

CRIMINAL DISTRICT COURT

PARISH OF ORLEANS

STATE OF LOUISIANA

STATE OF LOUISIANA

198-059

VERSUS

1426 (30)

CLAY L. SHAW

SECTION "C"

PROCEEDINGS IN OPEN COURT,
WEDNESDAY, FEBRUARY 19, 1969

B E F O R E: THE HONORABLE EDWARD A. HAGGERTY, JR.,
JUDGE, SECTION "C"

Dietrich & Pickett, Inc.
Sterotypists

330 ST. CHARLES AVENUE, SUITE 1221
NEW ORLEANS, LOUISIANA 70130-522-3111

1 THE COURT:

2 I trust you Gentlemen had a nice Carnival.

3 Is the State and the Defense ready to
4 proceed?

5 MR. OSER:

6 We are, Your Honor.

7 MR. DYMOND:

8 Yes, Your Honor.

9 MR. OSER:

10 I think we left off with a question being
11 propounded to the Doctor.

12 JOHN NICHOLS, M.D.,

13 having been sworn and having testified previously,
14 resumed the stand for a continuation of the

15 DIRECT EXAMINATION

16 BY MR. OSER:

17 Q I will ask the Reporter to read the question
18 where we left off the other day.

19 (Whereupon, the question was read
20 by the Reporter.)

21 THE WITNESS:

22 May I see the two exhibits again, please?

23 I would like to correct the word "stimuli",

24 that is plural. I should have used

25 the word "stimulus."

1 THE COURT:

2 I think Mr. Oser was using it plural.

3 Originally you used the word

4 "stimulus."

5 THE WITNESS:

6 In answer to that question, I would say

7 Governor Connally would have re-

8 acted almost exactly 7/5,670 of one

9 second later than President Kennedy.

10 BY MR. OSER:

11 Q I show you what has been marked as "S-53-1,"

12 and I ask you if you would describe what

13 is depicted in that photograph, please.

14 MR. DYMOND:

15 The photograph speaks for itself.

16 THE COURT:

17 Would you rephrase your question.

18 BY MR. OSER:

19 Q Doctor, would you state for the Court as an

20 expert, what is your opinion as to the

21 body movements and reactions of President

22 Kennedy as depicted in that photograph.

23 A I cannot tell any body movements from this
24 single photograph, I would have to compare
25 it to the preceding photographs and answer

1 quent photographs.

2 Q I show you, Doctor, what the State marked as
3 "S-53-H" and "S-53-M," and --

4 MR. DYMOND:

5 Excuse me, Doctor. If the Court please,
6 we object to this testimony on the
7 grounds that it is beyond the scope
8 of the expertise of this witness.

9 THE COURT:

10 I overrule the objection.

11 MR. DYMOND:

12 To which ruling Counsel reserves a bill of
13 exception, making the entire testi-
14 mony up until this point, the objec-
15 tion, the ruling of the Court, the
16 reasons for the objection, the wit-
17 ness's testimony, parts of the bill.

18 THE COURT:

19 The Doctor has examined all of the photo-
20 graphs, he can use any one of them to
21 give his opinion on. You may pro-
22 ceed.

23 THE WITNESS:

24 Comparing "S-53-I" and "S-53-M," it is
25 apparent that the President's hand

1 and shoulders have moved to the rear
2 in "S-53-M."

3 BY MR. OSER:

4 Q Now, Doctor, as an expert, and having viewed
5 those particular 8 x 10 enlargements and
6 35MM slides, Frames 200 through 320,
7 excluding those that are missing, 234
8 to 244, and having seen the Zapruder film,
9 I ask you, Doctor, as an expert, what is
10 your opinion if a stimulus was applied to
11 the rear of President Kennedy's head,
12 as to -- correct that, if a stimulus had
13 been applied to the rear of President
14 Kennedy's head at the time of "S-53-I,"
15 what in your opinion as an expert would
16 have been President Kennedy's reaction
17 to a stimulus applied to the rear?

18 A If the proposed stimulus applied to the rear
19 is the same magnitude as the stimulus
20 apparently delivered from the front, then
21 his head and body would have moved to the
22 front.

23 MR. OSER:

24 I tender the witness.

25 CROSS-EXAMINATION

1 BY MR. DEMOND:

2 Q Were you in Dallas, Texas, on November 22, 1963?

3 A No, I was in my research lab.

4 Q You did not witness the assassination. Is that
5 correct?

6 A That is correct.

7 Q Now, what is your usual procedure in conducting
8 an autopsy where it appears that the
9 death was caused as a result of a head
10 wound?

11 A In conducting the autopsy I would start by
12 X-raying the body completely in two planes
13 anterior-posterior and lateral, and after
14 these were developed and after I studied
15 them, during this time of course I would
16 be taking those photographs with black
17 and white camera and with a color camera,
18 and I would be making measurements of
19 various points, I would be making measurements
20 of various lesions which might have
21 been involved, and having then studied the
22 X-rays, I would have proceeded along the
23 lines indicated, which would of course
24 include a full, complete and total examina-
25 tion. We would dissect the body and

1 all of the disease or affected parts out,
2 and make microscopic slides of these,
3 make detailed drawings with measurements,
4 and after all was put together, it would
5 probably be a month before I would be able
6 to issue a final diagnosis; however, in
7 most gunshot wounds one is able to issue
8 a provisional diagnosis shortly after you
9 finish with the body, but to do the com-
10 plete autopsy, it requires considerable
11 time.

12 Q So ordinarily it would take a month or more
13 to perform an autopsy. Is that correct?

14 A Well, with a gunshot wound it is reasonable,
15 and if there are no complicating factors
16 otherwise, it is reasonable it could be
17 done within a month, yes.

18 Q How would you go about determining the point
19 of entrance and the point of exit of a
20 gunshot wound in the head?

21 A It depends an awful lot upon the nature of
22 the gunshot wound, if it is a small
23 it is relatively simple, if it is a
24 such as a 6.5 Manlicher Carcano, it is a
25 little more difficult, but you can

1 bit of evidence that you have on hand.

2 Q Well, tell us some of the procedures which
3 you would ordinarily follow in doing that
4 in conducting an autopsy.

5 A Oh, if motion pictures had been taken of the
6 subject during the assassination, I would
7 study those first, and I would have eye-
8 witness testimony, and then sometimes a
9 small caliber --

10 Q We are talking about a 6.5 --

11 A Every situation is different, and I have to go
12 with what we have at hand.

13 Q Ordinarily, now, Doctor, is it your testimony
14 you would not examine the remains of the
15 person shot in connection with determining
16 the point of entrance and exit?

17 A No, I didn't say that at all, I say we do a
18 complete total autopsy.

19 Q Now, what does this complete total autopsy
20 consist of which you would perform under
21 these conditions?

22 A It consists of first X-raying the body com-
23 pletely, anteriorly, posteriorly, and from the
24 back, and then side pictures, from the
25 side, localized dissections, and then for

the kind of completeness it requires
2 taking gross photographs of the body for
3 identification, for the position of wound,
4 such things as that, and then it involves
5 a dissection, getting out all of the parts
6 involved, and it includes fixing the
7 tissues in formaldehyde to allow them to
8 become hard, and after they become hard
9 we dissect these very carefully using
10 sometimes a low-power microscope, and we
11 separate and submit the appropriate parts
12 to technicians to make slides, and when
13 the slides come back we study them under
14 a microscope. In the case of a brain, it
15 is necessary to fix the brain in formalde-
16 hyde for two weeks until it becomes hard,
17 to dissect, and if you try to dissect a
18 fresh brain it falls apart, putting the
19 whole thing together at the end.

20 Q Would you examine and take into consideration
21 the physical characteristics and condition
22 of the remaining parts of the body, if
23 complete?

24 A Yes.

25 Q Now, Doctor, did you examine any of the

remains of President Kennedy?

A I requested to do so, sir, but I have been denied that privilege. I have requested on many occasions to do so in telegrams and registered letters.

Q But you have not examined these X-rays. Is that correct?

A Not yet.

Q Doctor, have you ever before performed an autopsy without having reviewed the remains of the person upon whom the autopsy was being performed?

A I have expressed opinions on such autopsies to some lawyers who come to my office.

Q You have never actually performed one without having examined the subject?

A You cannot perform an autopsy by remote control.

THE COURT:

Never mind, proceed.

BY MR. DYMOND:

Q Doctor, when was the first time that you saw the Zapruder film in its entirety?

A I suppose it was about two weeks ago.

Q Two weeks ago, where did you see the

1 A At the Townhouse Motel in Kansas City.

2 Q And you saw a complete --

3 A I beg your pardon, I saw it in the Pathology
4 Department in Kansas City, in the projec-
5 tion room.

6 Q You saw a complete running of the Zapruder film
7 at that time?

8 A Yes, the Zapruder film that I saw here was
9 complete as compared to the one I saw in
10 Kansas City, yes.

11 Q When was the first time that you examined blown-
12 up slides or prints of the Zapruder film?

13 A I suppose it was about 11:30 Monday morning.
14 Perhaps 12:00, I don't know exactly.

15 Q Now, Doctor, the opinions which you have ex-
16 pressed here in your testimony, is it not
17 a fact that you expressed the same opinions
18 in an article offered by you in the
19 Archives of Pathology back in 1963?

20 A Oh, no, not at all.

21 Q In what way does the opinion differ?

22 A May I see the article, please?

23 Q I don't have the article.

24 A It does not exist, sir.

25 Q You haven't written any article for the

Archives of Pathology?

A Yes, I have written --

Q None pertaining to the assassination of President Kennedy?

A None, sir, I have never written an article pertaining to the assassination of President Kennedy anywhere.

Q You never have?

A No.

Q You have no published work --

A No published work on the assassination of President Kennedy.

Q Doctor, do you hold yourself out as a ballistic expert?

A In the case of the assassination of President Kennedy, I have conducted experiments, yes, this consisted of purchasing 6.5 Manlicher Carcana ammunition, I have fired this into human wrists and into human ribs. I have recovered the bullets, yes, I proclaim a degree of proficiency in ballistics to this extent.

Q What formal training have you had in the field of ballistics, Doctor?

A Well, this consisted of a one-year course

1 suppose it was a lecture in Medical School
2 and I have attended ballistics experts
3 examining other bullets at the College
4 of Virginia, I have talked with many po-
5 lice officers, I have identified bullets
6 and have testified to them on those
7 points, yes.

8 Q On the basis of that, you consider yourself
9 a ballistics expert?

10 A I consider myself an expert in the field of
11 ballistics as I have testified in this
12 Court.

13 Q What formal training in the field of ballistics
14 have you had on the ballistics points
15 in which you have testified in this Court?

16 A I have created my own, sir, my experience.

17 I chronographed the speed of a bullet
18 emerging at 1,890 feet, at a distance of
19 30 feet, then I would catch the bullet
20 and I would also shoot through human wrists
21 and ribs and catch the bullets and I would
22 compare them, sir. The bullets passing
23 through the wrists and through the ribs
24 injuries similar to Governor's injuries
25 were mutilated whereas bullets of other

1 bullets traversing a rib and a wrist
2 producing wounds similar to that sustained
3 by Governor Connally are mutilated bullets
4 whereas bullets that were shot into
5 a mattress in which I checked them, they
6 are pristine. I have, sir, copyrighted
7 results of my work here. May I show them
8 to you, please?

9 Mr. Oser, do you have the --

10 THE COURT:

11 Do you have them?

12 MR. OSER:

13 We can send for the Doctor's briefcase,
14 which is down in my office.

15 MR. DYMOND:

16 Actually, Your Honor, I am not interested
17 in these.

18 THE WITNESS:

19 I have them right here, though.

20 THE COURT:

21 I think he has a right to give an exhibit.

22 THE WITNESS:

23 Perhaps we can give a better answer to
24 the Jury if I could set up the slides
25 and project them onto the screen.

1 MR. DYMOND:

2 If the State wants him to do that --

3 MR. ALCOCK:

4 This is in response to his question, Your
5 Honor.

6 MR. DYMOND:

7 Anybody can copyright anything that is
8 unique and original.

9 THE COURT:

10 I think the Doctor can give you a yes or
11 no answer and tell you and show you
12 what training he did have.

13 MR. DYMOND:

14 Training, yes.

15 THE COURT:

16 That is what he is trying to do.

17 MR. DYMOND:

18 I am willing to hear testimony about

19 training, that is what I am looking
20 for, but a man writing an article
21 does not constitute training.

22 THE COURT:

23 Wouldn't the articles debate
24 whether he did have any training
25 the subject?

1 MR. DYMOND:

2 I have never heard or seen of the arti-
3 cles.

4 THE COURT:

5 Tell of your training without going into
6 the articles.

7 THE WITNESS:

8 No such article exists, it is a figment
9 of somebody's imagination. My train-
10 ing, sir, in the field of ballistics
11 consists of a one-hour lecture,
12 conferences with ballistics experts
13 in the office of the Chief Medical
14 Examiner, Richmond, Virginia, it
15 consists also, sir, of my own studies
16 which is training, with a Remington-
17 Carcano Rifle, 6.5 mm.,
18 fired into human wrists and ribs and
19 collecting the bullets, this is train-
20 ing, sir, and this is the result of
21 it, and with your Honor's permission
22 I would like to show these to the
23 Jury in detail.

24 THE COURT:

25 I think you have answered the question.

1 I say he has answered the question. 6

2 MR. DYMOND:

3 I think so.

4 BY MR. DYMOND:

5 Q In other words, Doctor, your training consisted
6 of a one-hour lecture that you have
7 attended, having spoken to police officers
8 about ballistics and some experiments that
9 you yourself conducted. Is that right?

10 A That is partly.

11 Q What else is there to it?

12 A Well, discussing the matter and a rather ex-
13 tensive course of self-taught ballistics
14 on this particular matter extending over a
15 period of two years, sir.

16 Q Have you ever qualified as a ballistics expert
17 in any court in the country?

18 A To the extent that I would identify missiles
19 removed at autopsy.

20 Q What do you mean, identifying missiles which
21 have been removed from a body by someone
22 by someone under your direction?

23 A By myself, sir.

24 Q You call that being a ballistics expert?

25 A No, that is the extent I have qualified.

1 court.

2 THE COURT:

3 It would depend on the Judge whether or
4 not you would have been qualified,
5 it is not what a person himself
6 thinks he would be. It is what his
7 qualifications are assessed in court
8 by the court.

9 BY MR. DYMOND:

10 Q Do you hold yourself out as a photograph
11 expert?

12 A Yes.

13 Q Would you tell us the extent of your training
14 in photography.

15 A The extent of my training started, and I pur-
16 pose, when I was about ten years old.
17 I purchased or was given a camera and
18 had many cameras since then. I have access
19 to a far range of cameras within the
20 pathology department of the University of
21 Kansas and they are used for the purpose
22 of identifying various
23 bodies, living persons
24 and I teach this to medical
25 residents and I take the photographs of

1 my own autopsies and on other autopsies
2 I supervise, the residents take their
3 pictures.

4 Q What formal training in photography have you
5 had?

6 A I have never had a minute of formal training
7 as far as anybody giving me lectures,
8 but the results speak for themselves.

9 Q Now, do you know how many frames per second
10 are run by the Zapruder film?

11 A I think it was described to me in the courtroom
12 as being 18 and 3/10ths, sir.

13 Q Was that the first time you knew the speed of
14 the Zapruder film?

15 A I don't know what the speed is yet, sir.

16 Q You don't, you don't know how many frames per
17 second?

18 A I am assuming that is correct.

19 Q When did you start assuming that, sir?

20 A Well, I really don't know, I suppose a couple
21 of years ago.

22 Q Didn't you say that you had learned in the
23 courtroom it was 18.3 per second?

24 A I think it was confirmed to me, I am not sure
25 it is 18.3.

1 Q Have you ever seen the clothing which was worn
2 by President Kennedy at the time he was
3 assassinated?

4 A I am suing the Federal Government to obtain
5 possession of that.

6 Q You are suing the Federal Government?

7 A Yes, I am.

8 Q Did you know he was wearing a suit at
9 the time of the assassination?

10 A I am keenly aware of that, sir, that prevented
11 him from falling to the side, that was why
12 he stayed erect.

13 Q You are suing for that too or not?

14 A No, I am not suing for that.

15 Q Doctor, do you know whether or not at any time
16 after the shot depicted in Frame 313
17 the Zapruder film was fired, the Presidential
18 limousine accelerated at
19 any time?

20 A I did not know the speed of the limousine, sir.

21 Q Was that ever taken into account by you
22 of your calculations?

23 A As far as Frames 313, 314 and 315, I
24 assumed that the speed of the limousine
25 was continuously increasing.

1 sir.

2 Q You said practically constant?

3 A Within those three frames, yes. I do not think
4 it had accelerated or any deceleration
5 in those three frames.

6 Q Do you know what the speed of the thing
7 was?

8 A No, sir.

9 Q Do you know whether it was going fast or slow
10 at the time of the assassination?

11 THE COURT:

12 I am not trying to assist the witness. But
13 can you tell us what you mean by
14 "fast," or what you mean by "slow"?

15 MR. DYMOND:

16 If the Court please, I am talking to an
17 expert here.

18 THE COURT:

19 But your question is confusing.

20 MR. DYMOND:

21 I am trying to find out whether he has
22 any idea as to the speed of the bullet
23 which apparently he shot.

24 THE COURT:

25 If the State objects, I will sustain the

objection that the question is not properly before the witness. It is not a proper question, was he going fast or slow.

BY MR. DUNN:

Q Do you know how fast the

limo

Q Do you know how fast it was going

A No, sir.

Q 311?

A No.

Q 312?

A Nowhere do I know how fast the limousine was going.

Q Nowhere in the Zapruder do you know how fast the limousine was going?

A No, sir.

Q Do you have any idea as to the relative speed as between given frames of the Zapruder film?

A No, sir.

Q Doctor, would you testify the sudden acceleration of a vehicle would not throw the occupant back?

A It did not throw the other occupants back.

1 Q It did not?

2 A It did not.

3 Q You are sure about that?

4 A It is demonstrated with the Zapruder film it
5 did not, sir.

6 Q And you did not take into account any accelera-
7 tion or speed?

8 A I assume it did not because the other occupants
9 retained their relative positions.

10 Q Are there any other assumptions upon which your
11 testimony has been based?

12 A Not at the present time. You might drag out
13 some that I am not aware of.

14 Q Well, Doctor, it's your testimony, don't you
15 know whether it was based on assumptions?

16 A Well, the sun striking the object from the
17 camera, I don't know whether it was
18 Kodachrome film, I don't know the details
19 of the development, no, I don't know those
20 things.

21 Q What was the speed and direction of the car
22 in Dallas at the time of the taking of
23 Frame 313?

24 MR. ALCOCK:

25 The man said he was not in Dallas.

1 MR. DYMOND:

2 I will change the form of the question.

3 BY MR. DYMOND:

4 Q Did your calculations take into account the
5 speed and direction of the wind in Dallas
6 at the time Frame 313 was taken?

7 A The speed and direction of the wind was related
8 to the traversing of the bullet path and
9 insignificant, sir.

10 Q Doctor, please answer the question, and if you
11 didn't understand it, I will have it read
12 back.

13 A No, I did not take those into account. If you
14 will tell them to me, I will take them in-
15 to account.

16 Q You have not taken them into account up until
17 now, right?

18 A No, but, if you will, I will do so.

19 Q That's up to you, sir. Now, is there
20 such a thing as a delayed reaction to
21 pain?

22 A If a person is unconscious or under anesthesia,
23 yes.

24 Q Would you say that is the only condition under
25 which that could occur?

1 A It depends on your definition of "delayed,"
2 sir.
3 Q Have you ever heard of a person having been
4 stabbed or shot and not realizing that
5 anything happened to him?
6 A Not realizing it in the cerebral cortex of his
7 brain, that is correct.
8 Q Have you ever heard of a person stabbed or shot
9 and not showing any immediate reaction to
10 it?
11 A Not in a normal person riding in an automobile
12 with the attention of a crowd, waving to
13 the crowd, no, sir, I do not.
14 Q Have you ever seen a person waving in an auto-
15 mobile to a crowd shot?
16 A No, I haven't, sir.
17 Q Have you made any investigation into the
18 normalcy of the people shot on 11/22/63,
19 1963, in Dallas?
20 A In relation to the President I have.
21 Q What?
22 A He was normal, sir.
23 Q In all --
24 A His doctor had examined him and he was
25 taking this visit to the City of Dallas.

1 riding in the automobile, sir, his doctor
2 had taken this into account.

3 Q And from that you would conclude his reaction
4 to pain, trauma, would be normal. Is
5 that correct?

6 A Yes.

7 Q Was that the only information upon which that
8 assumption is based?

9 A Yes.

10 Q Prior to November 22, 1963, did you ever have
11 occasion to meet President John Kennedy?

12 A I think I shook hands with him, sir.

13 Q How about Governor Connally?

14 A Not Governor Connally, I tried several times
15 to get an appointment with Governor Connally
16 and he rejected me.

17 Q Governor Connally rejected you, you say?

18 A Yes, he did not answer my letters.

19 Q Now, Dr. Nichols, have you ever heard of dif-

20 ferences in thresholds of pain, that is,
21 some people being able to stand or endure
22 pain better than others can?

23 A I am quite well aware of that. I have conducted
24 experiments on that myself.

25 Q You have? Did you feel that that was a considera-

... or should be taken into account
by you at arriving at your conclusion?

A Yes, and I did so, I took that into account
when I assumed the President was in good
health and Governor Connally was in a
state of good health, they were not in-
toxicated.

Q Is good health and intoxication, are those
the only two factors that would have any-
thing to do with the threshold of pain?

A They are the two most important things.

Q What other factors are there?

A Let me modify that and say they are the only
factors.

Q What other factors did you have in mind?

A I have changed --

Q What did you mean when you say they were the
two most important?

A I can't think of anything now.

Q You changed your mind, you say, Doctor?

A At the present time, sir, I can only think of
one thing, as a matter of fact, that
changes the threshold of pain, physical
health.

Q That is the only one, right?

1 A That is the only one, sir.

2 Q All right, I see. Now, Doctor, have you ever
3 attempted to determine the direction of
4 the shot from photographic evidence only
5 prior to this time?

6 A Yes, I have, sir.

7 Q Can you tell us about that, please.

8 A It is very tricky and very misleading. With
9 a low caliber bullet, it can be done, with
10 a low velocity bullet -- speaking of the
11 brain, sir, the head?

12 Q Any shot.

13 A Any shot?

14 Q Right.

15 A Certainly if you established the bullet enter-
16 ing in one part of the anatomy and exiting
17 in another part of the anatomy and you
18 assume the person is in an anatomical
19 position, I have written this in my
20 articles, it is reasonable to assume that
21 arrive at an approximate angle of the
22 bullet was fired, and then I have written
23 to the police,

24 Q What is the best way to determine the

25 entrance and point of exit of a bullet?

1 A To see the offender fire the shot.

2 Q You would not want to examine the body of the

3 victim?

4 A You asked me the best, sir.

5 Q The best is to see the shot fired?

6 A Yes.

7 Q Let's assume you do not see the shot fired,

8 what would then be the best way of de-

9 termining where the bullet entered or

10 exited?

11 A The bullet hole enters, sir, in soft tissue

12 of the human body, is a small wound, it

13 is smaller than the bullet is itself,

14 and as the bullet hits, enters, and the

15 speed of the bullet rubbing against the

16 skin produces a small burn, this wound

17 blackened, I am assuming we are at a dis-

18 tance of ten feet now, then on the other

19 side where it emerges the bullet hole is

20 larger, usually, not always, but usually,

21 and the edges are everted and when you

22 study the bullet hole entrance with a

23 microscope, you can see a little bit of

24 burned tissue that almost encircles it,

25 pinpoints it, but you can never be sure

1 tain.

2 Q Now, Doctor, wouldn't some of the same factors

3 apply to a head wound --

4 A I am suing --

5 Q -- with a high velocity rifle?

6 A I am suing the Federal Government for permission

7 to look at the X-rays and the pictures of

8 the head in order to find out more exactly

9 than I have at the present time.

10 Q Would I be correct in saying then that you

11 consider it very important from a pathologi-

12 cal standpoint to be given access to the

13 photographs and films of President Kennedy

14 for the purpose --

15 A It is very important.

16 Q It is very important?

17 A Yes.

18 Q And you feel that you could add to the credi-

19 bility of your opinion were you able to

20 examine these things, is that right?

21 A I feel there is a reasonable possibility that

22 I might.

23 Q Now, Doctor, from the standpoint of a forensic

24 pathologist, which is the better method

25 in determining the point of exit of the

point of entrance of a bullet, the examination of the victim or a photograph of the shooting?

A If the victim is available, the examination of the victim, a complete examination of the victim, a total examination of the victim, including X-rays and dissection of the part.

Q X-rays and dissection of the brain, did you say?

A Of the part involved.

Q Now, as an expert in the field of pathology, Doctor, would you dispute the point of exit and entrance of a bullet on the basis of photographs as opposed to an opinion as to the entrance and exit based upon photographs plus an actual examination of the body of the victim?

A It depends on who examines the body, sir. Yes, I would, and many occasions I have.

Q When you say who examines the body, are you speaking from the standpoint of honesty or the standpoint of ability and qualification?

A Ability and qualifications and previous

1 perience. Previous experience is very
2 important.

3 Q I take it then, sir, that assuming that such
4 a determination were made by a pathologist
5 of your ability and with your ex-
6 perience, after having examined the re-
7 mains of the victim, you would not dis-
8 pute his findings on the basis of mere
9 photographic evidence such as you have seen?
10 Is that correct?

11 A In which case, in which particular case are
12 you speaking, sir?

13 Q In any case.

14 A I can't talk about any case.

15 Q Why not?

16 A I have to know all of the details of the case.

17 Yes, I do not know whether I would agree.

18 I would have to know the details, because

19 this other fellow, although experienced,

20 and skilled and honest, he might overlook

21 something. I might pick up something that

22 he overlooked, yes.

23 Q Wouldn't it be fair to say that you are

24 curious to see these X-rays and

25 pathological reports in order to see if

for yourself whether your opinion is
correct?

A I want to know the truth, the whole truth,
and nothing but the truth.

Q And you want to see whether your opinion is
correct. Isn't that right, sir?

A I would like to confirm it.

MR. DYMOND:

That's all, sir.

REDIRECT EXAMINATION

BY MR. OSER:

Q Doctor, I show you what the State has marked
as "S-18," and I ask you if you have ever
seen this particular rifle before, sir.

A May I step down from the witness stand, sir?

THE COURT:

Yes.

THE WITNESS:

May I refer to my notes, sir?

THE COURT:

You can refresh your memory from your own
notes, but you cannot read from your
notes.

MR. OSER:

Do not read from your notes the answer.

THE WITNESS:

Yes, I purchased this rifle from
Smitty's Gun Shop in Kansas City
on October 10, 1968, sir, it is my
rifle, I own it.

BY MR. OSER:

Q And what type of gun is this, Doctor?

A This is an Italian Army rifle, it is more
commonly known as a Manlicher Carcano
rifle, caliber 6.5.

Q During your research and experiments, did you
have occasion to use this particular
rifle in your research?

A Not this particular rifle, sir, but I have
used six other rifles similar to this
in my research.

Q Will you identify the particular type of scope
that is on that rifle, Doctor?

A Yes, this scope, I purchased it from Mr.
Martin Redding in Culver City, California,
along about two months previously, I be-
lieve, at a price of \$11.00. The scope was
purchased at a price of \$1.00, it was
mounted for me at -- by a firm in Kansas
City at a cost of \$9.00, and the scope was

1 blued for me at -- by another firm.

2 MR. OSER:

3 That's all.

4 RE CROSS-EXAMINATION

5 BY MR. DYMOND:

6 Q Doctor, are all Manlicher Carcano Rifles 6.5
7 millimeters?

8 A No, sir, there are those that are 7.2 and 7.5,
9 and there is a toy gun that Mussolini
10 had cut down to train the 14-year-old
11 children, also a Manlicher Carcano that
12 shoots blanks.

13 MR. DYMOND:

14 No further questions.

15 THE COURT:

16 Is there any further need for Dr. Nichols
17 under his subpoena?

18 MR. OSER:

19 No, sir.

20 (Witness excused.)

21 ...ooo...

C E R T I F I C A T E

I, the undersigned, a Deputy Official Court Reporter in and for the State of Louisiana, authorized and empowered by law to administer oaths and to take the depositions of witnesses under L.R.S. 13:951.1, as amended, do hereby certify that the above and foregoing deposition is true and correct as taken by me in the above-entitled and numbered cause (s).

I further certify that I am not of counsel nor related to any of the parties to this cause or in anywise interested in the event thereof.

NEW ORLEANS, LOUISIANA, on the 21 day
of May 19 69

Paul W. Williams
DEPUTY OFFICIAL COURT REPORTER
STATE OF LOUISIANA