client was admitted to Regions Hospital the night Elena Restrepo died.”

“Maybe the date on the hospital record is wrong,” Santana said. “Maybe someone stole Contreras’s ID. Or maybe there’s more than one Manuel Contreras.”

“Look, John, I’m used to alibis being partial and difficult to prove. And a good prosecutor will try to find holes in the story just like you did, but the nightly record was signed by hospital staff. I know I’ve got an innocent client sitting in jail. He could serve up to forty years. I don’t want this on my conscience.”

“You realize Elena Restrepo was a friend.”

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“Which is why I’m asking you to look into it. You, more than anyone, want to be sure the St. Paul PD has found the perpetrator.”

“Okay, Vicki. I’ll take a look at the case file. But I can’t promise anything.”

“No need to,” she said, breaking off the connection before he could change his mind.

Santana opened the binder on his desk. The murder book contained overview, mid-range and close-up crime scene photos, sketches, printed autopsy and forensic reports, investigators’ notes, witness interviews, the evidence log, and, most importantly, the chronological record of the case, a narrative of all moves made by Ellis Porter, the SPPD homicide detective assigned to it. A small envelope in the back sleeve of the binder held an SD video card of the crime scene. Santana was happy to see that video had been taken of the crime scene. It often revealed something that was initially overlooked because detectives didn't know to look for it.

Santana began with the crime scene photos. The victim was forty-seven-year-old Elena Restrepo, owner of La Casa de los Sabores, or the House of Flavors, the largest Hispanic restaurant in the city. Santana had eaten at the Colombian restaurant numerous times and loved the delicious *sancocho* soup the chef made fresh every day. He’d known Elena and her late husband, Ernesto, who’d passed away from cancer two years ago. Besides running the restaurant after her husband’s death, Elena, an excellent guitarist and singer, continued to perform and record with many musicians in and around the Twin Cities.

Santana had taken guitar lessons as a child and had been told more than once that he had talent. However, his dreams of playing the guitar professionally and becoming a doctor had ended at the age of sixteen when his mother was murdered. But a few years ago, he’d purchased a Martin D-28. He loved the sound of the flattop acoustic guitar and the feel of its steel strings.

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Once he'd even played duets with Elena Restrepo in her recording studio behind the restaurant, though he'd never recorded with her.

The recording studio was where the restaurant's assistant manager had found Elena unconscious. He'd received a call from the alarm company at 2:05 a.m. asking why the alarm hadn't been set. The assistant manager tried to call Elena but got no answer. When he arrived to the restaurant at 2:30 a.m., he found her unconscious on the floor of her studio. He called 911. Ten minutes later a squad and paramedics arrived. The paramedics soon determined that Elena's eyes were fixed and dilated, that she had no pulse or respiration. They did not attempt CPR because she was clearly dead.

The Ramsey County medical examiner had suspected asphyxia was the cause of death due to high levels of carbon dioxide in Elena's system, which indicated death by suffocation or smothering. Yet there was no evidence of bloodshot eyes, a telltale sign of suffocation. However, there was trace evidence of fibers on her face. There were also signs of bruising around the nose and mouth, caused by a fall Elena had taken when she passed out—or by a hand or pillow placed over her mouth and nose.

Santana knew that pressure and movement applied on the face and the shedding capacity of the pillowcase both influenced the transfer and distribution of fibers. Often, there was little trace evidence unless the victim was able to defend him/herself from the assailant. Without any information about the shedding capacity of the pillowcase, it was nearly impossible to determine if the number of fibers recovered from Elena's face were the result of sleep or smothering.

Sitting back in his swivel chair, Santana thought a moment about what he'd read. Carbon dioxide was always naturally present in human blood. It was a by-product of the way the body metabolized oxygen. If someone was murdered by suffocation and couldn't exhale, CO₂ would

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build up in the bloodstream. Given the high levels of CO₂ and the bruising around the nose and mouth, the ME had listed the manner of death as homicide.

Santana turned to the chronological report next, along with Detective Ellis Porter's notes. Santana had originally requested the case, but Pete Romano, the Homicide commander, believing Santana would take Elena Restrepo's death too personally, gave it to Porter. Santana had never been a detective who could forget about a case at the end of a shift. Every case was personal. And he carried each one with him till it was solved. But Romano wasn't persuaded.

In the weeks following Elena Restrepo's death, the assistant manager was cleared of any involvement. Criminologists at the Bureau of Criminal Apprehension lab ran dozens of tests on the evidence collected from the recording studio. Most revealed DNA profiles consistent with Elena and her employees, but a few batches belonged to unknown profiles. When the profiles were run through CODIS, the FBI's Combined DNA Index System, the BCA got hits for perps arrested for, or convicted of, felonies. One of the hits belonged to twenty-eight-year-old Manuel Contreras. His DNA was found on fingernail clippings taken from Elena Restrepo.

Santana set the murder book on his desk and opened Manny Contreras's medical file. Vicki Hayden had pulled everything pertinent to his medical history, including his mental health. Santana figured if Contreras was found guilty, she'd ask for leniency during sentencing.

Growing up in the Latino community on St. Paul's West Side, Manny Contreras had spent much of his childhood in programs for the emotionally disturbed. In his teens, he was diagnosed with a learning disability. By the time he was twenty, he'd developed an alcohol addiction and was living on the streets. While drunk, he fell off a ridge near the river. He survived, but his memory was never quite the same. He lost track of days, sometimes several in a row. Still, he made friends easily. His street buddies looked after him, as did some downtown shopkeepers.

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Santana noted that Ellis Porter had spoken to several of the shopkeepers as part of his investigation.

Contreras's rap sheet was filled with petty crimes: drunk in public, riding a bike under the influence, probation violations. The one serious conviction was a residential burglary that caught Porter's attention. According to the police report, Contreras drunkenly broke the back window of a home and tried to crawl through. The resident phoned 911. Minutes later, police found Contreras standing on the sidewalk, dazed and bleeding. Though nothing was stolen, he was charged with a felony and pleaded no contest. His DNA was added to the state criminal database and to CODIS.

Connecting Manny Contreras to Elena Restrepo's death was problematic. There were no phone records showing he'd been near the restaurant that night. The restaurant's video surveillance system was being repaired and wasn't functioning. Because of Contreras's previous felony conviction, Ellis Porter had paid Contreras a visit and showed him the CODIS database match between his DNA and the profile found on Elena Restrepo's fingernails. Contreras denied having anything to do with her death.

Porter had retraced Manny Contreras's movements the night of the murder. Contreras had only patchy recollections of the night in question. But Porter had found a record from a Holiday gas station clerk who'd called authorities at 10:54 p.m. that night complaining that Manny was panhandling. He'd moved on before the police arrived.

The clerk at a Mini Mart three blocks east of the gas station told Porter that a drunken Manny Contreras had sat on the curb near the front doors at around 2:00 a.m. Five minutes later, he'd staggered into the store and collapsed in an aisle. The clerk called the authorities. The police arrived first, followed by two paramedics with an ambulance. The paramedics checked his vital

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signs and then hefted Contreras onto a stretcher and took him to Regions Hospital. According to his medical records, he was admitted at 2:26 a.m. The doctor who treated him said Contreras remained in the hospital till his release that morning at 7:35 a.m.

Elena Restrepo had closed La Casa de los Sabores at 10:00 p.m. As was her custom, she'd stayed till all the help had left. The ME estimated time of death between midnight and 2:00 a.m. Santana knew it was impossible to fix the exact time of death. It was always an estimate—but more than just an educated guess. Contreras's whereabouts were unaccounted for between approximately 11:00 p.m. and 2:00 a.m. If the TOD was correct—and Santana had no reason to question the ME's estimate—then Manny Contreras could have committed the murder. The Holiday gas station where he was first seen was only two blocks from the restaurant. So Vicki Hayden hadn't been completely honest with him about her client being in the hospital when Elena Restrepo was murdered. Then again, a very drunk Contreras was spotted on the curb of the Mini Mart at 2:00 a.m. So why would Ellis Porter focus on him?

It had to be the DNA on Elena Restrepo's fingernails. Without the DNA hit on Contreras, Santana figured the trail would've never led Ellis Porter to him. But once Porter had the DNA, he'd sought corroborating evidence confirming Contreras's guilt—and a story to fit it. Out of money and needing a drink, Manny Contreras had broken into the restaurant after hours and smothered Elena Restrepo. He was charged with second-degree murder.

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Later that afternoon, Santana found Ellis Porter at Alary's, a Chicago-themed sports bar and favorite cop hangout in downtown St. Paul. They sat at a table in the crowded, noisy room.

“Why the interest in the Restrepo case?” Porter asked, his shaved head glistening under the lights, a glass of Jack Daniels clutched in his big hands. “I solved it.”

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“Vicki Hayden doesn’t think so.”

“That ambulance chaser after you too?”

“Wants me to look into it.”

“Wants to put another sleazebag back on the street, huh?”

“Never bothered you that Manny Contreras might’ve been in Regions Hospital the night Elena Contreras was murdered.”

“You’ve been to the emergency room at Regions, Santana. Place is a zoo on steroids every weekend. Dates and times get confused. Besides, no one knows where Contreras was between eleven and two a.m.”

“Ever consider there might be another explanation for Contreras’s DNA ending up on Elena Restrepo’s fingernails.”

“How many cases you worked where the DNA mistakenly implicated someone in a crime?”

“None.”

Porter shrugged. “There you go.”

“Like most everything else, DNA analysis isn’t perfect.”

“All twenty of Contreras’s genetic markers matched the DNA on the vic’s fingernails. It’s his DNA. And if you’re thinking cross-contamination, forget it. The BCA lab is careful.”

“Crime scene cameras, measuring tapes, gloves, they can all pick up DNA at one scene and move it to the next.”

Porter shook his head. “I checked if Contreras’s DNA had shown up in any other cases the lab had handled recently. *Nada*. And the DA hasn’t found any evidence errors.”

“What if Elena Restrepo and Manny Contreras somehow met in the hours or days before the homicide, and his DNA got caught on her fingernails?”

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“People who knew her said they’d never seen her with Contreras. And why would they?”

Porter said with a wry laugh. “Look, Santana, let’s not get into a pissing contest.”

“Is that what this is?”

“I’ll tell you what it is. It’s about that harassment claim your partner filed against me.”

“That’s between you and her.”

“It didn’t happen.”

“Never known her to lie.”

“This is just payback.”

“Elena Restrepo was a friend of mine.”

“You told the captain you’re looking into it?”

Santana shook his head.

“Thought so.”

Santana paused a moment and then said, “You were accused once before of planting evidence, Porter.”

“I was cleared. And what’s this *once before*? You think I planted Manny Contreras’s DNA on the vic’s fingernails just to make the case?”

“Did you?”

Porter drained the last of his Jack Daniels and stood. “This conversation is over. But you can bet I’ll be talkin’ to the captain—and real soon.”

#

The following morning at the Law Enforcement Center, Santana wanted to get his own impression of Manny Contreras. So he called the Field Office at the Adult Detention Center and scheduled a visit. Then he locked his Glock in his desk and took the walkway on the second floor

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from the Homicide and Robbery Unit to the ADC.

On-site visits by nonprofessionals were conducted via a video monitor in the Adult Detention Center lobby. Attorneys and law enforcement personnel used the private consultation rooms. Santana waited at a table in one of the rooms while Manny Contreras was escorted from his cell. Since he had no permanent address and was deemed a possible flight risk, Contreras was being held without bail.

With his yellow teeth and emaciated frame, Contreras looked and walked like an old man.

“Who you?” he said, flopping down in the chair across from Santana.

Santana told him.

“Already talked to the black detective,” he said.

“Detective Porter.”

Contreras nodded. “What do you want?”

“Justice.”

He held his dark, glazed eyes on Santana for a moment and then shook his head. “What does that mean?”

“You ever meet Elena Restrepo, Manny?”

He shook his head. “Don’t know the woman.”

“Did you murder her?”

He lifted his chin. “Don’t remember much about that night.”

If Elena Restrepo was murdered, then the killer had gone to great lengths to cover his tracks. Looking at Manny Contreras, Santana saw a disorganized young man whose most difficult decision was figuring out where he would spend the night or find his next drink.

“Anyone you know have a reason to set you up, Manny?”

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He shrugged.

“Any idea how your DNA ended up on Elena Restrepo’s fingernails?”

“Don’t really know much about DNA. But if it’s something that belonged to me, then maybe someone put it there.”

Contreras had a point. Once DNA was out in the world, Santana knew it didn’t always stay put. We leave a trail of ourselves everywhere we go. We shed skin in a handshake or a hug, and spew saliva in a sneeze. Nail chewers and nose pickers spread their DNA around, as do hands that haven’t been washed. Traces of our DNA can make their way to a crime scene we never visited, making everyone a possible suspect.

If the crime lab hadn’t contaminated the evidence collected at the crime scene—and if Manny Contreras was truly innocent—that left only one other possibility for how his DNA ended up on Elena Restrepo’s fingernails. Secondary transfer.

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Santana took the murder book home with him that evening. The case reminded him of how much he enjoyed the *sancocho* he’d eaten at Elena Restrepo’s restaurant. In the region of Antioquia, Colombia, where Santana was from, *el almuerzo* was the main meal eaten in the afternoon, and *sancocho* was often the choice. The traditional soup dish was almost like a stew. Santana mixed potatoes, yuca, corn, plantains, beef, and chicken, brought it to a slow boil, and served it with rice and avocado on the side.

After dinner he spread Manny Contreras’s medical records on the dining room table and read through them for a third time, looking for something he’d previously missed. When he came across the names of the ambulance paramedics who’d picked up Contreras at the Mini Mart, Santana was certain that he’d seen those names before.

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Setting down the medical file, he opened the murder book and found the crime scene log. Sure enough, there were the names again.

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The following morning Santana removed the SD card containing the crime scene video from the back sleeve of Elena Restrepo's murder book, slid it into a USB adapter beside his SPPD computer, and then clicked on the file. He fast-forwarded the video through the introduction, which included the date, time, location, type of crime scene, and a brief description of the rooms and evidence that would be viewed.

The camera panned the crime scene and surrounding area, using wide-angle and close-up views to show the layout of the recording studio including a desktop computer, an interface box for converting analog audio to digital audio, a small-diaphragm condenser microphone, a pair of headphones, a wooden stool, and an acoustic guitar and stand. Soon, Elena Restrepo's body came into focus. She lay on the floor near a couch along the left wall. Santana could see the ME and Detective Ellis Porter kneeling beside her body. He also saw a white pillow on the couch.

Santana paused the video and considered what he'd just seen. There was no visible evidence of blood spatter or stains, which there wouldn't be if Elena Restrepo were smothered to death.

He started the video again and watched as the camera continued moving from right to left, and then focused on a large cooler in the corner near the couch. The camera zoomed in to reveal that the cooler held six cans of Coca-Cola but no ice. Santana paused the video once more. A recording studio was a soundproof room, but it was also airtight unless it had a source for ventilation.

He clicked on the file once more, dragged the current time indicator back to the beginning, and replayed the video. This time, as the camera panned the wall opposite the couch, Santana

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paused the video when he saw the small vent in the wall. He figured he knew what had killed Elena Restrepo now. There were just a few things he needed to check.

#

When Santana knocked on his door later that afternoon, Homicide Commander Pete Romano looked up from the paper he was signing. “Got a minute, Pete?”

Romano’s olive skin wrinkled at the corners as his dark brown eyes narrowed. “Just the man I wanted to see.” He gestured at the lone chair in front of the desk. Santana sat down.

On the large white board attached to the wall behind Romano, Santana could see the open homicides written in red marker in one column. The name of the detective assigned to each case was written in red beside it. The most recent closed cases and the detectives credited with solving each were written in black in a second column to the right. That included solved cold cases whose investigations had become a larger part of the department’s operational budget since the advent of DNA technology.

Romano set the pen on the paper and leaned back in his chair. “You’re supposed to be working cold cases.”

“I am.”

“Wanna tell me why you’re looking into the Elena Restrepo case?”

“Vicki Hayden asked me to.”

“Since when are defense attorneys in charge of Homicide?”

Santana ignored the jab and continued. “I think I know how Manny Contreras’s DNA ended up on Elena Restrepo’s fingernails.”

“I do, too, because I read Detective Porter’s report. Contreras’s DNA is there because it rubbed off when he killed her.”

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“I don’t think so.”

Romano cocked his head. “Wanna enlighten me?”

“The same two paramedics who took Contreras to Regions Hospital that night took the call to the La Casa de los Sabores restaurant. They checked Elena Restrepo’s vitals, just like they’d checked Contreras’s.”

“And?”

“They must’ve moved Contreras’s DNA. Could’ve been on their uniforms or another piece of equipment. Most likely the same pulse oximeter slipped over both patients fingers to check the amount of oxygen in their systems.”

“You know this because?”

“I talked to the paramedics. A spokesman for the company, where they worked, told me they had high sanitation standards. But the two paramedics didn’t sanitize the pulse oximeter between calls that night.”

Romano sat quietly for a time, nodding his head slowly, before speaking again. “Then if Contreras didn’t kill Elena Restrepo, who did?”

“No one.”

Romano leaned forward and rested his forearms on the desk. “Run that by me again, Detective.”

“At first I couldn’t figure out why there were cans of Coke in the open cooler in her recording studio but no ice or water. Then it came to me. After work on the night she died, Elena Restrepo took a cooler filled with dry ice pellets and Coke into her recording studio. Dry ice forms carbon dioxide gas when it dissolves. Changes the chemistry of the air so that there’s a

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lower percentage of oxygen. Isn't a problem if there's enough ventilation, but the only ventilation she had in the recording studio was a dead vent."

"Don't know what that is," Romano said.

"It's used as a buffer between the studio and the main HVAC system. Muffles the sound as it exits with the air. But the vent couldn't handle all the CO₂ from the dry ice. Elena Restrepo lay down on the couch when she began feeling nauseous, her face on the pillow. Later, when she tried to stand up, she passed out, bruising her face when she fell on the floor. Never woke up again. Doesn't take much. CO₂ becomes mildly toxic at a concentration of one percent. A concentration of ten percent can cause respiratory paralysis and death within minutes."

"The pellets dissolved without any moisture from melting of regular ice."

"Why they call it dry ice," Santana said. "Elena Restrepo's blood was saturated with carbon dioxide. She died from asphyxia. Same autopsy picture the ME would've found if she'd died from suffocation or smothering."

THE END

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Sancocho

There is a wide variety of *sancocho* from traditional seafood *sancochos* on the Colombian coast to meat and poultry *sancochos* in the Andean regions. John Santana enjoys this recipe.

Ingredients

1 cup chopped onions
1 red bell pepper, finely chopped
4 garlic cloves, minced
8 pieces of chicken
1 pound of beef, cut into pieces
3 ears fresh corn cut into 3 pieces
1/4 teaspoon ground pepper
1 teaspoon salt
2 green plantains, peeled and cut crosswise into 2-inch pieces
12 cups of water
1 teaspoon triguisar Colombian seasoning
1/4 teaspoon saffron
4 medium white potatoes, peeled and cut in half or 16 *papas criollas* (small, delicious Colombian potatoes)
1 pound fresh yuca or *arracacha* cut into big pieces
1/4 cup chopped fresh cilantro

Directions

Place the onions, bell pepper, and garlic in the blender with 1/4 cup of water.

In a large pot, place the chicken, beef, corn, blended mixture, salt, pepper, and green plantain. Add the water, triguisar, saffron, and bring to a boil, then cover and reduce heat to medium and cook for about 45 minutes.

Add the potatoes and yuca or *arracacha*. Continue cooking for 30 more minutes or until the vegetables are fork tender. Stir in the cilantro.

Taste and adjust the seasoning. Serve in large soup bowls, dividing the beef, chicken, and vegetables evenly.

Makes about 8 servings.