

<p style="text-align: right;">Page 228</p> <p>1 Q. And he was in Hac Lee's car, right?</p> <p>2 A. Correct.</p> <p>3 Q. But you followed him all over the city;</p> <p>4 correct?</p> <p>5 A. Yes, ma'am.</p> <p>6 Q. And you followed him to Leakin Park, isn't</p> <p>7 that correct?</p> <p>8 A. Yes, ma'am.</p> <p>9 Q. A. place that it clearly appeared to you he</p> <p>10 didn't have in mind when you started; correct?</p> <p>11 A. Yes, ma'am.</p> <p>12 Q. By what you could observe with your own eyes</p> <p>13 as to what took place?</p> <p>14 A. Yes, ma'am.</p> <p>15 Q. Whatever time it was --</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. -- right? Over whatever time period; correct?</p> <p>18 A. Yes, ma'am.</p> <p>19 Q. Now, sir, you said that your acquaintance had</p> <p>20 what you called a thousand yard stare?</p> <p>21 A. Yes, ma'am.</p> <p>22 Q. Is that correct?</p> <p>23 A. Yes.</p> <p>24 Q. Those are your words, are they not?</p> <p>25 A. Yes, ma'am.</p>	<p style="text-align: right;">Page 230</p> <p>1 able to describe the minute details of what she had on;</p> <p>2 is that correct?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. Your demeanor, sir, was what?</p> <p>5 A. Shock.</p> <p>6 Q. Shock.</p> <p>7 MS. GUTIERREZ: Nothing further.</p> <p>8 THE COURT: Okay.</p> <p>9 MR. URICK: I have something to follow-up, if I</p> <p>10 may, Your Honor.</p> <p>11 THE COURT: You may step down, sir.</p> <p>12 Thank you.</p> <p>13 (The witness was excused.)</p> <p>14 MR. URICK: Shall I get the next witness at</p> <p>15 this time?</p> <p>16 THE COURT: Yes.</p> <p>17 (Pause.)</p> <p>18 Whereupon,</p> <p>19 WILLIAM C. RODRIGUEZ,</p> <p>20 a witness produced on call of the State, having first</p> <p>21 been duly sworn, was examined and testified as follows:</p> <p>22 DIRECT EXAMINATION</p> <p>23 THE CLERK: State you name and assignment for</p> <p>24 the record?</p> <p>25 THE WITNESS: Doctor William C. Rodriguez, III,</p>
<p style="text-align: right;">Page 229</p> <p>1 Q. Those are words you used in both statements in</p> <p>2 which you lied to the police, are they not?</p> <p>3 A. I believe so.</p> <p>4 Q. A. thousand yard stare, that's a much greater</p> <p>5 distance than the twenty yards that you've described to</p> <p>6 us, is it not?</p> <p>7 A. Yes, ma'am.</p> <p>8 Q. A. lot longer in distance than the mere</p> <p>9 twenty yards; is that correct?</p> <p>10 A. Yes, ma'am.</p> <p>11 Q. But the twenty yards is a pretty substantial</p> <p>12 distance, is it not?</p> <p>13 A. In what terms?</p> <p>14 Q. Twenty yards is a substantial distance, isn't</p> <p>15 it?</p> <p>16 A. I mean --</p> <p>17 Q. It's the only terms I'm asking. That's a yes</p> <p>18 or no.</p> <p>19 MR. URICK: Objection.</p> <p>20 THE COURT: Sustained.</p> <p>21 BY MS. GUTIERREZ:</p> <p>22 Q. Mr. Wilds, the thousand-yard stare that you</p> <p>23 described is a stare that you're saying your acquaintance</p> <p>24 had when he popped the trunk wherever it was, whenever it</p> <p>25 was, and showed you the remains of which you were later</p>	<p style="text-align: right;">Page 231</p> <p>1 R-O-D-R-I-G-U-E-Z. I'm presently assigned at the Armed</p> <p>2 Forces Institute of Pathology in Washington, D.C. with</p> <p>3 the Office of the Armed Forces Medical Examiner where I</p> <p>4 serve as the Forensic Anthropologist and Chief Deputy</p> <p>5 Medical Examiner, First Special Investigations.</p> <p>6 BY MR. URICK:</p> <p>7 Q. Dr. Rodriguez, if you would, just very briefly,</p> <p>8 what sort of duties do you perform and where have you</p> <p>9 been performing them lately?</p> <p>10 A. Basically, I oversee forensic anthropological</p> <p>11 analysis that primarily deals with bodies that are</p> <p>12 decomposed, fragmented, burnt, or primarily skelatalized.</p> <p>13 I do the cases for all the U.S. military world-wide, and</p> <p>14 also serve as the primary consultant for all branches of</p> <p>15 the federal government. And so my work takes me</p> <p>16 throughout the United States and around the world.</p> <p>17 MR. URICK: Now, pursuant to stipulation, he's</p> <p>18 being accepted for his expertise and training as a</p> <p>19 forensic anthropologist?</p> <p>20 MS. GUTIERREZ: That is correct.</p> <p>21 THE COURT: Very good.</p> <p>22 Ladies and Gentleman, the doctor is an expert</p> <p>23 in forensic anthropology and may testify as an expert.</p> <p>24 BY MR. URICK:</p> <p>25 Q. Just to try to clarify, if I can in more lay</p>

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<p>1 terms, does that mean that a forensic anthropologist is</p> <p>2 responsible for digging bodies out of the ground?</p> <p>3 A. That's true. In dealing with the recovery</p> <p>4 where the remains be buried, submerged, in any type of</p> <p>5 state arranging from fresh to skelatalized a forensic</p> <p>6 anthropologist has an unique expertise in locating and</p> <p>7 recovering human remains.</p> <p>8 Q. Now, if I may approach the witness, I'm going</p> <p>9 to give you three exhibits that are in evidence, State's</p> <p>10 Exhibits 9, 10 and 11, give you a few seconds to look at</p> <p>11 them, if you will.</p> <p>12 (Pause.)</p> <p>13 BY MR. URICK:</p> <p>14 Q. Have you had a chance to look at them?</p> <p>15 A. Yes, I have.</p> <p>16 Q. Are you familiar with the location and scenes</p> <p>17 depicted there?</p> <p>18 A. Yes, I am.</p> <p>19 Q. Now, drawing your attention to February 9th of</p> <p>20 1999, did you have occasion to go to Leakin Park off</p> <p>21 Franklin Town Road in Baltimore City?</p> <p>22 A. Yes, I did.</p> <p>23 Q. How did you come to be there?</p> <p>24 A. I was contacted by the Baltimore City Police</p> <p>25 through their main desk, -- I was home at the time -- and</p>	<p>1 work our way in very slowly to look for any type of trace</p> <p>2 evidence that may be associated on the surface of the</p> <p>3 ground before we actually got to the body.</p> <p>4 We proceeded first to photograph the area. And</p> <p>5 then we did a -- a visual search from outside the</p> <p>6 perimeter using standard lights. And then we switched to</p> <p>7 using alternate and UV light sources. These are</p> <p>8 basically light sources that emit light at various wave</p> <p>9 lengths. And due to the certain nature of various</p> <p>10 objects, such as hairs and fibers and various type of</p> <p>11 evidence associated with clothing, under these various</p> <p>12 types of lights that are emitting light at a particular</p> <p>13 frequency, they -- they glow and give off a particular</p> <p>14 fluorescence.</p> <p>15 And so we basically searched the whole area</p> <p>16 first using the UV and alternate light source to see if</p> <p>17 there was any fibers or any specific evidence in the area</p> <p>18 leading up to the body prior to examining the body.</p> <p>19 After we had searched thoroughly using the</p> <p>20 alternate light source to search for any type of</p> <p>21 evidence, we then slowly moved in to begin examining the</p> <p>22 remains visually.</p> <p>23 Q. And as you began to look at the body, what, if</p> <p>24 anything, did you observe?</p> <p>25 A. We observed initially that the body was placed</p>
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<p>1 asked if I could provide assistance at the site in the</p> <p>2 recovery of some -- or human remains that had been</p> <p>3 discovered.</p> <p>4 Q. Now, State's Exhibit 9 shows a road scene. Is</p> <p>5 that the site you went to?</p> <p>6 A. That is.</p> <p>7 Q. And, now, State's Exhibit 2, do you recognize</p> <p>8 that?</p> <p>9 A. I do.</p> <p>10 Q. What is that?</p> <p>11 A. This is the actual site where the deceased's</p> <p>12 remains were located.</p> <p>13 Q. And were you the one to examine the scene for</p> <p>14 purposes of disinterment of the body?</p> <p>15 A. That is correct, myself along with ny</p> <p>16 assistant, U.S. Air Forcer Master Sergeant Grant Graham.</p> <p>17 Q. Would you please tell the Ladies and the</p> <p>18 Gentleman of the jury what you observed as you first came</p> <p>19 on the scene and what you did as a result?</p> <p>20 A. Basically as we came on to the scene, we</p> <p>21 entered within the barrier tape region that had been set</p> <p>22 up by the Police Department.</p> <p>23 Prior to actually going into and getting near</p> <p>24 the remains we actually set up a secondary barrier to</p> <p>25 ensure that we didn't disturb any type of evidence and</p>	<p>1 in a position near a very large log or tree that had been</p> <p>2 downed. It was in very close proximity to this and that</p> <p>3 the body was partially covered with dirt. It was very</p> <p>4 shallow. However, there were three components of the</p> <p>5 body that were partially exposed; that being some</p> <p>6 portions of the hair, a portion of the hip, and foot and</p> <p>7 knee area.</p> <p>8 And in examining those, it was obvious that</p> <p>9 these had been exposed as a result of post-mortem animal</p> <p>10 activity; that is, animals coming to feed or that are</p> <p>11 attracted to the remains, and through their activity,</p> <p>12 they basically had teased out the hair from underneath</p> <p>13 the ground and also had uncovered dirt and removed it</p> <p>14 from areas that covered portions of the body.</p> <p>15 And in doing so we saw even evidence of small</p> <p>16 scratch marks on -- that were basically on the hosiery of</p> <p>17 the deceased and also scratch marks that actually mud</p> <p>18 prints of small animals that had basically uncovered</p> <p>19 these portions of the body.</p> <p>20 Q. Is there anything in those photographs that are</p> <p>21 -- is good enough to -- to -- that could be used to</p> <p>22 demonstrate what you're talking about there?</p> <p>23 A. Certainly. You can see --</p> <p>24 MR. URICK: Could the witness get up and stand</p> <p>25 in front of the jury, Your Honor?</p>

1 THE COURT: Yes.  
2 BY MR. URICK:  
3 Q. If you would, narrate it and start at that end  
4 and show everyone, if you would? I can take the other  
5 two at this time, if it's easier just to hold one.  
6 A. What we have here is the site in which you're  
7 looking at the body was found on the -- on the side of  
8 the log. You can see it's a fairly large --  
9 THE COURT: Louder, please, Doctor.  
10 THE WITNESS: Fairly large log, which certainly  
11 aided in concealing the body. If one was walking toward  
12 it, one would not notice the body itself unless one  
13 actually crossed over on the log. You can see here just  
14 some remnants of the body actually sticking out. Here is  
15 the head portion.  
16 You can see this dark, black material which is  
17 hair. We have a leaf and this portion here that is  
18 partially exposed. Here in this picture here you see a  
19 blowup and you can see again this dark, black material  
20 which is the hair which has been exposed as a result of  
21 the digging of animals; here the area of knee. Here we  
22 have a pelvic.  
23 And you can see this a little bit better here  
24 where you have some tearing of the hosiery as a result of  
25 the post-mortem animal -- animal activity which had

1 basically unearthed this material, which led to this  
2 discovery.  
3 BY MR. URICK:  
4 Q. Could you come to this end of the jury and just  
5 briefly recapitulate the things you were pointing out to  
6 that end?  
7 A. Here we have --  
8 THE COURT: The alternates can stand if you  
9 would like.  
10 THE WITNESS: -- the log where the deceased was  
11 found against -- right up against the log. Here you can  
12 see a portion of the body. Here we have the head. You  
13 can see some of the dark hair, some clothing remnants.  
14 Looking over here we have some of the pelvic  
15 area and area of knee and foot that were exposed. You  
16 can see this up close to get a better idea (inaudible).  
17 Large part here head here and has been exposed as a  
18 result of an animals teasing it out through the dirt.  
19 Here the hip, the knee area you can see what is  
20 actually a portion of the foot which was exposed  
21 underneath the stocking. We can see the knee a little  
22 bit better. And you see this very light coloration here,  
23 this is the -- again the animals were tearing the hose  
24 and actually attempting to uncover the body.  
25 BY MR. URICK:

1 Q. I'll take that. This one now. Were you the  
2 one who disinterred -- well, I'll wait to you get back on  
3 the stand.  
4 (Pause.)  
5 BY MR. URICK:  
6 Q. Were you the one who disinterred the body?  
7 A. Yes, sir, with the help of my assistant.  
8 Q. And how did you do that?  
9 A. Basically after we cleared the area for trace  
10 evidence, we begin to do an examination with the  
11 alternate light source, the UV light source on top of the  
12 body as we begin very carefully removing the soil. And  
13 it's very important that you remove the soil carefully so  
14 that you do not miss any type of evidence and cause any  
15 type of artifacts -- or damage to the body as you're  
16 recovering it.  
17 This was done primarily by hand using straw  
18 whisk brooms, paint brushes, and small cement-type  
19 trowels or excavation-type of tools in which the dirt was  
20 very carefully scraped around the actual contour of the  
21 body.  
22 And then the dirt that was actually on the body  
23 itself was basically removed by using the whisk brooms  
24 and brushes to very carefully sweep this material away  
25 until we could get down to the actual body.

1 As we begin to get down to the body we  
2 conducted an examination using the alternate light source  
3 and UV light sources to see if we found any type of  
4 evidence that may tell us something about this particular  
5 victim.  
6 And in doing so, we did locate a foreign fiber  
7 that was a bright orange fluorescent color. It glowed  
8 very bright orange under the alternate light source. And  
9 this fiber was determined to be foreign as no other  
10 fibers within the clothing on the victim gave any other  
11 type of fluorescence.  
12 As we begin to carefully move down and  
13 carefully trowel around the body and brush and move the  
14 body into a flip position, we found a second foreign  
15 fiber that basically was located underneath the body. It  
16 glowed a bright blue in color when exposed to the light,  
17 which was also found to be foreign to the victim as none  
18 of the clothing gave a similar type of fluorescence.  
19 These were collected, handed over to the  
20 Baltimore Police into evidence at that time.  
21 THE COURT: If you could pull the microphone  
22 down and talk directly into it.  
23 THE WITNESS: After we had carefully completed  
24 the excavation and cleaning of the body, we basically  
25 placed a body bag next to the site and gently flipped the

1 body over so that the body was lying on -- on the back so  
2 that we could get a good look at the victim.

3 And it was at this time we did some final  
4 cleanup with small brushes such to remove the dirt and  
5 debris from the deceased.

6 BY MR. URICK:

7 Q. What, if any, factors affect decomposition of a  
8 body in a ground?

9 A. There are many factors that effect  
10 decomposition of a body. Basically decomposition above  
11 ground occurs at a fairly rapid pace compared to bodies  
12 that are buried or submerged in water. There are a  
13 number of biological aspects to why bodies decompose much  
14 slower in water and beneath earth which has to do with  
15 basically cooler temperatures, which is a primary product  
16 which delays the process of decomposition.

17 When you have cool temperatures, moisture, the  
18 body basically cools off and the bacterial decomposition  
19 of the body does not proceed very fast, whereas if a body  
20 is in a very warm climate, exposed above the ground, the  
21 body will decompose fairly rapidly in a state.

22 Also when a body is buried or is covered, it --  
23 there is an inhibition of insect activities. Insects  
24 that typically feed on decomposing bodies, such as flies  
25 and various types of beetles, because of either

1 environmental conditions being cool or the body being  
2 covered, many of these insects cannot get to the body to  
3 feed and therefore because of the cool temperatures, the  
4 moisture particularly in a loamy-type forest soil that we  
5 had here, and being in the winter, basically had very  
6 cool temperatures that would perpetuate a slow  
7 decompositional process.

8 Q. Based on you expertise and training, were you  
9 able to form any opinions as to how long that body been  
10 in the ground?

11 A. Yes. At the time I told the detectives that  
12 based on the state of the body, looking at the  
13 environment, the climatic condition there for the scene,  
14 and the extensive fungus growth, -- we had a very heavy  
15 growth of white fungus beneath the body -- that under  
16 these climatic conditions there at the scene that I would  
17 estimate that the body could have been there anytime  
18 between three to four weeks.

19 Q. Would the state of the body as you saw it be  
20 consistent with a time of death and burial of January  
21 13th of 1999?

22 A. Certainly.

23 MR. URICK: No further questions.

24 THE COURT: Cross?

25 CROSS-EXAMINATION

1 BY MS. GUTIERREZ:

2 Q. Yes, Dr. Rodriguez, you were brought to that  
3 specific location precisely because of your expertise in  
4 regard to the decomposition of bodies, were you not?

5 A. That's correct.

6 Q. And you answered the call for your assistance  
7 by coming out to Baltimore; right?

8 A. That's correct.

9 Q. And you brought your equipment and your  
10 assistant; correct?

11 A. That's correct.

12 Q. And you had not been to that location prior to  
13 that day had you?

14 A. No, ma'am.

15 Q. You were not aware that the name of that park  
16 is Leakin?

17 A. I'm aware.

18 Q. You are now. But prior to then --

19 A. No. I -- I'd been out to that park before for  
20 recoveries.

21 Q. Okay. For recoveries. So you're aware that  
22 that is a popular place for the disposal of bodies that  
23 had been murdered?

24 A. That's correct.

25 Q. In Baltimore; is that correct?

1 A. That's correct.

2 Q. Now you came to that location having been there  
3 before. You were aware that exactly where it is in the  
4 middle of a park; is that correct?

5 A. That's correct.

6 Q. And that to get to the site that you've  
7 identified in the pictures and, if I may, a picture that  
8 you described shows what you told us is a tree, is it  
9 not?

10 Not one of these but --

11 THE COURT: Let's see the other evidence items.

12 BY MS. GUTIERREZ:

13 Q. It's a tree; is that correct?

14 A. That's correct.

15 Q. And that appears in that top right photo on  
16 State's Exhibit 10; is that correct?

17 A. That's correct.

18 Q. That tree is dead, is it not?

19 A. That's correct.

20 Q. And that tree would run parallel to almost the  
21 same direction that the road on which you came in run  
22 would it not?

23 A. That's correct.

24 Q. Beyond the tree is a stream is it not?

25 A. That's correct.



1 Q. And if you walk to that place that you did that  
2 day 11 months ago, you can see that the bank of the  
3 stream has overrun, can you not?  
4 A. It's pretty high. I didn't see evidence that  
5 it -- it had overrun. That was pretty -- I mean, you --  
6 you could -- you'd have to jump down.  
7 Q. To get to the stream; correct?  
8 A. That's correct.  
9 Q. All right. And, sir, to get to the stream  
10 you'd have to pass by where this tree is; correct?  
11 A. Yes, ma'am.  
12 Q. And the body that you described for us that you  
13 carefully disinterred, attempting to preserve as much  
14 evidence as possible, is on the far side of that tree, is  
15 it not?  
16 A. That's correct.  
17 Q. Meaning the furthest away from the road; is  
18 that correct?  
19 A. That's correct.  
20 Q. Now, there was not a path that you clamored  
21 through to get from the middle of the road, where you  
22 left your car, to where the body is, is there?  
23 A. No, ma'am. The only path was basically what  
24 had been made by the officers, and it was fairly hard to  
25 get through to --

1 Q. It was. It's fairly hard to walk, was it not?  
2 A. There was a lot of --  
3 Q. Lot of debris?  
4 A. Briar material.  
5 Q. And there's a lot of undergrowth, and when you  
6 call briar you mean sticky things on it; correct?  
7 A. That's correct.  
8 Q. It's a hard terrain to get through to the place  
9 where the body was; isn't that correct?  
10 A. Certainly just, you know, for a general walk.  
11 Q. It's not a place where one would go for a  
12 general walk, is it?  
13 A. It depends if you -- you enjoy walking through  
14 the woods.  
15 Q. Through -- and through the briars; correct?  
16 A. That's correct.  
17 Q. And through the terrain that was difficult to  
18 traverse; is that correct?  
19 A. That's correct.  
20 Q. And the body was sort of slightly nestled on  
21 the far side of that tree, was it not?  
22 A. That's correct.  
23 Q. And that tree is a good 50 feet long, is it  
24 not?  
25 A. I don't recall an exact measurements, but it's

1 -- it's pretty long.  
2 Q. I know you're not an expert in trees, but that  
3 was a dead tree, wasn't it, not a live tree?  
4 A. No, it was a dead tree.  
5 Q. It was clearly dead and lying there for awhile;  
6 isn't that correct?  
7 A. That's correct.  
8 Q. And the only way to get to where the body was  
9 is that you literally had to traverse over the tree;  
10 correct?  
11 A. That or go around it.  
12 Q. Right. And -- but to go around it meant a good  
13 nother hike in difficult terrain, did it not?  
14 A. Not necessarily, no, ma'am.  
15 Q. If you approached that site from the road,  
16 could you see the body before you actually got to the  
17 tree?  
18 A. No, ma'am.  
19 Q. The tree shielded the view of the body from the  
20 road all the way up to the tree?  
21 A. That is correct.  
22 Q. The site where you carefully disinterred this  
23 body on the day that you were there would not have been  
24 visible from the road where you parked your car?  
25 A. No, ma'am.

1 Q. After you disinterred this body and you made  
2 your notations, sir, were you asked to produce a report?  
3 A. No, ma'am.  
4 Q. And, sir, were you asked to conduct any tests  
5 on the body?  
6 A. No.  
7 Q. Or on any of the material that you carefully  
8 collected?  
9 A. No.  
10 Q. There were police detectives were there, were  
11 there not?  
12 A. That's correct.  
13 Q. And there were other police officers?  
14 A. That's correct.  
15 Q. And crime lab technicians?  
16 A. Yes, ma'am.  
17 Q. And others from the officer of -- the Office of  
18 the Medical Examiner here in Baltimore; is that correct?  
19 A. There was a, I believe, an assistant.  
20 Q. And assistant to collect the body; right?  
21 A. That's correct.  
22 Q. And when you described the -- what you've  
23 described to us, you attempted as carefully as you could  
24 to preserve as much evidence as you could see both with  
25 your naked eye; right?

1 A. That's correct.  
 2 Q. And with the assistance of these lights;  
 3 correct?  
 4 A. That's correct.  
 5 Q. And you attempted to be as careful to make sure  
 6 that you preserve anything that might lend a clue to what  
 7 had happened to this decomposed body; is that correct?  
 8 A. That's correct.  
 9 Q. And you that you didn't have to be asked  
 10 specifically to do that, that was your job, wasn't it?  
 11 A. That's correct.  
 12 Q. You knew that's why you came to bring your  
 13 expertise there, did you not?  
 14 A. Yes, ma'am.  
 15 Q. The only two fibers that were located were the  
 16 two that you described for us; correct?  
 17 A. That's correct.  
 18 Q. And in addition to that you were --  
 19 MS. GUTIERREZ: I'm sorry, Madam Clerk but I  
 20 think that juror wants something.  
 21 THE CLERK: I'm sorry,  
 22 MS. GUTIERREZ: The jurors want something.  
 23 THE COURT: Okay. We --  
 24 MS. GUTIERREZ: I just have another question,  
 25 Judge, and then I'll be -- I'll be finished.

1 THE COURT: Can you hold on --  
 2 BY MS. GUTIERREZ:  
 3 Q. Other than the two fibers that you described  
 4 for us, you didn't recover anything else, did you?  
 5 A. No, ma'am.  
 6 Q. Were you aware that hair was recovered that was  
 7 not hair that belonged to that decomposing body?  
 8 A. I was unaware of that.  
 9 Q. Were you ever asked to produce the temperature  
 10 chart for the temperature of the months of January and/or  
 11 February?  
 12 A. No, ma'am.  
 13 MS. GUTIERREZ: Nothing further. Thank you.  
 14 MR. URICK: Just one question.  
 15 REDIRECT EXAMINATION  
 16 BY MR. URICK:  
 17 Q. You were asked several questions about the site  
 18 of the body, I'm going to ask you to look at this group  
 19 of photographs again, and just the upper right hand one,  
 20 a straight view between the two cars, and ask if you can  
 21 see any figures in the woods?  
 22 A. Yes. You can see, it looks to be a number of  
 23 individuals.  
 24 Q. And was that the site where the body was?  
 25 A. Yes.

1 Q. And are the figures clearly visible from the  
 2 road where that picture is taken?  
 3 A. Yes. You can see the individuals.  
 4 MR. URICK: I'd ask that this be published to  
 5 the jury after the break.  
 6 THE COURT: After the break.  
 7 MR. URICK: Yes. And I'm through with this  
 8 witness.  
 9 THE COURT: Any re-cross?  
 10 MS. GUTIERREZ: No, Your Honor.  
 11 THE COURT: Very good. Doctor, you may be  
 12 excused. Thank you.  
 13 (The witness was excused.)  
 14 THE COURT: Members of the jury, we're going to  
 15 take our afternoon break now. And we will call for you  
 16 at 3:35. Do not discuss the case with anyone.  
 17 (Pause.)  
 18 THE COURT: Counsel, please be in place at  
 19 3:35.  
 20 (Brief recess.)  
 21 (The jury was not present upon reconvening.)  
 22 MS. GUTIERREZ: Judge, prior to calling down  
 23 the jury I would like to make a record about the two  
 24 separate things?  
 25 THE COURT: Yes, please come up.

1 (Counsel and the defendant approached the  
 2 bench, and the following ensued:)  
 3 MS. GUTIERREZ: The only guide to the  
 4 limitation on Jay Wilds, I personally didn't know --  
 5 MR. URICK: The limitation is --  
 6 MS. GUTIERREZ: -- as to the cross-examination  
 7 of Jay Wilds. I personally observed that we started that  
 8 cross-examination at five minutes after 2:00 and that we  
 9 -- you stopped my cross-examination, based on your  
 10 previous order of an half an hour at 2:26.  
 11 THE COURT: Actually at 2:44.  
 12 MS. GUTIERREZ: Okay. Well, I noted 2:26. And  
 13 in any event, although I objected to it this morning --  
 14 THE COURT: Like 2:36.  
 15 MS. GUTIERREZ: I'm clear -- I'm unclear as to  
 16 whether or not the record adequately reflects that we  
 17 object to it. I had at least another half hour if not 45  
 18 minutes to an hour of cross-examination on Jay Wilds. I  
 19 would not have stopped it except for the order.  
 20 THE COURT: You had planned a four-hour cross  
 21 rather than a three-hour cross?  
 22 MS. GUTIERREZ: Judge, I don't plan crosses by  
 23 times. I plan crosses by what it is I need to cover with  
 24 the witness. There are 126 typed pages of what appears  
 25 to be a transcript of two separate interviews.