

1 VAN NUYS, CALIFORNIA; MONDAY, NOVEMBER 6, 1995

2 9:30 A.M.

3 DEPARTMENT NW "N" HON. STANLEY M. WEISBERG, JUDGE

4 (APPEARANCES AS HERETOFORE NOTED.)

5

6 (THE FOLLOWING PROCEEDINGS WERE

7 HELD IN OPEN COURT OUT OF THE

8 PRESENCE OF THE JURY:)

9

10 THE COURT: ALL RIGHT, IN THE TRIAL, THE

11 DEFENDANTS ARE HERE WITH THEIR LAWYERS. THE PEOPLE

12 ARE HERE.

13 IS THERE ANYTHING BEFORE WE HAVE THE

14 JURY COME IN?

15 MR. CONN: I HAVE A LOT OF EXHIBITS TO MARK,

16 ABOUT 38 EXHIBITS. I DON'T KNOW IF THE COURT WANTS

17 TO DO THAT NOW OUTSIDE THE JURY'S PRESENCE.

18 THE COURT: WELL, IF IT'S EASIER FOR YOU TO

19 DO THAT.

20 MS. ABRAMSON: I DIDN'T KNOW HE WAS GOING TO

21 DO THIS, WE COULD HAVE SEEN THEM.

22 THE COURT: YES, IF YOU WANT TO MARK THEM.

23 MR. CONN: WE HAVE -- WE'LL START WITH THE

24 X RAYS THAT WE'LL BE USING. EACH OF THE PHOTOGRAPHS

25 AND THE X RAYS HAVE THEIR OWN NUMBERING ON IT WHICH

26 WAS --

27 THE COURT: WE HAVE A LITTLE BIT OF

28 DISCUSSION IN THE AUDIENCE HERE. IT SEEMS LIKE

1 EVERY PERSON WHO'S SITTING NEXT TO SOMEBODY IS  
2 TALKING. PERHAPS WE CAN CUT THAT OUT SO WE CAN  
3 PROCEED WITH THINGS THAT ARE BEING SAID RIGHT HERE  
4 IN COURT.

5 YES.

6 MR. CONN: I'M SORRY.

7 THE COURT: GO AHEAD.

8 MR. CONN: EACH OF THE PHOTOGRAPHS AND THE  
9 X RAYS HAVE THEIR OWN NUMBERING ON IT, WHICH WAS  
10 PROVIDED BY DR. MC CARTHY. SO I THINK THE EASIEST  
11 REFERENCE, RATHER THAN DESCRIBE THE PHOTOGRAPH,  
12 WOULD BE SIMPLY TO REFER TO THE MARKING THAT IS  
13 ALREADY ON THERE.

14 MS. ABRAMSON: IT WOULD HELP IF THEY WERE  
15 DESCRIBED SO I CAN MAKE A NOTE AND WE CAN MAKE A  
16 NOTE FOR OUR EVIDENCE LIST AS TO WHAT THEY ARE.

17 THE COURT: ONE THING AT A TIME. LET ME HEAR  
18 WHAT MR. CONN WAS SAYING.

19 MR. CONN: THE NEXT ONE IN ORDER WOULD BE  
20 167; THAT IS 1.XRAY. IF THE COURT WISHES ME TO  
21 DESCRIBE THE X RAY, I CAN DO THAT.

22 THE COURT: NO. DOES IT HAVE A LABEL ON IT?

23 MR. CONN: IT SAYS 1.XRAY ON IT.

24 THE COURT: OKAY.  
25 MR. CONN: 168 WILL BE 2.XRAY. 169 WILL BE  
26 3.XRAY. 170 WILL BE 4.XRAY.  
27 MS. ABRAMSON: YOUR HONOR, I CAN'T MAKE NOTES  
28 THIS FAST, AND SINCE HE'S NOT DESCRIBING THEM FOR

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1 THE RECORD, I HAVE TO KNOW WHAT THEY ARE, NOT JUST  
2 X RAY. SO IF I CAN HAVE A MOMENT.  
3 AND I JUST ASK WHAT IS 1.XRAY, WHICH  
4 PART OF MARY MENENDEZ' BODY IS THAT SUPPOSED TO BE?  
5 MR. CONN: THAT'S THE RIGHT SHOULDER.  
6 171 WILL BE 5.XRAY. 172 WILL BE  
7 6.XRAY. 173 WILL BE 7.XRAY. 174 WILL BE 8.XRAY.  
8 175 WILL BE 9.XRAY. 176 WILL BE 10.XRAY. 177 WILL  
9 BE 11.XRAY. 178 WILL BE 12.XRAY. 179 WILL BE  
10 13.XRAY. 180 WILL BE 14.XRAY. 181 WILL BE  
11 16.XRAY.  
12 THE COURT: 16?  
13 MR. CONN: YES.  
14 THE COURT: YOU'RE SKIPPING 15?  
15 MR. CONN: YES, I'M SKIPPING 15.  
16 182 WILL BE 2.JOSE -- OR 2.JOSEPH, I  
17 SHOULD SAY. 183 WILL BE 4.JOSEPH. 184 WILL BE  
18 5.JOSEPH. 185 WILL BE 6.JOSEPH.

19 THE COURT: WHAT WAS 185? 6.JOSEPH?  
20 MR. CONN: 6.JOSEPH. 186 WILL BE 1.MARY.  
21 187 WILL BE 2.MARY. 188 WILL BE 3.MARY. 189 WILL  
22 BE 4.MARY. 190 WILL BE 5.MARY. 191 WILL BE  
23 6.MARY. 192 WILL BE 7.MARY. 193 WILL BE 9.MARY.  
24 194 WILL BE 10.MARY. 195 WILL BE 11.MARY. 196 WILL  
25 BE 12.MARY. 197 WILL BE 13.MARY. 198 WILL BE --  
26 MS. ABRAMSON: WAIT. SLOW DOWN.  
27 MR. CONN: 198 WILL BE 15.MARY. 199 WILL BE  
28 16.MARY. 200 WILL BE 17.MARY.

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1 201 WILL BE A PHOTOGRAPH DEPICTING THE  
2 DEN OF JOSE MENENDEZ SITTING ON THE SOFA. IT IS  
3 ALSO LABELED BY MR. MC CARTHY 1-COUCH.  
4 202 IS A PHOTOGRAPH, EIGHT AND A HALF  
5 INCHES BY 11 IN SIZE WHICH DEPICTS JOSE MENENDEZ  
6 LYING ON HIS BACK IN THE CORONER'S OFFICE AND THE  
7 ABRASIONS ON HIS CHEST VISIBLE.  
8 203 IS A DIAGRAM. IT'S A SKELETAL  
9 CHART, WHICH IS LABELED "MARY MENENDEZ, INTERNAL  
10 INJURIES."  
11 204 WILL BE THE DOLL OR THE MANNEQUIN  
12 REPRESENTING THE WOUNDS INFLICTED TO JOSE MENENDEZ.  
13 AND 205 IS THE DOLL OR MANNEQUIN

14 REPRESENTING THE WOUNDS INFLICTED TO KITTY  
15 MENENDEZ.  
16 THAT'S ALL.  
17 THE COURT: OKAY. ARE WE READY FOR THE JURY  
18 TO COME OUT?  
19 MR. CONN: YES.  
20 THE COURT: OKAY. LET'S GET THE JURY OUT.  
21 (THE JURY ENTERED THE  
22 COURTROOM AND THE FOLLOWING  
23 PROCEEDINGS WERE HELD:)  
24  
25 THE COURT: THE JURY'S IN COURT.  
26 GOOD MORNING, LADIES AND GENTLEMEN.  
27 WE'RE READY TO RESUME WITH THE TRIAL AND  
28 THE PEOPLE WILL BE CALLING THEIR NEXT WITNESS.

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1 MR. CONN: THE PEOPLE CALL DR. ROBERT  
2 LAWRENCE.  
3  
4 DR. ROBERT LAWRENCE,  
5 CALLED AS A WITNESS BY THE PEOPLE, WAS SWORN AND  
6 TESTIFIED AS FOLLOWS:  
7 THE CLERK: YOU DO SOLEMNLY SWEAR THE  
8 TESTIMONY YOU MAY GIVE IN THE CAUSE NOW PENDING

9 BEFORE THIS COURT SHALL BE THE TRUTH, THE WHOLE  
10 TRUTH, AND NOTHING BUT THE TRUTH, SO HELP YOU GOD?

11 THE WITNESS: I DO.

12 THE CLERK: PLEASE TAKE THE STAND AND STATE  
13 YOUR NAME FOR THE RECORD.

14 THE WITNESS: ROBERT DON LAWRENCE,  
15 L-A-W-R-E-N-C-E.

16 THE COURT: YOU MAY EXAMINE THE WITNESS.

17 MR. CONN: THANK YOU.

18

19 DIRECT EXAMINATION

20 BY MR. CONN:

21 Q SIR, CAN YOU TELL US WHAT YOUR  
22 OCCUPATION IS?

23 A I'M A PATHOLOGIST WITH THE CORONER'S  
24 OFFICE IN STOCKTON, CALIFORNIA.

25 Q AND HOW LONG HAVE YOU BEEN A  
26 PATHOLOGIST?

27 A TWENTY-THREE YEARS.

28 Q AND HOW LONG HAVE YOU WORKED FOR THE

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1 CORONER'S OFFICE?

2 A ACTUALLY, I'VE WORKED FOR THEM ABOUT 23  
3 YEARS. I'VE BEEN A PATHOLOGIST PROBABLY ANOTHER

4 YEAR OR TWO BEYOND THAT.

5 Q YOU ARE A DOCTOR, SIR?

6 A YES.

7 Q CAN YOU TELL US WHERE YOU WENT TO

8 MEDICAL SCHOOL?

9 A I GRADUATED FROM U.C.L.A. MEDICAL SCHOOL

10 IN 1966. I THEN DID MY INTERNSHIP THERE AT THE U.C.

11 MEDICAL CENTER. I THEN ENTERED THE NAVY AS A FLIGHT

12 SURGEON TAKING CARE OF PILOTS AND THEIR FAMILIES,

13 AND THEN TOOK MY RESIDENCY OR SPECIALTY TRAINING OF

14 PATHOLOGY AT THE MAYO CLINIC. I THEN ENTERED

15 PRACTICE IN SAN JOAQUIN COUNTY OR STOCKTON,

16 CALIFORNIA, AND I'VE BEEN THERE FOR THE PAST 23

17 YEARS.

18 Q OKAY. HOW LONG WAS YOUR RESIDENCY?

19 A FOUR YEARS.

20 Q SO THAT IS FOUR YEARS FOLLOWING MEDICAL

21 SCHOOL?

22 A THAT'S FOUR YEARS OF PATHOLOGY

23 SPECIALIZATION TRAINING AFTER MEDICAL SCHOOL, YES,

24 SIR.

25 Q SIR, CAN YOU TELL US WHAT A PATHOLOGIST

26 IS.

27 A A PATHOLOGIST IS A PHYSICIAN WHO

28 PERFORMS AUTOPSIES FOR THE PURPOSE OF DETERMINING

1 THE CAUSE AND CIRCUMSTANCES OF DEATH.

2 Q AND CAN YOU TELL US HOW MANY AUTOPSIES  
3 YOU HAVE CONDUCTED IN THE CORE OF YOUR CAREER.

4 A ABOUT 7,000.

5 Q WHAT DOES AN AUTOPSY CONSIST OF?

6 A IT BEGINS WITH AN EXTERNAL EXAMINATION  
7 OF THE BODY AND THEN A COMPLETE INTERNAL  
8 EXAMINATION; THAT IS, OPENING ALL OF THE BODY  
9 CAVITIES, THE HEAD, THE CHEST AND THE ABDOMEN,  
10 REMOVING ALL OF THE ORGANS, DISSECTING THE ORGANS,  
11 AND SO FORTH. AND THEN ON SOME OCCASIONS DOING  
12 MICROSCOPIC EXAMINATION ON TISSUE SAMPLES THAT ARE  
13 SAVED; AND ALSO SAVING SAMPLES FOR TOXICOLOGY, BLOOD  
14 SPECIMENS, URINE AND SO FORTH.

15 Q AND HAVE YOU TESTIFIED AS AN EXPERT  
16 WITNESS IN THE PAST?

17 A YES, SIR.

18 Q CAN YOU TELL US HOW MANY TIMES YOU'VE  
19 TESTIFIED AS AN EXPERT WITNESS?

20 A SEVERAL HUNDRED TIMES.

21 Q NOW, AS PART OF YOUR PREPARATION IN THIS  
22 CASE, DID YOU REVIEW SOME DOCUMENTS?

23 A YES, SIR.

24 Q WHAT DOCUMENTS DID YOU REVIEW?

25 A I REVIEWED RECORDS FROM THE LOS ANGELES  
26 COUNTY CORONER'S OFFICE, INCLUDING AN INVESTIGATIVE  
27 REPORT AND AUTOPSY REPORTS ON THE TWO VICTIMS.



28 Q DID YOU ALSO REVIEW SOME PHOTOGRAPHS AS

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1 PART OF YOUR PREPARATION FOR YOUR TESTIMONY?

2 A YES.

3 Q CAN YOU TELL US WHAT YOU VIEWED IN THAT  
4 REGARD.

5 A THERE WERE PHOTOGRAPHS OF THE DEATH  
6 SCENE AND PHOTOGRAPHS OF THE AUTOPSY.

7 THERE WERE ALSO SOME PHOTOGRAPHS OF  
8 X RAYS TAKEN AFTER DEATH.

9 Q DID YOU ALSO REVIEW AS PART OF YOUR  
10 PREPARATION ILLUSTRATIONS FROM A COMPANY BY THE NAME  
11 OF FAILURE ANALYSIS?

12 A YES.

13 Q NOW, SIR, AFTER REVIEWING THOSE  
14 DOCUMENTS AND SUPPORTING MATERIAL, DID YOU FORM AN  
15 OPINION CONCERNING THE CAUSE OF DEATH TO THE PERSON  
16 WHO WAS DESCRIBED IN THE AUTOPSY REPORT AS MARY  
17 LOUISE MENENDEZ?

18 A YES, SIR.

19 Q AND DID YOU ALSO FORM AN OPINION  
20 CONCERNING THE CAUSE OF DEATH FOR THE PERSON  
21 DESCRIBED IN THE AUTOPSY REPORT AS JOSEPH OR JOSE  
22 MENENDEZ?

23 A I DID.

24 Q AND WILL YOU TELL US, SIR, WHAT THE  
25 CAUSE OF DEATH WERE FOR THOSE TWO INDIVIDUALS.

26 A BOTH VICTIMS DIED FROM MULTIPLE SHOTGUN  
27 WOUNDS.

28 Q NOW, AS PART OF YOUR PREPARATION IN THIS

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1 CASE, DID YOU ALSO PREPARE PHYSICAL EXHIBITS TO  
2 ILLUSTRATE TO THE JURY THE WOUNDS THAT WERE  
3 INFLICTED IN THIS CASE?

4 A YES.

5 Q AND CAN YOU TELL US WHAT YOU DID IN THAT  
6 REGARD, SIR.

7 A I TOOK -- STARTED WITH ARTISTS,  
8 MANNEQUINS, SMALL DOLLS THAT CAN BE MOVED AND  
9 POSTURED; AND I DUPLICATED, TO THE BEST OF MY  
10 ABILITY, THE LOCATIONS AND DIRECTIONS OF THE GUNSHOT  
11 WOUNDS INTO THE BODY. I THEN DRILLED HOLES IN THOSE  
12 PARTS OF THE BODY WITH THE PROPER DIRECTION AND  
13 INSERTED RODS AND GLUED THEM IN PLACE SO THAT WE NOW  
14 HAVE DOLLS THAT SHOW THE VARIOUS SHOTS AND FROM WHAT  
15 ANGLES.

16 Q OKAY. I HAVE A NUMBER OF EXHIBITS WHICH  
17 WE HAVE MARKED OUTSIDE THE PRESENCE OF THE JURY, AND

18 I WOULD LIKE TO SHOW YOU, FIRST OF ALL, THE EXHIBIT  
19 THAT HAS BEEN MARKED AS 204 FOR IDENTIFICATION.

20 SIR, CAN YOU TELL US WHAT THAT IS THAT  
21 IS PRESENTLY BEFORE YOU.

22 A THIS IS THE MANNEQUIN DEPICTING THE  
23 WOUNDS OF JOSE MENENDEZ.

24 Q AND DID YOU PREPARE THAT EXHIBIT?

25 A YES.

26 Q I'D ALSO LIKE TO SHOW YOU ANOTHER  
27 EXHIBIT WHICH HAS BEEN MARKED AS 205 FOR  
28 IDENTIFICATION.

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1 SIR, I WONDER IF YOU WOULD TELL US IF  
2 YOU RECOGNIZE THAT EXHIBIT.

3 A 205 IS THE MANNEQUIN REPRESENTING MARY  
4 MENENDEZ.

5 Q NOW, BEFORE WE GET INTO A DETAILED  
6 EXPLANATION OF EACH OF THOSE -- THE WOUNDS, I WONDER  
7 IF YOU WOULD TELL US GENERALLY, SIR, WHAT WAS YOUR  
8 FINDINGS CONCERNING THE WOUNDS INFLICTED TO THE  
9 BODIES OF JOSE AND KITTY MENENDEZ.

10 A FIRST OF ALL, BOTH --

11 MS. ABRAMSON: YOUR HONOR, I'M JUST GOING TO  
12 OBJECT THAT THAT QUESTION IS SO HUGE WE COULD GET A

13 THREE-HOUR NARRATIVE ANSWER.

14 THE COURT: DID YOU INTEND TO GIVE US A

15 THREE-HOUR ANSWER?

16 THE WITNESS: NO, SIR.

17 THE COURT: OKAY. OVERRULED.

18 THE WITNESS: BOTH OF THESE VICTIMS WERE IN

19 GOOD HEALTH. THERE WAS NO MEDICAL CONDITION CAPABLE

20 OF CAUSING DEATH. BOTH OF THEM WERE KILLED BY

21 MULTIPLE SHOTGUN WOUNDS. JOSE WAS STRUCK FOUR TIMES

22 AND MARY WAS STRUCK WITH NINE BLASTS.

23 STARTING WITH JOSE, HE WAS HIT IN THE

24 ELBOW. ANOTHER ONE PERFORATED HIS RIGHT UPPER ARM.

25 MS. ABRAMSON: EXCUSE ME, YOUR HONOR, IF THE

26 WITNESS IS GOING TO DEMONSTRATE, I HAVE TO SEE HIM.

27 THE COURT: YOU CERTAINLY CAN STAND UP AND

28 MOVE.

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1 MS. ABRAMSON: THANK YOU, YOUR HONOR.

2 THE WITNESS: HE WAS STRUCK IN HIS LEFT

3 ELBOW. HE HAD A LARGE PERFORATING WOUND OF HIS

4 RIGHT UPPER ARM. HE HAD A -- AN EXPLOSIVE CONTACT

5 WOUND IN THE BACK OF HIS HEAD. THIS WAS THE LETHAL

6 WOUND. AND HE ALSO HAD A LARGE PERFORATING WOUND IN

7 HIS LEFT THIGH.

8           FOR MARY MENENDEZ, SHE WAS STRUCK A  
9 TOTAL OF NINE TIMES. I SHOULD MENTION THAT THERE  
10 WERE TWO TYPES OF SHOTGUN SHELLS INVOLVED HERE.  
11 MOST OF THE SHOTS WERE DUE TO BUCKSHOT. BUT TWO OF  
12 THEM ON MARY MENENDEZ WERE FROM BIRD SHOT OR MUCH  
13 SMALLER PELLETS.

14           SO ALL OF JOSE'S WERE BUCKSHOT. SEVEN  
15 OF MARY'S WERE BUCKSHOT AND TWO WERE FROM BIRD  
16 SHOT.

17           STARTING WITH THE BUCKSHOT WOUNDS ON  
18 MARY MENENDEZ, SHE WAS STRUCK IN HER LEFT BREAST  
19 AREA FROM THE SIDE. SHE WAS STRUCK FROM THE FRONT  
20 IN HER RIGHT FACE, ANOTHER THROUGH HER RIGHT HAND  
21 AND ON INTO HER COLLAR BONE AREA ON THE RIGHT SIDE.  
22 ANOTHER THAT WENT THROUGH HER FOREARM AND UPPER ARM  
23 SO THAT BOTH OF THOSE SHOTS WERE RECEIVED WHEN THE  
24 HAND WAS HELD AGAINST HER CHEST. AND THEN THERE WAS  
25 A PERFORATION OF HER RIGHT THIGH AND TWO WOUNDS OF  
26 HER -- I'M SORRY -- HER LEFT THIGH AND TWO WOUNDS OF  
27 HER LEFT KNEE AREA.

28           FINALLY, THE BIRD SHOT WOUNDS WERE ONE

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1 THAT WENT UP THROUGH HER LEFT SHOULDER AND STRUCK  
2 HER IN THE LEFT SIDE OF THE FACE AND THE OTHER WAS A

3 CONTACT WOUND IN THE LEFT CHEEK. THE MUZZLE WAS  
4 HELD AGAINST HER CHEEK AND BIRD SHOT WAS FIRED INTO  
5 HER HEAD.

6 Q BY MR. CONN: ALL RIGHT. LET ME GO  
7 THROUGH THAT A BIT MORE SLOWLY WITH YOU AT THIS  
8 TIME.

9 I'LL START, FIRST, WITH THE WOUND THAT  
10 YOU DESCRIBED TO THE HEAD OF JOSE MENENDEZ.

11 YOU DESCRIBED THAT AS AN EXPLOSIVE  
12 CONTACT WOUND. CAN YOU TELL US, FIRST OF ALL, WHAT  
13 IS MEANT BY THE TERM "A CONTACT WOUND."

14 A THE MUZZLE OF THE SHOTGUN WAS IN CONTACT  
15 WITH THE BACK OF HIS HEAD WHEN IT WAS FIRED.

16 Q AND WHAT DO YOU MEAN WHEN YOU SAY AN  
17 EXPLOSIVE CONTACT WOUND.

18 A THE TISSUES LOOKED AS IF A SMALL  
19 EXPLOSION HAD OCCURRED INSIDE THE HEAD. THE SKIN  
20 WAS BLOWN OUT TO CREATE A LARGE STAR-SHAPED DEFECT.  
21 THE SKULL WAS COMPLETELY SHATTERED. THE BRAIN WAS  
22 PULVERIZED; MUCH OF IT FELL OUT WHEN THE BODY WAS  
23 MOVED AND SO FORTH. EXTREMELY DESTRUCTIVE WOUND.

24 Q ALL RIGHT. I'M GOING TO PUT UP ON THE  
25 BOARD THREE EXHIBITS THAT WE HAVE ALREADY MARKED,  
26 TWO X RAYS, WHICH HAVE BEEN MARKED 180 AND 181, AND  
27 A PHOTOGRAPH WHICH HAS BEEN MARKED 185.

28 DIRECTING YOUR ATTENTION FIRST TO THE

1 PHOTOGRAPH, THERE APPEARS TO BE AT THE BACK OF THE  
2 HEAD A LARGE HOLE.

3 CAN YOU TELL US WHAT YOU MEANT BY THE  
4 TERM STELLAR.

5 A THAT MEANS STAR-SHAPED, AND WHAT WE SEE  
6 IS A GAPING HOLE WITH SPLITS OF THE SKIN THAT  
7 RADIATE OUT FROM IT.

8 Q CAN YOU TELL US HOW YOU CAN DETERMINE,  
9 EITHER FROM THE PHOTOGRAPH OR FROM THE OTHER  
10 MATERIALS THAT YOU RELIED UPON, FOR EXAMPLE, THE  
11 AUTOPSY REPORT, THAT THAT WAS, IN FACT, A CONTACT  
12 WOUND IN WHICH THE MUZZLE WAS PLACED TO THE BACK OF  
13 THE HEAD?

14 A THE AUTOPSY REPORT AND THE PHOTOGRAPHS  
15 REVEAL THAT THERE WAS A CIRCULAR DEFECT. WHEN THE  
16 EDGES OF THE SKIN ARE PULLED TOGETHER ONE CAN SEE A  
17 CIRCULAR DEFECT THAT MATCHES THE SIZE OF -- ROUGHLY  
18 THE SIZE OF THE BARREL, AND THERE ARE NO SHOT  
19 PELLETS OFF TO THE SIDE. SO THIS WOULD BE A VERY  
20 CLOSE RANGE AND VERY LIKELY A CONTACT WOUND.

21 Q WAS THERE ANYTHING ABOUT ANY MATERIAL  
22 THAT WAS RECOVERED INSIDE THE HEAD WHICH WOULD ALSO  
23 SUPPORT THE CONCLUSION THAT THIS WAS, IN FACT, A  
24 CONTACT WOUND?

25 A YES. THE PORTIONS OF THE SHELL CALLED

26 THE WADDING, WHICH ARE PLUG-LIKE STRUCTURES INSIDE  
27 THE SHOTGUN SHELL, WERE RECOVERED FROM INSIDE THE  
28 HEAD, AND THAT IS ALSO CONSISTENT WITH A VERY CLOSE

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1 RANGE OR CONTACT WOUND.

2 Q OKAY. NOW, THAT PHOTOGRAPH THEN DEPICTS  
3 THE BACK OF THE HEAD OF JOSE MENENDEZ AT THE TIME OF  
4 THE AUTOPSY; IS THAT CORRECT?

5 A YES.

6 Q NOW, DIRECTING YOUR ATTENTION TO THE TWO  
7 X RAYS THAT ARE UP THERE ON THE BOARD AT THIS TIME,  
8 180 AND 181, CAN YOU TELL US WHAT THOSE X RAYS  
9 DEPICT.

10 A THEY SHOW THE HEAD OF JOSE MENENDEZ WITH  
11 THE EXTENSIVE AND EXPLOSIVE FRACTURES OF THE SKULL.

12 Q NOW, INSIDE -- IS THAT TWO VIEWS OF THE  
13 HEAD FROM TWO DIFFERENT DIRECTIONS?

14 A YES.

15 Q AND INSIDE THE -- THOSE X RAYS CAN YOU  
16 SEE WHAT WOULD BE THE SHOT IN THIS CASE, THAT IS THE  
17 PELLETS THAT COME OUT OF THE SHOTGUN WHEN IT IS  
18 FIRED.

19 A YES. THEY ARE THE -- THE SMALL WHITE  
20 STRUCTURES. THEY SHOW UP MORE WHITE THAN ANYTHING



21 ELSE.

22 Q LET ME GIVE YOU A POINTER. PERHAPS WITH  
23 THE POINTER YOU MIGHT BE ABLE TO REACH THAT.

24 A THERE'S A CLUSTER OF BUCKSHOT IN THE  
25 NECK AREA, THE JAW AREA, AND THEN SEVERAL UP INSIDE  
26 THE HEAD.

27 Q ALL RIGHT. RIGHT NOW YOU'RE POINTING TO  
28 THE EXHIBIT THAT HAS BEEN MARKED AS 180 FOR

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1 IDENTIFICATION -- I'M SORRY -- THAT'S 181, WHICH IS  
2 THE FRONTAL VIEW OF THE HEAD.

3 IT APPEARS IN THAT PHOTOGRAPH THAT A LOT  
4 OF THE BRIGHT WHITE AREA APPEARS TO BE LOW IN THE  
5 FACE IN THE AREA OF THE JAW OR THE TEETH --

6 MS. ABRAMSON: YOUR HONOR, I'M GOING TO  
7 OBJECT TO COUNSEL TESTIFYING.

8 THE COURT: WELL, HE'S JUST ASKING A QUESTION  
9 AT THIS POINT. OVERRULED.

10 Q BY MR. CONN: CAN YOU TELL US WHAT THAT  
11 BRIGHT WHITE AREA REPRESENTS.

12 A A CLUSTER OF SHOT.

13 Q NOW, DOES THE FACT THAT THE WOUND TO THE  
14 BACK OF THE HEAD WAS WHERE IT IS DEPICTED IN THAT  
15 PHOTOGRAPH, NEAR THE TOP OF THE HEAD, AND THE SHOT

16 IS FOUND SOMEWHERE LOWER IN THE HEAD, DOES THAT TELL  
17 YOU ANYTHING ABOUT THE DIRECTION OF THE SHOT THAT  
18 WAS FIRED?

19 A YES, IT DOES. ACTUALLY, THE PRESENCE IS  
20 ABOUT HALFWAY UP THE BACK OF THE HEAD, RIGHT IN THIS  
21 AREA SHOWN ON PEOPLE'S --

22 Q THAT'S 180.

23 A -- 180. AND THE MAIN MASSIVE SHOT ENDS  
24 UP DOWN MORE OR LESS IN THE THROAT AREA. THERE'S A  
25 DOWNWARD DIRECTION. FROM BACK TO FRONT IT GOES  
26 DOWNWARD.

27 Q ALL RIGHT. THANK YOU. YOU MAY RETURN  
28 TO YOUR SEAT.

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1 YOU INDICATED, SIR, THAT THAT SHOT WAS A  
2 BUCKSHOT WOUND?

3 A YES.

4 Q AND CAN YOU TELL US IF THAT WOUND WOULD  
5 BE AN IMMEDIATELY FATAL WOUND; THAT IS, A WOUND THAT  
6 WOULD CAUSE DEATH INSTANTLY?

7 A YES, IT WOULD BE.

8 Q WAS THERE ANY EXIT WOUND ASSOCIATED WITH  
9 THAT PARTICULAR WOUND?

10 A NO.

11 Q DO YOU RECALL SEEING IN THE AUTOPSY  
12 REPORT SOME REFERENCE TO AN INJURY ON THE RIGHT  
13 SIDE -- DO YOU HAVE A COPY OF THE AUTOPSY REPORTS  
14 WITH YOU?

15 A YES. NOT WITH ME.

16 NOW THAT YOU MENTION THAT, IT DOES  
17 REFRESH MY MEMORY, AND THERE WAS A PELLET EXIT  
18 DESCRIBED ON THE RIGHT SIDE OF THE TEMPLE, BUT NO  
19 MAJOR EXIT WOUND. MOST OF THE PELLETS STAYED INSIDE  
20 THE HEAD.

21 Q ALL RIGHT. AT THIS TIME I WOULD LIKE TO  
22 SHOW YOU SOME ADDITIONAL PHOTOGRAPHS.

23 YOU DESCRIBED FOR US A WOUND THAT WAS  
24 OBSERVED IN THE AREA OF JOSE MENENDEZ' RIGHT ARM.

25 CAN YOU DESCRIBE THAT WOUND FURTHER IN  
26 TERMS OF THE SIZE, THE EXACT PLACEMENT OF THAT  
27 PARTICULAR WOUND.

28 A THIS WOUND WAS LOCATED IN THE MID RIGHT

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1 ARM AREA, ROUGHLY HALFWAY BETWEEN THE ELBOW AND THE  
2 SHOULDER. IT CONSISTED OF TWO LARGE RAGGED GAPING  
3 DEFECTS; ONE ON THE FRONT INSIDE OF THE ARM AND THE  
4 OTHER ON THE BACK OUTSIDE OF THE ARM.

5 THIS IS THE ONLY WOUND ON -- OUT OF ALL

6 OF THE WOUNDS IN WHICH I'M NOT SURE ABOUT THE  
7 DIRECTION. I'M NOT SURE IF IT WENT FROM FRONT TO  
8 BACK OR BACK TO FRONT.

9 Q ALL RIGHT. LET ME SHOW YOU AT THIS TIME  
10 TWO PHOTOGRAPHS. ONE HAS BEEN MARKED 183 FOR  
11 IDENTIFICATION AND THE OTHER IS A PHOTOGRAPH OF AN  
12 X RAY THAT HAS BEEN MARKED 175.

13 THE COURT: WHAT WAS THE X RAY?

14 MR. CONN: 175, YOUR HONOR.

15 THE COURT: AND THE OTHER EXHIBIT?

16 MR. CONN: 183. I ALSO HAVE ANOTHER  
17 PHOTOGRAPH WHICH HAS BEEN MARKED AS 202. AND I'LL  
18 PLACE THIS ON THE BOARD AS WELL.

19 Q NOW, DIRECTING YOUR ATTENTION, FIRST, TO  
20 THE PHOTOGRAPH THAT HAS BEEN MARKED 183, THAT IS THE  
21 PHOTOGRAPH TO YOUR RIGHT. CAN YOU TELL US WHAT WE  
22 ARE LOOKING AT THERE.

23 A 183 SHOWS THE RIGHT ARM WOUND WITH THE  
24 ARM HELD OUT IN FRONT OF THE BODY.

25 Q OKAY. NOW, YOU DESCRIBED TWO  
26 IDENTIFIABLE WOUNDS ON THAT ARM.

27 CAN YOU, USING THE POINTER, PERHAPS YOU  
28 CAN REACH THAT FAR AND POINT TO THE TWO ROUNDS THAT

1 YOU WERE REFERRING TO.

2 A THIS IS THE WOUND ON THE -- WHAT WE'RE  
3 SEEING HERE IS THE WOUND ON THE FRONT INSIDE OF THE  
4 ARM AND WE'RE BARELY SEEING PART OF THE WOUND ON THE  
5 BACK OUTSIDE OF THE ARM, UP HIGHER AND ON THE  
6 OUTSIDE.

7 Q OKAY. NOW, WERE THE SIZES OF THOSE  
8 WOUNDS DESCRIBED IN THE AUTOPSY REPORT?

9 A YES. I'D HAVE TO LOOK AT THE REPORT TO  
10 REFRESH MY MEMORY ON THE EXACT SIZE.

11 Q AND YOU'VE INDICATED FOR US THAT YOU ARE  
12 UNABLE TO DETERMINE THE DIRECTION OF THE WOUND.

13 CAN YOU TELL US, FIRST OF ALL, HOW YOU  
14 ORDINARY --

15 (SPEAKER FELL OFF THE WITNESS STAND.)

16

17 THE COURT: JUST LEAVE IT THERE.

18 THE WITNESS: I'M GOING TO HAVE TO PAY FOR  
19 THIS.

20 THE COURT: WHY DON'T YOU JUST PUT IT ON THE  
21 FLOOR. WE'RE NOT USING IT NOW.

22 Q BY MR. CONN: CAN YOU TELL US, FIRST OF  
23 ALL, HOW YOU ORDINARILY DETERMINE THE DIRECTION OF A  
24 WOUND.

25 A WITH A SHOTGUN WOUND AT CLOSE RANGE, THE  
26 PELLETS WILL HIT THE BODY IN A GROUP AND THEY WILL  
27 FORM ALMOST A COOKIE-CUTTER TYPE OF PUNCHED OUT  
28 HOLE. AND AS THEY START TO SPREAD, THE MARKINGS OF

1 THE HOLE WILL BECOME SCALLOPED. AND THE KEY TO  
2 DETERMINING AN ENTRANCE WOUND OF THIS TYPE IS  
3 LOOKING FOR PLACES WHERE THE SHOT SCRAPES THE SKIN  
4 AS IT GOES IN AND IT PRODUCES WHAT WE CALL AN  
5 ABRASION RIM OR AN ABRASION COLLAR. SO IF IT'S A  
6 VERY CLOSE-RANGE WOUND, YOU'LL SEE A COOKIE-CUTTER  
7 ROUND HOLE WITH THE THIN RIM OF A BRAIDED OR SCRAPED  
8 SKIN AT THE EDGES. IF IT'S A LITTLE FURTHER AWAY,  
9 YOU'LL SEE A LARGER DEFECT AND YOU MAY SEE  
10 SCALLOPING, SORT OF CURVED AREAS, AT THE EDGES.

11       AND I LOOKED FOR THOSE IN THIS WOUND IN  
12 THE PHOTOGRAPHS. I DID NOT DO THE AUTOPSY, SO I  
13 DIDN'T HAVE THE BODY TO LOOK AT. BUT ON THE  
14 PHOTOGRAPHS I THOUGHT I COULD SEE SOME SCALLOPING IN  
15 ONE AREA ON THE ONE ON THE INSIDE FRONT OF THE ARM,  
16 WHICH SUGGESTS THAT IT CAME FROM THE FRONT OUT  
17 TOWARD THE BACK.

18       ON THE OTHER HAND, THERE'S A LINE OR A  
19 LINEAR ABRASION JUST ABOVE THE WOUND ON THE FRONT OF  
20 THE ARM THAT LOOKS LIKE A BUTTRESS MARK, AND I'M  
21 GETTING INTO TECHNICAL TERMS. BUT WHAT IT IS, IT'S  
22 A SCRAPING DUE TO THE SKIN FLYING OUT AS THE SHOT  
23 PASSES THROUGH AND THE SKIN STRIKES SOMETHING; IN  
24 THIS CASE, PROBABLY HIS SHIRT SLEEVE.

25           SO ON THE ONE HAND WE HAVE A SUGGESTION  
26 THAT THE WOUND GOES FROM THE FRONT TO THE BACK  
27 BECAUSE OF THE POSSIBLE SCALLOPING THAT I SAW AND  
28 ABRASION.

39876

1           ON THE OTHER HAND, WE HAVE A POSSIBLE  
2 BACK TO FRONT DIRECTION BECAUSE IT SEEMS LIKE THE  
3 SKIN FLEW OUT AND STRUCK THE SHIRT SLEEVE AND WAS --  
4 AND IT CAUSED A LINEAR ABRASION. SO IT'S A  
5 DIFFICULT WOUND TO INTERPRET.

6       Q   OKAY. NOW, AS FAR AS THAT BUTTRESSING  
7 WOUND THAT YOU JUST DESCRIBED TO US, IF THAT WOUND  
8 WAS FRONT TO BACK, CAN YOU TELL US WHAT COULD  
9 ACCOUNT FOR THAT WOUND THAT YOU REFERRED TO AS A  
10 BUTTRESSING WOUND?

11      A   THERE IS A POSSIBILITY THAT THAT  
12 BUTTRESS MARK COULD BE CAUSED BY THE SHOT PASSING  
13 THROUGH HIS CLOTHING AND CARRYING THE SHIRT WITH IT  
14 AND, THEREFORE, PULLING THE SHIRT SLEEVE VIOLENTLY  
15 ACROSS THE SKIN IT AS GOES ON THROUGH.

16           SO IT MAY BE THAT THAT DIRECTION IS FROM  
17 FRONT TO BACK AND THE BUTTRESS ABRASION IS CAUSED BY  
18 THE SHIRT BEING PULLED BY THE SHOT AS IT PASSES  
19 THROUGH.

20 Q NOW, DID YOU OBSERVE ANY OF THE WOUNDS  
21 TO THE BODY OF JOSE MENENDEZ THAT ARE CONSISTENT  
22 WITH A SHIRT BEING PULLED VIOLENTLY ACROSS THE  
23 BODY?

24 A YES.

25 Q AND WHAT DID YOU OBSERVE IN THAT  
26 REGARD?

27 A THE ABRASIONS THAT ARE SHOWN IN THE  
28 PHOTOGRAPH AT THE BOTTOM -- I'M AFRAID I DON'T KNOW

39877

1 THE NUMBER.

2 Q THAT IS 202.

3 A IN 202, THESE MULTIPLE IRREGULAR BRUSH  
4 ABRASIONS ON THE RIGHT RIB CAGE AREA, AND THOSE ARE  
5 DUE TO CLOTH. AND BECAUSE OF THE CIRCUMSTANCES,  
6 IT'S UNDOUBTEDLY DUE TO THE SHOT GRAZING THE SHIRT  
7 AND PULLING THE SHIRT VIOLENTLY AGAINST THE SKIN AS  
8 IT GOES ON THROUGH AND CAUSING THE SHIRT TO SCRAPE  
9 THE SKIN.

10 Q OKAY. AND DIRECTING YOUR ATTENTION TO  
11 THE MIDDLE PHOTOGRAPH, THAT IS A PHOTOGRAPH OF AN  
12 X RAY THAT HAS BEEN MARKED 175, CAN YOU TELL US WHAT  
13 IS DEPICTED IN THAT PHOTOGRAPH.

14 A 175 SHOWS THE RIGHT UPPER EXTREMITY OF



15 JOSE MENENDEZ WITH A FRACTURE AND SEVERAL PELLETS IN  
16 THE AREA OF THE WOUND DEPICTED IN THE PHOTOGRAPH;  
17 AND ALSO SOME ADDITIONAL PELLETS DOWN ON THE FOREARM  
18 AREA WHICH ARE FROM A SEPARATE WOUND THAT WE HAVE  
19 NOT TALKED ABOUT, AND THAT WAS SEVERAL DISCRETE  
20 PELLET WOUNDS IN THE FLESHY PART OF THE FOREARM.

21 Q OKAY. DIRECTING YOUR ATTENTION TO THE  
22 PHOTOGRAPH AT THE BOTTOM, 202, DO YOU SEE THOSE  
23 SEPARATE DISCRETE WOUNDS THAT YOU WERE REFERRING TO  
24 JUST A MOMENT AGO?

25 A YES, YES, YOU DO. THEY ARE SITUATED  
26 BELOW AND JUST OFF TO THE SIDE FROM THE MAIN HOLE.  
27 THESE ARE THE SEPARATE PELLET MARKS ACCOUNTING FOR  
28 THE PELLETS SEEN IN THE X RAY.

39878

1 Q AND THIS, THIS BREAK OR FRACTURE THAT IS  
2 DEPICTED IN THE X RAY MARKED 175, DOES THIS AREA OF  
3 THE BREAK OR FRACTURE CORRESPOND TO THAT AREA OF THE  
4 WOUND THAT YOU HAVE DESCRIBED?

5 A YES. IT CORRESPONDS TO THE LARGE RAGGED  
6 WOUND SEEN IN THE UPPER ARM.

7 Q WAS THIS WOUND ALSO A WOUND THAT WAS  
8 CAUSED BY BUCKSHOT?

9 A YES, SIR.

10 Q AND IN THAT X RAY THAT HAS BEEN MARKED

11 175, WE SEE THE ROUND CIRCULAR SHAPES.

12 ARE THOSE BUCKSHOT PELLETS IN THAT

13 X RAY?

14 A YES, SIR.

15 Q NOW, SIR, CAN YOU TELL US WHAT THE TERMS

16 ANTE- -- ANTEMORTEM, PERIMORTEM AND POSTMORTEM ARE?

17 A THEY'RE TERMS THAT INDICATE AT WHAT TIME

18 WITH RESPECT TO DEATH THE WOUNDS OCCURRED.

19 ANTEMORTEM WOUNDS OCCURRED WHILE THE

20 PERSON WAS STILL ALIVE. POSTMORTEM, AFTER THEY'RE

21 DEAD. PERIMORTEM MEANS WHEN THEY ARE IN THE PROCESS

22 OF DYING AND THEY HAVE LOW BLOOD PRESSURE OR ARE

23 GOING INTO SHOCK AND SO FORTH.

24 Q SO FAR YOU HAVE DESCRIBED THE WOUND TO

25 THE BACK OF JOSE MENENDEZ' HEAD, AND NOW THE WOUNDS

26 THAT APPEAR TO HIS RIGHT ARM.

27 CAN YOU TELL US WHEN, IN RELATIONSHIP TO

28 HIS DEATH, EACH OF THOSE WOUNDS TOOK PLACE.

39879

1 A NOT FOR SURE BECAUSE IT'S DIFFICULT WITH

2 SHOTGUN WOUNDS. THEY CAN -- THEY CAN BE TRICKY TO

3 INTERPRET. THAT'S BECAUSE THE BLOOD VESSELS

4 SOMETIMES HAVE SOME DEGREE OF PRESSURE IN THEM EVEN

5 AFTER DEATH, ESPECIALLY IN LOWER PARTS OF THE BODY  
6 IF THE BODY IS ERECT, STANDING UPRIGHT. SO THAT  
7 WHEN YOU EXPLODE THE VESSELS WITH A SHOTGUN WOUND,  
8 EVEN AFTER DEATH SOMETIMES, YOU'LL GET HEMORRHAGE IN  
9 THE TISSUES AND MAKE A WOUND LOOK LIKE IT'S  
10 ANTEMORTEM.

11 THE WAY WE DECIDE ANTEMORTEM VERSUS  
12 POSTMORTEM IS WE LOOK FOR HEMORRHAGE IN THE TISSUES  
13 THAT ARE INJURED. IF THERE'S HEMORRHAGE IN THE  
14 TISSUES THEN WE THINK THAT THE HEART WAS BEATING AT  
15 THE TIME OF THE INJURY. IN THE CASE OF JOSE'S  
16 WOUNDS, WE KNOW THAT ANY WOUNDS AFTER THE HEAD WOUND  
17 WOULD PROBABLY BE POSTMORTEM AND HIS HEART WOULD  
18 BEAT MAYBE A FEW TIMES OR MAYBE 30 SECONDS AT THE  
19 MOST AFTER THAT WOUND. BUT ALL OF HIS WOUNDS, THE  
20 WOUND ON THE ARM LOOKS ANTEMORTEM, IT LOOKS AS IF IT  
21 HAS HEMORRHAGE ON ITS PATH. AGAIN, I'VE BEEN  
22 FOOLED.

23 Q WHEN YOU SAY HEMORRHAGE ALONG ITS PATH,  
24 YOU'RE REFERRING TO BLEEDING ALONG THE WOUND?

25 A YES. THE MUSCLES ARE SHREDDED AND  
26 THERE'S ACTUAL HEMORRHAGE IN THE SHREDDED MUSCLES,  
27 BLOOD SEEPING INTO THE INJURED TISSUES.

28 Q AND HOW DO YOU MAKE THAT DETERMINATION?

1 DO YOU LOOK FOR REDNESS IN THE -- IN THE WOUND  
2 ITSELF?

3 A YES. YOU LOOK FOR AN ABNORMAL DARK  
4 PURPLE RED COLOR OF THE TISSUES. IN OTHER WORDS,  
5 DOES IT LOOK LIKE RAW MEAT OR DOES IT LOOK LIKE RAW  
6 MEAT WITH CURRANT JELLY IN IT? THERE'S A DIFFERENCE  
7 IN THE APPEARANCE.

8 Q OKAY. SO FROM WHAT YOU CAN TELL, THE  
9 WOUND TO JOSE'S -- TO THE BACK OF JOSE MENENDEZ' HEAD  
10 WOULD BE WHAT TYPE OF WOUND IN TERMS OF TIME OF  
11 DEATH?

12 A THAT WOULD BE ANTEMORTEM.

13 Q AND THE WOUNDS THAT YOU SEE TO HIS RIGHT  
14 ARM, WHAT WOULD THEY BE?

15 A IT APPEARS TO BE ANTEMORTEM. IT MAY NOT  
16 BE, BUT IT -- IF I HAD TO -- IF I HAD TO MAKE A  
17 CHOICE, I WOULD SELECT ANTEMORTEM.

18 Q LET ME SHOW YOU TWO MORE PHOTOGRAPHS AT  
19 THIS TIME, A PHOTOGRAPH DEPICTING THE LEFT ARM THAT  
20 HAS BEEN MARKED 184, AND A PHOTOGRAPH OF AN X RAY  
21 THAT HAS BEEN MARKED 177.

22 NOW, SIR, IN ADDITION TO THE WOUNDS TO  
23 THE RIGHT ARM, YOU ALSO DESCRIBED A WOUND TO THE  
24 LEFT ARM.

25 CAN YOU TELL US WHAT THAT WOUND  
26 CONSISTED OF.

27 A THIS IS A WOUND OF HIS LEFT ELBOW, AND

39881

1 PELLET MARKS INSTEAD OF A BIG SINGLE RAGGED DEFECT.  
2 SO THIS IS A MUCH MORE DISTANT WOUND COMPARED TO THE  
3 OTHERS THAT I'VE DESCRIBED. THIS WOULD BE SEVERAL  
4 FEET AWAY FROM THE BODY, EVEN, PERHAPS, UP TO 10 OR  
5 12 FEET AWAY. THAT'S IF THERE'S NO INTERVENING  
6 TARGETS. AS LONG AS THE SHOT WENT DIRECTLY FROM THE  
7 MUZZLE TO HIM, WE'RE TALKING ABOUT A RANGE OF  
8 SEVERAL FEET UP TO MAYBE 10 OR 12 FEET.

9 Q NOW, AS FAR AS THE X RAY THAT HAS BEEN  
10 MARKED 177, CAN YOU TELL US WHAT IS DEPICTED IN THAT  
11 X RAY.

12 A THE X RAY SHOWS SEVERAL BUCKSHOT PELLETS  
13 IN THE SAME AREA WE'VE BEEN TALKING ABOUT, THE LEFT  
14 ELBOW, AND A FRACTURE OF THE FOREARM BONE, THE  
15 RADIUS. I'M SORRY, THE ULNA.

16 Q NOW, YOU DESCRIBED THE WOUNDS TO JOSE  
17 MENENDEZ AS CONSISTING OF FOUR SHOTS.

18 HAVE YOU FORMED AN OPINION AS TO WHETHER  
19 THE WOUND TO JOSE MENENDEZ' LEFT ARM COULD HAVE BEEN  
20 CAUSED BY THE SAME SHOTGUN BLAST THAT CAUSED THE  
21 INJURY TO HIS RIGHT ARM?

22 A PART OF THE RIGHT ARM WOUND COULD BE

23 FROM THE SAME BLAST. THOSE SEPARATE PELLET MARKS,  
24 SEPARATE FROM THE BIG RAGGED WOUND, THE WOUNDS THAT  
25 WERE A LITTLE BIT FURTHER DOWN ON THE ARM, THOSE  
26 COULD BE A CONTINUATION OF THE SHOT THAT HIT HIS  
27 ELBOW AS IT WENT ACROSS HIS BODY.  
28 AS FAR AS THE SINGLE GAPING LARGER

39882

1 WOUND, I'M NOT SURE. IT'S POSSIBLE, BUT I TEND TO  
2 THINK NOT. IT LOOKS LIKE A CLOSE-RANGE WOUND.

3 Q SO YOU DO NOT RULE OUT THAT POSSIBILITY  
4 OF IT --

5 A I CAN'T RULE IT OUT, BUT I TEND TO THINK  
6 NOT.

7 Q ALL RIGHT. IN ADDITION TO THOSE WOUNDS  
8 THAT YOU'VE DESCRIBED SO FAR TO THE ARMS, YOU ALSO  
9 DESCRIBED A WOUND TO THE LEG OF JOSE MENENDEZ.

10 CAN YOU TELL US WHAT TYPE OF WOUND THAT  
11 WAS TO THE LEG OF JOSE MENENDEZ.

12 A THIS WAS A PERFORATING WOUND OF HIS LEFT  
13 THIGH ENTERING ON THE TOP RIGHT SIDE AND EXITING THE  
14 LEFT SIDE.

15 Q ON THE BOARD I HAVE PLACED PHOTOGRAPHS  
16 182 AND 176.

17 NOW, AS FAR AS THE DIRECTION OF THE

18 WOUND THAT IS DEPICTED IN 182, THE COLOR PHOTOGRAPH,  
19 CAN YOU TELL US HOW YOU DETERMINED THE DIRECTION OF  
20 THAT WOUND BEING FROM THE INSIDE OF THE LEG TO THE  
21 OUTSIDE OF THE LEG.

22 A THIS WOUND SHOWS A GOOD EXAMPLE OF THE  
23 SCALLOPING THAT I WAS TRYING TO DESCRIBE EARLIER.  
24 IF YOU LOOK ON THE INSIDE OF THE LEG, YOU'LL SEE  
25 CURVED AREAS WITH A SCALLOPED PATTERN AND SOME  
26 ABRASION OF THE SKIN EDGES. THIS IS CONSISTENT WITH  
27 AN ENTRANCE WOUND AND, THEREFORE, THE LARGER DEFECT  
28 ON THE OUTSIDE IS THE EXIT.

39883

1 Q OKAY. AND WHAT TYPE OF SHOT WAS IT THAT  
2 CAUSED THIS PARTICULAR WOUND?

3 A BUCKSHOT.

4 Q AND CAN YOU -- AND DIRECTING YOUR  
5 ATTENTION TO THE X RAY THAT HAS BEEN MARKED 176, CAN  
6 YOU TELL US WHAT WE ARE LOOKING AT THERE.

7 A WE'RE LOOKING AT THE SHATTERED FEMUR OR  
8 LEG BONE DUE TO THE GUNSHOT WOUND.

9 Q AND IS THAT THE -- THE LOCATION OF THAT  
10 FRACTURE CORRESPOND TO THE INJURY THAT IS APPARENT  
11 IN THE COLOR PHOTOGRAPH THAT HAS BEEN MARKED 182?

12 A YES. IT'S A FRACTURE OF THE LOWER LEFT

13 THIGH IN THE SAME AREA AS THE GUNSHOT WOUND.

14 Q NOW, DID YOU FORM AN OPINION CONCERNING  
15 WHETHER THIS PARTICULAR WOUND WAS ANTEMORTEM,  
16 PERIMORTEM OR POSTMORTEM?

17 A THIS WOUND WAS POSTMORTEM.

18 Q WHAT CAUSES YOU TO CONCLUDE THAT?

19 A FROM THE WOUND ITSELF IT'S, AS I SAID  
20 EARLIER, DIFFICULT TO TELL. IT LOOKS AS IF IT HAS  
21 HEMORRHAGE ALONG ITS PATH, AND THIS WAS DESCRIBED.  
22 BUT THERE'S A SCENE PHOTOGRAPH THAT SHOWS HIM  
23 SITTING ON THE COUCH WITH THIS WOUND AND THERE IS NO  
24 EVIDENCE OF ACTIVE BLEEDING AROUND THE WOUND.  
25 THERE'S NO ACTIVE BLEEDING ON TO THE COUCH OR ON TO  
26 THE FLOOR. AND IT CLEARLY, THEREFORE, IS A  
27 POSTMORTEM WOUND.

28 Q ALL RIGHT. I'M GOING TO SHOW YOU A

39884

1 PHOTOGRAPH THAT HAS BEEN MARKED AS 201 FOR  
2 IDENTIFICATION.

3 DID THIS PHOTO ASSIST YOU IN MAKING THE  
4 DETERMINATION AS TO WHETHER THAT WOUND WAS  
5 POSTMORTEM?

6 A YES. THIS IS THE PHOTOGRAPH THAT I WAS  
7 REFERRING TO, 201 IS IT?



8 Q YES.

9 A YOU SEE HIS LEFT LEG ROTATED OUT TO HIS  
10 LEFT, AND YOU CAN SEE THE AREA OF WOUNDING; AND  
11 THERE'S JUST A LITTLE BIT OF BLOOD THAT'S TRICKLED  
12 AND FALLEN DOWN ON TO THE COUCH, A LITTLE BIT THAT'S  
13 PULLED ON TO THE CARPET UNDERNEATH, ABOUT THE AMOUNT  
14 YOU WOULD EXPECT IF YOU TOOK FRESHLY KILLED MEAT AND  
15 SHATTERED IT AND THEN HELD IT SOMEWHERE, A CERTAIN  
16 AMOUNT OF THE BLOOD WOULD DRIP OFF OF THE MEAT EVEN  
17 THOUGH THERE'S NO HEART BEAT.

18 THERE'S CERTAINLY NO EVIDENCE OF ACTIVE  
19 ARTERIAL BLEEDING, AND AS YOU CAN SEE IN THE X RAY,  
20 THE FEMUR WAS SHATTERED, AND THIS WOULD HAVE CAUSED  
21 INJURY OF SIGNIFICANTLY -- OF LARGE BLOOD VESSELS.  
22 AND THERE WOULD HAVE BEEN ACTIVE SQUIRTING  
23 HEMORRHAGE AND SO FORTH.

24 SO IF THIS WOUND HAD BEEN BEFORE DEATH,  
25 WE'D SEE MUCH MORE BLOOD AROUND IT AND ON THE FLOOR  
26 AND SO FORTH.

27 Q ALL RIGHT. TURNING NOW TO THE WOUNDS  
28 THAT WERE OBSERVED TO THE BODY OF MARY LOUISE

39885

1 MENENDEZ, I WOULD LIKE TO PLACE UP ON THE BOARD FOR  
2 YOU A DIAGRAM OF A SKELETAL FRAME.

3 AS I SHOW YOU THOSE PHOTOGRAPHS -- I'M  
4 GOING TO PLACE ON THE BOARD A COLOR PHOTOGRAPH THAT  
5 HAS BEEN MARKED 196 ALONG WITH TWO X RAY PHOTOGRAPHS  
6 THAT HAVE BEEN MARKED 171 AND 174.

7 NOW, YOU DESCRIBED, SIR, A WOUND TO THE  
8 LEFT CHEEK OF MARY MENENDEZ.

9 CAN YOU TELL US WHAT TYPE OF WOUND THAT  
10 WAS AND CAN YOU POINT TO IT WITH THE POINTER THERE.

11 A THIS WOUND TO THE LEFT CHEEK IS A  
12 CIRCULAR HOLE WITH A COLLAR OF ABRASION ALL AROUND,  
13 AND THIS, THEN, IS A CONTACT ENTRANCE WOUND.

14 Q ONCE AGAIN, BY CONTACT WOUND, IS THAT A  
15 WOUND THAT WAS INFLICTED WHEN THE MUZZLE WAS PLACED  
16 DIRECTLY TO THE SKIN AT THE TIME THAT THE SHOT WAS  
17 FIRED?

18 A YES.

19 Q ONCE AGAIN, HOW CAN YOU DETERMINE FOR  
20 THAT PARTICULAR WOUND THAT THAT WAS, IN FACT, A  
21 CONTACT WOUND?

22 A SEVERAL THINGS.

23 NUMBER ONE, THE SIZE OF THE ENTRANCE  
24 HOLE, THE PRESENCE OF THE CIRCULAR ABRASION COLLAR,  
25 THE ABSENCE OF GUNSHOT RESIDUE ON THE SKIN AROUND  
26 THE WOUND, BECAUSE ALL THE -- ALL THE POWDER WENT  
27 THROUGH THE SKIN INTO THE HEAD. NONE OF IT WAS ON  
28 THE OUTSIDE SHOWING A FAIRLY TIGHT CONTACT, AND THE

1 PRESENCE, AGAIN, OF WADDING MATERIAL INSIDE, DEEP  
2 INSIDE THE HEAD. THESE ARE ALL CONSISTENT WITH A  
3 CONTACT ENTRANCE WOUND.

4 Q WHAT TYPE OF SHOT WAS USED FOR THAT  
5 PARTICULAR WOUND?

6 A THAT WAS A BIRD SHOT WOUND. THAT WAS  
7 DIFFERENT FROM MOST OF THE OTHERS.

8 Q AND HOW WAS IT DETERMINED THAT THAT SHOT  
9 WAS, IN FACT, A BIRD SHOT WOUND?

10 A BIRD SHOT WERE RECOVERED FROM WITHIN THE  
11 WOUND PATH, AND YOU SEE THEM ON THE X RAY. ALL OF  
12 THESE SMALLER DOTS CONCENTRATED IN THIS AREA, BUT  
13 ALSO SEEN AROUND THE AREA OF ENTRANCE AND IN THE  
14 LOWER FACE AND AS WELL AS UP IN THE BACK OF THE  
15 HEAD. ALL OF THE SMALLER DOTS ARE THE BIRD SHOT.

16 SHE WAS ALSO SHOT WITH ANOTHER BIRD SHOT  
17 IN THE LEFT FACE AND SOME OF THOSE ARE MIXED.

18 Q YOU WERE JUST NOW POINTING TO THE X RAY  
19 PHOTOGRAPH THAT WAS MARKED 171, AND THAT DEPICTS THE  
20 LEFT SIDE OF THE HEAD; IS THAT CORRECT?

21 A YES, BUT THE X RAY GOES ALL THE WAY  
22 THROUGH, SO YOU SEE PELLETS ON BOTH SIDES.

23 Q OKAY. 174 IS THE X RAY AT THE BOTTOM ON  
24 THE BOARD THERE.

25 CAN YOU TELL US WHAT THAT X RAY  
26 DEPICTS.

27 A YOU SEE FRACTURES INVOLVING THE FACIAL  
28 BONES; YOU SEE SOME BUCKSHOT PELLETS, THESE LARGER

39887

1 WHITE STRUCTURES, AND YOU SEE HUNDREDS OF BIRD SHOT  
2 PELLETS. THOSE ARE BOTH FROM THE SIDE OF THE FACE  
3 AND THE CONTACT WOUND IN HER LEFT CHEEK.

4 Q OKAY. NOW, ARE THERE ALSO BUCKSHOT  
5 PELLETS THAT ARE APPARENT IN THAT X RAY PHOTOGRAPH  
6 AS WELL?

7 A YES, THERE ARE.

8 Q WE'LL GET TO THAT LATER.

9 NOW, CAN YOU TELL US, JUST LOOKING AT  
10 THE X RAYS OF THE HEAD OF MARY LOUISE MENENDEZ,  
11 WHERE IN THE SKULL THERE WERE FRACTURES.

12 A EVERYWHERE. ALL OF THE FACIAL BONES  
13 WERE SHATTERED. THE SKULL WAS SHATTERED. THE BASE  
14 OF THE SKULL WAS IN MANY PIECES. THERE WAS JUST  
15 EXTENSIVE FRACTURES THROUGHOUT THE HEAD, AS ONE  
16 WOULD EXPECT.

17 Q ALL RIGHT. AT THIS TIME, IF YOU WOULD  
18 GO TO THE BOARD AND JUST INDICATE, PERHAPS WITH THAT  
19 RED MARKER -- I'M GOING TO ASK YOU TO MARK WHERE  
20 THERE WERE FRACTURES TO THE SKELETAL FRAME OF MARY  
21 LOUISE MENENDEZ, AND YOU WOULD JUST INDICATE WITH

22 THE RED MARKER WHERE YOU OBSERVED THE FRACTURES TO  
23 THE HEAD.  
24 A I'M DRAWING MULTIPLE FRACTURES ABOUT THE  
25 HEAD AND FACE.  
26 Q OKAY.  
27 A THERE WAS A FRACTURE OF HER LEFT --  
28 CORRECTION -- HER RIGHT COLLAR BONE AREA. THERE WAS

39888

1 A LARGE FRACTURE OF THE RIGHT ARM BONE. THERE WAS A  
2 FRACTURE OF THE FOREARM ALSO.

3 Q I DON'T KNOW IF THOSE X'S ARE VISIBLE TO  
4 THE JURY. PERHAPS YOU CAN MAKE THEM A LITTLE LARGER  
5 SO THE JURY CAN SEE THEM.

6 A THERE WERE ALSO SHATTERING FRACTURES OF  
7 THE HAND ON THE RIGHT SIDE. SHE HAD A FRACTURE OF  
8 HER LEFT FEMUR, FRACTURE OF THE LEFT LOWER LEG.  
9 THERE WAS ALSO A FRACTURE IN THE LEFT SHOULDER. AND  
10 THAT'S PRETTY MUCH IT. I'D HAVE TO REVIEW THE  
11 X RAYS TO SEE IF I SKIPPED ANYTHING.

12 Q THANK YOU, SIR. YOU MAY RETURN TO YOUR  
13 SEAT AT THIS TIME.

14 NOW, AS FAR AS THE DIRECTION OF THAT  
15 WOUND IS CONCERNED, BY LOOKING AT THE PHOTOGRAPH  
16 THAT HAS BEEN MARKED 196, AS WELL AS THE TWO X RAYS

17 THERE, 171 AND 174, ARE YOU ABLE TO DETERMINE  
18 ANYTHING ABOUT THE ANGLE AT WHICH THE WEAPON WAS  
19 PLACED TO THE FACE OF MARY LOUISE MENENDEZ AT THE  
20 TIME THAT THE SHOT WAS FIRED?

21 A THE DIRECTION IS FRONT TO BACK AND  
22 POSSIBLY SLIGHTLY UPWARD, AND IT MAY BE A LITTLE  
23 BIT -- A LITTLE BIT -- TRY AND LOOK AT MY DOLL. I  
24 THINK IT'S PRETTY MUCH STRAIGHT ON.

25 Q OKAY. SO THE SHOT THAT YOU'RE REFERRING  
26 TO ON THE DOLL WOULD BE THIS ONE RIGHT HERE?

27 A CORRECT.

28 Q THAT IS THE ONE ON THE LEFT-HAND SIDE OF

39889

1 HER FACE.

2 AND HOW ARE YOU ABLE TO DETERMINE THAT  
3 BY REFERENCE TO THE X RAYS, PHOTO AND THE AUTOPSY  
4 REPORT?

5 A THE X RAY SHOWS THE MAIN SHOT MASS  
6 LOCATED -- I'M TALKING ABOUT THE BIRD SHOT MASS --  
7 LOCATED IN THIS AREA, WHICH IS ROUGHLY LEVEL WHERE  
8 THE ENTRANCE HOLE IS. THE FRONT TO BACK VIEW -- I'M  
9 SORRY -- YES, THE FRONT TO BACK VIEW SHOWS THE SHOT  
10 PRETTY MUCH CONCENTRATED NEAR THE MIDLINE OR MAYBE A  
11 LITTLE OFF TO THE LEFT SIDE, AGAIN CONSISTENT WITH

12 PRETTY MUCH STRAIGHT IN.

13       THESE DIRECTIONS AREN'T PRECISE, AS YOU  
14 CAN IMAGINE. WE'RE JUST GIVING A ROUGH IDEA. WE'RE  
15 NOT TALKING ABOUT A SINGLE PROJECTILE AND TWO  
16 HOLES. WE'RE TALKING ABOUT MANY HOLES AND THEY  
17 DESTROY THE STRUCTURES.

18     Q   NOW, AS FAR AS THE LETHALITY OF THIS  
19 PARTICULAR WOUND, WOULD THIS WOUND BE IMMEDIATELY  
20 FATAL?

21     A   PROBABLY VERY RAPIDLY FATAL. NOT  
22 NECESSARILY IMMEDIATELY FATAL, BUT WITHIN A MATTER  
23 OF MOMENTS, YES, SIR.

24     Q   PLACING THREE MORE PHOTOGRAPHS ON THE  
25 BOARD FOR YOU AT THIS TIME, WHICH HAVE BEEN MARKED  
26 188, COLOR PHOTOGRAPH, 195, COLOR PHOTOGRAPH, AND  
27 170, AN X RAY PHOTOGRAPH.

28       NOW, YOU JUST FINISHED DESCRIBING ONE OF

39890

1 THE BIRD SHOT WOUNDS; THAT IS THE SHOT TO THE LEFT  
2 CHEEK.

3       WHERE WAS THE OTHER BIRD SHOT WOUND?

4     A   THROUGH THE LEFT SHOULDER ON INTO THE  
5 LEFT SIDE OF THE FACE.

6     Q   ALL RIGHT. THERE IN PHOTOGRAPH NO. 188,

7 WE HAVE WHAT APPEARS TO BE THE LEFT SHOULDER.

8 WOULD YOU DESCRIBE THAT WOUND THERE.

9 A THIS IS AN EXPLOSIVE GAPING DEFECT WITH  
10 PORTION OF ABRASION COLLAR RECOGNIZABLE ON THE LOWER  
11 MARGIN AND A PUSHING UP AND LIFTING AND SHREDDING OF  
12 THE TISSUES AS THE SHOT MASS PASSES UPWARD ON INTO  
13 THE LEFT SIDE OF THE FACE, SEEN IN PEOPLE'S NUMBER --

14 Q THAT IS 195.

15 A -- 195 WITH BIRD SHOT INJURY TO THE LEFT  
16 SIDE OF THE FACE.

17 Q CAN YOU TELL US WHAT IS DEPICTED IN THAT  
18 BOTTOM X RAY THAT HAS BEEN MARKED 170.

19 A IT SHOWS BIRD SHOT PELLETS AND FRACTURES  
20 IN THE LEFT SHOULDER AREA.

21 Q NOW, YOU SAID THAT CONCERNING THE TOP  
22 PHOTOGRAPH, 188, THERE WAS A PUSHING UP.

23 WHAT DO YOU MEAN BY PUSHING UP?

24 A THE SHOT MASS ENTERED IN THE LOWER  
25 PORTION OF THE WOUND IN AN UPWARD DIRECTION,  
26 SHATTERED AND PUSHED THE TISSUES AHEAD OF IT AS IT  
27 WENT ONWARD UPWARD TOWARD THE FACE.

28 Q ARE YOU ABLE TO SEE THAT, THE TISSUE IN

1 A POSITION THAT IT APPEARED TO HAVE BEEN PUSHED UP?



2 A YES.

3 Q HOW DO YOU DETERMINE THAT BY LOOKING AT  
4 A PHOTOGRAPH?

5 A IT JUST LOOKED THAT WAY. THE TISSUE  
6 HERE APPEARS TO HAVE BEEN PUSHED UP.

7 Q OKAY.

8 A IT'S NOT VERY SCIENTIFIC.

9 Q IS THAT THE REASON WHY YOU ASSOCIATE THE  
10 WOUND THAT IS DEPICTED IN 188 AS BEING PART OF THE  
11 SAME WOUND THAT IS DEPICTED IN PHOTOGRAPH 195?

12 A YES, SIR, THAT'S ONE OF THE REASONS.

13 Q OKAY. ARE THERE OTHER REASONS WHY YOU  
14 ASSOCIATE THOSE TWO WOUNDS TOGETHER?

15 A THE ENTRANCE WOUND TO THE LEFT SIDE OF  
16 THE FACE HAS SOME ATYPICAL FEATURES, THE PELLETS  
17 HAVE AN IRREGULAR DISTRIBUTION, AND IT JUST LOOKS  
18 LIKE A WOUND WHERE THE PELLETS HAVE PASSED THROUGH  
19 SOMETHING ELSE ON THE WAY. AND YOU'LL NOTICE THAT  
20 THE PELLET MARKS ARE FURTHER APART THAN THEY ARE IN  
21 THE ENTRANCE WOUND ON THE SHOULDER.

22 SO, AGAIN, IT'S LIKE BILLIARD BALLS; IF  
23 THEY STRIKE SOMETHING FIRST, THEN THEY TEND TO  
24 SPREAD BEFORE THEY HIT THE NEXT THING.

25 Q ALL RIGHT. AND IN THE X RAY THAT HAS  
26 BEEN MARKED 170, CAN YOU SEE THE BIRD SHOT IN THAT  
27 X RAY. THAT IS THE BOTTOM ONE ON THE LEFT-HAND  
28 SIDE, 170. CAN YOU SEE BIRD SHOT IN THE X RAY?

1 A YES. THEY'RE CONCENTRATED IN THE  
2 SHOULDER AREA.

3 Q AND THE FRACTURE THAT YOU'RE REFERRING  
4 TO, TO THAT SHOULDER AREA, WHERE DO YOU SEE THAT  
5 FRACTURE?

6 A ACTUALLY, THE FRACTURE IS DOWN HERE IN  
7 THE UPPER ARM.

8 Q I SEE.

9 A RIGHT WHERE THE ENTRANCE WOULD BE.

10 Q ALL RIGHT. YOU'VE DESCRIBED TWO OF THE  
11 SHOTS TO THE HEAD AREA, BOTH BEING BIRD SHOT.

12 I WOULD LIKE TO SHOW YOU ANOTHER  
13 PHOTOGRAPH THAT HAS BEEN MARKED 194, AND DIRECT YOUR  
14 ATTENTION TO A WOUND WHICH HAS BEEN DESCRIBED AS A  
15 PENETRATING WOUND OF THE RIGHT --

16 MS. ABRAMSON: I'M GOING TO OBJECT TO COUNSEL  
17 READING SOMEONE'S DESCRIPTION, UNLESS IT'S -- UNLESS  
18 THE WITNESS SO DESCRIBED IT.

19 THE COURT: SUSTAINED.

20 Q BY MR. CONN: YOU DESCRIBED A WOUND IN  
21 THIS FIGURE THAT HAS BEEN MARKED AS 205 AS BEING A  
22 WOUND TO THE AREA OF THE RIGHT EYE.

23 CAN YOU TELL US WHAT TYPE OF WOUND THAT  
24 WAS.

25 A THIS --

26 MS. ABRAMSON: CAN I APPROACH, YOUR HONOR?  
27 THE COURT: YES.  
28 THE WITNESS: THIS IS A PENETRATING BUCKSHOT

39893

1 WOUND OF THE RIGHT SIDE OF THE FACE INVOLVING THE  
2 EYE AND THE CHEEK.

3 Q BY MR. CONN: OKAY. AND CAN YOU TELL US  
4 WHAT WAS THE FULL PARAMETER OR SCOPE OF THAT  
5 PARTICULAR WOUND TO THE AREA OF THE RIGHT EYE.

6 A I'D SAY IT'S ABOUT A FOUR-INCH AREA.

7 Q AND IT STRUCK THE AREA OF THE RIGHT  
8 EYE.

9 ANY OTHER PARTS OF THE FACE OTHER THAN  
10 THE RIGHT EYE?

11 A THE NOSE, THE UPPER PORTION OF THE  
12 CHEEK.

13 Q WHAT TYPE OF A SHOT WAS USED FOR THAT  
14 WOUND?

15 A BUCKSHOT.

16 Q AND YOU'VE IDENTIFIED IN THE X RAYS THAT  
17 HAVE BEEN MARKED 171 AND 174 LOCATIONS WHERE YOU  
18 OBSERVED BIRD SHOT.

19 YOU ALSO SEE BUCKSHOT IN THOSE X RAYS?

20 A YES, YOU DO. HERE THEY ARE CONCENTRATED

21 IN THE FACE AREA OF 173 -- IS IT 173?

22 Q YES. THAT'S 171.

23 A 171. AND IN THE BOTTOM X RAY THEY ARE  
24 SEEN IN THE FOREHEAD AND IN THE MID PORTION OF THE  
25 FACE AS WELL. ALSO DOWN AROUND THE MOUTH.

26 Q ARE THOSE BUCKSHOT THAT IS APPARENT IN  
27 THOSE X RAYS, BUCKSHOT THAT YOU CONTRIBUTE TO THAT  
28 WOUND TO THE RIGHT EYE OF MARY LOUISE MENENDEZ?

39894

1 A I DIDN'T HEAR YOUR QUESTION.

2 Q YES. THE BUCKSHOT THAT YOU HAVE BEEN  
3 POINTING TO IN THOSE X RAY PHOTOGRAPHS, IS THAT  
4 BUCKSHOT THAT YOU ATTRIBUTE TO THE WOUND THAT I HAVE  
5 JUST -- THE WOUND THAT IS DEPICTED IN THE PHOTOGRAPH,  
6 194, THAT I HAVE JUST PLACED ON THE BOARD.

7 A YES.

8 Q NOW, THAT WOUND, CAN YOU TELL US IF THAT  
9 WOUND WAS A DIRECT ON-HIT TO THE FACE OR WHETHER  
10 THAT WAS AT AN ANGLE.

11 A PROBABLY ANGLED A LITTLE BIT TOWARD HER  
12 LEFT. PRETTY MUCH HORIZONTAL AND A LITTLE BIT  
13 TOWARD HER LEFT.

14 Q AND HOW WERE YOU ABLE TO DETERMINE  
15 THAT?

16 A BY THE SHOT PATH THAT WAS DESCRIBED AT  
17 THE TIME OF THE INITIAL AUTOPSY AND ALSO BY THE  
18 APPEARANCE OF THE X RAYS.

19 Q AND WOULD THAT WOUND BE IMMEDIATELY  
20 FATAL?

21 A PROBABLY NOT. BUT IT COULD BE QUITE  
22 RAPIDLY FATAL, SAY A MATTER OF MINUTES.

23 Q ALL RIGHT. SO DO THOSE PHOTOGRAPHS  
24 WHICH ARE ON THE BOARD RIGHT NOW ACCOUNT FOR ALL  
25 THREE OF THE SHOTS THAT YOU HAVE DEPICTED IN THAT  
26 FIGURE THAT YOU HAVE PREPARED AND WHICH HAS BEEN  
27 MARKED 205 FOR IDENTIFICATION?

28 A YES.

39895

1 Q I'LL TAKE THOSE DOWN THEN QUESTION YOU  
2 CONCERNING INJURIES TO THE OTHER AREAS OF THE BODY.

3 I WILL BE PLACING ON THE BOARD AT THIS  
4 TIME A COLOR PHOTOGRAPH THAT HAS BEEN MARKED 192; A  
5 SECOND COLOR PHOTOGRAPH, WHICH HAS BEEN MARKED 190;  
6 AN X RAY WHICH HAS BEEN MARKED 167, AND ANOTHER ONE  
7 WHICH HAS BEEN MARKED 173.

8 I'LL ALSO PLACE ON THE BOARD A  
9 PHOTOGRAPH THAT HAS BEEN MARKED 197.

10 NOW, SIR, YOU DESCRIBED IN THE FIGURE

11 THAT HAS BEEN PREPARED AND MARKED 205 BY YOURSELF,  
12 AN INJURY WHICH ON THIS FIGURE APPEARS TO GO THROUGH  
13 THE RIGHT FOREARM AND INTO THE RIGHT UPPER ARM.

14 DIRECTING YOUR ATTENTION NOW TO THE  
15 PHOTOGRAPHS THAT I HAVE PLACED ON THE BOARD, DO YOU  
16 SEE THAT INJURY DEPICTED THERE?

17 A YES. IT IS BEST DEPICTED IN THE BOTTOM  
18 PHOTOGRAPH. YOU CAN SEE THE GROTESQUE PERFORATING  
19 INJURY OF THE RIGHT FOREARM, THEN CONTINUING ON INTO  
20 THE UPPER ARM.

21 Q OKAY. THAT IS 197.

22 THE PHOTOGRAPH ABOVE THAT, WHICH IS 190,  
23 IS THAT A CLOSE-UP VIEW OF THAT INJURY TO THE RIGHT  
24 FOREARM?

25 A YES.

26 Q AND THE PHOTOGRAPH ABOVE THAT, 192, IS  
27 THAT ALSO A CLOSE-UP VIEW OF THE INJURY TO THE RIGHT  
28 UPPER ARM?

39896

1 A YES.

2 Q AND IMMEDIATELY ADJACENT TO EACH OF  
3 THOSE INJURIES ARE X RAYS. 173 IS THE LOWER ONE.

4 COULD YOU TELL US WHAT IS DEPICTED IN  
5 THAT X RAY.

6       A   IT SHOWS A GAPING SOFT TISSUE DEFECT AND  
7 AN EXPLOSIVE FRACTURE OF THE BONE WITH MUCH OF THE  
8 TISSUE MISSING, A FEW FRAGMENTS OF PELLETS THAT HAVE  
9 BEEN SHAVED OFF AS THEY PASS THROUGH; AND THEN THE  
10 X RAY ABOVE IT SHOWS THE MAJORITY OF THE BUCKSHOT  
11 PELLETS LODGED INSIDE THE TISSUES OF THE UPPER ARM  
12 WITH SOME OTHERS HAVING PASSED ON THROUGH.

13       Q   OKAY. BOTH OF THOSE PHOTOGRAPHS THAT  
14 YOU HAVE JUST IDENTIFIED DEPICT A FRACTURE TO THE  
15 ARM HERE IN THE RIGHT FOREARM AND THEN HERE IN THE  
16 RIGHT UPPER ARM; IS THAT CORRECT?

17       A   YES.

18       Q   AND YOU HAVE DRAWN ON THE INTERNAL  
19 INJURY CHART OF MARY MENENDEZ BOTH OF THOSE  
20 FRACTURES; IS THAT CORRECT?

21       A   YES, EXCEPT THAT I NOTICE NOW THAT MY  
22 ARM FRACTURE IS A LITTLE BIT TOO LOW. IT SHOULD  
23 HAVE BEEN ABOUT ANOTHER FOUR INCHES UP THE ARM.

24       Q   YOU'RE REFERRING TO THIS MARK RIGHT  
25 HERE?

26       A   YES, SIR.

27       Q   OKAY. THAT IS IN THE RIGHT ARM.

28       YOU'VE ALSO DEPICTED IN THAT INTERNAL

1 INJURY CHART ANOTHER FRACTURE TO THE AREA OF THE  
2 RIGHT HAND.

3 DO YOU SEE THAT IN THE X RAY PHOTOGRAPH  
4 THERE?

5 A YES, IN THE REGION OF THE THUMB.

6 Q OKAY. PERHAPS -- IF YOU HAVE THAT  
7 POINTER, PERHAPS YOU CAN REACH IT FROM WHERE YOU  
8 ARE.

9 A (WITNESS POINTING.)

10 Q ALL RIGHT. AND YOU'VE ALSO INDICATED ON  
11 THE INTERNAL INJURY CHART, A FRACTURE IN THE AREA OF  
12 THE RIGHT SHOULDER.

13 CAN YOU SHOW US WHAT YOU WERE REFERRING  
14 TO WHEN YOU MADE THAT.

15 A THE COLLAR BONE IS BROKEN HERE.

16 Q NOW, CAN YOU TELL US, SIR, WHY IT IS  
17 THAT YOU'VE ASSOCIATED THESE TWO WOUNDS TOGETHER;  
18 THAT IS, THE WOUND TO THE RIGHT FOREARM AND THE  
19 WOUND TO THE RIGHT UPPER ARM.

20 A WELL, AS YOU CAN SEE IN THE BOTTOM  
21 PHOTOGRAPH, THEY LINE UP PERFECTLY WHEN THE ARM IS  
22 HELD AGAINST THE BODY IN A DEFENSIVE POSTURE, AND IT  
23 ALSO HAPPENS THAT THE HAND WOUND LINES UP WITH THE  
24 CONTINUATION INTO THE COLLAR BONE AREA.

25 Q OKAY. THAT'S A SEPARATE WOUND I'LL DEAL  
26 WITH IN JUST A MOMENT.

27 DIRECTING YOUR ATTENTION TO THESE TWO  
28 PARTICULAR WOUNDS AT THE MOMENT, WERE YOU ABLE TO



1 DETERMINE, FROM THE AUTOPSY REPORT OR FROM THE  
2 PHOTOGRAPHS OR THE X RAYS, ANYTHING ABOUT THE  
3 DIRECTION FROM WHICH THAT PARTICULAR SHOT WAS FIRED  
4 AT MARY LOUISE MENENDEZ?

5 A WELL, IT WOULD DEPEND ON EXACTLY WHERE  
6 HER ARM WAS HELD, BUT IN GENERAL IT CAME FROM THE  
7 FRONT AND MORE OR LESS STRAIGHT IN FRONT OF HER OR  
8 MAYBE OFF TO HER LEFT A LITTLE BIT.

9 Q OKAY. AND AS FAR AS THE ANGLE, THE  
10 RELATIVE POSITION OR THE TRAJECTORY AT WHICH THE GUN  
11 WOULD HAVE BEEN PLACED IN ORDER TO STRIKE THOSE TWO  
12 SURFACES, WOULD IT BE AS YOU HAVE DEPICTED IN THE  
13 DOLL THERE; THAT IS, IT APPEARS THAT THE ARM IS  
14 RAISED IMMEDIATELY -- OR RIGHT IN FRONT OF THE BODY?

15 A YES. THE DOLL DOESN'T -- IT CANNOT BE  
16 MANIPULATED LIKE A TRUE PERSON, AND A MORE NATURAL  
17 REACTION WOULD BE TO COWER AND TO PULL THE  
18 EXTREMITIES INTO THE BODY.

19 MS. ABRAMSON: YOUR HONOR, I'M GOING TO  
20 OBJECT TO THAT AS BEYOND HIS EXPERTISE.

21 THE COURT: OVERRULED.

22 MS. ABRAMSON: NO FOUNDATION.

23 THE COURT: OVERRULED.

24 THE WITNESS: SO WE DON'T KNOW THAT THE ELBOW  
25 WAS NECESSARILY AWAY FROM THE BODY. WE REALLY DON'T  
26 KNOW ALL OF THE INFORMATION TO TELL YOU EXACT  
27 DIRECTION. IT WOULD DEPEND ON IF THE ELBOW WERE  
28 AGAINST THE TORSO VERSUS IF IT WERE ELEVATED OR OUT

39899

1 IN FRONT AND WE JUST DON'T KNOW.

2 Q BY MR. CONN: OKAY. THIS WOUND TO THE  
3 RIGHT FOREARM AND TO THE RIGHT UPPER ARM, WAS THAT  
4 ALSO A BUCKSHOT WOUND?

5 A YES.

6 Q AND CAN YOU TELL US IF THIS WOUND WAS  
7 ANTEMORTEM, PERIMORTEM OR POSTMORTEM?

8 A IT WAS ANTEMORTEM, BEFORE DEATH. THAT'S  
9 BASED ON HEMORRHAGE ALONG THE WOUND PATH, BRUISING  
10 OF THE SKIN AROUND THE EDGES OF THE WOUND, AND, OF  
11 COURSE, THE POSTURE THAT THE EXTREMITY WAS HELD IN  
12 AT THE TIME OF FIRING. THIS IS NOT A -- IT WOULD NOT  
13 BE POSSIBLE TO HOLD YOUR ARM IN THIS POSITION IF YOU  
14 WERE DEAD.

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-25636

1 Q. WOULD THIS WOUND BE IMMEDIATELY FATAL?

2 A. NO.

3 Q. AND WHY IS THAT?

4 A. IT DID INJURE MAJOR BLOOD VESSELS AND WOULD  
5 CAUSE EXTENSIVE AND SEVERE HEMORRHAGE, BUT THAT WOULD  
6 TAKE AT LEAST MANY MINUTES TO KILL YOU, AND MAY NOT KILL  
7 YOU AT ALL. YOU MAY GO INTO SHOCK AND THEN SURVIVE.

8 Q. LET ME SHOW YOU THREE MORE PHOTOGRAPHS TO  
9 THE SAME AREA OF THE BODY.

10 ONE IS A PHOTOGRAPH THAT HAS BEEN MARKED  
11 199, THE SECOND IS A PHOTOGRAPH THAT HAS BEEN MARKED  
12 193, AND THE THIRD IS A PHOTOGRAPH THAT HAS BEEN MARKED  
13 191.

14 NOW, YOU HAVE DESCRIBED -- ONCE AGAIN  
15 REFERRING BACK TO THE FIGURE THAT HAS BEEN MARKED AS 205

16 FOR IDENTIFICATION HERE IN COURT, AN INJURY WHICH  
17 APPEARS TO GO INTO THE AREA OF THE RIGHT HAND AND THEN  
18 INTO THE AREA OF THE RIGHT CLAVICLE OR COLLAR BONE AREA.

19 NOW, DO YOU SEE PHOTOGRAPHS ON THE BOARD AT  
20 THIS TIME; THAT IS 199, 193 AND 191 WHICH DEPICT THE  
21 WOUND THAT YOU HAVE DESCRIBED IN THAT MANNEQUIN OR DOLL?

22 A. YES.

23 Q. AND CAN YOU TELL US, DIRECTING YOUR  
24 ATTENTION FIRST TO THE TOP PHOTOGRAPH, 199, WHAT IT IS  
25 WE ARE LOOKING AT THERE?

26 A. WE'RE LOOKING AT THE RIGHT COLLAR BONE  
27 AREA, AND ALSO THE RIGHT NECK AND PORTIONS OF HER FACE,  
28 AND THE WOUNDS THAT WE ARE INTERESTED IN IS THE

-25635

1 COLLECTION OF HOLES AND IRREGULAR ABRASIONS IN THE  
2 REGION OF THE COLLAR BONE, AND THOSE ARE WHAT I CALL  
3 ATYPICAL ENTRANCE WOUNDS; THAT IS, THEY ARE ENTRANCE  
4 WOUNDS CAUSED BY PELLETS THAT HAVE ALREADY BEEN DEFORMED  
5 AS THEY PASS THROUGH SOMETHING ELSE. IN THIS CASE IT  
6 WAS HER RIGHT HAND THAT THE PELLETS WENT THROUGH FIRST  
7 BEFORE THEY STRUCK ANY COLLAR BONE AREA.

8 Q. AND DO YOU ASSOCIATE THE WOUND TO THE  
9 CLAVICLE AREA TO THE RIGHT SIDE OF THE JAW AND TO THE  
10 HAND AS ALL BEING PART OF THE SAME SHOT?

11 A. YES.

12 Q. AND CAN YOU TELL US WHY YOU ASSOCIATE THOSE  
13 THREE WOUNDS TOGETHER?

14 A. WELL, THE HEAD WOUND IS CONSISTENT WITH  
15 AGAIN ATYPICAL PELLET WOUNDS COMING THROUGH SOMETHING  
16 ELSE BEFORE IT HIT THE HEAD, AND ALSO THAT PART OF THE  
17 FACE WAS PROBABLY QUITE CLOSE TO THE COLLAR BONE AT THE  
18 TIME OF FIRING.

19 THE WAY YOU SEE IT NOW THE HEAD IS  
20 STRETCHED UP AND AWAY, BUT AT THE TIME OF FIRING IT  
21 PROBABLY WAS CROUCHED DOWN LIKE THIS (INDICATING) QUITE  
22 CLOSE TO THE SAME AREA.

23 Q. AND WHAT TYPE OF SHOT WAS USED FOR THIS  
24 PARTICULAR INJURY?

25 A. BUCKSHOT.

26 Q. CAN YOU TELL US ANYTHING ABOUT THE  
27 DIRECTION OF THE SHOT RELATIVE TO THE BODY AT THE TIME  
28 THAT THAT SHOT WAS FIRED?

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1 A. FRONT TO BACK, AND PROBABLY MORE OR LESS  
2 HORIZONTAL.

3 AGAIN, IT'S DIFFICULT, BECAUSE I AM NOT  
4 SURE OF THE EXACT POSITION OF THE HAND.

5 Q. AND WHEN YOU SAY MORE OR LESS HORIZONTAL,  
6 WHAT DO YOU MEAN BY THAT?

7 A. NOT SHARPLY UPWARD OR DOWNWARD. IT MIGHT

8 HAVE BEEN OFF TO HER RIGHT A LITTLE BIT, BUT NOT SHARPLY  
9 UP OR DOWN.

10 Q. AND WOULD THIS WOUND BE AN IMMEDIATELY  
11 FATAL WOUND?

12 A. PROBABLY NOT. IT COULD HAVE KILLED HER IN  
13 A MATTER OF HOURS, BUT PROBABLY NOT ANY QUICKER THAN  
14 THAT BY ITSELF.

15 Q. ALL RIGHT. LET ME TAKE THOSE PHOTOGRAPHS  
16 DOWN, AND THEN I WILL DIRECT YOUR ATTENTION TO SOME  
17 INJURIES TO ANOTHER PART OF THE BODY.

18 ALL RIGHT. I HAVE A COLOR PHOTOGRAPH WHICH  
19 HAS BEEN MARKED 187, AN X-RAY WHICH HAS BEEN MARKED 169,  
20 AND A SECOND X-RAY WHICH HAS BEEN MARKED 179.

21 NOW, YOU DESCRIBED ONCE AGAIN GETTING BACK  
22 TO THE FIGURE THAT YOU HAVE PREPARED, A SHOT WHICH  
23 APPEARS TO GO IN THE VICINITY OF THE LEFT BREAST AREA.

24 DO YOU SEE THAT WOUND INDICATED IN THE  
25 PHOTOGRAPH THAT HAS BEEN MARKED 187?

26 A. YES.

27 Q. AND CAN YOU TELL US WHAT WE ARE LOOKING AT  
28 THERE?

-25633

1 A. WE ARE LOOKING AT MULTIPLE PELLET MARKS  
2 CONCENTRATED IN HER LEFT BREAST, AND A FEW STRAY PELLET  
3 MARKS ALSO IN THE LEFT FOREARM, INDICATING THAT THE

4 FOREARM WAS PROBABLY NEAR THE BREAST AS THE SHOTS PASSED  
5 BY.

6 Q. OKAY. NOW, THIS PARTICULAR WOUND, DO YOU  
7 ASSOCIATE OR CAN THAT WOUND BE ASSOCIATED WITH ANY OF  
8 THE OTHER WOUNDS TO THE BODY OF JOSE MENENDEZ?

9 A. THE BREAST WOUND IS INTERESTING OR  
10 DIFFERENT FROM HER OTHER WOUNDS IN THAT IT INDICATES A  
11 GREATER RANGE OF FIRE, BECAUSE THE PELLETS ARE MORE  
12 WIDELY SPREAD. THAT WOULD SUGGEST THAT THE PELLETS MAY  
13 HAVE PASSED THROUGH SOMETHING ELSE BEFORE THEY STRUCK  
14 THE BREAST, OR THAT THEY CAME FROM A FURTHER DISTANCE.

15 THE ONLY DISTANCE SHOT SIMILAR TO THAT ON  
16 JOSE WAS HIS LEFT ELBOW, AND IN THE LEFT ELBOW SHOT ON  
17 JOSE WE DON'T SEE ALL OF THE PELLETS ACCOUNTED FOR.  
18 THERE ARE ONLY PORTIONS OF THE SHOT PATTERN THAT HIT HIS  
19 ELBOW.

20 SO, I BELIEVE THE REMAINDER OF THE SHOT  
21 PATTERN WENT ON AND STRUCK HER IN THE LEFT BREAST.

22 Q. AND YOU ALSO INDICATED THAT YOU CANNOT RULE  
23 OUT THE INJURY TO JOSE MENENDEZ' RIGHT ARM AS BEING A  
24 PART OF THE SAME SHOT TO HIS LEFT ARM.

25 WOULD THAT SHOT TO KITTY'S BREAST ALSO  
26 POSSIBLY BE ASSOCIATED WITH THE INJURY TO JOSE'S RIGHT  
27 ARM?

28 MS. ABRAMSON: WELL, I AM GOING TO OBJECT TO THE

1 QUESTION AS VAGUE, YOUR HONOR. THERE ARE TWO DIFFERENT  
2 AREAS OF INJURY TO THE RIGHT ARM, TWO DIFFERENT WOUNDS,  
3 ACCORDING TO THIS WITNESS.

4 THE COURT: CAN YOU BE MORE SPECIFIC?

5 Q. BY MR. CONN: YES.

6 YOU HAVE INDICATED THAT IN REGARD TO THE  
7 RIGHT ARM OF JOSE MENENDEZ THERE APPEARS TO BE SEPARATE  
8 PELLET DEFECTS TO THE RIGHT ARM OF JOSE MENENDEZ.

9 DO YOU REMEMBER TESTIFYING TO APPROXIMATELY  
10 SIX DIFFERENT PELLET DEFECTS IN THE AREA OF HIS RIGHT  
11 ARM?

12 MS. ABRAMSON: I AM GOING TO OBJECT. I DON'T  
13 THINK HE TESTIFIED TO A NUMBER OF DEFECTS.

14 THE WITNESS: I THINK I KNOW WHAT YOU'RE TALKING  
15 ABOUT, AND I DID NOT MENTION THE NUMBER OF PELLETS.

16 BUT YOU WILL REMEMBER THERE WAS THE LARGE  
17 PERFORATING JAGGED DEFECT IN HIS ARM, AND BELOW IT WERE  
18 SEVERAL INDIVIDUAL PELLET MARKS.

19 Q. RIGHT.

20 A. SOME OF THOSE COULD HAVE BEEN PART OF THE  
21 SAME PELLETS THAT WENT INTO HIS ELBOW, ACROSS. A FEW  
22 STRUCK HIS ARM AND THE REMAINDER ENDED UP IN HER BREAST.

23 Q. THAT WOUND TO HER LEFT BREAST WHICH IS  
24 DEPICTED IN 187, WOULD THAT BE AN IMMEDIATELY FATAL  
25 WOUND?

26 A. NO.

27 Q. AND CAN YOU TELL US WHY THAT IS THE CASE?

28 A. IT -- SOME OF THE PELLETS DID STRIKE LUNG



1 TISSUE, SO IT IS POTENTIALLY FATAL, BUT IT WOULD NOT BE  
2 IMMEDIATELY FATAL. IT WOULD TAKE THE PERSON SOME TIME  
3 TO DIE OF INTERNAL BLEEDING AND COLLAPSE OF THE LUNG.

4 Q. COULD A PERSON STILL BE MOBILE AFTER  
5 RECEIVING A SHOT SUCH AS THAT?

6 A. OH, YES. ABSOLUTELY.

7 Q. JUST BENEATH THE COLOR PHOTOGRAPH IS AN  
8 X-RAY WHICH HAS BEEN MARKED 169.

9 CAN YOU TELL US WHAT WE ARE LOOKING AT  
10 THERE?

11 A. WE ARE LOOKING AT BUCKSHOT PELLETS IN THE  
12 CHEST AREA FROM THE BREAST WOUND.

13 Q. AND JUST BENEATH THAT X-RAY THERE IS  
14 ANOTHER X-RAY WHICH HAS BEEN MARKED AS 179.

15 CAN YOU TELL US WHAT WE ARE LOOKING AT  
16 THERE?

17 A. A PHOTO -- CORRECTION, AN X-RAY OF THE  
18 LOWER CHEST AND ABDOMEN, AND WE SEE AGAIN SOME OF THE  
19 PELLETS IN THE CHEST AND A STRAY PELLET DOWN IN THE  
20 ABDOMEN.

21 Q. AND WAS THIS --

22 A. TWO STRAY PELLETS.

23 Q. AND WAS THIS SHOT INFLICTED WITH BUCKSHOT?

24 A. YES.

25 Q. ALL RIGHT. LET ME TAKE THOSE DOWN, AND I

26 WILL DIRECT YOUR ATTENTION THEN TO SOME SHOTS TO THE  
27 LEFT LEG OF KITTY MENENDEZ.  
28 I WILL BE PLACING ON THE BOARD A COLOR

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1 PHOTOGRAPH THAT HAS BEEN MARKED 186, ANOTHER THAT HAS  
2 BEEN MARKED 200, AND TWO X-RAYS; ONE THAT HAS BEEN  
3 MARKED 168 AND THE SECOND ONE THAT HAS BEEN MARKED 178.

4 YOU DESCRIBED ON THE DOLL OR THE MANNEQUIN  
5 THAT YOU HAVE BROUGHT TO COURT THIS INJURY, THIS WOUND  
6 WHICH GOES THROUGH THE TOP --

7 MS. ABRAMSON: I AM GOING TO OBJECT TO COUNSEL  
8 TESTIFYING.

9 THE COURT: OVERRULED.

10 Q. BY MR. CONN: WHICH GOES THROUGH THE LEFT  
11 THIGH.

12 DO YOU SEE THAT WOUND DEPICTED IN THE  
13 PHOTOGRAPHS THAT ARE ON THE BOARD AT THIS TIME?

14 A. YES.

15 THE -- THIS PHOTOGRAPH ON THE RIGHT BOTTOM  
16 DEPICTS THE LEFT THIGH OF THE VICTIM WITH HER KNEE  
17 TOWARD THE LEFT SIDE OF THE PHOTOGRAPH.

18 SO, WE ARE LOOKING AT ALMOST A SIDE VIEW,  
19 AND THE ENTRANCE IS ON THE FRONT OF THE THIGH SHOWN AT  
20 THE VERY LEFT EDGE OF THE PHOTOGRAPH, AND THE EXIT IS ON  
21 THE OUTSIDE BACK OF THE THIGH.

22 Q. OKAY. THAT IS PHOTOGRAPH NO. 200 THAT YOU  
23 HAVE JUST BEEN REFERRING TO.  
24 DIRECTING YOUR ATTENTION TO THE PHOTOGRAPH  
25 ON TOP OF THAT, 186, CAN YOU TELL US WHAT IS DEPICTED IN  
26 THAT PHOTOGRAPH?

27 A. 186 SHOWS THE ENTRANCE WOUND BETTER ON THE  
28 INSIDE FRONT OF THE THIGH AND THE EXIT ON THE OUTSIDE

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1 PART OF THE THIGH, LOWER. THE DIRECTION WAS FROM FRONT  
2 TO BACK DOWNWARD AND TOWARD HER LEFT.

3 Q. OKAY.

4 NOW, BEFORE WE -- WHEN YOU SAY IT WAS  
5 DOWNWARD, WHAT DO YOU MEAN BY DOWNWARD?

6 A. SHE -- IN OTHER WORDS, IT'S PASSING  
7 THROUGH -- THE ENTRANCE WOUND IS HIGHER UP ON THE LEG  
8 THAN THE EXIT WOUND, AND THE DOLL IS NOT QUITE ACCURATE.  
9 THE EXIT WOUND SHOULD BE FURTHER DOWN ON THE THIGH.

10 SO, I COULD BEND THE ROD, BUT I WOULD  
11 RATHER NOT. I AM AFRAID I WOULD BREAK IT.

12 Q. NOW, BEFORE WE GET INTO THE X-RAYS, LET ME  
13 DIRECT YOUR ATTENTION TO SOME ADDITIONAL PHOTOGRAPHS.  
14 YOU DESCRIBED ANOTHER WOUND APPEARING TO  
15 THE CALF ON THE FIGURE HERE; THAT IS TO THE OUTSIDE OF  
16 THE LEG, THE LEFT LEG.

17 I HAVE A PHOTOGRAPH WHICH I WOULD LIKE TO

18 MARK AS 198, AND I WILL PLACE THIS PHOTOGRAPH ON THE  
19 BOARD AT THIS TIME.  
20 COULD YOU TELL US NOW IF YOU SEE ON THE  
21 BOARD THE WOUNDS THAT YOU DEPICTED IN THE DOLL FIGURE AS  
22 BEING TO THE LEFT CALF?  
23 A. YES.  
24 Q. AND THE PHOTOGRAPH I HAVE JUST PLACED UP  
25 THERE, 198, WHAT TYPE OF WOUND IS THAT?  
26 A. THIS IS A RAGGED, DESTRUCTIVE FLESH WOUND  
27 THAT WENT FROM FRONT TO BACK ON THE OUTSIDE OF THE CALF  
28 AREA TAKING THE SKIN AND MUSCLE WITH IT. IT'S A LITTLE

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1 BIT MORE THAN A GRAZING WOUND, BUT IN A SENSE IT'S A  
2 LARGE GRAZING WOUND.  
3 Q. OKAY. AND CAN YOU TELL US WHAT TYPE OF  
4 SHOT CAUSED THAT WOUND?  
5 A. THAT WAS A BUCKSHOT WOUND.  
6 Q. AND THE SHOT THAT CAUSED THE PREVIOUS  
7 WOUND, THE WOUND DEPICTED IN 186 AND 200 GOING THROUGH  
8 THE LEFT THIGH, WHAT TYPE OF SHOT CAUSED THAT WOUND?  
9 A. BUCKSHOT.  
10 Q. WOULD EITHER OF THESE TWO WOUNDS HAVE BEEN  
11 IMMEDIATELY FATAL?  
12 A. NO.  
13 Q. RETURNING TO THE WOUND TO THE LEFT THIGH

14 DEPICTED IN 186 AND 200, CAN YOU TELL US HOW YOU  
15 ASSOCIATE THAT ENTRANCE WOUND WHICH IS DEPICTED MOST  
16 CLEARLY IN THE TOP PHOTOGRAPH 186 WITH THE WOUND THAT  
17 YOU HAVE IDENTIFIED AS AN EXIT WOUND WHICH IS DEPICTED  
18 MOST CLEARLY IN THE PHOTOGRAPH THAT HAS BEEN MARKED 200  
19 IN THE MIDDLE?

20 A. THE -- AT THE TIME OF ORIGINAL AUTOPSY  
21 THERE WAS A CLEAR PATH BETWEEN THE TWO WOUNDS OF TISSUE  
22 DESTRUCTION, AND ALSO THE X-RAY SHOWS FINDINGS  
23 CONSISTENT WITH THAT.

24 Q. OKAY. I HAVE ONE MORE PHOTOGRAPH THAT I  
25 WOULD LIKE TO -- WHICH I WOULD LIKE TO MARK AT THIS  
26 TIME, OR IT HAS BEEN MARKED AS 189.

27 LET ME SHOW YOU THE WOUND THAT HAS BEEN  
28 MARKED 189, AND YOU HAVE DESCRIBED IN YOUR FIGURE HERE

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1 THAT HAS BEEN MARKED AS 205 FOR IDENTIFICATION, A WOUND  
2 WHICH APPEARS TO GO THROUGH THE LOWER PART -- OR I  
3 SHOULD SAY THE TOP OF THE LOWER PART OF THE LEG NEAR THE  
4 KNEE AND PASSING THROUGH, COMING OUT THE TOP OF THE LEG  
5 JUST ABOVE THE KNEE.

6 DO YOU SEE THAT WOUND OR THOSE TWO WOUNDS  
7 IN THE PHOTOGRAPH THAT I HAVE JUST MARKED AS 198?

8 A. YES. THE ENTRANCE IS BELOW THE KNEE, IT  
9 IS A RAGGED STELLATE OR STAR-SHAPED DEFECT, AND THEN THE

10 EXIT IS ON THE TOP OF THE THIGH NEAR THE KNEE. AROUND  
11 AND NEAR THE KNEE IS A VERY LARGE AND GAPING IRREGULAR  
12 HOLE.

13 THE COURT: IS THIS EXHIBIT 189 OR 198?

14 MR. CONN: I BELIEVE THAT IS 189. THANK YOU.

15 Q. YES, 189.

16 NOW, CAN YOU TELL US HOW YOU CAN DETERMINE  
17 THAT THE WOUND TO THE BOTTOM PART OF THE LEG WOULD BE  
18 THE ENTRY AS COMPARED TO THE WOUND TO THE TOP PART OF  
19 THE LEG WHICH IS -- YOU HAVE DESCRIBED AS THE EXIT?

20 A. THERE IS A PARTIAL CIRCULAR, SCALLOPED AREA  
21 ON THE BOTTOM WOUND WITH AN ABRASION COLLAR CONSISTENT  
22 WITH AN ENTRANCE WOUND, AND THE APPEARANCE OF THE X-RAY  
23 ALSO IS CONSISTENT WITH THAT DIRECTION.

24 Q. AND WHAT TYPE OF AMMUNITION -- WHAT TYPE OF  
25 SHOT WOULD HAVE CAUSED THAT PARTICULAR WOUND?

26 A. BUCKSHOT.

27 Q. WOULD THAT BE A WOUND THAT WAS IMMEDIATELY  
28 FATAL?

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1 A. NOT IMMEDIATELY, BUT IT IS POTENTIALLY  
2 FATAL.

3 Q. AND WHAT CAN YOU TELL US, IF ANYTHING,  
4 CONCERNING THE POSITION OF THE WEAPON RELATIVE TO THE  
5 BODY AT THE TIME THAT THAT PARTICULAR SHOT WAS FIRED?

6 A. THIS SHOT WAS FIRED WHEN SHE WAS DOWN ON  
7 THE GROUND WITH HER KNEE ELEVATED ABOVE THE GROUND AS  
8 SHOWN IN ONE OF THE SCENE PHOTOGRAPHS. SHE WAS ALREADY  
9 DOWN WHEN THAT SHOT WAS FIRED.

10 Q. AND WHY DO YOU CONCLUDE THAT SHE WAS DOWN  
11 ON THE GROUND AT THE TIME THAT SHOT WAS FIRED?

12 A. BY LOOKING AT THE DIRECTION AS SHOWN BY  
13 THIS MANNEQUIN, IT IS OBVIOUS THAT IF SHE WERE SEATED ON  
14 THE COUCH THE WEAPON WOULD HAVE TO BE SOMEWHERE DOWN IN  
15 THE BASEMENT SHOOTING UPWARDS.

16 LIKEWISE, IF SHE WERE STANDING SHE WOULD  
17 HAVE TO BE STANDING WITH HER LEFT KNEE UP LIKE THIS; HER  
18 LEFT KNEE HELD UP LIKE THIS AND IN FRONT OF HER AND  
19 LEANING BACK. THERE IS NO WAY SHE COULD AVOID HAVING  
20 THE SHOT HIT HER.

21 IF YOU SEE THE SCENE PHOTOGRAPHS, SHE IS  
22 LYING ON THE FLOOR WITH HER KNEE FLEXED ABOVE HER ON THE  
23 GROUND AND SHE WAS SHOT THAT WAY.

24 Q. NOW, DIRECTING YOUR ATTENTION TO THE MIDDLE  
25 PHOTOGRAPH ON THE RIGHT HAND SIDE OF THE BOARD WHICH HAS  
26 BEEN MARKED AS 200, THERE APPEARS TO BE A WOUND WHICH  
27 YOU HAVE NOT YET PREVIOUSLY DESCRIBED RIGHT HERE, WHICH  
28 IS TO THE BACK OF THE LEFT KNEE AREA.

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1 CAN YOU TELL US WHAT THAT IS THAT I AM NOW

2 DIRECTING YOUR ATTENTION TO?

3 A. THOSE PELLET MARKS ARE FROM THE WOUND OF  
4 THE KNEE AREA THAT WE JUST DESCRIBED. THE PELLETS WENT  
5 THROUGH THE UPPER PORTION OF THE LOWER LEG. SOME OF  
6 THEM EXITED ON THE BACKSIDE, NEAR THE OUTSIDE, CAUSING  
7 THESE PELLET MARKS, AND THEN WENT ON UNDERNEATH THE  
8 THIGH AND CAME OUT THE FRONT.

9 SO, THOSE ARE EXIT MARKS FROM THE ENTRANCE  
10 WHICH WE DON'T SEE. THE ENTRANCE IS NOT SHOWN IN THAT  
11 PHOTOGRAPH.

12 Q. OKAY. JUST SO THAT WE CAN ORIENT ALL OF  
13 THESE PHOTOGRAPHS WHICH WE HAVE BEEN REFERRING TO, THERE  
14 ARE FOUR COLOR PHOTOGRAPHS BEFORE YOU AT THIS TIME  
15 DEPICTING THE LEG AREA.

16 ARE ALL OF THOSE WOUNDS THAT YOU HAVE JUST  
17 DESCRIBED IN THOSE FOUR COLOR PHOTOGRAPHS TO THE LEFT  
18 LEG?

19 Q. YES.

20 Q. OKAY. THE WOUNDS THAT APPEAR TO BE THE  
21 ENTRY AND EXIT WOUNDS IN 189, WOULD THAT BE MORE TOWARD  
22 THE INSIDE OF THE RIGHT LEG -- OF THE LEFT LEG?

23 A. YES.

24 Q. AND THE WOUND TO THE THIGH, WHICH WAS A  
25 THROUGH-AND-THROUGH WOUND PASSING OUT THE BACK OF THE  
26 THIGH AND WHICH IS DEPICTED IN PHOTOGRAPH 186, WOULD  
27 THAT BE IN THE CENTER OF THE THIGH OR TOWARD THE LEFT  
28 SIDE OF THE THIGH?



1 A. I'D SAY IT'S PRETTY MUCH IN THE CENTER OF  
2 THE THIGH, WITH THE EXIT TOWARD THE OUTSIDE.

3 Q. OKAY. AND THEN THE BOTTOM PHOTOGRAPH ON  
4 THE BOARD WHICH IS 198 TO THE CALF, WOULD THAT BE ON THE  
5 OUTSIDE OF THE LEFT LEG?

6 Q. YES.

7 Q. NOW I'D LIKE TO DIRECT YOUR ATTENTION TO  
8 THE TWO X-RAYS WHICH ARE ALSO ON THE BOARD AT THIS TIME,  
9 168 AND 178. THE ONE ON THE TOP IS 168.

10 CAN YOU TELL US WHAT WE ARE LOOKING AT  
11 THERE?

12 A. WE SEE BUCKSHOT PELLETS AND A SHATTERED  
13 FEMUR.

14 Q. OKAY.

15 A. THE X-RAY BELOW IT SHOWS BUCKSHOT PELLETS,  
16 SHATTERED LOWER FEMUR AND FRACTURE OF THE LOWER LEG  
17 BONES AS WELL.

18 Q. SO, THIS PHOTOGRAPH, 16 -- IS THERE A  
19 CERTAIN OVERLAP BETWEEN 168 AND 178 SUCH AS IT DEPICTS A  
20 CONTINUATION OF THAT SAME SHOT?

21 A. YES.

22 Q. AND HAVE YOU DRAWN ON THIS DIAGRAM THAT HAS  
23 BEEN -- THAT IS LABELED "MARY MENENDEZ INTERNAL  
24 INJURIES" BOTH OF THOSE FRACTURES WHICH ARE DEPICTED IN  
25 THE X-RAY PHOTO THAT HAS BEEN MARKED 178?

26 A. YES.

27 Q. AND CAN YOU TELL US WHICH OF THE SEVERAL  
28 WOUNDS TO THE LEFT LEG THAT YOU HAVE JUST FINISHED

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1 DESCRIBING FOR US WOULD HAVE BEEN THE SHOT CAUSING THE  
2 FRACTURE OF THE UPPER PART OF THE LEFT LEG?

3 A. WELL, ACTUALLY BOTH -- OF THE UPPER PART,  
4 IT WOULD BE THE THIGH SHOT.

5 Q. YES. SO, THIS THIGH SHOT WHICH IS DEPICTED  
6 IN THE PHOTOGRAPH 186, THAT WOULD BE THE SHOT CAUSING  
7 THE FRACTURE OF THE UPPER LEFT LEG?

8 A. YES.

9 Q. THE SHOT WHICH IS DEPICTED IN 189 WHICH  
10 CONTAINS BOTH THE ENTRANCE AND THE EXIT WOUND, WOULD THE  
11 EXIT HAVE CAUSED ANY DAMAGE -- OR THE SHOT CAUSING THAT  
12 EXIT WOUND, WOULD THAT HAVE CAUSED ANY DAMAGE TO THE  
13 SKELETAL FRAME OF MARY LOUISE MENENDEZ?

14 A. YES. PROBABLY IN THIS AREA HERE, RIGHT  
15 ABOUT THE KNEE.

16 Q. I SEE. SO, YOU'RE REFERRING TO IN THIS  
17 PHOTOGRAPH THAT IS MARKED 178, YOU ARE REFERRING TO  
18 MULTIPLE FRACTURES OF THE UPPER LEFT LEG; IS THAT  
19 CORRECT?

20 THE COURT: THAT'S THE X-RAY OR THE PHOTOGRAPH?

21 THE WITNESS: THAT'S THE X-RAY.

22 Q. BY MR. CONN: AND IN ADDITION TO THOSE

23 MULTIPLE FRACTURES OF THE UPPER LEFT LEG THERE ALSO  
24 APPEARS TO BE A FRACTURE TO THE LOWER PART OF THE LEFT  
25 LEG JUST BELOW THE KNEE; IS THAT CORRECT?  
26 A. YES.  
27 Q. AND WOULD THAT HAVE BEEN CAUSED BY THE  
28 ENTRY WOUND WHICH APPEARS IN PHOTOGRAPH 189?

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1 A. YES.  
2 THE COURT: HOW MUCH MORE IS YOUR EXAMINATION  
3 GOING TO BE?  
4 MR. CONN: JUST ANOTHER FIVE OR TEN MINUTES, YOUR  
5 HONOR.  
6 THE COURT: OKAY. WELL, LET'S TAKE OUR RECESS  
7 THEN AT THIS POINT, AND WE WILL RESUME AT 11:30.  
8 DON'T DISCUSS THE MATTER WITH ANYONE, DON'T  
9 FORM ANY FINAL OPINIONS ABOUT IT, AND WE WILL RESUME AT  
10 11:30.  
11 (A RECESS WAS TAKEN FROM  
12 11:10 A.M. TO 11:40 A.M)  
13  
14 THE COURT: OKAY. COURT IS IN SESSION, AND WE  
15 WILL HAVE THE JURY OUT, PLEASE.  
16 (THE JURY ENTERS THE COURTROOM AND THE  
17 FOLLOWING PROCEEDINGS WERE HELD:)  
18

19 THE COURT: YOU MAY CONTINUE YOUR EXAMINATION.  
20 MR. CONN: THANK YOU.  
21 Q. DOCTOR, FOR THOSE OF US WHO ARE NOT  
22 FAMILIAR WITH X-RAYS, I WOULD LIKE TO SPEND A MOMENT OR  
23 TWO GOING OVER A COUPLE OF THESE X-RAYS WITH YOU TO  
24 CLARIFY YOUR TESTIMONY.  
25 I AM PUTTING UP ON THE BOARD THE X-RAYS  
26 THAT HAVE BEEN MARKED 167 AND 178.  
27 AND 167 IS THE ONE ON THE LEFT WHICH  
28 DEPICTS THE FRACTURE TO THE LEFT ARM OF KITTY MENENDEZ.

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1 A. RIGHT.  
2 MS. ABRAMSON: COUNSEL, I THINK YOU MISSPOKE.  
3 THE RIGHT.  
4 THE WITNESS: THE RIGHT.  
5 Q. BY MR. CONN: THE RIGHT ARM, AND HERE WE  
6 CAN SEE IN THAT PHOTOGRAPH WHAT APPEARS TO BE A COMPLETE  
7 BREAK OF THE RIGHT ARM, CORRECT?  
8 A. YES.  
9 Q. NOW, IN CONTRAST TO THAT I WOULD LIKE TO  
10 SPEND ANOTHER MOMENT WITH THE PHOTOGRAPH UP ON THE  
11 BOARD, AND PERHAPS YOU CAN EXPLAIN TO US HOW YOU  
12 DETERMINE HOW A BONE IS IN FACT FRACTURED, THAT IS  
13 BROKEN, BY LOOKING AT THAT PHOTOGRAPH.  
14 A. WELL, I THINK THE FEMUR FRACTURE IS

15 OBVIOUS. THERE ARE JUST MULTIPLE PIECES.

16 AND A TIBIA FRACTURE, OR THE LOWER LEG

17 FRACTURE IS SEEN HERE WHERE THERE ARE CRACKS OR DEFECTS

18 IN THE LOWER OR OUTER SURFACE OF THE BONE.

19 ALSO THERE IS A LOT OF THE BONE THAT'S

20 MISSING, BECAUSE IT SHOULD BE WHITE LIKE THE REMAINDER

21 OF THE BONE, AND THIS IS BLACK. SO, THAT MEANS THAT

22 THERE IS NO BONE DENSITY THERE. SO, THE BONE IS

23 ACTUALLY MISSING.

24 Q. SO, YOU CAN TELL BOTH WHEN THE BONE IS AT

25 AN ANGLE AS DEPICTED HERE IN THE UPPER RIGHT HAND CORNER

26 AS WELL AS WHEN THE BONE IS MISSING OR WHEN THERE IS

27 THESE HAIRLINE FRACTURES OF THE BONE ITSELF?

28 A. ACTUALLY THOSE ARE A LITTLE BIT MORE THAN

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1 HAIRLINE.

2 Q. OKAY.

3 IN REGARD TO THE INJURY INFLICTED TO THE

4 LEG OF JOSE MENENDEZ, I WOULD LIKE TO PUT THREE

5 PHOTOGRAPHS ON THE BOARD AT THIS TIME AND QUESTION YOU

6 IN REGARDS TO THAT INJURY A BIT FURTHER.

7 THE FIRST IS THE PHOTOGRAPH THAT HAS

8 PREVIOUSLY BEEN MARKED AS NO. 7. THE NEXT ONE HAS BEEN

9 MARKED 201, WHICH ALSO DEPICTS THE CRIME SCENE, AND THE

10 THIRD ONE IS THE INJURY TO THE LEG ITSELF WHICH HAS BEEN

11 MARKED 182.

12 BOTH OF THOSE PHOTOGRAPHS OF THE CRIME  
13 SCENE DEPICT THE LEG WOUND AS IT APPEARED AT THE TIME  
14 THAT THE POLICE ARRIVED.

15 DID YOU FORM AN OPINION CONCERNING WHETHER  
16 OR NOT JOSE MENENDEZ COULD HAVE BEEN STANDING AT THE  
17 TIME THAT THAT WOUND WAS INFLICTED?

18 A. HE WAS NOT STANDING WHEN HE WAS SHOT, NO.

19 Q. AND WHAT IS THE BASIS FOR THAT OPINION?

20 A. THE -- THE APPEARANCE -- FIRST OF ALL, THE  
21 WOUND IS POST MORTEM AS EVIDENCED BY THE BLOOD AT THE  
22 SCENE, AS DISCUSSED EARLIER.

23 THEREFORE, THAT IN ITSELF TELLS YOU THAT HE  
24 WASN'T STANDING AT THE TIME HE RECEIVED IT.

25 BUT LET'S JUST SAY FOR THE PURPOSE OF  
26 ILLUSTRATION THAT HE WAS ALIVE AND WAS STANDING WHEN THE  
27 WOUND WAS RENDERED. THEN THERE WOULD BE LOTS OF BLOOD  
28 WHEREVER THAT HAPPENED TO BE, AND THERE WOULD BE MORE

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1 BLOOD WHEN HE WAS THEN LATER SAT DOWN, SEATED ON THE  
2 COUCH.

3 IT JUST IS NOT REASONABLE THAT HE WAS  
4 STANDING UP WHEN THAT WOUND WAS RECEIVED.

5 A. OKAY.

6 Q. NOW, LET ME ASK YOU ABOUT SOMETHING WE HAVE

7 NOT PREVIOUSLY DISCUSSED, AND THAT IS DETERMINING TIME  
8 OF DEATH.

9 IS THAT SOMETHING THAT THE CORONER'S OFFICE  
10 COMMONLY DOES; THAT IS, DETERMINE WHEN IT WAS THAT THE  
11 VICTIMS OF A HOMICIDE WERE ACTUALLY KILLED?

12 MS. ABRAMSON: YOUR HONOR, I AM GOING TO OBJECT  
13 UNLESS WE KNOW WHICH CORONER'S OFFICE WE ARE TALKING  
14 ABOUT.

15 THE COURT: REPHRASE THE QUESTION.

16 Q. BY MR. CONN: YES.

17 IS IT POSSIBLE TO DETERMINE WITH ANY  
18 ACCURACY WHEN IN TIME THE VICTIM OF A HOMICIDE WAS  
19 KILLED?

20 A. SOMETIMES.

21 Q. AND WHY IS IT SOMETIMES -- SOMETIMES NOT  
22 VERY ACCURATE?

23 A. IT DEPENDS ON THE CIRCUMSTANCES. THE  
24 ACTUAL INTERVAL BETWEEN DEATH AND DISCOVERY OF THE BODY,  
25 WHETHER OR NOT SOMEBODY LIKE ME OR SOME OTHER  
26 KNOWLEDGABLE PERSON WAS CALLED TO THE SCENE AND HAD AN  
27 OPPORTUNITY TO EVALUATE IT AND SO FORTH.

28 Q. NOW, IN THIS PARTICULAR CASE IS THERE

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1 SUFFICIENT INFORMATION BY WHICH ONE CAN MAKE AN ACCURATE  
2 DETERMINATION AS TO THE PRECISE TIME OF DEATH?

3 A. NO.

4 Q. AND WHY IS THAT?

5 A. WELL, AT THE POINT THAT I GOT INVOLVED IN  
6 THE CASE I WAS READING REPORTS, AND THAT IS MY ONLY  
7 SOURCE OF INFORMATION, AND THE AUTOPSY WOULD NOT BE  
8 HELPFUL BECAUSE THE BODY HAD ALREADY BEEN MOVED AND  
9 REFRIGERATED, AND THEREFORE THE TIME OF DEATH IS NO  
10 LONGER DETERMINABLE WITH ANY DEGREE OF ACCURACY.

11 EVEN -- EVEN WHEN YOU GO TO THE SCENE IT'S  
12 SOMETIMES VERY DIFFICULT, BUT AT LEAST YOU CAN GET A  
13 CLOSER IDEA.

14 Q. NOW, YOU ALSO INDICATED THAT AS PART OF  
15 YOUR REVIEW OF THE MATERIAL IN THIS CASE YOU REVIEWED  
16 SOME ILLUSTRATIONS OR DIAGRAMS THAT YOU RECEIVED FROM A  
17 COMPANY BY THE NAME OF FAILURE ANALYSIS; IS THAT  
18 CORRECT?

19 A. I DID REVIEW SUCH DIAGRAMS.

20 Q. OKAY. AND DO YOU REMEMBER THAT THOSE  
21 DIAGRAMS CONSIST OF APPROXIMATELY 24 DIAGRAMS THAT  
22 SOUGHT TO RECONSTRUCT THIS?

23 MS. ABRAMSON: I AM GOING TO OBJECT, YOUR HONOR.  
24 THAT'S BEYOND HIS PERSONAL KNOWLEDGE WHAT THOSE DIAGRAMS  
25 SOUGHT TO DO.

26 THE COURT: SUSTAINED.

27 Q. BY MR. CONN: IN YOUR REVIEW OF THAT  
28 MATERIAL; THAT IS THE 24 ILLUSTRATIONS FROM FAILURE



1 ANALYSIS, DID YOU FIND ANYTHING IN THERE THAT YOU WOULD  
2 DISAGREE WITH AS A MATTER OF YOUR OWN MEDICAL OPINION  
3 CONCERNING THE INJURIES IN THIS CASE?

4 A. NO.

5 Q. THANK YOU.

6 I HAVE NOTHING FURTHER, YOUR HONOR.

7 THE COURT: CROSS-EXAMINATION.

8 MS. ABRAMSON: YES, YOUR HONOR.

9

10 CROSS-EXAMINATION

11 BY MS. ABRAMSON:

12 Q. WOULD YOU GET OUT THOSE DIAGRAMS FOR US,  
13 DR. LAWRENCE.

14 A. I DON'T HAVE THEM WITH ME.

15 Q. WHERE ARE THEY?

16 A. I HAVE A SET OF THE DIAGRAMS IN MY  
17 BRIEFCASE, BUT I'VE SEEN -- SEEN THEM ELSEWHERE, AND I  
18 PRESUMED THAT THEY WERE GOING TO BE HERE.

19 Q. YOU SAY YOU HAVE THEM IN YOUR BRIEFCASE?

20 A. YES.

21 Q. IS YOUR BRIEFCASE HERE?

22 A. NO.

23 Q. WHERE IS YOUR BRIEFCASE?

24 A. IN THE OFFICER'S CAR THAT BROUGHT ME HERE.

25 Q. DID DETECTIVE ZOELLER BRING YOU HERE?

26 A. YES.

27 Q. IS THIS THE OFFICER WHO BROUGHT YOU HERE?

28 A. YES.

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1 Q. SO, IT'S HERE IN LOS ANGELES, AND I TAKE IT  
2 AFTER LUNCH YOU CAN BRING IT?

3 A. YES.

4 Q. OKAY.

5 WHAT ELSE IS IN YOUR BRIEFCASE IN THE CAR  
6 THAT HAS TO DO WITH THIS CASE?

7 A. THE AUTOPSY REPORTS. THAT'S ABOUT IT.

8 Q. WHEN DID YOU FIRST -- WHEN WERE YOU FIRST  
9 CONTACTED BY ANYBODY CONCERNING BECOMING A WITNESS FOR  
10 THE PROSECUTION IN THIS CASE?

11 A. WELL, THE FIRST CONTACT WAS A TELEPHONE  
12 CALL FROM A MR. WALQUIST, I BELIEVE.

13 Q. WHEN?

14 A. AND THAT WAS ABOUT THREE OR FOUR WEEKS AGO.

15 Q. THREE OR FOUR WEEKS?

16 A. I'D HAVE TO CHECK.

17 Q. WEEKS AGO?

18 A. I'D HAVE TO CHECK MY RECORDS TO FIND OUT  
19 EXACTLY WHAT DATE, AND HE ASKED IF I WOULD CONSULT ON A  
20 CASE INVOLVING GUNSHOT WOUNDS OR SHOTGUN WOUNDS, AND I  
21 SAID YES, THAT THAT'S ONE THING THAT I DO.

22 Q. OKAY. LET ME ASK YOU, THREE OR FOUR WEEKS  
23 AGO, THAT'S SOMETIME THIS FALL, 1995; IS THAT CORRECT?

24 A. YES.

25 Q. AND WHAT IS YOUR UNDERSTANDING ABOUT WHEN  
26 THESE SHOOTINGS OCCURRED?

27 A. YEARS BEFORE THAT.

28 Q. 1989. DID ANYBODY TELL YOU IT WAS 1989?

-25615

1 A. AT THAT TIME NOBODY TOLD ME ANYTHING.

2 Q. AND THIS PERSON WHO CALLED YOU, WHAT WAS  
3 THIS PERSON AFFILIATED WITH, WHAT INSTITUTION OR  
4 BUSINESS OR AGENCY?

5 A. I DON'T KNOW. HE SAID HE WAS FROM A  
6 COMPANY OF SOME KIND, AND WOULD I BE INTERESTED IN  
7 CONSULTING.

8 I SAID YES, I WOULD. HE SAID HE WILL HAVE  
9 SOMEBODY FROM FAILURE ANALYSIS CALL ME, AND THAT WAS THE  
10 NEXT CALL I RECEIVED.

11 Q. SO, THE NEXT CALL YOU RECEIVED WAS FROM  
12 ANOTHER COMPANY CALLED FAILURE ANALYSIS?

13 A. YES.

14 Q. HAD YOU HAD ANY CONTACT WITH FAILURE  
15 ANALYSIS BEFORE THIS TELEPHONE CALL?

16 A. NO.

17 Q. HAD YOU EVER HEARD OF FAILURE ANALYSIS?

18 A. NO.

19 Q. TO THE BEST OF YOUR UNDERSTANDING, IS

20 FAILURE ANALYSIS A GOVERNMENT AGENCY?

21 A. NO.

22 Q. TO THE BEST OF YOUR UNDERSTANDING, IS

23 FAILURE ANALYSIS IN ANY WAY AFFILIATED OFFICIALLY WITH

24 THE DISTRICT ATTORNEY'S OFFICE OF LOS ANGELES COUNTY?

25 A. NOT THAT I KNOW OF.

26 Q. THEY'RE A PRIVATE CORPORATION; IS THAT

27 CORRECT?

28 A. WELL, I WOULD THINK SO.

-25614

1 Q. WELL, DO YOU KNOW?

2 A. I DON'T KNOW.

3 Q. DO YOU KNOW IF THEY'RE TRADED PUBLICLY ON

4 THE STOCK MARKET?

5 A. NO.

6 Q. DO YOU KNOW WHAT THEY DO FOR A LIVING OVER

7 AT FAILURE ANALYSIS?

8 A. I HAVE A ROUGH IDEA, YES.

9 Q. AND WHAT'S YOUR ROUGH IDEA?

10 A. THEY SEEM TO BE A COMPANY THAT SPECIALIZES

11 IN RECONSTRUCTION OF ACCIDENTS.

12 Q. AND IS IT YOUR UNDERSTANDING THEY

13 SPECIALIZE IN RECONSTRUCTION OF ACCIDENTS FOR LITIGATION

14 PURPOSES?

15 A. I WOULD -- I THINK THEY DO THAT. I DON'T

16 KNOW THAT'S WHAT THEY SPECIALIZE IN.

17 Q. AND DO YOU KNOW WHO THEY TEND TO DO THEIR  
18 RECONSTRUCTION OF ACCIDENTS FOR?

19 A. NO. I DON'T KNOW IF IT'S PLAINTIFF VERSUS  
20 DEFENSE.

21 Q. YOU DON'T KNOW THEY ARE THE COMPANY IN FACT  
22 THAT REPRESENTS THE AUTOMOBILE INDUSTRY AGAINST  
23 INDIVIDUALS WHO CLAIM THAT THEIR FAMILY MEMBERS HAVE  
24 BEEN KILLED IN CARS?

25 MR. CONN: OBJECTION, ARGUMENTATIVE.

26 THE COURT: SUSTAINED.

27 Q. BY MS. ABRAMSON: AND WHO IS THE FIRST  
28 PERSON AT FAILURE ANALYSIS WHO CALLED YOU?

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1 A. MR. GREWAL.

2 Q. MR. GREWAL?

3 AND DO YOU KNOW WHAT MR. GREWAL DOES FOR A  
4 LIVING?

5 A. HE SAID HE WAS AN ENGINEER.

6 Q. AND HOW LONG WAS YOUR CONTACT WITH MR.  
7 GREWAL?

8 A. THIS WAS A TELEPHONE CONVERSATION -- I  
9 ACTUALLY RECEIVED A CALL FROM A DOCTOR. I CAN'T  
10 REMEMBER THE DOCTOR'S NAME.

11 Q. WHAT KIND OF DOCTOR?

12 A. I DON'T KNOW. AND THEN WHEN I CALLED THAT  
13 DOCTOR BACK, HE PUT ME ON THE PHONE WITH MR. GREWAL, AND  
14 THEY EXPLAINED WHAT THE -- ROUGHLY WHAT THE ISSUES WERE;  
15 THAT THEY WERE TALKING ABOUT SHOTGUN WOUNDS AND THERE  
16 WAS A QUESTION OF BEFORE DEATH AND AFTER DEATH.

17 WE HAD A BRIEF CONVERSATION, MAYBE FOUR OR  
18 FIVE MINUTES ABOUT SHOTGUN WOUNDS AND HOW SOMETIMES IT'S  
19 DIFFICULT TO TELL, AND THAT WAS ABOUT IT.

20 AND THEN I GOT ANOTHER CALL MAYBE TWO OR  
21 THREE DAYS LATER FROM THE DISTRICT ATTORNEY'S OFFICE AND  
22 TALKED TO ONE OF THE ATTORNEYS, MISS NAJERA.

23 Q. OKAY. SO, BEFORE YOU EVER EVEN SPOKE TO  
24 ONE OF THE ATTORNEYS, ONE OF THE DISTRICT ATTORNEYS, YOU  
25 WERE TOLD BY FAILURE ANALYSIS THAT THERE WAS AN ISSUE OF  
26 BEFORE AND AFTER; IS THAT RIGHT?

27 A. YES.

28 Q. AND BY ISSUE OF BEFORE AND AFTER, THEY WERE

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1 TALKING ABOUT WHETHER CERTAIN WOUNDS ON MR. AND MRS.  
2 MENENDEZ WERE ANTEMORTEM, BEFORE DEATH; OR POST MORTEM,  
3 AFTER DEATH?

4 A. YES.

5 Q. SO, BEFORE YOU EVER SAW ANY MEDICAL  
6 EVIDENCE AT ALL, YOU WERE TOLD THERE WAS A DISPUTE; IS  
7 THAT CORRECT?

8 A. I DON'T KNOW IF IT WAS THOUGHT OF AS A  
9 DISPUTE, BUT THERE WAS A QUESTION ABOUT INTERPRETATION  
10 OF SOME OF THE WOUNDS.

11 Q. OKAY. AND DID YOU UNDERSTAND THAT THE  
12 QUESTION OF INTERPRETATION HAD TO DO WITH WHETHER THE  
13 COUNTY CORONER, A FORENSIC PATHOLOGIST, WAS RIGHT OR  
14 WHETHER ROGER MCCARTHY, A MECHANICAL ENGINEER, WAS  
15 RIGHT?

16 DID YOU UNDERSTAND THAT WAS THE QUESTION?

17 MR. CONN: OBJECTION, ARGUMENTATIVE.

18 THE COURT: SUSTAINED.

19 Q. BY MS. ABRAMSON: DID YOU UNDERSTAND WHO IT  
20 WAS THAT WAS DISAGREEING WITH WHOM?

21 MR. CONN: OBJECTION, IRRELEVANT.

22 THE COURT: IT ALSO ASSUMES FACTS NOT IN  
23 EVIDENCE, THAT THERE WAS A DISAGREEMENT.

24 Q. BY MS. ABRAMSON: WHEN YOU SAY THERE WAS A  
25 QUESTION, WHO HAD THE QUESTION IN THEIR MIND?

26 A. I COULDN'T TELL. FROM THE CONVERSATION, I  
27 WASN'T EVEN SURE IF THE PERSON I WAS TALKING TO WANTED  
28 IT TO BE BEFORE DEATH OR AFTER DEATH. I HAD NO CONCEPT

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1 ABOUT THE PLAYERS OR THE ISSUES AT THAT TIME.

2 Q. OKAY. AND THEN YOU DIDN'T HAVE ANY CONCEPT  
3 OF WHO THE CORONER WAS EITHER, I TAKE IT?

4 A. LATER IN THAT CONVERSATION I LEARNED WHO

5 THE AUTOPSY PATHOLOGIST WAS, BECAUSE I ASKED.

6 Q. ALL RIGHT. AND YOU HEARD THAT THE AUTOPSY

7 PATHOLOGIST WAS DR. IRWIN GOLDEN FROM THE L.A. COUNTY

8 CORONER'S OFFICE, CORRECT?

9 A. YES.

10 Q. DO YOU KNOW DR. GOLDEN?

11 A. NO.

12 Q. HAVE YOU EVER SPOKEN TO DR. GOLDEN?

13 A. NO.

14 Q. AND YOU DIDN'T, AFTER RECEIVING DR.

15 GOLDEN'S AUTOPSY REPORTS, CONTACT DR. GOLDEN, DID YOU?

16 A. NO.

17 Q. NOW, AS FAR AS YOU KNOW, GIVEN THE FACT

18 THAT HE PERFORMED THE AUTOPSIES AND WROTE THE REPORTS,

19 DR. GOLDEN IS THE ONLY PERSON WHO ACTUALLY SAW WITH HIS

20 OWN EYES THESE WOUNDS?

21 A. NO, THAT'S NOT TRUE.

22 Q. WELL, WHO ELSE SAW THEM THAT YOU KNOW?

23 A. ALL OF THE OTHER PEOPLE IN THE ROOM; THE

24 INVESTIGATING OFFICERS, THE PHOTOGRAPHER THAT TOOK THE

25 PICTURES AND SO FORTH.

26 Q. WELL, HOW MANY OTHER PEOPLE WERE IN THE

27 ROOM WHEN THE AUTOPSY WAS PERFORMED?

28 A. I DON'T KNOW, BUT I KNOW THERE WAS



1 CERTAINLY MORE THAN JUST THE PATHOLOGIST.

2 Q. DO YOU THINK THAT THE DETECTIVE AND THE  
3 PHOTOGRAPHER ARE MEDICAL EXPERTS?

4 A. NO.

5 Q. SO, LET'S NARROW THE QUESTION.

6 AS FAR AS YOU KNOW, THE ONLY PERSON WITH  
7 CREDENTIALS TO INTERPRET THESE WOUNDS AT THE TIME OF THE  
8 AUTOPSY WAS DR. GOLDEN, CORRECT?

9 A. I DON'T -- I DON'T MEAN TO BE  
10 UNCOOPERATIVE, BUT I DON'T KNOW THAT.

11 Q. BUT AS FAR AS YOU DO KNOW, YOU HAVE HIS  
12 REPORT, RIGHT?

13 A. I RELIED ON HIS REPORT, AND I FOUND HIS  
14 REPORT TO BE VERY HELPFUL, AND I HAVE NO ARGUMENTS WITH  
15 HIS CONCLUSIONS AND HIS DESCRIPTION.

16 Q. WELL, LET'S -- BEFORE WE GET THERE, BECAUSE  
17 BELIEVE ME WE WILL GET THERE, LET ME JUST ASK YOU THIS:

18 ONE THING YOU KNOW FOR SURE, DR. GOLDEN WHO  
19 WROTE THE REPORT SAW THE BODIES?

20 A. YES.

21 Q. AND HE DIDN'T JUST SEE WHAT'S IN THE  
22 PHOTOGRAPHS, HE SAW MORE THAN WHAT'S IN THE PHOTOGRAPHS?

23 A. YES.

24 Q. AND HE DIDN'T JUST LOOK AT THESE WOUNDS  
25 EXTERNALLY, IN ACCORDANCE WITH HIS REPORT HE DISSECTED  
26 THESE WOUNDS AND LOOKED INSIDE, CORRECT?

27 A. YES.

28 Q. AND DISSECTION MEANS CUT AWAY?

1 A. CUTTING, PROBING, FEELING AND SO FORTH.

2 Q. I JUST WANT TO GET BACK FOR A MOMENT.

3 AFTER YOUR FIRST CONTACT WITH THE DISTRICT  
4 ATTORNEY'S OFFICE, YOU SAY YOU SPOKE TO MISS NAJERA?

5 A. YES.

6 Q. AND FOLLOWING THAT CONVERSATION, DID MISS  
7 NAJERA SEND YOU SOMETHING?

8 A. YES.

9 Q. WHAT DID SHE SEND YOU?

10 A. SHE SENT ME A PACKET OF MATERIALS WHICH  
11 INCLUDED THE AUTOPSY REPORTS AND AUTOPSY AND SCENE  
12 PHOTOGRAPHS.

13 Q. AND HOW MANY AUTOPSY AND SCENE PHOTOGRAPHS  
14 DID SHE SEND YOU?

15 A. JUST UNDER 200, I THINK. 180 SOMETHING.

16 Q. AND WHERE ARE THEY?

17 A. THEY ARE IN MY OFFICE BACK HOME.

18 Q. AND BACK HOME IS STOCKTON?

19 A. YES.

20 Q. WHO SELECTED WHICH PHOTOGRAPHS AND WHICH  
21 X-RAY EXPOSURES YOU WOULD BE SHOWN DURING YOUR  
22 EXAMINATION TODAY, DR. LAWRENCE?

23 A. I DON'T KNOW.

24 Q. YOU DIDN'T?

25 A. NO.

26 Q. IS THAT THE USUAL PROCEDURE THAT SOMEONE  
27 ELSE SELECTS FOR YOU THE PHOTOGRAPHS THAT YOU'RE  
28 SUPPOSED TO BE RELYING UPON?

-25608

1 MR. CONN: OBJECTION, VAGUE AS TO WHERE AND WHEN.

2 THE COURT: SUSTAINED.

3 Q. BY MS. ABRAMSON: YOU'RE THE CORONER FOR  
4 SAN JOAQUIN COUNTY?

5 A. NO, MA'AM. THE SHERIFF IS THE CORONER. I  
6 AM A PRIVATE PATHOLOGIST WHO HAS A CONTRACT WITH THE  
7 CORONER'S OFFICE.

8 Q. THEY DON'T HAVE A COUNTY MEDICAL EXAMINER'S  
9 OFFICE THE WAY LOS ANGELES COUNTY DOES?

10 A. NO.

11 Q. AND SO THEY HIRE A PRIVATE GROUP, WHICH IS  
12 YOUR GROUP; IS THAT CORRECT?

13 A. YES.

14 Q. AND ARE YOU THE ONLY PATHOLOGIST IN YOUR  
15 GROUP, OR ARE THERE OTHER DOCTORS?

16 A. THERE ARE NINE IN OUR GROUP.

17 Q. AND THE NINE OF YOU PERFORM THE AUTOPSIES  
18 FOR SAN JOAQUIN COUNTY?

19 A. NO. THERE ARE -- OH, THERE ARE FOUR OF US  
20 THAT PERFORM MOST OF THE AUTOPSIES. TWO OF US ARE BOARD  
21 CERTIFIED FORENSIC PATHOLOGISTS, SUCH AS MYSELF, AND WE

22 DO MOST OF THE HOMICIDES, AND WE ALL ROTATE FOR THE  
23 WEEKEND COVERAGE AND SO FORTH.

24 Q. AND WHEN YOU PERFORM AN AUTOPSY, DR.  
25 LAWRENCE, AND IT'S A HOMICIDE CASE AND YOU ARE THEN  
26 CALLED TO TESTIFY, DO YOU DECIDE WHICH PICTURES YOU  
27 RELIED ON?

28 A. NO.

-25607

1 Q. SOMEONE ELSE DECIDES WHICH PICTURES YOU  
2 RELIED ON?

3 A. I DON'T CHOOSE THE PICTURES THAT ARE USED  
4 IN TRIAL. THAT'S UP TO THE ATTORNEY. FREQUENTLY I  
5 DON'T EVEN SEE THE PICTURES UNTIL THE TIME OF TESTIMONY.

6 Q. WHAT IF THE ATTORNEY HASN'T PICKED THE  
7 PICTURES THAT ILLUSTRATE ALL OF THE WOUNDS?

8 MR. CONN: OBJECTION. ARGUMENTATIVE, CALLS FOR  
9 SPECULATION.

10 THE COURT: WHAT IS THE QUESTION?

11 Q. BY MS. ABRAMSON: WHAT WOULD YOU DO?

12 THE COURT: OVERRULED.

13 THE WITNESS: THERE ARE MANY INCIDENCES IN WHICH  
14 NO PHOTOGRAPHS ARE USED AT ALL.

15 Q. THAT'S NOT MY QUESTION.

16 A. THAT ISN'T?

17 Q. NO. MY QUESTION IS WHAT IF THE ATTORNEY

18 DIDN'T PICK THE PICTURES THAT FULLY ILLUSTRATE THE  
19 WOUNDS THAT YOU'RE TESTIFYING ABOUT, WHAT WOULD YOU DO?  
20 A. WHAT I AM SAYING IS THAT ON MANY OCCASIONS  
21 WE DON'T USE ANY PHOTOGRAPHS DURING TESTIMONY, AND  
22 THEREFORE IT'S HARD FOR ME TO ANSWER YOUR QUESTION. IF  
23 I NEEDED PICTURES --  
24 Q. DO NOTHING, IS THAT YOUR ANSWER?  
25 A. NO, THAT'S NOT MY ANSWER. IF I FELT I  
26 NEEDED PICTURES, I WOULD MAKE SURE I WENT AND GOT THEM,  
27 OR POSTPONED THE TESTIMONY UNTIL WE COULD OBTAIN THEM.  
28 Q. WELL, WHEN YOU GO TO COURT WHEN YOU PERFORM

-25606

1 AN AUTOPSY FOR THE COUNTY OF SAN JOAQUIN, FIRST OF ALL  
2 DOES THAT COUNTY TAKE PICTURES DURING AUTOPSY THE WAY  
3 L.A. DOES?  
4 A. YES.  
5 Q. WHAT'S THE PURPOSE IN TAKING THE PICTURES?  
6 A. THERE ARE MANY PURPOSES. ONE OF THEM IS TO  
7 USE THEM LATER TO MORE ACCURATELY DETERMINE WHAT  
8 ACTUALLY HAPPENED, AS WE DID IN THIS CASE.  
9 ANOTHER PURPOSE IS TO SHOW THEM TO SOME  
10 OTHER CONSULTANTS, SUCH AS MYSELF, LATER ON DOWN THE  
11 LINE TO GET AN INDEPENDENT OPINION.  
12 ANOTHER PURPOSE IS TO USE THEM IN COURT AT  
13 THE TIME OF TRIAL.

14 Q. AND DO YOU HAVE -- I'M SORRY, GO AHEAD.

15 A. AND IN SOME INSTANCES, SUCH AS IN THIS  
16 CASE, THE PICTURES ARE HELPFUL FOR THE PATHOLOGIST TO  
17 FINALIZE HIS REPORT, BECAUSE SOMETIMES THE WOUNDS ARE SO  
18 CONFUSING AT THE TIME OF INITIAL AUTOPSY THAT YOU NEED  
19 THE PHOTOGRAPHS TO BE ABLE TO FIGURE OUT WHAT IS AN  
20 ENTRANCE AND WHAT IS AN EXIT AND SO FORTH AND SO ON.

21 SO, THERE ARE MANY PURPOSES FOR THE  
22 PICTURES.

23 Q. AND JUST WITHOUT POINTING THEM OUT  
24 SPECIFICALLY, WHICH WE WILL DO THIS AFTERNOON, I  
25 NOTICED, DID YOU NOTICE, THAT THERE WAS NO PHOTOGRAPH  
26 PRESENTED DURING YOUR TESTIMONY THUS FAR THAT ACTUALLY  
27 VISUALIZES THE BACK OF MR. MENENDEZ' RIGHT UPPER ARM.

28 DID YOU NOTICE THAT?

-25605

1 A. YES.

2 Q. AND WHY IS THAT?

3 A. I HAVE NO IDEA.

4 Q. AND ISN'T IT TRUE, DR. LAWRENCE, THAT THERE  
5 ARE PHOTOGRAPHS TAKEN AT THE SCENE THAT SHOW THE BACK OF  
6 MR. MENENDEZ' RIGHT ARM?

7 A. I THINK SO, YES.

8 Q. AND DID YOU LOOK AT ANY OF THOSE  
9 PHOTOGRAPHS AT THE SCENE SHOWING THE BACK OF MR.

10 MENENDEZ' RIGHT ARM TO SEE IF THAT COULD ASSIST YOU IN  
11 DETERMINING WHETHER THE ENTRY WAS FROM THE BACK OR  
12 WASN'T FROM THE BACK?

13 A. YES.

14 Q. DID YOU EVER RECEIVE ANY OF THE SCENE OR  
15 AUTOPSY PHOTOGRAPHS ON C.D. ROM COMPUTER DISK?

16 A. NO.

17 Q. DID YOU EVER ENLARGE OR DID ANYONE EVER  
18 SHOW YOU ANY ENLARGEMENTS OF ANY OF THE PHOTOGRAPHS  
19 OTHER THAN ANYTHING YOU MAY HAVE SEEN IN COURT TODAY?

20 A. NO.

21 Q. DID YOU UTILIZE ANY METHODS OF ENLARGING  
22 THE IMAGES WHEN YOU LOOKED AT THE 180 PHOTOGRAPHS?

23 A. YES. I USED MAGNIFICATION WHEN I LOOKED AT  
24 SOME OF THEM.

25 Q. DID YOU USE MAGNIFICATION WHEN YOU LOOKED  
26 AT THE ONES OF THE BACK OF MR. MENENDEZ' RIGHT ARM?

27 A. YES.

28 Q. OKAY.

-25604

1 LET'S GO BACK, HOWEVER, TO YOUR CONTACTS.

2 YOU WERE SENT AUTOPSY REPORTS, CORRECT?

3 A. YES.

4 Q. YOU WERE SENT THE AUTOPSY AND SCENE  
5 PHOTOGRAPHS?

6 A. YES.

7 Q. YOU WERE ALSO SENT SOME ADDENDUMS TO THE  
8 AUTOPSY REPORTS REFLECTING A MORE RECENT REVIEW OF THESE  
9 PHOTOGRAPHS BY DR. GOLDEN, CORRECT?

10 A. YES.

11 Q. AND IT'S YOUR TESTIMONY A MOMENT AGO THAT  
12 THERE'S NOTHING IMPROPER ABOUT GOING BACK AND LOOKING  
13 OVER THE PHOTOGRAPHS AGAIN AND AMENDING ONE'S  
14 CONCLUSIONS?

15 A. THAT'S CORRECT.

16 Q. AND WHAT ELSE DID YOU -- AND YOU RECEIVED  
17 24 DIAGRAMS FROM FAILURE ANALYSIS, CORRECT?

18 A. ULTIMATELY, YES.

19 Q. YOU DIDN'T HAVE THOSE AT FIRST?

20 A. NOT IN THE FIRST PACK.

21 Q. AND HOW LONG AFTER THE FIRST PACKAGE DID  
22 YOU GET THE SECOND PACKAGE?

23 A. I'D SAY A WEEK AND A HALF.

24 Q. AND AT SOME POINT DID YOU PREPARE A REPORT?

25 A. YES.

26 Q. AND WHEN IN THIS CHRONOLOGY DID YOU PREPARE  
27 THE REPORT?

28 A. IT WAS ON A FRIDAY AFTERNOON. IT WOULD BE

-25603

1 FRIDAY BEFORE LAST.



2 Q. AND HAD YOU RECEIVED EVERYTHING BY THEN?

3 A. I DID NOT HAVE THE FAILURE ANALYSIS DIAGRAM  
4 AT THAT TIME.

5 Q. YOU DIDN'T?

6 A. I DON'T THINK I DID.

7 NO, I DID NOT.

8 Q. DID YOU EVER RECEIVE THE FAILURE ANALYSIS  
9 REPORT?

10 A. I DON'T -- I WOULDN'T CALL IT A REPORT. I  
11 RECEIVED A PACKET OF COLOR DIAGRAMS SHOWING MANNEQUINS  
12 AT THE SCENE.

13 Q. NO, I AM TALKING ABOUT A REPORT IN THE  
14 COMMON SENSE, WRITTEN?

15 A. NO.

16 Q. SO, I TAKE IT NO ONE HAS EVER ASKED YOU IF  
17 YOU AGREE WITH ANY OF THE CONCLUSIONS IN THE FAILURE  
18 ANALYSIS REPORT.

19 A. NO ONE HAS ASKED THAT, NO.

20 Q. NOW, HAVE YOU TOLD US EVERYTHING THAT YOU  
21 RECEIVED, OR WAS THERE SOMETHING ELSE?

22 A. NOT THAT I CAN THINK OF.

23 Q. DID YOU RECEIVE DR. GOLDEN'S TESTIMONY WHEN  
24 HE WAS CALLED AS A WITNESS BY THE PROSECUTION IN THE  
25 FIRST TRIAL?

26 A. I DID RECEIVE A TRANSCRIPT OF TESTIMONY,  
27 AND I -- I'M NOT SURE IF IT WAS FROM -- I THINK IT WAS  
28 FROM A GRAND JURY HEARING.

1 Q. SO, YOU THINK YOU ONLY RECEIVED HIS GRAND  
2 JURY TESTIMONY AND NOT WHAT HE TESTIFIED TO AT TRIAL?

3 A. THAT'S MY RECOLLECTION.

4 Q. AND YOU GOT THAT FROM THE PROSECUTION?

5 A. YES.

6 Q. YOU RECALL, DR. LAWRENCE, YOU AND I HAD A  
7 TELEPHONE CONVERSATION -- I JUST WANT TO GET THE DATE  
8 RIGHT. LET ME SEE WHERE I WROTE IT DOWN.

9 ON OCTOBER 26, 1995 AT APPROXIMATELY 6:00  
10 O'CLOCK AT NIGHT.

11 REMEMBER I CALLED YOU AND YOU WERE KIND  
12 ENOUGH TO CALL ME BACK?

13 A. YES.

14 Q. AND DO YOU REMEMBER MY MENTIONING IN THAT  
15 CONVERSATION THAT DR. GOLDEN HAD TESTIFIED AT THE FIRST  
16 TRIAL?

17 A. I DON'T REMEMBER YOUR SAYING THAT, BUT IF  
18 YOU SAY SO I'M SURE IT'S TRUE.

19 Q. WELL, DID YOU UNDERSTAND BEFORE YOU CAME TO  
20 LOS ANGELES TO TESTIFY TODAY THAT DR. GOLDEN HAD BEEN  
21 CALLED BY THE PROSECUTION TO TESTIFY TO WHAT HE DID  
22 DURING THE AUTOPSY AND HIS CONCLUSIONS DURING THE FIRST  
23 TRIAL?

24 A. IT'S MY UNDERSTANDING THAT HE TESTIFIED AT  
25 THE FIRST TRIAL.

26 Q. ALL RIGHT.

27 DID YOU EVER SEEK TO READ HIS TESTIMONY

28 FROM THAT TRIAL?

-25601

1 A. NO.

2 Q. SO, AFTER YOU RECEIVED -- AND I TAKE IT YOU  
3 HAVE ALREADY TOLD US YOU DIDN'T BRING ANY OF THESE  
4 THINGS DOWN FROM STOCKTON ACCEPT FOR THE AUTOPSY REPORTS  
5 AND THE ILLUSTRATIONS BY FAILURE ANALYSIS; IS THAT  
6 CORRECT?

7 A. YES.

8 Q. IS IT YOUR UNDERSTANDING -- BY THE WAY,  
9 WHAT IS YOUR UNDERSTANDING ABOUT WHO CREATED THOSE  
10 ILLUSTRATIONS FROM FAILURE ANALYSIS?

11 A. SOMEBODY IN THE COMPANY. I DON'T KNOW WHO  
12 DID THE COMPUTER WORK.

13 Q. AND WHAT IS YOUR UNDERSTANDING ABOUT HOW  
14 THOSE ILLUSTRATIONS WERE CREATED?

15 A. I DON'T KNOW. I WOULD -- I HAVE SOME  
16 KNOWLEDGE ABOUT COMPUTERS MYSELF, SO I CAN IMAGINE HOW  
17 THEY WERE CREATED, BUT THAT'S ALL. I WOULD BE GUESSING.

18 Q. AND IS IT YOUR UNDERSTANDING THAT THE  
19 SOMEONE IN THE COMPANY WHO CREATED THOSE ILLUSTRATIONS  
20 WAS A FORENSIC PATHOLOGIST?

21 A. I DON'T KNOW WHO CREATED THEM. I DON'T  
22 THINK IT WAS A FORENSIC PATHOLOGIST. I WOULD DOUBT THAT

23 THEY HAVE ONE IN THE COMPANY, BUT I DON'T KNOW.

24 Q. AND DO YOU KNOW WHETHER OR NOT THE PERSON

25 OR PERSONS WHO CREATED THOSE ILLUSTRATIONS EVEN

26 CONSULTED A FORENSIC PATHOLOGIST BEFORE THEY CREATED

27 THEM?

28 A. I DON'T KNOW.

-25600

1 Q. NOW, I'D LIKE TO FOR A MOMENT GO THROUGH

2 YOUR RESUME, IF YOU WILL.

3 THE COURT: WELL, LET'S DO THAT AT 1:30.

4 MS. ABRAMSON: CERTAINLY, YOUR HONOR.

5 THE COURT: WE WILL BE IN RECESS UNTIL 1:30,

6 LADIES AND GENTLEMEN. DON'T DISCUSS THE CASE WITH

7 ANYONE. DON'T FORM ANY FINAL OPINIONS ABOUT IT. SEE

8 YOU BACK HERE AT 1:30.

9

10 (A RECESS WAS TAKEN FROM

11 12:10 P.M. TO 1:30 P.M.)

12

13 (PAGES 39937 THROUGH 39963 WERE

14 ORDERED SEALED BY THE COURT)

15

16 (AT 2:25 P.M., A RECESS WAS TAKEN

17 UNTIL NOVEMBER 7, 1995)

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
2 FOR THE COUNTY OF LOS ANGELES  
3 DEPARTMENT NW "N" HON. STANLEY M. WEISBERG JUDGE

4 THE PEOPLE OF THE STATE OF )  
5 CALIFORNIA, )  
6 )  
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VS. ) NO. BA 068880

ERIK GALEN MENENDEZ, AND )  
JOSEPH LYLE MENENDEZ, )

DEFENDANTS. )

REPORTERS' DAILY TRANSCRIPT OF PROCEEDINGS

MONDAY, NOVEMBER 6, 1995

VOLUME 238

PAGES 39857 THROUGH 39963

(SEALED PAGES 39937 THROUGH 39963)

APPEARANCES:

(SEE APPEARANCE PAGE)

## 1 APPEARANCES:

2

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3

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BY: DAVID CONN, DEPUTY

4

AND

CAROL NAJERA, DEPUTY

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FOR THE DEFENDANT

9 JOSEPH LYLE MENENDEZ: MICHAEL P. JUDGE,

PUBLIC DEFENDER

10

BY: CHARLES GESSLER, DEPUTY

AND

11

TERRI TOWERY, DEPUTY

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ANNAMARIE PAPA

22

CSR NO. 8608

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11

DR. LAWRENCE,

12 ROBERT

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13

14

15

16

17

18

19

20

LEGEND:

21 A = MS. ABRAMSON C = MR. CONN

G = MR. GESSLER L = MR. LEVIN

22 N = MS. NAJERA T = MS. TOWERY

23

24

25

26

27

28

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