

a reasonable inference based on the evidence. That only a portion of Shele's body was submerged also offered a reasonable explanation why there was no water on the bathroom floor and why defendant's clothing was dry (4586).

b. The People concluded this portion of the argument by suggesting another reasonable inference: that defendant had put Shele's face in the water to make it look like she had drowned and thus had never had to pull her entire body out of the water as defendant had contended (4587). This would also explain why there was no water on the bathroom floor and why defendant's clothing was dry (4586).

163. Defendant's attacks on this argument are as meritless as his other claims. First, he insists that the crime scene photographs taken on December 31st show that there was no blood on Shele's legs, and speculates—without any evidence—that the blood likely got on her while at the Medical Examiner's Office.

a. Moreover, the two crime scene photographs taken in the apartment on December 31st that he offers to prove his point, PE 284 and PE 288, do not show the same area of Shele's legs as the photographs depicting the blood spatter that were received in evidence and taken at the Medical Examiner's Office on January 1st (PE 291a, PE 292).

b. Defendant claims those photographs “*were taken on January 1, 2010, at OCME after OCME reported that it had washed and sprayed her body.*” *Memorandum* at 16 (emphasis in original). This is false. On cross-examination by lead defense counsel, Dr. Hayes was precise that he only washed her face, not her body (3333)—nor would he (or any member of OCME) ever do so before taking photographs and risk destroying evidence:

*Q (by Mr. Gottlieb) Before you performed the autopsy, did you wash Ms. Covlin's face, rinse it?
A Before the autopsy?*