

19482

1 SANTA ALA, CALIFORNIA -- MONDAY, NOVEMBER 14, 1968

2 MORNING SESSION

3 (THE FOLLOWING PROCEEDINGS HAD IN OPEN COURT
4 IN THE PRESENCE OF THE JURY:)

5 THE COURT: GOOD MORNING, LADIES AND GENTLEMEN. A
6 COUPLE OF THE JURORS ARE NOT FEELING TOO WELL. SO, WHAT
7 WE ARE GOING TO DO IS GET THE FIRST WITNESS OUT OF THE
8 WAY, THEN WE WILL SEE HOW TWO JURORS ARE FEELING, SEE HOW
9 FAR WE GO.

10 MR. BROWN: WE'D CALL DR. SUCHEY.

11 THE CLERK: PLEASE STAND AT THE END OF COUNSEL
12 TABLE AND RAISE YOUR RIGHT HAND.

13 JUDY MYERS SUCHEY, *

14 CALLED AS A WITNESS ON BEHALF OF THE PEOPLE,
15 HAVING BEEN FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED
16 AS FOLLOWS:

17 THE CLERK: PLEASE STATE YOUR NAME AND SPELL IT FOR
18 ME.

19 THE WITNESS: JUDY MYERS SUCHEY, M-Y-E-R-S,
20 S-U-C-H-E-Y.

21 THE CLERK: THANK YOU. PLEASE TAKE THE WITNESS
22 STAND.

23 DIRECT EXAMINATION *

24 BY MR. BROWN: Q. MORNING, DR. SUCHEY. WHAT IS
25 YOUR OCCUPATION, PROFESSION, MA'AM?

26 A. I AM A FORENSIC ANTHROPOLOGIST.

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1 Q. WOULD YOU TELL US WHAT A FORENSIC
2 ANTHROPOLOGIST DOES?

3 A. WELL, WE HELP TO RECOVER SKELETAL REMAINS
4 AND TO IDENTIFY THEM. THOSE WOULD BE OUR TWO MAJOR
5 RESPONSIBILITIES.

6 Q. WHAT EDUCATION DO YOU HAVE THAT QUALIFIES
7 YOU FOR THAT POSITION?

8 A. WELL, I HAVE A FORMAL EDUCATION IN TERMS OF
9 AN M.A. IN ANTHROPOLOGY AND A PH.D.

10 Q. WOULD YOU TELL US WHAT YOU WENT THROUGH IN
11 GAINING THAT -- THOSE DEGREES IN EDUCATION?

12 A. WELL, I TOOK A NUMBER OF COURSES. SOME
13 WHICH RELATE DIRECTLY TO FORENSIC ANTHROPOLOGY, AND OTHERS
14 WHICH RELATE TO MORE GENERAL ASPECTS, STATISTICS, ET
15 CETERA, HUMAN GROWTH AND DEVELOPMENT.

16 ALSO, I HAVE DONE INFORMAL TYPES OF TRAINING
17 IN TERMS OF MY EDUCATION IN THIS AREA.

18 Q. WOULD YOU TAKE US THROUGH, IF YOU COULD,
19 THE -- YOUR FORMAL EDUCATION THAT YOU'VE HAD, AND THEN WE
20 WILL GO THROUGH THE DIFFERENT TRAINING THAT YOU HAVE HAD
21 IN THIS AREA.

22 A. STARTING IN 1961 WHEN I WAS A FRESHMAN IN
23 COLLEGE, I TOOK MY FIRST COURSE IN ANTHROPOLOGY. THAT
24 ACTUALLY BEGAN MY STUDY OF HUMAN SKELETAL REMAINS, BECAUSE
25 I WAS TO STAY WITH THAT PROFESSOR FOR FIVE ADDITIONAL
26 YEARS, AND HE HAPPENED TO BE A FORENSIC ANTHROPOLOGIST, SO

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1 I WOULD SEE A NUMBER OF CASES. AND I DID TAKE FORENSIC
2 ANTHROPOLOGY, BASIC OSTEOLOGY AND A NUMBER OF SPECIFIC
3 COURSES FOR THIS TYPE OF TRAINING.

4 Q. WHERE WAS THAT SCHOOLING?

5 A. THAT WAS AT THE UNIVERSITY OF KANSAS.

6 Q. WHAT SCHOOLING DID YOU HAVE AFTER -- HOW

7 MANY YEARS DID YOU SPEND AT THE UNIVERSITY OF KANSAS?

8 A. I SPENT SIX YEARS THERE.

9 Q. AND WHERE --

10 A. THEN --

11 Q. DID YOU GET A GRADUATE DEGREE FROM THE

12 UNIVERSITY OF KANSAS?

13 A. RIGHT. I GOT A B.A. AND M.A. DEGREE. THEN

14 LATER ON I COMPLETED MY TRAINING AT THE UNIVERSITY

15 CALIFORNIA RIVERSIDE.

16 Q. DID YOU SPECIALIZE AT THE UNIVERSITY OF

17 KANSAS, YOUR B.A. AND M.A. DEGREE?

18 A. YES, I DID SPECIALIZE IN HUMAN OSTEOLOGY.

19 Q. TELL US WHAT THAT IS?

20 A. THE STUDY OF HUMAN BONES.

21 Q. THEN AT SOME TIME AFTER THAT, DID YOU

22 COMPLETE SOME COURSES AT THE UNIVERSITY OF CALIFORNIA AT

23 RIVERSIDE?

24 A. YES, I DID.

25 Q. WHAT WAS YOUR AREA OF CONCENTRATION AT THAT

26 UNIVERSITY?

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1 A. THAT TRAINING WAS ACTUALLY MORE GENERAL.
2 ALTHOUGH IT DID ENCOMPASS SKELETAL BIOLOGY IN PART. IT
3 INCLUDED A NUMBER OF OTHER ITEMS.

4 Q. HOW MANY YEARS DID YOU SPEND AT THE
5 UNIVERSITY CALIFORNIA RIVERSIDE?

6 A. APPROXIMATELY THREE.

7 Q. AND WHAT DEGREE DID YOU ACHIEVE AT THAT --

8 A. A PH.D.

9 Q. -- UNIVERSITY?

10 SO YOU HAVE A DOCTORATE IN ANTHROPOLOGY?

11 A. RIGHT.

12 Q. NOW -- HAVE YOU ANY ASSOCIATIONS WITH
13 PROFESSIONAL MEMBERSHIPS, THAT TYPE OF THING?

14 A. YES. I BELONG TO THE AMERICAN ACADEMY OF
15 FORENSIC SCIENCES, AND I AM BOARD CERTIFIED TO PRACTICE
16 FORENSIC ANTHROPOLOGY. AND I BELONG TO THE AMERICA
17 ASSOCIATION OF PHYSICAL ANTHROPOLOGISTS AND VARIETY OF
18 OTHER PROFESSIONAL ORGANIZATIONS IN MY FIELD.

19 Q. CAN YOU GIVE US AN IDEA OF THE PROFESSIONAL
20 EXPERIENCE THAT YOU HAVE HAD ALONG THE WAY?

21 A. IN TERMS OF CASES OR --

22 Q. YES, IN TERMS OF CASES.

23 A. WELL --

24 MR. MC DONALD: OBJECT, YOUR HONOR. THAT'S
25 IRRELEVANT.

26 THE COURT: AS TO CASES, I WILL SUSTAIN THE

1 OBJECTION.

2 BY MR. BROWN: Q. WHAT OTHER PROFESSIONAL
3 EXPERIENCE HAVE YOU HAD?

4 A. WELL, I HAVE STUDIED SKELETAL -- AGE
5 DETERMINATION AND SEX DETERMINATION AT LENGTH DURING THE
6 PAST 10 YEARS.

7 Q. HAVE YOU PUBLISHED IN THE FIELD?

8 A. YES, I HAVE.

9 Q. HOW MANY DIFFERENT PUBLICATIONS HAVE YOU
10 EITHER AUTHORED OR CO-AUTHORED?

11 A. RELATING TO THOSE TOPICS, WOULD PROBABLY BE
12 OK, FIVE TO EIGHT, SOMEWHERE ALONG THAT LINE. IN TERMS OF
13 PUBLICATIONS. A LOT OF MY WORK IS IN CONFERENCE PAPERS.

14 Q. HOW MANY CONFERENCE PAPERS HAVE YOU DONE?

15 A. ABOUT 50.

16 Q. NOW, HAVE YOU HAD OCCASION TO EXAMINE THE
17 REMAINS THAT WERE COLLECTED FROM THE AREA OF ALICIA AND
18 THE I-5 FREEWAY IN LAGUNA HILLS WITH THE CORONER'S NUMBER
19 OF 75-3865?

20 A. YES, I DID.

21 Q. DID YOU HAVE OCCASION ON OCTOBER 29TH, 1975
22 TO RECEIVE THE BONES THAT WERE BOOKED UNDER THAT CORONER'S
23 NUMBER?

24 A. YES, I DID.

25 Q. WOULD YOU TELL US WHAT BONES YOU RECEIVED AT
26 THAT TIME?

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1 A. WELL, I RECEIVED -- DO YOU WANT AN
2 INVENTORY?

3 Q. YES.

4 A. GENERALLY SPEAKING?

5 Q. YES. JUST GENERALLY SPEAKING.

6 A. THE BONES I RECEIVED WERE MANY ELEMENTS OF
7 THE VERTEBRAL COLUMN AND THE SACRUM AT THE BOTTOM. ALL OF
8 THE LONG BONES, THE COLLAR BONES AND THE SHOULDER BLADES.
9 THOSE WOULD BE THE BASIC -- AND MISCELLANEOUS FOOT BONES
10 AND KNEE BONES.

11 Q. WERE THERE ANY BONES THAT YOU DETERMINED
12 WERE OBVIOUSLY MISSING AT THAT POINT IN TIME?

13 A. YES. THE MISSING BONES WERE THE SKULL, THE
14 LOWER JAW, THE FIRST FIVE CERVICAL VERTREBRA, THAT WOULD
15 BE THE NECK REGION, AND THE HAND BONES, AND THE TWO HIP
16 BONES.

17 Q. WHAT DID YOU DO AFTER YOU RECEIVED THOSE
18 BONES, DR. SUCHEY?

19 A. I DID A BASIC EXAMINATION IN TERMS OF AGE,
20 STATURE, SEX, EXAMINED THE SKELETON WITH RESPECT TO
21 FORMING A PROFILE SO THAT WE COULD BEGIN TO TRY TO
22 IDENTIFY THE INDIVIDUAL.

23 Q. AT SOME POINT IN TIME, DID YOU FORM AN
24 OPINION AS TO WHETHER OR NOT THOSE BONES FROM CORONER'S
25 NUMBER 75-3865 WERE THOSE OF KEITH CROTHWELL?

26 A. YES, I DID FORM AN OPINION. THAT THEY WERE

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1 THOSE OF KEITH CROTWELL.

2 Q. WHAT WAS THE BASIS OF YOUR OPINION IN THAT
3 RESPECT?

4 A. WELL, I HAD NINE DIFFERENT FEATURES THAT I
5 TOOK INTO CONSIDERATION.

6 Q. WOULD YOU TAKE US THROUGH THOSE, PLEASE?

7 A. THE FIRST ONE WOULD BE SEX. THE SKELETAL
8 REMAINS WERE THAT OF A MALE.

9 THE NEXT WOULD BE AGE. FROM LOOKING AT THE
10 SKELETON, YOU COULD TELL THAT THE INDIVIDUAL WAS BETWEEN
11 17 AND 22 YEARS OF AGE. SO THE AGE OF THE INDIVIDUAL IN
12 TERMS OF HOW LONG DID HE LIVE PRIOR TO DEATH WAS THE NEXT
13 CONSIDERATION.

14 THEN I DID A STATURE CALCULATION. IN OTHER
15 WORDS, I WAS TRYING TO FIND OUT THE ESTIMATED HEIGHT. AND
16 BY MEASURING ONE OF THE LONG BONES OR ACTUALLY TWO OF
17 THEM, I DETERMINED THAT THE INDIVIDUAL WAS BETWEEN FIVE
18 FOOT NINE AND A HALF INCHES AND SIX FOOT AND A HALF INCH.
19 THAT WAS THE ESTIMATED HEIGHT RANGE.

20 THEN I WAS ALSO CONCERNED WITH BODY BUILD OR
21 HOW ROBUST THIS INDIVIDUAL WAS. SO BY MEASURING THE
22 FEMORAL HEAD ---

23 Q. CAN YOU STOP JUST FOR A SECOND. TELL US
24 WHERE THE FEMORAL HEAD WAS.

25 A. THE TOP OF THE THIGH BONE IN THE BALL AND
26 SOCKET JOINT IN THE HIP. BY MEASURING THIS PARTICULAR

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1 BONE, YOU CAN GET A GOOD IDEA OF ROBUSTICITY, AND ALSO OF
2 THE ARM BONE.

3 AND THE INDIVIDUAL WAS -- YOU KNOW, AT THE
4 FAR END OF SKELETAL ROBUSTICITY. SPECIFICALLY ON
5 TECHNICALLY, A MAXIMUM DIAMETER OF THE FEMUR HEAD WAS 51
6 MILLIMETERS, WHICH IS EXTREMELY ROBUST. AND I NOTED THIS
7 IN THE REPORT, OR IN MY CONSIDERATION OF THE
8 IDENTIFICATION.

9 HAIR, HAIR COLOR WAS ANOTHER OF THE FACTORS.
10 THE HAIR FOUND WITH THE REMAINS -- WITH THE SKELETONIZED
11 REMAINS -- WAS BROWN.

12 AND ANOTHER FACTOR IN MY CONSIDERATION WAS
13 THE NUMBER OF CERVICAL OR NECK VERTREBRA FOUND WITH THE
14 SKELETAL REMAINS.

15 Q. WHAT CERVICAL VERTREBRA DID YOU HAVE THAT
16 WERE FOUND WITH THE SKELETAL REMAINS?

17 A. I HAD CERVICAL VERTREBRA SIX AND SEVEN WITH
18 THE SKELETONIZED REMAINS. AND IN TERMS OF MY
19 IDENTIFICATION OF THIS INDIVIDUAL AS BEING KEITH CROTWELL,
20 THE HEAD FOUND WHICH HAD BEEN IDENTIFIED DENTALLY --

21 MR. MC DONALD: EXCUSE ME, YOUR HONOR. THIS IS ALL
22 BASED ON CLEAR HEARSAY.

23 MR. BROWN: IT'S AN EXPERT OPINION, JUDGE.

24 THE COURT: OVERRULED.

25 MR. MC DONALD: HOW ABOUT SOME FOUNDATION, THEN?

26 THE COURT: WELL, I WILL SUSTAIN THE OBJECTION.

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1 WHY DON'T YOU PUT SOME ADDITIONAL FOUNDATION, IF YOU
2 WOULD, PLEASE.

3 BY MR. BROWN: Q. DID YOU MAKE A DETERMINATION
4 WITH RESPECT TO THE SIX AND SEVENTH CERVICAL VERTEBRAE
5 THAT YOU HAD FOUND WITH THESE BONES?

6 A. WELL, AT THE TIME THAT I MADE MY
7 IDENTIFICATION, I WAS SUPPLIED WITH VARIOUS RECORDS AND
8 DATA WHICH I EXAMINED ALONG WITH THE SKELETAL REMAINS.

9 Q. NOW --

10 A. AND THIS WAS PERTINENT TO MY EXAMINATION OF
11 THE CERVICAL VERTREBRA.

12 Q. WITH RESPECT TO YOUR OPINION CONCERNING THE
13 CERVICAL VERTREBRA, YOU HAD THE SIXTH AND THE SEVENTH
14 THERE; IS THAT CORRECT?

15 A. YES.

16 Q. NOW, WHAT INFORMATION WERE YOU SUPPLIED WITH
17 WITH RESPECT TO THE FIRST, SECOND, THIRD, FOURTH AND FIFTH
18 CERVICAL VERTREBRA?

19 A. WELL, I HAD BEEN SUPPLIED AUTOPSY REPORTS
20 RELATING TO THE INDIVIDUAL IN QUESTION.

21 Q. OKAY. WOULD YOU EXPLAIN -- WOULD YOU
22 DESCRIBE THAT FOR US, PLEASE?

23 A. THE AUTOPSY RECORDS WHICH I HAD BEEN GIVEN
24 FOR MY EXAMINATION AND CONSIDERATION WERE THOSE OF KEITH
25 CROTWELL, AND I EXAMINED THE DENTAL I.D., AND THE FACT
26 THAT THERE WERE FIVE CERVICAL VERTREBRA ATTACHED TO THAT

19491

1 PARTICULAR INDIVIDUAL.

2 Q. THESE WERE THE AUTOPSY RECORDS FROM THE LOS
3 ANGELES CORONER'S OFFICE?

4 A. YES, THAT IS CORRECT. THEY WERE THE
5 OFFICIAL AUTOPSY RECORDS.

6 Q. WHAT OTHER CHARACTERISTIC DID YOU CONSIDER
7 IN FORMING YOUR OPINION THAT THIS WAS -- THESE WERE THE
8 REMAINS OF KEITH CROTWELL?

9 A. THE OTHER CONSIDERATIONS I GAVE WERE THE
10 TIMING OF THE FIND, THE STATE OF THE SKELETONIZED -- AND
11 WHEN I SAY SKELETONIZED, ACTUALLY THERE WAS SOME SOFT
12 TISSUE ON THE REMAINS AT THE TIME I RECEIVED THEM. SO I
13 GAVE CONSIDERATION TO THE LENGTH OF DECOMPOSITION AND THE
14 TIME THAT CROTWELL HAD DISAPPEARED. AND SO THIS WAS
15 ANOTHER FACTOR.

16 Q. DID YOU AT SOME POINT IN TIME ALSO CONSIDER
17 THE RIGHT ULNA IN FORMING YOUR OPINION?

18 A. RIGHT. THAT WAS THE FINAL FIGURE. THE
19 FINAL FEATURE IN TERMS OF THE IDENTIFICATION. THE ONE
20 OTHER WHICH ONE WHICH I CONSIDERED WAS GENERAL
21 GEOGRAPHICAL LOCALITY. BUT IN TERMS OF THE ULNA, THERE
22 WAS A VERY SPECIFIC POINT WHICH HAD BEEN DESCRIBED IN THE
23 MEDICAL RECORDS OF KEITH CROTWELL, AND THESE ALSO I HAD
24 BEEN SUPPLIED FOR MY EXAMINATION.

25 Q. WOULD YOU TELL US WHERE THE RIGHT ULNA IS?
26 CAN YOU DESCRIBE THAT FOR US ON YOUR ARM?

10402

1 A. THE RIGHT ULNA IS RIGHT IN THIS AREA
2 (INDICATING), AND THE AREA I WAS CONSIDERED -- WAS THE
3 DISTAL PORTION, WHICH WOULD BE RIGHT HERE BY THE WRIST.

4 Q. YOU ARE REFERRING TO YOUR FOREARM, FOR THE
5 RECORD?

6 A. THIS IS CORRECT.

7 Q. SO THE RIGHT DISTAL ULNA WOULD BE WHAT, THE
8 AREA BETWEEN YOUR FOREARM AND YOUR HAND, THAT WHAT THAT
9 IS?

10 A. RIGHT. CORRECT.

11 Q. AND IT'S ON THE RIGHT SIDE, OBVIOUSLY?

12 A. CORRECT.

13 Q. NOW, DID YOU HAVE OCCASION TO REVIEW SOME
14 MEDICAL REPORTS OF MR. CROTWELL, KEITH CROTWELL,
15 CONCERNING A BROKEN RIGHT WRIST THAT HE HAD?

16 A. RIGHT. I EXAMINED --

17 MR. MC DONALD: OBJECTION, NONRESPONSIVE. ANYTHING
18 BEYOND YES.

19 THE COURT: YES. YES, MA'AM --

20 THE WITNESS: YES.

21 BY MR. BROWN: Q. LET ME SHOW YOU PEOPLE'S 144 FOR
22 IDENTIFICATION AND ASK YOU IF THESE ARE AMONG THE REPORTS
23 THAT YOU REVIEWED IN THAT RESPECT?

24 A. YES.

25 Q. NOW, DID YOU FIND ANYTHING ON THE REMAINS
26 THAT YOU WERE EXAMINING THAT WERE CONSISTENT WITH THE

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1 KEITH CROTHERS MEDICAL REPORTS IN 1447

2 A. YES.

3 Q. WOULD YOU EXPLAIN THAT FOR US PLEASE, TELL
4 US WHAT THAT WAS?

5 A. IN THE MEDICAL REPORT, THERE IS A STATEMENT
6 THAT THE STYLOID PROCESS WAS FRACTURED AND DISPLACED ON
7 THE RIGHT WRIST.

8 Q. WOULD YOU TELL US WHAT THAT IS?

9 A. THE STYLOID PROCESS IS A LITTLE, TINY
10 PROJECTION AT THE END OF THE ULNA. WOULD BE A LITTLE BUMP
11 ON THE BONE. A TINY PROJECTION.

12 Q. OKAY. AND WHAT DID THOSE MEDICAL REPORTS
13 INDICATE WITH RESPECT TO THAT STYLOID PROCESS?

14 A. THAT IN FACT IT HAD BEEN FRACTURED AND
15 DISPLACED.

16 Q. WHAT DID YOU OBSERVE WHEN YOU HAD BEEN
17 EXAMINING THE BONES THAT WERE RECOVERED FROM ALICIA AND
18 THE I-5 FREEWAY?

19 A. WHEN THAT PARTICULAR LOCALITY WAS EXAMINED,
20 THE STYLOID PROCESS WAS NOT THERE. INSTEAD, THAT AREA WAS
21 GLOSSED OVER --

22 Q. WHAT OPINION --

23 A. -- IN A HEALING PROCESS.

24 Q. WHAT OPINION DID YOU FORM, THEN, WITH
25 RESPECT TO THAT RIGHT DISTAL ULNA?

26 A. THAT DID, IN FACT, MATCH THE MEDICAL REPORT

19494

1 OF KEITH CROTWELL.

2 Q. NOW, WITH RESPECT TO THE SCAPULA, DID YOU
3 HAVE OCCASION TO EXAMINE THE RIGHT AND LEFT SCAPULA OF
4 KEITH CROTWELL'S THAT WERE RECOVERED FROM THE I-5 AND
5 ALICIA INTERSECTION?

6 A. YES, I DID.

7 Q. WOULD YOU TELL THE JURY WHAT THE SCAPULA IS?

8 A. THE SCAPULA IS KNOWN AS THE SHOULDER BLADE,
9 AND IT'S RIGHT IN -- RIGHT UP HERE (INDICATING).

10 Q. WHAT DID YOU NOTICE WHEN YOU EXAMINED THOSE
11 TWO SCAPULA?

12 A. WELL, THERE WERE FRACTURES OR BREAKS ON THE
13 BODY OF THE SCAPULA ON BOTH SIDES.

14 Q. WOULD YOU DESCRIBE THOSE FOR US, PLEASE.
15 JUST GENERALLY.

16 A. THERE WERE THREE OF THEM, AND ON EACH SIDE,
17 THERE WAS ONE THAT WAS RELATIVELY SHARP, AND THE BREAK
18 WENT CLEAR THROUGH THE BONE. ON ONE ALONE THERE WAS
19 ANOTHER AREA IN WHICH THERE WAS ACTUALLY TWO SMALL HOLES
20 THAT WERE MISSING.

21 Q. DID YOU FORM AN OPINION WITH RESPECT TO THE
22 TYPE OF INSTRUMENT THAT WOULD BE REQUIRED TO MAKE THOSE
23 DEFECTS OR THOSE INJURIES?

24 A. I REALLY DID NOT. I WAS -- I STUDIED THESE
25 AT LENGTH --

26 MR. MC DONALD: OBJECTION. EXCUSE ME.

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1 NONRESPONSIVE. ANYTHING BEYOND "I REALLY DID NOT."

2 THE COURT: AFTER "NO," I WILL STRIKE EVERYTHING
3 AFTER "NO." JURY BE ADMONISHED TO DISREGARD IT.

4 BY MR. BROWN: Q. DID YOU FORM AN OPINION AS TO
5 WHAT THE CUTTING INSTRUMENT WOULD BE CONSISTENT WITH WITH
6 RESPECT TO THESE INJURIES?

7 MR. MC DONALD: OBJECTION. THAT ASSUMES A FACT NOT
8 IN EVIDENCE.

9 THE COURT: SUSTAINED.

10 BY MR. BROWN: Q. WHAT TYPE OF CUTTING
11 INSTRUMENT -- THAT'S PROBABLY -- WHAT TYPE OF INSTRUMENT
12 WOULD BE REQUIRED TO MAKE THESE DEFECTS?

13 MR. MC DONALD: I'D OBJECT, YOUR HONOR. LACK OF
14 FOUNDATION.

15 THE COURT: OVERRULED.

16 THE WITNESS: WELL, A SHARP INSTRUMENT IS ALL I
17 COULD SAY, REALLY.

18 BY MR. BROWN: Q. WAS THERE ANY HEALING PROCESS
19 VISIBLE ON THESE DEFECTS IN THE SCAPULA?

20 A. NO.

21 Q. DID YOU HAVE OCCASION, THEN, TO EXAMINE THE
22 SIXTH CERVICAL VERTEBRAE?

23 A. YES, I DID.

24 Q. WOULD YOU TELL US WHERE THE SIXTH CERVICAL
25 VERTEBRAE IS WITH RESPECT TO THE SKULL AND THE REST OF OUR
26 VERTEBRAE?

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1 A. WELL, THE SIXTH WOULD BE SIX FROM THE TOP.
2 SIXTH MEANS THERE WOULD BE FIVE ON TOP.

3 Q. SO THEN WOULD IT BE FAIR TO SAY THAT THE
4 FIRST VERTEBRAE THAT WE HAVE IN OUR BODY WOULD BE THE
5 CERVICAL VERTEBRAE?

6 A. RIGHT.

7 Q. AS WE GO DOWN WE WOULD GO THE SECOND
8 CERVICAL VERTEBRAE ON DOWN TO THE SEVENTH?

9 A. CORRECT.

10 Q. ARE THERE JUST SEVEN CERVICAL VERTEBRAES?

11 A. YES.

12 Q. WHERE DO YOU GO AFTER YOU GET TO THE
13 SEVENTH?

14 A. THE NEXT WOULD BE A THORACIC OR A CHEST
15 VERTEBRA.

16 Q. WHAT WAS THE TOP VERTEBRA THAT YOU HAD WITH
17 RESPECT TO KEITH CROTHERL'S REMAINS?

18 A. NUMBER SIX.

19 Q. THAT WOULD BE THE HIGHEST ONE YOU HAD?

20 A. RIGHT.

21 Q. IN THE COLUMN?

22 A. YES.

23 Q. WHAT DID YOU OBSERVE WHEN YOU INSPECTED THAT
24 SIXTH OR THE TOP CERVICAL VERTEBRAE THAT YOU HAD AVAILABLE
25 TO YOU?

26 A. THERE WERE ABOUT 20 CUT MARKS ON THE

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1 RIGHT-HAND SIDE.

2 Q. WHEN YOU SAY CUT MARKS, CAN YOU DESCRIBE
3 THOSE FOR US, PLEASE?

4 A. WELL, THEY WERE SHARP, UNIFORM, AND OCCURRED
5 IN 20 PLACES ON THE RIGHT-HAND SIDE OF THE SIXTH CERVICAL.

6 Q. WHAT WOULD THE CUTTING INSTRUMENT BE
7 CONSISTENT WITH BEING?

8 A. WELL, IT WOULD BE A SHARP INSTRUMENT.

9 Q. WOULD THAT BE CONSISTENT WITH A KNIFE BLADE?

10 A. CONSISTENT WITH, YES.

11 Q. NOW, DID YOU ALSO HAVE OCCASION TO EXAMINE
12 THE LEFT DISTAL ULNA?

13 A. YES, I DID.

14 Q. AND HERE AGAIN THAT WOULD BE THE AREA OF THE
15 LEFT WRIST; IS THAT CORRECT?

16 A. CORRECT.

17 Q. WHAT DID YOU SEE WHEN YOU EXAMINED THE LEFT
18 DISTAL ULNA?

19 A. ON THIS SIDE OF THE BODY, THE STYLOID
20 PROCESS WAS NOT PRESENT, AND THERE WAS A CUT MARK CLEAR
21 ACROSS IT.

22 Q. NOW, THE STYLOID PROCESS THEN ON THE LEFT
23 DISTAL ULNA WOULD BE A LITTLE BUMP THAT PROTRUDES OUT
24 DISTAL TOWARDS THE HAND FROM THE ULNA; IS THAT CORRECT?

25 A. CORRECT.

26 Q. WHEN YOU SAY IT WAS ABSENT, WHAT DID IT

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1 APPEAR TO YOU TO BE --

2 A. THERE WAS A CUT MARK ACROSS IT.

3 Q. WOULD YOU DESCRIBE THAT CUT MARK FOR THE
4 JURY, PLEASE?

5 A. WELL, THIS CUT MARK WAS -- IT WAS CLEAN
6 ACROSS, AND THERE WAS NO SIGN OF HEALING.

7 Q. WOULD THAT CUT MARK BE CONSISTENT WITH A
8 SHARP INSTRUMENT OR A KNIFE?

9 A. CONSISTENT WITH, YES.

10 Q. NOW, HAVE YOU PUT SOME PHOTOGRAPHS TOGETHER
11 HERE THAT DEMONSTRATE SOME OF YOUR TESTIMONY HERE TODAY?

12 A. YES.

13 Q. COULD THIS BE MARKED AS PEOPLE'S NEXT ORDER?
14 THE CLERK: 151.

15 THE COURT: 151, MR. BROWN.

16 MR. BROWN: 151?

17 THE COURT: CORRECT.

18 (PEOPLE'S 151 = MARKED FOR I.D.)

19 MR. BROWN: COULD YOU STEP DOWN AND BRING THE
20 POINTER WITH YOU, AND WE WILL PUT THIS UP ON THE EASEL AND
21 HAVE YOU DESCRIBE THIS FOR US.

22 BY MR. BROWN: Q. WOULD YOU DESCRIBE 151 TO US,
23 DR. SUCHNEY?

24 A. WELL, THE TOP ROW SHOWS A POINT OF
25 COMPARISON WHICH I FOUND TO BE IMPORTANT IN TERMS OF THE
26 AGE ESTIMATE.

19499

1 HERE IS A BLOWUP OF THE MEDIAL CLAVICLE,
2 WHICH IS LOCATED RIGHT HERE (INDICATING), OF KEITH
3 CROTWELL. AND THE SURFACE IS BUMPED OR PITTED.

4 OVER HERE ON THE RIGHT WE HAVE A LAB MODEL
5 WHICH SHOWS DIFFERENT STAGES OF THIS PARTICULAR BONE.
6 THIS WOULD BE THE YOUNGEST ONE WITH THE BUMPS OR PITS,
7 THIS PARTICULAR ONE SHOWING PARTIAL UNION WHERE THE END
8 ATTACHES, AND YOU SEE THIS -- THIS RIDGE AROUND IT. LATER
9 ON IN ADULTS, THE END IS FULLY ATTACHED, AND YOU CAN SEE
10 NO PITTING, NO LINE; IN FACT, IT IS VERY SMOOTH.

11 AND BECAUSE WE KNOW THE AGE OF THIS
12 PARTICULAR INDICATOR IN OUR SPECIES TODAY IN MODERN
13 INDIVIDUALS, THIS IS A CRUCIAL ASPECT FOR THE AGE
14 IDENTIFICATION.

15 THE REMAINS IN QUESTION HAVE THE DISTINCT
16 PATTERN WHICH IS SHOWN HERE, AND THAT MEANS THE INDIVIDUAL
17 WOULD BE 22 OR LESS.

18 Q. COULD YOU DESCRIBE WHAT YOU HAVE DONE IN
19 RESPECT TO THE DISTAL FEMUR?

20 A. THE DISTAL FEMUR IS THE INDICATOR I USED TO
21 AGE IN TERMS OF THE LOWER ESTIMATE, 17 PLUS.

22 Q. THE DISTAL FEMUR WOULD BE THIS MAIN LEG BONE
23 DOWN TO YOUR KNEECAP?

24 A. RIGHT. HERE'S THE KNEE RIGHT IN HERE. THE
25 DISTAL FEMUR SHOWED THAT THE LONG BONES HAD TOTALLY UNITED
26 AND WERE IN A STATE OF COMPLETE UNION.

19500

1 Q. WOULD YOU TAKE US THROUGH THAT KIND OF
2 CAREFULLY, IF YOU WOULD, AS FAR AS WHEN THE LONG BONES
3 UNITE?

4 A. WELL, YOU WOULD NOT SEE THIS STAGE UNTIL 17.
5 IN YOUNGER PEOPLE, YOU SEE THE END HAS NOT
6 UNITED. THIS IS ACTUALLY WHERE GROWTH TAKES PLACE.

7 Q. WHAT'S THAT CALLED?

8 A. THIS IS THE END OF IT, OR THE EPIPHYSIS.
9 THEN THE EPIPHYSIS ATTACHES, AND WE SEE A DISTINCT LINE.
10 THEN IN THE FULLY ADULT STATE OR MATURE
11 STATE, YOU DO NOT SEE THIS GAP. INSTEAD, THE END OF THE
12 BONE IS FUSED, AND IT IS THE SMOOTH SURFACE.

13 SO HERE WE SEE THE SKELETAL REMAINS UNDER
14 EXAMINATION IN FACT REFLECTED THE FULLY ADULT PATTERN.
15 THIS IS HOW I DETERMINED THE 17 PLUS.

16 Q. CAN YOU TELL US WHAT ELSE YOU'VE GOT
17 DEPICTED ON THAT DIAGRAM?

18 A. THE BOTTOM LINE CONCERNS THE MOST INDIVIDUAL
19 OR SPECIFIC ITEM INVOLVED IN THE IDENTIFICATION. AND THAT
20 HAS TO DO WITH THE RIGHT DISTAL ULNA. AND HERE YOU SEE
21 THE AREA WHERE THE STYLOID PROCESS IS MISSING AND IS
22 GLOSSED OVER. AND ON THIS PIECE OF TAPE RIGHT NEXT TO IT
23 IS, IN FACT, THE REMNANT OF THE STYLOID PROCESS THAT WAS
24 STILL THERE WITH THE REMAINS, ALTHOUGH NOT ATTACHED, WHICH
25 IS THE ITEM THAT I FOUND TO BE EXTREMELY IMPORTANT IN THE
26 IDENTIFICATION WHICH I PREVIOUSLY DISCUSSED.

19561

1 THE LAB MODEL SHOWS WHAT A STYLOID PROCESS
2 IS. THE FACT THAT IT IS JUST A SMALL, BONY PROJECTION AT
3 THE END OF THE ULNA. SO THIS IS A NORMAL DISTAL ULNA.
4 AND THIS IS YOUR STYLOID PROCESS.

5 Q. NOW, WITH RESPECT TO THE RIGHT ULNA, THE
6 RIGHT DISTAL ULNA, YOU HAVE GOT A PHOTOGRAPH OF MR.
7 CROTWELL'S THERE. THAT WOULD BE ON OUR LEFT AS WE ARE
8 LOOKING AT THE DIAGRAM; IS THAT CORRECT?

9 A. CORRECT.

10 Q. NOW, CAN YOU SHOW US THE LEFT DISTAL ULNA,
11 CAN YOU USE THE LAB MODEL TO SHOW US WHAT WAS CUT OFF ON
12 THE LEFT DISTAL ULNA?

13 A. ON THE LEFT SIDE THERE WAS A SHARP BREAK.
14 RIGHT IN THIS AREA. OR A CUT MARK THAT WAS DISTINCT ON
15 ALL EDGES AND STRAIGHT THROUGH, RIGHT IN THIS LOCATION.

16 Q. WOULD THAT BE CONSISTENT WITH AN AMPUTATION
17 OR A SEVERANCE OF THE HANDS OR THE LEFT HAND, ANY WAY?

18 A. IT WOULD BE CONSISTENT, YES.

19 MR. BROWN: THANK YOU VERY MUCH, DR. SUCHLEY. YOU
20 CAN RETURN TO THE STAND.

21 I HAVE NOTHING FURTHER, YOUR HONOR.

22 (INTERRUPTION IN PROCEEDINGS.)

23 CROSS EXAMINATION *

24 BY MR. MC DONALD: Q. DR. SUCHLEY, THESE PHOTOS ON
25 THE LEFT-HAND SIDE ARE ALL PHOTOGRAPHS OF THE REMAINS?

26 A. THAT'S CORRECT.

10502

1 Q. SO WHEN YOU PUT THE NAME KEITH CROTWELL UP
2 HERE, THAT APPARENTLY IS WHAT YOUR OPINION IS, BUT WHAT IT
3 REALLY INDICATES ALONG THE SIDE HERE ARE WHAT THE REMAINS
4 ARE?

5 A. YES, THE SKELETAL REMAINS IN QUESTION, YES.

6 Q. OKAY. THIS LAB MODEL THAT APPARENTLY IS
7 MOUNTED ON THIS BOARD, WHAT DOES THIS REFLECT? I MEAN,
8 ARE THESE ACTUAL BONES, PICTURES OF ACTUAL BONES?

9 A. NOTHING IS MOUNTED. MAY I EXPLAIN?

10 Q. SURE.

11 A. THEY ARE THE ENDS OF THE CLAVICLE WHICH I
12 PHOTOGRAPHED ON A LIGHT TABLE. I TOOK CERTAIN SPECIAL
13 BONES FROM MY LAB WHICH WOULD ILLUSTRATE THESE CONDITIONS,
14 AND I PLACED THEM ON THE LIGHT TABLE TO PHOTOGRAPH THEM.

15 Q. SO THESE ARE ACTUAL BONES IS WHAT YOU ARE
16 SAYING?

17 A. YES.

18 Q. DO YOU KNOW, FOR INSTANCE, THIS FIRST ONE ON
19 THE LEFT-HAND SIDE, THE INDIVIDUAL THAT THAT BONE CAME
20 FROM?

21 A. I COULD FIND IT, BUT I DO NOT HAVE THE
22 RECORDS WITH ME TODAY. YES, THESE ACTUALLY ARE THE BONES
23 FROM A PUBLISHED STUDY WHICH I HAVE DONE, AND I HAVE THAT
24 PUBLICATION IF YOU WOULD LIKE TO SEE THE NATURE OF THE
25 SAMPLE.

26 Q. OKAY. WE MAY, BUT LET'S CONTINUE HERE.

15503

1 SO YOU KNOW THE INDIVIDUAL THAT THIS
2 PARTICULAR BONE CAME FROM?

3 A. I HAVE RECORDS WHICH WOULD GIVE ME THAT
4 INFORMATION, RIGHT.

5 Q. AND YOU KNOW THE AGE OF THAT INDIVIDUAL WHEN
6 HE DIED?

7 A. YES.

8 Q. AND WAS THIS A SITUATION WHERE SKELETON
9 REMAINS WERE FOUND OF THIS INDIVIDUAL?

10 A. I HAVE STUDIED DOCUMENTED SKELETAL REMAINS
11 SINCE 1977 IN THE LOS ANGELES CORONER'S OFFICE. I AM A
12 DEPUTIZED OFFICIAL, AND I STUDY --

13 MR. MC DONALD: MOTION TO STRIKE, NONRESPONSIVE,
14 ALL OF THAT.

15 THE COURT: SUSTAINED. THE ANSWER BE STRICKEN.
16 JURY BE ADMONISHED TO DISREGARD IT.

17 BY MR. MC DONALD: Q. I KNOW YOU WANT TO HELP, BUT
18 LET'S TAKE IT QUESTION BY QUESTION.

19 THIS PARTICULAR BONE WE ARE TALKING ABOUT
20 RIGHT HERE, WHAT I AM ASKING YOU IS DO YOU KNOW THE
21 INDIVIDUAL THAT THAT BONE IS FROM?

22 A. YES. I HAVE THE RECORDS.

23 Q. OKAY. AND DO YOU KNOW WAS THAT INDIVIDUAL A
24 SKELETON REMAINS?

25 A. I CAN'T TELL YOU AT THIS TIME. IT COULD
26 HAVE BEEN.

19504

1 Q. WHAT ABOUT THIS ONE IN THE MIDDLE HERE? DO
2 YOU KNOW THE INDIVIDUAL THAT ONE WAS TAKEN FROM?

3 A. I HAVE ALL THE RECORDS, BUT I DO NOT HAVE
4 THEM WITH ME AT THIS TIME.

5 Q. AND WHAT ABOUT THE ONE OVER HERE?

6 A. YES, I HAVE ALL THE RECORDS AT HOME.

7 Q. AND WERE EACH OF THESE THREE BONES TAKEN
8 FROM DIFFERENT SKELETON REMAINS?

9 A. I DO NOT KNOW WHETHER THEY CAME FROM
10 SKELETAL REMAINS OR FROM NONSKELETALIZED REMAINS.

11 Q. WHAT I AM TRYING TO FIGURE OUT HERE IS IF IT
12 WASN'T FROM SKELETAL REMAINS, ARE THESE BONES A REFLECTION
13 OF SOME AUTOPSY PROCEDURE?

14 A. YES. EVERY EXAMINATION OF THE BODY WOULD BE
15 AUTOPSY.

16 Q. AUTOPSY IN THE SENSE OF A BODY THAT'S INTACT
17 IS THE WAY I AM USING THE TERM.

18 A. IT IS POSSIBLE, YES.

19 Q. WHAT -- HELP ME UNDERSTAND WHY THIS
20 PARTICULAR BONE IS FROM A CERTAIN AGE INDIVIDUAL.

21 A. CAN I EXPLAIN THE GROWTH PROCESS, IS THAT
22 WHAT YOU WANT?

23 Q. IF THAT'S WHAT IT TAKES TO EXPLAIN THE
24 ANSWER, YES.

25 A. THE BONE WITH THE PITS OR THE NUBBY TEXTURE
26 INDICATES THAT THE END OF THE BONE HAS NOT ATTACHED. AND

19505

1 SO IT IS FROM A YOUNG INDIVIDUAL -- BONE GROWTH IS SUCH
2 THAT ALL OF OUR LONG BONES AND THE CLAVICLE HAVE AN END TO
3 IT, AND A SPECIFIC POINT IN TIME THIS END WILL UNITE. AT
4 THAT TIME, GROWTH CEASES. SO WHEN THE ENDS HAVE THE PITS,
5 IT MEANS THAT THE END HAS NOT YET ATTACHED TO IT, AND IT
6 IS A SPECIFIC TIME IN THE GROWTH PROCESS THE END WILL
7 ATTACH.

8 Q. OKAY. DOES THAT VARY WITH INDIVIDUALS?

9 A. YES, IT DOES.

10 Q. WHAT'S THE RANGE ACCORDING TO THE STUDIES?

11 A. THE RANGE IN THE MEDIAL CLAVICLE?

12 Q. YES.

13 A. OKAY. I HAVE MY STATISTICS ON THIS FROM THE
14 PUBLISHED ARTICLE. DO YOU WANT ME TO REFER TO THAT?

15 Q. DO YOU NEED TO REFER TO IT? YOU DON'T KNOW
16 WHAT THE RANGE IS?

17 A. THE CRUCIAL POINT IN THIS EXAMINATION IS THE
18 17 TO 22 AGE RANGE. NOW, I HAVE STATISTICS AS TO RIGHT
19 SIDE AND LEFT SIDE, PERCENTAGES AND SAMPLES, SAY 500
20 INDIVIDUALS, AND NO, I CAN'T QUOTE THEM WITHOUT THE
21 ARTICLE.

22 Q. OKAY.

23 A. BUT I DO HAVE THAT ARTICLE WITH ME.

24 Q. IT'S FAIR TO SAY IT DIFFERS UPON THE GROWTH
25 RATE OF THE GIVEN INDIVIDUAL?

26 A. YES.

19506

1 Q. AND SOME OF THEM MAY BE AT THE BOTTOM END OF
2 THE RANGE, SOME OF THEM MAY BE AT THE TOP END OF THE RANGE
3 OR OUTSIDE THE RANGE, TRUE?

4 A. THE PURPOSE TO MY STUDY WAS TO ESTABLISH
5 WHAT THE RANGE WAS IN A VERY LARGE SAMPLE, YES.

6 Q. THE SAME THING HERE. THIS IS THE DISTAL
7 FEMUR OF WHICH LEG OF THE SKELETON REMAINS?

8 A. THAT WOULD PROBABLY BE THE LEFT THERE. I
9 DON'T HAVE IT MARKED.

10 Q. OKAY. AND YOU ARE TRYING TO SHOW US HERE
11 THAT BECAUSE THIS PARTICULAR SKELETON REMAIN DID NOT HAVE
12 A GAP OR A LINE ACROSS IT, THAT IT FALLS WITHIN A CERTAIN
13 AGE RANGE AGAIN?

14 A. YES.

15 Q. AND WHAT IS THAT AGE RANGE?

16 A. SEVENTEEN PLUS.

17 Q. OH. THIS AGE RANGE IS THE SAME AS THE
18 CLAVICLE?

19 A. NO, THE CLAVICLE GAVE THE UPPER PART OF THE
20 RANGE, AND THE FEMUR GAVE THE LOWER PART.

21 Q. I DON'T UNDERSTAND THAT.

22 A. OKAY. THE FEMUR, I USED THE FEMUR TO
23 ESTABLISH 17 PLUS. AND I USED THE CLAVICLE TO ESTABLISH
24 22 OR LESS.

25 Q. WHY?

26 A. BECAUSE IN FACT OF THE AGE INDICATORS

19507

1 PRESENT, THESE ARE THE TWO CRUCIAL ONES FOR SUPPLYING THE
2 REASONABLE RANGE.

3 Q. WELL, I AM TRYING TO FIGURE OUT WHY THE SAME
4 RANGE WASN'T USED FOR BOTH PORTIONS OR BOTH SPECIMENS.

5 A. WHEN I EXPLAINED THIS IN CLASS TO MY
6 STUDENTS, IT USUALLY TAKES ABOUT A HALF HOUR, AND I HAVE
7 TO DRAW GRAPHS ON THE BLACKBOARD. IT ISN'T -- I WOULD TRY
8 TO DEVELOP AN EASY WAY TO EXPLAIN IT.

9 WHAT WE DO WITH THE MULTIPLE AGE INDICATOR
10 APPROACH IS TO LOOK AT A VARIETY OF AGE INDICATORS, AND
11 THE ONES THAT WE LOOK AT ARE THE ONES THAT WE HAVE, THE
12 KNOWN VARIABILITY IN LARGE SAMPLES. WE THEN TAKE THE
13 CRUCIAL ONES WHICH WILL GIVE US THE NARROWEST AGE RANGE.
14 AND WE HAVE FOUND THIS IN FACT TO WORK AND GIVE US
15 RELIABLE AGE ESTIMATES.

16 Q. UH-HUH. AND IS THIS A STUDY PREPARED BY
17 YOURSELF?

18 A. YES, AND MY CO-WORKERS.

19 Q. WHO ARE YOUR CO-WORKERS? ANYBODY AT CAL
20 STATE FULLERTON?

21 A. NO, THE LOS ANGELES CORONER'S OFFICE. NO,
22 SOME OF MY GRADUATE STUDENTS DID CONTRIBUTE TO THE STUDY
23 ALSO.

24 Q. ARE THERE ANY OTHER STUDIES APART FROM YOUR
25 OWN THAT HAVE DEALT WITH IDENTIFYING THE AGE RANGE IN
26 THE -- BASED ON THE FEMUR INFORMATION AND ALSO THE

19508

1 CLAVICLE INFORMATION?

2 A. YES. IN FACT, THE ONES I USED IN MY REPORT
3 WHEN I FIRST EXAMINED THE REMAINS WERE SKELETAL AGE
4 CHANGES IN YOUNG AMERICAN MALES, 1957 REPORT FROM NATICK,
5 MASSACHUSETTS, WHICH WAS A TECHNICAL REPORT OF THE U.S.
6 ARMY. AND THOSE WERE THE STANDARDS I USED, BECAUSE IT WAS
7 BASED ON A VERY LARGE SAMPLE OF CAUCASOID MALES.

8 SINCE THAT TIME, I IN THE MANY YEARS SINCE
9 THAT TIME, I DID MY OWN STUDY ON MODERN AMERICANS, AND SO
10 I DID WHEN I WENT BACK TO MY REPORT, CHECKED WHAT I HAD
11 SAID THEN WITH WHAT I WOULD HAVE SAID IF I HAD THOSE
12 REMAINS COMING TO ME AT THIS DATE.

13 Q. OKAY. THIS PARTICULAR -- THE DISTAL ULNA ON
14 THE RIGHT, WERE THERE ANY ACTUAL MARKS ON THAT PARTICULAR
15 SPECIMEN?

16 A. NO, THERE WERE NOT.

17 Q. NOW, YOU SAY ON THE LEFT, THOUGH, THAT THERE
18 APPEARED TO BE SOME CUTTING?

19 A. YES, THERE WAS A VERY SHARP AREA THAT WAS
20 UNIFORMLY CUT OFF --

21 Q. WAS IT JUST ONE CUT?

22 A. YES, IT DID APPEAR TO BE.

23 Q. NOW -- I THINK THAT'S ALL I HAVE ON THOSE.

24 CAN YOU TELL US APPARENTLY PART OF YOUR
25 STATURE DETERMINATION WAS BASED ON WHAT, MEASURING THE
26 BONES, IS THAT IT?

19509

1 A. RIGHT.

2 Q. AND WHAT DID THAT CONSIST OF?

3 A. I MEASURED THE MAXIMUM LENGTH OF THE FEMUR
4 AND TIBIA. AND THEN I UTILIZED A STATURE FORMULA FROM
5 TROTTER AND GLAZER FOR AMERICA WHITE MALES. AND THAT
6 STATURE FORMULA GIVES AN ESTIMATE OF HEIGHT, GIVEN THE
7 LENGTH OF THE LONG BONES.

8 Q. HOW IS THAT MEASUREMENT DONE?

9 A. WITH AN OSTEOMETRIC BOARD. I HAVE A SPECIAL
10 INSTRUMENT, A BOARD WITH TWO SIDES.

11 YOU PUT THE BONE IN, YOU TWIST IT SLIGHTLY SO
12 THAT YOU WILL GET THE MAXIMUM LENGTH, AND -- AND I DID
13 THIS SEVERAL TIMES. FIRST TIME I LOOKED AT THE REMAINS IN
14 '75, AND ALSO IN '83.

15 Q. YOU GOT TWO DIFFERENT MEASUREMENTS, DIDN'T
16 YOU?

17 A. I THINK THEY WERE A COUPLE MILLIMETERS
18 DIFFERENT, AND I NOTED THAT IN THE REPORT.

19 Q. WHEN DID YOU RECEIVE THE SPECIMENS THE FIRST
20 TIME?

21 A. I RECEIVED THEM OCTOBER 29TH, 1970.

22 Q. AND WHAT DID YOU DO WITH THEM?

23 A. WELL, I STUDIED THEM FOR QUITE A PERIOD OF
24 TIME, THEN I KEPT THEM IN MY POSSESSION, AND SOME POINT IN
25 TIME I DID RETURN THEM.

26 Q. WERE THEY DELIVERED TO YOU IN '75, OR DID

19510

1 YOU PICK THEM UP, OR PROCEDURALLY WHAT HAPPENED?

2 A. I DO NOT HAVE AN INDEPENDENT RECOLLECTION OF
3 THAT. I DO RECOGNIZE MY SIGNATURE ON THE PROPERTY TAG,
4 BUT I DO NOT, TO TELL YOU THE TRUTH, RECALL IN MY MIND THE
5 EXACT LOCATION OR WHAT HAPPENED.

6 Q. NOW, YOU SAY YOU KEPT SPECIMENS, THE BONES
7 FOR A LONG PERIOD OF TIME. HOW LONG WAS THAT?

8 A. I KEPT THEM NEARLY THREE YEARS. I RETURNED
9 THEM JULY 31ST, I BELIEVE, 1970.

10 Q. AND WHERE HAD THEY BEEN DURING THAT PERIOD
11 OF TIME?

12 A. THE MAJORITY OF THE TIME THEY WERE IN MY
13 FILE CABINET AT CAL STATE FULLERTON LOCKED, BECAUSE THAT
14 WAS THE ONE PLACE I HAD A SECURE LOCKING FACILITIES IN MY
15 LAB.

16 Q. YOU SAY THE MAJORITY OF THE TIME. AT SOME
17 OTHER POINT IN TIME WERE THEY AT A DIFFERENT LOCATION?

18 A. TWICE I RECALL IN PARTICULAR, BECAUSE I TOOK
19 THEM TO THE UNIVERSITY OF NEVADA TO CONSULT WITH MY
20 COLLEAGUE ABOUT THE MARKS ON THE SCAPULA, AND ALSO WITH A
21 FORENSIC ANTHROPOLOGIST AT THE UNIVERSITY OF ARIZONA. SO
22 I WENT TWO DIFFERENT OCCASIONS. THAT WAS THE FALL RIGHT
23 AFTER I RECEIVED THEM. SO I KNOW THEY WERE OUT OF THE
24 FILE CABINET THEN.

25 Q. FALL OF '75?

26 A. CORRECT.

19911

1 Q. THEN ONCE AGAIN WHEN DID IT LEAVE THE CAMPUS
2 AGAIN?

3 A. BOTH TIMES WERE IN THE FALL OF '75. I DON'T
4 HAVE THE EXACT DATES WITH ME.

5 Q. DO YOU KNOW WHEN YOU RETURNED THEM TO THE
6 CAMPUS?

7 A. NO, I COULD -- I DO NOT HAVE MY CALENDAR
8 WITH ME, BUT I WENT TO THE UNIVERSITY NEVADA AND TO THE
9 UNIVERSITY OF ARIZONA.

10 Q. NOW, APPARENTLY IN THESE SPECIMENS THE -- I
11 GUESS FOR LACK OF A BETTER TERM, HIP BONES, WEREN'T
12 PRESENT?

13 A. CORRECT.

14 Q. IS THERE SOME OTHER TERM FOR IT OTHER THAN
15 HIP BONES --

16 A. NO, THAT IS THE CORRECT TERM. HIP BONE.

17 Q. MOST OF THE TERMS ARE MORE COMPLICATED THAN
18 I CARE TO DEAL WITH, BUT THAT'S A SIMPLE ONE.

19 NOW, WHAT DOES THE HIP BONE CONNECT TO?

20 A. THE HIP BONE CONNECTS TO THE SACRUM IN THE
21 BACK. AND IT WOULD ALSO ARTICULATE WITH THE HEAD OF THE
22 FEMUR AT THE BALL AND SOCKET JOINT.

23 Q. SO THE SACRUM, WHICH IS -- WHAT IS THAT, THE
24 BOTTOM OF THE SPINAL CORD --

25 A. CORRECT.

26 Q. -- SO TO SPEAK?

19512

1 A. OH-HUH.

2 Q. DID YOU NOTICE ANY TOOL MARKS ON THE SACRUM?

3 A. NO, I DID NOT.

4 Q. WHAT ABOUT THE FEMUR ITSELF? DID YOU SEE
5 ANY TOOL MARKS?

6 A. NO, I DID NOT.

7 Q. NOW, A PORTION OF -- WAS IT THE LEFT FOOT
8 WAS GONE?

9 A. I HAD MISCELLANEOUS FOOT BONES. THERE WERE
10 BONES MISSING FROM BOTH RIGHT AND LEFT FEET.

11 Q. OKAY. DID YOU SEE ANY TOOL MARKS ON THE
12 FEET AREA?

13 A. NO, I DID NOT.

14 Q. NOW, YOU TOLD US THAT YOU LOOKED AT A NUMBER
15 OF REPORTS PRIOR TO COMING IN TODAY AND GIVING US YOUR
16 OPINION ON YOUR FINDINGS. DID YOU READ SOME PATHOLOGIST
17 REPORTS CONCERNING MR. CROTWELL APART FROM THE SKULL
18 EXAMINATION?

19 A. WHAT I READ WAS A RADIOLOGIST'S REPORT ON
20 X-RAYS AT A PRIOR TIME. IS THIS WHAT YOU ARE REFERRING
21 TO?

22 Q. NO, I AM REFERRING TO PATHOLOGISTS THAT MAY
23 HAVE EXAMINED THE SPECIMENS.

24 A. OH. FORENSIC PATHOLOGIST, NOT WHEN HE WAS
25 ALIVE. FORENSIC PATHOLOGIST.

26 Q. YES, I AM SORRY.

19513

1 A. I BRIEFLY SCANNED THE REPORT, YES, OF
2 ANOTHER PATHOLOGIST.

3 Q. UH-HUH. WHEN DID YOU SCAN THAT REPORT?

4 A. I DID ON A COUPLE OF OCCASIONS. I DID NOT
5 READ IT THOROUGHLY EITHER TIME.

6 Q. NOW, DO YOU HAVE ANY RECOLLECTION AT ALL AS
7 TO WHO BROUGHT THE SPECIMEN TO YOU, IF THAT'S WHAT
8 HAPPENED, IF IT WAS ACTUALLY BROUGHT TO YOU AS OPPOSED TO
9 YOU PICKING IT UP AT THE CORONER'S OFFICE?

10 A. NO, I HAVE NO INDEPENDENT RECOLLECTION, BUT
11 I DID EXAMINE THE PROPERTY TAG AND CLEARLY RECOGNIZE MY
12 NAME -- MY SIGNATURE.

13 Q. INDICATING TO YOU THAT POSSESSION WAS GIVEN
14 TO YOU?

15 A. CORRECT. I DID SIGN THE PROPERTY TAG.

16 Q. AT THE TIME YOU RECEIVED THE SPECIMEN, DID
17 YOU CONDUCT AN INVENTORY OF WHAT YOU WERE RECEIVING?

18 A. I FILED A REPORT NOVEMBER 4TH IN WHICH I SET
19 OUT A BASIC ANALYSIS. THAT WOULD BE MY INVENTORY.

20 Q. BUT YOU DIDN'T RECEIVE THE SPECIMEN NOVEMBER
21 4TH; YOU RECEIVED IT MUCH EARLIER?

22 A. CORRECT.

23 Q. IT WAS --

24 A. SEVERAL DAYS EARLIER.

25 Q. ACTUALLY IT WAS IN OCTOBER, WASN'T IT?

26 A. 29TH.

19514

1 Q. ON OCTOBER 29TH WHEN YOU RECEIVED THE
2 SPECIMEN IN YOUR POSSESSION, DID YOU WRITE NOTES OR A
3 REPORT WITH REGARD TO THE INVENTORY OF WHAT THE SPECIMEN
4 CONTAINED?

5 A. IT ACTUALLY TOOK ME A COUPLE DAYS TO DO
6 THIS, AND THAT WAS THE NOVEMBER 4TH REPORT. SO, WHEN THE
7 REMAINS WERE BROUGHT TO ME, THEY WERE NOT TOTALLY CLEAR,
8 AND I HAD TO DO A LITTLE WORK ON THEM BEFORE I KNEW WHAT I
9 DID HAVE.

10 Q. SO THE ANSWER IS NO, YOU DIDN'T?

11 A. YEAH.

12 Q. YOU DID NOT?

13 A. WELL, I DID, BUT IT WAS --

14 Q. FOUR DAYS AFTER YOU RECEIVED THE SPECIMENS
15 IS WHEN YOU PREPARED A REPORT OF THE INVENTORY?

16 A. NO, I STARTED WORKING ON THE REMAINS UPON
17 RECEIVING THEM. I STARTED MY INVENTORY, COMPLETED IT, AND
18 TURNED IT BACK ON THE 4TH.

19 Q. WITHIN THE -- AT SOME POINT IN TIME, YOU
20 WERE ASKED, WERE YOU NOT, OR DID YOU -- STRIKE THAT.

21 AT SOME POINT IN TIME, YOU RENDERED AN
22 OPINION, BOTH IN REPORT FORM AND HANDWRITTEN FORM, WITH
23 REGARD TO YOUR OPINION AS TO HOW LONG THE SPECIMEN HAD
24 BEEN EXPOSED TO THE WEATHER. HOW LONG IT HAD BEEN
25 DECEASED, ESSENTIALLY?

26 A. MY FIRST REPORT I DID THAT.

19515

1 Q. WHAT WAS THE RANGE --

2 A. I SAID ONE TO FOUR YEARS IN THAT REPORT.

3 Q. WHEN DID YOU GIVE THAT OPINION?

4 A. THAT WOULD HAVE BEEN DONE FROM OCTOBER 29TH
5 TO NOVEMBER 4TH.

6 Q. THE REPORT WOULD HAVE BEEN WRITTEN?

7 A. YES, I GOT THE REMAINS THE 29TH, WORKED ON
8 THEM, TYPED MY REPORT, AND BROUGHT THAT REPORT IN NOVEMBER
9 4TH.

10 Q. WERE YOU PRESENT WHEN THE PATHOLOGIST,
11 DR. YATAR, EXAMINED THESE REMAINS?

12 A. NO, I WAS NOT.

13 Q. WERE YOU PRESENT WHEN THE REMAINS WERE
14 EXAMINED BY ANYONE IN A CULVERT?

15 A. NO, I WAS NOT.

16 Q. WHAT WERE THE CONDITIONS UNDER WHICH YOU
17 RECEIVED THE REMAINS?

18 A. I RECEIVED THE REMAINS AFTER THEY HAD BEEN
19 COLLECTED AND AFTER I GUESS A NUMBER OF PEOPLE HAD LOOKED
20 AT THEM.

21 Q. WHAT DID YOU DO, SEE THEM IN A BOX OR
22 SOMETHING?

23 A. LIKE I SAID, I HAVE NO INDEPENDENT
24 RECOLLECTION OF THAT EVENT IN 1975.

25 Q. WOULD YOUR NOTES REFLECT THAT?

26 A. NO, I HAVE MY NOTES. MY NOTES DO NOT

19516

1 REFLECT ITEMS LIKE THAT.

2 I COULD EXPLAIN, BUT I DON'T KNOW IF I AM
3 ALLOWED TO DO THAT.

4 Q. WE WILL GET BACK TO IT IN JUST A MINUTE.

5 DID YOU REVIEW ANY MEDICAL RECORDS WITH
6 REGARD TO -- STRIKE THAT. LET ME APPROACH IT A LITTLE
7 DIFFERENT WAY.

8 THE SCAPULA, THE AREA YOU ARE TALKING ABOUT,
9 THE SO-CALLED SHOULDER BLADES OF A HUMAN BEING. DID YOU
10 SEE ANY FRACTURES, OLD FRACTURES IN THAT -- EITHER
11 SCAPULA?

12 A. I DID NOT SEE ANY OLD FRACTURES. I DID NOT
13 SEE X-RAYS, HOWEVER. I ONLY SAW THE BONE OF THAT.

14 Q. BUT AT LEAST IN YOUR VISUAL EXAMINATION YOU
15 SAW NO FRACTURES?

16 A. NO OLD FRACTURES, UH-HUH.

17 Q. DID YOU READ ANY REPORTS THAT INDICATED THAT
18 MR. CROTWELL HAD EXPERIENCED A BROKEN COLLAR BONE AT ONE
19 TIME IN LIFE?

20 A. PARDON ME. WE ARE TALKING ABOUT THE
21 SHOULDER BLADE, THE COLLAR BONE.

22 Q. I AM SORRY, I AM USING THE TERM INCORRECTLY.
23 IT'S THE SHOULDER BLADE.

24 A. OKAY. NO, I DID NOT SEE ANY REPORT SUCH AS
25 THAT.

26 Q. SO THE MEDICAL RECORDS THAT YOU REVIEWED

19517

1 WITH REGARD TO MR. CROTWELL RELATED TO THE WRIST AREA?

2 A. YES.

3 Q. ANYTHING ELSE?

4 A. I DON'T BELIEVE SO. EXCEPT -- NO, THAT
5 WOULD BE IT.

6 Q. NOW, YOU SAID THE STYLOID PROCESS WAS AT
7 LEAST ON ONE OF THE ULNAS GLOSSED OVER?

8 A. YES.

9 Q. WHICH ONE WAS THAT AGAIN?

10 A. THE RIGHT.

11 Q. WHAT DOES THAT MEAN, GLOSSED OVER?

12 A. MEANS IT'S SMOOTH, GLOSSY.

13 Q. OKAY. IS THERE A PHOTOGRAPH OF THAT HERE?

14 A. YES, THAT IS THE ONE WE ARE LOOKING AT.

15 Q. THAT'S GLOSSY?

16 A. THE POINT WHERE THE STYLOID PROCESS WOULD
17 HAVE BEEN, IS --

18 THE COURT: REFERRING TO 151; IS THAT CORRECT?

19 MR. MC DONALD: YES. I AM SORRY, YOUR HONOR, THANK
20 YOU.

21 THE WITNESS: DO YOU WANT ME TO POINT TO THE SPOT?

22 MR. MC DONALD: YEAH. IT'S PROBABLY THERE, IT'S
23 JUST I DON'T SEE IT -- OR UNDERSTAND IT.

24 THE WITNESS: RIGHT HERE. THIS IS THE AREA WHERE
25 THE STYLOID PROCESS WOULD HAVE BEEN, AND IT IS SHINY.
26 THIS IS WHAT WE WOULD CALL GLOSSED OVER.

19518

1 BY MR. MC DONALD: Q. OH, OKAY. YOU CAN RETAKE
2 YOUR SEAT.

3 AND THAT INDICATES TO YOU THAT AT SOME
4 EARLIER POINT IN TIME THERE HAD BEEN INJURY TO THAT RIGHT
5 DISTAL ULNA, CORRECT?

6 A. IT INDICATED TO ME THAT IT WAS MISSING. IT
7 IS NOT THERE -- THE STYLOID PROCESS. AND THAT IN FACT IT
8 HAD NOT BEEN RECENT.

9 Q. OKAY. AND YOUR ABILITY TO DETERMINE RECENT
10 VERSUS PAST IS BASED ON THIS GLOSSINESS.

11 A. YES. THAT WOULD BE A KEY FACTOR.

12 Q. AND YOU MENTIONED IN THE SCAPULA YOU SAW
13 SOME DEFECTS IN THE SCAPULA THAT YOU DIDN'T SEE ANY
14 HEALING PROCESS; IS THAT RIGHT?

15 A. THAT IS CORRECT.

16 Q. WHAT'S A HEALING PROCESS?

17 A. WHEN HEALING BEGINS TO TAKE PLACE, YOU CAN
18 SEE THE TEXTURE OF THE BONE CHANGES OR IS DIFFERENT AS
19 OPPOSED TO A SHARP BREAK. WHEN HEALING BEGINS TO TAKE
20 PLACE, THAT SHARP BREAK IS NO LONGER SHARP. THE TEXTURE
21 CHANGES.

22 Q. WOULDN'T THAT DEPEND ON HOW LONG A PERIOD OF
23 TIME WAS AVAILABLE FOR THE HEALING PROCESS TO TAKE PLACE?

24 A. YES.

25 Q. WHEN YOU RECEIVED THE SPECIMEN, HOW MANY RIB
26 BONES WERE PRESENT?

19519

1 A. I BELIEVE THERE WERE THREE MISSING. THE
2 MAJORITY OF THE RIBS WERE THERE. THERE WAS ONE OR TWO
3 MISSING FROM EACH SIDE.

4 Q. YOU SEE ANY ACTUAL MARKS ON ANY PORTION OF
5 THE CHEST AREA WHERE THE RIB BONES WOULD BE LOCATED?

6 A. NO, I DID NOT.

7 Q. HOW MANY RIB BONES ARE THERE?

8 A. THERE ARE GENERALLY 12 ON EACH SIDE.

9 Q. AND YOU COUNTED WHAT? HOW MANY AGAIN?
10 THIRTEEN?

11 A. NO, I -- THERE WERE A FEW RIBS MISSING,
12 MEANING I DID NOT HAVE A FULL 12 AND 12. THIS IS IN MY
13 ORIGINAL INVENTORY WHICH I COULD GO BACK TO THE EXACT
14 NUMBER ON EACH SIDE.

15 Q. YOUR INVENTORY OF NOVEMBER 4TH, THAT WHAT
16 YOU ARE SAYING?

17 A. CORRECT.

18 Q. IN '75 AT YOUR FIRST EXAMINATION OF THESE
19 REMAINS, YOU WERE A TEACHER AT CAL STATE FULLERTON DURING
20 THAT PERIOD OF TIME?

21 A. THAT IS CORRECT.

22 Q. AND THEN LATER IN THE YEAR IS WHEN YOU TOOK
23 THE REMAINS OUT OF YOUR OFFICE TO CONSULT WITH I GUESS A
24 COLLEAGUE?

25 A. TWO COLLEAGUES, RIGHT, AT DIFFERENT
26 LOCATIONS.

19520

1 Q. WHAT MONTH OF THE YEAR WAS IT?

2 A. IT WAS IN THE FALL OF '75.

3 Q. BUT YOU DON'T REMEMBER WHEN?

4 A. NO, I DO NOT. I COULD FIND THAT ON MY
5 CALENDAR, BECAUSE I -- I MARK WHEN I AM OUT OF TOWN.

6 Q. NOW, WERE YOU AWARE THAT DR. YATAR WHO
7 CONDUCTED THE FIRST AUTOPSY OF THESE REMAINS HAD A
8 DIFFERENT OPINION ON THE HEIGHT OF THE INDIVIDUAL THAN YOU
9 DO?

10 A. YES, I AM AWARE OF THAT.

11 Q. AND WITHIN HIS AUTOPSY RECORD, HE GAVE THE
12 OPINION THAT THE INDIVIDUAL WAS BETWEEN 66 INCHES AND 68
13 INCHES, WHICH WOULD BE FIVE FOOT SIX OR FIVE FOOT EIGHT?

14 A. YES, I AM AWARE OF THAT.

15 Q. SO DID YOU READ HIS REPORT?

16 A. I SCANNED IT SEVERAL TIMES, BUT I DO RECALL
17 READING THAT.

18 Q. DO YOU THINK HE JUST MADE A MISTAKE AS FAR
19 AS THE MEASUREMENT OF THE BONES?

20 A. NO, HE'S NOT TRAINED IN FORENSIC
21 ANTHROPOLOGY. HE PROBABLY DIDN'T EVEN USE THE RIGHT
22 STATURE FORMULA. MOST -- MAY I COMMENT AS TO THAT
23 SITUATION?

24 Q. MR. BROWN WILL GIVE YOU A CHANCE TO MAKE ALL
25 KINDS OF COMMENTS.

26 DR. YATAR ACTUALLY PUTS IN HIS REPORT THE

19521

1 MEASUREMENT OF THE INDIVIDUAL LONG BONES, THE FEMUR, THE
2 TIBIA, THE FIBULA, THE HUMERUS, THE RADIUS, AND ALSO THE
3 ULNA. HE GAVE LENGTH -- HIS MEASUREMENTS ON ALL THOSE,
4 DIDN'T HE?

5 A. I DON'T -- I DON'T REALLY RECOLLECT. HE MAY
6 WELL HAVE DONE SO.

7 Q. BUT YOU THINK BECAUSE OF HIS NOT BEING
8 TRAINED IN ANTHROPOLOGY HE MAY NOT HAVE MEASURED THESE
9 BONES CORRECTLY?

10 A. MOST PATHOLOGISTS DO NOT HAVE AN OSTEOMETRIC
11 BOARD, AND FEW OF THEM EVEN KNOW HOW THE BASIC
12 MEASUREMENTS WERE TAKEN FROM THE ORIGINAL STUDIES. MOST
13 OF THEM RELY ON THE ANTHROPOLOGIST TO DO THE BASIC I.D.

14 Q. IN THIS PARTICULAR CASE, HE DIDN'T RELY ON
15 THE ANTHROPOLOGIST TO DO THE BASIC I.D. HE DID HIS OWN
16 MEASUREMENTS, CORRECT?

17 A. IF THEY ARE IN HIS REPORT, HE MUST HAVE DONE
18 SOMETHING TO COME UP WITH THE STATURE.

19 Q. WELL, YOU READ HIS REPORT, YOU SAY, OR YOU
20 SCANNED HIS REPORT?

21 A. RIGHT. I RECALL HIS STATURE ESTIMATE, BUT I
22 THINK I RECALL HE MEASURED THE BONES IN INCHES; IS THAT
23 CORRECT? DOES HE GIVE INCHES, OR DOES HE GIVE
24 MILLIMETERS?

25 Q. YOU THINK IF AN INDIVIDUAL USED INCHES AS
26 OPPOSED TO MILLIMETERS HIS WOULD BE INHERENTLY

19522

1 UNTRUSTWORTHY?

2 A. NOT IF YOU CONVERTED, BUT SEE, ALL THE
3 STATURE FORMULAS THAT ARE RELIABLE, YOU WANT THEM IN
4 MILLIMETERS OR CENTIMETERS. SO FOR SOMEONE TO PUT IT IN
5 INCHES WOULD MEAN THEY ARE NOT FAMILIAR WITH THE MOST
6 TECHNICAL PROCEDURES. THERE ARE MANY WAYS TO CALCULATE
7 STATURE. SOME ROUGH HAND ESTIMATES ARE USED BY MANY
8 PEOPLE AT THE SCENE. THIS IS SUFFICIENT IN CERTAIN CASES.

9 Q. IN FACT, EVEN WITHIN MILLIMETERS, AND THE
10 PROCEDURE THAT YOU SAY YOU USED IN '75, IT WAS DIFFERENT
11 THAN WHAT YOU CALCULATED IN 1979.

12 A. AS I RECALL, I ONLY GOT ABOUT TWO
13 MILLIMETERS OFF, WHICH IS NOT MUCH AT ALL.

14 Q. NO, NOT BY ITSELF, BUT DOESN'T IT INDICATE
15 THAT THERE'S A DIFFERENCE IN THE MEASUREMENT BETWEEN YOUR
16 FIRST MEASUREMENT OF THESE BONES AND YOUR SECOND
17 MEASUREMENT OF THESE BONES?

18 A. RIGHT. AND IN MY SECOND REPORT, I NOTED
19 THAT IT WAS QUITE MINIMAL, ALTHOUGH THERE WAS A SLIGHT
20 DIFFERENCE, AND SUGGESTED IT MIGHT BE IN THE DIFFERENCE IN
21 THE OSTEOMETRIC BOARD. I DID NOT PURSUE IT.

22 Q. ONE OF YOUR ADDITIONAL CRITERIA HERE, THESE
23 NINE FEATURES THAT ALLOWED YOU TO CONCLUDE THIS WAS KEITH
24 CROTWELL'S REMAINS, WAS THE FACT THAT THE REMAINS HAD
25 BROWN HAIR ON IT?

26 A. BROWN HAIR WAS ONE OF THE FEATURES, YES.

19523

1 Q. ANYTHING OTHER THAN THE FACT THAT IT WAS
2 BROWN HAIR? ANY OTHER MORE SPECIFICITY WITH REGARD TO
3 COMPARISON BETWEEN --

4 A. NO, IT WAS SIMPLY BROWN HAIR.

5 Q. THE COLOR?

6 A. ALTHOUGH THAT WOULD RELATE TO THE RACE. YOU
7 COULD SAY I DID NOT INCLUDE RACE IN THOSE FACTORS, BUT
8 THAT TYPE OF HAIR WOULD BE CONSISTENT WITH WHITE OR
9 CAUCASIAN, SO THAT IT DOES RELATE TO THAT OTHER FEATURE AS
10 WELL, WHICH COULD BE BROUGHT INTO THE PICTURE.

11 Q. ANY OTHER RACES HAVE BROWN HAIR OTHER THAN
12 WHITE OR CAUCASIAN?

13 A. NO.

14 Q. REALLY?

15 A. WELL, THIS GETS US INTO A TECHNICALITY OF
16 WHAT IS A RACE AND HOW MANY RACES YOU ARE GOING TO USE.
17 BUT BLACKS AND MONGOLOID HAVE DISTINCTIVE HAIR, BOTH IN
18 COLOR AND IN TEXTURE. THE HAIR ACTUALLY WAS ANALYZED BY
19 DR. BERGDY(PHONETIC), AND --

20 Q. WELL --

21 A. -- HE FOUND IT TO BE COMING FROM CAUCASIAN.

22 Q. THERE'S WHERE I MISUNDERSTOOD. CAUCASIAN
23 ACCORDING TO YOUR DEFINITION INCLUDES EVERYONE EXCEPT
24 MONGOLOID OR BLACKS; IS THAT RIGHT?

25 A. THIS IS ONE WAY TO CLASSIFY PEOPLE, YES, IN
26 THREE CATEGORIES. YOU COULD BE MORE PRECISE, ALSO.

19524

1 Q. DO YOU HAVE -- YOU WERE TALKING ABOUT A
2 PROPERTY REPORT THAT YOU SAW YOUR INITIALS OR NAME ON OF
3 EITHER HAVING BEEN DELIVERED THESE SPECIMENS OR HAVING
4 PICKED THEM UP YOURSELF?

5 A. THE PROPERTY TAG, RIGHT.

6 Q. YEAH. WHEN DID YOU SEE THAT?

7 A. WHEN DID I SEE IT?

8 Q. YEAH. IN 1975? DID YOU SEE IT TODAY?

9 A. NO, NOT TODAY.

10 Q. DID YOU SEE IT RECENTLY?

11 A. YES, I HAVE SEEN IT RECENTLY.

12 Q. HOW RECENT?

13 A. WELL, I PHOTOGRAPHED THE REMAINS A COUPLE OF
14 DAYS AGO. THE PROPERTY TAG IS WITH THE REMAINS.

15 Q. SO A COUPLE DAYS AGO IS WHEN YOU SAW IT?

16 A. IT WOULD BE LAST WEEK ON A WEDNESDAY
17 AFTERNOON BETWEEN NOON AND 3:00 O'CLOCK IN THE AFTERNOON.

18 Q. PRIOR TO THAT TIME HAD YOU EVER PHOTOGRAPHED
19 ANY OF THESE REMAINS?

20 A. YES, I HAVE. I PHOTOGRAPHED THEM ON THREE
21 SEPARATE OCCASIONS.

22 Q. WHERE ARE THEY -- WHERE ARE THOSE
23 PHOTOGRAPHS?

24 A. THOSE ARE SLIDES WHICH I MADE AVAILABLE
25 UNDER DISCOVERY LAST FALL.

26 Q. WELL, HANG ON THERE, DOCTOR. THAT'S --

19525

1 PLEASE TRY TO JUST ANSWER THE QUESTION. THAT'S NOT WHAT I
2 ASKED.

3 WHERE ARE THEY?

4 A. WHERE ARE THE SLIDES?

5 Q. WHERE ARE THE PICTURES OR PHOTOGRAPHS OR
6 SLIDES OF THE OTHER PHOTOGRAPHS THAT YOU TOOK OF THOSE
7 SPECIMENS?

8 A. I HAVE THEM IN MY PURSE.

9 Q. OH, OKAY. RIGHT NOW?

10 A. YES.

11 Q. GOOD. I'D LIKE AN OPPORTUNITY TO LOOK AT
12 THEM, YOUR HONOR, PLEASE.

13 THE COURT: ALL RIGHT.

14 MR. MC DONALD: WE CAN WAIT A LITTLE BIT, THOUGH.
15 I AM NOT QUITE THROUGH.

16 THE COURT: I WOULD THINK, GENTLEMEN, THAT ONCE WE
17 CONCLUDE THIS WITNESS, WE WILL TERMINATE FOR THE DAY.

18 MR. BROWN: THANK YOU, SIR. THAT'S WHAT WE WERE
19 TALKING ABOUT RIGHT NOW.

20 (INTERRUPTION IN PROCEEDINGS.)

21 MR. MC DONALD: I'D LIKE A FEW MOMENTS TO LOOK AT
22 THE SLIDES, YOUR HONOR, PLEASE. I AM SORRY.

23 THE COURT: LADIES AND GENTLEMEN, YOU ARE
24 ADMONISHED IT'S YOUR DUTY NOT TO CONVERSE AMONG
25 YOURSELVES, ANYONE ELSE THE NATURE OR SUBJECT OF THE
26 TRIAL, FORM OR EXPRESS ANY OPINION UNTIL THE MATTER IS

19526

1 FINALLY SUBMITTED TO YOU.

2 WHAT WE WILL DO, LADIES AND GENTLEMEN, IN
3 VIEW OF THE FACT TWO OF THE JURORS ARE NOT FEELING WELL,
4 IS CONCLUDE THIS WITNESS AND THEN BREAK UNTIL 9:15
5 TOMORROW MORNING. SO IF YOU WILL JUST HANG ON, THE TWO
6 THAT AREN'T FEELING TOO WELL, WE WILL BE THROUGH SHORTLY.

7 WHY DON'T YOU DO THIS: LET'S TAKE A
8 15-MINUTE RECESS.

9 (RECESS.)

10 (THE FOLLOWING PROCEEDINGS HAD IN OPEN COURT
11 IN THE PRESENCE OF THE JURY.)

12 THE COURT: I THINK, LADIES AND GENTLEMEN, IN VIEW
13 OF THE FACT TWO OF THE JURORS AREN'T FEELING WELL, WE WILL
14 TERMINATE FOR THE DAY RIGHT NOW. SO I WILL ADMONISH YOU
15 IT'S YOUR DUTY NOT TO CONVERSE AMONG YOURSELVES, ANYONE
16 ELSE THE SUBJECT OF THE MATTER, FORM OR EXPRESS ANY
17 OPINION UNTIL THE MATTER IS FINALLY SUBMITTED TO YOU.

18 WE WILL SEE YOU ALL AT 9:15 TOMORROW
19 MORNING. IN THE EVENT THE TWO JURORS, LET US KNOW LATER
20 THIS AFTERNOON IF YOU FEEL YOU WON'T BE IN TOMORROW, LET
21 US KNOW. WE WILL HOPE YOU WILL EITHER FIND OUT WHAT'S
22 WRONG OR BE RECOVERED BY TOMORROW, HOPEFULLY, SO WE WILL
23 LET YOU ALL GO RIGHT NOW UNTIL 9:15 TOMORROW MORNING.

24 THE COURT: GENTLEMEN, STAND IN RECESS.

25 (EVENING RECESS.)

26

