

1 WILLIAM C. RODRIGUEZ, III,
2 a witness produced on call of the State, having first
3 been duly sworn, was examined and testified as follows:
4 THE CLERK: You may be seated. Please keep
5 your voice up and state your name and business address for
6 the record?
7 THE WITNESS: Dr. William C. Rodriguez, III.
8 That's R-O-D-R-I-G-U-E-Z.
9 THE COURT: Witness with you, Mr. Urick.
10 MR. URICK: Your Honor, if I may have a moment
11 of the Court's time, I would ask that the three
12 photograph exhibits be published to the jury at this time
13 to familiarize them with them so that this witness can
14 discuss what was going on.
15 THE COURT: Very well. Any objections to that
16 process being followed?
17 MS. GUTIERREZ: No, Judge.
18 THE COURT: These items are already in
19 evidence; is that not correct?
20 MR. URICK: Yes, they are.
21 THE COURT: And they are 9, 10, and 11;
22 correct?
23 MR. URICK: Yes.
24 THE COURT: If you would take the first set and
25 pass them to the jury fore -- yeah, that would be

1 perfect. Juror Number 7, and then the last set, pass it
2 to the foreperson, unless you have some issue about the
3 order?

4 MR. URICK: No. Do you want me to --

5 THE COURT: Yes. Just saves a little bit of
6 time. Thank you.

7 (Pause.)

8 THE COURT: I have a scheduling issue. You
9 know, you don't need to come up. I'm just gonna tell you
10 what it is. Tuesday, believe it or not, I have 24 cases,
11 but I have requested my secretary to inquire as to
12 whether or not any or all of these matters may be either
13 advanced, postponed, or they may be directed -- be
14 directed specifically to a judge for trial.

15 And I'm asking that they go postponement court
16 on Monday, if that is possible. So I'm letting you know
17 this in advance so that you're aware that on Tuesday.

18 MS. GUTIERREZ: What date is Tuesday?

19 THE COURT: That's Tuesday, 1st. I am going to
20 start or restart this in the same fashion as I indicated
21 I would handle my -- because it just doesn't make any
22 sense to do it any differently. If I'm fortunate, we'll
23 get rid of either or most of those matters on Tuesday.
24 If I'm not, it'll give me time to dispose of them.

25 (Pause.)

1 DIRECT EXAMINATION

2 BY MR. URICK:

3 Q. Good afternoon, Dr. Rodriguez.

4 A. Good afternoon.

5 Q. Where are you employed?

6 A. I am employed at the Armed Forces Institute of
7 Pathology in Washington, D.C.

8 Q. I'd like to ask you to lean forward a little,
9 if you would. Just speak into the microphone --

10 A. Okay.

11 Q. -- and speak loudly so the jury can hear you.

12 A. The Armed Forces Institute of Pathology, which
13 is located in Washington, D.C., at the grounds of the
14 Walter Reed Medical Center.

15 Q. And how long have you been employed there?

16 A. I've been there a little over ten years.

17 Q. And what are you -- what do you do there?

18 A. I primarily hold a distinguished scientist post
19 where I serve in the office of the Armed Forces Medical
20 Examiner as the Chief Deputy Medical Examiner for Special
21 Investigations.

22 Q. And what, if any, expertise do you exercise in
23 that position?

24 A. My expertise is in forensic anthropology for
25 which position I served as the Chief Anthropologist.

1 Q. What is forensic anthropology?

2 A. Forensic anthropology is basically the study of
3 the human body and skeleton for forensic purposes, of the
4 identification of very decomposed or skeletal remains
5 leading to the identification and identification of
6 various types of pathology that are skeletal in nature
7 and looking at recovery and post mortem analytical
8 determination.

9 Q. Where do these investigations take you?

10 A. I have traveled throughout the United States
11 and throughout the world conducting investigations.

12 MR. URICK: Would the defense stipulate to this
13 witness' expertise as a forensic anthropologist?

14 MS. GUTIERREZ: Certainly we would.

15 THE COURT: Let him be admitted then as a
16 forensic expert -- excuse me, a forensic anthropologist
17 expert.

18 Ladies and gentlemen, on occasion we have
19 individuals that will qualify as an expert. At the
20 conclusion of this case, I will give you information as
21 to the law on how you should regard his testimony but for
22 now, he is accepted as an expert and may render opinion
23 as such.

24 You may proceed.

25 MR. URICK: Thank you, Your Honor.

1 BY MR. URICK:

2 Q. Dr. Rodriguez, drawing your attention back to
3 February 9th of 1999, did you have occasion to respond to
4 Baltimore?

5 A. Yes. I was called by the Baltimore Homicide
6 detectives and asked if I would bring myself and another
7 team member out to assist in the recovery of some remains
8 that had been found.

9 Q. And upon getting that request what, if
10 anything, did you do?

11 A. I contacted Master Sergeant Graham, who is my
12 assistant in the laboratory, had him put together some
13 equipment, and then we met in Mt. Airy and then by car
14 transported ourselves to the scene for the examination.

15 Q. And by the scene, do you recall where it was
16 you went?

17 A. It was in Leakin Park.

18 Q. And upon your arrival, what, if anything, did
19 you observe?

20 A. Basically saw, of course, all the police
21 officers. We could see some barrier tape that had been
22 set about there in the woods and equipment that he had
23 set up for the recovery.

24 MR. URICK: If I may approach the witness at
25 this time?

1 THE COURT: Yes, you may.

2 BY MR. URICK:

3 Q. I'm going to show you what's already in
4 evidence as State's Exhibit 9, 10, and 11. And for right
5 now I'd like you just to take a few moments and look at
6 the top one which is State's Exhibit Number 9?

7 A. Yes.

8 Q. Can you identify those photographs?

9 A. Yes. These are photographs toward the road-
10 side, directly outside the initial scene.

11 Q. And do they fairly and accurately depict the
12 scene on the date in question?

13 A. Yes, they do.

14 Q. Now, if you'd look up on the top row, the third
15 photograph across, the one on the far -- where your left
16 hand is. If you'd take a few seconds, do you notice
17 anything back among the trees?

18 A. You can see a very large log that is lying
19 down.

20 Q. Further back, if you would?

21 A. And you can see, actually, some in this
22 picture, some of the detectives and people involved there
23 at the scene.

24 Q. And they're standing around where the grave
25 site was?

1 A. That's correct.

2 Q. Did you have occasion to go back to the grave
3 site?

4 A. Yes, I did.

5 Q. What, if anything, did you observe there?

6 A. Basically, went back into this wooded area, and
7 made our way back, saw the large log or dead tree that
8 was positioned there on the ground. And on the opposite
9 side facing away from the roadway, on the log, was
10 evidence of remains of a body.

11 Q. And did you have occasion at that point to
12 examine what you were seeing?

13 A. Yes, we did. We conducted a thorough
14 examination initially, setting up a secondary barrier
15 around the area, tying it off. Then Master Sergeant
16 Graham and I changed into tie-back suits, taped our
17 boots, and then began our examination, basically, going
18 around the very peripheral area and working our way in,
19 looking at any disturbance in the soil and surrounding
20 vegetation close into the body.

21 And as we worked our way, got to the remains,
22 actually, began to examine what we could see of the
23 remains that were exposed above the soil and leaf debris.

24 From there we conducted alternate light
25 examination using a hand-held alternate light device to

1 look for trace evidence, followed up by a ultraviolet
2 light source also to look for trace evidence.

3 Q. Based on your examination of the parts of the
4 body that were exposed, what, if anything, did you
5 notice?

6 A. There was clear evidence that the remains had
7 been exposed by animal activity. Leaf and material
8 detritus that had covered that area of body near the log,
9 there was evidence that the animals had actually
10 scratched away at the body and actually had put some paw
11 or scratch marks superficially on the clothing of the
12 body in attempt to uncover it.

13 Q. If you would put that top series of photographs
14 in the back and look at the one right underneath it,
15 which is State's Exhibit 10? Take a few seconds to
16 examine that, if you would?

17 A. I have.

18 Q. Can you identify those photographs?

19 A. Yes. This is at the scene, here, where we have
20 the large log that is downed in the woods, and we have
21 three other photographs showing different angle views of
22 the side of the log where we have partial exposure of the
23 body that is lying parallel to the log here, in which we
24 can see some exposure of the body here at the head area
25 where we see some dark --

1 Q. If you could hold one for just a second.

2 MR. URICK: Could I have the Court's permission
3 to have the witness leave the stand and come over close
4 to the jury --

5 THE COURT: Yes.

6 MR. URICK: -- so that they can see the
7 photographs?

8 THE COURT: Yes. And if you'd like, that easel
9 has clips at the top, and you're welcome to move the
10 easel in place and utilize the clips. I believe we may
11 even have a ruler or something you could use as a
12 pointer, if you would like.

13 (Pause.)

14 BY MR. URICK:

15 Q. If you would, Doctor, please, starting with the
16 top left and then going through the top row and then down
17 to the bottom left going through there, please describe
18 what is evident in those photographs?

19 A. In here we can see is the large tree that is
20 downed here. We can see it has a lot of fungi, algae
21 growth.

22 THE COURT: Okay. I cannot see what you're
23 going, and the defendant cannot see what you're doing, so
24 if you move the -- that'll work.

25 Can all of the jurors see at this point?

1 Very well. You may continue.

2 THE WITNESS: Here, again, we see the log and
3 we see the body which is partially exposed in there lying
4 parallel to the log. Here down toward the head, here at
5 the feet, we can see the head with some dark hair
6 exposed, a portion of the body here and here, which are
7 exposed.

8 Here we see another shot, again, here we have
9 the log. Here we have the body laying longitudinally
10 against the log. We can see a portion of the leg exposed
11 here.

12 And here we have the head, with a portion of
13 the very dark hair exposed here, and here we have,
14 basically, a closeup of this photograph again, with the
15 log, here you can see the head with the dark hair, and
16 again, portions of the body that have been exposed.

17 BY MR. URICK:

18 Q. If you would, please, take the top set of
19 photographs down and spend a few seconds looking at the
20 ones that should be right underneath it, State's Exhibit
21 11?

22 A. Okay, I've reviewed those.

23 Q. Can you identify those photographs?

24 A. Yes. This is later in time, after we began our
25 initial examination of the remains and began to excavate

1 them from the subsurface deposit here.

2 THE COURT: One moment, sir.

3 I need you to assist him. Can you -- is it

4 possible to move that easel back just a little bit?

5 Thank you. All right.

6 And, Ms. Gutierrez, you're welcome to stand

7 there, or, if you would like, you may go around to the

8 other side where you'll be able to see, I think, a little

9 better.

10 Mr. Syed, can you see, at this point?

11 MR. SYED: May I lean over?

12 THE COURT: Yes, you may.

13 All right. Now you may continue, and I

14 apologize. I know this is a small courtroom, but we've

15 made do in the past. So, you may continue.

16 THE WITNESS: Well, here we see in this

17 photograph a number of the leaf debris has been brushed

18 away. We can see we're beginning some excavation to

19 trowel out around the body producing its outline.

20 You can see the leg here bent at the knee.

21 Here over in this photograph you're beginning to see some

22 clothing, again, the head and the dark hair, exposure of

23 a portion of the body.

24 And here this is after the body has been

25 exposed. Now, you can see a portion of the face and

1 bloody fluids around the area of the mouth and nose.

2 The hand here exposed, and here, after the body
3 has been very carefully troweled, the body was simply
4 flipped over in front of the actual site into the body
5 bag.

6 BY MR. URICK:

7 Q. What, if any, factors affect decomposition in
8 an outdoor setting like that with a body buried like
9 that?

10 A. There are many, many factors that involve the
11 decomposition of a body in an outdoor environment. You
12 have temperature, of course, one of the primary factors,
13 that the colder it is temperature-wise, the process of
14 decomposition occurs at a slower rate with the decrease
15 in temperature.

16 Likewise, if the temperatures are very warm, a
17 body decomposes very rapidly. Moisture, certainly,
18 moisture allows the body to undergo decomposition where
19 as a very dry environment, that lack of moisture causes
20 the body to not decompose as fast, and a very dry
21 environment, of course, going to the mummification of the
22 tissues to actually dry out.

23 When a body, for example here, that we have in
24 contact on a soil floor or substrate versus something
25 like a carpet or indoors, basically, you have an outdoor

1 environment where you do have quite a bit of moisture,
2 and this adds, in very cool environments, to keep the
3 body very cool, and provide moisture to allow this
4 decompositional process to undergo a fairly slow rate.

5 Q. Did you have occasion to look at the body as it
6 was disinterred?

7 A. Yes, I did.

8 Q. What, if anything, did you note about the
9 decomposition of the body itself?

10 A. One that I noted was that the body was in a
11 fairly good state of preservation. It did have some
12 shrinkage of the tissues, which you can somewhat see in
13 the hands, this blanching and shrivelling that you can
14 see.

15 And there was very extensive mold and fungi
16 growth. You can see here on this area of the face this
17 white material, there was a lot of mold and fungi over
18 many surfaces of the tissue.

19 Q. And what, if anything, does the fungi tell you?

20 A. Typically, fungi growth occurs in a fairly
21 moist environment, which we certainly have here, and in
22 very cool weather conditions. The presence of large
23 patches of mold and fungi is an indicator that there has
24 been a lengthy post mortem interval or period of time
25 since death.

1 Q. Did you notice any insect damage at that time?

2 A. No, there was no evidence of any type of
3 significant insect damage.

4 Q. Would you have expected to find anything like
5 that at that time of year?

6 A. No, because of the very cool weather, most of
7 the insects, particularly blowflies, they are only active
8 at above 55 degrees Fahrenheit. And many of the other
9 insects, such as carrion beetles that actually feed on
10 the tissue of a body are inactive at this time of year.

11 Q. Now, based on your expertise and training, and
12 the state of decomposition as you observed it on the day
13 that the body was disinterred, would that be consistent
14 with the victim having vanished, been killed, and buried
15 on the 13th of January?

16 A. Yes, that would be.

17 Q. Thank you. You may return to the stand at this
18 time.

19 (Pause.)

20 MR. URICK: If I may have the Court's
21 indulgence for just a second?

22 (Pause.)

23 BY MR. URICK:

24 Q. Dr. Rodriguez, do these photographs show the
25 areas where the animal activity occurred?

1 A. Yes.

2 MR. URICK: Could I have the witness come back
3 and show us on the photographs where that damage is
4 evident?

5 THE COURT: Yes.

6 Please return to the easel area.

7 MR. URICK: Using the ones that are up there or
8 the other set, whichever would be easier.

9 THE WITNESS: You can see right here in the
10 areas of the knee that you have, basically, pantyhose
11 material that has been somewhat frayed or torn.

12 We have some material here, up along the foot
13 you can see some of the soft tissue. The foot is
14 actually exposed, and we have portions of the pantyhose
15 material. And up here, along here, closer to the hip
16 area, you can see that we have some exposure of some of
17 the soft tissue where animals have, basically, raked
18 their paw across trying to get at the remains.

19 MR. URICK: Thank you.

20 THE COURT: May the witness return to the
21 witness box?

22 MR. URICK: Yes, please.

23 THE COURT: Thank you.

24 MR. URICK: Witness with the defense.

25 CROSS-EXAMINATION

1 BY MS. GUTIERREZ:

2 Q. Dr. Rodriguez, you were asked by Mr. Urick was
3 what you observed in the body, both when you first got
4 there and after your very careful disinterrment of that
5 body, that what you saw was that -- was that consistent
6 with death occurring on the 13th of January; do you
7 recall that?

8 A. Yes.

9 Q. And you answered yes, that it was; correct?

10 A. That's correct.

11 Q. You are not rendering an opinion that death
12 occurred on the 13th, are you?

13 A. No, ma'am.

14 Q. And you have never been asked to do that, have
15 you?

16 A. No, ma'am.

17 Q. And after the careful disinterrment of this
18 young woman's body, you were not asked to perform the
19 subsequent autopsy?

20 A. No, ma'am.

21 Q. Or to determine the cause of death?

22 A. No, ma'am.

23 Q. Or to determine, in any way, the time of death?

24 A. I was asked to look and make a determination at
25 the scene of the approximate time that that body had been

1 there based on decomposition.

2 Q. And that was based on what you observed; is
3 that correct?

4 A. That's correct.

5 Q. After that day, the 9th of February, did you do
6 anything else in regard to this body?

7 A. Yes. I was present during the initial
8 examination the following day.

9 Q. The following day on the 10th?

10 A. Yes, ma'am.

11 Q. And after that, did you do anything else?

12 A. No, ma'am.

13 Q. Did you ever check the temperature chart of the
14 time, including the highs and lows of temperature,
15 between January 13th and February 9th?

16 A. I did do a backdate temperature over the
17 Internet.

18 Q. Okay. And you are aware -- you actually live
19 in Washington, or between Washington and Baltimore?

20 A. That's correct.

21 Q. Okay. So you were familiar that it had been on
22 a pretty -- a particular number of days in that time
23 period that was a pretty strong and deep cold snap?

24 A. That's correct.

25 Q. And that there had been snow? And so, you were

1 told, you didn't understand the significance of the 13th
2 of January date, did you?

3 A. No.

4 Q. You were just given that information; is that
5 correct?

6 A. An approximation.

7 Q. And, in your opinion, it is consistent with the
8 appearance of the body, that she could have died on the
9 13th; correct?

10 A. That's correct.

11 Q. It is also -- it would be equally as consistent
12 that she could have died on the 12th of January, would it
13 not?

14 A. It's very possible.

15 Q. And the same likelihood of consistency that her
16 death could have occurred on the 14th?

17 A. It's possible.

18 Q. Or even the 15th?

19 A. Yes. There's the --

20 Q. Or even the 16th?

21 A. -- time frame --

22 Q. There's a --

23 A. -- that we're dealing with just approximations.

24 Q. And that's the best that you can do --

25 A. Scientifically. Yes, ma'am.

1 Q. -- notwithstanding all the science; is that
2 correct?

3 A. That's correct.

4 Q. And so you have never been asked to determine
5 an exact time or date of death?

6 A. No, ma'am.

7 Q. So, you can't tell us how long that body had
8 been dead?

9 A. That is correct.

10 Q. Correct? And you can't tell us how and under
11 what circumstances it died?

12 A. No, ma'am.

13 Q. And you were never asked to do that?

14 A. That's correct.

15 Q. Correct? Now, the -- you discussed at length,
16 Dr. Rodriguez, what you call the clear evidence of animal
17 activity that you then pointed out to us?

18 A. Yes, ma'am.

19 Q. The fact that it appears, in your expert
20 opinion, to be animal activity, is related to your
21 expertise of examining bodies, is it not?

22 A. That's correct.

23 Q. Most of us lay people, were we to examine a
24 body, wouldn't be able to tell that it was an animal that
25 did that?

1 A. It's doubtful.

2 Q. And your expertise, you are a pathologist --

3 A. An anthropologist.

4 Q. -- not just an anthro --

5 A. No, I'm just an anthropologist.

6 Q. -- anthropologist?

7 A. I'm an anthropologist.

8 Q. You're not a medical doctor?

9 A. No, ma'am.

10 Q. You do not hold a medical degree?

11 A. No, ma'am.

12 Q. You do not hold the expertise to examine, as a

13 doctor, as an -- to conduct a pathology of the study of a

14 body that's presented to you?

15 A. Not of soft tissue, pathology.

16 Q. Okay. And -- and you were not at -- you were

17 present during the one that was conducted in this case;

18 right?

19 A. That's correct.

20 Q. And that was conducted by the Medical Examiner,

21 who is a medical doctor, pathologist, in Baltimore?

22 A. That's correct.

23 Q. Is that correct? And that was conducted the

24 day after the removal of this body; is that correct?

25 A. That's correct.

1 Q. The person you brought with you, Master
2 Sergeant Graham, was brought for his expertise to try to
3 collect any trace evidence or other evidence that might
4 be important?

5 A. That's correct.

6 Q. Is that correct? And by "important," meaning
7 any evidence that might be collected that should not be
8 disturbed in the disinterrment of this body that might be
9 able to tell us something about the circumstances of this
10 body's death?

11 A. That's correct.

12 Q. Is that correct?

13 A. That's correct.

14 Q. And that's why you took so long with him to
15 disinter the body, you didn't just dig it up?

16 A. That's correct.

17 Q. You examined it? Right? You examined it under
18 different light sources?

19 A. That's correct.

20 Q. Things that would make visible things that
21 might not be visible to the naked eye?

22 A. That's correct.

23 Q. And to very carefully disinter, like moving
24 away from the body the dirt and the leaves that covered
25 it in some places completely?

1 A. That's correct.

2 Q. And to make sure that if there was evidence
3 there that was foreign to the body or to the soil that
4 you could visualize it and collect it?

5 A. That is correct.

6 Q. And the collection of it was also done with the
7 same kind of care, was it not?

8 A. That is correct.

9 Q. Okay. Oh. I was asking you about the animal
10 activity. The evidence of animal activity that you
11 observed on the clothing and this body clearly all
12 occurred post death; did it not?

13 A. Yes, ma'am.

14 Q. And you could tell that from your own
15 experience; could you not?

16 A. That's correct.

17 Q. Although that's not something that most of us
18 could tell?

19 A. No, ma'am.

20 Q. Is that correct?

21 A. That's correct.

22 Q. And you also spoke about the rate of
23 decomposition. And let me make sure because -- that I
24 have it straight. Because it was cold and had at least
25 some moisture there because of the soil and the leaves

1 over the body, it decomposed at a lower rate --

2 A. A slower rate.

3 Q. -- a slower rate than if it had been hotter and

4 dryer; --

5 A. That's correct.

6 Q. -- is that correct?

7 A. That is correct.

8 Q. And so, it was a pretty well preserved body for

9 being dead however long it had been dead; --

10 A. That is correct.

11 Q. -- is that correct? And decomposition is a

12 biological process; is it not?

13 A. That is correct.

14 Q. That the body goes through after death, that

15 alters the biological composition of what you see?

16 A. That is correct.

17 Q. And you described that? You could see it if

18 you knew evidence of the decomposition in the hands once

19 they became visible?

20 A. That's correct.

21 Q. Because decomposition alters the substance, the

22 feel, the look, the space that skin takes up, does it

23 not?

24 A. Yes.

25 Q. And decomposition alters the fluids in the

1 body, does it not?

2 A. That's correct.

3 Q. And sometimes decomposition creates fluid?

4 A. It can, yes.

5 Q. It can. In fact, it can create fluids that

6 come out of the orifices of the body?

7 A. That is correct.

8 Q. And there is things that happen in

9 decomposition that affect the skin on the body, do they

10 not?

11 A. That's correct.

12 Q. There's slippage of the skin, is it not?

13 A. That is correct.

14 Q. The skin doesn't remain the intact covering of

15 the body once the body's dead.

16 A. That's correct.

17 Q. Is that correct? And all of those are normal

18 biological processes?

19 A. Yes.

20 Q. That occur to everybody no matter what the

21 circumstances of death were; is that correct?

22 A. That is correct.

23 Q. And occur to everybody, regardless of what the

24 temperature is, just at a different rate?

25 A. That's correct.

1 Q. Is that correct?

2 A. Yes.

3 Q. All right. And, so that there are changes

4 like, for instance, you were asked to describe what

5 appeared to be fluid on the face; is that correct?

6 A. That's correct.

7 Q. That fluid could very well be from

8 decomposition, could it not?

9 A. Yes, it's referred to as post-mortem purging.

10 Q. Okay. And that's exactly what that fluid on

11 that body appeared to be, did it not?

12 A. Yes, it did.

13 Q. There were no obvious signs of injury, you

14 know, like a dismemberment of a body part or knife wound,

15 that you observed, were there?

16 A. No, ma'am.

17 Q. And having attended the autopsy the -- the

18 pathological examination of the body the next morning at

19 the pathologist's office, in fact, that pathological

20 review revealed that there weren't any other injuries

21 that were visible to this body?

22 A. I believe that was their findings.

23 Q. That meaning there wasn't any obvious injury,

24 no knife wounds, no wounds that had obvious holes or

25 tears in the body?

1 A. That's correct.

2 Q. Is that correct? Then, that what you observed
3 to be -- that appeared to be fluid from the face or the
4 head, in fact, was not the result of a pre-death injury?

5 A. It appeared just to be purging.

6 Q. Purging, which was a process that would occur
7 after death?

8 A. That's correct.

9 Q. And purging is not a process that would occur
10 immediately after death, would it?

11 A. It's a process that, it's, again, variable in
12 time on decomposition, but basically is the result of the
13 gaseous buildup as a result of decomposition.

14 Q. Of what's inside of you?

15 A. And basically, any fluids, they can be from
16 injury, or just a pulling of fluids from the
17 decompositional process. They have to go somewhere under
18 these gaseous pressures, and typically, they are extruded
19 out through the nose, the mouth, or the anus.

20 Q. Okay. And because you describe it as a
21 process, it occurs over a period of time; is that
22 correct?

23 A. That's correct.

24 Q. And, like all other decomposition processes, in
25 a cold environment such as you observed on February 9th,

1 that process, over time, at this point, would have taken
2 a longer time than a shorter time?

3 A. That's correct.

4 Q. Is that correct?

5 A. That's correct.

6 Q. Okay. The -- you were asked that, in the
7 picture if you look really far back, you could see
8 detectives or others; --

9 A. That's correct.

10 Q. -- is that correct?

11 A. Yes, ma'am.

12 Q. If you were the body that you disinterred that
13 day, from the position of the body, could you see to the
14 road?

15 A. If you were in the exact position of the body,
16 no.

17 Q. No, because that body was hidden first by --
18 there along the log, against which it was nestled; is
19 that correct?

20 A. Yes; that's correct.

21 Q. They had to climb over that log to get to this
22 partially interred body, if that's the correct term?

23 A. Or would walk around the log.

24 Q. Or walk around the log; is that correct? That
25 log was in excess of 50 feet, was it not?

1 A. I didn't exactly measure it, but it was very
2 big.

3 Q. It's a very long log, so in order to get to --
4 and the body, while not quite in the middle, was more in
5 the middle than at either end, was it not?

6 A. It appeared to be, yes.

7 Q. So to get to the body, one would have had to
8 climb over the log; correct?

9 A. Correct.

10 Q. Or go around the end of a very long log on
11 either end?

12 A. That's correct.

13 Q. Is that correct? You were told, when you were
14 requested by the detectives to come and assist them, that
15 a body had been found; correct?

16 A. That's correct.

17 Q. So you were expecting to find a body in what
18 you were shown, were you not?

19 A. Yes.

20 Q. It was not readily apparent to be a body, or to
21 be a human body, if you didn't know anything about it,
22 was it?

23 A. It would be hard to say.

24 Q. To tell? You could tell that there might be
25 things sticking out that may be body parts, but you

1 couldn't tell that it was a body?

2 A. Not until you really looked at it close, you

3 could make out the foot, and the hair.

4 Q. And then make out other things?

5 A. It was very well camouflaged.

6 Q. Very well. Okay. You wouldn't just stumble

7 over that body where it was?

8 A. I think an average person walking over it

9 wouldn't see it.

10 Q. Okay. Thank you.

11 MS. GUTIERREZ: I have nothing further.

12 THE COURT: Any redirect?

13 MR. URICK: No, thank you, Your Honor.

14 THE COURT: May this witness be excused?

15 MR. URICK: Yes.

16 MS. GUTIERREZ: Yes.

17 THE COURT: May this witness be released from

18 any summonses or appearances?

19 You are excused at this time, and you are free

20 to go. I must advise you that all the witnesses have

21 been sequestered, which means you cannot discuss your

22 testimony with anyone else who may be a witness in this

23 case or has been a witness in this case. But you are

24 welcome to remain in the courtroom if you would like.

25 Your testimony is now concluded.

1 THE WITNESS: Thank you, Your Honor.
2 THE COURT: Thank you.
3 (The witness was excused.)
4 THE COURT: Your next witness?
5 (Pause.)
6 THE COURT: Please raise your right hand.
7 Listen to Mr. White as he provides you with the oath.
8 Whereupon,
9 NISHA [REDACTED]
10 a witness produced on call of the State, having first
11 been duly sworn, was examined and testified as follows:
12 THE CLERK: You may be seated. Please keep
13 your voice up, state your name and your address for the
14 record?
15 THE WITNESS: My name is Nisha [REDACTED]
16 THE CLERK: Address?
17 THE WITNESS: [REDACTED] Silver Spring,
18 Maryland 20906.
19 THE COURT: You are welcome to rest your coat,
20 if you would like, or if you're comfortable the way you
21 are you may remain like that.
22 THE WITNESS: Thanks.
23 THE COURT: Witness with you.
24 MR. URICK: Thank you, Your Honor. With the
25 Court's permission, I'd ask the Clerk at this time to