

1 VAN NUYS, CALIFORNIA; TUESDAY, NOVEMBER 7, 1995

2 9:05 A.M.

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

4 (APPEARANCES AS HERETOFORE NOTED.)

5

6 THE COURT: ALL RIGHT. IN THE TRIAL,

7 EVERYBODY IS HERE AND WE'LL START UP.

8 MS. ABRAMSON: YOUR HONOR, I JUST WANT THE

9 COURT TO KNOW THAT I AM HERE, BUT I'M NOT FEELING

10 WELL. I AM HERE AND I'M DETERMINED TO FINISH WITH

11 DR. LAWRENCE BECAUSE HE'S FROM OUT OF TOWN. BUT I

12 MAY ASK PERIODICALLY FOR BREAKS.

13 THE COURT: OKAY. LET ME KNOW.

14 MS. ABRAMSON: OKAY. THANK YOU.

15 (THE JURY ENTERED THE COURTROOM

16 AND THE FOLLOWING PROCEEDINGS

17 WERE HELD:)

18

19 THE COURT: THE JURY IS HERE.

20 GOOD MORNING, LADIES AND GENTLEMEN.

21 WE'RE READY TO RESUME. WE HAVE THE WITNESS ON THE

22 WITNESS STAND.

23 WOULD YOU SAY YOUR NAME AGAIN FOR THE

24 RECORD.

25

26 ROBERT DON LAWRENCE,

27 THE WITNESS AT THE TIME OF ADJOURNMENT, RESUMED THE

28 STAND, AND TESTIFIED FURTHER AS FOLLOWS:

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

3 THE COURT: AND WE'LL CONTINUE THE  
4 CROSS-EXAMINATION.

5 MS. ABRAMSON: THANK YOU, YOUR HONOR.  
6

7 CROSS-EXAMINATION (RESUMED)

8 BY MS. ABRAMSON:

9 Q DR. LAWRENCE, BEFORE WE BROKE YESTERDAY  
10 YOU HAD INDICATED THAT YOU HAD BROUGHT SOME PORTION  
11 OF YOUR FILE WITH YOU DOWN FROM STOCKTON.

12 DO YOU HAVE THAT WITH YOU NOW?

13 A YES.

14 Q ALL RIGHT. HAVE YOU HAD AN OPPORTUNITY  
15 SINCE YESTERDAY TO LOOK THROUGH THAT FILE AGAIN?

16 A YES.

17 Q AND IS EVERYTHING THAT YOU RECEIVED FROM  
18 THE PROSECUTION, WITH THE EXCEPTION OF THE 180  
19 PHOTOGRAPHS, IN THAT FINAL?

20 A NO. THE TRANSCRIPT OF DR. GOLDEN'S  
21 TESTIMONY IS NOT THERE.

22 Q TURNING TO THAT FOR A MOMENT, YOU WERE  
23 NOT CLEAR YESTERDAY ABOUT WHETHER THE TRANSCRIPT

24 THAT WAS PROVIDED TO YOU WAS OF DR. GOLDEN'S  
25 TESTIMONY BEFORE THE COUNTY GRAND JURY OR WAS OF HIS  
26 TESTIMONY AT THE FIRST TRIAL.

27 ARE YOU STILL NOT CLEAR ON THAT POINT?

28 A WELL, I THINK I SAID THAT I THOUGHT IT

1 WAS THE GRAND JURY. I DIDN'T KNOW IF THERE WAS ONE  
2 OR NOT OF THE TRIAL.

3 Q WELL, YOU UNDERSTAND, DO YOU NOT --  
4 YOU'VE TESTIFIED BEFORE GRAND JURIES, HAVEN'T YOU?

5 A YES.

6 Q AND IN GRAND JURY PROCEEDINGS ONLY THE  
7 PROSECUTION IS PRESENT, NOT THE DEFENSE.

8 YOU UNDERSTAND THAT?

9 A USUALLY, YES. AT LEAST IN MY EXPERIENCE  
10 THAT'S TRUE.

11 Q LET'S JUST ASSUME FOR THE SAKE OF  
12 ARGUMENT THAT THAT'S LEGALLY CORRECT AND THAT ONLY  
13 THE PROSECUTION APPEARS AT GRAND JURIES. OKAY?

14 A YES.

15 Q ALL RIGHT. AND, THEREFORE, SINCE  
16 THERE'S NO DEFENSE THERE, THERE'S NO DEFENDANT, NO  
17 DEFENSE COUNSEL, THERE'S NO CROSS-EXAMINATION.

18 A THAT'S CORRECT.

19 Q ALL RIGHT. IN THE TRANSCRIPT THAT YOU  
20 WERE PROVIDED WAS THERE ANY CROSS-EXAMINATION OF  
21 DR. GOLDEN?

22 A YOU KNOW, I REALLY DON'T REMEMBER.

23 Q DO YOU REMEMBER, HOWEVER, THAT -- DO YOU  
24 REMEMBER THE SUBSTANCE OF DR. GOLDEN'S TESTIMONY  
25 BEFORE THAT, WHETHER IT WAS THE GRAND JURY OR THE  
26 TRIAL?

27 A OH, YES. I PAID CLOSE ATTENTION TO  
28 EVERYTHING THAT WAS SAID AND DECIDED WHETHER OR NOT

1 I AGREED WITH IT AND SO FORTH.

2 Q AND YOU DECIDED WHETHER OR NOT YOU  
3 AGREED WITH IT AFTER YOU SAW THE PHOTOGRAPHS?

4 A I RECEIVED THE TRANSCRIPT AFTER THE  
5 INITIAL MATERIALS, SO THAT I HAD REVIEWED THE  
6 AUTOPSY REPORTS AND THE PHOTOGRAPHS BEFORE READING  
7 THE TRANSCRIPT.

8 Q AND IN THOSE AUTOPSY REPORTS YOU NOW  
9 HAVE THEM WITH YOU, DO YOU NOT?

10 A YES.

11 Q YOU ALSO RECEIVED THE AMENDMENTS THAT  
12 DR. GOLDEN PREPARED TO THOSE REPORTS?

13 A YES.

14 Q AND IT'S TRUE, IS IT NOT, THERE ARE A  
15 TOTAL OF THREE AMENDMENTS TO THE REPORT?

16 A I RECEIVED ONE AMENDMENT FOR EACH OF THE  
17 TWO AUTOPSIES.

18 Q AND THE AMENDMENT THAT YOU RECEIVED FOR  
19 EACH OF THE TWO WAS A 1995 AMENDMENT?

20 A I'LL HAVE TO CHECK THE REPORT TO REFRESH  
21 MY MEMORY. IT WAS DATED THE 25TH OF SEPTEMBER,  
22 1995.

23 Q I TAKE IT THEN YOU DIDN'T RECEIVE HIS  
24 1992 AMENDMENT?

25 A NO.

26 Q AND COULD YOU JUST TELL US WHAT ARE THE  
27 DOCUMENTS, APART FROM THAT TESTIMONY WHICH YOU  
28 DIDN'T BRING, WHICH COMPRISE YOUR FILE IN THIS CASE?

1 A I HAVE THE AMENDMENT THAT WE JUST TALKED  
2 ABOUT.

3 Q THE 1995 AMENDMENT, CORRECT?

4 A YES. I HAVE THE TWO AUTOPSY REPORTS  
5 DATED AUGUST OF 1989.

6 I HAVE A COPY OF THE REPORT THAT I  
7 GENERATED FOR THE DISTRICT ATTORNEY'S OFFICE ABOUT  
8 TWO WEEKS AGO.

9           AND I HAVE THE COLOR RECONSTRUCTION

10 DIAGRAMS FROM FAILURE ANALYSIS.

11       Q   YOU DON'T KNOW IF THEY'RE RECONSTRUCTION

12 DIAGRAMS OR JUST ILLUSTRATIONS, DO YOU?

13       A   I DON'T UNDERSTAND YOUR QUESTION.

14       Q   WELL, WHEN MR. CONN ASKED IF YOU HAD

15 SEEN THOSE DIAGRAMS HE CALLED THEM ILLUSTRATIONS.

16       A   I JUST CALLED THEM RECONSTRUCTION

17 DIAGRAMS.

18       Q   AND DO YOU KNOW HOW THEY WERE CREATED?

19       A   NO.

20       Q   AND I THINK YOU'VE ALREADY INDICATED YOU

21 DON'T KNOW WHO CREATED THEM.

22       A   THAT'S CORRECT.

23       Q   NOW, YOU TESTIFIED YESTERDAY THAT YOU

24 HAD SPOKEN TO SOMEONE CALLED DEVINDER GREWAL AT

25 FAILURE ANALYSIS ASSOCIATES; IS THAT CORRECT?

26       A   YES.

27       Q   DID YOU SPEAK TO ANYONE ELSE AT THAT

28 COMPANY?

1       A   YES. I SPOKE TO DR. MC CARTHY LATER ON

2 IN THE TELEPHONE CONVERSATION.

3       Q   WHEN YOU SAY LATER ON, WHEN WAS IT THAT

4 YOU FIRST SPOKE TO DR. MC CARTHY?

5 A I WOULD SAY IT WAS ABOUT A WEEK AGO.

6 Q WAS THAT BEFORE OR AFTER YOU AND I  
7 SPOKE, DR. LAWRENCE?

8 A I'M SORRY. I CAN'T RECALL. IT WAS  
9 PRETTY MUCH AROUND THE SAME TIME.

10 Q WELL, IF I INDICATE TO YOU THAT YOU AND  
11 I SPOKE ON OCTOBER 26TH, 1995, AND TODAY -- GOOD  
12 QUESTION. WHAT DAY IS TODAY?

13 THE COURT: NOVEMBER 7TH.

14 MS. ABRAMSON: THANK YOU, YOUR HONOR.

15 TODAY IS NOVEMBER 7TH.

16 Q CAN YOU GIVE ME AN ESTIMATE OF WHEN IN  
17 BETWEEN THOSE TWO DATES YOU SPOKE TO DR. MC CARTHY?

18 A NO. I DON'T REMEMBER. I'M SORRY.

19 Q AT THE TIME THAT I SPOKE TO YOU, DO YOU  
20 RECALL INDICATING TO ME THAT THE ONLY PERSON YOU HAD  
21 SPOKEN TO AT FAILURE ANALYSIS WAS DEVINDER GREWAL?

22 A I DON'T RECALL THAT. IF THAT'S WHAT I  
23 SAID, THEN I PROBABLY TALKED TO HIM AFTER YOU.

24 Q AND IT'S YOUR UNDERSTANDING THAT  
25 DR. MC CARTHY IS NOT A MEDICAL DOCTOR AS WELL; IS  
26 THAT CORRECT, OR DO YOU KNOW THAT?

27 A I DON'T KNOW. I DON'T KNOW WHAT TYPE OF  
28 DOCTOR HE IS. I DON'T KNOW IF IT'S AN M.D. OR PH.D.

1 Q YOU DON'T KNOW WHAT HIS EXPERTISE IS IN  
2 AT ALL?

3 A NO.

4 Q IF I TOLD YOU HIS EXPERTISE IS IN  
5 MECHANICAL ENGINEERING, THAT DOESN'T RING ANY BELLS?

6 A WELL, I JUST TOLD YOU I DON'T KNOW WHAT  
7 HIS EXPERTISE IS. SO I DON'T KNOW WHICH BELL YOU'D  
8 BE TRYING TO RING.

9 Q DO YOU BELIEVE HE MIGHT BE A FORENSIC  
10 PATHOLOGIST?

11 A I DON'T THINK SO.

12 Q WELL, YOU PREVIOUSLY TESTIFIED YOU  
13 DIDN'T THINK FAILURE ANALYSIS HAD A FORENSIC  
14 PATHOLOGIST ON STAFF; IS THAT CORRECT?

15 A NO. I SAID THAT I DOUBTED THAT THEY  
16 DID, IN RESPONSE TO --

17 Q SO YOU TALKED TO DR. MC CARTHY ABOUT  
18 WHAT?

19 A THERE WAS A CONFERENCE CALL, AND THE  
20 PURPOSE OF THE CALL WAS TO ASSESS THE MEDICAL  
21 FINDINGS IN COMPARISON TO THE RECONSTRUCTION  
22 SCENARIO CREATED BY FAILURE ANALYSIS. AND  
23 DR. MC CARTHY WAS PARTICULARLY INTERESTED TO KNOW IF  
24 THERE WERE ANY MEDICAL FINDINGS THAT WOULD BE  
25 INCONSISTENT WITH HIS CONCEPT OF HOW THE SHOTS  
26 OCCURRED AND SO FORTH.

27 AND THE GIST OF THE CONVERSATION WAS --



28 Q I'M NOT ASKING YOU WHAT THE GIST WAS. I

1 WANT TO KNOW IF -- LET ME ASK YOU THIS: WERE YOU  
2 TALKING TO DR. MC CARTHY ABOUT MEDICAL MATTERS?

3 A YES.

4 Q AND YOU WERE TALKING TO HIM ABOUT  
5 MEDICAL MATTERS WITHOUT ASCERTAINING WHETHER OR NOT  
6 HE HAD ANY MEDICAL TRAINING?

7 A CORRECT.

8 Q DR. MC CARTHY IS IN THE COURTROOM RIGHT  
9 NOW, ISN'T HE?

10 A YES.

11 Q AND SO IS MR. GREWAL, ISN'T HE?

12 A YES.

13 Q DO YOU KNOW WHAT THEY'RE DOING HERE?

14 A I PRESUME THEY'RE HERE TO TESTIFY OR TO  
15 PROVIDE EXHIBITS.

16 Q AREN'T THEY HERE TO LISTEN AND TO SEE  
17 WHAT I DO WITH YOU ON CROSS-EXAMINATION?

18 MR. CONN: OBJECTION. CALLS FOR SPECULATION.

19 THE COURT: SUSTAINED.

20 Q BY MS. ABRAMSON: I WANT TO TURN TO YOUR  
21 RESUME'.

22 YOU SUBMITTED A RESUME' TO THE

23 PROSECUTION CALLED A CURRICULUM VITAE; IS THAT

24 CORRECT?

25 A YES.

26 Q AND IT CONSISTS OF TWO PAGES?

27 A YES.

28 Q I DON'T HAVE A CLEAN COPY OF THAT. I

1 DON'T KNOW IF -- DO WE? LET ME SHOW YOU THIS AND

2 EVENTUALLY WE'LL GET A CLEAN COPY TO MARK AS AN

3 EXHIBIT BUT --

4 DO YOU HAVE A CLEAN COPY, MR. LEVIN?

5 THANK YOU.

6 I'D LIKE TO MARK THIS NEXT IN ORDER.

7 THE COURT: 206.

8 MS. ABRAMSON: THANK YOU, YOUR HONOR.

9 Q AND THIS APPEARS TO BE AN IDENTICAL COPY

10 OF WHAT YOU JUST SAW?

11 A YES.

12 Q I'LL LEAVE THE EXHIBIT THERE.

13 NOW, JUST IN POINT OF FACT, THIS

14 CURRICULUM VITAE DOES NOT MENTION THAT YOU ARE A

15 CONTRACT PATHOLOGIST FOR THE SAN JOAQUIN COUNTY

16 CORONER'S OFFICE, DOES IT?

17 A NO.

18 Q IS YOUR WORK, YOUR CONTRACT WORK WITH  
19 THE SAN JOAQUIN COUNTY CORONER'S OFFICE, THE BULK OF  
20 YOUR AUTOPSY WORK?

21 A I WOULD SAY YES.

22 Q AND HAS IT BEEN THE BULK OF YOUR AUTOPSY  
23 WORK FOR 23 YEARS?

24 A IN THE PAST, YES, MA'AM.

25 Q IS THERE ANY REASON WHY YOU DIDN'T PUT  
26 IT ON YOUR RESUME'?

27 A THIS IS A VERY ABBREVIATED RESUME' AND  
28 IT LISTS WHAT I CONSIDER THE BARE ESSENTIALS.

1 Q DO YOU HAVE A LESS-ABBREVIATED VERSION?

2 A NO. I DON'T LIKE LONG RESUMES'.

3 Q NOW, HOW RECENT IS THIS RESUME'?

4 A DECEMBER OF '94. I UPGRADE IT EVERY  
5 YEAR END.

6 Q AND HAS YOUR CERTIFICATION STATUS  
7 CHANGED SINCE DECEMBER OF '94?

8 A NO.

9 Q THIS WOULD INDICATE THAT YOU ARE ON THE  
10 AMERICAN BOARD OF PATHOLOGY, SPECIAL QUALIFICATION  
11 IN FORENSIC PATHOLOGY MAY 30TH, 1984.

12 IS THAT DIFFERENT THAN A DIPLOMAT?

13 A IT'S THE SAME THING. THAT MEANS THAT

14 I'M BOARD-CERTIFIED IN FORENSIC PATHOLOGY.

15 Q THAT'S THE SAME. THAT'S THE HIGHEST

16 CERTIFICATION YOU CAN GET IN FORENSIC PATHOLOGY?

17 A YES.

18 Q AND ARE YOU A MEMBER OF THE AMERICAN

19 ACADEMY OF FORENSIC SCIENCES?

20 A YES.

21 Q AND WHAT IS THE LEVEL OF YOUR

22 MEMBERSHIP?

23 A I'M NOT SURE WHAT THEY CALL IT.

24 Q DO THEY CALL IT PROVISIONAL MEMBER?

25 A YES. I THINK THAT'S WHAT IT IS.

26 Q THAT'S THE ENTRY LEVEL MEMBERSHIP,

27 CORRECT?

28 A YES.

1 Q A FULL MEMBER IS HIGHER AND A FELLOW IS

2 HIGHER STILL, CORRECT?

3 A I THINK SO. I HAVEN'T REVIEWED THEIR

4 MEMBERSHIP CATEGORIES RECENTLY.

5 Q SO ACCORDING TO WHAT YOU'RE SAYING, YOU

6 ARE BOARD-CERTIFIED BY TAKING AND PASSING THE

7 EXAMINATION IN 1984?

8 A YES.

9 Q NOW, YOU INDICATED AS OF THE END OF THE  
10 LAST YEAR, DECEMBER 31ST, 1994, YOU HAD PERFORMED  
11 6,220 AUTOPSIES; IS THAT CORRECT?

12 A YES. THOSE ARE THE AUTOPSIES THAT I  
13 PERFORMED SINCE I'VE BEEN IN THE PRESENT JOB. THERE  
14 ARE OTHERS THAT I'VE PERFORMED DURING MY TRAINING  
15 PERIOD BEFORE THAT THAT ARE NOT INCLUDED.

16 Q THIS INCLUDES THE 23 YEARS THAT YOU'VE  
17 TALKED ABOUT; IS THAT CORRECT?

18 A YES.

19 Q AND OF THOSE 6,220 YOU INDICATED, 1,632  
20 WERE ACCIDENTS?

21 A CORRECT.

22 Q I TAKE IT, SINCE YOU'VE GIVEN SPECIFIC  
23 NUMBERS HERE, THAT YOU KEEP RECORDS OF EVERY AUTOPSY  
24 YOU PERFORM?

25 A I HAVE A STENO PAD AND I HAVE ONE PAGE  
26 FOR EVERY CASE OF NOTES THAT I MAKE; AND THEN I KEEP  
27 THOSE IN A SHOE BOX IN MY CLOSET AT HOME. EVERY  
28 YEAR I COUNT THEM UP AND TALLY THEM.

1 Q ALL RIGHT. AND YOU ALSO INDICATED THERE  
2 WERE 473 SUICIDES.

3 A YES.

4 Q AND YOU INDICATED AT THAT TIME, AT THE  
5 END OF LAST YEAR, THERE WERE 526 HOMICIDES?

6 A YES.

7 Q SO I TAKE IT THE BALANCE, WHICH WOULD BE  
8 THE BULK, ARE NATURAL DEATHS?

9 A YES, MA'AM.

10 Q AND THAT'S TRUE ACROSS THE COUNTRY, THE  
11 BULK OF AUTOPSY WORK IS NATURAL DEATHS?

12 A RIGHT.

13 Q THE NEXT HIGHEST NUMBER IS ACCIDENTS?

14 A NOT IN OUR JURISDICTION. NEXT HIGHEST  
15 NUMBER IS USUALLY HOMICIDES.

16 Q YOUR EXPERIENCE HASN'T BEEN THAT,  
17 THOUGH?

18 A NO. CURRENTLY IN OUR JURISDICTION I DO  
19 MORE HOMICIDES THAN SUICIDES OR ACCIDENTS.

20 Q LET ME SEE IF I UNDERSTAND. CURRENTLY,  
21 MEANING OVER WHAT TIME PERIOD?

22 A OH, LET'S SAY OVER THE LAST THREE  
23 YEARS. CERTAINLY MORE HOMICIDES AND SUICIDES;  
24 PROBABLY MORE ACCIDENTS THAN HOMICIDES. I'D HAVE TO  
25 CHECK.

26 Q ACCIDENTS ARE CAR CRASHES AND HEATERS  
27 EXPLODING IN HOMES AND THAT KIND OF THING.  
28 ACCIDENTS ARE COMMON, MORE COMMON THAN HOMICIDES,

1 AREN'T THEY?

2 A YES.

3 Q IN SOME JURISDICTIONS SUICIDES MAY BE  
4 HIGHER THAN HOMICIDES. YOU'RE SAYING IN YOURS  
5 HOMICIDES ARE HIGHER THAN SUICIDES?

6 A YES.

7 Q THAT'S BEEN TRUE FOR ABOUT THE PAST  
8 THREE YEARS?

9 A YES. ACTUALLY, PROBABLY LONGER IN OUR  
10 COUNTY.

11 Q NOW, HOW MANY HOMICIDE AUTOPSIES HAVE  
12 YOU PERFORMED, OR AUTOPSIES WHERE IT WAS DETERMINED  
13 THAT IT'S A HOMICIDE DETERMINATION, RATHER THAN AN  
14 ACCIDENTAL OR A SUICIDE, SINCE DECEMBER 31ST, 1994?

15 A I'D HAVE TO CHECK MY RECORDS. I DON'T  
16 KNOW.

17 Q HOW MANY AUTOPSIES ALL TOGETHER HAVE YOU  
18 PERFORMED SINCE DECEMBER 31ST OF 1994?

19 A I DON'T RECALL.

20 Q SO WHEN YOU TESTIFIED ON DIRECT  
21 EXAMINATION THAT YOU HAD PERFORMED 7,000, RATHER  
22 THAN 6,220, YOU WERE ESTIMATING?

23 A YES. THAT'S MY BEST ESTIMATE.

24 Q SPREAD OUT OVER THE 23 YEARS IT WOULD  
25 APPEAR THAT YOU DO AN AVERAGE OF 300 AUTOPSIES A

26 YEAR; IS THAT CORRECT?

27 A I HAVE DONE UP TO 300 CASES A YEAR. NOW

28 I DO FAR FEWER THAN THAT.

1 Q ALL RIGHT. IF YOU'VE DONE FEWER THAN  
2 THAT, THEN BETWEEN DECEMBER 31ST OF 1994 AND  
3 DECEMBER 31ST OF 1995, WHERE WE HAVEN'T GOTTEN TO  
4 YET, YOUR TOTAL NUMBER WOULD STILL BE ONLY 6500 IF  
5 YOU DID ONLY 300 THIS YEAR?

6 A THAT'S CORRECT.

7 Q SO YOU HAVEN'T DONE 7,000 YET?

8 A NO. I'M SURE I HAVE.

9 Q YOU'VE LEFT SOMETHING OUT OF THESE  
10 TOTALS?

11 A THAT'S RIGHT. THAT'S WHAT I SAID  
12 EARLIER.

13 Q SINCE YOU'VE BEEN WORKING FULL-TIME AS A  
14 PATHOLOGIST, YOU HAVEN'T DONE 7,000; WOULD THAT BE A  
15 FAIR STATEMENT?

16 A WELL, I WAS WORKING FULL-TIME AS A  
17 PATHOLOGIST BEFORE THESE FIGURES WERE -- BEFORE THE  
18 22 OR 23 YEARS AGO THAT THESE FIGURES STARTED.

19 Q YOU'RE STARTING WITH WHEN YOU'VE TOLD US  
20 YOU'RE IN YOUR CURRENT JOB.



21 A AND DURING THE TIME THAT I WAS IN THIS  
22 CURRENT JOB I WAS TAKING TRAINING IN FORENSIC  
23 PATHOLOGY ONE MONTH PER YEAR AT THE TOP SEVEN PLACES  
24 IN THE UNITED STATES. AND DURING THOSE TRAINING  
25 PERIODS I DID MANY, MANY AUTOPSIES; NONE OF WHICH  
26 WERE RECORDED IN THESE FIGURES.

27 Q YOU HAVEN'T INDICATED ANY OF THAT  
28 TRAINING IN THIS C.V. EITHER, HAVE YOU?

1 A NO. THAT'S --

2 Q WHERE DID YOU RECEIVE YOUR TRAINING?  
3 FIRST OF ALL, WHAT ARE THE TOP SEVEN PLACES IN THE  
4 UNITED STATES?

5 A WELL, DEPENDS ON WHAT YOUR FOCUS IS. I  
6 WAS INTERESTED IN VOLUME OF CASES, AND ALSO IN THE  
7 OTHER ASPECTS OF DEATH INVESTIGATION, SUCH AS CRIME  
8 LABS AND SO FORTH.

9 AND FOR VOLUME I WENT TO THE LOS ANGELES  
10 CORONER'S OFFICE AND SPENT A MONTH THERE, AND WE DID  
11 ABOUT 25 AUTOPSIES A DAY, TWO OR THREE HOMICIDES A  
12 DAY.

13 ANOTHER WAS MANHATTAN, NEW YORK CITY.

14 AS FAR AS GUNSHOT HOMICIDES, I THOUGHT  
15 DETROIT WOULD BE GOOD, SO I SPENT A MONTH IN

16 DETROIT.

17 AS FAR AS SPECIAL LAB EXPERTISE, I WENT  
18 TO THE DALLAS COUNTY MEDICAL EXAMINERS OFFICE  
19 BECAUSE THEY HAVE THE CRIME LAB IN THE SAME  
20 FACILITY.

21 Q THAT WAS A MONTH THERE AS WELL?

22 A YES. A MONTH IN ALL OF THESE PLACES.

23 Q WHERE ELSE?

24 A I WENT TO OAKLAND, CALIFORNIA, WHICH  
25 IS -- HAS WHAT I CONSIDER SOME OF THE TOP FORENSIC  
26 PATHOLOGISTS AVAILABLE, AND SAN FRANCISCO.

27 Q AND YOU SPENT A MONTH IN EACH OF THOSE  
28 PLACES?

1 A YES.

2 Q AND WHEN WAS THIS?

3 A OVER THE YEARS, STARTING AROUND 1978.

4 Q AND ENDING?

5 A ENDING IN '84 WHEN I TOOK MY BOARDS.

6 Q AND THE L.A. COUNTY CORONER'S OFFICE, IN  
7 FACT, AND THE SAN FRANCISCO CORONER'S OFFICE IN  
8 CALIFORNIA, ACTUALLY HAVE A TRAINING PROGRAM FOR  
9 DOCTORS IN HOMICIDE FORENSIC PATHOLOGY, DON'T THEY?

10 A IN FORENSIC PATHOLOGY, YES, MA'AM.

11 Q AND WOULD IT BE FAIR TO SAY THAT THE  
12 DOCTORS WHO WORK IN THOSE OFFICES HAVE AN ENORMOUS  
13 AMOUNT OF TRAINING AND AN ENORMOUS CASE LOAD TO  
14 LEARN FROM?

15 A YOU COULD SAY THAT, YES, MA'AM.

16 Q WOULD YOU SAY THAT?

17 A NOT REALLY.

18 Q NO. BUT YOU JUST SAID THAT YOU WENT TO  
19 TRAIN AT THESE OFFICES IN L.A. COUNTY BECAUSE OF THE  
20 VOLUME.

21 A YES.

22 Q SAN JOAQUIN COUNTY DOESN'T HAVE A  
23 TRAINING PROGRAM, DO THEY?

24 A NO.

25 Q DO YOU REMEMBER WHAT YEAR IT WAS THAT  
26 YOU TRAINED IN L.A.?

27 A I THINK 1978.

28 Q AND DID YOU KNOW DR. GOLDEN THEN?

1 A NO.

2 Q AND WHO WAS THE CORONER AT THAT TIME?

3 A DR. NOGUCHI.

4 Q AND WHEN YOU TRAINED IN NEW YORK CITY,  
5 WHO WAS THE CORONER THERE?

6 A DR. BODEN.

7 Q MICHAEL BODEN?

8 A YES.

9 Q AND WHEN YOU TRAINED IN DETROIT, WHO WAS  
10 THE CORONER THERE?

11 A DR. SPITZ.

12 Q WERNER SPITZ?

13 A YES.

14 Q AND WHEN YOU TRAINED IN DALLAS, WHO WAS  
15 THE CORONER THERE?

16 A DR. PETTY.

17 Q AND WHEN YOU TRAINED IN OAKLAND, WHO WAS  
18 THE CORONER THERE?

19 A WELL, IN OAKLAND WE'RE TALKING ABOUT  
20 INDIVIDUAL PATHOLOGISTS. THERE'S NO MEDICAL  
21 EXAMINER SYSTEM IN OAKLAND. AND IT WAS DR. HERRMANN  
22 AND ESPECIALLY DR. MC NIE.

23 Q PAUL DR. HERRMANN?

24 A YES, MA'AM.

25 Q AND IN SAN FRANCISCO?

26 A DR. STEVENS.

27 Q DID YOU KNOW, DR. LAWRENCE, THAT  
28 DR. STEVENS WAS CONSULTED BY THE DEFENSE FIVE YEARS

1 AGO ON THIS CASE?

2 MR. CONN: OBJECTION. IRRELEVANT.

3 THE COURT: OVERRULED.

4 YOU CAN ANSWER THE QUESTION.

5 THE WITNESS: YOU TOLD ME THAT ON THE

6 TELEPHONE.

7 Q BY MS. ABRAMSON: AND I ALSO TOLD YOU

8 THAT DR. BODEN IS A CONSULTANT TO THE DEFENSE NOW,

9 THAT DR. HERRMANN IS A CONSULTANT TO THE DEFENSE

10 NOW.

11 MR. CONN: OBJECTION. IRRELEVANT. CALLS FOR

12 HEARSAY.

13 THE COURT: SUSTAINED.

14 Q BY MS. ABRAMSON: DO YOU KNOW IF ANY

15 OTHER PATHOLOGISTS WERE CONTACTED BY WHOEVER THIS

16 COMPANY WAS THAT CONTACTED YOU ABOUT THIS CASE

17 BEFORE YOU WERE CONTACTED?

18 A THE PERSON THAT CALLED ME TOLD ME THAT

19 HE HAD ALSO CONTACTED DR. HERRMANN.

20 Q AND DID HE TELL YOU HE WAS TOLD BY

21 DR. HERMAN THAT DR. HERRMANN WAS CONSULTING WITH THE

22 DEFENSE?

23 MR. CONN: OBJECTION. CALLS FOR HEARSAY.

24 IRRELEVANT.

25 THE COURT: SUSTAINED.

26 Q BY MS. ABRAMSON: NOW, IN ADDITION TO

27 THE TRAINING THAT YOU RECEIVED ON THESE ONE-MONTH

28 RESIDENTS, IF YOU WILL, WITH THESE VARIOUS CORONER'S

1 OFFICES, DO YOU ALSO ATTEND LECTURES AND  
2 PRESENTATIONS BY VARIOUS EXPERTS IN THE FIELD OF  
3 FORENSICS?

4 A YES.

5 Q AND IN THAT REGARD, HAVE YOU ATTENDED  
6 PRESENTATIONS PUT ON BY THE INSTITUTE OF FORENSIC  
7 SCIENCE IN OAKLAND?

8 A YES.

9 Q AND WHO'S THE HEAD OF THE INSTITUTE OF  
10 FORENSIC SCIENCE IN OAKLAND?

11 A DR. HERRMANN.

12 Q AND WHO'S THE CRIMINALIST IN CHARGE OF  
13 THE LABORATORY --

14 MR. CONN: OBJECTION. IRRELEVANT.

15 THE COURT: OVERRULED.

16 YOU CAN ANSWER THE QUESTION.

17 THE WITNESS: PHIL REYNOLDS.

18 Q BY MS. ABRAMSON: DO YOU KNOW CHARLES  
19 MORTON?

20 A YES.

21 Q AND WHAT IS MRS. MORTON'S ROLE WITH THE  
22 INSTITUTE OF FORENSIC SCIENCE?

23 MR. CONN: OBJECTION. IRRELEVANT.

24 THE COURT: SUSTAINED.

25 Q BY MS. ABRAMSON: HAVE YOU TAKEN ANY --  
26 HAVE YOU ATTENDED ANY LECTURES OR SEMINARS PUT ON BY  
27 MR. MORTON?  
28 MR. CONN: OBJECTION. IRRELEVANT.

1 THE COURT: OVERRULED.

2 YOU CAN ANSWER THE QUESTION.

3 THE WITNESS: YES.

4 Q BY MS. ABRAMSON: NOW, I INDICATED TO  
5 YOU WHEN WE SPOKE WHO ALL THE EXPERTS WERE THAT THE  
6 DEFENSE WAS CONSULTING WITH CONCERNING THE ISSUES  
7 THAT YOU WERE GOING TO TESTIFY ABOUT, DID I NOT?

8 MR. CONN: OBJECTION. IRRELEVANT. CALLS FOR  
9 HEARSAY.

10 THE COURT: SUSTAINED.

11 MS. ABRAMSON: I'M NOT ASKING FOR THE  
12 SPECIFICS, YOUR HONOR. IT'S FOUNDATIONAL.

13 THE COURT: IT STILL WOULD BE HEARSAY.

14 Q BY MS. ABRAMSON: DID YOU CONTACT ANYONE  
15 ELSE BESIDES THE PROSECUTORS HERE AND FAILURE  
16 ANALYSIS TO DISCUSS ANY ASPECT OF THIS CASE?

17 A ACTUALLY, THEY CONTACTED ME. I DIDN'T  
18 CONTACT ANYBODY.

19 Q ALL RIGHT. NOW, OF THE 526 HOMICIDES

20 THAT YOU HAD LISTED AS OF DECEMBER 31ST, 1994, HOW  
21 MANY OF THEM HAD TO DO WITH GUNSHOTS, GUNSHOT  
22 WOUNDS?

23 A CERTAINLY THE MAJORITY. I WOULD JUST BE  
24 GUESSING WITHOUT CHECKING MY RECORDS, BUT I WOULD  
25 SAY PROBABLY TWO-THIRDS, MAYBE 60 PERCENT.

26 Q AND OF THAT TWO-THIRDS -- AND I WILL NOT  
27 TRY TO DO THE MATH THIS QUICKLY -- HOW MANY HAD TO DO  
28 WITH SHOTGUN WOUNDS?

1 A A MINORITY. I WOULD SAY I'VE PROBABLY  
2 DONE -- I WAS THINKING ABOUT THIS THE OTHER DAY --  
3 I'VE PROBABLY DONE SOMEWHERE AROUND 100 SHOTGUN  
4 HOMICIDE CASES.

5 Q AND IN HOW MANY OF THOSE SHOTGUN  
6 HOMICIDE CASES WERE THERE MULTIPLE WOUND AREAS  
7 INDICATING MORE THAN ONE BLAST, TO USE YOUR TERM?

8 A LIKE THESE CASES, OR DO YOU MEAN JUST  
9 MORE THAN ONE?

10 Q START WITH MORE THAN ONE.

11 A MORE THAN ONE IS UNUSUAL. MOST OF THEM  
12 ARE A SINGLE SHOT BECAUSE THAT'S USUALLY ALL IT  
13 TAKES. I WOULD SAY THAT A FEW OF THEM WOULD INVOLVE  
14 TWO SHOTS, AND EVEN LESS WOULD INVOLVE THREE, SUCH



15 AS A SHOOT-OUT OR SOMETHING LIKE THAT. THAT'S ABOUT  
16 IT.

17 Q SO IS IT FAIR TO SAY YOU'VE NEVER  
18 YOURSELF PERFORMED AN AUTOPSY ON A DECEDENT THAT HAD  
19 THE NUMBER OF SHOTGUN-PRODUCED WOUNDS THAT THESE  
20 DECEDENTS HAD?

21 A NINE TIMES? NO. I'VE NEVER DONE ONE  
22 LIKE THAT.

23 Q HAVE YOU EVER DONE AUTOPSIES ON SHOTGUN  
24 VICTIMS WHERE THERE WERE MULTIPLE VICTIMS?

25 A YES.

26 Q AND YOU'VE DONE THE AUTOPSIES ON ALL THE  
27 VICTIMS?

28 A YES.

1 Q AND HOW MANY VICTIMS -- AND HAVE YOU DONE  
2 THESE SERIALLY, ONE RIGHT BEHIND THE OTHER?

3 A YES.

4 Q AND HOW MANY TIMES HAVE YOU DONE THAT?

5 A ONLY ONE TIME THAT COMES TO MIND NOW,  
6 BUT I WOULD HAVE TO CHECK MY FILES TO SEE IF THERE  
7 WERE OTHERS.

8 Q THE ONE TIME THAT YOU DID THAT, HOW MANY  
9 WOUNDS DID EACH OF THOSE VICTIMS SUSTAIN?

10 A I DON'T REMEMBER.

11 Q BUT, IN ANY EVENT, THREE WAS THE MOST  
12 YOU HAD EVER SEEN; IS THAT CORRECT?

13 A TO THE BEST OF MY RECOLLECTION. AGAIN,  
14 I WOULD HAVE TO CHECK MY RECORDS. I'M ALMOST SURE I  
15 HAVE NOT DONE ANY INVOLVING MORE THAN THREE.

16 Q AND DO YOU KNOW IF YOU EVER TESTIFIED IN  
17 ANY CRIMINAL TRIAL FOR THE MULTIPLE SHOTGUN WOUND  
18 AUTOPSIES THAT YOU PERFORMED?

19 A I DON'T RECALL. I PROBABLY DID, IF THE  
20 PERPETRATORS WERE CAUGHT.

21 Q BUT YOU DON'T ACTUALLY HAVE A  
22 RECOLLECTION OF THAT?

23 A NO.

24 Q NOW, BEFORE YOU TESTIFY IN A COURTROOM  
25 CONCERNING AN AUTOPSY THAT YOU HAVE PERFORMED, DO  
26 YOU REVIEW THE PHOTOGRAPHS?

27 A NOT ALWAYS.

28 Q ARE SOME AUTOPSIES, JUST GENERALLY

1 SPEAKING, DR. LAWRENCE, MORE COMPLICATED THAN  
2 OTHERS?

3 A YES.

4 Q ON THE MORE COMPLICATED ONES DO YOU TEND

5 TO REVIEW THE PHOTOGRAPHS?

6 A I ALWAYS DO.

7 Q WOULD YOU CALL THESE AUTOPSIES PERFORMED  
8 HERE BY DR. IRWIN GOLDEN COMPLICATED?

9 A YES, MA'AM.

10 Q VERY COMPLICATED?

11 A YES.

12 Q NOW, IT IS YOUR UNDERSTANDING THAT YOU  
13 RECEIVED AUTOPSY PHOTOGRAPHS; IS THAT CORRECT?

14 A I INDEED DID RECEIVE AUTOPSY  
15 PHOTOGRAPHS.

16 Q AND DO YOU KNOW WHO TOOK THE AUTOPSY -- I  
17 DON'T MEAN THE PERSON, I MEAN AGENCY -- WHO TOOK THE  
18 AUTOPSY PHOTOGRAPHS THAT YOU RECEIVED?

19 A NO.

20 Q DID YOU RECEIVE TWO DIFFERENT KINDS; IN  
21 OTHER WORDS, PHOTOGRAPHS THAT HAD DIFFERING  
22 APPEARANCES FROM EACH OTHER CONCERNING THE  
23 AUTOPSIES?

24 A YES.

25 Q AND WERE YOU EVER GIVEN ANY INFORMATION --  
26 BY TWO DIFFERENT KINDS, WHAT I'M REFERRING TO, JUST  
27 TO MAKE SURE WE'RE COMMUNICATING, IS ONE SET OF  
28 PHOTOGRAPHS THAT HAD A WHITE BORDER UNDER THE EDGE

1 OF THE PRINT AND ANOTHER SET OF AUTOPSY PHOTOGRAPHS  
2 THAT DIDN'T HAVE A WHITE BORDER?

3 A I DON'T REMEMBER IF THERE WAS A BORDER.  
4 I JUST REMEMBER RECEIVING ONE PACKET OF HIGH-QUALITY  
5 PHOTOGRAPHS FROM THE DISTRICT ATTORNEY'S OFFICE, AND  
6 THEN LATER ON, ANOTHER SMALLER PACKET FROM A  
7 DIFFERENT DISTRICT ATTORNEY'S OFFICE, THE VAN NUYS  
8 OFFICE, WITH A SMALL STACK OF POOR-QUALITY  
9 PHOTOGRAPHS.

10 Q AND NO ONE EXPLAINED TO YOU WHICH WAS  
11 WHICH?

12 A NO.

13 Q YOU DID, HOWEVER, SEEM TO KNOW THAT  
14 THERE WAS A CAMERA OPERATOR FROM THE POLICE  
15 DEPARTMENT PRESENT WHO TOOK SOME OF PHOTOGRAPHS THAT  
16 YOU SAW?

17 A NOT REALLY. I ACTUALLY ASSUMED THAT,  
18 BECAUSE IT WOULD BE VERY DIFFICULT FOR A PATHOLOGIST  
19 TO BE TAKING THE PICTURES AND DOING THE AUTOPSY AT  
20 THE SAME TIME. SO NORMALLY THERE'S SOMEONE THERE  
21 THAT TAKES ALL THESE PICTURES. THERE WERE A LOT OF  
22 PICTURES TAKEN.

23 Q ARE YOU AWARE OF THE FACT THAT THE  
24 LOS ANGELES COUNTY CORONER'S OFFICE HAS  
25 PHOTOGRAPHERS WHO DO NOTHING BUT TAKE THOSE  
26 PICTURES? THE MEDICAL EXAMINER DIDN'T DO IT. THE  
27 DOCTOR DIDN'T TAKE THE PICTURES. THERE'S A CORONER'S

1 A THERE'S A PHOTOGRAPHER --

2 MR. CONN: OBJECTION. IRRELEVANT.

3 THE COURT: OVERRULED.

4 THE WITNESS: THERE IS A PHOTOGRAPHER THERE

5 AT THE CORONER'S OFFICE, AND THERE WAS IN 1978; AND

6 THE PATHOLOGIST HIMSELF OR HERSELF NOT INFREQUENTLY

7 TAKES PICTURES. I KNOW I DO.

8 Q BY MS. ABRAMSON: BUT YOU DON'T KNOW

9 WHAT HAPPENED HERE BECAUSE YOU DIDN'T TALK TO

10 DR. GOLDEN, CORRECT?

11 A THAT'S CORRECT.

12 Q AND NO ONE TOLD YOU THAT THERE WAS ALSO

13 A PHOTOGRAPHER FROM THE BEVERLY HILLS POLICE

14 DEPARTMENT WHO TOOK A LOT OF THE PHOTOGRAPHS THAT

15 WERE SENT TO YOU?

16 A I WAS TOLD LATER BY SOMEONE DURING A

17 TELEPHONE CONVERSATION THAT THE BETTER-QUALITY

18 PHOTOGRAPHS WERE TAKEN BY THE BEVERLY HILLS P.D.

19 Q AND IN THE DISPLAY OF PHOTOGRAPHS THAT

20 MR. CONN WAS USING WITH YOU YESTERDAY, DO YOU KNOW

21 WHICH ONES OF THOSE WERE FROM THE CORONER'S

22 PHOTOGRAPHER AND WHICH ONES WERE FROM THE BEVERLY

23 HILLS POLICE DEPARTMENT PHOTOGRAPHER?

24 A NO.

25 Q NOW, YOU TESTIFIED CONCERNING YOUR

26 BACKGROUND THAT YOU SPENT A PERIOD OF TIME IN THE

27 UNITED STATES NAVY; IS THAT CORRECT?

28 A YES.

1 Q AND YOU WERE A MEDICAL OFFICER?

2 A I WAS A FLIGHT SURGEON.

3 Q AND YOU SAID YOU TREATED PILOTS AND

4 THEIR FAMILIES?

5 A THAT'S CORRECT.

6 Q AND WHAT WAS THE -- AND YOU DID SURGERY

7 EXCLUSIVELY?

8 A NO. THE TERM "FLIGHT SURGEON" MEANS A

9 GENERAL PRACTITIONER WHO TAKES CARE OF PILOTS, BUT

10 HAS SPECIAL EXPERTISE IN AREAS THAT INVOLVE AVIATION

11 MEDICINE; SUCH AS EAR, NOSE, AND THROAT,

12 OPHTHALMOLOGY, AND SO FORTH.

13 Q SO YOU DIDN'T PERFORM SURGERY?

14 A I DID MINOR SURGERY FROM TIME TO TIME.

15 THAT'S ALL.

16 Q I TAKE IT YOU DIDN'T DO ANY SURGERY

17 INVOLVING WOUNDS CAUSED BY COMBAT?

18 A NO.

19 Q AND YOUR STINT IN THE NAVY WAS HOW LONG?

20 A TWO AND ONE HALF YEARS.

21 Q AND WHERE WERE YOU STATIONED?

22 A FIRST IN PENSICOLA FOR MY SIX-MONTH

23 TRAINING AND THEN AT N.A.F. EL CENTRO IN THE

24 CALIFORNIA DESERT.

25 Q AT A BASE?

26 A YES.

27 Q YOU SAID YOU SERVED YOUR RESIDENCY AT

28 THE MAYO CLINIC BETWEEN 1970 AND 1973.

1 A THAT'S CORRECT.

2 Q AND A RESIDENCY IN PATHOLOGY?

3 A YES.

4 Q NOW, WHAT IS THE DIFFERENCE BETWEEN

5 PATHOLOGY AND FORENSIC PATHOLOGY?

6 A EVERYONE WHO'S A FORENSIC PATHOLOGIST

7 FIRST HAS TO GO THROUGH GENERAL PATHOLOGY TRAINING;

8 AND THEN IF HE OR SHE TAKES AN EXTRA YEAR IN

9 FORENSIC PATHOLOGY, THEY CAN BECOME BOARD-CERTIFIED

10 IN THE SUB-SPECIALTY OF FORENSIC PATHOLOGY.

11 Q WHAT IS FORENSIC PATHOLOGY?

12 A IT'S PATHOLOGY DEALING MAINLY WITH

13 AUTOPSIES AND CASES INVOLVING THE LEGAL SYSTEM, SUCH  
14 AS THESE.

15 Q NOT ALL PATHOLOGIES INVOLVE AUTOPSIES,  
16 CORRECT?

17 A NO, MA'AM.

18 Q A LOT OF IT ACTUALLY HAS TO DO WITH  
19 LABORATORY WORK?

20 A LABORATORY WORK AND HOSPITAL WORK, WHICH  
21 IS WHAT I SPEND MOST OF MY TIME DOING.

22 Q WHEN YOU SAY YOU SPEND MOST OF YOUR TIME  
23 DOING LABORATORY AND HOSPITAL WORK, WHAT DO YOU DO  
24 EXACTLY IN THAT REGARD?

25 A I DIRECT THE LABORATORY IN THE HOSPITAL  
26 AND AM RESPONSIBLE FOR THE PEOPLE THAT DO THE  
27 BLOOD-TESTING AND I DIRECT THE BLOOD BANK AND SPEND  
28 THE MAJORITY OF MY DAY READING SURGICAL PATHOLOGY

1 SPECIMENS, WHICH ARE SPECIMENS OR BIOPSIES THAT HAVE  
2 BEEN REMOVED FROM PEOPLE. TISSUE IS REMOVED FROM  
3 SOMEBODY AND SENT TO A PATHOLOGIST, WHO THEN DOES A  
4 GROSS EXAMINATION AND A MICROSCOPIC EXAMINATION AND  
5 DICTATES A REPORT WITH A DIAGNOSIS.

6 Q I GUESS THE MOST COMMON THING FOR A LAY  
7 PERSON IS BIOPSIES ON TUMORS THAT ARE SUSPECTED OF



8 BEING CANCEROUS?

9 A YES. WE DO FROZEN SECTIONS. THAT IS  
10 WHEN THE PERSON IS ASLEEP. WE DO A QUICK SECTION  
11 AND SEE IF IT'S CANCER AND HELP THE SURGEON TO  
12 DECIDE WHAT OPERATION TO DO.

13 Q SO A LARGE PORTION OF PATHOLOGY WORK  
14 DOESN'T HAVE TO DO WITH DETERMINING CAUSE OF DEATH.  
15 THAT'S MORE THE FUNCTION OF FORENSIC PATHOLOGY?

16 A YES, MA'AM.

17 Q OKAY. FIRST OF ALL, WHEN YOU REVIEWED  
18 THESE PHOTOGRAPHS, WHEN YOU REVIEWED THE AUTOPSY  
19 REPORT, DID YOU GENERATE ANY NOTES?

20 A NO.

21 Q BEFORE YOU ISSUED YOUR REPORT DID YOU  
22 VIEW THE ILLUSTRATIONS THAT WE'VE BEEN REFERRING TO  
23 HERE FROM FAILURE ANALYSIS?

24 A NO. I'M SORRY. YES. I SAW THEM, BUT I  
25 DIDN'T HAVE THEM AVAILABLE AT THE TIME I MADE THE  
26 REPORT; IN OTHER WORDS, I SAW -- I WENT AND HAD A  
27 MEETING WITH MR. GREWAL AND SAW THE ILLUSTRATIONS AT  
28 THAT TIME DURING THAT MEETING. AND THEN SEVERAL

1 DAYS LATER BACK AT MY OFFICE WROTE THE REPORT. BUT  
2 I DID NOT HAVE A COPY OF THOSE ILLUSTRATIONS.

3 Q NOW, YOU HAD TESTIFIED YESTERDAY MORNING  
4 THAT YOU HAVE BEEN FOOLED BEFORE BY SHOTGUN WOUNDS.  
5 HOW WERE YOU FOOLED?

6 A I WOULD HAVE TO SEE THE CONTEXT OF WHAT  
7 I SAID YESTERDAY TO PUT IT IN A -- I THINK WE WERE  
8 TALKING ABOUT DIRECTION --

9 Q LET ME GET TO THAT PART. I NOTED IT. I  
10 BELIEVE YOU WERE TALKING ABOUT ANTEMORTEM VERSUS  
11 POSTMORTEM. YOU HAD JUST DESCRIBED HEMORRHAGING  
12 ALONG THE WOUND PATH OF AN ARM WOUND.

13 YOU SAID, "I'VE BEEN FOOLED." YOU  
14 MENTIONED HEMORRHAGES AND SHREDDED MUSCLE; LOOKING  
15 FOR ABNORMAL DARK PURPLE RED COLOR.

16 IT WAS IN THAT CONTEXT.

17 A YES.

18 Q HOW HAVE YOU BEEN FOOLED BEFORE?

19 A WHAT I WAS TRYING TO INDICATE IS  
20 SOMETIMES POSTMORTEM WOUNDS CAN LOOK ANTEMORTEM IF  
21 THERE'S STILL SOME PRESSURE LEFT IN THE BLOOD  
22 VESSELS. AND I REMEMBER A CASE WHERE THERE WAS A  
23 WOUND THAT LOOKED BLOODY AND HEMORRHAGIC TO ME, AND  
24 THEN WHEN I COMPLETED THE AUTOPSY, I REALIZED THAT  
25 IT HAD TO BE A POSTMORTEM WOUND BECAUSE OF THE  
26 NATURE OF THE OTHER WOUNDS.

27 SO I WAS FOOLED BY THAT. THAT'S ALL I  
28 WAS REFERRING TO.

1 Q OKAY. AND THAT WAS A SHOTGUN WOUND OR  
2 NO?

3 A YES.

4 Q NOW, YOU WROTE A REPORT DATED OCTOBER  
5 20TH, 1995, CORRECT?

6 A YES.

7 Q AND AFTER INDICATING WHAT THE REPORT IS,  
8 THAT IT WAS A PRELIMINARY REPORT, AFTER INDICATING  
9 WHAT YOU REVIEWED, YOU POSED A QUESTION, DID YOU  
10 NOT?

11 A YES.

12 Q AND THE QUESTION YOU POSED WAS: "WERE  
13 THE BODIES MOVED AFTER DEATH?"

14 A CORRECT.

15 Q WHY DID YOU POSE THAT QUESTION?

16 A SOMEONE IN ONE OF THE PHONE  
17 CONVERSATIONS TOLD ME -- I'M SORRY. I DON'T  
18 REMEMBER WHO IT WAS -- TOLD ME THAT THERE WAS A  
19 THOUGHT THAT THE BODIES WERE KILLED ELSEWHERE AND  
20 MOVED INTO THE POSITION THEY WERE FOUND.

21 Q THERE WAS A THOUGHT THAT THE BODIES WERE  
22 MOVED? THAT'S WHAT YOU WERE TOLD?

23 A THAT'S THE SENSE OF WHAT I REMEMBER.

24 Q AND WHO HAD THIS THOUGHT? WERE YOU TOLD  
25 WHO HAD THIS THOUGHT?

26 A AS I SAY, I DON'T REMEMBER WHO TOLD ME

27 OR WHO THEY SAID HAD THE THOUGHT.

28 Q WELL, WHOEVER TOLD YOU, YOU START YOUR

1 REPORT WITH THIS QUESTION. SO DID YOU THINK THAT  
2 WAS THE IMPORTANT QUESTION TO ANSWER?

3 A NO. WELL, I THOUGHT IT WAS IMPORTANT TO  
4 DISMISS THAT, WHICH WAS, TO ME, A RATHER ABSURD  
5 CONCEPT. OTHER THAN THAT, I DIDN'T THINK IT WAS  
6 MORE IMPORTANT OR LESS IMPORTANT THAN ANYTHING ELSE.

7 Q DO YOU THINK THAT'S AN ABSURD CONCEPT,  
8 THAT BODIES CAN BE MOVED?

9 A I CAN'T SAY THAT. I SAID THAT IT'S AN  
10 ABSURD CONCEPT THAT THESE BODIES WERE MOVED AFTER  
11 THEY WERE KILLED.

12 Q SO YOUR OPINION IS THAT THESE BODIES  
13 WERE NOT MOVED AFTER THEY WERE KILLED?

14 A THEY WERE NOT.

15 Q NOT AT ALL, CORRECT?

16 A NOT AT ALL.

17 Q BY THE WAY, WERE YOU EVER GIVEN THE  
18 REPORTS GENERATED BY THE LOS ANGELES COUNTY  
19 SHERIFF'S CRIME LAB CONCERNING THIS CRIME SCENE?

20 A NO.

21 Q ARE YOU AWARE OF THE FACT THAT THERE

22 WERE REPORTS AND, IN FACT, TESTIMONY FROM MEMBERS OF  
23 THE LOS ANGELES COUNTY SHERIFF'S LABORATORY AT THE  
24 LAST TRIAL?

25 MR. CONN: OBJECTION. CALLS FOR HEARSAY AND  
26 SPECULATION.

27 THE COURT: SUSTAINED.

28 Q BY MS. ABRAMSON: WERE YOU EVER GIVEN

1 ANY INFORMATION INDICATING TESTIMONY OR REPORTS BY  
2 MEMBERS OF THE LOS ANGELES COUNTY SHERIFF'S CRIME  
3 LAB?

4 A I DID RECEIVE A REPORT, A BRIEF REPORT  
5 AFTER THE OTHER MATERIALS -- AND I DON'T RECALL  
6 WHERE I RECEIVED IT FROM -- IN WHICH -- I THINK IT  
7 WAS AN EXPERT FOR THE L.A.P.D., OR RATHER,  
8 LOS ANGELES SHERIFF'S OFFICE CRIME LAB, WHO DID TALK  
9 ABOUT THE BODIES HAVING BEEN MOVED.

10 AND NOW THAT YOU HAVE REFRESHED MY  
11 MEMORY, THAT WAS MY SOURCE OF --

12 Q WHERE IS THAT REPORT? YOU DIDN'T --

13 A I DON'T HAVE IT WITH ME TODAY. I FORGOT  
14 ABOUT IT.

15 Q IT'S YOUR RECOLLECTION THAT THAT REPORT  
16 INDICATED THAT THE BODIES HAD BEEN MOVED?

17 A AS I RECALL, IT IMPLIED AT LEAST ONE OF  
18 BODIES HAD BEEN MOVED. I THINK IT WAS JOSE.

19 Q MR. MENENDEZ?

20 A YES.

21 Q IN FACT, WHAT THAT REPORT INDICATED WAS  
22 ONLY THAT THE HEAD MAY HAVE BEEN MOVED SLIGHTLY TO  
23 THE RIGHT, WASN'T IT?

24 A THAT WASN'T MY UNDERSTANDING AS I READ  
25 IT.

26 MS. ABRAMSON: YOUR HONOR, I HAVE A TWO-PAGE  
27 REPORT. MAY I MARK IT NEXT IN ORDER?

28 THE COURT: 207.

1 Q BY MS. ABRAMSON: DR. LAWRENCE, I'M  
2 SHOWING YOU A TWO-PAGE DOCUMENT. I ASK YOU TO LOOK  
3 IT OVER AND TELL ME IF YOU RECOGNIZE IT AS ANYTHING  
4 YOU'VE EVER SEEN BEFORE.

5 A YES. THIS IS THE REPORT THAT I WAS  
6 TALKING ABOUT A MINUTE AGO.

7 Q AND THAT'S A REPORT WRITTEN BY  
8 MR. RON LINHART, A CRIMINALIST AT THE LOS ANGELES  
9 COUNTY SHERIFF'S OFFICE, CORRECT?

10 A YES.

11 Q YOU DIDN'T TALK TO MR. LINHART?

12 A NO.

13 Q DID YOU KNOW WHAT QUESTIONS HAD BEEN  
14 ASKED BY MR. LINHART THAT GENERATED HIS REPORT?

15 MR. CONN: OBJECTION. IRRELEVANT.

16 THE COURT: SUSTAINED.

17 Q BY MS. ABRAMSON: DID YOU KNOW WHO HAD  
18 GOTTEN MR. LINHART INVOLVED IN THE INVESTIGATION IN  
19 THIS CASE?

20 MR. CONN: OBJECTION. IRRELEVANT.

21 THE COURT: SUSTAINED.

22 Q BY MS. ABRAMSON: DID YOU ASK ANY OF THE  
23 PEOPLE THAT YOU WERE TALKING TO, THE PROSECUTORS,  
24 THE PEOPLE OF FAILURE ANALYSIS, WHETHER ANYONE WAS  
25 CLAIMING IN THIS TRIAL THAT THE BODIES WERE MOVED  
26 AFTER DEATH?

27 A NO. I REMEMBER DISCUSSING IT ON PERHAPS  
28 TWO OCCASIONS WITH SOMEONE ON THE PHONE ABOUT THIS

1 REPORT AND THE FACT THAT I THOUGHT IT WAS  
2 INCORRECT.

3 BUT AS FAR AS ASKING THEM QUESTIONS  
4 ABOUT IT, NO.

5 Q WELL, I DISCUSSED THIS REPORT WITH YOU  
6 ON THE PHONE. DO YOU REMEMBER --

7       A    THAT'S PROBABLY ONE OF THE OCCASIONS I  
8 WAS THINKING OF.

9       Q    AND I ALSO TOLD YOU NOBODY WAS ASSERTING  
10 THAT THE BODIES WERE REMOVED HERE?

11       A    LET ME HAVE THE REPORT BACK. I'D LIKE  
12 TO READ IT.

13       Q    DIDN'T I TELL YOU MR. LINHART HAS NOT  
14 BEEN CALLED AS A WITNESS IN THIS CASE YET?

15       MR. CONN: OBJECTION. IRRELEVANT.

16       THE COURT: SUSTAINED.

17       Q    BY MS. ABRAMSON: NOW, WHAT MR. LINHART  
18 SAID IN THIS REPORT --

19       MR. CONN: I WOULD OBJECT. IT CALLS FOR  
20 HEARSAY AND IT'S IRRELEVANT.

21       THE COURT: COULD WE HAVE A LITTLE  
22 FOUNDATION. FIND OUT WHERE HE GOT THE REPORT.

23       Q    BY MS. ABRAMSON: WHERE DID YOU GET THE  
24 REPORT?

25       A    I DON'T RECALL.

26       Q    DID ANYONE SEND YOU MATERIALS OTHER THAN  
27 THE DISTRICT ATTORNEYS?

28       A    NO.

1       Q    DID FAILURE --



2 A WELL, FAILURE ANALYSIS SENT THEIR PACKET  
3 OF ILLUSTRATIONS.

4 Q AND DID FAILURE ANALYSIS SEND YOU THIS  
5 REPORT AS WELL, OR DO YOU BELIEVE YOU GOT THIS FROM  
6 THE DISTRICT ATTORNEY'S OFFICE?

7 A I'M SORRY. I DON'T REMEMBER WHAT SOURCE  
8 IT CAME FROM.

9 Q SO IT COULD HAVE COME FROM FAILURE  
10 ANALYSIS?

11 A IT COULD HAVE.

12 Q OR IT COULD HAVE COME FROM THE DISTRICT  
13 ATTORNEY'S OFFICE?

14 A YES.

15 Q AND DO YOU RECALL THIS REPORT WAS DATED  
16 JULY 15TH, 1993?

17 MR. CONN: OBJECTION. CALLS FOR HEARSAY AND  
18 IRRELEVANT.

19 THE COURT: SUSTAINED.

20 Q BY MS. ABRAMSON: NOW, YOUR REPORT  
21 INDICATES YOUR OPINION BASED ON THE SCENE  
22 PHOTOGRAPHS THAT BOTH VICTIMS WERE SEATED SIDE BY  
23 SIDE AT ONE END OF THE COUCH DURING THE SHOOTINGS;  
24 IS THAT RIGHT?

25 A YES. AT LEAST AT THE BEGINNING OF THE  
26 SHOOTING.

27 Q AH. MY NEXT QUESTION. SO YOU'RE NOT  
28 SAYING THAT DURING THE ENTIRE COURSE OF THE

1 SHOOTINGS THEY WERE SEATED SIDE BY SIDE?

2 A NO, MA'AM. SHE JUMPED UP AND TRIED TO  
3 GET AWAY.

4 Q SHE JUMPED UP AND TRIED TO GET AWAY.  
5 THEY TEACH YOU MIND READING WHEN THEY TRAIN YOU AS A  
6 PATHOLOGIST AS WELL; IS THAT TRUE, MIND READING OF  
7 THE DEAD?

8 A NO, MA'AM.

9 Q YOU DON'T KNOW WHAT SHE DID, DO YOU, OR  
10 WHY?

11 A YES. I COULD -- BASED ON MY EXPERIENCE  
12 WITH MANY HOMICIDES AND GUNSHOT VICTIMS, I KNOW WHAT  
13 THEY TEND TO DO, AND THE SCENE SUPPORTS THAT.

14 Q IS THAT WHAT MEDICAL DOCTORS ARE  
15 SUPPOSED TO DO, SPECULATE ON WHAT PEOPLE ARE  
16 THINKING?

17 MR. CONN: OBJECTION. ARGUMENTATIVE.

18 THE COURT: SUSTAINED.

19 Q BY MS. ABRAMSON: LET ME ASK YOU  
20 SOMETHING ELSE. YOU USE THE WORD IN YOUR REPORT,  
21 AND IN YOUR TESTIMONY HERE, "GROTESQUE," TO DESCRIBE  
22 ONE OF THESE WOUNDS, DID YOU NOT?

23 A YES. THAT WOULD BE THE HEAD WOUND OF  
24 JOSEPH OR JOSE MENENDEZ.

25 Q ARE YOU AWARE, DR. LAWRENCE, THAT  
26 LAWYERS HAVE A LEGAL DICTIONARY? IT'S CALLED  
27 BLACK'S LAW DICTIONARY.  
28 MR. CONN: OBJECTION. IRRELEVANT.

1 THE COURT: SUSTAINED AS TO THE PREFACE.

2 Q BY MS. ABRAMSON: DO DOCTORS HAVE A  
3 MEDICAL DICTIONARY?

4 A YES, THEY DO.

5 Q DOES THE WORD "GROTESQUE" APPEAR AS A  
6 MEDICAL TERM?

7 A IT'S NOT A MEDICAL TERM.

8 Q IT'S AN EMOTIONAL JUDGEMENTAL TERM.

9 A NO, NOT FOR ME.

10 Q WERE YOU SHOCKED BY THESE PICTURES THAT  
11 YOU SAW IN THIS CASE?

12 A NO.

13 Q YOU WEREN'T HORRIFIED?

14 A NO, MA'AM.

15 Q THEY DON'T HAVE AN EMOTIONAL RESONANCE  
16 FOR YOU?

17 A NOT REALLY.

18 Q NO. YOU'RE A PATHOLOGIST, RIGHT?

19 A YES.

20 Q YOU SEE THIS ALL THE TIME?

21 A I DO.

22 Q BUT YOU RECOGNIZE THAT JURORS MAY FIND

23 THEM SHOCKING AND HORRIFYING BECAUSE THEY DON'T SEE

24 SUCH THINGS ALL THE TIME?

25 A EVEN GROTESQUE, YES, MA'AM.

26 Q AND JURORS MAY BE MOVED BY THE WORD

27 GROTESQUE, MIGHTEN THEY?

28 A YES.

1 Q IS THAT WHY YOU USED IT, TO INFLUENCE

2 THIS JURY?

3 A NO, MA'AM. IT'S THE EASIEST WAY TO SAY

4 A LOT WITH ONE WORD.

5 Q TO SAY A LOT OF EMOTIONAL THINGS WITH

6 ONE WORD.

7 A THERE ARE EMOTIONAL ASPECTS OF IT AND MY

8 JOB IS TO DESCRIBE THINGS IN A WAY THAT COMMUNICATES

9 WELL TO THE JURY.

10 Q HOW MANY TIMES, DR. LAWRENCE, HAVE YOU

11 TESTIFIED FOR A CRIMINAL DEFENDANT?

12 A I HAVE NO WAY OF KNOWING. IT WOULD BE A

13 LOT.

14 Q HOW DO YOU HAVE NO WAY OF KNOWING?

15 DON'T YOU KNOW WHO'S HIRED YOU?

16 A I WOULD HAVE TO CHECK MY FILES.

17 Q WHEN WAS THE LAST TIME YOU TESTIFIED ON  
18 BEHALF OF A CRIMINAL DEFENDANT?

19 A I DON'T RECALL. I WOULD HAVE TO CHECK  
20 MY RECORDS.

21 Q TOO LONG AGO?

22 A NO, MA'AM. PROBABLY QUITE RECENTLY.

23 Q ARE YOU BEING PAID, BY THE WAY, FOR YOUR  
24 WORK IN THIS CASE?

25 A FOR MY TIME, YES, MA'AM.

26 Q WHO'S PAYING YOU?

27 A THE DISTRICT ATTORNEY'S OFFICE.

28 Q AND WHAT IS THE RATE THAT YOU ARE

1 CHARGING THE DISTRICT ATTORNEY'S OFFICE?

2 A \$150 PER HOUR.

3 Q AND IS THAT THE SAME RATE THAT YOU  
4 CHARGE THE COUNTY OF SAN JOAQUIN?

5 A YES.

6 Q NOW, YOU ALSO INDICATE IN YOUR REPORT  
7 THAT IT IS YOUR OPINION THAT MRS. MENENDEZ ROLLED  
8 FORWARD AND FELL TO HER RIGHT SIDE.

9 A THAT'S CORRECT.

10 Q OKAY. AND THAT SENTENCE COMES  
11 IMMEDIATELY AFTER THE FIRST SENTENCE, THAT THEY WERE  
12 SEATED SIDE BY SIDE AT ONE END OF THE COUCH DURING  
13 THE SHOOTINGS, CORRECT?

14 A YES.

15 Q SO IS IT YOUR OPINION THAT AFTER BEING  
16 SEATED SIDE BY SIDE, MRS. MENENDEZ THEN ROLLED  
17 FORWARD, LANDING ON HER RIGHT SIDE?

18 A SHE TRIED TO FLEE AND --

19 MS. ABRAMSON: I'M GOING TO OBJECT TO THAT  
20 AND MOVE TO STRIKE AS BEYOND HIS OR ANYONE ELSE'S  
21 KNOWLEDGE, AND NOT RESPONSIVE.

22 THE COURT: OBJECTION SUSTAINED AS TO IT NOT  
23 BEING RESPONSIVE.

24 YOU MAY REASK THE QUESTION.

25 Q BY MS. ABRAMSON: YOU SAID SHE ROLLED  
26 FORWARD.

27 WOULD YOU SHOW ME WHAT ROLLED FORWARD  
28 LOOKS LIKE.

1 A I CAN'T DO IT IN THIS BOX. AND I DON'T  
2 WANT TO KNOCK THE SPEAKER DOWN AGAIN.

3 Q THE SPEAKER IS DOWN. WHY DON'T YOU OPEN  
4 THE DOOR SO YOU DON'T HURT YOURSELF. AND I'M NOT

5 ASKING YOU TO FALL TO THE FLOOR. BUT I WOULD LIKE  
6 YOU TO DEMONSTRATE, IF YOU WOULD, WHAT IS A ROLLING  
7 MOTION FORWARD, IF YOU CAN.

8 A THERE COULD BE MANY WAYS THAT SHE ENDED  
9 UP WHERE SHE WAS. SHE COULD HAVE LEAPT UP AND  
10 COLLAPSED. SHE COULD HAVE ROLLED OFF THE COUCH.

11 MS. ABRAMSON: I'M GOING TO OBJECT AS NOT  
12 RESPONSIVE. MOVE TO STRIKE.

13 THE WITNESS: I CAN'T DO WHAT YOU'RE ASKING  
14 ME TO DO. THERE ARE MANY POSSIBILITIES. WHICH ONE  
15 DO YOU WANT ME TO ACT OUT?

16 THE COURT: THE OBJECTION TO THE QUESTION  
17 THAT YOU ASKED BEFORE IS OVERRULED.

18 Q BY MS. ABRAMSON: THE ONE THAT YOU  
19 DESCRIBED, THAT YOU CHOSE TO DESCRIBE IN YOUR REPORT  
20 WHERE YOU WROTE SHE ROLLED, ROLLED, R-O-L-L-E-D,  
21 FORWARD AND FELL TO HER RIGHT SIDE.

22 THAT'S WHAT I WOULD LIKE YOU TO DO, IF  
23 YOU CAN DEMONSTRATE IT. IF YOU CANNOT, YOU CANNOT.

24 A I COULD DEMONSTRATE IT, BUT NOT HERE.  
25 THERE'S NO COUCH. THERE'S NO ROOM TO REALLY DO IT,  
26 AND I'M WEARING A NICE SUIT AND I'D RATHER NOT.

27 Q YOU DID NOT SAY SHE STOOD UP AND THEN  
28 FELL DOWN, DID YOU?

1 A PARDON ME?

2 Q YOU DID NOT SAY SHE STOOD UP AND THEN  
3 FELL DOWN?

4 A NO. BUT SHE COULD HAVE.

5 Q YOU DIDN'T SAY THAT. YOUR OPINION WAS  
6 SHE ROLLED FORWARD.

7 MR. CONN: OBJECTION. ARGUMENTATIVE.

8 THE COURT: OVERRULED.

9 THE WITNESS: IN THAT REPORT I SAID SHE  
10 ROLLED FORWARD. A MINUTE AGO I SAID SHE JUMPED UP  
11 AND TRIED TO GET AWAY. SHE COULD HAVE STOOD UP AND  
12 FALLEN. THERE ARE MANY POSSIBILITIES.

13 Q BY MS. ABRAMSON: ROLLING FORWARD,  
14 DR. LAWRENCE, WOULD YOU AGREE, CONNOTES SOMEONE  
15 BASICALLY FALLING, AS I AM DEMONSTRATING NOW, AND  
16 THEN LANDING ON THE FLOOR?

17 THE JURY CAN SEE. I DON'T CARE IF THE  
18 AUDIENCE CAN'T.

19 A YES.

20 Q THAT'S ROLLING FORWARD.

21 STANDING UP, ON THE OTHER HAND, LOOKS  
22 LIKE STANDING UP, DOESN'T IT?

23 A AND THEN FALLING DOWN, YES.

24 Q AND THEN FALLING DOWN?

25 THE COURT: DO YOU WANT TO DEMONSTRATE THAT  
26 ONE?

27 MS. ABRAMSON: CERTAINLY, YOUR HONOR. IF YOU  
28 THINK IT'S IMPORTANT. BY THE TIME THIS IS OVER I



1 WILL HAVE PROBABLY DEMONSTRATED A LOT OF STRANGE  
2 THINGS. OKAY.

3 Q NOW, YOU ALSO WENT ON IN THIS REPORT TO  
4 SAY THAT JOSE MENENDEZ REMAINED SEATED IN THE SAME  
5 POSITION WHERE HE WAS SHOT.

6 IS THAT YOUR OPINION?

7 A YES. HE WASN'T SEATED ELSEWHERE ON THE  
8 COUCH OR ON THE FLOOR AND THEN MOVED TO THE COUCH  
9 AND SO FORTH. THAT'S WHAT I MEANT TO SAY.

10 Q THAT'S ALL YOU MEANT BY SAME POSITION?

11 A YES. OBVIOUSLY --

12 Q THERE'S NO QUESTION PENDING.

13 THE COURT: HE CAN FINISH HIS ANSWER.

14 THE WITNESS: HIS HEAD WAS, OBVIOUSLY, IN A  
15 DIFFERENT POSITION WHEN HE WAS SHOT; AND NOW IT'S  
16 OFF TO THE SIDE ONCE HE'S DEAD.

17 Q BY MS. ABRAMSON: SO, CLEARLY, HIS HEAD  
18 WAS NOT IN THE SAME POSITION IN WHICH HE WAS FOUND  
19 AT THE TIME THAT HE WAS SHOT IN THE HEAD?

20 A THAT'S CORRECT.

21 Q NOW, JUST FOR CLARITY, THE X-RAY-LOOKING  
22 THINGS THAT WERE SHOWN TO YOU DURING MR. CONN'S  
23 EXAMINATION, TO YOUR KNOWLEDGE, THOSE ARE

24 PHOTOGRAPHS OF X RAYS, CORRECT?

25 A YES.

26 Q AND WHAT YOU WERE PROVIDED WITH WERE

27 PHOTOGRAPHS OF X RAYS, NOT THE ACTUAL X RAYS?

28 A CORRECT.

1 Q NOW, IT IS OBVIOUS FROM THE SCENE

2 PHOTOGRAPHS, IS IT NOT, DR. LAWRENCE, THAT

3 MRS. MENENDEZ WAS ON THE FLOOR WHEN THE POLICE

4 ARRIVED?

5 A YES.

6 Q AND MR. MENENDEZ WAS ON THE COUCH WHEN

7 THE POLICE ARRIVED?

8 A YES.

9 Q AND FROM THAT, AND OTHER THINGS THAT

10 WE'LL GET TO, YOU EXTRAPOLATE THAT THEY STARTED OUT

11 BOTH SITTING SIDE BY SIDE?

12 A NO, MA'AM.

13 Q YOU DON'T EXTRAPOLATE THAT THEY STARTED

14 OUT SITTING NEXT TO EACH AS YOU'VE SAID IN THAT

15 REPORT?

16 A NOT FROM THAT INFORMATION, NO.

17 Q NOT FROM THE SCENE PHOTOGRAPHS?

18 A FROM THE SCENE PHOTOGRAPHS, BUT NOT FROM

19 WHAT YOU JUST SAID.

20 Q I SAID: BUT YOU EXTRAPOLATE FROM THE  
21 SCENE PHOTOGRAPHS AND IN THE OTHER PHOTOGRAPHS AND  
22 FROM THE AUTOPSY -- FROM WHATEVER YOU GOT, YOU  
23 EXTRAPOLATED THAT THEY STARTED OUT WHERE SHE WAS NOT  
24 IN THAT POSITION THAT SHE WAS SEATED ON THE COUCH,  
25 RIGHT?

26 A ONE OF THE SCENE PHOTOGRAPHS SHOWS THE  
27 EVIDENCE THAT SHE WAS SEATED NEXT TO HIM WHEN THE  
28 SHOOTING STARTED. AND I'D HAVE TO USE THAT

1 PHOTOGRAPH TO EXPLAIN TO THE JURY WHAT I'M TALKING  
2 ABOUT.

3 Q I THINK I HAVE SOMETHING ELSE THAT YOU  
4 MIGHT FIND HELPFUL IN THAT REGARD.

5 THERE'S SOMETHING ON THE COUCH THAT  
6 INFORMS YOUR OPINION ON THAT MATTER, DOES THERE NOT?

7 A YES. I EXPLAINED IT TO YOU ON THE  
8 TELEPHONE.

9 Q RIGHT. AND I'M GOING TO PULL OUT THAT  
10 PICTURE FOR YOU IF YOU'LL JUST BE PATIENT.

11 LET'S START WITH THIS.

12 YOUR HONOR, I HAVE TWO PHOTOGRAPHS.  
13 WHAT I'LL DO IS -- THEY'RE IN PLASTIC, AND I'LL KEEP

14 THEM THERE, BUT I'LL SLIDE THEM OUT AND PUT A NUMBER  
15 ON THE PHOTOGRAPH ITSELF.

16 LET ME SHOW ONE OF THEM TO COUNSEL  
17 BECAUSE IT'S AN ENLARGEMENT.

18 WE'RE AT 208?

19 THE COURT: YES.

20 MS. ABRAMSON: 208. AND THEN THE  
21 ENLARGEMENT.

22 Q WELL, FIRST OF ALL, SHOWING YOU 208, DO  
23 RECOGNIZE THAT TO BE ONE OF THE PHOTOGRAPHS OF THE  
24 SCENE THAT YOU WERE SUPPLIED BY THE PROSECUTION?

25 A YES.

26 Q AND DOES THAT PHOTOGRAPH SHOW AN AREA ON  
27 THE COUCH ADJACENT TO -- NEXT TO WHERE MR. MENENDEZ'  
28 BODY HAS BEEN FOUND?

1 A YES.

2 Q NOW, SHOWING YOU 209, DO YOU SEE 209 TO  
3 BE AN ENLARGEMENT OF A PARTICULAR AREA OF THAT  
4 ADJACENT COUCH CUSHION?

5 A YES.

6 Q LET'S PUT THIS UP.

7 NOW, DR. LAWRENCE, IN THE TOP PHOTOGRAPH,  
8 208, CALLING YOUR ATTENTION TO THIS CUSHION, THE

9 ONE'S THAT IN THIS PHOTOGRAPH HAS THE NUMBER "4" AND  
10 THE NUMBER "6" ON IT.

11 DO YOU SEE THESE RED AREAS ON THE EDGE  
12 OF THE CUSHION, THE SORT OF FACING EDGE, THE TOP  
13 EDGE; AND THEN DOWN BELOW IN THE SKIRT AREA OF THE  
14 COUCH?

15 A YES. THESE ARE THE PHOTOGRAPHS THAT  
16 SHOW THE EVIDENCE THAT SHE WAS SEATED NEXT TO HIM AT  
17 THE TIME AT LEAST ONE OF THE SHOTS WAS FIRED. AND  
18 YOU CAN SEE THE BLOOD STAIN AND THEN THE BLANK  
19 PLACES ON EITHER SIDE WHERE HER THIGHS PROTECTED THE  
20 COUCH FROM THE BLOOD.

21 Q YOU'RE EXTRAPOLATING THAT HER KNEES WERE  
22 PROTECTING THE COUCH FROM THE BLOOD?

23 A YES.

24 Q ARE THESE DROPS OR ARE THESE SMEARS?

25 A THERE'S SPATTER, AND I THINK ALSO  
26 PROBABLY SOME SMEAR. I REALLY CAN'T TELL.

27 Q OKAY.

28 A I THINK SOME OF IT IS A HIGH-VELOCITY

1 MIST OF BLOOD THAT SETTLED ON TO THE COUCH.

2 Q A HIGH VELOCITY OF MIST THAT SEEMED TO  
3 HAVE LEFT CERTAIN RIDGE AREAS EMPTY?

4 A THAT'S PROBABLY A SMEAR THERE BUT --

5 Q THAT'S A SMEAR. THAT'S SOMETHING BLOODY  
6 COMING IN CONTACT WITH THAT EDGE OF THE COUCH,  
7 CORRECT?

8 A YES.

9 Q AND IT'S IN THE AREA WHERE NORMALLY A  
10 PERSON SITTING ON THE COUCH WOULD HAVE A LEG?

11 A YES.

12 Q SO IT COULD BE A BLOODY LEG SMEARING  
13 ALONG THE EDGE OF THE COUCH, COULDN'T IT?

14 A YES, IT COULD.

15 Q HER BLOODY LEG, COULDN'T IT?

16 A IT COULD BE.

17 Q AND FOR HER BLOODY LEG TO BE LEAVING A  
18 SMEAR ON THE COUCH, IT WOULD MEAN THAT SHE WAS SHOT  
19 IN HER LEG WHILE SHE WAS ON OR NEAR THE COUCH,  
20 WOULDN'T IT?

21 A IF THAT CAME FROM HER LEG, YES, IT  
22 WOULD.

23 Q SO, HYPOTHETICALLY, IF SHE WERE SHOT IN  
24 HER LEG WHILE ON OR NEAR THE COUCH, AND THEN THAT  
25 LEG CAME IN CONTACT WITH THE COUCH CUSHION, IT COULD  
26 LEAVE THAT SMEAR, CORRECT?

27 A IT WOULD PROBABLY LEAVE A LOT MORE  
28 BLOOD.

1 Q WELL, IT JUST DEPENDS ON HOW MUCH BLOOD  
2 IS COMING OUT OF WHAT PART OF THE LEG, WOULDN'T IT?

3 A YES. BUT THE NATURE OF THOSE INJURIES  
4 TO HER LEGS WOULD PRODUCE A GREAT DEAL OF BLEEDING,  
5 ESPECIALLY IF THERE WERE EARLIER WOUNDS, IF SHE WAS  
6 STILL ALIVE WHEN SHE WAS HIT.

7 Q WE'RE NOT TALKING ABOUT ALL THE WOUNDS.  
8 WE'RE TALKING ABOUT ANY WOUND TO HER LEG.

9 A THE WOUNDS WHEN SHE'S ON THE COUCH WOULD  
10 HAVE TO BE THE EARLIER WOUNDS.

11 Q YOU DON'T KNOW HOW MANY WOUNDS SHE  
12 RECEIVED WHILE SHE WAS ON THE COUCH?

13 A SHE DID NOT RECEIVE THE LEG WOUNDS WHEN  
14 SHE WAS ON THE COUCH BASED ON THE DIRECTION.

15 MR. CONN: MAY THE WITNESS -- HE WAS --

16 THE COURT: LET'S NOT ARGUE. LET HIM FINISH  
17 HIS ANSWER.

18 THE WITNESS: WHAT I WAS SAYING IS THAT THE  
19 LEG WOUND COULD NOT HAVE BEEN RECEIVED WHILE SHE WAS  
20 ON THE COUCH, AS I EXPLAINED YESTERDAY.

21 Q BY MS. ABRAMSON: IF YOU'RE RIGHT, THEN  
22 SHE COULDN'T HAVE BEEN SEATED ON THE COUCH. THAT'S  
23 WHAT YOU CAN SAY, CORRECT?

24 A YES.

25 Q BUT IF YOU'RE WRONG, ALL KINDS OF  
26 POSSIBILITIES OPEN UP, CORRECT?

27 A YES.

28 Q NOW, LET'S JUST ASSUME, HYPOTHETICALLY,

1 THAT ONE POSSIBILITY IS THAT SHE WAS SHOT ONE PLACE  
2 ON THE LEG -- NOT ALL OF THOSE LEG WOUNDS, WHILE SHE  
3 WAS ON THE COUCH -- AND THEN EITHER STOOD UP OR SLID  
4 OFF THE COUCH AND THE LEG CAME IN CONTACT WITH THE  
5 COUCH CUSHION. ALL RIGHT?

6 A THE ONLY LEG WOUND THAT COULD HAVE BEEN  
7 WHILE SHE WAS ON THE COUCH WOULD BE A PERFORATING  
8 WOUND OF HER LEFT THIGH, AND THAT WOULD NOT BE IN  
9 THE AREA WE'RE TALKING ABOUT.

10 Q IF SHE DID WHAT YOU SAID, ROLLED OR SLID  
11 OFF THE COUCH.

12 A IF SHE DID WHAT YOU JUST DID NOW, THAT  
13 AREA WOULD NOT BE IN CONTACT.

14 Q DR. LAWRENCE, IF YOU'RE GOING TO ARGUE,  
15 WE'RE GOING TO BE HERE A LONG TIME.

16 MR. CONN: OBJECTION, YOUR HONOR --

17 THE COURT: LET'S NOT TALK TO THE WITNESS.  
18 IF YOU HAVE AN OBJECTION, YOU STATE IT TO THE COURT.

19 Q BY MS. ABRAMSON: WAS SHE WEARING PANTS?

20 A YES.

21 Q DOES BLOOD DRIP?



22 A BLOOD CAN DRIP, YES.

23 Q DOES BLOOD OOZE?

24 A IT DOES.

25 Q DOES BLOOD STAIN?

26 A IT DOES.

27 Q AND CAN STAIN BE TRANSFERRED FROM PANTS

28 TO COUCHES?

1 A CERTAINLY.

2 Q NOW, IF YOU LOOK AT THAT -- IF YOU LOOK

3 AT THAT AREA IN THE ENLARGED PHOTOGRAPH THERE, 209,

4 WHERE THESE STAINS APPEAR, THERE'S A BLANK AREA

5 BETWEEN THE EDGE OF THE CUSHION AND THE SKIRT PART

6 OF THE COUCH.

7 A CORRECT.

8 Q DO YOU HAVE ANY EXPLANATIONS FOR THAT?

9 A ONE EXPLANATION WOULD BE THAT THE

10 CUSHION WAS A LITTLE BIT FURTHER OUT WHEN THE BLOOD

11 WAS SMEARED THERE, OR BECAUSE OF THE CONTOUR OF THE

12 LOWER COUCH, IT MAY CURVE INWARD AND, THEREFORE,

13 PROTECT THAT AREA.

14 Q SO SOMETHING THAT CURVES INWARD AND IS

15 NOT IN A STRAIGHT LINE WITH THE LEG OR WITH WHATEVER

16 IT IS THAT CAME IN CONTACT WITH THIS WOULD -- COULD

17 REMAIN CLEAN?

18 A I'M NOT SURE THIS IS REAL A SMEAR. IT

19 MAY BE A SPRAY THAT SETTLED.

20 Q YOU'RE NOT A BLOOD-SPATTER EXPERT, I

21 TAKE IT?

22 A I'M NOT.

23 Q MR. MORTON IS, HOWEVER --

24 THE WITNESS: ONE OF THE JURORS CAN'T SEE.

25 UNIDENTIFIED JUROR: THANK YOU.

26 MS. ABRAMSON: I'M SORRY.

27 Q YOU KNOW MR. MORTON IS A BLOOD SPATTER --

28 MR. CONN: OBJECTION. CALLS FOR HEARSAY.

1 THE COURT: SUSTAINED.

2 Q BY MS. ABRAMSON: SO YOU'RE NOT A BLOOD

3 SPATTER EXPERT.

4 SO NOW YOU DON'T KNOW IF THAT'S A SMEAR

5 OR A SPATTER OR SPRAY?

6 A THAT'S CORRECT.

7 Q YOU THINK IT HAS SOMETHING TO DO WITH

8 HER BEING ON THE COUCH?

9 A IF YOU LOOK AT THIS PHOTOGRAPH ON THE

10 TOP YOU CAN SEE THE SAME THING WHERE HE'S SITTING.

11 YOU CAN SEE RIGHT BETWEEN THEIR LEGS, THE BLOOD IS

12 THERE; AND WHERE THEIR LEGS ARE THE BLOOD IS NOT.

13 Q I'LL SHOW YOU AN ENLARGEMENT AND SEE IF

14 YOU CAN REPEAT THAT STATEMENT.

15 MR. CONN: OBJECTION. ARGUMENTATIVE.

16 THE COURT: THAT RESPONSE OF COUNSEL IS

17 STRICKEN AND IS NOT A QUESTION, JUST A STATEMENT.

18 Q BY MS. ABRAMSON: NOW, LET'S JUST FOCUS

19 ON WHAT YOU THOUGHT YOU SAW HERE WHEN YOU WROTE YOUR

20 REPORT. YOU THOUGHT THIS SMEAR, AS YOU DESCRIBE IT,

21 WAS CAUSED BY HER BEING SHOT WHILE ON THE COUCH,

22 CORRECT?

23 A I DIDN'T QUITE SAY THAT. SHE WAS SEATED

24 NEXT TO HIM AT SOMETIME WHEN BLOOD SPRAY WENT FLYING

25 THROUGH THE AIR WHEN SOMEONE WAS SHOT.

26 Q YOU'RE NOT EVEN SAYING IT'S HER BLOOD?

27 A RIGHT.

28 Q HOW DO YOU KNOW SHE WAS SEATED THERE

1 WHEN IT HAPPENED?

2 A THERE COULD HAVE BEEN A THIRD PERSON,

3 BUT I DOUBT IT.

4 Q NO, NO. I'M SAYING ARE YOU AFFILIATING

5 THIS BLOOD SMEAR WITH MRS. MENENDEZ?

6 A I'M SAYING THAT SOME PERSON, SOME BODY

7 WAS SEATED THERE, AND THAT'S WHY THE BLOOD HAS THE  
8 PATTERN THAT WE CAN SEE, WHERE THE LEG PROTECTED THE  
9 COUCH; AND IN BETWEEN THE LEGS AND ON EITHER SIDE  
10 THE BLOOD IS THERE.

11 Q WELL, SO YOU'RE SAYING THE ONLY REASON  
12 THAT YOU BELIEVE SHE WAS SEATED ON THE COUCH IS  
13 BECAUSE THERE'S THESE WHITE SPACES ON EITHER SIDE OF  
14 THIS STAIN; IS THAT WHAT YOU'RE SAYING?

15 A WELL, HER BODY -- ALSO, THE FACT THAT  
16 HER BODY WAS FOUND ON THE FLOOR. AND I WOULD BE  
17 VERY SURPRISED IF SHE WERE LYING ON THE FLOOR WHEN  
18 SHE WAS FIRST SHOT, SIMPLY BECAUSE OF THE DIRECTION  
19 OF THE OTHER SHOTS.

20 Q YOU'RE SPECULATING THAT SHE WAS ON THE  
21 COUCH?

22 MR. CONN: OBJECTION. ARGUMENTATIVE.

23 THE COURT: OVERRULED.

24 Q BY MS. ABRAMSON: YOU'RE SPECULATING  
25 THAT SHE WAS ON THE COUCH?

26 A WELL, I GUESS YOU'D CALL IT SPECULATION,  
27 BUT IT'S FAIRLY -- HAS SOME BASIS BEHIND IT.

28 Q WELL, YOU'RE SAYING THAT -- YOU'RE NOT

1 SAYING THAT YOU BELIEVE THAT THIS IS HER BLOOD; IS

2 THAT CORRECT?

3 A I DON'T KNOW WHOSE BLOOD THAT IS.

4 Q WELL, DO YOU THINK IT'S HIS BLOOD,  
5 MR. MENENDEZ' BLOOD?

6 A IT COULD WELL BE BLOOD FROM THE  
7 EXPLOSIVE MIST WHEN HE WAS SHOT IN THE BACK OF THE  
8 HEAD.

9 Q BLOOD FROM THE BACK OF HIS HEAD WOULD  
10 HAVE PROCEEDED FORWARD AND FALLEN BETWEEN HER LEGS?  
11 THAT'S WHAT YOU'RE SAYING?

12 A YES, MA'AM, IT COULD.

13 Q SO YOU DON'T THINK THAT'S HER BLOOD AND  
14 YOU DON'T THINK SHE SMEARED THAT?

15 A I DON'T KNOW WHOSE BLOOD IT IS.

16 Q BUT IF IT IS HER BLOOD, THAT MEANS SHE  
17 WAS SHOT ON THE COUCH, CORRECT?

18 A YES.

19 Q AND ISN'T THAT, IN FACT, WHAT YOU'RE  
20 SUGGESTING IN YOUR REPORT?

21 A NO.

22 Q THAT -- EXCUSE ME. LET ME JUST FINISH  
23 THE QUESTION.

24 THAT THEY WERE SEATED SIDE BY SIDE ON  
25 THE COUCH DURING THE SHOOTING.

26 A AT THE BEGINNING OF THE SHOOTING, YES,  
27 MA'AM.

28 Q ALL RIGHT. AND THAT SHE ROLLED FORWARD

1 AND FELL TO HER RIGHT SIDE AND ROLLED?

2 A YES.

3 Q AND DID YOU ASSUME SHE WAS SHOT WHEN SHE  
4 DID THAT; OR DO YOU ASSUME SHE JUST ROLLED FORWARD  
5 AND FELL WITHOUT BEING SHOT?

6 A SHE WAS PROBABLY SHOT.

7 Q WAS SHE PROBABLY BLEEDING OR WAS SHE  
8 PROBABLY NOT?

9 A HARD TO SAY. IT WOULD DEPEND. IF IT  
10 WAS THE SHOT TO HER LEFT BREAST, SHE MAY NOT HAVE  
11 BEEN BLEEDING ENOUGH TO STAIN THE COUCH.

12 Q YOU DON'T THEN ASSOCIATE THAT STAIN ON  
13 THE COUCH AS ANY PROOF THAT SHE WAS SEATED THERE; IS  
14 THAT CORRECT?

15 A I DON'T UNDERSTAND YOUR QUESTION.

16 Q THE ONLY EVIDENTIARY VALUE THAT STAIN ON  
17 THE COUCH HAS FOR YOU IS THAT YOU OPINE THAT HER  
18 LEGS WERE ON EITHER SIDE OF THAT STAIN?

19 A IN ESSENCE, YES. IN OTHER WORDS, IF ONE  
20 LOOKS AT THE COUCH, IT IS EVIDENT THAT SOME BODY WAS  
21 SITTING THERE WHEN BLOOD WAS RAINED ON TO THE COUCH.

22 Q IT'S EVIDENT BECAUSE THERE'S BLOOD IN  
23 ONE PLACE BUT NOT IN THE NEXT PLACE?

24 A YES.

25 Q WHAT IF SHE WAS SITTING WITH HER LEGS UP

26 ON THE COUCH?

27 A I DON'T THINK IT WAS BASED ON WHAT WE

28 SEE HERE.

1 Q YOU'RE TRYING TO BE VERY SCIENTIFIC AND

2 ACCURATE, AREN'T YOU?

3 A WHAT WE'RE TALKING ABOUT HERE IS NOT

4 VERY SCIENTIFIC, BUT MORE COMMON SENSE.

5 Q YOU'RE USING YOUR COMMON SENSE AND NOT

6 YOUR EXPERTISE AS A MEDICAL DOCTOR; IS THAT CORRECT?

7 A BOTH.

8 Q LET'S TALK ABOUT WHAT YOU USED WHEN YOU

9 PLACED THIS LITTLE THING IN THIS LITTLE DOLL.

10 THIS IS 205, CORRECT?

11 A YES.

12 Q ALL RIGHT. NOW, YOU TOLD US THAT YOU

13 MADE 205, AT LEAST YOU PUT THE STICKS IN IT, THE

14 RODS, CORRECT?

15 A YES.

16 Q DID YOU PURCHASE THIS MANNEQUIN

17 SOMEWHERE?

18 A YES.

19 Q WHERE DID YOU GET IT?

20 A AARON BROS. ART STORE.

21 Q AND IS THIS SOMETHING YOU ROUTINELY USE  
22 IN ORDER TO ILLUSTRATE YOUR AUTOPSY FINDINGS?

23 A NOT ROUTINELY, BUT ON OCCASION.

24 Q AND WHEN YOU PLACED THESE VARIOUS RODS,  
25 WHAT INFORMATION WERE YOU USING TO DIRECT YOUR  
26 PLACEMENT OF THESE RODS TO TELL YOU WHERE TO PUT  
27 THEM?

28 A THE AUTOPSY REPORTS AND THE PHOTOGRAPHS.

1 Q NOW, WHEN YOU WERE TESTIFYING ON DIRECT  
2 EXAMINATION, I BELIEVE YOU INDICATED THAT THIS ROD  
3 GOING INTO THE DOLL'S LEFT LEG, WHICH IS SUPPOSED TO  
4 REPRESENT AN INJURY YOU DESCRIBED TO MRS. MENENDEZ,  
5 WAS PLACED INCORRECTLY; IS THAT RIGHT?

6 A YES.

7 Q AND PUTTING EXHIBIT 200 BACK ON THE  
8 BOARD, EXHIBIT 200 ILLUSTRATES THE WOUND THAT YOUR  
9 ROD IS SUPPOSED TO ILLUSTRATE, CORRECT?

10 A PART OF IT, YES, MA'AM.

11 Q AND THE WOUND -- THE WOUND THAT'S  
12 DEPICTED IN NO. 200 -- BY THE WAY, WHAT NUMBER WOUND  
13 IS THAT IN DR. GOLDEN'S REPORT?

14 A I DON'T KNOW. I'D HAVE TO CHECK HIS  
15 REPORT.



16 Q WHY DON'T YOU DO THAT.

17 A (WITNESS COMPLIES.) WOUND NO. 7.

18 Q THAT DR. GOLDEN DESCRIBES AS A SHOTGUN

19 WOUND TO THE LEFT HIP THIGH, CORRECT?

20 A YES.

21 Q AND THAT WOUND, EVEN IN THE PHOTOGRAPH --

22 SOMETIMES HARD TO SEE. BUT THIS IS THE KNEE CAP,

23 CORRECT?

24 A YES.

25 Q AND SO THIS IS AN AREA ON THE OUTER

26 ASPECT OF THE THIGH, LIKE HERE (DEMONSTRATING)?

27 A YES.

28 Q SIDE OF THE THIGH, LATERAL?

1 A CORRECT.

2 Q OKAY. LATERAL MEANS SIDE, DOESN'T IT?

3 A YES.

4 Q IN MEDICAL LATIN.

5 A IN MEDICAL AND ENGLISH.

6 Q SO LATERAL MEANS SIDE. AND THIS IS A

7 WOUND ON THE SIDE.

8 AND THE OTHER PART OF THIS WOUND IS

9 HIGHER UP AND IT'S A SERIES OF INDIVIDUAL DEFECTS ON

10 THE FRONT OF THE THIGH.

11 A WITH ONE LARGE DEFECT AS WELL, YES. SO  
12 THE ONE I'M SHOWING SHOWS THE WRONG DIRECTION ON THE  
13 DOLL. IT COULD GO MORE DOWNWARD.

14 Q OKAY. WELL, IT GOES THIS WAY, A LINE  
15 LIKE THAT (DEMONSTRATING), CORRECT?

16 A YES, MA'AM.

17 Q AND YOU HAVE SHOWN IT WITH A LINE LIKE  
18 THAT (DEMONSTRATING), THE OPPOSITE DIRECTION?

19 A YES.

20 Q SO THIS IS WRONG?

21 A YES.

22 Q OKAY. AND, IN FACT, THE LITTLE ROD EVEN  
23 COMES OUT IN BACK. THE BACK IS WRONG TOO. IT  
24 REALLY SHOULD BE FROM TOP TO SIDE?

25 A IT SHOULD BE -- IT SHOULD COME OUT A  
26 LITTLE BIT LOWER AND A LITTLE BIT MORE TO THE SIDE.

27 Q SO IT SHOULD BE -- WHY DON'T YOU MAKE A  
28 CIRCLE WHERE IT REALLY SHOULD BE, WHERE THE EXIT

1 REALLY SHOULD HAVE BEEN, OR WHAT YOU'RE CALLING THE  
2 EXIT.

3 A (WITNESS COMPLIES.)

4 Q YOU'VE DRAWN WITH BLUE INK ON THE DOLL'S  
5 LEG A LITTLE DOT, A LITTLE DOT WHERE THE EXIT SHOULD

6 BE, INSTEAD OF BEHIND THE LEG AND FARTHER UP WHERE

7 YOU'VE PUT YOUR ROD, CORRECT?

8 A YES.

9 Q NOW, HOW DO YOU KNOW WHICH IS THE

10 ENTRANCE AND WHICH IS THE EXIT ON THAT PARTICULAR

11 WOUND?

12 A THERE ARE PELLET MARKS ASSOCIATED WITH

13 THE ENTRANCE WOUNDS WHICH ARE ABRASION COLLARS

14 INDICATING AN ENTRANCE.

15 Q WELL, DOES THE FACT THAT THERE ARE

16 ABRASION COLLARS ON THE WOUND ON THE TOP OF THE

17 THIGH -- THAT TELLS YOU IT'S THE ENTRANCE?

18 A AND THE APPEARANCE OF THE WOUND. I

19 RELIED ON DR. GOLDEN'S DESCRIPTION AND

20 INTERPRETATION OF THE WOUNDS AND I FEEL COMFORTABLE

21 IT IS AN ENTRANCE WOUND.

22 Q IN OTHER WORDS, WITH RESPECT TO THIS

23 WOUND, YOU ACCEPTED DR. GOLDEN'S OBSERVATIONS,

24 DR. GOLDEN'S DESCRIPTION AND DR. GOLDEN'S CONCLUSION --

25 A YES.

26 Q -- ON THIS ONE?

27 A YES, MA'AM.

28 Q DR. GOLDEN WROTE IN HIS REPORT THAT THE

1 ENTRANCE -- I'M NOW PUTTING UP ON THE BOARD 186.

2 THIS IS THE SAME WOUND, SHOWING THE TOP OF THE THIGH

3 PART AS WELL, CORRECT?

4 A YES. I THINK SO.

5 Q YOU TESTIFIED BEFORE THAT IT WAS.

6 A IT IS.

7 Q ALL RIGHT. THE LEG'S VERY DEFORMED. IT

8 HAS BENDS IN PLACES THAT A NORMAL LEG WOULDN'T HAVE;

9 IS THAT CORRECT?

10 A YES.

11 Q AND THAT'S BECAUSE THE BONES ARE BROKEN?

12 A YES, MA'AM.

13 Q SO THE LEG MOVES AND TWISTS IN ABNORMAL

14 WAYS?

15 A YES.

16 Q WHAT WE ARE LOOKING AT IN THIS

17 PHOTOGRAPH ON THE LOWER LEFT-HAND PART OF THE

18 PHOTOGRAPH IS THE SAME WOUND THAT WE SEE IN THE

19 CENTER OF -- I BELIEVE THIS IS 200.

20 A YES.

21 Q AND THEN ON THE TOP, TOWARDS THE TOP OF

22 THE PHOTOGRAPH, WE SEE A WHOLE SERIES OF INDIVIDUAL

23 HOLES; IS THAT CORRECT?

24 A YES.

25 Q NOW, HOW DEEP IS THAT WOUND?

26 A IT WENT THROUGH AND THROUGH.

27 Q IT WENT FROM TOP -- IF I CAN USE THE

28 MARKER. IT WENT FROM TOP TO SIDE, CORRECT?

1       A   YES.

2       Q   HOW FAR UNDER THE SURFACE WAS THE WOUND  
3 PATH?

4       A   WELL, THE LENGTH FROM ENTRANCE TO THE  
5 EXIT WOUND, IS THAT WHAT YOU'RE TALKING ABOUT?

6       Q   NO. HOW DEEP UNDER THE SURFACE OF THE  
7 SKIN DID THE PROJECTILES TRAVERSE? DO YOU KNOW?

8       A   I WOULD HAVE TO ESTIMATE. THERE'S NO  
9 WAY OF REALLY TELLING FROM THE PHOTOGRAPHS.

10      Q   BUT THE PERSON WHO DISSECTED THAT WOUND  
11 MIGHT KNOW?

12      A   I'M NOT SURE IF HE ACTUALLY OPENED IT  
13 UP. LET ME READ HIS REPORT TO REFRESH MY MEMORY.

14      Q   I DON'T KNOW THAT THE REPORT SAYS IT.

15      A   THEN WE CAN'T SAY.

16      Q   YOU DIDN'T TALK TO HIM?

17      A   NO.

18      Q   IF I WERE TO GIVE YOU A HYPOTHETICAL  
19 THAT DR. GOLDEN WOULD TESTIFY THAT THAT WOUND IS  
20 ONLY ABOUT AN INCH UNDER THE SURFACE FROM ONE END TO  
21 THE OTHER, OKAY, DOES THAT IN ANY WAY INFORM YOUR  
22 OPINION ABOUT WHAT'S THE ENTRANCE AND WHAT'S THE  
23 EXIT?

24 MR. CONN: OBJECTION. CALLS FOR  
25 SPECULATION. NO FOUNDATION. ASSUMES FACTS NOT IN  
26 EVIDENCE.

27 MS. ABRAMSON: IT'S A HYPOTHETICAL.

28 THE COURT: ALL RIGHT. JUST ASSUMING THAT

1 THAT WAS THE SITUATION.

2 THE WITNESS: IT WOULD NOT CHANGE ANYTHING.

3 Q BY MS. ABRAMSON: WHAT IF I WERE TO  
4 OFFER YOU A HYPOTHETICAL THAT DR. GOLDEN WOULD  
5 TESTIFY THAT HIS REPORT IS MISTAKEN IN THIS CONTEXT  
6 AND THAT ON REVIEWING THIS WOUND HE HAS DETERMINED  
7 THAT THE ENTRY IS ACTUALLY THE LARGE DEFECT AND THE  
8 SMALLER DEFECTS ARE EXIT HOLES?

9 MR. CONN: I WOULD OBJECT. CALLS FOR HEARSAY  
10 AND NO FOUNDATION AND IT ASSUME FACTS NOT IN  
11 EVIDENCE.

12 THE COURT: ALL RIGHT. JUST ASSUMING THAT  
13 THAT WAS DR. GOLDEN'S OPINION.

14 THE WITNESS: THEN I WOULD GIVE THAT GREAT  
15 WEIGHT.

16 Q BY MS. ABRAMSON: IF -- LET ME ASK YOU  
17 THIS. THE INSIDE OF A LIMB, A HUMAN LIMB, WHETHER  
18 IT'S AN ARM OR A LEG, IS NOT HOLLOW, IS IT,

19 DR. LAWRENCE?

20 A NO.

21 Q THE SKIN IS SORT OF LIKE THE CASING, IF

22 YOU WILL, ON A SAUSAGE. IT HOLDS SOLID CONTENT,

23 CORRECT?

24 A YES.

25 Q AND IN A LEG, FOR EXAMPLE, INSIDE THE

26 CASING OF THE SKIN ONE WOULD FIND BONE, CORRECT?

27 A YES.

28 Q ONE WOULD FIND MUSCLE.

1 A YES.

2 Q ONE WOULD FIND BLOOD VESSELS OF VARYING

3 SIZES AND TYPES.

4 A CORRECT.

5 Q ONE WOULD FIND LIGAMENTS.

6 A YES.

7 Q AND ONE WOULD FIND FAT OF VARYING

8 THICKNESSES.

9 A YES.

10 Q THEN OVER THAT WOULD BE THE STRUCTURES

11 THAT COMPRISE THE SKIN WHICH HAVE A CERTAIN NUMBER

12 OF LEVELS THEMSELVES, CORRECT?

13 A YES.

14 Q BUT INSIDE -- IT'S ALL FULL UP WITH STUFF

15 BASICALLY WHEN YOU START OUT.

16 A IT IS.

17 Q ALL RIGHT. WHEN A PROJECTILE HITS A

18 LIMB AND STARTS GOING THROUGH IT, RIGHT, IT ENGAGES

19 WITH THESE TISSUES AND STRUCTURES AND BONES, OR CAN,

20 CORRECT?

21 A IT MUST.

22 Q RIGHT. BECAUSE THERE'S NO HOLLOW SPACES

23 IN THERE. THERE'S NO PATHWAY IT CAN GO THROUGH BY

24 ITSELF, CORRECT?

25 A THAT'S RIGHT.

26 Q ALL RIGHT. NOW, IF THIS HAD BEEN THE

27 ENTRY WOUND, THE HOLES ON THE TOP OF THE THIGH, CAN

28 YOU TELL FROM THE PHOTOGRAPHS AND FROM DR. GOLDEN'S

1 MEASUREMENTS THAT THE SPAN OF THAT WOUND IS MUCH

2 WIDER, LARGER, THAN THE SPAN, THE DIAMETER, IF YOU

3 WILL, OF THE LOWER WOUND?

4 A WHAT I THINK YOU'RE SAYING IS THAT THE

5 DIAMETER OF THE CLUSTER OF WOUNDS HERE IS GREATER

6 THAN THE DIAMETER OF THE SINGLE HOLE THERE.

7 Q EXACTLY.

8 A I'D SAY IT'S A LITTLE LARGER, YES.



9 Q AND HE DESCRIBES IT AS LARGER, CORRECT?

10 A YES.

11 Q SO, FOR THIS TO BE THE ENTRY WOUND,  
12 SOMEHOW THESE PROJECTILES ALL WOULD HAVE HAD TO HAVE  
13 COME TOGETHER INSIDE TO COME OUT ONE HOLE, WOULDN'T  
14 THEY?

15 A YES. IN ESSENCE.

16 Q THAT'S REALLY QUITE UNLIKELY, ISN'T IT?

17 A YES.

18 Q SO, I MEAN, IF YOU TAKE ALL THESE  
19 SEPARATE PIECES AND YOU PUT THEM IN, THERE'S NOTHING  
20 INSIDE THAT BODY THAT'S GOING TO MAKE THEM COME  
21 TOGETHER TO NARROW DOWN AND POP OUT A SMALLER HOLE  
22 TOGETHER, CORRECT?

23 A IT'S UNLIKELY.

24 Q ALL RIGHT. SO IT ACTUALLY MAKES MORE  
25 RATIONAL SENSE, LOGICAL SENSE, COMMON SENSE, TO SEE  
26 THAT THE ENTRY WOUND IS ON THE TOP OF THE THIGH AND  
27 THE EXIT WOUND IS ON THE LATERAL LOWER PORTION,  
28 CORRECT?

1 A I'D LIKE TO REVIEW THE OTHER PHOTOGRAPHS  
2 BEFORE I WOULD AGREE TO THAT STATEMENT.

3 Q ALL RIGHT. I'LL GIVE YOU AN OPPORTUNITY

4 TO DO THAT.

5 THE COURT: LET'S DO THAT DURING THE RECESS.

6 MS. ABRAMSON: EXACTLY.

7 THE COURT: AND WE'LL BE IN RECESS UNTIL A

8 QUARTER TO.

9 MS. ABRAMSON: THANK YOU, YOUR HONOR.

10 (A RECESS WAS TAKEN FROM

11 10:25 A.M. TO 10:50 A.M.)

12

13

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1 (THE FOLLOWING PROCEEDINGS WERE  
2 HELD IN OPEN COURT OUT OF THE  
3 PRESENCE OF THE JURY:)

4  
5 THE COURT: THE JURY IS NOT HERE.

6 ARE WE READY TO PROCEED?

7 MS. ABRAMSON: YES.

8 MR. CONN: YES, YOUR HONOR. I HAD SOMETHING

9 I WANTED TO BRING TO THE ATTENTION OF THE COURT.

10 DURING THE EXAMINATION OF THE WITNESS,

11 COUNSEL ASKED THE WITNESS A HYPOTHETICAL QUESTION IN

12 REGARD TO ONE OF THE WOUNDS INFLICTED TO THE BODY OF

13 KITTY MENENDEZ, AND THAT IS THE WOUND TO THE LEFT

14 THIGH, AND SHE SAID ASSUME, OR TAKE AS A GIVEN, THAT

15 DR. GOLDEN WOULD COME IN AND TESTIFY TO THE FACT

16 THAT THIS IS NOT THE ENTRY AND THIS IS NOT THE EXIT,

17 BUT IT'S VICE VERSA.

18 I OBJECTED TO THAT, YOUR HONOR, BECAUSE

19 WE HAVE NO REPORT FROM DR. GOLDEN INDICATING THAT

20 THAT IS THE CASE, AND UNTIL WE HAVE SOMETHING LIKE

21 THAT UPON WHICH WE CAN KNOW THAT COUNSEL IS MAKING A

22 GOOD-FAITH OFFER OF PROOF, I DON'T THINK THAT THAT

23 TYPE OF QUESTION SHOULD BE PERMITTED.

24 NOW, WE CONTACTED DR. GOLDEN DURING THE

25 RECESS AND HE -- AND HE WAS EMPHATIC. HE SAID, I

26 MADE NO SUCH CHANGE TO MY REPORT. I DID NOT CHANGE

27 MY OPINION REGARDING THAT PARTICULAR GUNSHOT WOUND.

1 NOT BE PERMITTED TO ASK QUESTIONS CONCERNING WHAT  
2 DR. GOLDEN WOULD TESTIFY TO UNLESS THAT HAS BEEN  
3 DOCUMENTED IN SOME WAY SO THAT WE CAN ENSURE THE  
4 ACCURACY OF THE REPRESENTATION.

5 AND I WOULD ASK THAT THOSE QUESTIONS  
6 CONCERNING THAT PARTICULAR AREA OF EXAMINATION AND  
7 THE ANSWERS TO THOSE QUESTIONS BE STRICKEN.

8 THE COURT: ALL RIGHT. MS. ABRAMSON, DO YOU  
9 WISH TO BE HEARD?

10 MS. ABRAMSON: WELL, I WAS NOT PRIVY TO THE  
11 TELEPHONE CONVERSATION THAT COUNSEL CLAIMS WAS MADE  
12 TO DR. GOLDEN. I DO KNOW THAT WHEN THE RECESS WAS  
13 DECLARED DR. MC CARTHY AND MR. GREWAL AND MR. CONN --

14 THE COURT: NO, NO. JUST ANSWER --

15 MS. ABRAMSON: WELL, I --

16 THE COURT: THE ISSUE IS WHETHER OR NOT YOU  
17 SPOKE TO DR. GOLDEN AND DR. GOLDEN SAID HE'LL  
18 TESTIFY AS INDICATED IN YOUR QUESTION.

19 MS. ABRAMSON: I PARTICIPATED IN A CONFERENCE  
20 WITH DR. GOLDEN AND DR. FACKLER ON OCTOBER 4TH -- THE  
21 DAY AFTER YOM KIPPUR, WHENEVER IT WAS, WHEN WE WERE  
22 IN THE 801 HEARING -- AND IN THAT CONVERSATION,

23 WHICH I SAT AND LISTENED TO, DR. GOLDEN AGREED THAT  
24 THE ENTRY WOUND WAS THE LOWER OF THE TWO WOUNDS AND  
25 THE EXIT WOUND WAS THE UPPER OF THE TWO WOUNDS, JUST  
26 AS I HAVE INDICATED, UNEQUIVOCALLY. HE AND  
27 DR. FACKLER WERE TALKING ABOUT THIS WOUND. THAT'S  
28 HOW I KNEW THE WOUND WAS ONLY AN INCH DEEP, BECAUSE

1 THAT IS WHAT DR. GOLDEN WAS EXPLAINING TO  
2 DR. FACKLER, AND THAT IS WHAT I EXPECT DR. GOLDEN  
3 WILL TESTIFY TO, SINCE THAT IS WHAT HE WAS SAYING IN  
4 THAT CONFERENCE WITH DR. FACKLER.

5 NOW, I DON'T KNOW ANYTHING ABOUT A  
6 TELEPHONE CALL WITH HIM, BUT THAT IS WHAT I HAVE  
7 BEEN LED TO BELIEVE, SINCE I WAS THERE.

8 AND I HEARD THEM TALKING ABOUT THIS  
9 WOUND AND I HAVE TALKED ABOUT THIS PARTICULAR WOUND  
10 AT LENGTH WITH DR. FACKLER, AS RECENTLY AS LAST  
11 NIGHT.

12 THE COURT: LET'S JUST STICK WITH DR. GOLDEN  
13 AND WHAT DR. GOLDEN WILL SAY.

14 MS. ABRAMSON: NO. WHAT I WAS GOING TO SAY  
15 IS WHETHER OR NOT IN HIS SUBSEQUENT CONTACTS WITH  
16 DR. GOLDEN, DR. FACKLER HAD LEARNED OF ANY CHANGE IN  
17 DR. GOLDEN'S OPINION, AS I UNDERSTAND IT TO BE

18 CONCERNING THIS WOUND, AND HE INDICATED NO.

19 SO I'M NOT MAKING IT UP. THIS IS WHAT I

20 BELIEVE DR. GOLDEN WILL TESTIFY TO.

21 THE COURT: AND THE MEANS OF IMPEACHING HIM

22 IF HE DOESN'T IS THROUGH DR. FACKLER?

23 MS. ABRAMSON: DR. FACKLER.

24 THE COURT: HE IS A WITNESS WHO IS GOING TO

25 BE CALLED?

26 MS. ABRAMSON: YES, HE IS, YOUR HONOR. I

27 INTEND, IN FACT, TO CALL HIM NEXT WEEK.

28 THE COURT: ALL RIGHT. DID YOU WISH TO BE

1 HEARD FURTHER, MR. CONN?

2 MR. CONN: ONCE AGAIN, I WOULD ASK THAT THIS

3 WITNESS NOT BE QUESTIONED CONCERNING REPRESENTATIONS

4 MADE TO COUNSEL BY DR. GOLDEN UNLESS THAT CAN FIRST

5 BE PRESENTED TO THE PEOPLE IN SOME SORT OF REPORT --

6 WE HAVE NO REPORTS CONCERNING THIS INFORMATION. WE

7 HAVE NO WAY OF ENSURING THE ACCURACY OF THIS

8 INFORMATION, AND I WOULD ASK THAT THESE HYPOTHETICAL

9 QUESTIONS NOT BE POSED UNTIL SUCH TIME AS DR. GOLDEN

10 HAS TESTIFIED.

11 THE COURT: ALL RIGHT.

12 FIRST OF ALL, IN REGARD TO THE SPECIFIC

13 REQUEST OF THE PROSECUTION, I WILL NOT STRIKE THE  
14 QUESTIONS AND ANSWERS. OBVIOUSLY, IF DR. GOLDEN  
15 COMES IN AND DOESN'T SUBSTANTIATE THE  
16 REPRESENTATIONS OF THE DEFENSE AS MADE IN THE  
17 QUESTION, THAT WILL CERTAINLY BE BROUGHT OUT DURING  
18 HIS EXAMINATION.

19 BUT IN THE FUTURE, BEFORE ANY QUESTIONS  
20 OF A HYPOTHETICAL NATURE ARE ASKED OF THIS WITNESS  
21 DEALING WITH FACTS TO BE ASSUMED THAT HAVE NOT  
22 ALREADY BEEN TESTIFIED TO BY OTHER WITNESSES OR HAVE  
23 NOT BEEN PLACED IN SOME WRITTEN REPORT, COUNSEL IS  
24 TO GIVE NOTICE TO THE PROSECUTION OUTSIDE THE  
25 PRESENCE OF THE JURY BEFORE ANY SUCH QUESTION IS  
26 ASKED.

27 MS. ABRAMSON: FINE, YOUR HONOR.

28 THE COURT: LET'S GET THE JURY OUT, PLEASE.

1 (THE JURY ENTERED THE  
2 COURTROOM AND THE FOLLOWING  
3 PROCEEDINGS WERE HELD:)

4

5 THE COURT: OKAY. YOU MAY CONTINUE YOUR  
6 CROSS-EXAMINATION.

7 Q BY MS. ABRAMSON: DR. LAWRENCE, WE WERE

8 TALKING BEFORE ABOUT THE FACT THAT THE STRUCTURE OF  
9 LIMBS ARE SUCH THAT THERE ARE NO HOLLOW SPACES  
10 INSIDE THE SKIN, IF YOU WILL, CORRECT?

11 A YES.

12 Q ARE YOU FAMILIAR WITH THE TERM  
13 "CAVITATION"?

14 A YES.

15 Q WHAT DOES CAVITATION MEAN?

16 A IT'S A TERM USED IN WOUND BALLISTICS TO  
17 INDICATE AN AREA OF EXPLOSIVE CHANGE OR CAVITATION  
18 IN THE SOLID TISSUE AS A BULLET OR MISSILE PASSES  
19 THROUGH.

20 I'M NOT AN EXPERT ON WOUND BALLISTICS TO  
21 THE EXTENT THAT I DO TEST-FIRING IN GELATIN BLOCKS  
22 AND SO ON AND SO FORTH. SO I JUST HAVE A VERY LAY  
23 CONCEPT OF THAT TERM. I DON'T USE IT MYSELF.

24 Q OKAY. CAVITATION IS A TERM THAT PEOPLE  
25 WHO ARE EXPERT IN WOUND BALLISTICS USE; IS THAT  
26 CORRECT?

27 A YES.

28 Q DO YOU KNOW WHO MARTIN FACKLER IS?

1 A YES, HE'S ONE OF THOSE EXPERTS.

2 Q YOU KNOW HIM TO BE A NOW-RETIRED SURGEON



3 WITH THE UNITED STATES ARMY?

4 A YES.

5 Q DO YOU KNOW HIM TO BE THE FORMER HEAD OF  
6 THE WOUND BALLISTICS LABORATORY AT LETTERMAN ARMY  
7 HOSPITAL IN THE PRESIDIO HERE IN CALIFORNIA?

8 A YES.

9 Q AND DO YOU KNOW THAT HE DIRECTED THAT  
10 LAB FOR A NUMBER OF YEARS?

11 A YES, I DO.

12 Q EVEN THOUGH YOU'RE NOT PARTICULARLY  
13 EXPERT IN THAT FIELD, DO YOU UNDERSTAND --

14 I'LL TELL YOU WHAT WE'RE GOING TO DO.  
15 I'M GOING TO MAKE IT EASIER. WE'RE GOING TO PUT UP  
16 THE TRIPOD, WHAT I CALL THE TRIPOD, EASEL.

17 OKAY. NOW, DO YOU UNDERSTAND THAT THE  
18 WORD "CAVITATION" BEARS SOME LOGICAL CONNECTION TO  
19 THE WORD "CAVITY"?

20 A YES.

21 Q MEANING AN OPENING IN SOMETHING SOLID,  
22 SOMETHING DUG INTO SOMETHING SOLID?

23 A YES.

24 Q ALL RIGHT. SO JUST AS AN EXAMPLE, IF WE  
25 HAD, SAY, AN -- AND I CAN'T DRAW TO SAVE MY LIFE --  
26 SAY WE HAVE AN ARM, THOUGH. SAY DOWN HERE IS A  
27 HAND. SO WE KNOW WE'RE TALKING ABOUT -- LET'S SAY  
28 WE'RE TALKING ABOUT AN UPPER ARM, OKAY? AND WE'RE

1 PRETENDING WE CAN SEE INSIDE, WE HAVE X-RAY VISION.

2 ALL RIGHT? AND A PROJECTILE OF SOME KIND --

3 "PROJECTILE" -- HEADS INTO THAT ARM. AS IT GOES

4 THROUGH IT IT'S GOING TO, IF YOU WILL, MAKE A SPACE,

5 A CAVITY.

6 IS THAT THE CRUDEST WAY OF DEMONSTRATING

7 CAVITATION?

8 A THAT'S FINE.

9 Q ALL RIGHT. BUT AS IT GOES THROUGH IT

10 HAS THINGS IN ITS PATH, CORRECT?

11 A YES.

12 Q TISSUE OF SOME KIND OR BONE, CORRECT?

13 A YES.

14 Q IF WE'RE TALKING ABOUT TISSUE, AS IT

15 GOES THROUGH IT PUSHES THAT TISSUE, CORRECT?

16 A YES.

17 Q AND THE TISSUE HAS TO GO SOMEWHERE?

18 A YES.

19 Q AND SINCE THERE ARE NO EMPTY SPACES, THE

20 TISSUE THAT'S BEING PUSHED PUSHES OTHER TISSUE AND

21 SO ON?

22 A TO SOME EXTENT, YES.

23 Q ALL RIGHT. CAN THE PRESSURE FROM

24 CAVITATION BREAK BONES?

25 A NO.

26 Q THAT'S YOUR OPINION, IT CANNOT?

27 A THAT'S MY OPINION.

28 Q IS IT YOUR OPINION THAT THE ONLY WAY IN

1 WHICH BONES ARE BROKEN IS AS A RESULT OF A GUNSHOT  
2 WOUND; A DIRECT HIT TO THE BONE?

3 A YES.

4 Q HAVE YOU EVER READ THE BOOK PUBLISHED BY  
5 THE MEDICAL DEPARTMENT OF THE UNITED STATES ARMY  
6 ENTITLED "WOUND BALLISTICS"?

7 A NO.

8 Q NOW, DR. LAWRENCE, JUST BEFORE THE  
9 BREAK -- I'LL TAKE THIS OUT OF THE WAY -- AND I'D LIKE  
10 TO MARK THIS EXTREMELY CRUDE DRAWING AS -- IS IT 210,  
11 YOUR HONOR?

12 THE COURT: 210.

13 Q BY MS. ABRAMSON: WE WERE TALKING BEFORE  
14 THE BREAK ABOUT THIS THIGH WOUND TO MRS. MENENDEZ'  
15 LEFT LEG. AND I NOTICED UPON THE BREAK THAT  
16 DR. MC CARTHY AND MR. GREWAL AND MR. CONN AND  
17 MS. NAJERA RUSHED UP HERE AND TALKED TO YOU; IS THAT  
18 CORRECT?

19 A YES.

20 Q AND AS A RESULT OF THEIR TALKING TO YOU,

21 DO YOU WANT TO CHANGE ANY OF THE ANSWERS THAT YOU  
22 GAVE ME WHEN I WAS TALKING TO YOU ABOUT THAT WOUND?  
23 A NO.  
24 Q I WANT TO FINISH GOING THROUGH YOUR  
25 REPORT.  
26 OKAY. NOW, YOU INDICATE ON PAGE 2 THE  
27 FOLLOWING SENTENCE:  
28 "ALL OF THE BLOOD SPATTER AND

1 SMEAR SEEN ON THE COUCH ABOUT THE BODY  
2 AND ON THE FLOOR AND ELSEWHERE ARE  
3 CONSISTENT WITH THE SHOOTING OCCURRING  
4 WHILE BOTH WERE SEATED ON THE COUCH."  
5 DO YOU REMEMBER THAT STATEMENT? IT'S ON  
6 PAGE 2. IT'S THE FIRST FULL SENTENCE.

7 A AND IT CONTINUES.

8 Q I'M GOING TO READ THE NEXT SENTENCE. WE  
9 HAVE TO DO IT A SENTENCE AT A TIME.

10 DID YOU WRITE THAT?

11 A YES.

12 Q AND THE NEXT SENTENCE YOU WROTE:

13 "THAT IS NOT TO SAY THAT

14 ADDITIONAL SHOTS WERE NOT FIRED AT

15 MRS. MENENDEZ ONCE SHE FELL FORWARD

16 OFF THE COUCH."

17 DID YOU WRITE THAT?

18 A YES.

19 Q DID YOU MEAN BY "FELL FORWARD" THE SAME

20 THING THAT YOU MEANT BY "ROLLED OFF"?

21 A IN ESSENCE, YES.

22 Q NOW, YOU HAVE INDICATED YOU'RE NOT A

23 BLOOD SPATTER EXPERT, CORRECT?

24 A YES.

25 Q ARE YOU AWARE, DR. LAWRENCE, THAT NOT A

26 SINGLE PIECE OF BIOLOGICAL EVIDENCE WAS REMOVED FROM

27 THIS SCENE, APART FROM THE BODIES?

28 A I HAVE NO IDEA ABOUT THE DEPTH OF THE

1 SCENE INVESTIGATION.

2 Q DID YOU SEE ANY REPORTS OR HAVE YOU

3 RECEIVED ANY INFORMATION THAT ANY BLOOD SPATTERS

4 WERE COLLECTED, ANY TISSUE WAS COLLECTED, ANYTHING

5 LIKE THAT?

6 A I RECEIVED NO REPORTS OF THAT.

7 Q WHILE WE'RE SPEAKING OF COLLECTED

8 THINGS, BY THE WAY, GIVEN WHAT YOU'VE SAID ABOUT

9 WHAT WAS SUBMITTED TO YOU, I TAKE IT YOU HAVE NEVER

10 HAD SUBMITTED TO YOU THE BALLISTICS EVIDENCE THAT

11 WAS REMOVED FROM THE BODIES AT THE CORONER'S  
12 OFFICE.

13 A THAT'S CORRECT.

14 Q HAVE YOU EVEN LOOKED AT THOSE THINGS  
15 SINCE YOU'VE BEEN HERE?

16 A NO.

17 Q DO YOU REALIZE THEY'RE RIGHT OVER THERE;  
18 THEY'RE IN EVIDENCE?

19 A NO.

20 Q YOU TESTIFIED YESTERDAY THAT CERTAIN  
21 WOUNDS -- AND I CAN'T RECALL FOR THE MOMENT IF IT'S  
22 ONLY ON MRS. MENENDEZ OR ALSO ON MR. MENENDEZ, BUT  
23 AT LEAST WITH RESPECT TO MRS. MENENDEZ, THAT CERTAIN  
24 WOUNDS IN THE MANDIBLE CLAVICLE AREA WERE ATYPICAL.

25 DO YOU RECALL THAT TESTIMONY?

26 A YES.

27 Q AND YOU TESTIFIED THAT THEY WERE -- WHAT  
28 YOU MEANT BY ATYPICAL WAS THAT THE PELLETS WERE

1 DEFORMED.

2 DO YOU RECALL THAT?

3 A THAT WAS PART OF WHAT I SAID, YES.

4 Q IS THAT WHAT YOU MEAN BY ATYPICAL, THAT  
5 THE HOLES IN THE SKIN THAT YOU CAN SEE IN THE

6 PHOTOGRAPHS ARE OF SUCH A SHAPE THAT YOU BELIEVE  
7 THAT THE PELLETS THAT MADE THOSE HOLES WERE NO  
8 LONGER ROUND THE WAY THEY ARE MANUFACTURED?

9 A YES.

10 Q ARE YOU AWARE, DR. LAWRENCE, THAT  
11 PELLETS FROM THAT WOUND WERE REMOVED FROM THE BODY  
12 OF MRS. MENENDEZ?

13 A HE DID STATE THAT HE RECOVERED SOME  
14 PELLETS, AS I RECALL. LET ME DOUBLECHECK.

15 YES, HE DID RECOVER SOME PELLETS.

16 Q AND YOU HAVEN'T EXAMINED THOSE?

17 A NO.

18 Q NOW, IT'S YOUR BELIEF, IS IT NOT, THAT  
19 SOME OF THOSE PELLETS BROKE THE COLLAR BONE?

20 A YES.

21 Q AND IS IT YOUR UNDERSTANDING THAT IF  
22 PELLETS COME IN CONTACT WITH BONE, THEY CAN BE  
23 DEFORMED?

24 A YES.

25 Q BUT NOT NECESSARILY?

26 A CORRECT.

27 Q WHAT SIZE PELLETS ARE WE TALKING ABOUT  
28 HERE, DO YOU KNOW?

1 A I DON'T KNOW FOR SURE. THEY'RE  
2 BUCKSHOT. THEY'RE SMALLER THAN THE LARGEST SIZE.  
3 THEY'RE PROBABLY IN THE RANGE OF NO. 4 BUCKSHOT, BUT  
4 I'M NOT SURE.

5 Q AND THERE ARE SOME PELLETS THAT ARE BIRD  
6 SHOT, CORRECT?

7 A YES.

8 Q NOW, WITH RESPECT TO THE WOUND THAT  
9 WE'VE BEEN TALKING ABOUT TO THE RIGHT MANDIBLE,  
10 RIGHT CLAVICLE, YOU ALSO ASSOCIATE THAT WITH THE  
11 RIGHT HAND, CORRECT?

12 A YES.

13 Q AND DR. GOLDEN -- DO YOU RECALL THAT  
14 DR. GOLDEN NUMBERED ALL OF THE WOUNDS TO BOTH OF THE  
15 DECEDENTS?

16 A YES.

17 Q AND AM I CORRECT IN STATING THAT THE  
18 WOUND THAT WE ARE TALKING ABOUT, THE RIGHT MANDIBLE,  
19 RIGHT -- MEDIAL RIGHT CLAVICLE, IS WOUND NO. 3 --

20 A YES.

21 Q -- ON THE AUTOPSY REPORT FOR  
22 MRS. MENENDEZ?

23 A YES.

24 Q CORRECT?

25 AND THE OTHER WOUND THAT YOU ASSOCIATE  
26 WITH THAT IS WOUND NO. 10, THE RIGHT HAND.

27 A YES.

28 Q AND IT'S TRUE, IS IT NOT, DR. LAWRENCE,



1 THAT IN HIS REPORT AND IN THE TESTIMONY THAT YOU  
2 READ OF DR. GOLDEN, THAT HE ALSO ASSOCIATES THE  
3 WOUND TO THE RIGHT HAND WITH THE WOUND TO THE  
4 MANDIBLE CLAVICLE?

5 MR. CONN: OBJECTION. CALLS FOR HEARSAY.

6 THE COURT: TALKING ABOUT DR. GOLDEN'S  
7 REPORT?

8 MS. ABRAMSON: YES. IT'S HIS REPORT.

9 THE COURT: OVERRULED.

10 THE WITNESS: YES, THAT'S IN HIS REPORT.

11 Q BY MS. ABRAMSON: AND WITH RESPECT TO  
12 THAT WOUND, WOULD IT BE CORRECT TO SAY THAT YOU  
13 DON'T DISAGREE IN ANY WAY, SHAPE, OR FORM WITH  
14 DR. GOLDEN'S OBSERVATIONS, FINDINGS OR CONCLUSIONS?

15 A CORRECT.

16 Q NOW, CONTINUING WITH YOUR REPORT, YOU GO  
17 ON TO STATE THAT:

18 "INDEED, IT WOULD BE MY OPINION  
19 THAT AT LEAST ONE OF THE SHOTS TO  
20 MRS. MENENDEZ WAS RECEIVED WHEN SHE  
21 WAS DOWN ON THE FLOOR. THIS WOULD BE  
22 THE PERFORATING WOUND OF THE LEFT KNEE  
23 AREA."

24 CORRECT?

25 A YES.

26 Q ALL RIGHT. AND YOU'VE INDICATED THE  
27 DIRECTION OF THIS WOUND IS CONSISTENT WITH HER BEING  
28 SHOT WHILE SHE WAS ON THE FLOOR WITH THE KNEE FLEXED

1 AND ELEVATED ABOVE THE LEVEL OF THE CARPET,  
2 CORRECT?

3 A YES.

4 Q AND THEN YOU SAID:

5 "IT WOULD BE IMPOSSIBLE FOR HER  
6 TO RECEIVE A WOUND WITH THIS DIRECTION  
7 WHEN SHE WAS SEATED ON THE COUCH OR  
8 STANDING."

9 CORRECT?

10 A YES.

11 Q ALL RIGHT. NOW, LET'S START WITH  
12 STANDING.

13 IT WOULD BE IMPOSSIBLE FOR ANYONE TO  
14 RECEIVE THAT WOUND STANDING. THAT'S WHAT YOU SAID,  
15 RIGHT?

16 A YES. WELL, REMEMBER, YESTERDAY I SAID  
17 THAT IF SHE WERE STANDING WITH THAT KNEE HELD UP  
18 LIKE THIS IT WOULD BE POSSIBLE.

19 Q JUST LIKE THE DOLLIE, RIGHT?

20 A YES.

21 Q ALL RIGHT. YOU HAVE A DOLL HERE THAT IS  
22 SUPPOSED --

23 A BUT THE KNEE WOULD HAVE TO BE MUCH  
24 HIGHER. I CAN'T MOVE IT, BUT IT WOULD HAVE TO BE  
25 MUCH, MUCH HIGHER.

26 Q THE PROBLEM WITH THIS DOLL IS IT HAS  
27 LIMITED MOVEMENT. WE CAN DO SOMETHING HERE. WHY  
28 DON'T YOU GRAB THAT ROD, THIS ONE. THAT WILL HOLD

1 THE LEG UP.

2 SO IF THE KNEE IS HIGHER AND IT'S -- I  
3 DON'T WANT TO BREAK THIS, BUT IF IT'S FLEXED MORE --

4 A AS I SAID YESTERDAY, THOUGH, THE PROBLEM  
5 WITH THAT IS THEN THE SHOT WOULD GO ON IN TO HER  
6 BODY.

7 Q UNLESS SHE ROTATED IT OUTWARD, WHICH A  
8 HUMAN KNEE CAN DO, CAN'T IT?

9 A I GUESS.

10 Q IN FACT, YOU DON'T EVEN HAVE TO BE A  
11 BALLERINA TO ROTATE THE LEG THAT THE SHOT WOULD GO  
12 THROUGH AND IT WOULDN'T HIT ANY PART OF HER BODY?

13 A YES.

14 Q SO IT COULD HAVE HAPPENED STANDING UP IF

15 THE LEG WAS IN THE RIGHT POSITION?

16 A WHEN I SAID STANDING UP, I MEANT

17 STANDING IN A NORMAL FASHION.

18 Q ALL RIGHT. BUT YOU DIDN'T WRITE THAT?

19 A NO, I DIDN'T.

20 Q DO YOU HAVE ANY IDEA, DR. LAWRENCE, OF

21 HOW MANY DIFFERENT POSITIONS THE HUMAN BODY CAN

22 TAKE?

23 A I THINK IT'S PROBABLY CLOSE TO INFINITE.

24 Q MILLIONS?

25 A YES.

26 Q BECAUSE EVERY SINGLE LITTLE PART MOVES,

27 RIGHT?

28 A CORRECT.

1 Q AND THE SAME WOULD BE TRUE OF A HUMAN

2 BODY. IF I COULD, FOR A MOMENT, BORROW OUR

3 REPORTER'S CHAIR. EVEN SITTING DOWN, YOU CAN

4 IMAGINE, WHETHER I DO IT ARTFULLY OR NOT IN A SKIRT,

5 BUT YOU CAN IMAGINE A POSITION THAT A LEG COULD BE

6 IN EVEN SITTING DOWN WHERE IT COULD CREATE THAT

7 WOUND AND NOT HIT ANY OTHER PART OF THE BODY, CAN'T

8 YOU?

9 A THE PROBLEM WITH THAT IS YOU WOULDN'T

10 SEE THE PATTERN OF THE COUCH THAT WE TALKED ABOUT

11 EARLIER.

12 Q OKAY. BUT YOU'RE SUPPOSED TO BE

13 EXAMINING THE WOUNDS. WE'RE TALKING ABOUT JUST THE

14 WOUNDS.

15 A JUST THE WOUNDS AND IGNORING THE

16 LIKELY --

17 Q WELL, IGNORE THE SCENE FOR A MOMENT.

18 WE'LL GET BACK TO IT. BUT JUST THE WOUNDS, YOU

19 CAN'T TELL BY LOOKING AT A WOUND THE POSITION -- OR

20 MAKE IT MORE SPECIFIC -- YOU CANNOT TELL BY LOOKING

21 AT THESE WOUNDS THE ACTUAL POSITION THE PERSON WAS

22 IN AT THE TIME THAT SHE WAS SHOT THERE?

23 A YOU CANNOT.

24 Q IS THERE, IN FACT, ANY WOUNDS TO

25 MRS. MENENDEZ THAT YOU BELIEVE THE SCENE EVIDENCE

26 COMPELS YOU TO CONCLUDE SHE RECEIVED WHILE STANDING

27 UP?

28 A NO.

1 Q PUTTING THIS LEG WOUND ASIDE FOR THE

2 MOMENT, IS THERE ANY WOUND TO HER BODY THAT YOU SAW

3 THAT YOU BELIEVE HAD TO HAVE OCCURRED WHILE SHE WAS

4 LYING DOWN?

5       A   YES. THE WOUND TO THE KNEE AREA ON THE  
6 LEFT --

7       Q   I SAID PUTTING THAT ASIDE, IS THAT THE  
8 ONLY ONE?

9       A   ALSO THE ONE ON THE CALF.

10      Q   THE ONE IN THE CALF YOU BELIEVE WAS  
11 WHILE SHE WAS LYING DOWN?

12      A   YES.

13      Q   YOU CAN'T IMAGINE A POSITION THAT LEG  
14 COULD BE IN WHILE SHE WAS EITHER STANDING UP OR  
15 SITTING ON THE COUCH?

16      A   NOT IN A NORMAL STANDING OR SITTING  
17 POSITION.

18      Q   BUT PEOPLE DON'T ALWAYS DO WHAT'S  
19 NORMAL, DO THEY?

20      MR. CONN: OBJECTION. ARGUMENTATIVE.

21      THE COURT: OVERRULED. THE ANSWER WILL  
22 STAND.

23      Q   BY MS. ABRAMSON: SO THE HUMAN BODY IS  
24 QUITE CAPABLE OF FLEXING A LEG WHILE STANDING UP IN  
25 SUCH A WAY TO GET THAT GRAZE WOUND, JUST AS I'M  
26 DOING RIGHT NOW, ALBEIT IN HIGH HEELS.

27           AND WHERE'S THE SHOOTER? YOU DON'T  
28 KNOW?

1 A THE SHOOTER WOULD HAVE TO BE -- THE GUN  
2 WOULD HAVE TO BE NEAR THE FLOOR.

3 Q EVEN THAT THE HUMAN BODY CAN DO,  
4 CORRECT?

5 A I DON'T UNDERSTAND THE QUESTION.

6 Q A SHOOTER CAN KNEEL DOWN?

7 A WELL, THE SHOOTER WOULD HAVE TO HOLD THE  
8 GUN DOWN ON THE FLOOR WITHOUT AIMING IT, WHICH HE  
9 COULD DO.

10 Q WE'RE TALKING ABOUT THE DIRECTION OF THE  
11 GRAZE WOUND TO THE LEFT THIGH FOR THE MOMENT,  
12 CORRECT?

13 A LEFT CALF.

14 Q LEFT CALF. WHICH IS HERE. IT COMES  
15 ABOUT HERE, CORRECT?

16 A YES.

17 Q SO DEPENDING ON HOW HIGH THE LEG IS  
18 DEPENDS ON WHERE THE MUZZLE OF THE GUN IS, CORRECT?

19 A YES.

20 Q SO THERE'S NOTHING IN THE LAWS OF  
21 PHYSICS THAT MAKE IT IMPOSSIBLE FOR SOMEONE TO BE  
22 STANDING UP AND GET THAT WOUND?

23 A I DON'T UNDERSTAND WHAT YOU MEAN.

24 Q WELL, A SHOOTER CAN GO AS LOW AS THE  
25 FLOOR, CORRECT?

26 A I CAN CONCEIVE OF AN ANGLE WHERE A  
27 PERSON COULD STAND, A CONTORTIONIST ESPECIALLY,

1 THE FLOOR. IT COULD DO THAT.

2 Q AND YOU CAN CERTAINLY THINK OF MANY  
3 POSITIONS A PERSON COULD BE IN SITTING DOWN AND  
4 GETTING THAT -- SITTING WITH A LEG RAISED LEANING  
5 BACK ON SOMETHING.

6 A WELL, WHY DON'T YOU ILLUSTRATE ONE.  
7 NOTHING COMES TO MIND.

8 Q YOU'RE GOING TO MAKE ME INTO A  
9 CONTORTIONIST.

10 LIKE I SAID, WE DON'T HAVE A COUCH, BUT  
11 EVEN IN A CHAIR A PERSON CAN LEAN BACK AND THAT LEG  
12 CAN BE UP AND IT CAN BE SHOT.

13 A THE SHOOTER WOULD HAVE TO SHOT THROUGH  
14 THE COUCH FROM BEHIND.

15 Q WELL, WE'RE NOT NECESSARILY TALKING  
16 ABOUT THIS COUCH OR THIS SCENE. WE'RE TALKING ABOUT  
17 JUST THE REALM OF POSSIBILITY.

18 A SO WE'RE NOT TALKING ABOUT THE REALITY  
19 OF THIS CASE.

20 Q NOT YET. WE'RE GETTING THERE.

21 A WE'RE TALKING ABOUT A PERSON SEATED ON A  
22 STOOL OR SOMETHING.



23 Q NO. WE CAN SAY A PERSON ON A COUCH WITH  
24 THE LEG EXTENDED ON TO A COFFEE TABLE.  
25 MR. CONN: I WOULD OBJECT AS IRRELEVANT, YOUR  
26 HONOR, IF IT DOES NOT RELATE TO THIS PARTICULAR  
27 CRIME SCENE.  
28 THE COURT: OVERRULED.

1 Q BY MS. ABRAMSON: THERE IS A COFFEE  
2 TABLE IN THIS CRIME SCENE, ISN'T THERE?

3 A YES.

4 Q IS THERE ANYTHING YOU KNOW THAT  
5 PREVENTED EITHER OF THE TWO DECEDENTS FROM PUTTING  
6 THEIR LEGS UP ON THAT COFFEE TABLE AT SOME POINT?

7 A OF COURSE NOT.

8 Q NOW, I'M NOT SUGGESTING THAT SHE WAS  
9 STANDING UP OR SITTING ON THE COUCH WHEN SHE GOT  
10 THAT. BUT YOU USED THE WORD "IMPOSSIBLE," DID YOU  
11 NOT?

12 A YES.

13 Q LITTLE STRONG, DON'T YOU THINK?

14 A YES.

15 Q ALL RIGHT. NOW, YOUR REPORT GOES ON TO  
16 DESCRIBE, TO SOME EXTENT, THE NUMBER AND NATURE OF  
17 SHOTGUN WOUNDS THAT YOU SAW ON THE PHOTOGRAPHS OF

18 EACH OF THE DECEDENTS, CORRECT?

19 A YES.

20 Q DID YOU MAKE ANY EFFORT TO MEASURE THE  
21 SIZE OF THE WOUNDS?

22 A NO.

23 Q DID DR. GOLDEN GIVE MEASUREMENTS FOR THE  
24 SIZE OF THE WOUNDS?

25 A YES.

26 Q AND IS IT YOUR BELIEF THAT ONE SHOULD  
27 NEVER MEASURE THE SIZE OF WOUNDS FROM AUTOPSY  
28 PHOTOGRAPHS?

1 A IT'S LIKELY TO BE INACCURATE.

2 Q YOU'VE WRITTEN A LITTLE PAPER ON THAT,  
3 IN FACT, HAVEN'T YOU?

4 A YES.

5 Q WHERE YOU SAID ONE SHOULD NOT DO THAT,  
6 EVEN FROM PHOTOGRAPHS THAT CONTAIN WHAT'S IN THESE  
7 PHOTOGRAPHS, WHICH IS CALLED A SCALE, CORRECT?

8 A CORRECT. SOMETIMES THE SCALE WILL BE  
9 ACCURATE, IF THE SCALE IS IN THE EXACT SAME PLANE AS  
10 THE WOUND. IF IT'S NOT, THEN IT CAN BE MISLEADING.

11 Q WHEN YOU SAY EXACT SAME PLANE, WHEN YOU  
12 HAVE A HUMAN PART THAT CURVES THERE'S A PROBLEM, IS

13 THERE NOT?

14 A YES, MA'AM.

15 Q IN FACT, IN THIS PHOTOGRAPH, WHICH IS

16 EXHIBIT 200, YOU CAN SEE THERE IS A SCALE, BUT YOU

17 CAN ALSO SEE SHADOW WHICH TELLS YOU THAT THE PLANE

18 IS -- THAT THE LEG IS CURVING?

19 A CORRECT.

20 Q YOU WOULDN'T TRY TO MEASURE FROM THAT?

21 A THAT ONE LOOKS PRETTY GOOD. THE ONLY

22 THING THAT MIGHT BE WRONG WITH THAT PHOTOGRAPH IS

23 THE FILM PLANE OF THE CAMERA IS NOT EXACTLY PARALLEL

24 TO THE THIGH, SO THAT THE WOUND MAY BE A LITTLE

25 FURTHER AWAY FROM THE CAMERA THAN THE SCALE.

26 Q SO PERSPECTIVE IS DIFFERENT?

27 A WITHIN REASON YOU CAN GET QUITE A GOOD

28 MEASUREMENT FROM THAT PHOTOGRAPH.

1 Q AND THEN THIS PHOTOGRAPH DOWN BELOW,

2 WHICH IS 186, HAS A DIFFERENT SCALE ON IT, DIFFERENT

3 COLOR, DOESN'T HAVE -- THE ONE ABOVE, 200, HAS A

4 CORONER CASE NUMBER ON IT, 84-8119. YOU UNDERSTAND

5 THAT WAS A RATHER -- 89-8119.

6 YOU UNDERSTOOD THAT TO BE THE CORONER

7 CASE NUMBER FOR MRS. MENENDEZ?

8 A YES.

9 Q THE ONE BELOW DOESN'T HAVE THOSE KINDS  
10 OF NOTATIONS, CORRECT?

11 A CORRECT.

12 Q BUT IN ANY EVENT, YOU DIDN'T TRY TO  
13 MEASURE THE WOUNDS?

14 A NO.

15 Q NOW, THE WOUND TO MRS. MENENDEZ' LEFT  
16 CHEEK WAS, IN YOUR OPINION, AND IN DR. GOLDEN'S  
17 OPINION, A CONTACT WOUND, CORRECT?

18 A YES.

19 Q AND IN YOUR OPINION IT WAS CAUSED BY  
20 BIRD SHOT, CORRECT?

21 A YES.

22 Q AND IF IT'S A CONTACT WOUND, THAT MEANS  
23 AN ENTIRE ROUND OF BIRD SHOT?

24 A CORRECT.

25 Q AND DR. GOLDEN SAID THE SAME THING, IT  
26 WAS BIRD SHOT, CORRECT?

27 A YES.

28 Q AND YOU WERE NOT ASKED ON DIRECT

1 EXAMINATION WHETHER YOU HAD A FIRM OPINION ABOUT

2 WHETHER THAT WOUND WAS ANTEMORTEM, PERIMORTEM OR

3 POSTMORTEM; IS THAT CORRECT?

4 MR. CONN: OBJECTION. IRRELEVANT.

5 THE COURT: OVERRULED.

6 THE WITNESS: I DON'T RECALL BEING --

7 THE COURT: WAIT A MINUTE. THE OBJECTION WAS  
8 SUSTAINED.

9 MS. ABRAMSON: I THOUGHT YOU SAID OVERRULED.

10 THE COURT: I'M GOING TO SUSTAIN THE  
11 OBJECTION AND CORRECT MYSELF.

12 Q BY MS. ABRAMSON: DID YOU FORM AN  
13 OPINION AS TO WHETHER THAT WOUND TO MRS. MENENDEZ'  
14 LEFT CHEEK WAS ANTEMORTEM, PERIMORTEM OR  
15 POSTMORTEM? JUST YES OR NO?

16 A WELL, I CAN'T ANSWER THAT YES OR NO.

17 Q YOU DID -- WELL, YOU EITHER DID OR DIDN'T  
18 FORM AN OPINION.

19 A WELL, I -- THE OPINION IS I DON'T KNOW.

20 Q OKAY. YOU CAN'T TELL; IS THAT WHAT  
21 YOU'RE SAYING?

22 A WELL, NOT QUITE. DR. GOLDEN'S  
23 DESCRIPTION SUGGESTS THAT IT'S AN ANTEMORTEM WOUND  
24 AND THAT IS THAT HE DESCRIBES HEMORRHAGE ALL ALONG  
25 THE PATH OF THE WOUND INSIDE THE HEAD; AND THAT  
26 CAUSED ME TO HAVE THE OPINION THAT IT'S ANTEMORTEM.

27 ON THE OTHER HAND, I WAS TOLD, I THINK  
28 IN TALKING TO YOU OR SOMEONE ON THE PHONE, THAT

1 THERE WAS A QUESTION OF NOT BEING HEMORRHAGE ON THE  
2 SKIN AROUND THE WOUND AND, THEREFORE, THAT HE MAYBE  
3 WOULD CHANGE HIS OPINION THAT IT WAS POSTMORTEM.

4 AND IN HIS AMENDED REPORT HE CHANGED THE  
5 OPINION AND SAID IT COULD BE POSTMORTEM, I BELIEVE.

6 Q AND YOU --

7 A SO IT'S DIFFICULT TO TELL.

8 Q YOU CAN'T CHALLENGE THAT ONE?

9 A YEAH, I CAN -- WELL, I DON'T BELIEVE  
10 THERE'S GOOD MEDICAL EVIDENCE TO PROVE EITHER WAY,  
11 AND I DON'T SEE THE REASON FOR HIS MAKING THE  
12 CHANGE.

13 Q WELL, PERHAPS HE WILL EXPLAIN IT.

14 BUT FOR RIGHT NOW, THE WOUND INSIDE  
15 MRS. MENENDEZ' HEAD, THERE WERE MULTIPLE WOUND PATHS  
16 THAT WERE CROSSING EACH OTHER; ISN'T THAT WHAT HIS  
17 REPORT INDICATES?

18 A YES.

19 Q AND WOULDN'T THAT MAKE IT DIFFICULT TO  
20 DETERMINE WHICH OF THE MANY, MANY PROJECTILES THAT  
21 PENETRATED MRS. MENENDEZ' HEAD WAS CAUSING THAT  
22 BLEEDING ALONG THE WOUND PATH?

23 A YES, IT COULD.

24 Q AND SO IT APPEARS THAT FROM THE REPORT  
25 TOO, THERE'S A GREAT RELIANCE ON THE ACTUAL ENTRY  
26 SITE TO BE THE DETERMINATIVE FACTOR IN WHETHER IT'S

27 ANTE-, PERI- OR POSTMORTEM?

28 A HIS REPORT DOESN'T SAY THAT. THAT'S

1 WHAT'S CONFUSING ME.

2 Q BUT YOU LOOKED AT THE PHOTOGRAPHS OF  
3 THAT ENTRY SITE, DIDN'T YOU?

4 A YES.

5 Q THERE WERE MANY OF THAT ENTRY SITE, MANY  
6 PHOTOGRAPHS THAT SHOWED IT?

7 A YES.

8 Q AND FROM THE WAY THAT ENTRY SITE LOOKS,  
9 IT DOES NOT APPEAR FROM THAT SITE TO BE AN  
10 ANTEMORTEM WOUND, DOES IT?

11 A NO. YOU CAN'T MAKE THAT CONCLUSION. IT  
12 COULD WELL BE ANTEMORTEM.

13 Q AND IT COULD WELL BE POSTMORTEM?

14 A IT COULD BE EITHER ONE. BUT ANTEMORTEM  
15 SHOTGUN WOUNDS CAN LOOK EXACTLY LIKE THAT ONE.

16 Q WELL, THAT'S YOUR OPINION, CORRECT?

17 A WELL, IT'S MY OPINION, AND I LOOKED IN  
18 MY FILE AND FOUND A CASE JUST TO ASCERTAIN IF I WAS  
19 CORRECT. AND SURE ENOUGH, I HAVE A CASE THAT LOOKS  
20 EXACTLY LIKE THAT IN WHICH IT IS ANTEMORTEM. IT IS  
21 THE ONLY GUNSHOT WOUND IN THE BODY.

22 Q AND YOU BROUGHT THAT PHOTOGRAPH WITH  
23 YOU?

24 A YES.

25 Q YOU DID?

26 A YES.

27 Q OH, GOOD. CAN I SEE IT?

28 MS. ABRAMSON: OKAY. CAN WE MARK THIS, YOUR

1 HONOR?

2 THE COURT: WE'RE AT 211.

3 Q BY MS. ABRAMSON: WE DON'T KNOW WHO THIS  
4 IS AND I DON'T KNOW IF IT'S NECESSARY THAT WE DO.

5 A TURN IT 90 DEGREES.

6 Q BUT THIS IS A HOLE, I TAKE IT, IN A  
7 MAN'S CHEST?

8 A YES.

9 Q NEXT TO THE NIPPLE OF A BREAST.

10 A YES.

11 Q AND IT'S YOUR OPINION THAT THAT HOLE  
12 LOOKS JUST LIKE THE HOLE IN MRS. MENENDEZ' CHEEK?

13 A VERY SIMILAR, YES, MA'AM.

14 Q ALL RIGHT. AND YOU HAVE A PHOTOGRAPH OF  
15 THE HOLE OF MRS. MENENDEZ' CHEEK THAT'S AS DETAILED,  
16 AS CLEAR, AND AS LARGE AS THAT ONE TO COMPARE IT



17 TO?

18 A NO.

19 Q AND, OF COURSE, YOU DIDN'T SEE

20 MRS. MENENDEZ' CHEEK.

21 A NO. I LOOKED AT THE -- HER PHOTOGRAPH IS

22 QUITE GOOD. IT'S A PROPERLY EXPOSED PHOTOGRAPH AND

23 I LOOKED WITH A MAGNIFYING GLASS AND IT LOOKS VERY

24 SIMILAR.

25 THE MAIN THING WE'RE TALKING ABOUT -- I

26 MEAN, THE DETAIL OF THE HOLE IS NOT REALLY

27 IMPORTANT. WHAT WE'RE TALKING ABOUT IS THE ABSENCE

28 OF BRUISING ON THE SKIN AROUND THE HOLE.

1 Q THE ABSENCE OF ABRASION?

2 A NO. ABSENCE OF BRUISING ON THE SKIN AND

3 THE BASIS -- IT'S MY UNDERSTANDING THAT THE BASIS FOR

4 DR. GOLDEN'S OPINION CHANGE, WHERE HE CHANGES AND

5 CALLS THIS A POSTMORTEM WOUND, IS THE FACT THAT

6 THERE'S NO BRUISING OF THE SKIN AROUND THE HOLE.

7 THAT'S WHAT I WAS TOLD. I HAVEN'T TALKED TO

8 DR. GOLDEN.

9 Q SO YOU DON'T KNOW?

10 A THAT'S CORRECT. I DON'T KNOW THE BASIS

11 OF HIS OPINION. FROM WHAT I HAVE, THERE'S NO

12 MEDICAL BASIS FOR HIS OPINION CHANGE.

13 Q BUT THERE COULD BE A MEDICAL BASIS FOR  
14 HIS OPINION CHANGE, YOU JUST DON'T KNOW WHAT IT IS;  
15 IS THAT RIGHT?

16 A YES.

17 Q AND HE CLEARLY HAS ISSUED AN AMENDED  
18 REPORT THAT INDICATES THAT THE WOUND IS MORE LIKELY  
19 PERI- OR POSTMORTEM THAN ANTEMORTEM?

20 A YES. BUT IN THAT AMENDED REPORT, THE  
21 REASON IS NOT APPARENT. HE DOESN'T GIVE A REASON.

22 Q AND YOU DIDN'T CALL HIM TO ASK HIM, DID  
23 YOU?

24 A NO. I DID OFFER TO, BUT DID NOT.

25 Q YOU OFFERED TO?

26 A I WAS DISCUSSING THIS WITH -- I THINK IT  
27 WAS SOMEONE FROM THE PUBLIC DEFENDER'S OFFICE AND WE  
28 HAD QUITE A DISCUSSION ABOUT THIS WOUND AND I

1 OFFERED AT THAT POINT TO DISCUSS IT WITH DR. GOLDEN  
2 TO MAKE SURE HE AND I UNDERSTOOD WHAT HE WAS  
3 SAYING.

4 Q DID YOU KNOW WHERE TO REACH DR. GOLDEN?

5 A I PRESUME -- I DON'T KNOW, BUT I PRESUME  
6 AT THE CORONER'S OFFICE.

7 Q RIGHT. HE'S STILL THERE AS FAR AS YOU

8 KNOW, ALIVE AND WELL?

9 A YES.

10 Q DO YOU KNOW WHO DR. ROBERT BUCKMAN IS?

11 A YES.

12 Q AND WAS HE A CORONER FOR MANY YEARS IN

13 LOS ANGELES?

14 A YES, HE WAS. A MEDICAL EXAMINER OR A

15 DEPUTY MEDICAL EXAMINER.

16 Q L.A. COUNTY HAS WHAT'S CALLED A MEDICAL

17 EXAMINER CORONER'S OFFICE; IT'S A JOINT FUNCTION,

18 CORRECT?

19 A YES.

20 Q WHAT'S TECHNICALLY A CORONER?

21 A WELL, A CORONER IS A PUBLIC OFFICIAL

22 WHO'S RESPONSIBLE FOR CERTIFYING THE CAUSE AND

23 CIRCUMSTANCES OF DEATH AND DEALING WITH THE INDIGENT

24 DEBT AND SO FORTH.

25 Q WHAT'S A MEDICAL EXAMINER?

26 A A MEDICAL EXAMINER IS A PHYSICIAN,

27 USUALLY A FORENSIC PATHOLOGIST, WHO MAY SOMETIMES

28 TAKE ON THE ROLE OF BOTH PARTIES.

1 Q AND YOU UNDERSTAND THE STRUCTURE IN

2 LOS ANGELES COUNTY IS THAT THE MEDICAL EXAMINER'S

3 OFFICE IS ALSO THE CORONER'S OFFICE?

4 A YES.

5 Q AND IN SAN JOAQUIN YOUR CORONER IS

6 ACTUALLY A SHERIFF?

7 A CORRECT.

8 Q NOT A DOCTOR?

9 A NO.

10 Q NOW, IN GOING THROUGH THE WOUNDS THAT

11 YOU DESCRIBED ON MRS. MENENDEZ, THE DESCRIPTION YOU

12 GAVE, DID YOU DUPLICATE DR. GOLDEN'S NUMBERING

13 SYSTEM?

14 A NO.

15 Q ALL RIGHT. DOES YOUR NO. 1, WHICH IS

16 THE LEFT CHEEK, CORRESPOND TO HIS NO. 1 FOR

17 MRS. MENENDEZ?

18 A I'D HAVE TO GO THROUGH MY REPORT AND HIS

19 REPORT AND SEE IF THERE IS A CORRELATION.

20 HAVE YOU DONE THAT?

21 Q YES. BUT I'LL DO IT --

22 A MAYBE YOU CAN SAVE US SOME TIME.

23 Q I'LL DO IT WITH YOU IF COUNSEL WILL LET

24 ME DO THAT.

25 TAKE A LOOK AT DR. GOLDEN'S REPORT FOR

26 MRS. MENENDEZ, STARTING ON PAGE 2. THE PAGES ARE UP

27 IN THE LEFT-HAND CORNER.

28 YOU SEE WHAT HE CALLS NO. 1 IS THE SAME

1 AS WHAT YOU CALL NO. 1. OKAY?

2 A YES.

3 Q THAT'S THE CONTACT WOUND TO THE LEFT  
4 CHEEK. RIGHT?

5 A YES.

6 Q THEN HIS NO. 2 IS THE WOUND OF HEAD  
7 ENTER A RIGHT CHEEK ORBIT, NOSE AND PORTION OF LEFT  
8 CHEEK.

9 DO YOU SEE THAT? AND THAT'S WHAT YOU  
10 CALL A PENETRATING WOUND OF THE RIGHT ORBITAL AREA.

11 A NOW YOU'RE CONFUSING ME.

12 ON PAGE 4 OF HIS AUTOPSY REPORT I HAVE  
13 NO. 2 SHOTGUN WOUND OF ANTERIOR UPPER ARM.

14 Q NO, NO. I DON'T THINK SO.

15 A I'M SORRY. I'M SORRY.

16 Q WE'RE TALKING MRS.

17 A I'M SORRY. THAT WAS JOSE.

18 Q RIGHT.

19 A JUST A SECOND.

20 HERS IS LONGER.

21 Q OKAY. LET'S START AGAIN. I WANT TO  
22 MAKE SURE THAT WE'RE CLEAR.

23 A YES. SO FAR HIS NO. 1 AND 2 CORRESPOND  
24 TO MINE.

25 Q TO YOUR NO. 1 AND 2?

26 A YES.

27 Q AND YOUR NO. 3, WHICH IS THE WOUND OF

28 THE RIGHT MANDIBULAR AND CLAVICLE AREA IS ALSO HIS

1 NO. 3?

2 A CORRECT.

3 Q CORRECT.

4 YOUR NO. 4, WHICH IS THE WOUND -- THE

5 BIRD SHOT WOUND OF THE LEFT SHOULDER AND LEFT EAR

6 REGION, IS ALSO HIS NO. 4, CORRECT?

7 A YES.

8 Q YOUR NO. 5, WHICH IS THE DOUBLE WOUND,

9 IF YOU WILL, OF THE RIGHT ARM, THE ONE WHERE THE ARM

10 IS BENT AND IT'S THE FOREARM AND THE UPPER ARM,

11 THAT'S HIS NO. 5 ALSO.

12 A CORRECT.

13 Q YOUR NO. 6, WHICH IS THE WOUND OF THE

14 LEFT BREAST AREA, IS ALSO HIS NO. 6.

15 A YES.

16 Q YOUR NO. 7 IS THE HIP-THIGH WOUND THAT

17 WE HAVE DISCUSSED HERE AND THAT'S HIS NO. 7 AS

18 WELL.

19 A YES. THEY ALL CORRESPOND.

20 Q YEAH. YOUR NO. 8 IS THE IN AND OUT KNEE  
21 WOUND AND THAT'S HIS, RIGHT?

22 A YES.

23 Q YOUR NO. 9 IS THE GRAZING WOUND TO THE  
24 LEFT CALF, AND THAT'S HIS.

25 A CORRECT.

26 Q AND NO. 10 IS THE HAND.

27 A THE HAND WHICH I ASSOCIATED WITH THE  
28 OTHER ONE IN THE COLLAR BONE AREA.

1 Q AND SO DID HE. YOU ASSOCIATED THAT WITH  
2 NO. 2?

3 A YES.

4 Q NO 3? YOUR NO. 3 AND HIS NO. 3.

5 A YES.

6 Q NOW, I JUST WANT TO POINT FOR A MOMENT  
7 JUST VERY BRIEFLY TO THAT GRAZING WOUND TO THE LEFT  
8 CALF.

9 YOU CALLED IT A GRAZING WOUND IN YOUR  
10 REPORT?

11 A WELL, THAT'S BECAUSE HE CALLED IT THAT.  
12 TO ME IT'S A LITTLE BIT MORE THAN A GRAZE. THERE'S  
13 A BIG CHUNK OF TISSUE MISSING.

14 Q OKAY. BUT WHAT THE GRAZE BASICALLY

15 MEANS IS THAT IT DOESN'T IMPACT ANY BONE. IT'S ON --  
16 THAT PART OF THE WOUND PATH IS RIGHT ON THE  
17 SURFACE --

18 A THAT'S WHAT YOU MEAN BY A GRAZE, BUT  
19 THAT'S NOT WHAT I MEAN BY A GRAZE.

20 Q DO YOU KNOW WHAT HE MEANS BY A GRAZE?

21 A I'M NOT SURE. AND I USED HIS TERM, BUT  
22 AS I SAY, TO ME IT'S A LITTLE MORE THAN A GOUGE.  
23 IT'S A GOUGING WOUND WHERE A LOT OF TISSUE IS GONE.  
24 AND I THINK, PERHAPS, HE SAYS GRAZE  
25 BECAUSE THERE IS NOT A DISCRETE ENTRANCE AND EXIT,  
26 BUT ALL ONE DEFECT.

27 Q AND IT DOESN'T ACTUALLY GO IN AND OUT OF  
28 THE LEG, IT JUST GOUGES ACROSS THE TOP, RIGHT?

1 A IT GOES FROM FRONT TO BACK, TAKING OUT A  
2 LARGE CHUNK OF THE CALF AS IT GOES THROUGH.

3 Q AND YOU'VE SHOWN THAT, THOUGH, WITH THIS  
4 PROBE THING AS IF IT WENT IN THE LEG AND AS IF THERE  
5 IS A DISCRETE ENTRY AND EXIT WHEN, IN FACT, THERE'S  
6 A TROUGH?

7 A BECAUSE IF I CUT THE TROUGH IN THERE THE  
8 STICK WOULD FALL OUT. I'M NOT A CRAFTSMAN. I'VE  
9 DONE THE BEST I CAN WITH WHAT WE HAVE.



10 Q OKAY. BUT IT'S MISLEADING THE WAY IT  
11 LOOKS THERE, IS IT NOT? IT LOOKS LIKE THERE'S AN  
12 ENTRY AND EXIT AND THE WOUND PATH IS BELOW THE  
13 SURFACE OF THE SKIN.

14 A YES. THE DOLL IS MISLEADING IF YOU'RE  
15 TALKING ABOUT THE ACTUAL DETAILS OF THE WOUNDS  
16 ITSELF. WHAT IT'S INTENDED TO DO IS SHOW THE NUMBER  
17 OF SHOTS, THE DIRECTION AND THE NUMBER OF HITS.  
18 IT'S NOT --

19 Q ORDINARILY WHEN YOU TESTIFY, DO YOU USE  
20 A DIAGRAM TO SHOW THOSE VERY THINGS?

21 A SOMETIMES, BUT IT WOULD BE VERY  
22 DIFFICULT TO DRAW THESE THINGS ON A DIAGRAM WHERE IT  
23 WOULD MAKE ANY SENSE. YOU CAN'T DRAW THIS. IT  
24 WOULD JUST BE TOO DIFFICULT.

25 Q I WANT TO ASK YOU IF YOU WERE EVER SHOWN  
26 A PARTICULAR DIAGRAM.

27 YOU CAN IGNORE THE WRITING ON IT, BUT I  
28 JUST WANT TO SHOW YOU WHETHER YOU'VE EVER SEEN THAT

1 BEFORE IN THAT SIZE OR LARGER.

2 A YES, I'VE SEEN IT IN THIS SIZE.

3 Q OKAY. AND DID YOU HAVE ANY INPUT IN THE  
4 CREATION OF THAT DIAGRAM?

5 A NO.

6 Q AND WHERE DID YOU -- WHO GAVE IT TO YOU  
7 OR SHOWED IT TO YOU?

8 A THIS CAME IN THE MAIL FROM A COMPANY  
9 CALLED DECISION QUEST.

10 Q DO YOU KNOW -- DID YOU HAVE ANY CONTACT  
11 WITH ANYONE AT DECISION QUEST?

12 A NO.

13 Q DO YOU KNOW WHO DECISION QUEST IS?

14 A THERE WAS A PHONE CALL, I BELIEVE, THAT  
15 I TALKED TO A FEMALE AT DECISION QUEST.

16 Q AND DID YOU DISCUSS WOUND LOCATION WITH  
17 THAT FEMALE?

18 A NO.

19 Q SO YOU GOT A COPY OF THIS DIAGRAM, AND  
20 THAT IS A DIAGRAM THAT PURPORTS TO SHOW THE WOUNDS  
21 ON MRS. MENENDEZ, RIGHT?

22 MR. CONN: OBJECTION. NO FOUNDATION.

23 THE COURT: OVERRULED.

24 THE WITNESS: YES.

25 Q BY MS. ABRAMSON: AND DID YOU INDICATE  
26 THAT YOU DIDN'T WANT TO USE THAT DIAGRAM OR THERE  
27 WAS SOMETHING WRONG WITH THAT DIAGRAM, ANYTHING LIKE  
28 THAT?

1       A   NO.

2       Q   DID YOU, IN FACT, COMPARE THAT DIAGRAM  
3 TO -- OR AT LEAST EVALUATE THAT DIAGRAM BASED ON THE  
4 AUTOPSY REPORTS AND THE PHOTOGRAPHS AND DETERMINE  
5 THAT IT WAS A FAIR REPRESENTATION OF THE WOUNDS?

6       A   YES.

7       Q   SO YOU WERE PREPARED TO USE IT, WERE YOU  
8 NOT?

9       A   I DIDN'T INTEND TO USE IT, BUT THERE'S  
10 CERTAINLY NO PROBLEM USING IT. IT'S NOT -- IT  
11 DOESN'T DO WHAT THE DOLL DOES BECAUSE IT DOESN'T  
12 SHOW THE DIRECTIONS.

13       MS. ABRAMSON: YOUR HONOR, CAN I MARK THIS  
14 NEXT IN ORDER?

15       THE COURT: 212.

16       Q   BY MS. ABRAMSON: JUST NOT DWELLING ON  
17 IT TOO LONG, BUT JUST TO PUT IT UP.

18       DID YOU EVER SEE THE LARGE VERSION OF  
19 THIS?

20       A   NO.

21       Q   WERE YOU TOLD THAT THE PROSECUTION WAS  
22 NOT GOING TO USE THIS?

23       MR. CONN: OBJECTION. CALLS FOR HEARSAY AND  
24 IRRELEVANT.

25       THE COURT: SUSTAINED.

26       Q   BY MS. ABRAMSON: SO THAT IS A KIND OF  
27 DIAGRAM OF -- IS THAT THE SORT THAT YOU'VE USED  
28 BEFORE WHEN YOU'VE TESTIFIED?

1       A   NO. I DON'T HAVE ACCESS TO THAT  
2 TECHNOLOGY.

3       Q   FANCY. RIGHT?

4       A   YES.

5       Q   DO YOU, WHEN ACTING IN YOUR CAPACITY AS  
6 THE CONTRACT CORONER FOR SAN JOAQUIN COUNTY, USE THE  
7 SAME KINDS OF ANATOMICAL DIAGRAMS THAT THE L.A.  
8 COUNTY CORONER'S OFFICE USES?

9       A   NO. I USUALLY SKETCH THE BODY MYSELF.

10      Q   DID YOU DO ANY SKETCHES HERE?

11      A   NO.

12      Q   DID SOMEONE SUGGEST TO YOU THAT YOU USE  
13 THE ROD AND THE DOLL RATHER THAN A DIAGRAM?

14      A   NO, MA'AM. THAT WAS MY IDEA.

15      Q   ALL RIGHT. NOW, IT WAS YOUR TESTIMONY,  
16 I BELIEVE, ON DIRECT EXAMINATION, THAT THE WOUND OF  
17 THE RIGHT FOREARM AND ARM OCCURRED WHEN THE HAND WAS  
18 OVER THE CLAVICLE AREA.

19      A   WELL, I'M NOT SURE I SAID IT QUITE THAT  
20 WAY, BUT THE ARM WAS ROUGHLY IN THAT POSITION WHEN  
21 BOTH SHOTS WERE RECEIVED.

22      Q   OKAY. SO YOU CAN ENVISION A SITUATION  
23 WHERE THE HAND IS OVER -- IS NEAR THE CLAVICLE AREA

24 WHERE WE HAVE THOSE WOUNDS, AT THE SAME TIME AS THE  
25 FOREARM, UPPER ARM, ARE INJURED?  
26 A YES. IT WOULD BE BANG, BANG, LIKE THAT.  
27 Q OKAY. YOU SEE IT AS TWO DIFFERENT  
28 SHOTS?

1 A TWO SHOTS. BANG, BANG. JUST A SLIGHT  
2 CHANGE IN AIM AND I'D BE ABLE TO HIT BOTH OF THEM.

3 Q OKAY. AND YOU CHANGE THE AIM BECAUSE OF  
4 DIRECTIONALITY OF THE SHOTS?

5 A THE FACT THAT I'M HITTING TWO DIFFERENT  
6 PLACES ON YOUR BODY WITH ONE OUT ON THE ARM AND THE  
7 OTHER WHERE THE HAND IS.

8 Q WOULD YOU PUT YOUR HAND BACK WHERE YOU  
9 WERE DEMONSTRATING.

10 A (WITNESS COMPLIES.)

11 Q SO IT'S YOUR BELIEF THAT -- COME ON OVER,  
12 DOC. I THINK SITTING IS EASIER TO DO THIS.

13 IT'S YOUR BELIEF THAT ONE SHOT CAME,  
14 THIS ONE, CAUSED A LOT OF BONE DAMAGE IN THE HAND,  
15 WENT INTO THE CLAVICLE AND THE MANDIBLE, THAT I'M  
16 TOUCHING AS WE'RE DOING THAT, EXCUSE ME, AND THAT'S  
17 ONE SHOT, BUT IT'S A DIFFERENT SHOT THAN THIS ONE?

18 A YES.

19 Q BUT THE ARM, APPARENTLY, CAN BE IN THE  
20 EXACT SAME POSITION WHILE BOTH OF THOSE ARE  
21 OCCURRING.

22 A I WOULD SAY SO, YES.

23 Q DOESN'T TAKE VERY MUCH TIME TO FIRE TWO  
24 ROUNDS FROM A SHOTGUN, DOES IT?

25 A IT DOES NOT.

26 Q AND IS THERE ANYTHING ABOUT THE NATURE  
27 OF THOSE WOUNDS THAT LEADS YOU TO CONCLUDE THAT  
28 MRS. MENENDEZ COULD NOT HAVE BEEN STANDING UP WHEN

1 SHE RECEIVED THEM?

2 A JUST THESE WOUNDS HERE?

3 Q THOSE WOUNDS.

4 A NO.

5 Q SHE COULD HAVE BEEN STANDING UP WHEN SHE  
6 RECEIVED THOSE?

7 A YES.

8 Q THERE'S NOTHING ANATOMICALLY WEIRD ABOUT  
9 THIS POSITION; IS THAT CORRECT?

10 A NO, MA'AM.

11 Q NOW, DID YOU CONSIDER WHETHER OR NOT  
12 THAT SERIES OF WOUNDS, THE HAND, MANDIBLE, CLAVICLE,  
13 COULD HAVE BEEN PART OF THE SAME ROUND THAT CAUSED

14 THE INJURY FARTHER UP ON THE RIGHT SIDE OF HER

15 FACE?

16 A I DID CONSIDER THAT AND IT LOOKS

17 SEPARATE.

18 Q IT LOOKS SEPARATE?

19 A YES.

20 Q IF -- IS IT YOUR UNDERSTANDING --

21 WHATEVER YOUR LIMITED UNDERSTANDING OF BALLISTICS

22 MAY BE, YOU HAVE SOME UNDERSTANDING OF BALLISTICS?

23 A ACTUALLY, I HAVE A GOOD UNDERSTANDING OF

24 WOUND BALLISTICS IN TERMS OF WHAT GUNSHOT WOUNDS

25 LOOK LIKE, PROBABLY BETTER THAN DR. FACKLER DOES,

26 BECAUSE I'M SURE I'VE SEEN A LOT MORE THAN HE HAS.

27 Q YOU THINK YOU'VE SEEN A LOT MORE WOUNDS

28 THAN DR. FACKLER?

1 A I WOULD THINK SO.

2 Q WHO'S AN ARMY SURGEON?

3 A I WOULD. I DON'T KNOW IF HE WAS IN THE

4 FIELD TREATING PEOPLE WITH GUNSHOT WOUNDS. I DOUBT

5 IT. BUT I DON'T KNOW.

6 Q DON'T DOUBT IT, 'CAUSE HE WAS.

7 A WHAT I'M SAYING IS, I HAVE A GOOD

8 UNDERSTANDING OF WOUND APPEARANCES AND DIFFERENT

9 KINDS OF WOUNDS. BUT I'M NOT THE KIND OF EXPERT HE  
10 IS, WHICH HE DOES EXPERIMENTAL TESTING WITH FIREARMS  
11 AND GELATIN BLOCKS AND SO FORTH, AND I'VE NEVER DONE  
12 THAT KIND OF WORK.

13 Q SO HE GETS TO SEE THE BEFORE AND THE  
14 AFTER.

15 A YES, IN AN EXPERIMENTAL SETTING.

16 Q BUT I WASN'T REALLY GOING TO ASK YOU  
17 ABOUT WOUND BALLISTICS. I WAS GOING TO ASK YOU  
18 ABOUT BALLISTICS BALLISTICS, PELLETS AND SHOT SHELLS  
19 AND THINGS LIKE THAT.

20 A NOW YOU'RE GETTING OUT OF MY AREA.

21 Q I KNOW. THAT'S WHY WE'RE GOING TO DO  
22 ANOTHER CRUDE ONE HERE INSTEAD OF SOMETHING  
23 SCIENTIFICALLY SOPHISTICATED.

24 LET'S DO THIS -- AND I WOULD ASK YOU, IF  
25 YOU CAN, DURING THE BREAK OVER LUNCH, TO JUST TAKE A  
26 QUICK LOOK AT SOME OF THE EVIDENCE ENVELOPES THAT  
27 CAME FROM THE CORONER'S OFFICE SO YOU CAN SATISFY  
28 YOURSELF THAT WE ARE INDEED TALKING ABOUT NO. 4

1 BUCKSHOT HERE?

2 A OKAY.

3 Q DO YOU KNOW HOW MANY PELLETS EACH ROUND



4 OF NO. 4 BUCKSHOT, AS USED HERE, CONTAINS?

5 A I LOOKED IT UP.

6 Q GOOD. WHAT DID YOU LEARN?

7 MR. CONN: OBJECTION. NO FOUNDATION. BASED

8 ON HEARSAY.

9 THE COURT: OVERRULED.

10 YOU CAN ANSWER THE QUESTION.

11 THE WITNESS: ABOUT 27.

12 Q BY MS. ABRAMSON: ALL RIGHT.

13 TWENTY-SEVEN.

14 AND IS IT YOUR UNDERSTANDING, BASED ON

15 YOUR ATTENDING LECTURES AND SEMINARS OR WHATEVER, TO

16 HAVE SOME UNDERSTANDING OF THESE THINGS, THAT WHEN A

17 SHOTGUN FIRES A ROUND, THE PELLETS COME OUT AND OVER

18 CERTAIN DISTANCES THEY SPREAD; IS THAT YOUR

19 UNDERSTANDING?

20 A YES.

21 Q DO YOU UNDERSTAND THAT THEY SPREAD IN A

22 CONICAL-TYPE CONFIGURATION?

23 A IN ESSENCE, YES.

24 Q SO WHEN I SAY CONICAL, AM I RIGHT IN

25 THINKING IT'S A CONE, SOMETHING LIKE THIS, WITH THE

26 TIP GOING THAT WAY?

27 A WITH THE WEAPON --

28 Q THE WEAPON BEING HERE, THAT THEY DO LIKE

1 THIS?

2 A NO.

3 Q YOU THINK THEY DO LIKE THAT?

4 A THE PATTERN GETS LARGER AND LARGER THE  
5 FURTHER AWAY. SO TO ME WHEN YOU USE THE WORD  
6 "CONICAL," I PICTURED A CONE EMANATING FROM THE  
7 MUZZLE OF THE WEAPON WITH THE BASE OF THE CONE WHERE  
8 THE TARGET IS.

9 Q ALL RIGHT. SO IT'S MORE LIKE THIS, IF  
10 THE WEAPON'S NEAR ME. IT LOOKS MORE LIKE THAT.

11 OH, GOODIE YOU GET TO DRAW IT.

12 A HERE'S THE MUZZLE, AND THE CONE WE'RE  
13 TALKING ABOUT IS THAT. THAT'S THE CONE.

14 Q ALL RIGHT. AND ALONG THE PATH OF THIS  
15 CONE -- LET'S DO THIS --

16 A THE PELLETS FILL THAT PATH.

17 Q RIGHT. SO AT ANY PARTICULAR SPOT IN  
18 DISTANCE, ALL OF THEM ARE STILL HERE, AND HERE  
19 THEY'RE SPREADING OUT MORE AND HERE THEY'RE  
20 SPREADING OUT MORE, RIGHT? UNTIL YOU GET TO THE  
21 WIDEST PART WHERE IT'S NO LONGER A PATTERN, CORRECT?

22 A RIGHT. TWENTY-SEVEN PELLETS AT EACH  
23 POSITION WIDER SPREAD THE FURTHER AWAY THEY GET.

24 Q RIGHT. WE WERE TALKING FOR A MOMENT  
25 ABOUT WHETHER OR NOT TWO AND THREE, WHICH IS --  
26 ACTUALLY, IT'S -- TWO AND TEN IS ONE WOUND AND -- OR

27 TWO IS ONE WOUND, THREE AND 10 IS ANOTHER, CORRECT?

28 A YES.

1 Q ALL RIGHT. WHETHER ALL OF THOSE COULD  
2 HAVE BEEN FROM ONE SHOT COLUMN -- AND YOU UNDERSTAND  
3 A SHOT COLUMN TO MEAN THE TOTAL CONTENTS OF ONE  
4 ROUND OF SHOTGUN AMMUNITION.

5 A ALL RIGHT.

6 Q IT FORMS -- I MEAN, WHETHER IT'S A  
7 SPREAD-OUT THING OR CLOSE TOGETHER IN THE BEGINNING,  
8 IT'S THE WHOLE -- IT'S ALL OF THOSE PELLETS IS -- CAN  
9 WE CALL IT, FOR THE PURPOSE OF THIS DISCUSSION, A  
10 SHOT COLUMN?

11 A HOW ABOUT CALLING IT THE PELLET MASS.

12 Q WE CAN CALL IT THE PELLET MASS, IF YOU  
13 WILL.

14 THIS CONICAL SPREAD THAT YOU HAVE DRAWN  
15 HERE, IF THE PELLETS, SOME OF THE 27 PELLETS, HITS  
16 SOMETHING, CAN THAT INTERFERE WITH THIS PROJECTED  
17 GEOMETRIC CONICAL SPREAD?

18 A YES.

19 Q ARE YOU AWARE OF SOMETHING CALLED THE  
20 BILLIARD EFFECT?

21 A YES. I MENTIONED THAT YESTERDAY.

22 Q OKAY. AND IS THE BILLIARD EFFECT WHERE  
23 SOME PELLETS ARE GOING SLOWER THAN OTHERS BECAUSE  
24 THEY'VE HIT SOMETHING AND THEY HIT OTHER PELLETS  
25 BEHIND THEM AND THAT SORT OF SKEWS THE ORDINARY  
26 PROGRESSION OF THE COLUMN?

27 A I WOULDN'T DESCRIBE IT THAT WAY.

28 THE BILLIARD BALL EFFECT IS WHEN THE

1 MASS OF PELLETS HIT AN INTERVENING TARGET. THEY  
2 THEN HIT EACH OTHER AND THEY SPREAD LIKE BILLIARD  
3 BALLS.

4 Q IN DIFFERENT DIRECTIONS?

5 A IN ALL DIRECTIONS; AND, THEREFORE, THE  
6 SHOT PATTERN BECOMES SUDDENLY MUCH LARGER.

7 Q WELL, DOES IT BECOME MUCH LARGER,  
8 IRREGULAR OR BOTH?

9 A BOTH.

10 Q ALL RIGHT. SO IF, FOR EXAMPLE, A SHOT  
11 WAS COMING IN, A ROUND WAS COMING IN, AND HIT MY  
12 HAND, OKAY, AND THERE WAS A BILLIARD BALL EFFECT,  
13 COULDN'T SOME OF IT HAVE BEEN DEFLECTED UP INTO THE  
14 HIGHER PORTION OF MY RIGHT FACE?

15 A NO, I DON'T THINK SO.

16 Q YOU DON'T THINK SO. OKAY.

17 DO YOU RECALL IN READING -- LET ME SEE IF

18 IT'S THE REPORT.

19 IN THE MATERIALS SUBMITTED TO YOU WITH

20 RESPECT TO DR. GOLDEN'S TESTIMONY, DO YOU RECALL

21 READING THAT HE AFFILIATED 2 AND 3?

22 MR. CONN: OBJECTION. CALLS FOR HEARSAY AS

23 FAR AS THE TESTIMONY IS CONCERNED.

24 THE COURT: OVERRULED.

25 THE WITNESS: NO, I DON'T RECALL.

26 Q BY MS. ABRAMSON: NOW, WITH RESPECT TO

27 WOUND NO. 2, THE WOUND THAT YOU -- TO MRS. MENENDEZ,

28 THE ONE THAT YOU DESCRIBED AS A PENETRATING WOUND OF

1 THE RIGHT ORBITAL AREA, WHAT DID YOU USE TO

2 DETERMINE THE ANGLE AND DIRECTION OF THAT WOUND?

3 A I RELIED ON DR. GOLDEN'S DESCRIPTION. I

4 ALSO LOOKED AT THE X RAY.

5 Q THE X RAYS SHOW A VARIETY OF PELLETS,

6 LARGE ONES AND SMALL ONES, CORRECT?

7 A YES.

8 Q AND IT'S YOUR UNDERSTANDING, IS IT NOT,

9 THAT THE WOUND PATHS OF THREE DIFFERENT -- WHAT YOU

10 CONSIDER THREE DIFFERENT SHOTS -- INTERSECT IN

11 MRS. MENENDEZ HEAD?

12 A YES.

13 Q AND YOUR OPINION IS, IS IT NOT, THAT THE  
14 WOUND TO THE UPPER PART OF THE RIGHT FACE IS  
15 SEPARATE AND DISTINCT FROM THE WOUND TO THE  
16 MANDIBLE, THE LOWER PART OF THE RIGHT FACE,  
17 CORRECT?

18 A CORRECT.

19 Q AND YET THOSE PELLETS INTERSECT IN THE --  
20 THE WOUND PATHS INTERSECT IN THE HEAD, CORRECT?

21 A WELL, I WOULDN'T SAY THAT. I'D SAY THAT  
22 THE ONE IN THE ORBITAL AREA, WHICH IS THE RIGHT EYE,  
23 IS MOSTLY MIXED UP WITH THE ONE -- THE CONTACT WOUND  
24 TO THE LEFT CHEEK AND SOME OF THE PELLETS FROM THE  
25 LEFT SIDE OF THE FACE.

26 Q WHAT PELLETS FROM THE LEFT SIDE OF THE  
27 FACE? BUCKSHOT OR BIRD SHOT?

28 A BIRD SHOT.

1 Q OKAY.

2 A AND IT'S ALSO -- THE CONTACT WOUND IS  
3 BIRD SHOT.

4 Q SO THE WOUND PATH IS HARD TO DETERMINE?

5 A YES.

6 Q AND HOW DO YOU DISTINGUISH BETWEEN THE

7 LARGER PELLETS, THE NO. 4 BUCKSHOT PELLETS THAT SHOW  
8 UP ON THE X RAY, FROM THE MANDIBLE WOUND VERSUS THE  
9 ORBIT WOUND?

10 A JUST BY THEIR LOCATION.

11 Q AND WHERE ARE THEY LOCATED? THE ONES  
12 THAT YOU WERE ATTRIBUTING TO THE ORBITAL WOUND,  
13 WHERE ARE THEY LOCATED?

14 A THEY'RE IN THE ORBITAL AREA AND DEEP  
15 INSIDE THE HEAD, AND THE ONE -- THE ONES IN THE  
16 MANDIBLE ARE IN THE MANDIBULAR AREA, SO...

17 Q WHEN YOU SAY DEEP INSIDE THE HEAD, YOU  
18 MEAN IN THE BRAIN, RIGHT?

19 A YES.

20 Q AND IS IT YOUR TESTIMONY THAT -- WELL,  
21 STRIKE THAT.

22 HOW MANY PELLETS, NO. 4 BUCKSHOT  
23 PELLETS, PENETRATED THE BRAIN?

24 A I DON'T KNOW.

25 Q DOES THE REPORT INDICATE?

26 A NO.

27 Q DOES THE AUTOPSY -- DOES THE X RAY SHOW  
28 IT?

1 A THE X RAY SHOWS --

2 Q LET ME GET IT FOR YOU.

3 A -- A FRONT VIEW AND YOU CAN'T REALLY

4 TELL FROM THAT WHERE THEY ARE.

5 THERE REALLY AREN'T ENOUGH X RAYS THAT I

6 COULD CALCULATE THE NUMBER OF PELLETS IN THE BRAIN

7 ITSELF. WE'D NEED TO HAVE A FRONT AND SIDE VIEW TO

8 MAKE THAT CALCULATION.

9 Q AND YOU DON'T HAVE THAT?

10 A NO. BUT THAT'S NOT UNUSUAL.

11 Q SO HOW MANY PELLETS DO YOU BELIEVE YOU

12 SAW THAT ARE ATTRIBUTABLE TO WOUND NO. 2?

13 A I'D HAVE TO LOOK AT THE X RAY TO REFRESH

14 MY MEMORY.

15 Q OKAY. LET ME GET IT FOR YOU.

16 WELL, I HAVE A PHOTOGRAPH OF THE X RAY.

17 DID YOU EVER REQUEST, BY THE WAY, THAT

18 THEY GET YOU THE ACTUAL X RAYS?

19 A NO. THEY'RE NOT NECESSARY.

20 Q NOW, YOU SAID TO BE ABLE TO TELL YOU

21 REALLY NEED A FRONT AND SIDE VIEW; IS THAT RIGHT?

22 A TO TELL THE LOCATION OF THE PELLETS,

23 YES.

24 Q WHAT VIEW IS THAT, DR. LAWRENCE?

25 A THAT'S A SIDE VIEW.

26 Q AND WHAT CAN YOU SEE FROM THIS SIDE VIEW

27 THAT YOU BELIEVE RELATES TO SHOT NO. 2?

28 A THERE ARE MULTIPLE BUCKSHOT PELLETS IN



1 THE ORBITAL AREA AND THE UPPER FACE. THE PROBLEM IS  
2 THAT THIS SIDE VIEW IS INADEQUATE TO DETERMINE THE  
3 NUMBER OF PELLETS DEEP INSIDE THE HEAD BECAUSE  
4 THERE'S A WHITE AREA WHERE YOU CAN'T SEE THE  
5 DETAIL.

6 THE COURT: WHAT EXHIBIT IS THAT?

7 MS. ABRAMSON: I'M SORRY, YOUR HONOR. THIS  
8 IS 171.

9 THE WITNESS: BUT I DON'T SEE ANY BUCKSHOT  
10 PELLETS IN THE BRAIN AREA IN THIS VIEW. BUT I'M NOT  
11 SURE ABOUT THE WHITE AREA.

12 Q BY MS. ABRAMSON: OKAY. BUT I WOULD  
13 LIKE YOU TO CIRCLE, IF YOU WILL, WITH THIS RED  
14 MARKER, RIGHT ON THE PLASTIC, THE BUCKSHOT PELLETS  
15 THAT YOU DO SEE THAT YOU BELIEVE ARE AFFILIATED WITH  
16 NO. 2. THAT'S --

17 WHAT ABOUT THAT?

18 A I'M NOT SURE THAT'S A PELLET. I'M NOT  
19 SURE WHAT THAT IS.

20 Q WHY DON'T WE LOOK AT IT THIS WAY.

21 A YES, IT IS. I'LL CIRCLE THAT ONE TOO.

22 Q NOW, YOU'VE CIRCLED ON THE SIDE VIEW --  
23 ARE THESE TWO HERE?

24 A YES.

25 Q IS THAT PELLET OR BONE?

26 A THAT'S PELLET.

27 Q ONE, TWO, THREE, FOUR, FIVE, SIX, SEVEN,

28 IN THE TOP PORTION; IS THAT CORRECT?

1 A YES.

2 Q WHAT BONE STRUCTURE UNDERLIES THESE LAST

3 TWO, THE TWO THAT ARE LOWEST?

4 A THAT'S THE MAXILLARY BONE.

5 Q WHERE'S THAT?

6 A RIGHT HERE.

7 Q SO IT'S THE MOUTH?

8 A YEAH, THE UPPER JAW.

9 Q AND YOU'RE ASSOCIATING THAT WITH NO. 2

10 RATHER THAN WITH NO. 3?

11 A YOU'RE CONFUSING ME ON THE NUMBERS.

12 Q THREE IS THE MANDIBLE?

13 A CORRECT. I AM MAKING THAT ASSUMPTION.

14 Q SO YOU'RE ASSUMING THAT THIS IS -- THAT

15 THE UPPER PART OF THE MOUTH IS NO. 2 AND THE LOWER

16 PART IS THE MANDIBLE, WHICH IS NO. 3?

17 A CORRECT.

18 Q ALL RIGHT. WHY DON'T YOU CIRCLE THE

19 UPPER ONES THAT YOU CAN SEE ON THAT X RAY.

20 A PROBABLY THESE TWO. THERE'S SOME MORE

21 THAT DON'T SHOW ON THE SIDE VIEW.

22 Q OKAY. NOW, YOU'RE LOOKING AT -- THIS IS

23 A FRONT VIEW X RAY --

24 A SO I HAVE 11 CIRCLED HERE.

25 Q OKAY. YOU HAVE 11 CIRCLED HERE, AND

26 THIS IS 174, CORRECT?

27 A YES.

28 Q NOW, LET'S TALK ABOUT THE VERY TIPPY-TOP

1 MOST ONE, THIS ONE.

2 THIS IS THE ONLY -- WITH RESPECT TO THE

3 HEAD, THE FOREHEAD AND ABOVE, THE ONLY ONE THAT YOU

4 CAN SEE GIVEN THESE X RAYS IS THIS ONE HERE.

5 A THE ONLY ONE YOU CAN SEE? I DON'T

6 UNDERSTAND.

7 Q THAT'S ABOVE THE LEVEL OF THE EYES.

8 A YES.

9 Q ALL RIGHT. NOW, IS IT YOUR OPINION THAT

10 THERE MAY BE OTHER BUCKSHOT PELLETS IN THE UPPER

11 PORTION OF THE HEAD THAT YOU JUST CAN'T SEE FROM

12 THESE X RAYS?

13 A THAT'S POSSIBLE. A MINUTE AGO I SAID

14 THAT THE X RAYS WOULDN'T BE HELPFUL, BUT IN THIS

15 INSTANCE, FOR THIS KIND OF DETAIL, THEY WOULD BE.

16 THE ACTUAL FILMS MIGHT BE -- MIGHT SHOW IT BETTER.

17 Q OKAY. NOW, LET'S TALK ABOUT THIS TOP

18 CIRCLE.

19 WHAT I'D LIKE TO DO, JUST TO MAKE A

20 RECORD, IS JUST PUT THE NUMBER "1" NEXT TO IT.

21 AND THAT CIRCLE ON -- THAT'S THE FRONT

22 VIEW OF THE SKULL, CORRECT?

23 A YES.

24 Q AND THE OTHER X RAY HERE, 171, IS THE

25 SIDE VIEW OF THE SAME SKULL?

26 A YES.

27 Q AND THIS CIRCLE THAT YOU'VE MADE ON THIS

28 IS THE SAME PELLET, IS IT NOT, AS THE ONE THAT'S

1 NO. 1?

2 A IT IS.

3 Q SO THIS IS ALSO NO. 1.

4 AND THAT PELLET IS WHERE, IN LAYMEN'S

5 TERMS, ON THE BODY?

6 A PROBABLY JUST LYING ON THE BONE

7 SURFACE. IT'S NOT INSIDE THE BRAIN.

8 Q IT'S RIGHT UNDER THE SKIN, CORRECT?

9 A YES.

10 Q OUTSIDE THE BONE?

11 A YES.

12 Q IT'S NOT IN THE FRONTAL LOBE AREA OR  
13 ANYWHERE NEAR THE FRONTAL LOBE?

14 A WELL, IT'S QUITE NEAR IT. IT'S WITHIN A  
15 HALF INCH, BUT NOT WITHIN THE BRAIN.

16 Q BUT SEPARATED BY THE BONE?

17 A YES.

18 Q SO IT HASN'T CAUSED ANY DAMAGE OR  
19 WOULDN'T CAUSE ANY DAMAGE TO THE FRONTAL LOBE?

20 A CAN'T BE SURE. THERE COULD BE INJURY OF  
21 BRUISING EFFECT TO THE BRAIN, BUT PROBABLY NOT.

22 Q DID YOU SEE ANY EVIDENCE OF THAT IN THE  
23 AUTOPSY REPORT?

24 A THE BRAIN WAS -- HAD LOTS OF BRUISING ON  
25 IT, BUT I DON'T KNOW IF THIS WAS FROM THAT PELLET.

26 Q DID YOU SEE ANYTHING ABOUT FRONTAL LOBE  
27 BRUISING?

28 A LET ME CHECK HIS REPORT TO REFRESH MY

1 MEMORY.

2 MAY I QUOTE FROM WHAT HE SAYS --

3 Q WHY DON'T YOU FIRST TELL ME THE PAGE.

4 A -- SO I CAN EXPLAIN IT TO THE JURY?

5 THIS IS ON PAGE 13 AT THE VERY BOTTOM.

6 Q PAGE 13?

7 A YES.

8 Q UNDER "CENTRAL NERVOUS SYSTEM"?

9 A YES.

10 Q WAIT ONE MOMENT. LET ME READ IT.

11 NO, BECAUSE THAT DOES NOT MENTION -- THAT  
12 SECTION DOESN'T MENTION THE FRONTAL LOBE AT ALL,  
13 DOES IT?

14 A NO.

15 Q THAT'S WHAT I WAS ASKING YOU.

16 SO HE DOESN'T DESCRIBE ANY INJURY TO THE  
17 FRONTAL LOBE, CORRECT?

18 A MAY I READ WHAT HE SAYS HERE?

19 Q WELL --

20 THE COURT: IS THAT YOUR ANSWER TO THIS  
21 QUESTION IS READING --

22 Q BY MS. ABRAMSON: OKAY. READ IT.

23 A HE STATES THE BRAIN WEIGHS 1,200 GRAMS.

24 "THE EXTENSIVE INJURIES CAUSED  
25 BY THE GUNSHOT WOUNDS HAVE BEEN  
26 DESCRIBED ASSOCIATED WITH HEMORRHAGE  
27 BENEATH THE SCALP AND ALONG THE WOUND  
28 PATHS."

1           AND THEN WE'D HAVE TO GO TO THE  
2 INDIVIDUAL GUNSHOT WOUND AND SEE WHAT INTERNAL  
3 INJURIES HE DESCRIBES WITH THEM.

4           LET ME NOW MOVE ON TO WOUND NO. 2, THE  
5 RIGHT ORBIT.

6       Q   RIGHT.

7       A   HE DOES NOT DESCRIBE THE BRAIN INJURY.  
8 HE DOESN'T SAY WHETHER IT'S PRESENT OR ABSENT, SO WE  
9 DON'T KNOW.

10      Q   THANK YOU.

11           NOW, THE NEXT WOUND THAT YOU DESCRIBE  
12 AFTER YOU DESCRIBE THE -- WELL, YOU DESCRIBE THE  
13 SHOULDER AREA AND THE LEFT EAR REGION, AND IN ALL  
14 RESPECTS YOUR OPINION ON THAT IS IDENTICAL TO  
15 DR. GOLDEN, CORRECT?

16      A   YES.

17      Q   NOW, WITH RESPECT TO -- WE'VE ALREADY  
18 INDICATED --

19      THE COURT: DO YOU WANT SOME WATER?

20      JUROR NO. 1: I'LL BE ALL RIGHT IN A SECOND.

21      THE COURT: WE'LL GIVE YOU SOME WATER IF YOU  
22 WANT.

23           OKAY.

24      THE BAILIFF: YOU OKAY?

25      THE COURT: SHE'S OKAY. SHE HAS WATER.

26      Q   BY MS. ABRAMSON: YOUR OPINION  
27 CONCERNING WOUND NO. 2 TO THE RIGHT FACE IS  
28 CONSISTENT IN DESCRIPTION WITH DR. GOLDEN, CORRECT?

1       A   YES.

2       Q   HOWEVER -- LET ME TAKE BACK THE "HOWEVER"  
3 FOR A SECOND.  MAYBE HOWEVER.

4           YES, HOWEVER, DR. GOLDEN DESCRIBES THAT  
5 WOUND, WHICH HE SAW WITH HIS OWN EYES AND DISSECTED,  
6 AS THE TRAJECTORY, WHICH MEANS THE PATH, THE  
7 DIRECTION, IS FRONT TO BACK WITHOUT ANY ANGULATION  
8 OR DEVIATION DETERMINABLE, CORRECT?

9       A   YES.

10      Q   YOU HAVE NOT SHOWN THAT WOUND AS FRONT  
11 TO BACK, HAVE YOU?

12      A   ON THE DOLL?

13      Q   MM-HMM.

14      A   I SHOW IT ANGLING A LITTLE BIT TOWARD  
15 THE LEFT.

16      Q   SO YOU'VE PUT IN SOME ANGULATION,  
17 THAT'S -- YOU KNOW WHAT MIGHT BE HELPFUL.  ONE  
18 SECOND.

19           TERRI, DO YOU HAVE LITTLE POST-IT  
20 NOTES?

21      MS. TOWERY:  BIG ONES.

22      MS. ABRAMSON:  AFTER YOU'RE GONE WE MAY NEVER  
23 REMEMBER WHAT WE'RE TALKING ABOUT HERE.



24 LET ME DO SOME LABELS.  
25 THE COURT: THEY'RE NOT GOING TO STAY UNLESS  
26 YOU HAVE SOME PERMANENCY.  
27 MS. ABRAMSON: I'LL DO IT, YOUR HONOR.  
28 Q BUT THIS IS WHAT WE'RE CALLING NO. 2,

1 CORRECT?

2 A YES.

3 Q WE PUT A LITTLE FLAG. THAT'S NO. 2.

4 AND THIS OTHER STICK HERE, IS THAT

5 NO. 1, THE LEFT CHEEK?

6 A YES.

7 Q NOW, YOU DON'T SHOW THE INJURY TO THE

8 FACE FROM NO. 3.

9 THIS IS N. 3, ISN'T IT?

10 A YES.

11 Q BECAUSE THE DOLL'S NOT AS PLIABLE AS A

12 HUMAN.

13 A CORRECT.

14 Q NOW, LET'S GET BACK TO NO. 2 NOW THAT WE

15 CAN SORT OF DISTINGUISH THEM.

16 THIS IS NO. 2 AND YOU'RE SHOWING -- WHERE

17 IS THE NOSE ON THIS DOLL? CAN YOU DRAW A NOSE OR

18 SOMETHING LIKE A NOSE.

19 A (WITNESS COMPLIES.)  
20 Q OH, YOU DREW A MOUTH TOO. GOOD.  
21 SO YOU'RE SHOWING A SLIGHT ANGULATION  
22 COMING FROM --  
23 A GOING SLIGHTLY RIGHT TO LEFT.  
24 Q HERE. SHOW ME.  
25 A (WITNESS DEMONSTRATING.)  
26 Q THAT'S A LITTLE MORE THAN YOU'RE SHOWING  
27 ON DOLLIE.  
28 A ABOUT LIKE THAT.

1 Q OKAY. SLIGHT ANGULATION?  
2 A TOWARD THE LEFT.  
3 Q RIGHT TO LEFT AS IT COMES IN.  
4 BUT YOU'RE NOT SHOWING -- CAN I -- CAN  
5 YOU TURN YOUR HEAD -- YOU'RE NOT SHOWING AN ANGLE.  
6 I'M DEMONSTRATING --  
7 A NO.  
8 Q IT'S NOT PERPENDICULAR TO THE PLANE OF  
9 THE CHEEK?  
10 A NO, NO.  
11 Q AND WITH RESPECT TO NO. 1, WHICH IS THE  
12 LEFT CHEEK, YOU'RE SHOWING THAT STRAIGHT ON,  
13 CORRECT?

14 A YES.

15 Q AND BY STRAIGHT ON, AGAIN, AS I'M NOW  
16 DEMONSTRATING, STRAIGHT ON, CORRECT?

17 A YES.

18 Q NOW, I BELIEVE YOU ALSO TESTIFIED THAT  
19 WITH RESPECT TO NO. 2, THE ONE THAT HAS THE SLIGHT  
20 ANGULATION, RIGHT TO LEFT, THAT, HOWEVER, IT WAS  
21 TOTALLY HORIZONTAL; IS THAT CORRECT?

22 A THAT'S -- YES, THAT'S WHAT DR. GOLDEN  
23 FELT.

24 Q AND YOU DIDN'T SEE ANY REASON TO  
25 DISAGREE WITH THAT?

26 A THE X RAY SUPPORTS IT. I THOUGHT THE  
27 X RAY SHOWED A LITTLE ANGULATION, SO THAT'S WHY I  
28 DID THE DOLL THAT WAY. BUT WE CAN'T CREATE

1 PRECISION WHERE IT DOESN'T EXIST, AND THIS IS  
2 DIFFICULT AND IMPRECISE BECAUSE OF THE NATURE OF THE  
3 WOUNDS.

4 Q AGAIN, IT'S VERY COMPLICATED AND THERE  
5 ARE NO REAL CLEAR SIGNS HERE FOR SOMETHING AS  
6 PRECISE AS THE PERFECT ANGLE?

7 A THAT'S CORRECT.

8 Q BUT WITH RESPECT TO HORIZONTALITY, MEANS

9 IT'S NOT UPWARD, IT'S NOT DOWNWARD, IT'S STRAIGHT

10 ON?

11 A YES, MA'AM.

12 Q IS THERE ANY -- ALL RIGHT, AND I -- IS

13 THERE ANYTHING IN THE NATURE OF WOUND NO. 2 THAT

14 INDICATES THE POSITION THE PERSON WAS IN AT THE TIME

15 THEY RECEIVED THAT WOUND?

16 A NO.

17 Q THAT COULD BE IN ANY POSITION?

18 A YES.

19 Q SORT OF.

20 IF THE PERSON WAS LYING ON THE GROUND --

21 A COULDN'T HAVE BEEN FACE DOWN WITH THE

22 ASSAILANT STANDING ON THEIR BACK.

23 Q RIGHT. AND IF THEY WERE LYING FACE UP

24 THE ASSAILANT WOULD HAVE TO BE HANGING FROM THE

25 CEILING?

26 A OR STANDING OVER THEM.

27 Q WITH THE GUN DIRECTLY STRAIGHT DOWN?

28 A IT DOESN'T LOOK QUITE THAT CLOSE.

1 WHICH ONE ARE YOU TALKING ABOUT, THE

2 CONTACT WOUND?

3 Q NO. THE RIGHT SIDE. THE 2.

4 A THAT WOULD BE FURTHER AWAY.

5 Q THAT WOULD HAVE TO BE FAR AWAY?

6 A NOT FAR AWAY.

7 Q FURTHER AWAY BECAUSE THERE'S A SPREAD

8 THERE, RIGHT?

9 A YES.

10 Q AND IF THE PERSON WERE LYING DOWN ON  
11 THEIR BACK, THE GUN WOULD HAVE TO BE FAR ENOUGH AWAY  
12 TO GIVE THAT SPREAD ABOVE, CORRECT?

13 A YES.

14 Q AND SO --

15 A OR IF THEY WERE LYING ON THEIR BACK WITH  
16 THEIR HEAD TURNED TO THE SIDE, THE PERSON, THE  
17 SHOOTER, COULD BE STANDING OVER THERE SOMEWHERE.

18 Q THE RIGHT HEAD -- FOR THE RIGHT ONE?

19 A IF THE -- IF THE PERSON WERE ON THE FLOOR  
20 WITH THEIR HEAD TURNED TO THE RIGHT LOOKING AT THE  
21 SHOOTER, WHICH IS WHAT THEY PROBABLY WOULD BE DOING,  
22 AND WHEN THE --

23 Q WAIT, WAIT. LET'S BACK UP.

24 THEY PROBABLY WOULD BE LOOKING AT THE  
25 SHOOTER? NOW YOU'RE SPECULATING AGAIN,  
26 DR. LAWRENCE.

27 THE COURT: IS THAT A QUESTION?

28 Q BY MS. ABRAMSON: ARE YOU SPECULATING

1 AGAIN, DR. LAWRENCE?

2 A I SAID PROBABLY.

3 Q WHY DON'T WE NOT SPECULATE. LET'S TALK

4 ABOUT ANGLE.

5 A IF THE PERSON WERE ON THE FLOOR LOOKING

6 TOWARDS THE SHOOTER WHEN THE SHOT WAS FIRED, THE

7 SHOOTER COULD BE STANDING AT SOME DISTANCE WITH THE

8 GUN AIMED DOWN TOWARD THE FLOOR.

9 Q BUT IT COMES IN DIRECTLY HORIZONTAL.

10 A YES. IT -- IF THE PERSON WERE LYING ON

11 THE FLOOR WITH THEIR HEAD TURNED OVER TO THE SIDE

12 THEY COULD HAVE BEEN SHOT THAT WAY.

13 Q OKAY. BUT THERE'S NO ANGLE WHERE IT

14 GOES -- THE WAY YOU HAVE IT COMING IN, THE MUZZLE OF

15 THE GUN, BECAUSE IT COMES IN, AS YOU SAID,

16 HORIZONTAL, HAS TO BE AS LOW OF THE HEAD?

17 A DEPENDING ON THE POSITION OF THE HEAD

18 THE GUN CAN BE ON THE CEILING OR ANYWHERE DOWN TO

19 THE FLOOR LEVEL.

20 Q OKAY. BUT IF THE GUN IS HELD IN SUCH A

21 WAY THAT IT IS NOT PARALLEL TO THE FACE, THEN THE --

22 THIS HORIZONTAL DIRECTIONALITY IS GOING TO BE OFF,

23 ISN'T IT?

24 A THE MUZZLE OF THE GUN HAS TO BE

25 SOMEWHERE ALONG THE PATH OF THAT WIRE THAT YOU SEE.

26 Q OKAY. CAN'T BE TILTED UP OR DOWN?

27 A IT HAS TO BE -- YOU HAVE TO -- PICTURE

1 AND THE SHOTGUN IS SITTING ON THE END OF THAT WIRE  
2 SOMEWHERE AT SOME DISTANCE.

3 Q OKAY. SO WITH RESPECT TO THAT WOUND,  
4 WOUND NO. 2, YOUR ONLY DISPUTE WITH DR. GOLDEN IS  
5 THAT YOU'VE SET IT OFF AT A SLIGHT ANGLE AND HE  
6 WOULD NOT?

7 A YES. AND I WOULDN'T CALL THAT A  
8 DISPUTE. THAT'S JUST MY ASSESSMENT ON LOOKING AT  
9 THE X RAYS AND I COULD --

10 Q YOU COULD BE WRONG?

11 A I CAN BE WRONG. HE MIGHT HAVE HAD A  
12 BETTER IDEA WHEN HE LOOKED AT THE INSIDE OF THE  
13 BODY.

14 Q OKAY. WITH RESPECT TO YOURS AND HIS  
15 NO. 3, THERE IS NO DISPUTE, CORRECT?

16 A CORRECT.

17 Q WITH RESPECT TO NO. 4, THE SHOULDER, THE  
18 LEFT EAR, THERE IS NO DISPUTE, CORRECT?

19 A CORRECT.

20 Q WITH RESPECT TO NO. 5, THERE IS NO  
21 DIFFERENCE AT ALL, CORRECT?

22 A CORRECT.

23 Q NOW, WITH RESPECT TO NO. 6. NO. 6 IS

24 THE WOUND TO THE LEFT BREAST, CORRECT?

25 A YES.

26 Q THIS IS 169, WHICH IS THE PHOTOGRAPH OF

27 THE X RAY OF THE LEFT SIDE OF THE CHEST OF

28 MRS. MENENDEZ?

1 A YES.

2 Q THIS IS 172. WHAT IS THAT?

3 A THAT'S THE LEFT ARM OF MRS. MENENDEZ AND

4 IT SHOWS TWO PELLETS.

5 Q NOW, YOU DIDN'T SPECIFICALLY DESCRIBE IN

6 YOUR DESCRIPTION OF THE WOUND INJURIES TO

7 MRS. MENENDEZ' LEFT ARM; IS THAT CORRECT?

8 A NO.

9 Q AND DR. GOLDEN DIDN'T EITHER?

10 A NO.

11 Q BUT THERE WERE DEFINITELY PELLET

12 INJURIES TO HER LEFT ARM?

13 A YES.

14 Q AND YOU CAN SEE THEM BOTH ON X RAY, YOU

15 CAN SEE SOME PELLETS, AND YOU CAN ALSO SEE THEM ON

16 THE SKIN OF HER LEFT ARM. CORRECT?

17 A YES.



18 Q LET ME TALK TO YOU ABOUT THESE PELLETS  
19 FOR ONE MOMENT. LET ME GET THIS FARTHER OUT OF THE  
20 WAY.

21 THE PELLETS SHOW UP AS THESE ROUND WHITE  
22 CIRCLES, RIGHT?

23 A YES.

24 Q THIS APPEARS TO BE A NO. 4 BUCKSHOT  
25 PELLET, RIGHT?

26 A YES.

27 Q WHERE IS THAT PELLET IN THE ARM?

28 A IN THE FOREARM AREA JUST ABOVE THE

1 WRIST.

2 Q WHAT IS IT SITTING ON? CAN YOU TELL OR  
3 YOU CAN'T TELL?

4 A WE HAVE ONLY ONE VIEW, SO I'M NOT SURE.

5 Q SO IT'S IN THERE SOMEWHERE AT ANY  
6 DEPTH. YOU CAN'T TELL DEPTH FROM A ONE-SIDED X RAY,  
7 CORRECT?

8 A CORRECT.

9 Q WHAT ABOUT THIS ONE UP HERE? THAT'S A  
10 PELLET ALSO, ISN'T IT?

11 A THAT'S NEAR THE CROOK OF THE ARM.

12 Q NEAR THE INSIDE OF THE ELBOW?

13 A YES.

14 Q IS THE INSIDE OF THE ELBOW REFERRED TO  
15 AS THE ANTECUBITAL FOSSA, ELBOW?

16 A THAT'S THE FRONT OF THE ELBOW, THAT'S  
17 WHERE YOU GET YOUR BLOOD DRAWN.

18 Q WHERE THE VEINS ARE?

19 A THIS IS ON THE INSIDE NEAR THAT AREA.

20 Q OKAY.

21 A AGAIN, WITHOUT A SECOND VIEW, IT CAN'T  
22 BE PRECISE.

23 Q VERY HARD.

24 THAT'S ALSO UNDER THE SKIN, THAT'S  
25 INSIDE SOMEWHERE?

26 A YES.

27 Q THAT'S A SECOND BUCKSHOT PELLET?

28 A YES. I'D HAVE TO SEE -- THERE SHOULD

1 BE -- IF THERE'S A WOUND ASSOCIATED WITH IT, THEN IT  
2 IS UNDER THE SKIN. I, FRANKLY, CAN'T REMEMBER WHAT  
3 THAT AREA SHOWS. IT COULD ALSO BE ON THE SKIN  
4 SURFACE.

5 Q ON THE SURFACE?

6 A YEAH.

7 Q IMBEDDED?

8 A IT COULD BE STUCK THERE.

9 Q STUCK SOMEHOW?

10 A YES.

11 Q OTHERWISE, IT WOULD ROLL OFF AND --

12 OBVIOUSLY, THE BODY'S BEEN MOVED. THESE AREN'T

13 TAKEN AT THE SCENE. THESE ARE TAKEN AT THE

14 CORONER'S OFFICE.

15 A I REALIZE THAT.

16 Q NOW --

17 A I GUESS WHAT I'M TRYING TO SAY IS IT

18 COULD HAVE FALLEN OFF ONE OF THE OTHER WOUNDS AND

19 STUCK THERE AT THE AUTOPSY TABLE. YOU HAVE TO LOOK

20 AT THE PHOTOGRAPH AND MAKE SURE THERE'S A WOUND

21 THERE.

22 Q OKEY-DOKEY. MAYBE IF THE PHOTOGRAPH

23 LINES UP PROPERLY, BUT IF IT DOESN'T?

24 A THAT SHOWS THE HOLES IN THE FOREARM,

25 YES.

26 Q ALL RIGHT. THERE'S SOME OTHERS --

27 THE COURT: WHAT EXHIBIT IS THAT?

28 MS. ABRAMSON: I'M SORRY, YOUR HONOR. THE

1 ONE I'M PUTTING UP NOW IS 187. 187 IS A PHOTOGRAPH

2 THAT SHOWS THE LEFT BREAST AND THE LEFT FOREARM.

3 CORRECT?

4 A WE DON'T SEE THE WOUND THAT CORRESPONDS  
5 TO THAT PELLET UNLESS THERE'S SOMETHING RIGHT  
6 THERE.

7 Q THERE'S A LITTLE BIT OF BLOOD THERE.  
8 THERE'S ANOTHER PICTURE OF THE ARM THAT I'LL FISH  
9 OUT FOR YOU AFTER.

10 A THESE ARE, AS SHOWN, PROBABLY CONSISTENT  
11 WITH THE SAME WOUND CAUSING THE FOREARM AND THE  
12 BREAST AREA (SIC).

13 Q OKAY.

14 A BUT WE DON'T SEE THE WOUND FOR THAT  
15 PELLET UNLESS IT'S RIGHT THERE.

16 Q ALL RIGHT. SO YOU'RE AFFILIATING THE  
17 WOUNDS TO THE FOREARM WITH THE WOUNDS TO THE LEFT  
18 SIDE OF THE BREAST, CORRECT?

19 A YES.

20 Q DR. GOLDEN DID ALSO, CORRECT?

21 A I DON'T RECALL. DID HE SAY THAT IN HIS  
22 REPORT?

23 Q OH, YOU KNOW WHAT, I DON'T THINK HE EVEN  
24 MENTIONS THE ARM IN THE REPORT. HE SAID IT IN HIS  
25 TESTIMONY, BUT YOU DON'T KNOW WHICH TESTIMONY YOU'VE  
26 READ.

27 A RIGHT.

28 THE COURT: NOW WE'VE HAD A VERY COMPOUND

1 STATEMENT OF COUNSEL AND ANSWER.

2 SO THE ANSWER IS STRICKEN.

3 MS. ABRAMSON: ALL RIGHT.

4 Q DO YOU REMEMBER WHETHER OR NOT IN  
5 READING THE TESTIMONY OF DR. GOLDEN HE ALSO  
6 AFFILIATED THE LEFT FOREARM WITH THE BREAST,  
7 INDICATING THEY LINED UP?

8 A YES.

9 Q ALL RIGHT.

10 THE COURT: OKAY. LET'S TAKE OUR RECESS  
11 UNTIL 1:30.

12 (AT 12:00 P.M. THE NOON

13 RECESS WAS TAKEN UNTIL

14 1:30 P.M. OF THE SAME DAY.)

1 VAN NUYS, CALIFORNIA; TUESDAY, NOVEMBER 7, 1995

2 1:55 P.M.

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

4 (APPEARANCES AS HERETOFORE NOTED.)

5

6 THE COURT: EVERYBODY IS HERE. AND WE'LL  
7 HAVE THE JURY OUT.

8 (THE JURY ENTERED THE COURTROOM

9 AND THE FOLLOWING PROCEEDINGS

10 WERE HELD:)

11

12 THE COURT: THE JURY IS IN THE JURY BOX. YOU

13 MAY CONTINUE YOUR CROSS-EXAMINATION.

14 MS. ABRAMSON: THANK YOU, YOUR HONOR.

15

16 CROSS-EXAMINATION (RESUMED)

17 BY MS. ABRAMSON:

18 Q I WANT TO JUST CLEAR UP A FEW THINGS

19 WITH YOU, DR. LAWRENCE.

20 YOU HAD ASKED -- HERE WE GO.

21 YOU HAD MENTIONED DURING YOUR DIRECT

22 EXAMINATION THAT YOU MARKED SOMETHING INCORRECTLY ON

23 MS. MENENDEZ, WHAT'S CALLED THE INTERNAL INJURIES

24 CHART. YOU HAD MARKED ONE OF THE BONE FRACTURES IN

25 THE WRONG PLACE.

26 A YES. THE FRACTURE OF THE RIGHT ARM

27 SHOULD BE HIGHER.

28 Q LET ME GIVE YOU THE X RAYS.

40092

1 IS THAT THE RIGHT ARM?

2 A CORRECT.

3 Q IS THIS THE RIGHT ARM? I WANT YOU TO

4 USE THAT. HERE'S THE RED THING SO YOU CAN CORRECT

5 IT.

6 A (WITNESS COMPLIES.)

7 Q OKAY. AND YOU'VE WRITTEN A NEW "X"

8 FARTHER UP ON THE RADIUS BONE?

9 A HUMERUS.

10 Q THAT'S THE HUMERUS, RATHER. AND FARTHER  
11 UP ON THE HUMERUS YOU'VE WRITTEN THE WORD "CORRECT,"  
12 SO WE CAN IGNORE THE "X" THAT'S RIGHT BELOW THAT,  
13 CORRECT?

14 A YES.

15 Q AND THEN THERE'S ANOTHER BREAK IN THE  
16 FOREARM BONE. IS THAT THE ULNA?

17 A YES.

18 Q THERE ARE TWO BONES IN THE FOREARM,  
19 CORRECT?

20 A YES.

21 Q ONE IS THE ULNA. AND WHAT'S THE OTHER  
22 ONE?

23 A RADIUS.

24 Q THE ULNA IS THE ONE ON THE OUTSIDE, MORE  
25 ON THE OUTSIDE?

26 A THE RADIUS IS ON THE THUMB SIDE.

27 Q ON THE INSIDE, THE THUMB SIDE; AND THE  
28 ULNA IS ON THE OUTSIDE?

40093

1 A IT DEPENDS ON HOW YOU HOLD YOUR ARM. IN  
2 THE ANATOMIC POSITION THE ULNA IS ON THE INSIDE OF

3 THE BODY, STANDING WITH ITS ARMS PALMS FACING

4 FORWARDS.

5 Q LET'S -- I WANTED TO ASK YOU ABOUT THAT.

6 I'LL MAKE A NOTE. I WANT TO FINISH SOME

7 HOUSEKEEPING FOR A MINUTE.

8 I PUT BACK UP THE X RAY OF THE FRONT

9 FACIAL X RAY ON MRS. MENENDEZ. THIS IS NO. 174.

10 AM I READING THAT X RAY CORRECTLY IF I

11 STATE THAT THERE ARE PELLETS ON BOTH THE RIGHT

12 SIDE -- BIG PELLETS, BUCKSHOT PELLETS, ON BOTH THE

13 RIGHT SIDE OF THE NOSE AND THE LEFT SIDE OF THE

14 NOSE?

15 A YES. PROBABLY. BUT THE X RAY IS

16 ROTATED A LITTLE BIT AND IT MAY BE MISLEADING. IT'S

17 NOT A STRAIGHT FRONT-ON VIEW.

18 Q IT'S ROTATED A LITTLE BIT WHERE THE HEAD

19 IS SORT OF TURNED TO THE RIGHT?

20 A SLIGHTLY TO THE RIGHT.

21 Q TURNED TO THE RIGHT BUT WE'RE SEEING --

22 WELL, FROM THE PHOTOGRAPHS THERE ARE ACTUAL BUCKSHOT

23 PELLETS WOUNDS, BOTH SORT OF DEAD CENTER ON THE

24 FOREHEAD AND ON THE LEFT SIDE OF THE NOSE, CORRECT?

25 A YES, AS I RECALL.

26 Q AND ON THE TIP OF THE NOSE ITSELF?

27 A YES.

28 Q AND THIS LITTLE DIAGRAM HERE THAT YOU



1 WERE SHOWN SHOWS THAT, ALTHOUGH YOU'VE DESCRIBED IT  
2 AS A RIGHT ORBIT WOUND TO THE RIGHT EYE WHICH IS  
3 SHOWN HERE ON THE DIAGRAM, THERE'S ALSO BUCKSHOT  
4 PELLETS ON THE NOSE, BUCKSHOT PELLET ON THE LEFT  
5 SIDE OF THE NOSE, AND THAT ONE PELLET RIGHT IN THE  
6 MIDDLE OF THE FOREHEAD, CORRECT?

7 A YES.

8 Q AND THOSE ARE ALL PART OF SHOT NO. 2?

9 A YES.

10 Q ON HER, CORRECT? YOU CALL IT NO. 2 AND  
11 DR. GOLDEN CALLS IT NO. 2.

12 A YES.

13 Q ALL RIGHT. NOW, YOU'VE HAD -- YOU LOOKED  
14 OVER THE LUNCH HOUR AT SOME OF THE BALLISTIC  
15 EVIDENCE, AND YOU SELECTED AN ENVELOPE THAT YOU  
16 BELIEVE CONTAINS A REPRESENTATIVE SAMPLE OF THE  
17 PELLETS.

18 A YES.

19 Q AND THE REASON YOU SELECTED THIS  
20 ENVELOPE WAS WHAT?

21 A THE PELLET SHOWS NO SIGNIFICANT  
22 DEFORMITY.

23 Q AND IS IT YOUR UNDERSTANDING THAT THIS  
24 IS -- WELL, I TOLD YOU DURING THE BREAK THIS IS A  
25 PELLET FROM THE SCENE, NOT FROM ONE OF THE BODIES,

26 CORRECT?

27 A YES.

28 Q AND YOU WANTED TO USE THAT TO MEASURE

40095

1 THE SIZE.

2 A CORRECT.

3 Q LET ME DO THE FIRST CUT BECAUSE I

4 PROMISED THE CLERK I'D DO IT A CERTAIN WAY.

5 YOU WANT TO OPEN IT SO YOU CAN GET IT

6 OUT AND MEASURE IT, CORRECT?

7 A YES.

8 Q LET THE RECORD SHOW I'M CUTTING THE

9 OUTER PLASTIC ENVELOPE THAT HOLDS -- INSIDE THERE'S A

10 YELLOW MANILA ENVELOPE WITH AN EVIDENCE TAG ON IT?

11 A YES.

12 Q AND THERE'S ALSO A SMALL PLASTIC

13 ENVELOPE WITH WHAT APPEARS TO BE A BUCKSHOT PELLET

14 IN IT.

15 A YES.

16 Q AND WHY DON'T YOU OPEN THAT ONE AND DO

17 YOUR MEASUREMENT. TRY NOT TO CUT THE WRITING.

18 A (WITNESS COMPLIES.)

19 THE COURT: AGAIN, THIS IS WHICH EXHIBIT?

20 MS. ABRAMSON: OH. I'M SORRY, YOUR HONOR.

21 THE WITNESS: ITEM NO. 24.  
22 MS. ABRAMSON: THAT WILL ONLY CONFUSE THINGS,  
23 BELIEVE ME.  
24 THIS IS EXHIBIT -- IN THIS TRIAL IT'S  
25 48-A.  
26 THE WITNESS: THIS WOULD BE CONSISTENT WITH A  
27 NO. 4 BUCKSHOT.  
28 Q BY MS. ABRAMSON: YOU USED A LITTLE

40096

1 CALIBRATOR TO MEASURE THAT?  
2 A THAT'S A MICROMETER.  
3 Q A MICROMETER. WHAT WAS THE MEASUREMENT?  
4 A IT VARIED. IT IS QUITE MISSHAPEN,  
5 UNLIKE I THOUGHT WHEN I FIRST LOOKED AT IT. WHEN I  
6 GOT IT OUT OF THE BAG I SEE ONE SIDE IS FLATTENED.  
7 IT RANGES FROM A DIAMETER OF .22 INCHES TO .28  
8 INCHES. AVERAGE IS AROUND .24, WHICH WOULD BE THE  
9 SIZE OF NO. 4 BUCKSHOT.  
10 Q OKAY.  
11 A THAT'S BECAUSE I LOOKED IT UP. I'M NOT  
12 THAT MUCH OF A FIREARM'S EXPERT. I COULDN'T TELL  
13 YOU THE DIAMETER OF NO. 4 BUCKSHOT WITHOUT LOOKING  
14 IT UP, WHICH I DID.  
15 Q BUT THAT SATISFIED YOU, AT LEAST, THAT

16 THAT IS NO. 4 BUCKSHOT?

17 A YES.

18 Q LET'S REPLACE IT BEFORE WE LOSE IT.

19 THE COURT: GIVE IT BACK TO THE CLERK.

20 MS. ABRAMSON: YES. I'M GOING TO GIVE IT TO

21 THE CLERK RIGHT NOW, JUDGE.

22 Q NOW, I'VE PUT UP ON THE BOARD TO YOUR

23 LEFT THE TWO X RAY PHOTOGRAPHS. ONE IS

24 MRS. MENENDEZ' LEFT ARM. AND THE OTHER ONE IS THE

25 LEFT CHEST, CORRECT?

26 A RIGHT.

27 Q AND IS IT YOUR TESTIMONY THAT IT IS YOUR

28 OPINION THAT THE WOUNDS TO HER LEFT ARM, WHICH ON

40097

1 THE X RAY SHOW TWO REMAINING PELLETS, AND THE WOUNDS

2 TO HER LEFT CHEST ARE CONNECTED?

3 A YES.

4 Q THEY'RE CAUSED, IN YOUR OPINION, BY THE

5 SAME SHOTGUN BLAST?

6 A YES. THE LEFT ARM WAS UP UNDER THE

7 BREAST WHEN IT WAS RECEIVED.

8 Q AND WERE THERE OTHER PELLET DEFECTS ON

9 HER BODY THAT ALSO APPEARED TO BE CONNECTED TO THAT

10 SAME SHOTGUN ROUND?

11 A YES. ON THE CHEST WALL IT'S BELOW THE  
12 BREAST.

13 MS. ABRAMSON: YOUR HONOR, BEFORE WE GO ON,  
14 THERE WAS A SHOT COLUMN, THIS CONE-SHAPED DIAGRAM  
15 THE WITNESS DREW, WHICH I'D LIKE TO NUMBER AS AN  
16 EXHIBIT.

17 THE COURT: 213.

18 MS. ABRAMSON: THEN I'D LIKE TO HAVE THIS  
19 PHOTOGRAPH MARKED AS 214. I'LL PUT IT ON THE  
20 FRONT.

21 Q DOES THAT PHOTOGRAPH SHOW ADDITIONAL  
22 PELLET DEFECTS TO THE LEFT SIDE OF MRS. MENENDEZ?

23 A YES.

24 Q IT SHOWS ADDITIONAL MARKS THAN THE  
25 PHOTOGRAPH THAT THE PROSECUTION MARKED 187, CORRECT?

26 A YES.

27 Q I'M PUTTING UP 187. NOW, THIS  
28 PHOTOGRAPH THAT WE JUST MARKED HAS A PARTICULARLY

40098

1 GRAPHIC VIEW OF THE RIGHT HAND, CORRECT?

2 A YES.

3 Q AND THE RIGHT HAND WAS VERY BADLY  
4 DISTORTED BY PELLETS.

5 A IT WAS.

6 Q SO IT'S A VERY MANGLED LOOK?

7 A YES.

8 Q I THINK THE BEST WAY IS THIS WAY, DON'T

9 YOU, DOCTOR, TO SEE WHAT WE'RE TALKING ABOUT?

10 A THAT'S FINE.

11 Q AND IF YOU WOULD POINT ON 214 TO THE

12 ADDITIONAL PELLET WOUND THAT YOU CAN SEE ON THAT

13 PHOTOGRAPH THAT YOU CAN'T SEE FROM THE ONE ABOVE.

14 A THREE OF THEM IN THIS AREA.

15 Q THERE'S TWO UNDER -- ONE, TWO?

16 A OVER THE EDGE.

17 Q UNDER THE BREAST. AND THEN THERE'S THIS

18 ON THE CHEST WALL, CORRECT?

19 A YES.

20 Q AND ALL OF THOSE APPEAR TO BE

21 AFFILIATED, DO THEY NOT, WITH THE BREAST WOUND AND

22 THE ARM WOUND?

23 A YES.

24 Q NOW, ON YOUR DOLL, WOULD IT BE FAIR TO

25 SAY THAT THAT MARKER IS NOT ACCURATELY PLACED?

26 A I THINK IT'S PRETTY GOOD. IT SHOWS, TO

27 ME, THAT IT'S THE LATERAL BREAST AREA. IT DOESN'T

28 INCLUDE ALL THE OTHER MARKS WE'VE TALKED ABOUT, BUT

1 IT'S JUST A GENERAL IDEA.

2 Q WELL, IT'S SHOWING AN ENTRY ALMOST  
3 TOUCHING THE CHEST WALL, ISN'T IT? IT'S SORT OF  
4 BEHIND THE BREAST?

5 A IT DOESN'T HAVE A BREAST PROTRUDING FROM  
6 THE BODY. THE DOLL DOES NOT HAVE THAT. IT HAS  
7 CONTOUR, I SUPPOSE. SO IN THAT SENSE I GUESS I  
8 COULD HAVE PUT THE WIRE A LITTLE BIT MORE FORWARD.  
9 TO ME, THAT LOOKS LIKE IF I TOOK THIS DOLL AND TRIED  
10 TO MAKE IT INTO THAT PERSON, THAT'S WHERE I WOULD  
11 PUT THE GUNSHOT WOUND.

12 Q LET'S DO THIS. I'VE SHOWN COUNSEL A  
13 BRASSIERE THAT I BROUGHT TO COURT TODAY FOR THIS  
14 PURPOSE. IT IS AN EMPTY BRASSIERE AND IS GOING TO  
15 STAY THAT WAY.

16 WHAT I WOULD LIKE YOU TO DO IS TO SHOW  
17 ME, IF YOU'D LIKE, BASED ON YOUR DIRECTIONAL DOLL --  
18 OR IF YOU'D RATHER, BASED ON WHAT'S ON THAT  
19 PHOTOGRAPH -- WHERE THE PELLET DEFECTS SHOW UP. AND  
20 I HAVE THIS BLUE MARKER.

21 MR. CONN: I WOULD OBJECT TO THAT, YOUR  
22 HONOR, BECAUSE OF THE INACCURACY OF USING AN OUTER  
23 GARMENT.

24 THE COURT: LET ME ASK THE WITNESS WHETHER OR  
25 NOT YOU FEEL THIS WILL SUBSTANTIALLY REPLICATE WHAT  
26 YOU SEE IN THE PHOTOGRAPHS OR AS OUTLINED IN THE  
27 CORONER'S REPORT.

28 THE WITNESS: WELL, I THINK I CAN DO A

1 SATISFACTORY JOB OF SHOWING WHERE MOST OF THE SHOTS  
2 ARE IN RELATION TO THE BREAST AS IF IT WERE IN THE  
3 BRASSIERE. I'M NOT SURE IF IT HAS ANY VALUE AS FAR  
4 AS EXPLAINING MY TESTIMONY TO THE JURY.

5 THE COURT: THE PHOTOGRAPHS SHOW THE BREAST  
6 WITHOUT ANY CLOTHING. SO I KIND OF AGREE WITH THE  
7 PROSECUTION, THAT THIS ISN'T REALLY GOING TO SHOW  
8 ANYTHING UNLESS YOU HAVE THE ACTUAL GARMENT THAT WAS  
9 WORN BY THE DECEDENT AT THE TIME, IF SHE WAS WEARING  
10 SOMETHING.

11 MS. ABRAMSON: WE DO HAVE THAT AS WELL,  
12 ALTHOUGH NOT HERE RIGHT AT THE MOMENT. BUT WHAT I'M  
13 TRYING TO SEE, IF THE WITNESS CAN DEMONSTRATE WHAT  
14 HE HAS PUT ON HIS ANATOMICAL DOLL BY WAY OF  
15 DIRECTION WHERE YOU WOULD EXPECT THE PELLETS TO  
16 IMPACT.

17 THE COURT: I DON'T THINK THIS WILL REALLY  
18 PROVE IT.

19 MS. ABRAMSON: WELL, THE WITNESS SEEMS TO  
20 FEEL THAT HE CAN SATISFACTORILY DEMONSTRATE IT.

21 THE COURT: I CANNOT SEE HOW IT WOULD. BASED  
22 UPON -- ANYWAY, IT JUST DOESN'T SEEM LIKE IT WILL  
23 WORK.

24 MS. ABRAMSON: ALL RIGHT, JUDGE. I WON'T



25 PRESS YOU ON THIS.

26 Q DR. LAWRENCE, IN LOOKING AT THE  
27 PHOTOGRAPH THAT SHOWS THE BREAST, 187, YOU DON'T SEE  
28 ANY DEFECTS ON THE SIDE OF THE BREAST, DO YOU?

40101

1 A THE DEFECT EXTENDS FROM THE NIPPLE  
2 TOWARD THE SIDE.

3 Q SO THE DEFECTS ARE ACTUALLY ON THE FRONT  
4 OF THE BREAST, BUT THEY'RE ON THE LEFT PART OF THE  
5 FRONT OF THE BREAST; IS THAT CORRECT?

6 A YES. I'D SAY THAT'S CORRECT.

7 Q SO FOR THAT TO BE TRUE -- IS IT YOUR  
8 UNDERSTANDING THAT THE VICTIM WAS -- THAT  
9 MRS. MENENDEZ WAS NAKED AT THE TIME SHE WAS SHOT?

10 A NO.

11 Q IS IT YOUR UNDERSTANDING THAT SHE WAS  
12 WEARING A BRASSIERE, CORRECT?

13 A YES.

14 Q AND IS IT FAIR TO SAY THAT THE BREAST  
15 MAY HAVE BEEN IN A SLIGHTLY DIFFERENT POSITION WHEN  
16 HELD INSIDE A BRASSIER THAN IT IS WHEN THE BODY IS  
17 NAKED AND IT'S LYING ON ITS BACK?

18 A YES.

19 Q BREASTS TEND TO MIGRATE TOWARDS THE

20 SIDES, ESPECIALLY LARGISH BREASTS, WHEN A WOMAN IS

21 LYING ON HER BACK, CORRECT?

22 A YES.

23 Q AND MRS. MENENDEZ DID HAVE LARGISH

24 BREASTS?

25 A CORRECT.

26 Q SO WOULD IT BE ACCURATE TO SAY THAT IN A

27 BRA THAT BREAST WOULD HAVE LINED UP MORE CENTRALLY

28 ON HER CHEST WALL THAN IS SHOWN -- MORE TOWARDS THE

40102

1 CENTER OF THE CHEST WALL THAN IS SHOWN IN THAT

2 PHOTOGRAPH?

3 A TO SOME EXTENT, YES.

4 Q AND WOULD YOU EXPECT, GIVEN WHERE THOSE

5 HOLES ARE IN THE BREAST, THAT THERE WOULD BE HOLES

6 IN THE FRONT OF HER BRA?

7 A I'D HAVE TO SEE THE BRA.

8 Q OKAY. HOW ABOUT A PHOTOGRAPH OF THE BRA

9 WITH THE HOLES?

10 YOUR HONOR, I HAVE A PHOTOGRAPH I'D LIKE

11 TO MARK 215. IT'S AN ENLARGEMENT.

12 LET ME SHOW IT TO COUNSEL BECAUSE IT IS

13 AN ENLARGEMENT OF THE SCENE PHOTOGRAPH.

14 OKAY?

15 Q SHOWING YOU 215, DR. LAWRENCE. FIRST OF  
16 ALL, DO YOU RECOGNIZE THAT THAT IS AN ENLARGEMENT OF  
17 THE SCENE PHOTOGRAPH? IF NOT, I CAN SHOW YOU THE  
18 SCENE PHOTOGRAPH.

19 A YES.

20 Q AND IS THAT A PICTURE THAT SHOWS THE BRA  
21 AREA, THE LEFT BREAST BRA AREA?

22 A YES. IT'S BLOOD SOAKED AND THERE ARE  
23 MULTIPLE HOLES IN THE BRA.

24 Q AND THERE ARE HOLES RIGHT IN THE FRONT  
25 OF THE BRA, NOT JUST ON THE SIDE?

26 A THEY ARE EXACTLY WHERE THEY APPEAR TO BE  
27 ON THE BREAST.

28 Q LET ME PUT THIS UP. SO IF YOU DREW A

40103

1 LINE DOWN THE CENTER OF THE LEFT CUP, FOR EXAMPLE,  
2 OF THE BRA, THERE WOULD BE HOLES RIGHT NEAR THAT  
3 LINE?

4 A YES. MORE TO THE LEFT.

5 Q MORE TO THE LEFT, BUT SOME MAYBE EVEN TO  
6 THE RIGHT OF THAT?

7 A A FEW, PROBABLY A FEW JUST TO THE RIGHT  
8 OF THAT LINE.

9 Q NOW, WHAT DIRECTION DO YOU ASCRIBE TO

10 THIS WOUND?

11 A I ATTEMPTED TO DUPLICATE THE DIRECTION  
12 THAT DR. GOLDEN DESCRIBED.

13 Q AND WHAT DIRECTION DID DR. GOLDEN  
14 ASCRIBE?

15 A LET ME CHECK HIS REPORT TO GET EXACTLY  
16 THE WAY HE PUT IT.

17 Q THIS IS SIX, NO. 6, CORRECT?

18 A YES.

19 Q LOOK AT PAGE 8 OF MRS. MENENDEZ' AUTOPSY  
20 REPORT.

21 A HE DESCRIBES THE WOUND PATH AS FRONT TO  
22 BACK AND LEFT TO RIGHT, OR INWARD, WITHOUT  
23 MEASURABLE ANGULATION UPWARD OR DOWNWARD.

24 SO IT'S FRONT TO BACK AND LEFT TO RIGHT.

25 Q OKAY. NOW, IN LOOKING AT THE BRA AND  
26 ENVISIONING THE BREAST IN THE BRA BEING MORE TOWARDS  
27 THE CENTER OF THE CHEST CAVITY, WOULD YOU STILL  
28 AGREE THAT THIS IS LEFT TO RIGHT?

40104

1 A YES.

2 Q IT'S CLEAR THAT IT'S THE LEFT SIDE OF  
3 THE BREAST THAT'S MORE HIT THAN THE RIGHT SIDE OF  
4 THE BREAST?

5 A YES.

6 Q BUT DOES THAT NECESSARILY MEAN THAT THE  
7 SHOTS ARE COMING FROM THE LEFT?

8 A WELL, AS YOU CAN SEE, THE SHOT PELLETS  
9 END UP INSIDE THE CHEST AREA AND MORE TOWARDS THE  
10 RIGHT SIDE OF THE BODY, AND I THINK THE DIRECTION  
11 IS --

12 Q MORE TOWARDS THE RIGHT SIDE OF THE  
13 BODY. ISN'T THIS THE LEFT CHEST WALL AND ISN'T THIS  
14 THE MIDLINE?

15 A YES, BUT -- IF YOU LOOK AT THE -- IMAGINE  
16 WHERE THE BREAST WOULD BE, WHICH IS THIS SOFT TISSUE  
17 RIGHT HERE. THE PELLETS ARE MORE INBOARD.

18 Q THAT'S IF THE BREAST IS HELD UP BY THE  
19 BRA, THEY WOULD HAVE BEEN MORE INSIDE ANYWAY.

20 A I DON'T UNDERSTAND YOU.

21 Q WE'RE SEEING A NAKED BREAST HERE WHICH  
22 MOVES TO THE SIDE WHEN THE BODY IS ON ITS BACK,  
23 CORRECT?

24 A YES.

25 Q IN A BRA IT WOULD BE BROUGHT MORE TO THE  
26 CENTER?

27 A I UNDERSTAND THAT.

28 Q THIS IS THE CENTER LINE OF HER BODY,

1 ISN'T IT?

2 A NO. THAT WOULD BE -- WELL, THE CENTER  
3 LINE OF THE BREAST WOULD BE ROUGHLY HALFWAY BETWEEN  
4 THE SPINAL COLUMN ON THE LEFT OF THE PHOTOGRAPH AND  
5 THE OUTSIDE OF THE RIB CAGE.

6 Q WHICH IS HERE (POINTING). SO THIS  
7 PELLET BASICALLY IS THE CENTER?

8 A YES. AND THAT WOULD ROUGHLY BE THE  
9 CENTER OF THE BREAST IN THE BRA POSITION AS YOU PUT  
10 IT.

11 Q RIGHT.

12 A THE ENTRANCE HOLES ARE FURTHER OUT TO  
13 THE SIDE. SO THE PELLETS ARE LOCATED MORE TO THE  
14 RIGHT.

15 Q WHAT ABOUT THESE? THOSE ARE MUCH MORE  
16 TO HER LEFT, AREN'T THEY?

17 A THAT'S TRUE.

18 Q IN FACT, OF THE ONES TO THE RIGHT OF  
19 THAT CENTER, THERE'S ACTUALLY ONE TO THE RIGHT AND  
20 THERE'S ONE, TWO, THREE, FOUR, FIVE, SIX, SEVEN,  
21 EIGHT, NINE, TEN, TO THE LEFT, CORRECT?

22 A I THINK WE HAVE THAT BACKWARDS. SOME OF  
23 THE PELLETS WILL STAY NEAR THE SKIN SURFACE AND  
24 APPEAR TO BE ON THE LEFT. OTHERS, AS THEY PROGRESS  
25 THROUGH THE BODY, GO TO THE RIGHT.

26 DIRECTION IS WHAT WE'RE TRYING TO  
27 INDICATE, NOT THE SITUATION OF WHERE THEY END UP.

40106

1 THEY END UP, CORRECT? YOU'RE SAYING BECAUSE THERE  
2 ARE SOME PELLETS TO THE RIGHT OF THE MIDLINE OF THE  
3 LEFT BREAST, THAT THAT MEANS THE DIRECTION WAS LEFT  
4 TO RIGHT.

5 A EXACTLY.

6 Q BUT I'M POINTING OUT THAT THERE ARE  
7 PELLETS TO THE LEFT, FARTHER LEFT THAN WHERE THE  
8 ENTRY WOUNDS ARE.

9 A AND THEY DID NOT GO AS FAR.

10 Q HOW DO YOU KNOW THAT?

11 A THEREFORE, THEY DON'T HELP AS MUCH IN  
12 DETERMINING DIRECTION. YOU HAVE TO JUDGE WHERE THE  
13 SHOTS WERE HEADED AND WHERE MOST OF THEM WENT, AND  
14 THAT'S WHAT THE DOCTOR DOES WHEN HE DESCRIBES THE  
15 TRAJECTORY ON THE AUTOPSY.

16 AS I SAID BEFORE, WE CAN'T CREATE  
17 PRECISION WHEN IT DOESN'T EXIST. THESE ARE  
18 IMPRECISE MEASUREMENTS. THEY ARE ESTIMATES BASED ON  
19 YOUR BEST ABILITY.

20 Q YOUR BEST ABILITIES OR DR. GOLDEN'S BEST  
21 ABILITY? ARE YOU JUST ACCEPTING DR. GOLDEN'S  
22 DECISION, OR ARE YOU SEEING SOMETHING IN THE X RAY

23 THAT TELLS YOU THE DEPTH OF THE PELLETS?

24 A HIS DESCRIPTION AND THE X RAY, TO ME,  
25 FIT; AND THEY FIT WITH THE ANGLE THAT I'VE TALKED  
26 ABOUT.

27 Q CAN YOU TELL THE DEPTH OF THE PELLETS  
28 FROM THE X RAY?

40107

1 A KNOWING WHERE THE ENTRANCE OF THE  
2 PELLETS IS IN THE BREAST, YOU CAN ESTIMATE THE DEPTH  
3 OF THE PELLETS, AND YOU CAN TELL THAT THE ONES  
4 TOWARD THE RIGHT SIDE OF THE BODY ARE DEEPER. THEY  
5 PROGRESS FURTHER INTO THE BODY.

6 Q YOU CAN SEE THAT FROM THE X RAY?

7 A ALL YOU CAN SEE FROM THE X RAY IS WHERE  
8 THEY SIT.

9 Q YOU CAN'T TELL, THEN, FROM THE X RAY,  
10 CAN YOU?

11 A WELL, YOU CAN, BECAUSE IF YOU ASSUME --  
12 WHICH IS A CORRECT ASSUMPTION -- THAT THEY ENTERED  
13 ON THE BREAST AS SHOWN IN THE PHOTOGRAPH, AND THEN  
14 YOU SEE WHERE THEY SIT INSIDE THE BODY, THEN YOU CAN  
15 INFER THAT THEY PROGRESSED TO THAT POINT.

16 I DON'T UNDERSTAND WHAT YOU'RE GETTING  
17 AT.



18 Q I'M TALKING ABOUT FRONT TO BACK DEPTH.

19 A ONLY FRONT TO BACK DEPTH?

20 Q YES.

21 A BECAUSE HIS FIRST DESCRIPTION IS THIS IS

22 FRONT TO BACK AND THEN ONLY LEFT TO RIGHT.

23 WHEN WE'RE LOOKING AT A GUNSHOT WOUND,

24 WHAT WE WANT TO DO IS DETERMINE THE ENTRANCE POINT

25 AND WHERE THE MISSILE ENDED UP OR EXITED AND THE

26 DEPTH THE BODY IS -- THE DISTANCE BETWEEN THOSE TWO

27 POINTS. I'M NOT TRYING TO SPECIFY DIRECTION.

28 Q OKAY.

40108

1 A YOU'RE SAYING DEPTH FROM FRONT TO BACK?

2 Q YOU DIDN'T --

3 A YOU CAN'T TELL.

4 Q YOU CAN ONLY TELL LEFT TO RIGHT?

5 A CORRECT.

6 Q IF THIS IS THE MIDLINE, IF THIS PELLET

7 REPRESENTS THE MIDLINE, OKAY, IT WOULD BE, SAY, THIS

8 ONE PERHAPS; THEN THE ONLY ONE THAT'S ON THE OTHER

9 SIDE OF THAT MIDLINE IS ONE WHICH IS SLIGHTLY TO THE

10 RIGHT?

11 A YOU CAN'T JUMP FROM THE SKIN WOUND TO

12 THE PELLET BECAUSE YOU DON'T KNOW WHICH WOUNDS WERE

13 ASSOCIATED WITH WHICH PELLETS. THAT'S NOT A VALID

14 ASSUMPTION.

15 Q OKAY. BASICALLY THAT X RAY ONLY REALLY  
16 SHOWS ONE PELLET THAT'S TO THE RIGHT OF THE LEFT  
17 BREAST MIDLINE, CORRECT?

18 A NO. I WOULD SAY THERE ARE PROBABLY  
19 THREE -- TWO AT LEAST, MAYBE THREE.

20 Q HOW MANY ARE IN THERE ALL TOGETHER? CAN  
21 YOU COUNT?

22 A I COUNT 12.

23 Q TWELVE. AND DO YOU BELIEVE THAT X RAY  
24 REFLECTS THE ONES THAT ARE ALSO -- EXCUSE ME -- THAT  
25 ARE ALSO SHOWN IN 214 AS BEING LOWER DOWN ON THE  
26 ABDOMINAL WALL? THE WOUNDS UNDER THE BREAST, DO YOU  
27 BELIEVE THEY'RE SHOWN THERE?

28 A YES.

40109

1 Q AND WHAT ABOUT THE ONE IN THE ABDOMEN,  
2 DO YOU BELIEVE THAT'S SHOWN THERE?

3 A PROBABLY, YES.

4 Q SO YOU THINK THERE ARE 12 IN THERE, 12  
5 FROM SHOT NO. 6?

6 A CORRECT.

7 Q AND TWO IN THE ARM IS 14, CORRECT?

8 A YES.

9 Q NOW, WAS THIS A FATAL WOUND?

10 A POTENTIALLY FATAL, YES, MA'AM.

11 Q AND AT THE TIME THAT DEATH OCCURRED WAS

12 THERE HEMORRHAGING INTO THE PLEURAL CAVITY FROM THIS

13 WOUND?

14 A YES.

15 Q AND HOW MUCH HEMORRHAGE WAS THERE?

16 A I'LL HAVE TO CHECK AND REFRESH MY

17 MEMORY.

18 ONE THOUSAND CC'S OF BLOOD IN THE LEFT

19 CHEST CAVITY.

20 Q CC'S OR MILLILITERS?

21 A MILLILITERS. ESSENTIALLY THE SAME

22 THING.

23 Q OKAY. GOOD. A THOUSAND MILLILITERS OR

24 CC'S OF BLOOD INTO THE CHEST CAVITY INDICATES WHAT?

25 A INDICATES THAT SHE WAS ALIVE FOR SOME

26 PERIOD OF TIME AFTER THIS WOUND WAS RECEIVED AND

27 BLED INTO THE CHEST CAVITY.

28 Q AND AT SOME POINT DOES BLEEDING INTO THE

40110

1 CHEST CAVITY CAUSE DEATH?

2 A IT CAN.

3 Q WHAT'S THE MECHANISM OF DEATH FROM THAT?

4 A IRREVERSIBLE SHOCK.

5 Q MERELY SHOCK?

6 A SAY IT AGAIN.

7 Q SHOCK DUE TO LOSS OF BLOOD?

8 A YES.

9 Q IS THERE ANYTHING ELSE THAT THE BLOOD IN

10 THE PLEURAL CAVITY CAN DO THAT CAUSES DEATH?

11 A IT CAN RESTRICT THE EXPANSION OF THE

12 LUNG AND ADD SOME ELEMENT OF ASPHYXIATION AS WELL.

13 Q SO YOU CAN SUFFOCATE BECAUSE YOUR LUNGS

14 CAN'T EXPAND BECAUSE THERE'S BLOOD IN THE PLACE

15 WHERE THEY USUALLY EXPAND TO?

16 A CORRECT.

17 Q NOW, ACCORDING TO YOUR REPORT, YOU ARE

18 OF THE OPINION THAT THIS WOUND TO MRS. MENENDEZ'

19 LEFT BREAST WAS ONLY PART OF A SHOT BLAST; IS THAT

20 CORRECT?

21 A YES.

22 Q AND WAS THAT BECAUSE IT ONLY ACCOUNTED

23 FOR 14 PELLETS?

24 A YES.

25 Q AND DID YOU, THEREFORE, ASSOCIATE THAT

26 POTENTIALLY WITH THE WOUND TO MR. MENENDEZ' LEFT

27 ELBOW?

28 A YES.

1 Q AND DID YOU ALSO ASSOCIATE IT WITH THE  
2 WOUND TO HIS LEFT ELBOW BECAUSE HIS LEFT ELBOW  
3 SHOWED A SPREAD PATTERN THAT WAS RELATIVELY WIDE AND  
4 SO DOES THIS LEFT BREAST WOUND?

5 A YES.

6 Q AND DID THE TWO PATTERNS APPEAR TO BE  
7 SIMILAR?

8 A THEY ARE.

9 Q AND DID YOU, THEREFORE, ASSUME THAT ONE  
10 SHOT CAME TOWARDS BOTH VICTIMS AND CAUGHT HIM ON THE  
11 LEFT ELBOW AND HER ON THE LEFT BREAST?

12 A POSSIBLY, YES, MA'AM.

13 Q CAN YOU SHOW ME -- STRIKE THAT.

14 AND IS IT YOUR OPINION THAT THAT BLAST  
15 CAME WHILE BOTH MR. AND MRS. MENENDEZ WERE SEATED ON  
16 THE COUCH?

17 A YES.

18 Q AND CAN YOU SHOW ME -- I'LL BE  
19 MRS. MENENDEZ AND YOU BE MR. MENENDEZ -- HOW THEY  
20 COULD HAVE BEEN SEATED AND HOW THEIR BODIES COULD  
21 HAVE BEEN POSITIONED FOR THEM TO HAVE SHARED THAT  
22 WOUND.

23 A PERHAPS WE CAN DO IT WITH TWO PEOPLE  
24 SEATED ALREADY.

25 Q WE CAN'T. PLEASE LEAVE THE JURY OUT OF  
26 THIS.

27 A HOW ABOUT TWO OF THE ATTORNEYS?

28 Q I THINK THEY WOULD NOT. THEY DON'T WANT

40112

1 TO DO IT. IT'S NOT FAIR TO USE THE OPPOSITION UNDER  
2 THE RULES OF LITIGATION.

3 WHY DON'T WE JUST PRETEND.

4 A I'LL BE MR. MENENDEZ SITTING NEXT TO  
5 YOU.

6 Q AND I'LL BE MRS. MENENDEZ SITTING NEXT  
7 TO YOU.

8 A THE ASSAILANT IS OVER HERE TO OUR LEFT.

9 Q IN YOUR HYPOTHETICAL.

10 A AND THE SHOT STRIKES MY ELBOW AND GOES  
11 INTO YOUR BREAST.

12 Q HOW DOES IT GET PAST THIS PART OF YOUR  
13 BODY, YOUR ARM AND YOUR HAND?

14 A PART OF THE SHOT WENT ON BY. I DON'T  
15 KNOW HOW IT COULD, THOUGH I'M SURE THERE IS A WAY TO  
16 MAKE IT LINE UP.

17 Q SO YOU HAVE TO THRUST YOUR SHOULDER OUT  
18 A LITTLE BIT, RIGHT, AND THEN IT COMES THAT WAY.  
19 AND I'M SITTING HERE AND IT COMES INTO ME LIKE THIS?

20 A MY ARM IS SOMETHING LIKE THAT.

21 Q AND IT WAS COMING THIS WAY?

22 A YES.

23 Q WAS THAT BASED ON WHAT YOU SAW OF  
24 MR. MENENDEZ' ELBOW WOUND? DID IT APPEAR -- WELL,  
25 YOU'VE GOT TO KEEP YOUR HANDS IN ONE POSITION FOR A  
26 MINUTE. WE'VE GOT TO DECIDE WHICH ONE.  
27 DID IT LOOK LIKE IT WAS COMING IN SORT  
28 OF Laterally across his elbow?

40113

1 A I CAN'T SAY.

2 Q YOU CAN'T TELL FROM THAT PATTERN WHAT  
3 DIRECTION THE ELBOW WAS HELD IN, CAN YOU?

4 A NO.

5 Q SO IT SOMEHOW STRUCK HIS ELBOW AND PART  
6 OF THE PELLETS CONTINUED ON INTO ME?

7 A YES.

8 Q COMING FROM A LEFT DIRECTION LIKE THAT?

9 A CORRECT.

10 Q AND MY ARM WAS HERE SOMEWHERE SO IT DID  
11 THAT (DEMONSTRATING)?

12 A YES.

13 Q OKAY. NOW, IN A SCENARIO, DR. LAWRENCE,  
14 NONE OF THAT SHOT ENTERS MR. MENENDEZ' RIGHT ARM THE  
15 WAY WE JUST DEMONSTRATED IT?

16 A THERE WERE SOME INDIVIDUAL PELLET MARKS

17 BELOW THE MAIN DEFECT IN HIS RIGHT ARM THAT COULD  
18 HAVE BEEN FROM THE SAME SHOT.

19 Q THEN LET'S ADD THAT TO OUR SCENARIO SO I  
20 CAN VISUALIZE IT. CAN YOU COME BACK?

21 A (WITNESS COMPLIES.)

22 Q OKAY.

23 A ACROSS HERE HIS ARM IS NEXT TO YOUR  
24 BREAST OR NEAR YOUR ARM, STRIKES THE ELBOW PART OF  
25 IT, HITS THE UPPER FOREARM OF MR. MENENDEZ, AND  
26 ADDITIONAL PELLETS GO ON INTO YOUR BREAST.

27 Q NOW, YOU JUST DEMONSTRATED THAT,  
28 DR. LAWRENCE, WITH US STANDING UP, CORRECT?

40114

1 A YES.

2 Q IT COULD HAVE HAPPENED WITH US STANDING  
3 UP AS FAR AS THE ROUNDS ARE CONCERNED, COULDN'T IT?

4 A YES.

5 Q THANK YOU.

6 NOW, IF I UNDERSTAND YOUR REPORT AND  
7 YOUR TESTIMONY, AND WHAT WE TALKED ABOUT ON THE  
8 TELEPHONE, YOU DO NOT BELIEVE THAT THE INJURY TO  
9 MR. MENENDEZ' UPPER ARM WAS PART OF THAT SAME BLAST  
10 AS YOU BELIEVE INVOLVED HIS LEFT ELBOW, POSSIBLY HIS  
11 LEFT -- HIS RIGHT INNER ARM AND HER LEFT BREAST,



12 CORRECT?

13 A I WOULD DOUBT THAT IT'S CONNECTED.

14 Q YOU DON'T BELIEVE IT'S CONNECTED,

15 CORRECT?

16 A I DON'T THINK SO.

17 Q AND LET ME TAKE THESE DOWN AND GO TO

18 ANOTHER SET.

19 I HAVE ANOTHER PHOTOGRAPH, YOUR HONOR,

20 I'D LIKE TO MARK. I THINK WE'RE AT 215.

21 THE COURT: 216.

22 MS. ABRAMSON: 216. THANK YOU, YOUR HONOR.

23 I WANT TO SHOW YOU 216, WHICH -- LET ME

24 SHOW COUNSEL -- IS A SLIGHT ENLARGEMENT AND CROP.

25 Q DO YOU RECOGNIZE WHAT'S DEPICTED IN 216?

26 A YES. THIS IS THE UPPER ARM OF JOSE

27 MENENDEZ.

28 MS. ABRAMSON: YOUR HONOR, I'M WRITING THE

40115

1 NUMBERS ON SOME OF THE ONES THAT HAVE PREVIOUSLY

2 BEEN MARKED ON THE FRONT OF THE EXHIBIT AS WELL SO

3 THE WITNESS -- FOR THE WITNESS' BENEFIT.

4 THE COURT: AS LONG AS YOU PUT THE SAME

5 NUMBER ON IT.

6 MS. ABRAMSON: I HOPE SO. THAT WOULD BE

7 BAD.

8 OKAY. HERE'S 183. AND I'VE MARKED IT

9 ON THE FRONT.

10 THIS ONE I CAN'T REALLY WRITE ON BECAUSE

11 IT'S ALL PHOTOGRAPH. THIS IS 202.

12 NOW, LET'S START WITH 202, WHICH HAS

13 PREVIOUSLY BEEN SHOWN, AND LET'S PUT UP 216.

14 Q NOW, YOU CAN SEE VERY CLEARLY, CAN'T

15 YOU, ON THOSE TWO PHOTOGRAPHS THE SEPARATE -- THE

16 TWO SEPARATE AREAS OF WOUNDS ON MR. MENENDEZ' UPPER

17 RIGHT ARM, CORRECT?

18 A THERE'S ONE LARGE RAGGED DEFECT AND THEN

19 SEVERAL SMALL SEPARATE PELLET WOUNDS.

20 Q WOULD YOU SHOW THE JURY WHICH ONES YOU

21 THINK MAY HAVE BEEN AFFILIATED WITH THE SAME INJURY

22 THAT OCCURRED TO HIS LEFT ELBOW, AND TO MRS. MENENDEZ'

23 LEFT BREAST?

24 A THESE INDIVIDUAL PELLET WOUNDS HERE NEAR

25 THE FOREARM AT THE VERY LOWER PART OF THE UPPER ARM.

26 Q NOW, IN THIS ARM, AT THE TIME THAT THESE

27 PHOTOGRAPHS WERE TAKEN, THERE IS A VERY DRAMATICALLY

28 BROKEN BONE, CORRECT?

40116

1 A YES.

2 Q AND THE BREAK IS -- THERE'S A PROTRUSION  
3 HERE, IN FACT, OF THAT BONE?

4 A I CAN'T SEE THE BONE PROTRUDING.

5 Q I MEAN, THERE'S A LUMP THAT LOOKS LIKE  
6 THE BONE MAY BE PUSHING OUT THE TISSUE.

7 A THERE IS A FRACTURE DEFORMITY.

8 Q THAT'S NOT THE ELBOW. THAT'S THE UPPER  
9 ARM, CORRECT?

10 A YES.

11 Q THE ELBOW IS DOWN IN HERE SOMEWHERE, IS  
12 IT NOT?

13 A ABOUT TWO INCHES BELOW IT, YES.

14 Q SO THE ELBOW IS THIS LUMP, AND THESE  
15 PELLET -- INDIVIDUAL PELLET DEFECTS ARE REALLY IN THE  
16 -- THIS WHOLE AREA, INNER ELBOW OR A LITTLE BIT  
17 ABOVE IT?

18 A IT'S THE LOWER PORTION OF THE UPPER ARM.

19 Q WELL, THEY ALL COME TOGETHER IN THIS  
20 PART RIGHT HERE, DON'T THEY?

21 A AT THE ELBOW.

22 Q LET'S DO THIS.

23 A WHAT ALL COME TOGETHER?

24 Q THE UPPER ARM AND THE LOWER ARM COME  
25 TOGETHER AT THE ELBOW?

26 A CORRECT.

27 Q LET'S JUST SEE IF I CAN-- YOU CAN HELP  
28 ME. OKAY. THIS IS THE PART WHERE YOU GIVE BLOOD.

1 THAT'S CALLED THE ANTECUBITAL FOSSA, RIGHT?

2 A YES.

3 Q SHOW ME WHERE ON MY ARM THESE INDIVIDUAL  
4 PELLET DEFECTS ARE THAT WE'RE SEEING. GO RIGHT  
5 AHEAD. YOU CAN USE THE BIGGER ONE.

6 A (WITNESS MARKING.)

7 Q SO ABOVE THE ACTUAL MIDDLE PART -- I  
8 DON'T KNOW IF THE JURY CAN SEE. I'LL MARK IT AS AN  
9 EXHIBIT.

10 A PROBABLY A LITTLE HIGHER THAN THAT.

11 Q KEEP GOING.

12 A ABOUT THREE INCHES ABOVE THE ELBOW AT  
13 THIS LEVEL.

14 Q SO YOU'VE MADE A NICE STREAK AND IT'S IN  
15 THIS AREA AROUND THAT LINE?

16 A YES.

17 Q ALL RIGHT. AND THE OTHER WOUND -- THIS  
18 MUCH LARGER DEFECT IS HIGHER UP ON THE ARM THAN --

19 A YES.

20 Q AND BASED ON THE DIFFERENCE IN  
21 APPEARANCE OF THOSE TWO WOUNDS, THEY ARE NOT CAUSED  
22 BY THE SAME BLAST?

23 A I DO NOT THINK THEY ARE.

24 Q ALL RIGHT. NOW, CERTAINLY -- YOU'VE

25 TESTIFIED TO SOME LACK OF CERTAINTY ABOUT WHETHER  
26 THIS LARGE DEFECT IS THE EXIT WOUND OR THE ENTRY  
27 WOUND. BUT YOUR BEST GUESS IS THAT IT'S AN EXIT  
28 WOUND; IS THAT FAIR ENOUGH?

40118

1 A NO. I JUST DON'T KNOW. I DON'T KNOW  
2 WHICH DIRECTION IT WENT.

3 Q ALL RIGHT. YOU KNOW THAT DR. GOLDEN  
4 STATES UNEQUIVOCALLY AND WITH NO HESITATION THAT  
5 THIS IS THE EXIT WOUND, DO YOU NOT?

6 A I THINK HE CHANGED ON THAT.

7 Q NO. I DON'T BELIEVE SO. YOU MAY PERUSE  
8 IF YOU LIKE.

9 A WHAT WOUND NUMBER IS THAT?

10 Q THAT'S -- ON MR. MENENDEZ -- HE WROTE AN  
11 AMENDMENT ON THIS ONE, BECAUSE IN THE PREVIOUS  
12 AUTOPSY REPORT THE WORD "FOREARM" APPEARED IN SOME  
13 PLACES WHERE THE WORD "UPPER ARM" SHOULD HAVE  
14 APPEARED. SO HE WROTE AN AMENDMENT.

15 SO WHY DON'T YOU --

16 THE COURT: AGAIN, WE HAVE THOSE REMARKS OF  
17 COUNSEL THAT ARE NOT EVIDENCE.

18 MS. ABRAMSON: LET ME ASK THE WITNESS.

19 THE COURT: THE REMARK IS STRICKEN.

20 Q BY MS. ABRAMSON: ARE YOU AWARE THAT HE  
21 AMENDED THE REPORT AND CLARIFIED THAT ERROR IN  
22 DESCRIBING PART OF THE UPPER ARM WOUND AS BEING IN  
23 THE FOREARM?

24 MR. CONN: OBJECTION. CALLS FOR A CONCLUSION  
25 ON THE PART OF THE WITNESS.

26 THE COURT: OVERRULED.

27 THE WITNESS: I'D LIKE TO REREAD THE AMENDED  
28 REPORT TO REFRESH MY MEMORY.

40119

1 MS. ABRAMSON: PLEASE DO.

2 THE WITNESS: I THINK HE CALLS THIS ONE  
3 NO. 3.

4 THE WITNESS: YES. HE, IN HIS ORIGINAL  
5 REPORT, HE STATES THAT THE ENTRANCE IS ON THE BACK  
6 OF THE ARM AND THE EXIT IS ON THE FRONT.

7 IN HIS AMENDED REPORT HE DOESN'T CHANGE  
8 THAT.

9 Q BY MS. ABRAMSON: OKAY. SO HE'S NEVER  
10 BEEN INCONSISTENT ABOUT THE ENTRY WOUND BEING AT THE  
11 BACK AND THE EXIT WOUND BEING WHAT WE'RE SEEING IN  
12 THIS PHOTOGRAPH HERE?

13 A YES.

14 Q AND CONSISTENT WITH THAT, YOU'VE SEEN

15 EXHIBIT 183, AND WHAT'S GOING ON IN EXHIBIT 183?

16 A 183 IS A COLOR PHOTOGRAPH SHOWING THE  
17 PATHOLOGIST OR AUTOPSY ASSISTANT HOLDING UP THE ARM,  
18 THE RIGHT ARM OF JOSE MENENDEZ, AND IT SHOWS THE  
19 GAPING PERFORATING WOUND OF THE UPPER ARM. AND IT  
20 ALSO SHOWS A BIT OF THE WOUND ON THE BACKSIDE OF THE  
21 ARM AS WELL, RIGHT WHERE THE POINTER IS.

22 Q THERE'S A PROBE IN THAT ARM, RIGHT?

23 A YES.

24 Q AND TRADITIONALLY, DON'T YOU PROBE THE  
25 ENTRY AND THEN SEE HOW IT GOES THROUGH TO THE EXIT?

26 A YES.

27 Q SO IT APPEARS THAT THIS IS THE CORONER,  
28 DOES IT NOT?

40120

1 A I DON'T KNOW WHO THAT IS. IT COULD BE  
2 THE PATHOLOGIST.

3 Q AND WHAT HE'S DEMONSTRATING IN THIS  
4 PHOTOGRAPH WHERE THE ENTRY IS --

5 MR. CONN: OBJECTION. CALLS FOR SPECULATION.

6 THE COURT: OVERRULED.

7 THE WITNESS: I CAN'T TELL IF HE'S INTENDING  
8 TO DEMONSTRATE THE ENTRY OR EXIT. I JUST DON'T  
9 KNOW.

10 Q BY MS. ABRAMSON: BUT THE PROBE IS  
11 CERTAINLY IN THE PART THAT HE HAS DESCRIBED AS THE  
12 ENTRY WOUND?

13 A YES.

14 Q AS A VERY GENERAL PRINCIPLE, DR. LAWRENCE,  
15 WHEN IT COMES TO SHOTGUN ROUNDS, WHERE INSTEAD OF  
16 SEEING INDIVIDUAL DEFECTS, YOU'RE SEEING A CLOSE  
17 PATTERN, ARE ENTRIES SMALLER THAN EXITS?

18 A IN GENERAL, YES.

19 Q AND IN THIS PARTICULAR WOUND TO THE  
20 UPPER RIGHT ARM, THE ENTRY WOUND, AS DR. GOLDEN  
21 DEFINED IT, IS SMALLER THAN THE EXIT WOUND?

22 A AS FAR AS WE CAN SEE. WE DON'T SEE THE  
23 WHOLE ENTRANCE WOUND IF THAT IS THE ENTRANCE.

24 Q WELL, DIDN'T HE MEASURE AND GIVE  
25 MEASUREMENTS IN HIS REPORT?

26 A YES.

27 Q AND IN THE MEASUREMENTS THE ENTRY ON THE  
28 BACK OF THE ARM IS SMALLER THAN THE EXIT ON THE

40121

1 INSIDE OF THE ARM, CORRECT?

2 A YES.

3 Q NOW, DO YOU UNDERSTAND IN LOOKING AT 123

4 (SIC) -- DO YOU KNOW WHETHER OR NOT THE WOUND AS IT



5 APPEARS THERE IS AFTER IT HAS BEEN DISSECTED?

6 A I DON'T KNOW.

7 Q IT DOES APPEAR, DOES IT NOT, TO BE MUCH  
8 LARGER AND TO GO ALL THE WAY DOWN TO THE ELBOW IN  
9 123 (SIC) AS COMPARED TO 216?

10 A YES. BUT 216 DOESN'T SHOW THE ARM  
11 EXTENDED OUT AND THERE'S PORTIONS THAT COULD BE  
12 HIDDEN. BUT YES, IT DOES APPEAR TO BE BIGGER.

13 Q AND YOU DON'T SEE ON THE LOWER PART  
14 WHERE YOU'D EXPECT TO SEE THESE INDIVIDUAL PELLET  
15 DEFECTS. THEY'RE NOT THERE ANYMORE?

16 A THAT'S A DIFFERENT VIEW.

17 Q BUT IN ANY EVENT, WE'RE DOWN -- THIS IS  
18 THE ELBOW, ISN'T IT?

19 A YES. BUT THE PELLET MARKS THAT YOU'RE  
20 LOOKING FOR WOULD BE JUST ON THE OTHER SIDE.

21 Q PERHAPS, OR PERHAPS IT'S BEEN DISSECTED?

22 A THIS AREA HERE LOOKS AS IF IT HAS BEEN  
23 DISSECTED, THIS LITTLE V-SHAPE AREA. SO THAT'S  
24 PROBABLY WHAT HAPPENED.

25 Q SO THAT WOULD CORRESPOND TO ABOUT HERE?

26 A THAT'S A LITTLE RISKY TO ASSUME THAT.

27 Q BUT IT DOES LOOK LIKE THERE'S BEEN SOME  
28 DISSECTION?

1 A YES.

2 Q NOW, YOU TALKED ABOUT THE POTENTIAL  
3 SIGNIFICANCE OF SCALLOPING, CORRECT?

4 A CORRECT.

5 Q LET'S SEE IF WE CAN SHOW WHAT SCALLOPING  
6 IS.

7 NOW, I'VE GOT THE POINTER. I'LL GIVE  
8 YOU ONE.

9 I'M REMOVING 214 FOR A MOMENT AND  
10 LEAVING IT THERE.

11 WHEN THESE ROUND PELLETS ENTER THE SKIN,  
12 IF THEY ENTER WITH SOME SEPARATION, THEY CAN LEAVE  
13 LITTLE HALF CIRCLES LIKE A COOKIE CUTTER, I THINK IS  
14 THE WAY YOU DESCRIBED IT.

15 A YES.

16 Q AND COULD YOU SHOW, JUST ROUGHLY, WHAT  
17 SCALLOPING WOULD LOOK LIKE IF THE -- NOW, THE  
18 PELLETS HAVE TO BE FAR ENOUGH APART TO NOT BE  
19 ENTERING AS ONE HUGE MASS, RIGHT?

20 A NOT QUITE. IF YOU LOOK AT A MASS OF  
21 PELLETS YOU COULD IMAGINE THAT -- FOR EXAMPLE, THIS  
22 MASS OF PELLETS IS ABOUT THREE TIMES THE DIAMETER  
23 THAT THEY WOULD BE INSIDE THE SHELL. AND YOU CAN  
24 IMAGINE THAT YOU WOULD SEE LITTLE ROUND BUMPS AROUND  
25 THE SURFACE WHERE THE PELLETS WERE. AND SOMETIMES  
26 AS THE SHOT SPREADS YOU MAY END UP WITH A GROUP OF  
27 PELLETS HERE, A GROUP HERE, SOME HERE, SOME  
28 INDIVIDUAL ONES, AND SO FORTH; AND THE WOUNDS MAY

1 HAVE A VARIED APPEARANCE BECAUSE OF THAT.

2       FOR EXAMPLE, LET'S SAY IF A MASS OF  
3 PELLETS LIKE THIS -- WE'LL CALL NO. 2. WE'LL CALL  
4 THIS NO. 1. IF THIS MASS STRUCTURE IS THE SKIN, YOU  
5 MAY END UP WITH A WOUND THAT LOOKS SOMETHING LIKE  
6 THIS. YOU WOULD SEE SEPARATE SATELLITE PELLET MARKS  
7 AROUND THE TOP PART WHERE THE SEPARATE PELLETS --  
8 WHERE A GROUP OF PELLETS HIT, YOU MIGHT SEE A CURVED  
9 OR SCALLOPED APPEARANCE AT THE MARGIN HERE.

10     Q   OKAY. SO LET'S MARK THE WORD "SCALLOP"  
11 AND POINT TO WHAT YOU MEAN BY SCALLOP.

12     A   (WITNESS COMPLIES.) AND THEN WITH  
13 RESPECT TO THIS WOUND HERE --

14     Q   I HAVEN'T ASKED YOU A QUESTION ABOUT  
15 THAT YET. I'M GOING TO. WHY DON'T YOU SIT DOWN A  
16 SECOND AND LET ME KNOW WHERE I'M AT AND THEN I'LL GO  
17 ON.

18       NOW, YOU HAD DESCRIBED IN YOUR TESTIMONY  
19 CONCERNING THIS PARTICULAR WOUND -- I WROTE THE WORD  
20 "SCALLOPS."

21       OKAY. LET ME ASK THIS, FIRST OF ALL. I  
22 THINK I MAY HAVE ASKED THIS BEFORE, YESTERDAY, BUT  
23 I'M NOT SURE.

24           THERE IS NO PHOTOGRAPH THAT WAS MARKED  
25 BY THE PROSECUTION OR THAT WE'VE REFERRED TO YET  
26 THAT SHOWS A STRAIGHT-ON PICTURE OF THE POSTERIOR,  
27 THE BACK PART OF THIS WOUND, CORRECT?

28       A   YES.

40124

1       Q   AND YOU HAD INDICATED THAT THERE'S  
2 SOMETHING THAT YOU SAW BY WAY OF A LINEAR-TYPE  
3 MARK. I SEE. RIGHT. LET'S PUT IT BACK UP SO THE  
4 JURY CAN SEE.

5           THAT IS A LINEAR MARK HERE (POINTING) AT  
6 THE UPPERMOST PART -- IT WOULD REALLY BE HERE ON  
7 THIS OTHER PHOTOGRAPH. IT'S THE UPPERMOST PART OF  
8 THIS WOUND THAT'S LIKE A STRAIGHT LINE, A BRUISE,  
9 CORRECT?

10       A   IT'S ACTUALLY AN ABRASION OR A BRUISED  
11 ABRASION.

12       THE COURT: WHAT ARE YOU REFERRING TO, WHAT  
13 EXHIBIT?

14       MS. ABRAMSON: I'M SORRY, YOUR HONOR. YOU'RE  
15 RIGHT. IT'S 183.

16       Q   THERE'S A LINE THERE. AND THAT LINE,  
17 TO YOU, INDICATED WHAT?

18       A   POSSIBLE BUTTRESS INJURY.

19 Q A BUTTRESS INJURY -- IN FACT, DR. GOLDEN  
20 TALKED ABOUT THIS WOUND AS HAVING A SHORING INJURY.

21 A SAME DIFFERENCE.

22 Q AND WHAT HE MEANT BY THAT WAS THAT IT  
23 APPEARED, BECAUSE THERE IS THIS KIND OF BRUISE ON  
24 THE INSIDE OF THE ARM, THAT THE ARM WAS PRESSED UP  
25 AGAINST SOMETHING WHEN IT WAS SHOT?

26 A I DON'T AGREE WITH THAT. I THINK IT WAS  
27 PROBABLY FROM THE SHIRT SLEEVE. HE HAD A  
28 SHORT-SLEEVED SHIRT ON, AND I THINK THE MARK CAME

40125

1 FROM THE EDGE OF THE SHIRT.

2 Q WITH HIS ARM OUT THE WAY YOU JUST  
3 SHOWED, OR WITH HIS ARM PRESSED AGAINST HIS CHEST?

4 A I DON'T KNOW WHERE HIS ARM WAS.

5 Q WELL, DO YOU SEE ANY SIGNIFICANT  
6 SCALLOPING IN THIS WOUND?

7 A I THINK I DO, AND THAT'S WHAT IS  
8 CONFUSING ME, AND THAT'S THE REASON I CAN'T TELL THE  
9 DIRECTION ON THIS WOUND.

10 Q YOU SEE SOME SCALLOPING RIGHT HERE  
11 (POINTING)?

12 A YES.

13 Q AND THAT'S IN THE SAME AREA, THOUGH, THE

14 SAME PART OF THE ARM AS THESE INDIVIDUAL DEFECTS.

15 A NO, IT'S NOT.

16 Q NO? YOU NEVER SAW -- YOU SAY YOU NEVER

17 SAW A PHOTOGRAPH OF THE BACK OF THE ARM.

18 A NOT A STRAIGHT-ON PHOTOGRAPH.

19 Q WHEN A BODY IS BROUGHT IN TO THE

20 CORONER'S OFFICE, BEFORE THE AUTOPSY IS PERFORMED,

21 IS THE BODY WASHED?

22 A YES.

23 Q AND IS THAT BECAUSE IT'S EASIER TO

24 VISUALIZE WOUNDS IF THE CAKED BLOOD AND DIRT AND

25 DEBRIS IS REMOVED?

26 A YES.

27 Q SO IT IS HARDER TO SEE WOUND PATTERNS,

28 SAY, IN THE SCENE PHOTOGRAPHS IN THIS CASE, THAN THE

40126

1 AUTOPSY PHOTOGRAPHS.

2 A YES.

3 Q HOWEVER, WE DON'T HAVE AN AUTOPSY

4 PHOTOGRAPH THAT SHOWS THAT ELBOW, DO WE -- NOT THE

5 ELBOW -- THE BACK OF THE UPPER ARM.

6 A CORRECT.

7 Q SO I WANT TO SHOW YOU A COUPLE OF SCENE

8 PHOTOGRAPHS THAT ARE VERY BLOODY.

9           THESE ARE ENLARGEMENTS. SHOWING THEM TO  
10 COUNSEL.

11           THIS IS THE SLIGHTLY LESS ENLARGEMENT.  
12 THAT'S THE MORE ENLARGEMENT, SO YOU CAN ORIENT  
13 YOURSELF.

14           DID YOU EVER SEE THOSE PHOTOGRAPHS OR  
15 THE PHOTOGRAPH THAT THOSE ARE AN ENLARGEMENT OF,  
16 WHEN YOU WERE LOOKING THROUGH THE SCENE PHOTOGRAPHS?

17       A   NO.

18       Q   IF I SHOW YOU THE REFERENCE PHOTOGRAPH  
19 FOR THAT -- LET ME SHOW YOU THE REFERENCE PHOTOGRAPH  
20 TO MAKE SURE.

21           THIS IS THE REFERENCE PHOTOGRAPH, THE  
22 ONE THAT WAS -- THAT THE ENLARGEMENT WAS TAKEN FROM.

23           DO YOU KNOW IF YOU EVER SAW THAT ONE  
24 BEFORE?

25       A   YES. I THINK I HAVE SEEN THAT ONE.

26       Q   IT'S HARD TO SEE IN THAT SMALLER ONE.

27       A   THIS IS SO BLOWN UP IT LOOKS MUCH  
28 DIFFERENT. BUT, YES, I THINK I HAVE SEEN THIS ONE.

40127

1       Q   DOES THAT BLOW-UP HELP YOU AT ALL?

2       A   IT'S JUST -- IT'S DIFFICULT. I CAN'T BE  
3 SURE.

4 Q IT DOES APPEAR FROM THE BLOW-UP THAT  
5 THERE ARE AREAS OF SCALLOPING ON THE BACK OF THAT  
6 ARM, DOESN'T IT?

7 A I DON'T SEE THAT. WOULD YOU POINT IT  
8 OUT.

9 Q THIS CURVATURE HERE, THAT AND THIS  
10 CURVATURE, AND THIS LITTLE PIECE HERE.

11 A I'M SORRY. I'M NOT CONVINCED. I GUESS  
12 IT COULD BE. AGAIN, THIS WOUND DEFIES  
13 INTERPRETATION. IT'S JUST A DIFFICULT WOUND.

14 Q DR. GOLDEN SAW THAT WOUND AND HAS  
15 DESCRIBED IT NOW IN BOTH HIS ORIGINAL AND AMENDED  
16 REPORT AS COMING FROM THE BACK TO THE FRONT,  
17 CORRECT?

18 A YES.

19 THE COURT: DID YOU WANT THOSE PHOTOGRAPHS  
20 MARKED?

21 MS. ABRAMSON: YES, I DO, YOUR HONOR.

22 THE COURT: YOU'RE AT 217.

23 MS. ABRAMSON: THEY HAVE A NUMBER ON THE  
24 BOTTOM. AND FOR REFERENCE I'M GOING TO MAKE 2-51  
25 217, AND 2-51A, 218.

26 Q NOW, DR. LAWRENCE, YOU'RE AWARE FROM  
27 DR. GOLDEN'S REPORT THAT HE ASSOCIATES SOME MARKS ON  
28 MR. MENENDEZ' RIGHT CHEST WITH WHAT HE CALLS THIS



1 EXIT WOUND ON THE INNER ARM?

2 A YES.

3 Q AND THOSE MARKS APPEAR -- AGAIN, I HAVE  
4 TO ALWAYS LOOK AT 202, THIS PHOTOGRAPH. THEY APPEAR  
5 IN THESE REDDENED AREAS WITH THE SORT OF STRIPED  
6 SEPARATION ON THE RIGHT CHEST, CORRECT?

7 A YES.

8 MS. ABRAMSON: YOUR HONOR, I'D LIKE TO MARK  
9 THE DIAGRAM THAT THE WITNESS HAS DRAWN TO  
10 DEMONSTRATE SCALLOPING AS --

11 THE COURT: 219.

12 MS. ABRAMSON: -- 219. I WANT TO USE THIS  
13 FOR SOME DEFINITIONS.

14 Q FIRST OF ALL, IS THERE A DIFFERENCE,  
15 DR. LAWRENCE, BETWEEN AN ABRASION AND A CONTUSION?

16 A YES.

17 Q AND WOULD YOU EXPLAIN WHAT AN ABRASION  
18 IS AS COMPARED TO WHAT A CONTUSION IS.

19 A A CONTUSION IS A BRUISE, AND IT MEANS  
20 THAT THERE'S BEEN BLEEDING BENEATH THE SKIN.

21 IT'S DUE TO BLUNT FORCE INJURY.

22 AN ABRASION IS A SCRAPING OFF OF THE  
23 SKIN AND IT'S USUALLY DUE TO SOME SORT OF A GLANCING  
24 BLOW.

25 Q SOMETHING THAT BREAKS THE SURFACE OF THE  
26 SKIN?

27 A IT SCRAPES OFF THE OUTER LAYER OF THE  
28 EPIDERMIS, THE OUTER SURFACE OF THE SKIN, AND IF

40129

1 IT'S A DEEP ABRASION, DISPLAYS BLEEDING.

2 Q AND THAT'S WHAT HAPPENS, FOR EXAMPLE,  
3 WHEN KIDS FALL AND SCRAPE THEIR KNEE?

4 A YES.

5 Q THAT'S AN ABRASION. BUT IF YOU BUMP  
6 THAT KNEE WITHOUT BREAKING THE SKIN, YOU WIND UP  
7 WITH A BRUISE, WHICH IS A CONTUSION?

8 A CORRECT.

9 Q ALL RIGHT. NOW, YOU HAVE REFERRED -- I  
10 GUESS WE DON'T HAVE TO WRITE IT.

11 YOU HAVE REFERRED TO THOSE MARKS ON  
12 MR. MENENDEZ' CHEST AS ABRASIONS; IS THAT RIGHT?

13 A YES.

14 Q IN FACT, THEY'RE CONTUSIONS, AREN'T  
15 THEY? THEY'RE BLEEDING UNDER THE SKIN?

16 A NO. I WOULD DESCRIBE THEM AS BRUSH  
17 ABRASIONS OR CARPET ABRASIONS; THE KIND OF THING YOU  
18 WOULD GET IF YOU SCRAPED YOUR KNEE ALONG THE CARPET.

19 Q THAT'S WHAT YOU THINK THEY ARE?

20 A YES.

21 Q ALL RIGHT. DO YOU SEE ON THAT

22 PHOTOGRAPH, OR ON ANY PHOTOGRAPHS THAT HAVE BEEN  
23 SHOWN TO YOU, ANY EVIDENCE OF ANY SEEPAGE OF BLOOD  
24 OR SERUM OR ANYTHING THAT WOULD INDICATE THAT THE  
25 SKIN WAS SCRAPED IN THAT AREA?

26 A THE MARKS THEMSELVES ARE WHAT I WOULD  
27 DESCRIBE AS DRIED RED-BROWN ABRASIONS.

28 Q WELL --

40130

1 A AND THEY ARE TYPICAL OF SOMEONE WHO HAS  
2 BEEN SCRAPED BY HIS OWN CLOTHING, IF HE FALLS DOWN  
3 ON THE STREET, FOR EXAMPLE, OR HAS A CARPET BURN ON  
4 HIS KNEE, OR SOMETHING LIKE THAT. IT'S A SCRAPING  
5 OFF OF THE SKIN SURFACE WITH ENOUGH INJURY TO LET  
6 SOME BLOOD COME UP FROM BELOW AND MAKE IT TURN SORT  
7 OF DARK RED-BROWN.

8 Q DO YOU SEE SIGNS OF SERUM OR BLOOD,  
9 LIQUID?

10 A YES. THE COLOR OF THE WOUND SHOWS  
11 THERE'S SOME BLOOD MIXED IN THERE.

12 Q THAT'S WHAT YOU THINK YOU SEE?

13 A THAT IS WHAT I SEE.

14 Q OKAY. AND YOUR EXPLANATIONS FOR THIS --  
15 WELL, LET ME ASK YOU THIS: IF THESE WERE NOT  
16 ABRASIONS, IF THESE WERE BRUISES, CONTUSIONS, WOULD

17 YOUR EXPLANATION MAKE ANY SENSE?

18 A THAT THEY ARE FABRIC ABRASIONS FROM THE  
19 CLOTHING? NO.

20 Q IT WOULDN'T MAKE ANY SENSE, WOULD IT?

21 A NO.

22 Q IF, HOWEVER, THEY WERE BRUISES AND I  
23 WERE TO INDICATE HYPOTHETICALLY THAT WHAT HAPPENED  
24 WAS THAT THE RIGHT ARM WAS UP AGAINST THE CHEST,  
25 THAT A SHOT COLUMN CAME IN FROM BEHIND AND THE FORCE  
26 OF THAT COLUMN COMING IN BANGED THE ARM AGAINST THE  
27 CHEST AND CAUSED THOSE CONTUSIONS, WOULD THAT BE  
28 CONSISTENT WITH THERE BEING BRUISES?

40131

1 A THOSE AREN'T CONTUSIONS AND IT DIDN'T  
2 HAPPEN THAT WAY.

3 Q DIDN'T HAPPEN THAT WAY?

4 A NO, MA'AM.

5 Q REMEMBER WE TALKED ABOUT CAVITATION?

6 A YES.

7 Q AND HOW A SHOT COLUMN COMING THROUGH  
8 THAT ARM WOULD PRESS THE TISSUE AND THE SKIN OUT?

9 A THEN A CAVITATION IS A WORD THAT I DON'T  
10 USE. IT'S A WORD THAT YOU BROUGHT UP.

11 Q IT'S A WORD YOU'RE NOT THAT FAMILIAR

12 WITH; IS THAT CORRECT?

13 A I DIDN'T SAY THAT.

14 Q AND THE CONCEPT IS SOMETHING YOU'RE NOT  
15 THAT FAMILIAR WITH; ISN'T THAT CORRECT?

16 A I DIDN'T SAY THAT EITHER. IT'S A TERM  
17 THAT I DON'T USE BECAUSE IT HAS VERY LIMITED  
18 USEFULNESS IN MY SPECIALTY.

19 Q ALL RIGHT. BUT IT HAS A GREAT DEAL OF  
20 USEFULNESS IN THE SPECIALTY OF WOUND BALLISTICS,  
21 DOESN'T IT?

22 A IT'S FREQUENTLY INCORRECTLY USED AND  
23 IT'S THE SUBJECT OF DEBATE AND I WOULD RATHER AVOID  
24 THOSE ISSUES, SO I DON'T USE THE TERM.

25 Q YOU REALIZE THAT DR. GOLDEN'S REPORT  
26 INDICATES THAT HE BELIEVED THAT THOSE INJURIES WERE  
27 CAUSED BY THE PRESSURE OF THE ARM AGAINST THE CHEST,  
28 CORRECT?

40132

1 A I CAN'T BE SURE WHAT HE THOUGHT ABOUT  
2 THOSE WOUNDS.

3 Q WELL, IF I WERE TO TELL YOU THAT THAT'S  
4 WHAT HE'S GOING TO TESTIFY HE THOUGHT ABOUT THOSE  
5 WOUNDS AS A HYPOTHETICAL --

6 A I'D RATHER TALK TO HIM.

7 MR. CONN: OBJECTION. NO FOUNDATION.

8 THE COURT: SUSTAINED. THE ANSWER IS  
9 STRICKEN.

10 Q BY MS. ABRAMSON: YOU'VE HAD THE  
11 OPPORTUNITY TO TALK TO HIM FOR WEEKS. YOU DIDN'T  
12 CHOOSE TO CALL HIM, DID YOU, DR. LAWRENCE?

13 MR. CONN: OBJECTION. IRRELEVANT.

14 THE COURT: SUSTAINED.

15 Q BY MS. ABRAMSON: NOW, YOUR THEORY IS  
16 THAT PELLETS DRAGGED THE SHIRT ACROSS HIS CHEST  
17 SOMEHOW, CORRECT?

18 A YES, MA'AM. THAT'S ONE POSSIBILITY.

19 Q WELL, WHAT'S THE OTHER POSSIBILITY?

20 A SOMEONE COULD HAVE KICKED HIM IN THE  
21 CHEST WITH A GLANCING BLOW WITH A SHOE.

22 Q KICKED HIM IN THE CHEST. HERE'S THE  
23 DOLL FOR MR. MENENDEZ.

24 NOW, IF I'M LOOKING AT THIS DOLL  
25 PROPERLY, IT DEMONSTRATES THAT THE CHEST WALL, EVEN  
26 ON A MAN, IS NOT A FLAT BOARD-LIKE OBJECT.

27 A CORRECT.

28 Q IT CURVES, CORRECT?

40133

1 A YES.

2 Q AND THESE BRUISES -- AND I THINK YOU CAN

3 EVEN SEE IN THIS PICTURE -- THESE MARKS, IF YOU WILL,

4 ARE ON THE ROUNDED SIDE WALL OF THE CHEST.

5 A THEY'RE ON THE RIB CAGE, YES.

6 Q WHICH IS ROUNDED AND TURNS.

7 A YES.

8 Q RIGHT. NOW, WHERE IN YOUR HYPOTHESIS

9 ARE THESE PELLETS THAT CAUSE THIS CLOTHING TO BURN

10 ACROSS HIS CHEST COMING FROM?

11 A AGAIN, AS I STATED YESTERDAY, I'M NOT

12 SURE ABOUT THE DIRECTION OF THIS GUNSHOT WOUND. IT

13 COULD BE EITHER FROM THE FRONT OR FROM THE BACK.

14 Q THE PELLETS ARE COMING FROM THE ARM?

15 A YES. THEY'RE EITHER COMING ACROSS THE

16 BODY FROM THE FRONT, GLANCING AND CATCHING PART OF

17 THE SHIRT AS THEY GO INTO THE ARM AND DRAGGING THE

18 SHIRT FORCEFULLY ACROSS THE SKIN, OR THEY'RE COMING

19 FROM THE BACK OF THE ARM, THROUGH THE ARM, AGAIN

20 CATCHING PART OF THE SHIRT AND MAYBE LESS LIKELY OUT

21 IN FRONT AND DRAGGING IT ON THE SKIN.

22 Q THESE ARE PELLETS OF METAL, CORRECT?

23 A YES.

24 Q FIRED BY A FIREARM?

25 A YES.

26 Q TRAVELING FAST ENOUGH AND WITH

27 SUFFICIENT FORCE TO GO THROUGH SOMEONE'S ARM AND

28 BREAK A BONE, RIGHT?

1 A YES.

2 Q DO YOU THINK THEY MIGHT TEAR THE FABRIC  
3 THAT YOU HAVE THEM PULLING ON?

4 A THEY MIGHT, YES, MA'AM.

5 Q THEY MIGHT. HAVE YOU EVEN LOOKED AT THE  
6 SHIRT TO SEE IF THERE'S ANY FABRIC TEARS IN THE AREA  
7 WHERE THOSE MARKS APPEAR?

8 A NO.

9 Q HAVE YOU SEEN A PHOTOGRAPH OF THE SHIRT?

10 A NO.

11 Q IF I WERE TO SUBMIT TO YOU THAT THERE  
12 ARE NO FABRIC TEARS IN THAT SHIRT ANYWHERE NEAR  
13 EITHER WHERE THE ARM WOUND IS OR WHERE THOSE MARKS  
14 ARE, DOES THAT TELL YOU THERE'S SOMETHING WRONG WITH  
15 YOUR THEORY?

16 A I'D LIKE TO SEE THE SHIRT.

17 Q WELL, YOU COULD HAVE SEEN THE SHIRT,  
18 COULDN'T YOU? DID YOU ASK?

19 MR. CONN: OBJECTION. ARGUMENTATIVE.

20 THE COURT: SUSTAINED.

21 MS. ABRAMSON: YOUR HONOR, I HAVE A  
22 DEMONSTRATIVE TOY I WOULD LIKE TO MARK.

23 THE COURT: HAVE YOU SHOWN IT TO COUNSEL?

24 LET'S DO IT DURING THE RECESS. YOU CAN  
25 SHOW IT TO HIM.



26 WE'LL RESUME AT 3:15.  
27 (A RECESS WAS TAKEN FROM  
28 2:55 P.M. 3:20 P.M.)

40135

1  
2 (PROCEEDINGS WERE HELD IN OPEN  
3 COURT, OUT OF THE PRESENCE  
4 OF THE JURY:)  
5  
6 THE COURT: IS THERE SOMETHING YOU WANTED TO  
7 TALK ABOUT WITHOUT THE JURY?  
8 MS. ABRAMSON: YES, YOUR HONOR. I WANTED TO  
9 USE, FOR THE PURPOSE OF DISPLAYING THE SHIRT, THIS  
10 STUFFED ANIMAL SO THAT I COULD ASK THE -- SO I COULD  
11 ASK THE WITNESS TO DEMONSTRATE THE PULLING-SHIRT  
12 ABRASION. I WANTED A SHIRT THAT WAS BIG ENOUGH SO  
13 THE JURY COULD SEE IT.  
14 I DO NOT INTEND TO MARK THE ANIMAL AS AN  
15 EXHIBIT. THIS BELONGS TO MY SON AND HE'D HAVE A  
16 HEART ATTACK. I JUST WANT TO MARK THE SHIRT. IT  
17 HAS A ROUNDED CHEST WALL, AS YOU CAN SEE. I WANT TO  
18 USE IT AS A DEMONSTRATION FOR THE WITNESS TO  
19 INDICATE HOW HE BELIEVES THESE SHIRT ABRASIONS THAT  
20 HE'S TESTIFIED TO COULD HAVE OCCURRED. THAT'S ALL.

21 THE COURT: DO YOU WISH TO BE HEARD?  
22 MR. CONN: I WOULD OPPOSE THAT. I DON'T  
23 THINK THAT'S AN APPROPRIATE EXHIBIT FOR THIS JURY.  
24 I THINK COUNSEL KNOWS IT. I THINK SHE IS MAKING  
25 THIS OFFER OF PROOF TONGUE IN CHEEK. I DON'T THINK  
26 THAT EITHER THE STUFFED ANIMAL OR EVEN THE SMALL  
27 SHIRT HAS ANY PLACE IN THIS TRIAL.  
28 MS. ABRAMSON: WELL, THE PEOPLE USED THESE

40136

1 LITTLE ANATOMICAL DOLLS THAT DON'T EVEN MOVE  
2 PROPERLY. THEY'VE GOT MARKERS IN THEM THAT THE  
3 WITNESS ADMITS ARE INACCURATE. ALL I WANT HIM TO DO  
4 IS TRY TO DEMONSTRATE A BASIC PROPOSITION. I THINK  
5 IT WORKS BETTER WITH A T-SHIRT, WHICH IS WHAT THE  
6 VICTIM WAS WEARING, RATHER THAN TO HAVE SOMEBODY  
7 WITH A BUTTON SHIRT DO THE DEMONSTRATION. I INTEND  
8 TO HAVE HIM MARK ON THE SHIRT WHERE THE PELLETS  
9 COULD HAVE IMPACTED IT IN SUCH A WAY TO IMPACT THIS  
10 ABRASION.

11 THE COURT: I HAVE NO PROBLEM WITH THE SHIRT,  
12 BUT I DON'T THINK THE USE OF THE DOLL IS  
13 APPROPRIATE. THIS IS A TEDDY BEAR. IT WOULDN'T BE  
14 APPROPRIATE.

15 MS. ABRAMSON: WELL, JUDGE, AS I SAY, I DON'T

16 INTEND TO PUT THE DOLL INTO EVIDENCE.

17 THE COURT: I UNDERSTAND.

18 MS. ABRAMSON: YOU CAN'T DEMONSTRATE ANYTHING  
19 WITH JUST A SHIRT. IT HAS TO BE ON SOMETHING.

20 THE COURT: COME UP WITH SOMETHING ELSE.

21 MS. ABRAMSON: COME UP WITH SOMETHING ELSE.

22 ARE THERE ANY SMALL CHILDREN IN THE ROOM?

23 THE WITNESS: YOU CAN USE ME.

24 MS. ABRAMSON: I CAN'T TAKE THE SHIRT OFF  
25 YOUR BACK, DR. LAWRENCE. THAT WOULD KEEP YOU IN  
26 L.A. TOO LONG.

27 I DON'T UNDERSTAND THE NATURE OF THE  
28 RULING. NO ONE IS GOING TO CLAIM THIS ANIMAL

40137

1 BELONGS TO THE DEFENSE. IT'S NOT GOING TO GO INTO  
2 EVIDENCE. IT'S JUST A MANNEQUIN FOR THE SHIRT.

3 THE COURT: BASICALLY, IT'S FRIVOLOUS.

4 MS. ABRAMSON: OH.

5 THE COURT: THE USE OF IT -- UNDER SECTION  
6 352 OF THE EVIDENCE CODE, THE PROBATIVE VALUE IS  
7 SUBSTANTIALLY OUTWEIGHED BY ITS POTENTIAL FOR  
8 PREJUDICE.

9 MS. ABRAMSON: IT'S FRIVOLOUS.

10 THE COURT: ANYTHING ELSE BEFORE WE PROCEED?

11 LET'S GET THE JURY OUT.

12 MS. ABRAMSON: I DON'T BELIEVE I'LL BE DONE  
13 WITH THE WITNESS TODAY, YOUR HONOR.

14 THE COURT: THAT'S OKAY.

15 (THE JURY ENTERED THE COURTROOM  
16 AND THE FOLLOWING PROCEEDINGS  
17 WERE HELD:)

18

19 THE COURT: THE JURY IS BACK. YOU MAY  
20 CONTINUE YOUR CROSS-EXAMINATION.

21 MS. ABRAMSON: I JUST WANTED TO ASK YOU A  
22 COUPLE OF QUESTIONS BEFORE I ASK YOU TO DO A  
23 DEMONSTRATION FOR ME, DR. LAWRENCE.

24 FIRST OF ALL, IF DR. GOLDEN IS CORRECT  
25 AND THE UPPER ARM INJURY TO MR. MENENDEZ GOES FROM  
26 BACK TO FRONT, CAN YOU ENVISION ANY WAY THAT COULD  
27 HAVE OCCURRED WHILE MR. MENENDEZ WAS SEATED ON THE  
28 COUCH?

40138

1 A YES. HE WOULD HAVE HAD TO HAVE BEEN  
2 SHOT FROM BEHIND.

3 Q FROM BEHIND WHAT?

4 A BEHIND THE COUCH.

5 Q AND ARE THERE ANY HOLES THROUGH THE

6 COUCH?

7 A I DON'T KNOW.

8 Q YOU DON'T KNOW? WELL, LET ME INDICATE  
9 THAT THERE'S BEEN TESTIMONY IN THIS CASE FROM THE  
10 INVESTIGATING OFFICER THAT THERE ARE NO HOLES GOING  
11 THROUGH THE COUCH.

12 MR. CONN: I'M GOING TO OBJECT. CALLS FOR  
13 HEARSAY AND ASSUMES FACTS NOT IN EVIDENCE.

14 MS. ABRAMSON: AS A HYPOTHETICAL.

15 THE COURT: WHY DON'T YOU JUST PHRASE IT IN A  
16 HYPOTHETICAL WAY.

17 Q BY MS. ABRAMSON: LET'S SAY,  
18 HYPOTHETICALLY, THERE ARE NO HOLES GOING THROUGH THE  
19 BACK OF THE COUCH AND -- LET'S SEE. WHERE IS THE  
20 SCENE PHOTOGRAPH?

21 WHEN YOU EXAMINED THE SCENE PHOTOGRAPHS,  
22 DID YOU ALSO HAVE A LIST OF WHERE THE VARIOUS ITEMS  
23 OF BALLISTICS AND EVIDENCE WERE GATHERED FROM IN THE  
24 SCENE?

25 A NO.

26 Q SO DO YOU EVEN KNOW WHAT THE DIRECTION  
27 OF FIRE WAS IN THAT ROOM?

28 A NO.

1 Q LET ME SHOW YOU THIS PHOTOGRAPH THAT  
2 YOU'VE PREVIOUSLY BEEN SHOWN. IT'S EXHIBIT NO. 201.

3 AND THAT SHOWS MR. MENENDEZ SEATED ON  
4 THE COUCH, CORRECT?

5 A YES.

6 Q AND IT SHOWS THE HEIGHT OF THE BACK OF  
7 THE COUCH RELATIVE TO HIS BODY, CORRECT?

8 A YES.

9 Q AND AGAIN, REMINDING YOU OF THE  
10 HYPOTHETICAL, WHICH IS THAT THERE ARE NO BLASTS  
11 THROUGH THE BACK OF THAT COUCH, YOU SEE WHERE HIS  
12 RIGHT ARM IS IN THE PHOTOGRAPH?

13 A YES.

14 Q HE COULD NOT HAVE BEEN IN THAT POSITION  
15 AT THE TIME HE WAS SHOT IF HE WERE SHOT FROM BEHIND  
16 THE RIGHT ARM, COULD HE?

17 A FROM BEHIND THE COUCH, NO.

18 Q SO HOW COULD HE HAVE BEEN SHOT IN THE  
19 BACK OF THE RIGHT ARM. CAN YOU ENVISION ANY  
20 POSITION?

21 A THE ARM WOULD BE HELD UP ABOVE THE LEVEL  
22 OF THE BACK OF THE COUCH, OR PERHAPS RESTING ON THE  
23 BACK OF THE COUCH, OR HE COULD HAVE BEEN LEANING  
24 FORWARDS.

25 Q OR HE COULD HAVE BEEN STANDING UP WITH  
26 HIS BACK TOWARDS THE SHOOTER, COULDN'T HE?

27 A YES.

28 Q SO LET ME SEE. BASED ON YOUR TESTIMONY

1 THUS FAR, WHEN MRS. MENENDEZ RECEIVED THE WOUND TO  
2 THE RIGHT ORBIT AND CHEEK AND NOSE AND FOREHEAD AND  
3 LEFT CHEEK AREA, SHE COULD HAVE BEEN STANDING UP,  
4 CORRECT?

5 A YES.

6 Q WHEN SHE RECEIVED THE WOUND TO THE RIGHT  
7 MANDIBLE, CLAVICLE, RIGHT HAND, RIGHT ARM, SHE COULD  
8 HAVE BEEN STANDING UP?

9 A YES.

10 Q WHEN MR. MENENDEZ RECEIVED THE WOUND TO  
11 THE LEFT ELBOW HE COULD HAVE BEEN STANDING UP?

12 A YES.

13 Q WHEN HE RECEIVED THE WOUND TO THE INNER  
14 RIGHT ARM, THE LOWER WOUND, HE COULD HAVE BEEN  
15 STANDING UP?

16 A YES.

17 Q WHEN MRS. MENENDEZ RECEIVED THE WOUND TO  
18 THE LEFT BREAST, SHE COULD HAVE BEEN STANDING UP?

19 A YES.

20 Q AND WHETHER FRONT TO BACK OR BACK TO  
21 FRONT, WHEN MR. MENENDEZ RECEIVED THE WOUND TO THE  
22 UPPER ARM, HE CERTAINLY COULD HAVE BEEN STANDING UP?

23 A YES.

24 Q I THINK YOU'VE EVEN INDICATED THAT,  
25 DEPENDING ON THE POSITION SHE WAS IN WHEN  
26 MRS. MENENDEZ RECEIVED --

27 A PARDON ME?

28 Q I WAS WAITING FOR THE COUGHING.

40141

1 DEPENDING ON THE POSITION IN WHICH SHE  
2 WAS HOLDING HER LEG WHEN MRS. MENENDEZ RECEIVED THE  
3 WOUND TO -- BELOW THE LEFT KNEE.

4 A ABOVE THE LEFT KNEE SHE THEORETICALLY  
5 COULD HAVE BEEN STANDING UP.

6 Q THOUGH IT WAS AN UNCOMFORTABLE POSITION?

7 A A BIZARRE POSITION. YES, MA'AM.

8 Q BUT POSSIBLE?

9 A YES.

10 Q IF A WOUND HAS WHAT APPEARS TO BE  
11 STRAIGHT TEARS OF THE SKIN AND WAS CAUSED BY A  
12 SHOTGUN, IS THAT MORE LIKELY TO BE AN ENTRY WOUND OR  
13 AN EXIT WOUND?

14 A I DON'T UNDERSTAND WHAT YOU MEAN BY  
15 STRAIGHT.

16 Q INSTEAD OF -- INSTEAD OF SCALLOPING OR  
17 RAGGED EDGES, IF IT LOOKS LIKE THE SKIN HAS SPLIT,  
18 HAS TORN STRAIGHT, IS THAT MORE LIKELY AN EXIT OR



19 ENTRY?

20 A I'D HAVE TO SEE THE WOUND.

21 Q ISN'T THERE A STRAIGHTNESS TO THE TEAR  
22 ON THIS INNER ARM? SEE THIS LINE? ISN'T THAT AN  
23 ABSOLUTELY STRAIGHT TORN PIECE OF SKIN?

24 A THAT'S THE ONE THAT -- WELL, LET ME LOOK  
25 CLOSER AT THAT.

26 THE COURT: AGAIN, WHICH EXHIBIT ARE YOU  
27 REFERRING TO?

28 MS. ABRAMSON: I'M SORRY, YOUR HONOR. 216.

40142

1 THE WITNESS: I WOULD DESCRIBE THAT AS A DOG  
2 EAR OR A FAIRLY STRAIGHT TEAR AT THE EDGE.

3 Q BY MS. ABRAMSON: WHEN SKIN SPLITS ARE  
4 YOU LIKELY TO SEE A STRAIGHT TEAR RATHER THAN A  
5 SCALLOPED ONE?

6 A YES. AND RIGHT NEXT TO THIS TEAR  
7 THERE'S AN AREA THAT LOOKS TO ME LIKE SCALLOPED.

8 Q AND THEN THERE'S THE LINEAR MARK DOWN AT  
9 THE BOTTOM WHICH IS ALONG ANOTHER STRAIGHT TEAR, IS  
10 IT NOT?

11 A WHERE IS THAT?

12 Q THE ONE YOU SHOWED ME IN THE OTHER  
13 PHOTOGRAPH. IT'S NOT IN THAT PHOTOGRAPH. THE

14 ONE --

15 A YEAH. THAT'S ACTUALLY THE TOP AND THAT  
16 IS -- WHAT I WOULD CALL CONTUSED OR BRUISED  
17 ABRASION.

18 Q BRUISED ABRASION? SO NOW WE HAVE A  
19 COMBINATION BRUISE AND ABRASION THERE?

20 A YES.

21 Q I WAS GOING TO ASK YOU NOW TO  
22 DEMONSTRATE SOMETHING WITH MY COLLEAGUE, MR. LEVIN,  
23 WHO'S GOING TO REMOVE HIS JACKET WITH THE COURT'S  
24 PERMISSION. WOULD YOU APPROACH THE WITNESS, MR. LEVIN.

25 COULD I ASK YOU TO TAKE OFF YOUR TIE.

26 COULD HE TAKE OFF HIS TIE?

27 THE COURT: SURE.

28 MS. ABRAMSON: THANK YOU.

40143

1 MR. LEVIN: THAT'S AS FAR AS I'M GOING.

2 MS. ABRAMSON: THAT'S AS FAR AS I'M GOING TO  
3 ASK YOU TO GO.

4 STAND HERE, SIR, EXHIBIT. I WON'T MARK  
5 THIS AS AN EXHIBIT.

6 Q NOW, I WOULD LIKE YOU TO SHOW -- YOU  
7 RECOGNIZE, DO YOU NOT, THAT MR. MENENDEZ WAS WEARING  
8 WHAT APPEARS TO BE A SHORT-SLEEVED OPEN-COLLARED

9 TYPE POLO SHIRT?

10 A YES.

11 Q NOT A SUIT -- A DRESS SHIRT LIKE

12 MR. LEVIN IS NOW WEARING.

13 AND YOU'VE INDICATED THAT YOU BELIEVE --

14 COULD YOU SHOW US, BY THE WAY, ON MR. LEVIN'S BODY

15 WHERE THESE RED MARKS THAT WE CAN SEE IN 202, WHERE

16 THESE RED MARKS APPEAR.

17 A RIGHT ABOUT HERE.

18 Q AND YOU'RE POINTING TO THE SIDE OF THE

19 RIGHT CHEST WALL?

20 A JUST BELOW HIS RIGHT BREAST.

21 Q AND COULD YOU SHOW US WITH MR. LEVIN'S

22 SHIRT HOW YOU BELIEVE THAT THE SHIRT AND THE PULLING

23 OF THE SHIRT -- TURN SLIGHTLY -- CAUSED THESE, WHAT

24 YOU CALL ABRASIONS IN THIS AREA.

25 A I BELIEVE THAT THE SHOT CAUGHT PART OF

26 THE SHIRT IN THIS AREA, AND PULLED VIOLENTLY ACROSS

27 THE SKIN THAT WAY (DEMONSTRATING).

28 Q SO THE SHOT CAUGHT THE SHIRT HERE?

40144

1 A YES.

2 Q AND PULLED IT AND THEN CONTINUED ON INTO

3 THE ARM IS ONE OF YOUR THEORIES?

4       A    YES.

5       Q    WOULD THAT WIND UP WITH THE EXIT WOUND  
6 BEING WHERE IT WAS?

7       A    YES.

8       Q    YOU THINK SO?

9           NOW, I NOTE THAT IT ALSO PULLS THE OTHER  
10 SIDE OF THE SHIRT, DOES IT NOT?

11      A    YES.

12      Q    BUT THERE ARE NO ABRASIONS OR BURN MARKS  
13 ON THE OTHER SIDE OF MR. MENENDEZ' CHEST, ARE THERE?

14      A    NO.

15      Q    AND YOU DON'T KNOW -- YOU'RE TALKING  
16 ABOUT HOW MANY PELLETS, DO YOU THINK?

17      A    I HAVE NO IDEA.

18      Q    WELL, IF THIS IS AN ENTRY WOUND -- DO  
19 YOU KNOW THAT, OR ARE YOU STILL UNDECIDED?

20      A    I'M UNDECIDED.

21      Q    IF IT WERE AN ENTRY WOUND, IT'S RATHER  
22 LARGE, ISN'T IT?

23      A    YES.

24      Q    AND DOESN'T SHOW INDIVIDUAL PELLET  
25 DEFECTS, DOES IT?

26      A    NO.

27      Q    SO IT LOOKS LIKE IT'S A LOT OF BUNCHED  
28 PELLETS GOING THROUGH THERE IF THAT'S AN ENTRY

1 WOUND.

2 A WELL, IT LOOKS AS IF THE SKIN HAS SPLIT  
3 AND -- SO I'M NOT SAYING THAT THE PELLETS WOULD CAUSE  
4 THE WHOLE WOUND. AS I SAY, I DON'T KNOW IF IT'S AN  
5 ENTRY OR AN EXIT WOUND.

6 Q OKAY. FAIR ENOUGH.

7 BUT IF THERE ARE NO TEARS IN THE SHIRT  
8 IN THE AREA WHERE THEY WOULD HAVE TO BE TO SUPPORT  
9 YOUR THESIS, WOULD THAT TEND TO SUGGEST THAT IT'S AN  
10 EXIT WOUND?

11 A I'D LIKE TO SEE THE SHIRT.

12 Q WOULD THAT TEND TO SUGGEST IT'S AN EXIT  
13 WOUND?

14 A IF THERE ARE NO TEARS IN THE SHIRT  
15 ANYWHERE?

16 Q WELL, IF THERE'S NO TEARS IN THE SHIRT  
17 ANYWHERE WHERE IT COULD CAUSE THAT.

18 A I DON'T UNDERSTAND WHAT YOU'RE SAYING.

19 Q WELL, YOU JUST SHOWED WHERE THE TEARS  
20 WOULD HAVE TO BE, SO THEY'D SOMEHOW HAVE TO BE  
21 ADJACENT TO OR NEAR THE HOLE IN THE ARM TO BE  
22 PULLING -- FOR THE PELLETS TO BE PULLING THE SHIRT  
23 TOWARDS THAT HOLE.

24 A YES.

25 Q BY THE WAY, THERE'S NO FABRIC OF ANY  
26 KIND IN THAT WOUND, IS THERE?

27 A NO. NOT THAT I CAN SEE.

40146

1 PELLETS FROM A SHOTGUN IMPACT A SHIRT THEY'RE GOING  
2 TO TEAR RIGHT THROUGH, AREN'T THEY?

3 A THEY SHOULD, YES.

4 Q DON'T YOU THINK THEY'RE GOING TO TEAR  
5 THROUGH SO FAST IT ISN'T GOING TO PULL THE SHIRT AT  
6 ALL, THEY'RE JUST GOING TO PUNCH A WHOLE IN IT?

7 A I HAVE NO IDEA. WE'D HAVE TO DO SOME  
8 TESTS.

9 Q IF THEY PUNCHED THROUGH, THEN IT  
10 WOULDN'T BE PULLING THE SHIRT ACROSS THE CHEST WALL  
11 AND WOULDN'T BE CAUSING THOSE MARKS, RIGHT?

12 A I DON'T UNDERSTAND YOUR QUESTION.

13 Q WELL, IF THE PELLETS COME UP TO THE  
14 SHIRT AND JUST PUNCH A HOLE IN THE SHIRT, YOU HAVE  
15 THIS NOTION THAT SOMEHOW THE PELLETS HAVE LITTLE  
16 HANDS AND THEY GRAB THE SHIRT AND THEY PULL IT.

17 A NO.

18 Q YOU DON'T THINK THAT?

19 A NO.

20 Q OKAY. SO THE PELLETS COMING UP AGAINST  
21 A PIECE OF FABRIC SIMPLY PUNCH HOLES IN IT, THEY'RE  
22 NOT GOING TO PULL THE FABRIC. THEY'RE JUST GOING TO

23 PUNCH HOLES AND GO THROUGH?

24 A MY THEORY IS THEY WOULD PULL THE FABRIC.

25 Q ALL RIGHT. BUT THAT THE PULLED FABRIC

26 WOULD ONLY CAUSE THESE MARKS ON ONE SIDE OF THE

27 CHEST, NOT THE OTHER SIDE, CORRECT?

28 A YES.

40147

1 Q NOW, THERE IS ALSO AN INDIVIDUAL PELLET

2 IN THE STERNUM OF MR. MENENDEZ. DO YOU KNOW THAT?

3 A I SEE IT IN THAT PHOTOGRAPH. IS THIS

4 WHAT YOU'RE REFERRING TO (POINTING), THAT AREA

5 THERE.

6 Q YES.

7 A HOW DO YOU EXPLAIN THAT?

8 A IT COULD COME FROM THE WOUND REGARDLESS

9 OF THE DIRECTION.

10 Q WELL, YOU'RE AWARE THAT DR. GOLDEN

11 INDICATED THAT THIS BLAST PASSED FROM THE BACK OF

12 MR. MENENDEZ' ARM THROUGH THE FRONT OF HIS ARM AND

13 THEN ONE OF THE PELLETS ENTERED THE CHEST.

14 A YES. SEEMS A BIT UNLIKELY GIVEN THE

15 ANGLE.

16 Q WELL, WOULD YOU ADMIT, DR. LAWRENCE,

17 THAT THE NOTION THAT PELLETS WOULD DRAG A PIECE OF

18 MATERIAL TO CAUSE THOSE MARKS IS ALSO RELATIVELY

19 UNLIKELY?

20 A NO.

21 Q OKAY. IF I UNDERSTAND YOUR PREVIOUS

22 TESTIMONY, YOU DO NOT BELIEVE THAT PELLETS PASSED

23 THROUGH MR. MENENDEZ' UPPER RIGHT ARM AND THEN INTO

24 MRS. MENENDEZ' BREAST, CORRECT?

25 A CORRECT.

26 Q YOU RULED THAT OUT COMPLETELY, CORRECT?

27 A TO MY SATISFACTION, YES.

28

40148

1 Q THEN I WANT TO ASK YOU NOW -- WHEN

2 MR. CONN ASKED YOU IF YOU HAD LOOKED OVER THE

3 DIAGRAMS FROM THE ENGINEERING FIRM, DO YOU REMEMBER

4 THAT?

5 A YES.

6 Q AND IF YOU SAW ANYTHING THERE THAT YOU

7 DIDN'T AGREE WITH. REMEMBER THAT?

8 A YES.

9 Q I'M GOING TO SHOW YOU THE DIAGRAM AND

10 ASK YOU THE QUESTION AGAIN.

11 FIRST OF ALL, DURING THE NOON RECESS,

12 AFTER WE CAME BACK, DID YOU COMPARE YOUR SET OF



13 DIAGRAMS THAT YOU HAD RECEIVED WITH THE SET OF

14 DIAGRAMS THAT I SHOWED YOU?

15 A YES.

16 Q AND WERE THEY SLIGHTLY DIFFERENT?

17 A YES.

18 Q AND DID YOU LOOK OVER MY DIAGRAMS AND

19 INDICATE THAT ALTHOUGH THE FURNITURE DIMENSIONS MAY

20 BE DIFFERENT, WITH RESPECT TO THE WOUND INFORMATION

21 THEY WERE THE SAME?

22 A YES.

23 Q I WANT TO SHOW YOU A DIAGRAM --

24 YOUR HONOR, I'D LIKE TO MARK THIS NEXT

25 IN ORDER.

26 THE COURT: 220.

27 Q BY MS. ABRAMSON: DO YOU RECOGNIZE 220,

28 A DIAGRAM THAT HAS THE WORD SHOT.1A ON IT, AS BEING

40149

1 SUBSTANTIALLY SIMILAR TO THE ONE THAT YOU WERE

2 PROVIDED WITH?

3 A YES.

4 Q AND DO YOU UNDERSTAND WHAT IS BEING

5 CONVEYED IN THAT DIAGRAM BY THE GREEN LINE THAT RUNS

6 TO THE RIGHT OF THE LARGER FIGURE -- ACTUALLY, TO THE

7 LEFT OF THE LARGER FIGURE INTO THE SMALLER FIGURE?

8 A IT SHOWS A SHOT STRIKING HIS LEFT ELBOW,  
9 THEN PASSING THROUGH HIS UPPER ARM INTO THE BREAST.

10 Q AND YOU DISAGREE WITH THAT, DON'T YOU?

11 A YES, I DO. AS I SAID BEFORE, I DON'T  
12 BELIEVE IT WENT THROUGH THE ARM, THE UPPER ARM. I  
13 THINK A FEW PELLETS MIGHT HAVE STRUCK THE ARM, BUT I  
14 DON'T THINK IT CAUSED THAT BIG GAPING DEFECT.

15 Q SO WITH RESPECT TO THIS ILLUSTRATION  
16 PREPARED BY FAILURE ANALYSIS, YOU DO NOT AGREE -- THE  
17 MEDICAL FINDINGS DO NOT SUPPORT THIS DIAGRAM,  
18 CORRECT?

19 A NOT 100 PERCENT, NO, MA'AM.

20 Q AND THEY DON'T SUPPORT IT RIGHT HERE,  
21 WHERE IT SHOWS SHOTS GOING THROUGH HIS UPPER ARM AND  
22 INTO HER LEFT BREAST, CORRECT?

23 A YES.

24 Q THERE'S AN OVERHEARD VIEW OF THE SAME  
25 THING, WHICH IS WHAT THEY CALL SHOT.1B, CORRECT?

26 A YES.

27 Q AND ON THIS DIAGRAM I'LL MARK WITH AN X,  
28 AGAIN, THE PART THAT YOU DO NOT AGREE WITH,

40150

1 CORRECT?

2 A YES.

3 THE COURT: DO YOU WANT THAT 221?

4 MS. ABRAMSON: I DO, YOUR HONOR. THANK YOU.

5 Q NOW, I WANT TO TURN TO MR. MENENDEZ'

6 LEFT LEG WOUND.

7 I'M JUST LOOKING FOR THE X RAY

8 PHOTOGRAPH OF THE LEFT LEG.

9 A I THINK I FOUND IT.

10 Q OH, IT'S UP THERE. THAT'S WHY I CAN'T

11 FIND IT.

12 LET'S GO BACK TO THE SCENE PHOTOGRAPH,

13 WHICH IS --

14 (MANNEQUIN FELL OFF WITNESS STAND.)

15

16 MS. ABRAMSON: YOUR BASIC UNBREAKABLE ART

17 DUMMIES.

18 Q OKAY, HERE'S 201 AGAIN, WHICH IS A SCENE

19 PHOTOGRAPH THAT YOU'VE BEEN USING AS A REFERENCE,

20 182, WHICH IS A CORONER'S PHOTOGRAPH OF THE -- OR AN

21 AUTOPSY PHOTOGRAPH OF THE LEG WOUND, AND 176, WHICH

22 IS THE PHOTOGRAPH OF THE X RAY OF MR. MENENDEZ' LEFT

23 LEG. THAT'S THE -- THE BROKEN PART IS THE FEMUR,

24 ISN'T IT?

25 A YES.

26 Q THESE ARE MARKED.

27 COULD YOU DO ME A FAVOR AND PUT YOUR

28 VERSION AWAY, BECAUSE IF THEY GET MIXED UP...

1           OKAY. NOW, THIS IS THE WOUND THAT YOU

2 CLAIM IS POSTMORTEM, CORRECT?

3       A   YES.

4       Q   AND YOU'RE AWARE THAT IN DR. GOLDEN'S

5 AUTOPSY REPORT FROM 1989 AND IN HIS TESTIMONY HE

6 TESTIFIES THAT THIS WOUND IS ANTEMORTEM, BEFORE

7 DEATH.

8       A   YES.

9       Q   WOULD IT BE FAIR TO SAY THIS IS THE AREA

10 OF YOUR GREATEST DISAGREEMENT WITH DR. GOLDEN?

11      A   WELL, NOT REALLY. IT'S -- AS I TRIED TO

12 EXPLAIN EARLIER, IT'S DIFFICULT TO BE SURE ABOUT THE

13 ANTEMORTEM OR POSTMORTEM WITH THESE WOUNDS AND HE

14 DESCRIBED HEMORRHAGE ALONG THE WOUND PATH AND USES

15 THAT TO CONCLUDE THAT IT'S ANTEMORTEM.

16           ON ANOTHER WOUND HE DESCRIBED HEMORRHAGE

17 ALONG THE WOUND PATH AND THEN CHANGED HIS MIND AND

18 DECIDED IT WAS POSTMORTEM.

19      Q   THAT'S REALLY NOT WHAT I ASKED YOU.

20      MR. CONN: OBJECTION. LET HIM FINISH.

21      THE WITNESS: I'M TRYING TO BE RESPONSIVE TO

22 YOUR QUESTION AND TO SAY I DON'T HAVE ANY -- YES, HE

23 CHANGED HIS OPINION, BUT I DON'T THINK HE BASED THAT

24 OPINION ON THE EVIDENCE THAT I USED.

25      MS. ABRAMSON: YOUR HONOR, I'D MOVE TO STRIKE

26 THE ANSWER BASICALLY AS NONRESPONSIVE DEALING WITH A  
27 WOUND I'M NOT TALKING ABOUT.  
28 THE COURT: THE QUESTION HAD TO DO WITH THE

40152

1 MAJOR DIFFERENCE THAT YOU HAD TO DO WITH  
2 DR. GOLDEN. YOUR ANSWER WAS NONRESPONSIVE.  
3 THE WITNESS: I WAS TRYING TO COMPARE IT TO  
4 MY OTHER DISAGREEMENTS, AND THAT'S THE REASON THE  
5 OTHER WOUNDS CAME IN.

6 Q BY MS. ABRAMSON: LET ME DO IT THIS WAY.  
7 YOU'VE INDICATED THAT EVEN YOU CAN'T SAY  
8 FOR SURE THAT THE CHEEK WOUND, WHICH IS THE OTHER  
9 ONE THAT YOU WERE TALKING ABOUT, TO MRS. MENENDEZ  
10 WAS ANTE-, PERI- OR POSTMORTEM, CORRECT?

11 A CORRECT.

12 Q SO DR. GOLDEN, ALTHOUGH HE DESCRIBED  
13 HEMORRHAGE ALONG THAT WOUND PATH, HE ALSO TALKED  
14 ABOUT HOW THE WOUND PATHS INTERSECTED IN THE HEAD,  
15 CORRECT?

16 A YES.

17 Q AND HIS CURRENT THINKING ABOUT REVIEWING  
18 IT WAS EITHER PERI- OR POSTMORTEM, THAT'S THE LEFT  
19 CHEEK WOUND?

20 A YES.

21 Q HE'S NEVER CHANGED HIS OPINION ABOUT  
22 THIS LEFT LEG WOUND, HAS HE?  
23 A NO.  
24 Q THERE IS NO OTHER INJURY TO  
25 MR. MENENDEZ' LEFT LEG AND NO INTERSECTING WOUND  
26 PATH, CORRECT?  
27 A YES, CORRECT.  
28 Q AND HE INDICATED WITH RESPECT TO THIS,

40153

1 THAT HE FOUND HEMORRHAGING ALL ALONG THE WOUND  
2 PATH.  
3 A AS HE DID IN THE OTHER ONE.  
4 Q WELL, I'M NOT ASKING YOU ABOUT THE OTHER  
5 ONE BECAUSE HE DIDN'T KNOW WHICH WAS THE WOUND PATH  
6 IN THE OTHER ONE. THIS ONE THERE'S NO DISPUTE ABOUT  
7 THE WOUND PATH, CORRECT?  
8 THE COURT: ALL RIGHT. LET'S NOT ARGUE. THE  
9 QUESTION IS COMPOUND.  
10 Q BY MS. ABRAMSON: THERE'S NO POSSIBLE  
11 CONFUSION ABOUT THE WOUND PATH IN THIS LEG INJURY  
12 WHERE THERE'S ONLY ONE WOUND, CORRECT?  
13 A YES.  
14 Q ALL RIGHT. AND YOU HAVE SAID IN YOUR  
15 REPORT, IN DISCUSSING -- YOU HAVE AN ENTIRE PARAGRAPH

16 OR TWO DEVOTED TO THE TOPIC OF ANTEMORTEM VERSUS  
17 POSTMORTEM.  
18 YOU SAID:  
19 "ALL THE WOUNDS SHOW VARYING  
20 DEGREES OF HEMORRHAGE ASSOCIATED WITH  
21 THEM AND ALL COULD BE ANTEMORTEM OR  
22 POSTMORTEM -- OR PERIMORTEM," RATHER.  
23 THAT'S WITH RESPECT TO MRS. MENENDEZ,  
24 CORRECT?  
25 A YES.  
26 Q IN ORDER FOR A WOUND TO HAVE A  
27 POSTMORTEM APPEARANCE, IT MUST APPEAR BLOODLESS  
28 COMPARED TO ANTEMORTEM WOUNDS AND TO SHOW NO

40154

1 HEMORRHAGE IN THE TISSUES.  
2 YOU WROTE THAT, CORRECT?  
3 A YES.  
4 Q NOW, DR. GOLDEN, AND NOT YOU, SAW THE  
5 WOUND PATH FOR THAT LEFT LEG, CORRECT?  
6 A YES.  
7 Q AND IN ORDER FOR THERE TO BE BLOOD IN  
8 BLOOD VESSELS, THE HEART HAS TO BE PUMPING.  
9 CAN WE AGREE ON THAT BASIC POSTULATE?  
10 A WOULD YOU REPEAT THE QUESTION.

11 Q IN ORDER FOR THERE TO BE BLOOD IN THE  
12 SMALLEST BLOOD VESSELS IN THE BODY, OKAY, AND FOR  
13 THAT BLOOD TO COME OUT OF THOSE VESSELS, THERE HAS  
14 TO BE A PUMPING HEART; THERE HAS TO BE BLOOD  
15 PRESSURE.

16 A NO.

17 Q SO IT'S YOUR CONTENTION --

18 A AND AS I SAID IN MY REPORT, THE NEXT  
19 SENTENCE, WHEN YOU STOPPED READING, I SAID:

20 "I SHOULD ALSO MENTION THAT IT  
21 IS POSSIBLE FOR POSTMORTEM SHOTGUN  
22 WOUNDS TO HAVE AN ANTEMORTEM  
23 APPEARANCE. THIS IS BECAUSE OF  
24 HYDROSTATIC PRESSURE THAT MAY REMAIN  
25 WITHIN THE CIRCULATORY SYSTEM AFTER  
26 DEATH CAUSING A RATHER FORCEFUL  
27 EXCURSION OF BLOOD INTO THE TISSUES AT  
28 THE TIME OF WOUNDING, THEREBY

40155

1 MIMICKING AN ANTEMORTEM WOUND. THIS  
2 IS THE REASON THESE WOUNDS ARE  
3 DIFFICULT TO INTERPRET."

4 Q WELL, THEY'RE DIFFICULT FOR YOU TO  
5 INTERPRET.



6 MR. CONN: OBJECTION. ARGUMENTATIVE.

7 THE COURT: THAT'S A GRATUITOUS REMARK. THAT  
8 WILL BE STRICKEN.

9 Q BY MS. ABRAMSON: YOU DON'T KNOW IF  
10 DR. GOLDEN HAD ANY DIFFICULTY, DO YOU?

11 A HIS INTERPRETATIONS VARY CONSIDERABLY  
12 FROM TIME TO TIME, AND I WOULD SAY THAT THE MAN HAD  
13 GREAT DIFFICULTY.

14 Q DO YOU HAVE ANY EVIDENCE THAT DR. GOLDEN  
15 HAD ANY DIFFICULTY INTERPRETING THIS WOUND?

16 A NO, NOT THIS PARTICULAR WOUND.

17 Q AND IN -- BY YOUR OWN DESCRIPTION, ONE OF  
18 THE SIGNS THAT A WOUND IS ANTEMORTEM IS IF YOU TRACE  
19 THROUGH THE WOUND PATH ALL THE DAMAGED TISSUE AND  
20 YOU SEE THAT THERE HAS BEEN BLEEDING AND BLOOD  
21 RELEASED IN ALL THAT DAMAGED TISSUE. THAT'S ONE OF  
22 THE METHODS OF DECIDING IT, CORRECT?

23 A YES.

24 Q WHY DOES IT MATTER WHETHER OR NOT  
25 THERE'S BLOOD IN THOSE TISSUES? HOW DOES THAT TEND  
26 TO INDICATE -- JUST SAY TEND FOR THE MOMENT --  
27 ANTEMORTEM?

28 A IF THE HEART IS BEATING, THERE WILL BE A

1 HIGHER PRESSURE OF BLOOD IN THOSE VESSELS THAN THERE

2 IS IF IT'S NOT BLEEDING --

3 Q SO YOU'RE LIKELY --

4 A -- NOT BEATING. BUT AS I SAID BEFORE,

5 EITHER ONE CAN PRODUCE AN APPEARANCE OF HEMORRHAGE.

6 Q SO IT MAKES NO DIFFERENCE -- WHAT YOU'RE

7 SAYING IS HEMORRHAGE ALONG THE WOUND PATH MAKES NO

8 DIFFERENCE; IT CAN'T BE A SIGN OF ANYTHING. IS THAT

9 WHAT YOU'RE SAYING?

10 A IT'S -- THE ABSOLUTE ABSENCE OF

11 HEMORRHAGE IS A GOOD SIGN OF POSTMORTEM. THE

12 PRESENCE OF HEMORRHAGE IS NOT SO RELIABLE.

13 Q BUT IT IS A SIGN OF AN ANTEMORTEM WOUND?

14 A YES.

15 Q NOW, IF I UNDERSTAND YOU CORRECTLY, YOUR

16 MAIN CONTENTION AS TO WHY THIS IS POSTMORTEM IS

17 BASED ON WHAT YOU SEE IN THE SCENE PHOTOGRAPH?

18 A YES, MA'AM.

19 Q AND NOT WHAT DR. GOLDEN SAW IN THE

20 WOUND.

21 A THAT'S RIGHT.

22 Q AND YOU'RE SAYING THAT SINCE THERE ISN'T

23 BLOOD NEAR THAT WOUND IN THE SCENE DIAGRAM, YOU

24 BELIEVE IT'S POSTMORTEM.

25 A IN ESSENCE, YES.

26 Q AND THAT ASSUMES, DOES IT NOT, THAT THE

27 WOUND WAS INFLECTED WHEN MR. MENENDEZ WAS IN THE

28 POSITION AND AT THE LOCATION THAT HE'S SEEN IN THAT

1 SCENE DIAGRAM?

2 A YES, THAT THE LEG MIGHT HAVE BEEN CLOSER  
3 TOGETHER, CLOSER TO THE OTHER LEG.

4 Q BUT YOU DON'T KNOW IF, IN FACT, HE WAS  
5 IN THAT POSITION WHEN HE RECEIVED THAT WOUND TO HIS  
6 LEFT LEG, DO YOU?

7 A WELL, WHAT I'M SAYING IS THAT HE WAS  
8 SEATED IN THAT AREA WHEN HE RECEIVED THAT.

9 Q HOW DO YOU KNOW THAT?

10 A AS FAR AS HIS BODY POSITION.

11 Q DR. LAWRENCE, YOU DON'T KNOW IF HE WAS  
12 IN THAT POSITION WHEN HE RECEIVED THAT WOUND.

13 THAT'S MERELY THE WAY HE WAS FOUND; ISN'T THAT TRUE?

14 MR. CONN: OBJECTION. ARGUMENTATIVE.

15 THE COURT: OVERRULED.

16 Q BY MS. ABRAMSON: ISN'T THAT TRUE?

17 A WHAT I'VE SAID BEFORE OR TRIED TO SAY  
18 BEFORE IS IF HE WERE ELSEWHERE --

19 Q YES.

20 A -- WHEN HE RECEIVED THAT WOUND AND IT WAS  
21 ANTEMORTEM --

22 Q RIGHT.

23 A -- THERE WOULD BE LOTS OF BLOOD AT THAT  
24 LOCATION.

25 Q AND THERE'S LOTS OF BLOOD IN OTHER  
26 LOCATIONS AT THAT SCENE, ISN'T THERE, DR. LAWRENCE?  
27 A THEN HE WOULD SOMEHOW THEN AFTER THAT  
28 SIT DOWN?

40158

1 Q RIGHT.  
2 A AND THEN -- BUT DIE BEFORE HE SAT DOWN;  
3 IS THAT WHAT YOU'RE SAYING?  
4 Q NO, BECAUSE YOU'RE USING THE LACK OF  
5 BLOOD AT THE SCENE TO PROVE POSTMORTEM, RIGHT?  
6 A HE SITS -- AS HE SITS THERE WITH THAT  
7 WOUND, YOU'RE SAYING THAT AT SOME OTHER TIME HE WAS  
8 NOT THERE.  
9 Q RIGHT.  
10 A I'M SAYING --  
11 Q I'M ASKING HYPOTHETICALLY.  
12 A AND HE WAS ALIVE?  
13 Q HYP- --  
14 A THEN SUDDENLY HE BECOMES SEATED AND  
15 DEAD? AND HOW DID THAT HAPPEN?  
16 Q WELL, WE'VE GOT TO BREAK DOWN THE CIRCLE  
17 HERE. OKAY? BEAR WITH ME.  
18 HYPOTHETICALLY, LET'S ASSUME HE IS  
19 STANDING UP AND HE -- AND, YOU KNOW, BY THE WAY, THAT

20 DR. GOLDEN TESTIFIED THAT WHAT HE SAW IN THAT WOUND  
21 AND WHAT HE SAW IN THOSE SCENE PHOTOGRAPHS WAS  
22 ENTIRELY CONSISTENT WITH MR. MENENDEZ STANDING UP  
23 WHEN HE RECEIVED THAT LEG WOUND.

24 YOU REMEMBER THAT, DO YOU NOT?

25 A IF YOU WILL LOOK AT THE PHOTOGRAPH  
26 BELOW, YOU WILL SEE THAT IT'S NOT REALLY CONSISTENT  
27 WITH THAT, BECAUSE WITH THE LEG IN THE STRAIGHT  
28 POSITION, THE SKIN WRINKLES AND THE WOUND TAKES ON

40159

1 AN UNNATURAL APPEARANCE.

2 MS. ABRAMSON: MOVE TO STRIKE AS  
3 NONRESPONSIVE.

4 THE COURT: SUSTAINED. THE ANSWER IS  
5 STRICKEN.

6 Q BY MS. ABRAMSON: I'M TALKING ABOUT  
7 DR. GOLDEN'S TESTIMONY, WHICH YOU DID READ, CORRECT?

8 A YES.

9 Q AND YOU ARE AWARE THAT DR. GOLDEN  
10 TESTIFIED THAT THE WOUND, AS IT APPEARED TO HIM, AND  
11 IN VIEW OF HIS REVIEW OF THE SCENE PHOTOGRAPHS, IT  
12 WAS ENTIRELY CONSISTENT IN HIS MEDICAL OPINION THAT  
13 MR. MENENDEZ WAS STANDING AND ALIVE WHEN HE RECEIVED  
14 THIS LEG WOUND. YOU ARE AWARE OF THAT TESTIMONY?

15 A NO, MA'AM. I DON'T REMEMBER ALL OF

16 THOSE THINGS.

17 I DON'T REMEMBER HIS TALKING ABOUT THE

18 SCENE PHOTOGRAPHS AND THE ALIVE AND ALL OF THAT WITH

19 RESPECT TO THAT QUESTION.

20 Q YOU DON'T RECALL HIS SAYING THAT HE DOES

21 NOT BELIEVE THAT MR. MENENDEZ WAS SEATED ON THE

22 COUCH IN THAT POSITION WHEN HE RECEIVED THAT WOUND?

23 A NO. I'D LIKE TO REVIEW OR SEE THE AREA

24 THAT HE SAYS THAT.

25 Q ALL RIGHT.

26 NOW, LET'S GET BACK TO ANTEMORTEM,

27 POSTMORTEM.

28 I THINK WE HAD ESTABLISHED, TELL ME IF

40160

1 I'M WRONG -- HAVE WE ESTABLISHED THAT YOU CAN'T TELL

2 FROM JUST THE WOUND ALONE, YOU PERSONALLY, WHETHER

3 IT'S ANTEMORTEM OR POSTMORTEM? YOU LOOK TO THE

4 SCENE TO GIVE YOU INFORMATION, CORRECT?

5 A OFTEN THAT'S CORRECT. SOMETIMES YOU CAN

6 TELL, SOMETIMES YOU CAN'T.

7 Q I MEAN HERE, THIS WOUND. I DON'T MEAN

8 IN GENERAL.

9 YOU COULDN'T TELL FROM THIS WOUND ALONE,

10 YOU'VE TOLD US, WHETHER IT WAS ANTEMORTEM OR  
11 POSTMORTEM. YOU LOOKED AT THE SCENE AND THAT'S WHAT  
12 HELPED YOU MAKE UP YOUR MIND?

13 A YES, MA'AM.

14 Q SO I'M GOING TO WRITE "MR. M., LEG  
15 WOUND." THIS ISN'T WORKING WELL. LET ME GET  
16 ANOTHER PEN.

17 ANTE VERSUS POST. YOU KNOW WE MEAN  
18 MORTEM HERE. "CAN'T TELL FROM WOUND." ALL RIGHT?  
19 THAT'S WHERE WE ARE RIGHT NOW.

20 SO THEN YOU LOOK TO THE SCENE, CORRECT?

21 A YES.

22 Q AND YOU TESTIFIED, I BELIEVE, THAT  
23 BECAUSE THERE IS SO LITTLE BLOOD BELOW THE WOUND  
24 THAT IT MUST HAVE BEEN POSTMORTEM, CORRECT?

25 A IN ESSENCE, YES.

26 Q AND THAT ASSUMES, THOUGH, THAT THE LEG  
27 WAS IN THIS POSITION WHEN IT WAS SHOT, WITH HIM  
28 SEATED ON THE COUCH?

40161

1 A SOMEWHERE IN THAT VICINITY.

2 Q WELL, SEATED ON THE COUCH?

3 A THAT HE WAS SEATED ON THE COUCH WHEN HE  
4 WAS SHOT.

5 Q AND IF HE WERE SEATED ON THE COUCH WHEN  
6 HE WERE SHOT AND THERE ISN'T A LOT OF BLOOD, THEN  
7 THAT TENDS TO TELL YOU IT WAS POSTMORTEM, RIGHT?

8 A YES.

9 Q BUT IF HE WASN'T SEATED ON THE COUCH AND  
10 THE BLOOD WENT SOMEWHERE ELSE, THAT DOESN'T HELP YOU  
11 IN YOUR INVESTIGATION AS TO WHETHER IT'S ANTE- OR  
12 POSTMORTEM, DOES IT?

13 A REPEAT THE QUESTION, PLEASE.

14 Q IF HE WERE NOT SEATED ON THE COUCH WHEN  
15 HE RECEIVED THAT INJURY, AND IF THE ABSENCE OF BLOOD  
16 IS EXPLAINED BECAUSE HE WAS SOMEWHERE ELSE AND THE  
17 BLOOD WENT SOMEWHERE ELSE, THEN YOU CAN'T USE THE  
18 LACK OF BLOOD UNDER THAT WOUND AS A BASIS TO DECIDE  
19 IT WAS POSTMORTEM?

20 A NO, BECAUSE THE SCENARIO YOU GAVE  
21 REQUIRES THAT HE THEN -- HE WAS SOMEWHERE ELSE  
22 STANDING, WAS SHOT ANTEMORTEM, THEN DIED AND THEN  
23 BECAME SEATED WHERE HE IS NOW.

24 Q NO, NO. YOU'RE BEGGING THE QUESTION.

25 WELL, LET ME GET TO THE NEXT POINT  
26 THEN.

27 THE SCENE YOU'RE LOOKING AT, "BECAUSE  
28 THERE'S NO BLOOD BELOW" OR "LITTLE BLOOD," OKAY?



1 A CORRECT.

2 Q NOW I THINK WE GET TO THE ASSUMPTION.

3 YOU ARE ASSUMING THAT THE FEMORAL ARTERY  
4 IS DAMAGED, ARE YOU NOT?

5 A OR A MAJOR VESSEL IN THAT AREA.

6 Q OKAY. MAJOR VESSEL DAMAGE.

7 AND YOU ARE ASSUMING MAJOR VESSEL  
8 DAMAGE. AND IF YOUR ASSUMPTION WERE CORRECT AND  
9 THERE WERE MAJOR VESSEL DAMAGE, THEN THERE'D BE A  
10 LOT OF BLOOD COMING OUT OF THIS WOUND, CORRECT?

11 A YES.

12 Q AND EVEN AFTER HE WAS DEAD AND SAT DOWN  
13 THERE'D STILL BE A LOT MORE OOZING THAN WHAT YOU SEE  
14 HERE?

15 A THAT'S POSSIBLE, YES.

16 Q NOW, LET ME ASK YOU A HYPOTHETICAL,  
17 DR. LAWRENCE.

18 I WANT YOU TO ASSUME, HYPOTHETICALLY,  
19 THAT THERE IS NO MAJOR VESSEL DAMAGE, OKAY?  
20 THEREFORE, THERE IS NO REASON TO EXPECT A GREAT DEAL  
21 OF BLEEDING FROM THIS WOUND, OKAY?

22 NOW, CAN YOU NOW DETERMINE IF IT'S  
23 ANTEMORTEM OR POSTMORTEM?

24 A IF THERE WERE NO MAJOR VASCULAR INJURY,  
25 THE ANSWER WOULD BE NO.

26 Q NOW, YOU HAVE INDICATED, WHEN I ASKED  
27 YOU EARLIER -- LET ME READ SOMETHING TO YOU AND SEE

40163

1 "IT HAS BEEN POINTED OUT THAT  
2 BLEEDING FROM A WOUND IN THE SOFT  
3 TISSUE OF THE THIGH RESULTED PRIMARILY  
4 FROM THE RUPTURE OF CAPILLARIES AND  
5 SMALL BLOOD VESSELS. IT HAS BEEN A  
6 MATTER OF FREQUENT OBSERVATION THAT  
7 THE LARGER BLOOD VESSELS, PARTICULARLY  
8 THE ARTERIES, PASSING IN OR NEAR THE  
9 WOUND CAVITY, WERE APPARENTLY  
10 UNDAMAGED. THESE VESSELS ARE VERY  
11 ELASTIC AND THE ASSUMPTION WAS MADE  
12 THAT UNLESS THEY LAY DIRECTLY IN THE  
13 PATH OF THE MISSILE THEY WERE MERELY  
14 BLOWN ASIDE DURING THE EXPANSION OF  
15 THE TEMPORARY CAVITY AND SPRANG BACK  
16 TO THEIR ORIGINAL POSITIONS WITH ITS  
17 COLLAPSE."

18 ARE YOU AWARE OF THAT RESEARCH?

19 A NO. BUT IT SOUNDS REASONABLE.

20 Q AND IT APPEARS IN A 1962 BOOK PUBLISHED  
21 BY THE OFFICE OF THE SURGEON GENERAL, DEPARTMENT OF  
22 THE ARMY, ENTITLED "WOUND BALLISTICS."

23 NOW, LET'S MOVE ON TO THE DIAGRAMS.

24 OH, BY THE WAY, THIS IS AN X RAY OF

25 MR. MENENDEZ' LEFT FEMUR.

26 WHAT IS A COMMINUTED FRACTURE?

27 A IT MEANS BROKEN INTO MANY PIECES.

28 Q THIS MANY PIECES OR THREE?

40164

1 A THREE MAJOR PIECES.

2 Q SO THAT'S NOT MANY PIECES, CORRECT?

3 A WELL, IT DEPENDS ON ONE'S

4 INTERPRETATION. IT'S CERTAINLY SEVERAL.

5 Q TECHNICALLY, THAT'S NOT A COMMINUTED

6 FRACTURE?

7 A NO, I WOULD SAY TECHNICALLY IT'S NOT.

8 Q AND I THINK I'VE ALREADY ASKED YOU

9 THIS: YOU'RE NOT AWARE -- THERE'S NO PELLETS

10 OBSERVABLE ANYWHERE NEAR THE BREAK?

11 A NO. JUST SOME TINY FRAGMENTS OF METAL.

12 Q AND IS IT YOUR BELIEF THAT THAT BONE WAS

13 DIRECTLY HIT BY A PELLET OR PELLETS?

14 A YES.

15 Q THAT'S BECAUSE YOU DON'T KNOW OF ANY

16 OTHER WAY THE BONES CAN BREAK AFTER A GUNSHOT WOUND;

17 IS THAT CORRECT?

18 A WELL, THERE ARE METAL FRAGMENTS  
19 INDICATING THAT THE PELLETS HIT SOMETHING HARD AS  
20 THEY WENT THROUGH STRIPPING OFF SOME OF THE METAL;  
21 AND ALSO AS WE SAID EARLIER, GUNSHOT WOUNDS DON'T  
22 BREAK BONES UNLESS THE BULLETS OR MISSILES ACTUALLY  
23 STRIKE THE BONE.

24 Q THAT'S YOUR BELIEF?

25 A THAT'S MY BELIEF.

26 Q YOU'RE NOT AWARE, THEN, OF RESEARCH DONE  
27 BY OTHER PEOPLE THAT SHOWS THAT BONES BREAK DUE TO  
28 THIS CAVITATION PRESSURE WE'VE BEEN TALKING ABOUT?

40165

1 A I'M NOT AWARE OF SUCH RESEARCH.

2 Q I WANT TO SHOW YOU ANOTHER ONE OF THESE  
3 DIAGRAMS.

4 THIS ONE -- I'M SORRY, JUDGE. WHAT'S  
5 NEXT IN ORDER?

6 THE COURT: 222.

7 MS. ABRAMSON: THANK YOU.

8 Q BY MS. ABRAMSON: THIS ONE IS CALLED  
9 SHOT.4A.

10 DO YOU KNOW WHAT THAT PURPORTS TO BE?

11 A IT SHOWS THE SHOT TO MRS. MENENDEZ'  
12 RIGHT FACE.

13 Q YOU SEE THE WAY THE HEAD IS FACING IN  
14 THAT.

15 A YES.

16 Q THAT'S NOT THE ANGLE THAT YOU BELIEVE  
17 EXISTED, IS IT?

18 A NO.

19 Q SO WITH THE --

20 A IT'S CLOSE. IT'S A LITTLE OFF.

21 Q LET ME SHOW YOU THIS ONE THEN. LOOK AT  
22 4B. LOOK AT THAT ANGLE.

23 A IT'S HARD TO TELL IN 4B HOW HER FACE IS  
24 TURNED.

25 Q WELL, WE ASSUME THAT THE DUMMY WASN'T  
26 MOVED BETWEEN THE TWO SHOTS.

27 A AS I SAY, IT'S HARD TO TELL FROM THIS  
28 VIEW. IT LOOKS AS IF THE DIAGRAM SHOWS THE ANGLE A

40166

1 LITTLE BIT FURTHER OFF TO THE RIGHT THAN MY DOLL  
2 DOES.

3 Q AND THAT'S BOTH OF THEM SHOWING THAT?

4 A YES.

5 Q SO WITH RESPECT TO 4A AND 4B, WOULD IT  
6 BE FAIR TO SAY YOU CANNOT AGREE WITH THIS ANGLE IN  
7 HERE?

8 A I DISAGREE WITH IT SLIGHTLY.

9 THE COURT: DO YOU WANT TO MARK THE OTHER ONE  
10 223?

11 MS. ABRAMSON: I DO, YOUR HONOR.

12 AND I'M GOING TO MAKE A SMALL "X" TO  
13 SHOW YOU DON'T AGREE.

14 Q NOW, LET ME SHOW YOU THESE TWO  
15 DIAGRAMS. I'M GOING TO MARK THEM 224 AND 225.

16 FIRST, I'D ASK YOU TO LOOK AT THEM TO  
17 SEE IF YOU CAN FIGURE OUT WHAT THEY'RE SUPPOSED TO  
18 SHOW.

19 A THEY SHOW KITTY MENENDEZ BEING SHOT IN  
20 THE RIGHT ARM AND UPPER ARM WHILE SHE'S LYING ON HER  
21 BACK ON THE FLOOR.

22 Q OKAY. NOW, UNLIKE YOUR HYPOTHESIS, THIS  
23 DIAGRAM DOES NOT SHOW WHAT YOU DEMONSTRATED, THAT AT  
24 THE TIME SHE -- THIS IS SUPPOSED TO SHOW THE SHOT TO  
25 THE RIGHT FOREARM AND THE SHOT THAT PASSED RIGHT ON  
26 BY AND THEN IMPACTED THE UPPER ARM, CORRECT?

27 A YES.

28 Q AND UNLIKE THE WAY YOU SHOWED IT, THIS

40167

1 DOES NOT SHOW HER HAND UP IN THE CLAVICLE AREA.

2 A WELL, SHE COULD HAVE HAD THE HAND UP IN

3 THE CLAVICLE AREA WHEN THIS SHOT OCCURRED AND THEN  
4 LOWERED THE HAND WHEN THIS OCCURRED.

5 Q THIS ONE COMES IN FIRST?

6 A IT COULD, OF COURSE, THE OTHER WAY  
7 AROUND. THIS ONE CAME FIRST AND THEN THE HAND WENT  
8 UP.

9 Q DOESN'T MATTER TO YOU WHERE THE HAND IS?

10 A DOESN'T MATTER AT ALL.

11 Q EITHER WAY IT'S OKAY?

12 A YES.

13 Q ALL RIGHT. I REMEMBER YOU HAD ALSO -- WE  
14 STARTED OUT IN THE BEGINNING OF YOUR REPORT, YOU  
15 INDICATED THAT IN YOUR HYPOTHESIS, THAT  
16 MRS. MENENDEZ FELL OFF OR ROLLED OFF THE COUCH ON TO  
17 HER RIGHT SIDE. CORRECT?

18 A LET ME SEE THE PHOTOGRAPHS AGAIN TO  
19 REFRESH --

20 Q THESE AREN'T PHOTOGRAPHERS. THIS IS  
21 SOMEBODY ELSE'S CREATION. I CAN SHOW YOU THE  
22 PHOTOGRAPH. THERE'S NO QUESTION SHE WAS ON HER  
23 RIGHT SIDE.

24 A YES. SHE WENT FORWARD OFF THE COUCH AND  
25 THEN DOWN ON TO HER RIGHT SIDE.

26 Q THESE DIAGRAMS DON'T SHOW HER ON HER  
27 RIGHT SIDE, DO THEY?

28 A SHE'S MORE ON HER BACK.

1 Q SHOWS HER BACK IN THESE DIAGRAMS?

2 A YES.

3 Q DO YOU SEE ANYTHING TO SUPPORT THE  
4 CONCLUSION THAT SHE WAS ON HER BACK?

5 A I DON'T KNOW IF SHE WAS ON HER BACK OR  
6 NOT AT SOME TIME DURING THE SHOOTING PROCESS.

7 Q OKAY. YOU CAN'T SAY, THOUGH, BASED ON  
8 YOUR MEDICAL OPINION, THAT YOU CAN AGREE WITH THE  
9 POSITIONING OF THIS BODY AS BEING ON HER BACK, CAN  
10 YOU?

11 A I DON'T UNDERSTAND YOUR QUESTION.

12 Q ALL RIGHT. THERE'S NOTHING IN YOUR --  
13 BASED ON YOUR MEDICAL OPINION, WHICH IS WHY YOU'RE  
14 HERE, UPON WHICH YOU CAN RELY AND SAY THAT SHE WAS  
15 ON HER BACK?

16 A THAT'S CORRECT. I DON'T KNOW IF SHE WAS  
17 ON HER BACK OR NOT. THERE'S NOTHING THAT PERMITS ME  
18 TO DISAGREE OR AGREE WITH THAT.

19 Q I'M GOING TO PUT AN "X" ON HER BACK  
20 POSITION BECAUSE YOU CAN'T SUPPORT THAT POSITION  
21 MEDICALLY, CORRECT?

22 MR. CONN: I'M GOING TO OBJECT TO THAT AS  
23 ARGUMENTATIVE, YOUR HONOR.

24 THE COURT: REPHRASE THE QUESTION.

25 Q BY MS. ABRAMSON: CAN YOU SUPPORT  
26 MEDICALLY, WITH ANY OF THE MEDICAL EVIDENCE, THIS



27 POSITIONING OF MRS. MENENDEZ ON HER BACK AS SHOWN IN

28 224 AND 225?

40169

1 A WE'RE RUNNING INTO A PROBLEM WITH THESE  
2 DIAGRAMS BECAUSE I WANT THE JURY TO UNDERSTAND  
3 CORRECTLY WHAT I'M SAYING IN TERMS OF MY AGREEMENT  
4 OR DISAGREEMENT.

5 Q WELL, WITH 224 AND 225?

6 A WHAT WE'RE DOING IS WE'RE ENDING UP  
7 EXPECTING ME TO BE ABLE TO PROVE WITH MEDICAL  
8 EVIDENCE EVERY ASPECT OF THIS RECONSTRUCTION.

9 Q AND YOU CAN'T, CAN YOU?

10 A OF COURSE I CAN'T.

11 AND WHAT I WANT THE JURY TO UNDERSTAND  
12 IS THERE'S NO MEDICAL EVIDENCE THAT DISPROVES IT.  
13 IT'S IN GENERAL AGREEMENT WITH IT. AND THAT'S ALL  
14 I'M HERE TO SAY.

15 Q WELL, WE'VE ALREADY SHOWN SOME WHERE  
16 YOU'RE NOT IN GENERAL AGREEMENT, CORRECT?

17 A I'D SAY THE MAJOR DISAGREEMENT IS THE  
18 UPPER ARM OF JOSE. I DON'T FEEL THAT IS THE SAME  
19 SHOT THAT GOES ON INTO HER BREAST.

20 Q AND WE DO HAVE AN ANGLE PROBLEM HERE?

21 A THE OTHERS ARE MORE MINOR AND WHAT I

22 CONSIDER INCONSEQUENTIAL DIFFERENCES.

23 Q OKAY. BUT NOBODY WITH ANY GREATER

24 MEDICAL EXPERIENCE THAN YOURS CONTRIBUTED TO THESE

25 AS FAR AS YOU KNOW; ISN'T THAT RIGHT?

26 A I HAVE NO IDEA WHO MADE THOSE UP.

27 Q NOW, WHERE ARE WE NOW ON THIS ONE,

28 DR. LAWRENCE?

40170

1 MR. CONN: OBJECTION. VAGUE.

2 THE COURT: SUSTAINED.

3 Q BY MS. ABRAMSON: I'M SORRY. I SHOULD

4 MAKE A RECORD.

5 I'M SHOWING THE WITNESS TWO CHARTS THAT

6 HAVE THE MARKINGS ON THEM. THE LAST ONE I MARKED

7 WAS 224.

8 THE COURT: 225.

9 MS. ABRAMSON: I MARKED 224 AND 225?

10 THIS ONE SHOULD BE 226, YES, YOUR HONOR.

11 THE COURT: AND THIS IS LABELED SHOT WHAT?

12 MS. ABRAMSON: EIGHT. THIS IS 8A AND 8B.

13 OKAY. TAKE A LOOK AT THOSE TWO.

14 THE WITNESS: THESE SHOW MRS. MENENDEZ,

15 AGAIN, STILL ON HER BACK, RECEIVING THE SHOT TO HER

16 LEFT THIGH GOING IN THE TOP OF THE THIGH AND OUT THE

17 BACK OF THE THIGH.

18 Q YES. THAT'S WHAT I'M ASKING YOU.

19 BY THE TIME THAT WE WERE DONE DISCUSSING  
20 THAT WOUND THIS MORNING, IT APPEARED THAT YOU WERE  
21 RECONSIDERING WHETHER YOU THOUGHT THE TOP WOUND WAS  
22 THE ENTRY VERSUS THE EXIT.

23 MR. CONN: OBJECTION. ARGUMENTATIVE.

24 THE COURT: SUSTAINED.

25 Q BY MS. ABRAMSON: ALL RIGHT. YOU  
26 INDICATED THAT IT MADE SENSE TO YOU THAT THE TOP  
27 WOUND WAS THE EXIT AND NOT THE ENTRY, CORRECT?

28 A IT COULD BE. I JUST DON'T KNOW. IT'S A

40171

1 VERY DIFFICULT ONE TO INTERPRET.

2 Q OKAY. SO YOU CAN'T AGREE, THEN, WITH  
3 THAT ILLUSTRATION, SINCE YOU DON'T KNOW IF THAT  
4 ILLUSTRATION IS CORRECT; IS THAT RIGHT?

5 A AS I'VE SAID BEFORE, I CANNOT PROVE MUCH  
6 OF THE DETAIL OF THIS SCENARIO WITH MEDICAL  
7 EVIDENCE.

8 Q OKAY.

9 A AND I CAN'T DISPROVE ANY OF IT OR VERY  
10 MUCH OF IT.

11 Q THE QUESTION ISN'T WHETHER YOU CAN

12 DISPROVE IT.

13 THE QUESTION IS WHETHER YOU HAVE A  
14 MEDICAL OPINION THAT UNEQUIVOCALLY SUPPORTS WHAT  
15 THIS DIAGRAM SHOWS.

16 AND IF I UNDERSTAND YOU, AM I CORRECT IN  
17 SAYING YOU DO NOT?

18 A NOT ON -- I DO NOT HAVE AN OPINION THAT  
19 THAT UNEQUIVOCALLY SUPPORTS IT.

20 Q THEN I'M PUTTING X'S OVER THAT PART OF  
21 THAT DIAGRAM.

22 HAVE YOU EVER TESTIFIED BEFORE,  
23 DR. LAWRENCE, AS AN EXPERT FOR THE PROSECUTION IN A  
24 CASE WHEN A DIFFERENT CORONER'S OFFICE PERFORMED THE  
25 AUTOPSY AND NO MEMBER OF THAT OFFICE WAS CALLED TO  
26 TESTIFY?

27 MR. CONN: OBJECTION. IRRELEVANT.

28 THE COURT: OVERRULED.

40172

1 YOU CAN ANSWER THE QUESTION.

2 THE WITNESS: I DON'T KNOW. I'VE TESTIFIED  
3 FOR OTHER DISTRICT ATTORNEY'S OFFICES, AND I NEVER  
4 LEARNED WHAT OTHER DOCTORS WERE INVOLVED. SO I  
5 DON'T KNOW.

6 Q BY MS. ABRAMSON: HAS IT EVER HAPPENED

7 THAT -- WHERE YOU HAVE PERFORMED AN AUTOPSY AND A  
8 DISTRICT ATTORNEY FAILED TO CALL YOU AND INSTEAD  
9 CALLED IN A TOTALLY SEPARATE EXPERT?

10 MR. CONN: OBJECTION. IRRELEVANT.

11 THE COURT: SUSTAINED.

12 Q LET ME ASK YOU THIS, DR. LAWRENCE. IT  
13 MAY SOUND SILLY. SHOT PELLETS ARE MADE OF METAL,  
14 CORRECT?

15 A YES.

16 Q AND ARE YOU AWARE OF ANY MEDICAL OR  
17 BIOLOGICAL PROCESS WHEREBY IF SHOT PELLETS GO  
18 THROUGH A HUMAN BEING'S LEGS, THEY SOMEHOW EVAPORATE  
19 ON THE OTHER SIDE?

20 A NO.

21 Q OR DEMATERIALIZE SOMEHOW?

22 A I GET THE POINT.

23 Q OKAY.

24 DID YOU EXAMINE THESE SCENE PHOTOGRAPHS  
25 TO SEE IF MR. MENENDEZ HAD RECEIVED THAT WOUND IN  
26 THE POSITION THAT HE'S SEATED ON THE COUCH, WHETHER  
27 THERE IS ANY DEBRIS WHATSOEVER FROM SUCH A SHOTGUN  
28 WOUND IN A LINE FROM THAT WOUND?

40173

1 A AS I SAID BEFORE, I THINK THE LEG MIGHT

2 HAVE BEEN CLOSER TO THE OTHER LEG AND MY ASSUMPTION  
3 WAS THAT THE SHOT PROBABLY PASSED ON BY.

4 Q BUT IT HAD TO STOP SOMEWHERE.

5 A YES.

6 Q AND DID YOU EXAMINE THE ENTIRE -- THE  
7 CARPET AREA THAT EXTENDS -- THERE ARE PHOTOGRAPHS  
8 THAT SHOW THE REST OF THE CARPET. YOU'RE AWARE OF  
9 THAT, ARE YOU NOT?

10 A I ASSUME THERE ARE. I SAW SOME  
11 PHOTOGRAPHS OF THE SCENE FROM DIFFERENT ANGLES.

12 Q AND DID YOU SEE ANYTHING ON THE  
13 CARPETING, OR IN ANY AREA TO THE LEFT OF  
14 MR. MENENDEZ, THAT LOOKED LIKE WHAT COULD HAVE BEEN  
15 THE DEBRIS, PELLETS, TISSUE, WHATEVER, FROM THAT  
16 WOUND?

17 A I DON'T FEEL COMFORTABLE TESTIFYING  
18 ABOUT SCENE FINDINGS.

19 Q OKAY. YOU'LL LEAVE THAT TO THE  
20 CRIMINALISTS?

21 A YES.

22 Q BUT YOU WILL USE THE PARTICULAR SCENE  
23 FINDING OF ONLY A SMALL POOL OF BLOOD BELOW THAT LEG  
24 TO SUPPORT YOUR POSTMORTEM OPINION, CORRECT?

25 A YES. THAT'S IN THE MEDICAL ARENA.

26 Q ALL RIGHT. APPROXIMATELY HOW MANY  
27 PELLETS, SEPARATE PELLETS, ARE THERE IN A ROUND OF  
28 BIRD SHOT?

1 A I HAVE NO IDEA. IT WOULD BE MORE THAN A  
2 HUNDRED, I WOULD SAY.

3 Q AND THEY'RE VERY TINY, ARE THEY NOT?

4 A THEY'RE QUITE SMALL. THEY VARY FROM  
5 ABOUT AN EIGHTH OF AN INCH OR EVEN SMALLER.

6 Q AND WHEN YOU WERE TALKING ABOUT THE  
7 AUTOPSY X RAY OF MRS. MENENDEZ, THE HEAD VIEW, YOU  
8 TALKED ABOUT A LARGE WHITE AREA.

9 AND YOU BELIEVED THAT THAT SOLID WHITE  
10 WAS CAUSED BY THE PACKING OF ALL THOSE PELLETS IN  
11 THAT AREA?

12 A YES, MA'AM, POSSIBLY.

13 MS. ABRAMSON: IF I COULD HAVE A MOMENT, YOUR  
14 HONOR, I MAY BE EXTREMELY CLOSE TO DONE.

15 Q I JUST WANT TO MAKE SURE I GOT -- YOUR  
16 TESTIMONY BEFORE WAS THAT THE ANGLE ON  
17 MRS. MENENDEZ, OF WHAT WE'VE BEEN CALLING WOUND  
18 NO. 3, THE ONE THAT HIT THE CLAVICLE MANDIBLE, WAS  
19 ALSO HORIZONTAL, CORRECT?

20 A YES.

21 Q AND THE SAME IS TRUE TO THE ONE TO THE  
22 LEFT SIDE OF HER FACE WAS HORIZONTAL?

23 A YES.

24 Q AND THE ONE TO THE RIGHT SIDE OF HER

25 FACE, THE ANGLE WAS HORIZONTAL, NEITHER UPWARD NOR  
26 DOWNWARD?  
27 A YES, MA'AM.  
28 MS. ABRAMSON: I DON'T THINK I HAVE ANYTHING

40175

1 FURTHER UNLESS SOMEONE WANTS TO TELL ME I FORGOT  
2 SOMETHING.  
3 MR. GESSLER?  
4 MR. GESSLER: YOU'RE FINE.  
5 MS. ABRAMSON: I'M FINE.  
6 THANK YOU, DR. LAWRENCE.  
7 THE COURT: REDIRECT?  
8 MR. CONN: YES.  
9  
10 REDIRECT EXAMINATION  
11 BY MR. CONN:  
12 Q SIR, YOU REVIEWED THE CORONER'S REPORT  
13 PREPARED BY DR. GOLDEN IN THIS CASE?  
14 A YES.  
15 Q AND DID YOU NOTE THAT -- I BELIEVE YOU  
16 TESTIFIED EARLIER TODAY THAT HE WAS CONSISTENT IN  
17 REGARD TO HIS DESCRIPTION OF THE WOUND TO JOSE  
18 MENENDEZ' RIGHT ARM?  
19 A YES.



20 Q NOW, IN FACT --

21 A HE WAS CONSISTENT WITH RESPECT TO THE  
22 UPPER ARM WOUND, ENTRANCE VERSUS EXIT.

23 Q OKAY.

24 A THERE WAS SOME CONFUSION BECAUSE HE  
25 INCORRECTLY MENTIONED FOREARM WOUND, WHICH WAS NOT  
26 REALLY INVOLVED, WAS NOT EVEN PRESENT.

27 Q OKAY. DIRECTING YOUR ATTENTION -- DO  
28 YOU HAVE A COPY OF HIS AUTOPSY REPORT WITH YOU?

40176

1 A YES, I DO.

2 Q OKAY. AND DO YOU HAVE THE AUTOPSY  
3 REPORT THAT WAS WRITTEN IN 1989?

4 A YES.

5 Q IS THAT THE ORIGINAL AUTOPSY REPORT?

6 A YES.

7 Q AND SOMETIME LATER DID HE WRITE AN  
8 AMENDMENT TO THAT REPORT?

9 A YES.

10 Q AND CAN YOU TELL US WHEN HE WROTE THAT  
11 AMENDMENT?

12 A SEPTEMBER 25TH, 1995.

13 Q THAT'S APPROXIMATELY SIX YEARS AFTER  
14 THIS REPORT WAS WRITTEN?

15 MS. ABRAMSON: OBJECTION, YOUR HONOR.  
16 LEADING AND ARGUMENTATIVE.  
17 THE COURT: OVERRULED.  
18 THE WITNESS: YES.  
19 Q BY MR. CONN: NOW, DIRECTING YOUR  
20 ATTENTION TO THIS 1989 REPORT, DID HE DESCRIBE THE --  
21 IN REGARD TO HIS RIGHT ARM, JOSE MENENDEZ' RIGHT  
22 ARM, DID HE DESCRIBE AND IDENTIFY BY NUMBER TWO  
23 SEPARATE WOUNDS TO THAT ARM?  
24 A PAGE, PLEASE.  
25 Q YES. LET ME DIRECT YOUR ATTENTION TO  
26 SHOTGUN WOUND NO. 2 AND SHOTGUN WOUND NO. 3.  
27 A WOULD YOU PLEASE REPEAT YOUR QUESTION.  
28 Q YES. DID HE DESCRIBE THE WOUNDS TO THE

40177

1 ARM OF JOSE MENENDEZ AS THE RIGHT ARM OF JOSE  
2 MENENDEZ, AS TWO SEPARATE WOUNDS WHICH HE IDENTIFIED  
3 AND DESCRIBED SEPARATELY?  
4 A YES.  
5 Q OKAY. NOW, SHOTGUN WOUND NO. 2, HOW DID  
6 HE DESCRIBE THAT WOUND OR WHICH WOUND WAS HE  
7 REFERRING TO IN THAT DESCRIPTION?  
8 A WOUND NO. 2 HE SAYS IS A SHOTGUN WOUND  
9 OF THE ANTERIOR UPPER ARM. THAT WOULD BE THE FRONT

10 BICEPS AREA ON THE INSIDE, RIGHT SIDE, AND THE  
11 FOREARM.

12 SO HE DESCRIBED IT AS THIS AREA AND THE  
13 FOREARM.

14 Q LET ME SHOW YOU THE EXHIBIT THAT HAS  
15 BEEN MARKED AS 216.

16 THE WOUND THAT HE DESCRIBED AS SHOTGUN  
17 WOUND NO. 2, DO YOU SEE THAT WOUND DEPICTED IN THE  
18 PHOTOGRAPH MARKED 216?

19 A YES.

20 Q WOULD YOU TELL US -- SHOTGUN WOUND NO. 2.

21 A OH. YES, THIS -- IN MY WAY OF  
22 UNDERSTANDING, HE SAYS THIS IS A SHOTGUN WOUND OF  
23 THE ANTERIOR UPPER ARM AND THE FOREARM, AND I THINK  
24 HE MEANS THIS WOUND HERE.

25 Q IS THAT THE SIX INDIVIDUAL PELLET  
26 DEFECTS?

27 A I THINK HE MAY MEAN THAT THESE ARE THE  
28 FOREARM. I'M NOT SURE. THERE MAY HAVE BEEN

40178

1 CONFUSION, BUT I THINK THIS IS THE WOUND HE'S  
2 TALKING ABOUT.

3 THE COURT: YES.

4 MR. CONN: FOR SHOTGUN NO. 2 --

5 THE COURT: THE JURORS CAN'T SEE.

6 JUROR NO. 9: THERE'S A GLARE.

7 THE COURT: CAN YOU JUST SWING THE EASEL OVER

8 A LITTLE BIT.

9 THE WITNESS: NO HELP?

10 THE COURT: ANY BETTER? A LITTLE MORE.

11 PERHAPS, MR. CONN, YOU CAN MOVE THAT EASEL A LITTLE

12 BIT SO THE JURORS CAN SEE.

13 MR. CONN: YES.

14 Q LET ME MOVE IT DOWN SOMEWHAT.

15 DOCTOR, DOES HE DESCRIBE SHOTGUN WOUND

16 NO. 2 AS CONSISTING OF MULTIPLE PELLET DEFECTS

17 LOCATED 12 INCHES BELOW THE TOP OF THE RIGHT

18 SHOULDER TO -- 12 INCHES BELOW THE TOP OF THE RIGHT

19 SHOULDER TO 17 INCHES?

20 MS. ABRAMSON: EXCUSE ME, YOUR HONOR. THE

21 QUESTION IS VERY CONFUSING. I THINK COUNSEL

22 MISSPOKE.

23 THE COURT: OKAY. DID YOU UNDERSTAND THE

24 QUESTION?

25 THE WITNESS: YES. I WAS READING THE REPORT

26 AT THE TIME HE WAS QUOTING IT. AND HE SAYS THAT THE

27 WOUND CONSISTS OF MULTIPLE PELLET DEFECTS LOCATED

28 FROM 12 INCHES BELOW THE TOP OF THE RIGHT SHOULDER

1 TO 17 INCHES.

2 SO HE'S -- I THINK HE'S REFERRING TO

3 THESE SEPARATE DEFECTS HERE.

4 Q BY MR. CONN: OKAY. DOES HE GO ON TO

5 DESCRIBE SHOTGUN WOUND NO. 2 AS THE INDIVIDUAL

6 PELLET DEFECTS TOTALLING APPROXIMATELY SIX IN

7 NUMBER?

8 MS. ABRAMSON: YOUR HONOR, I'M GOING TO

9 OBJECT TO COUNSEL READING THIS. I DON'T SEE THAT

10 IT'S --- FOR THIS PURPOSE IT'S HEARSAY. IT'S

11 LEADING. AND I DON'T THINK THERE'S A FOUNDATION

12 LAID FOR THIS HEARSAY.

13 THE COURT: OVERRULED.

14 THE WITNESS: HE APPEARS TO BE DESCRIBING

15 THESE PELLET DEFECTS. HE THEN SKIPS TO WOUND

16 NO. 3.

17 Q BY MR. CONN: OKAY. BEFORE WE GO ON TO

18 WOUND NO. 3, I'M JUST ASKING ABOUT WOUND NO. 2.

19 IS THERE ANY DOUBT IN YOUR MIND, FROM

20 READING THE REPORT, THAT DR. GOLDEN DESCRIBED

21 SHOTGUN WOUND NO. 2 AS CONSISTING OF THOSE SIX

22 INDIVIDUAL PELLET DEFECTS?

23 A IN HIS ORIGINAL REPORT THAT'S WHAT HE

24 SAYS.

25 Q OKAY. NOW, SHOTGUN WOUND NO. 3, HOW

26 DOES HE DESCRIBE IT?

27 A HE DESCRIBES IT AS THE ONE ON THE BACK

28 OF THE ARM WHICH WE CAN'T SEE. I'M SORRY. I KEEP

1 POINTING TO THIS AND YOU CAN'T SEE IT. IT'S THE  
2 WOUND ON THE BACK OF THE ARM AND THEN HE SAYS IT  
3 EXITS ON THE FOREARM, PASSING INTO THE FOREARM,  
4 WHICH IS INCORRECT.

5 Q WHERE DOES HE SAY THAT SHOTGUN WOUND  
6 NO. 3 PASSES INTO THE FOREARM?

7 A JUST A SECOND. I'M SORRY. LET ME  
8 CORRECT MYSELF.

9 THIS WOUND IS LOCATED ON THE DORSAL  
10 ASPECT OF THE RIGHT FOREARM. SO HE -- HE SAYS IT'S  
11 ON THE BACK OF THE FOREARM, NOT THE ARM. I'M SORRY.

12 Q OKAY. SO SHOTGUN WOUND NO. 3, ACCORDING  
13 TO DR. GOLDEN, WAS A WOUND ON THE FOREARM OF THE  
14 RIGHT ARM; IS THAT CORRECT?

15 A YES.

16 Q AND DOES HE DESCRIBE AN EXIT WOUND THAT  
17 HE ASSOCIATES WITH SHOTGUN WOUND NO. 3?

18 A HE DOES DESCRIBE AN EXIT LACERATION ON  
19 THE MEDIAL ASPECT OF THE RIGHT UPPER ARM. AND I  
20 THINK HE MUST BE REFERRING TO THIS LARGE GAPING  
21 WOUND ON THE INSIDE OF THE ARM.

22 Q OKAY. BUT DOES HE ATTRIBUTE THAT WOUND  
23 ON THE UPPER RIGHT ARM TO SHOTGUN WOUND NO. 3 AND NO

24 OTHER WOUND?

25 A YES.

26 Q LET ME DIRECT YOUR ATTENTION TO PAGE 6  
27 OF THE AUTOPSY REPORT.

28 DOES HE APPEAR TO MAKE REFERENCE TO

40181

1 SHOTGUN WOUND NO. 2 IN REFERENCE TO THAT PARTICULAR  
2 WOUND TO WHICH YOU ARE NOW REFERRING?

3 A I DON'T UNDERSTAND YOUR QUESTION.

4 Q OKAY. YOU SEE THE PHOTOGRAPH THAT  
5 BEGINS WITH THE WORDS "ALSO CONFIRMING DISTAL  
6 PROXIMAL"?

7 A YES.

8 Q OKAY. CAN YOU TELL US WHAT "DISTAL  
9 PROXIMAL" IS?

10 A FROM THE HAND END OF THE ARM TO THE  
11 SHOULDER END.

12 Q OKAY.

13 A DISTAL IS ON THE HAND END AND PROXIMAL  
14 IS ON THE SHOULDER END.

15 Q OKAY. AND THE CONFIRMATION THAT HE IS  
16 REFERRING TO IN HIS REPORT IS CONFIRMATION THAT THE  
17 ENTRY WOUND TO THE FOREARM WAS A DISTAL PROXIMAL  
18 SHOT; IS THAT CORRECT?

19 MS. ABRAMSON: I'M GOING TO OBJECT TO THAT,  
20 YOUR HONOR. THAT'S NOT WHAT THE REPORT SAYS AND  
21 THIS REPORT WAS CORRECTED AND I THINK THIS IS  
22 MISLEADING THE JURY.

23 THE COURT: HE'S REEXAMINING THE WITNESS AND  
24 HE'S DOING IT IN A PERMISSIBLE WAY.

25 SO OBJECTION OVERRULED.

26 THE WITNESS: THERE'S A LOT OF CONFUSION IN  
27 THE ORIGINAL REPORT AND IT'S BEEN CLEARED UP  
28 SOMEWHAT BY THE ADDENDUM REPORT.

40182

1 Q BY MR. CONN: YES. WHAT I'M ASKING YOU  
2 TO DO, SIR, IS TO IDENTIFY FOR THIS JURY WHAT THAT  
3 CONFUSION WAS AND THEN WE'LL GET TO HOW IT WAS  
4 CLEARED UP IN THE ADDENDUM.

5 LET'S FIRST FOCUS ON THE ORIGINAL  
6 REPORT.

7 DR. GOLDEN DESCRIBED A WOUND BEING AN  
8 ENTRY WOUND TO THE FOREARM OF THE RIGHT ARM; IS THAT  
9 CORRECT?

10 A YES.

11 Q OKAY. AND HE DESCRIBED THE EXIT WOUND  
12 AS BEING WHERE?

13 A ON THE INSIDE OF THE ARM.



14 Q OKAY. SO THE EXIT WOUND HE'S REFERRING  
15 TO, THIS LARGE WOUND WHICH APPEARS HERE IN THIS  
16 PHOTOGRAPH; IS THAT CORRECT?

17 A COULD WE MOVE THE EASEL, ANGLE IT SO  
18 THEY CAN SEE. SOME OF THE JURORS APPARENTLY ARE --  
19 THE COURT: I THINK THEY CAN SEE IT NOW.

20 Q BY MR. CONN: IN THE PHOTOGRAPH 216,  
21 THAT LARGE WOUND HE REFERRED TO AS BEING THE EXIT  
22 WOUND; IS THAT CORRECT?

23 A YES.

24 Q DOESN'T HE ALSO INDICATE IN HIS REPORT  
25 THAT THAT EXIT WOUND COULD BE THE EXIT WOUND TO  
26 SHOTGUN WOUND NO. 2?

27 A YES.

28 Q AND SHOTGUN WOUND NO. 2, YOU JUST TOLD

40183

1 US, IS WHAT HE DESCRIBED AS BEING THE SIX INDIVIDUAL  
2 SHOTGUN PELLETS WHICH ALSO APPEAR IN THIS  
3 PHOTOGRAPH; IS THAT CORRECT?

4 A YES.

5 Q SO 1989, WHEN DR. GOLDEN WROTE THIS  
6 REPORT, HE INDICATED THAT THESE SIX INDIVIDUAL  
7 PELLETS MIGHT BE THE ENTRY AND THAT LARGE WOUND  
8 MIGHT BE THE EXIT; IS THAT CORRECT?

9 A YES.

10 Q OKAY. NOW, FROM 1989 UNTIL 1995, DID  
11 YOU SEE ANY CHANGE IN OPINION FROM DR. GOLDEN  
12 CONCERNING THE ENTRY AND THE EXIT WOUND TO THAT  
13 ARM?

14 A YES.

15 Q AND WHEN AND HOW DID HE CHANGE HIS  
16 OPINION CONCERNING THE ENTRY AND THE EXIT TO THAT  
17 PARTICULAR WOUND?

18 MS. ABRAMSON: YOUR HONOR, I'M GOING TO  
19 OBJECT TO THE QUESTION UNDER 352 BECAUSE THIS  
20 WITNESS WAS NOT GIVEN HIS TESTIMONY IN THE TRIAL.

21 THE COURT: WELL, I THINK THE REFERENCE IS TO  
22 THE REPORTS ONLY. IS THAT CORRECT, MR. CONN?

23 MR. CONN: THAT IS CORRECT, YOUR HONOR.

24 THE COURT: YOU'RE NOT REFERRING TO WHATEVER  
25 DR. GOLDEN TESTIFIED TO IN THE TRIAL?

26 MR. CONN: THAT IS CORRECT, YOUR HONOR.

27 THE WITNESS: HE AMENDS HIS DESCRIPTION OF  
28 THE WOUNDS AS FOLLOWS, AND THIS IS THE WAY HE WANTS

40184

1 TO CHANGE IT:

2 "SHOTGUN WOUND OF THE RIGHT

3 UPPER EXTREMITY, DORSAL ASPECT THROUGH

4 AND THROUGH, EXIT ON MEDIAL ASPECT OF

5 UPPER ARM."

6 SO NOW HE'S SAYING THAT WE'RE DEALING

7 WITH AN ENTRANCE ON THE BACK OF THE ARM AND AN EXIT

8 ON THE INSIDE FRONT OF THE ARM.

9 Q BY MR. CONN: AND WHEN, SIR, DID HE MAKE

10 THAT CHANGE?

11 A THIS YEAR.

12 Q OKAY. SIX YEARS AFTER HE DESCRIBED THAT

13 WOUND, THAT IS GUNSHOT WOUND NO. 2, AS POSSIBLY

14 BEING THE ENTRY FOR THE EXIT THAT APPEARS IN THAT

15 PHOTOGRAPH, IT'S YOUR UNDERSTANDING THAT HE THEN

16 CHANGED HIS OPINION AND NOW ATTRIBUTED THE ENTRY TO

17 ANOTHER LOCATION IN THE ARM; IS THAT CORRECT?

18 MS. ABRAMSON: YOUR HONOR, I'M GOING TO

19 OBJECT TO THE QUESTION. NUMBER ONE, IT'S

20 ARGUMENTATIVE; AND NUMBER TWO, IT IGNORES HIS

21 TESTIMONY.

22 THE COURT: WELL, IT'S ARGUMENTATIVE AS

23 PHRASED.

24 OBJECTION SUSTAINED.

25 Q BY MR. CONN: DID YOU SEE ANY CHANGES IN

26 ANY REPORTS FROM DR. GOLDEN BETWEEN 1989 AND 1995

27 WHEN HE DECIDED TO CHANGE HIS REPORT?

28 A NO.

1 MS. ABRAMSON: OBJECTION, YOUR HONOR. IT'S  
2 ARGUMENTATIVE AND ASSUMES FACTS NOT IN EVIDENCE.

3 THE COURT: OVERRULED.

4 THE WITNESS: NO.

5 Q BY MR. CONN: NOW, LET ME SHOW YOU THE  
6 PHOTOGRAPH THAT HAS BEEN MARKED 183.

7 NOW, THIS PHOTOGRAPH ALSO DEPICTS THAT  
8 SAME LARGE WOUND TO THE UPPER RIGHT ARM THAT WE ARE  
9 TALKING ABOUT; IS THAT CORRECT?

10 A YES.

11 Q NOW, DOES THAT PHOTOGRAPH ALSO DEPICT  
12 WHAT DR. GOLDEN IS NOW DESCRIBING AS THE ENTRY  
13 WOUND?

14 A YES, WHERE THE PROBE IS.

15 Q OKAY. SO NOW IN 1995 DR. GOLDEN IS  
16 SAYING THIS IS THE ENTRY, CORRECT?

17 A YES.

18 Q NOW, HOW DID DR. GOLDEN DESCRIBE THAT  
19 BACK IN 1989?

20 A THE ENTRY?

21 Q THAT IS WHAT HE IS NOW REFERRING TO AS  
22 POSSIBLY THE ENTRY.

23 MS. ABRAMSON: I'M GOING TO OBJECT TO THE  
24 FORM OF THE QUESTION, YOUR HONOR. IT'S -- IT  
25 MISSTATES THE EVIDENCE AND IT ASSUMES OTHER FACTS  
26 THAT ARE NOT IN EVIDENCE AND IT'S ARGUMENTATIVE.

27 THE COURT: ALL RIGHT. OVERRULED WITH A

28 CLARIFICATION.

40186

1 YOU'RE ASKING HIM HOW HE DESCRIBED IT IN  
2 HIS ORIGINAL REPORT.

3 MR. CONN: YES, YOUR HONOR.

4 THE WITNESS: I CAN'T REALLY TELL.

5 Q BY MR. CONN: DO YOU SEE ANYWHERE IN THE  
6 DESCRIPTION OF SHOTGUN WOUND NO. 3, IN THE 1989  
7 REPORT, WHERE HE EVEN RECOGNIZES THAT THAT WOUND  
8 EXISTS?

9 MS. ABRAMSON: I'M GOING TO OBJECT TO THE  
10 FORM OF THE QUESTION AS WELL AS TO WHAT DR. GOLDEN  
11 RECOGNIZES OR DOESN'T RECOGNIZE.

12 THE COURT: REPHRASE THE QUESTION.

13 MR. CONN: YES.

14 Q IN THE 1995 AMENDMENT HE DESCRIBES THAT  
15 ENTRANCE WOUND AS BEING A RAGGED ENTRANCE DEFECT  
16 APPROXIMATELY TWO INCHES IN MAXIMAL DIAMETER; IS  
17 THAT CORRECT?

18 A YES.

19 Q NOW, DO YOU SEE, GOING BACK TO THE 1989  
20 REPORT, WHILE HE IS DESCRIBING SHOTGUN WOUND NO. 3,  
21 DO YOU SEE ANY REFERENCE TO A TWO-INCH ENTRANCE

22 DEFECT?

23 A NO. THAT WOUND IS NOT DESCRIBED IN THE  
24 ORIGINAL AUTOPSY REPORT.

25 Q SO THE WOUND THAT HE IS NOW DESCRIBING  
26 IN 1995 AS BEING THE ENTRANCE, HE DIDN'T EVEN  
27 RECOGNIZE BACK IN 1989?

28 MS. ABRAMSON: OBJECTION. ARGUMENTATIVE.

40187

1 THE COURT: REPHRASE IT WITHOUT USE OF THE  
2 WORD "RECOGNIZE."

3 MR. CONN: YES.

4 MS. ABRAMSON: AND "EVEN," YOUR HONOR.

5 Q BY MR. CONN: THE WOUND THAT HE IS NOW  
6 DESCRIBING AS BEING THE ENTRANCE, IN 1995, IS THERE  
7 ANY INDICATION IN HIS ORIGINAL REPORT THAT HE NOTED  
8 THAT WOUND?

9 A HE DID NOT DESCRIBE IT.

10 Q INSTEAD, HE DESCRIBED SOME WOUND TO THE  
11 FOREARM AS BEING THE ENTRANCE WOUND?

12 A YES, A WOUND THAT DIDN'T EXIST.

13 Q A WOUND THAT DIDN'T EXIST.

14 A YES.

15 Q NOW, IN 1995 WHAT DOES HE SAY ABOUT THE  
16 WOUND TO HIS FOREARM --

17 MS. ABRAMSON: YOUR HONOR, I'M GOING TO  
18 OBJECT WITH RESPECT TO COUNSEL'S DEemeanOR AS WE  
19 PREVIOUSLY NOTED TO THE COURT.

20 THE COURT: OVERRULED.

21 Q BY MR. CONN: IN 1995 WHAT DID HE SAY  
22 ABOUT THAT WOUND TO THE FOREARM WHICH BACK IN 1989  
23 HE HAD REFERRED TO AS THE ENTRANCE WOUND?

24 A HE DOESN'T REALLY ACCOUNT FOR IT. I  
25 THINK HE -- HE MADE A MISTAKE AND I THINK HE  
26 CORRECTED IT WHEN HE SAW THE PICTURES AND DISCUSSED  
27 IT AT A LATER TIME WITH SOMEONE.

28 YOU KNOW, I DON'T FAULT THIS. THESE

40188

1 AUTOPSIES ARE EXTREMELY DIFFICULT AND IT'S ALMOST  
2 IMPOSSIBLE TO REMEMBER EVERY DETAIL OF EVERY WOUND  
3 WHEN YOU'RE TRYING TO DICTATE YOUR FINAL REPORT, AND  
4 SOMETIMES YOU HAVE TO GO BACK LATER AND LOOK AT THE  
5 PHOTOGRAPHS AND SAY, GEE, I SHOULD SAY IT  
6 DIFFERENTLY. THAT'S WHAT HAPPENED.

7 BUT IT IS VERY -- IT IS ADMITTEDLY A VERY  
8 CONFUSING SITUATION. THESE ARE DIFFICULT WOUNDS.

9 Q IS THAT THE ONLY MISTAKE THAT YOU NOTED  
10 IN THE REPORTS OF DR. GOLDEN?

11 A WELL, I WOULDN'T -- I WOULDN'T REALLY

12 CHARACTERIZE ANY OF THESE AS MISTAKES.

13 I MEAN, THEY ARE ERRORS, BUT IT'S JUST

14 THE NATURE OF THE GAME. IT'S -- IT'S TOUGH TO DO

15 CASES LIKE THIS AND TO BE EXACTLY CONSISTENT, JUST

16 AS IT IS TOUGH TO MAKE THESE DOLLS AND HAVE THEM FIT

17 EXACTLY THE PHOTOGRAPHS WHEN THEY -- WHEN THEY'RE

18 SCRUTINIZED AT THE LOWEST LEVEL OF DETAIL. IT'S

19 JUST DIFFICULT.

20 Q THE QUESTION, SIR, WAS: WAS THAT THE

21 ONLY DISCREPANCIES THAT YOU OBSERVED IN THE REPORTS

22 OF DR. GOLDEN?

23 A THERE WERE OTHERS.

24 Q WHICH OTHERS DID YOU NOTE?

25 A I CAN'T -- THEY'RE VERY MINOR AND I

26 CAN'T -- I CAN'T EVEN RECALL THEM NOW. THEY DID NOT

27 REALLY AFFECT MY OPINIONS.

28 Q WELL, YOU SAW NO MEDICAL OPINION FOR

40189

1 DR. GOLDEN TO CHANGE HIS OPINION THAT THE WOUND TO

2 THE CHEEK OF KITTY MENENDEZ WAS A POSTMORTEM WOUND

3 AS OPPOSED TO AN ANTEMORTEM WOUND; IS THAT CORRECT?

4 MS. ABRAMSON: OBJECTION. ARGUMENTATIVE.

5 THE COURT: SUSTAINED.

6 MS. ABRAMSON: LEADING.



7 THE COURT: OBJECTION SUSTAINED.

8 MS. ABRAMSON: THANK YOU.

9 Q BY MR. CONN: DID YOU SEE ANY MEDICAL  
10 BASES -- WELL, CAN YOU TELL US WHEN WAS IT THAT  
11 DR. GOLDEN DECIDED THAT THE WOUND TO KITTY MENENDEZ'  
12 CHEEK MIGHT HAVE BEEN POSTMORTEM RATHER THAN  
13 ANTEMORTEM?

14 MS. ABRAMSON: OBJECTION, YOUR HONOR. IT'S  
15 BEYOND HIS PERSONAL KNOWLEDGE WHEN DR. GOLDEN --  
16 THE COURT: SUSTAINED. OBJECTION SUSTAINED.

17 Q BY MR. CONN: DID YOU, IN THE AMENDMENT,  
18 IN ONE OF THE AMENDMENTS BY DR. GOLDEN, DID YOU NOTE  
19 THAT THE WOUND TO KITTY'S RIGHT CHEEK WAS POSSIBLY  
20 POSTMORTEM AS ANTEMORTEM?

21 MS. ABRAMSON: OBJECTION TO THE FORM THE  
22 QUESTION. ASSUMES FACTS NOT IN EVIDENCE.

23 THE COURT: REPHRASE THE QUESTION.

24 LET ME ASK YOU, HOW MUCH LONGER DO YOU  
25 THINK YOU'LL BE?

26 MR. CONN: A WHILE.

27 THE COURT: OKAY. THEN WE'LL RESUME TOMORROW  
28 AT 8:30. TOMORROW AT 8:30.

40190

1 ALL RIGHT. LET'S CLEAR THE COURTROOM,

2 PLEASE.

3 (PAGES 40191 THROUGH 40196 WERE  
4 SEALED BY ORDER OF THE COURT.)

5

6 (AT 4:40 P.M., AN ADJOURNMENT  
7 WAS TAKEN UNTIL WEDNESDAY,  
8 NOVEMBER 8, 1995, AT 8:30 A.M.)

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 PLAINTIFFS, )

7 )

VS. ) NO. BA 068880

8 )

ERIK GALEN MENENDEZ, AND )

9 JOSEPH LYLE MENENDEZ, )

)

10 DEFENDANTS. )

)

11

12 REPORTERS' DAILY TRANSCRIPT OF PROCEEDINGS

13 TUESDAY, NOVEMBER 7, 1995

14 VOLUME 239

15 PAGES 39964 THROUGH 40196

16 (SEALED PAGES 40191 THROUGH 40196)

17

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19

APPEARANCES:  
20 (SEE APPEARANCE PAGE)

21  
22  
23  
24  
25  
26  
27  
28

1 APPEARANCES:

2  
3 FOR THE PEOPLE: GIL GARCETTI  
4 DISTRICT ATTORNEY  
5 BY: DAVID CONN, DEPUTY  
6 AND  
7 CAROL NAJERA, DEPUTY  
8 18000 CRIMINAL COURTS BLDG.  
9 210 WEST TEMPLE STREET  
10 LOS ANGELES, CA 90012

11  
12 FOR THE DEFENDANT  
13 JOSEPH LYLE MENENDEZ: MICHAEL P. JUDGE,  
14 PUBLIC DEFENDER  
15 BY: CHARLES GESSLER, DEPUTY  
16 AND  
17 TERRI TOWERY, DEPUTY  
18 210 WEST TEMPLE  
19 LOS ANGELES, CA 90012

20  
21  
22  
23  
24  
25  
26  
27  
28

FOR THE DEFENDANT  
15 ERIK GALEN MENENDEZ: LESLIE ABRAMSON  
ATTORNEY AT LAW  
16 4929 WILSHIRE BOULEVARD  
SUITE 940  
17 LOS ANGELES, CA 90010

18 BARRY LEVIN, ESQ.  
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21

ANNAMARIE PAPA  
22 CSR NO. 8608  
MARILYN A. FADALE  
23 CSR NO. 4547  
OFFICIAL REPORTERS

24

25

26

27

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1 INDEX FOR VOLUME 239 PAGES 39964 THROUGH 40196

2

DAY	DATE	SESSION	PAGE	VOL.
-----	------	---------	------	------

3

TUESDAY, NOVEMBER 7, 1995	A.M.	39964	239
---------------------------	------	-------	-----

TUESDAY, NOVEMBER 7, 1995	P.M.	40191	239
---------------------------	------	-------	-----

5

6

7 PROCEEDINGS

8

9 CHRONOLOGICAL INDEX OF WITNESSES

10

WITNESSES: DIRECT CROSS REDIRECT RECROSS VOL.

11

DR. LAWRENCE,

12 ROBERT

(RESUMED) 39965-A  
13 (RESUMED) 40091-A 40175-C 239

14

15

16

17

18

19

20

21 LEGEND:

A = MS. ABRAMSON C = MR. CONN  
22 G = MR. GESSLER L = MR. LEVIN  
N = MS. NAJERA T = MS. TOWERY

23

24

25

26

27

1 EXHIBITS INDEX

2 EXHIBITS: MARKED RECEIVED VOL.

3 206- CURRICULUM VITAE 39972 239

4 207- TWO-PAGE REPORT 39995 239

5 208- PHOTOGRAPH 40007 239

6 209- PHOTOGRAPH 40007 239

7 210- DRAWING 40034 239

8 211- PHOTOGRAPH 40052 239

9 212- DIAGRAM 40061 239

10 213- DIAGRAM 40096 239

11 214- PHOTOGRAPH 40096 239

12 215- PHOTOGRAPH 40101 239

13 216- PHOTOGRAPH 40113 239

14 217- PHOTOGRAPH

15	(2-51)	40126	239
16	218- PHOTOGRAPH (2-51A)	40126	239
17	219- DIAGRAM	40127	239
18	220- DIAGRAM (SHOT.1A)	40148	239
19	221- DIAGRAM		
20	(SHOT.1B)	40150	239
21	222- DIAGRAM (SHOT.4A)	40165	239
22	223- DIAGRAM (SHOT.4B)	40166	239
23	224- CHART		
24	(SHOT.8A)	40169	239
25	225- CHART (SHOT.8B)	40169	239
26	226- CHART		
27	(SHOT.8B)	40170	239
28			