

DR. JERRY THOMAS FRANCISCO

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2
3 The said witness, having been first duly sworn,
4 testified as follows:

5 DIRECT EXAMINATION
6 BY MR. LESAR:

7 Q. Dr. Francisco, were you the coroner for Shelby County
8 in 1968?

9 A. No.

10 Q. In 1969?

11 A. No.

12 Q. What was your -- you have been a practicing physician
13 here in Memphis?

14 A. Yes.

15 Q. For how long?

16 A. Since 1955.

17 Q. And have you testified in court proceedings before?

18 A. Yes.

19 Q. Frequently?

20 A. Yes.

21 Q. And you did testify at the guilty plea proceeding in
22 the James Earl Ray case?

23 A. Yes.

24 Q. Did you execute an affidavit on June 10, 1968 for use
25 in the extradition hearing of James Earl Ray?

1 A. I do not recall the specific date, but I probably did.

2 Q. I show you a copy and ask you if this is a copy of
3 that report?

4 A. Yes.

5 Q. What did you testify to at the hearing for James Earl
6 Ray?

7 A. ^{Investigation} Concerning the cause of death and certain circumstances
8 surrounding death.

9 Q. Do you recall what was your testimony as to the nature
10 of the wound?

11 A. A gunshot wound to the jaw severing the spinal cord.

12 Q. I would like to show -- let me just read it to you.

13 Your testimony from the Otwell transcript says that:

14 "Examination revealed a gunshot wound to the
15 right side of the face passing through the jaw into
16 the neck through the spinal cord at the base of the
17 neck, the bullet lodging beneath the skin near the
18 shoulder blade on the left."

19 Is that correct?

20 A. Yes.

21 Q. Now, you removed the missile from Dr. King's body,
22 did you not?

23 A. That is correct.

24 Q. You described it here as a bullet. Is that the best
25 description of it? Could you describe what you removed from

1 Dr. King?

2 A. It was a bullet.

3 Q. Was it an entire bullet, completely intact?

4 A. You mean was there any element of metal missing?

5 Q. Yes.

6 A. Oh, yes.

7 Q. How much?

8 A. I had no way of measuring how much was missing,
9 because the bullet had passed through several fragments of
10 bone and had left fragments throughout.

11 Q. How many wounds were there?

12 A. Bullet wounds?

13 Q. Wounds caused by the bullet, yes.

14 A. One, unless you choose to identify as a wound each
15 organ as it passed through.

16 If you did not choose to do that, then there would be
17 one wound, but if you did, then there would be one wound for
18 each organ.

19 Q. ^{Investigation} I show you a copy of the autopsy chart 14. Does that
20 seem to indicate one or two wounds?

21 A. One bullet wound and one surgical injury.

22 Q. Which is the surgical injury?

23 A. The lower.

24 Q. And from the nature of the -- from the course of the
25 bullet through the body, and the fragments removed from it,

1 it did fragment, did it not?

2 A. There were fragments of the bullet that were left
3 in the track, yes.

4 Q. Would this indicate it was possible to distinguish the
5 trajectory of the bullet backward from the point of origin,
6 or not?

7 A. Was it possible to determine the path of the bullet
8 in the body?

9 Q. To determine the point from which the shot was fired.

10 A. Within general reference, yes.

11 Q. As I understand it, the bullet fragmented upon entry?

12 A. There were fragments of the bullet left in the path,
13 yes.

14 Q. And what was the path through the body?

15 A. The path through the body was from right to left,
16 from front to back, and from above downward.

17 Q. And what was the angle through the body?

18 A. The angle through the body was not measured in precise
19 degrees, but was roughly thirty to forty-five degrees angle.

20 Q. And that would indicate that the shot was fired at
21 a thirty to forty-five degree angle?

22 A. No.

23 Q. It is not possible to determine ^{from} the course of the bullet
24 through the body the point of origin of the shot?

25 A. It is possible only to determine that the path of the

1 bullet traveling from upward to downward and from front to
2 back and right to left. That projecting the trajectory of
3 the bullet the missile came from a point above the body to
4 the right of the body and traveling downward.

5 Q. Now, that trajectory would have to be based on a
6 fixed point of entry on Dr. King, wouldn't it?

7 A. I am sorry. I don't understand the question.

8 Q. It seems you could not fix the origin of the bullet
9 unless you are able to determine with certainty the height
10 with which the bullet entered Dr. King in relation to the
11 bathroom window, or whatever point the bullet was fired from?

12 A. I think I know the question you are trying to ask,
13 but may I rephrase your question?

14 Q. Certainly.

15 A. You are trying to say, is it possible for me to say
16 that a bullet came from a bathroom window to the exclusion
17 of any other point on the face of the globe, right?

18 Q. All right. You answer your question.

19 A. No, it is not possible for me to say that.

20 Q. Did you consider any other possibilities?

21 A. Yes.

22 Q. Which ones?

23 A. Well, any other possibility on the face of the globe
24 had to be considered, but this was not my responsibility to
25 identify the location of the firing, only the path of the

1 bullet within the body.

2 Q. In considering that question, a relevant factor would
3 be whether or not Dr. King was standing upright or whether
4 he was bending over, is that right?

5 A. Which question?

6 Q. In considering the question of the origin of the shot
7 and the angle which the shot traveled?

8 A. Would one need to know the precise location of the
9 body when shot?

10 Q. Yes.

11 A. Yes.

12 Q. Did you know with certainty whether Dr. King was
13 standing upright or bending over?

14 A. Not of my own personal knowledge.

15 Q. Did you have any other evidence supplied to you on
16 that?

17 A. The statements that Dr. King was standing at the
18 balcony at the time the shot was fired.

19 Q. And this is reflected on the chart in the autopsy
20 report, which indicates that the -- that the difference
21 between Dr. King's right heel and his mouth is approximately
22 sixty-one inches?

23 A. That represents the measurement.

24 Q. And your calculations would have been based on that
25 measurement?

1 A. I am sorry. My what?

2 Q. Your calculations as to the origin of the shot.

3 MR. HAILE: Your Honor, he testified he didn't
4 make any calculations about the origin.

5 THE COURT: Let's get that straight right now.

6 BY MR. LESAR:

7 Q. Did you make any calculation of the origin of the
8 shot?

9 A. I viewed the location from which the shot was
10 allegedly fired. I visited the spot in which Dr. King was
11 allegedly standing. And the question was, was it consistent
12 to have been shot from that location striking Dr. King in
13 that location. To that question my answer is yes.

14 Q. And it could have been consistent with a number of
15 other locations?

16 A. Oh, yes.

17 MR. LESAR: Thank you.

18 CROSS EXAMINATION

19 BY MR. HAILE:

20 Q. Dr. Francisco, have you ever talked to Mr. Lesar
21 before?

22 A. No.

23 Q. Mr. Livingston?

24 A. No. But I have seen Mr. Livingston on and off for
25 some time, but regarding this case, no.

1 Q. Were you here yesterday under subpoena?

2 A. Yes.

3 Q. How much time did you spend here?

4 A. Until 12:30.

5 Q. You came back under subpoena today?

6 A. This morning until about 10:15 or 10:30.

7 Q. And you have never talked to any of these attorneys
8 about this case?

9 A. That's correct.

10 Q. Or anybody representing them?

11 A. Not to my knowledge.

12 MR. HAILE: Thank you, sir.

13 MR. LESAR: That's all, Your Honor.

14 Oh, just a minute.

15

REDIRECT EXAMINATION

16 BY MR. FENSTERWALD:

17 Q. Did you talk to Mr. Foreman or Mr. Stanton?

18 A. I did not talk to Mr. Foreman, and I do not recall
19 having a conversation with Mr. Stanton about this case.

20 MR. FENSTERWALD: That's all. Thank you,
21 Doctor.

22 (Witness excused.)

23 THE COURT: I want to see the witness up
24 here before we have a short recess just a minute.

25 (Thereupon, the court conferred with the