

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.

Stenotypists

333 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 subse-

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-53-1" and "S-53-M," it is
25 apparent that the President's head

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 measure-
20 ments 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 get

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 something
24 such as a 6.5 Manlicher Carcano, it is a
25 little more difficult, but you use a

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, anterior-posterior, and
24 back, and then side pictures, from the
25 side, localized missiles, and then for

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the sake of completeness it requires
taking gross photographs of the body for
identification, for the position of wound,
such things as that, and then it involves
a dissection, getting out all of the parts
involved, and it includes fixing the
tissues in formaldehyde to make them
become hard, and after they become hard
we dissect these very carefully using
sometimes a low-power microscope, and we
separate and submit the appropriate parts
to technicians to make slides, and when
the slides come back we study them under
a microscope. In the case of a brain, it
is necessary to fix the brain in formalde-
hyde for two weeks until it becomes hard,
to dissect, and if you try to dissect a
fresh brain it falls apart, but if you
keep the whole thing together at the end
would you examine and take into consideration
the physical characteristics and condition
of the remaining parts of the body
examined?

Yes.

Now, Doctor, did you examine any

1 remains of President Kennedy? 55

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

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

8 A Not yet.

9 Q Doctor, have you ever before performed an
10 autopsy without having reviewed the re-
11 mains of the person upon whom the autopsy
12 was being performed?

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

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

17 A You cannot perform an autopsy by remote con-
18 trol.

19 THE COURT:

20 Never mind, proceed.

21 BY MR. DYMOND:

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

24 A I suppose it was about two weeks ago.

25 Q Two weeks ago, where did you see that?

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 1967?

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

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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 pro-
claim a degree of proficiency in ballistic
to this extent.

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

A Well, this consisted of a one-hour lecture, I

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 these bullets
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 coming
23 through the wrists and through the ribs
24 injuries similar to Governor Connally's
25 were mutilated whereas bullets otherwise

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 are merely 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. BYMOND:

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 answer.

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 have asked
20 for, but a man writing an article
21 does not constitute training.

22 THE COURT:

23 Wouldn't the articles denote yes or no
24 whether he did have any training in
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 Manlicher
17 Carcano Rifle, 6.5 ammunition, being
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 consists
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 in 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 you or
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 in.

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court.

THE COURT:

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

BY MR. DYMOND:

Q Do you hold yourself out as a photograph expert?

A Yes.

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

A The extent of my training started, sir, I suppose, when I was about ten years old. I purchased or was given a camera and I had many cameras since then. I have access to a far range of cameras within the pathology department of the University of Kansas and they are used for the scientific purpose of identifying wounds on human bodies, living persons or dead persons, and I teach this to medical students and residents and I take the pictures myself.

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, Doctor?

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 here in this
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.

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sir.

Q You said practically constant?

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

Q Do you know what the speed of the limousine was?

A No, sir.

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

THE COURT:

I am not trying to assist the witness, but can you tell us what you mean by "fast," or what you mean by "slow?"

MR. DYMOND:

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

THE COURT:

But your question is confusing.

MR. DYMOND:

I am trying to find out whether he has any idea as to the speed. Your Honor, which apparently he does not.

THE COURT:

If the State objects, I will sustain the

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

5 BY MR. DYMOWSKI:

6 Q Do you know how fast the limousine was

7 A No.

8 Q Do you know how fast it was going in frame 311?

9 A No, sir.

10 Q 311?

11 A No.

12 Q 312?

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

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

17 A No, sir.

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

21 A No, sir.

22 Q Doctor, would you testify the sudden accelera-
23 tion of a vehicle would not throw an
24 occupant back?

25 A It did not throw the other occupants back, sir.

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 vehicle
22 in Dallas at the time of the taking of
23 Frame 3137?

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 as related
8 to the traversing of the bullet path are
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 What's up to you, sir. Now, Doctor, 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 November 22,
19 1963, in Dallas?

20 A In relation to the President I have, sir, yes.

21 Q What?

22 A He was normal, sir.

23 Q In all --

24 A His doctor had examined him and approved
25 taking this visit to the City of Dallas and

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-

1 tion which should be taken into account
2 by you at arriving at your conclusion?

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

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

11 A They are the two most important things.

12 Q What other factors are there?

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

15 Q What other factors did you have in mind?

16 A I have changed --

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

19 A I can't think of anything now.

20 Q You changed your mind, you say, Doctor?

21 A At the present time, sir, I can only think of
22 one thing, as a matter of fact, that
23 changes the threshold of pain, and that is
24 health.

25 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 emerging
17 in another part of the anatomy and you
18 assume the person is in an anatomical
19 position, I have written this on autopsy
20 articles, it is reasonable sometimes to
21 arrive at an approximate angle that a
22 bullet was fired, and this is very helpful
23 to the police.

24 Q What is the best way to determine a point of
25 entrance and point of exit of a bullet?

1 A To see the offender fire the shot.

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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 affair, 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 appears
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 under a
23 microscope, you can see a little bit of
24 burned tissue that almost conclusively
25 pinpoints it, but you can never be cer-

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tain.

Q Now, Doctor, wouldn't some of the same factors apply to a head wound --

A I am suing --

Q -- with a high velocity rifle?

A I am suing the Federal Government for permission to look at the X-rays and the pictures of the head in order to find out more exactly than I have at the present time.

Q Would I be correct in saying then that you consider it very important from a pathological standpoint to be given access to the photographs and films of President Kennedy for the purpose --

A It is very important.

Q It is very important?

A Yes.

Q And you feel that you could add to the exactness of your opinion were you able to examine these things. Is that right?

A I feel there is a reasonable possibility that I might.

Q Now, Doctor, from the standpoint of a pathologist, which is the better tool in determining the point of exit and the

1 point of entrance of a bullet, the ex-
2 amination of the victim or a photograph
3 of the shooting?

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

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

11 A Of the part involved.

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

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

21 Q When you say who examines the body, are you
22 speaking from the standpoint of capacity
23 or the standpoint of ability and qualifi-
24 cation?

25 A Ability and qualifications and previous ex-

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 had
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 or not.
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 very
24 curious to see these X-rays and the
25 pathological reports in order to determine

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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 with your own notes, but you cannot read from your notes.

MR. OSER:

Do not read from your notes, sir.

1 THE WITNESS:

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

6 BY MR. OSER:

7 Q And what type of gun is this, Doctor?

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

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

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

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

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

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. 13:961.1, 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. Welton
DEPUTY OFFICIAL COURT REPORTER
STATE OF LOUISIANA