

IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND  
STATE OF MARYLAND

vs.

Case Number:  
115141037

WILLIAM PORTER,

DEFENDANT.

---

REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS  
(Excerpt - Testimony of Carol Allan, M.D.)

Baltimore, Maryland

Monday, December 7, 2015

BEFORE:

HONORABLE BARRY G. WILLIAMS, Associate Judge  
And a jury

APPEARANCES:

For the State:

JANICE L. BLEDSOE, ESQUIRE

MICHAEL SCHATZOW, ESQUIRE

MATTHEW PILLION, ESQUIRE

JOHN BUTLER, ESQUIRE

For the Defendant:

JOSEPH MURTHA, ESQUIRE

GARY E. PROCTOR, ESQUIRE

\* Proceedings Digitally Recorded \*

Transcribed by:  
Patricia Trikeriotis  
Chief Court Reporter  
Circuit Court for Baltimore City  
111 N. Calvert Street  
Suite 515, Courthouse East  
Baltimore, Maryland 21202



# TABLE OF CONTENTS

<u>STATE'S WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
Carol Allan, M.D.	--	3	123	164	--

<u>DEFENDANT'S EXHIBITS:</u>	<u>IDENTIFICATION</u>	<u>EVIDENCE</u>
7 (Forensic Autopsy Performance Standards Publication)	11	--

<u>STATE'S EXHIBITS:</u>		
67 (A Guide for Manner of Death Classification)	125	168



P R O C E E D I N G S

(Excerpt - Testimony of Carol H. Allan, M.D.  
began at 9:31 a.m. )

THE COURT: Remind the witness please.

THE CLERK: Just reminding you, you're still  
under oath.

State your name for the record.

THE WITNESS: Dr. Carol H. Allan.

THE COURT: You may proceed, Mr. Murtha.

MR. MURTHA: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. MURTHA:

Q. Good morning, Dr. Allan.

A. Good morning, Mr. Murtha.

Q. My name is Joe Murtha, and I and Gary Proctor  
represent Officer Porter.

And we have met before.

A. Yes, we have.

Q. Back on July the 9<sup>th</sup> of 2015, I believe, is  
when we first met; is that correct?

A. That is correct.

Q. And you had -- we had an opportunity to visit  
at the Office of the Chief Medical Examiner where you're  
employed; correct?

A. That is correct.



1 Q. I guess the first thing I want to address is,  
2 in the course of your testimony, and you spent a lot of  
3 time talking about the anatomy of cervical spine; is that  
4 correct?

5 A. The anatomy of the nervous system in -- almost  
6 in its entirety.

7 Q. And you spent, in fact, the majority of your  
8 time talking about that; correct?

9 A. That's correct.

10 Q. Or testifying to that.

11 And then at the end of your testimony there was  
12 a report that was marked for identification and then  
13 admitted; is that correct?

14 A. That is correct.

15 Q. And you -- you've been a medical examiner for  
16 how long?

17 A. I've been at the Medical Examiner's Office  
18 since 2003.

19 Q. And you said you've testified approximately 200  
20 times?

21 A. Over 200 times.

22 Q. And typically oftentimes the medical -- the  
23 autopsy examination report is marked as an exhibit,  
24 provided to you, and then you review the contents of the  
25 report; is that correct?



1           A.    That is correct.

2           Q.    You -- you would agree with me, you didn't  
3 review the contents of the report in front of the jury,  
4 well, when you last testified, at least the substance of  
5 each one -- like, particularly, your opinion; correct?

6           A.    That is correct.

7           Q.    So that's a little unusual in regard to your  
8 experience as a witness about the autopsy examination  
9 process; is that correct?

10          A.    I'm not sure I understand your question.

11          Q.    Well, normally you spend a lot of time  
12 addressing the contents of your report and your opinion  
13 and the basis of your opinion.

14          A.    Depends on the type of death that's being  
15 investigated.

16          Q.    Well, you only gave an opinion. You didn't  
17 actually offer any testimony about the basis of your  
18 opinion on Friday; is that correct? If you recall.

19          A.    That's correct.

20          Q.    So going back and looking at your report -- and  
21 do you have a copy of your report?

22          A.    I do.

23          Q.    It's actually -- it's actually State's Exhibit  
24 44. So if you have a copy, I'll just allow you to use  
25 your copy.



1 But if -- in any reference to the autopsy  
2 report it's --

3 THE COURT: Wait. You said 44?

4 THE CLERK: It's 49.

5 THE COURT: Yeah.

6 MR. MURTHA: 49. Excuse me.

7 THE COURT: Okay.

8 BY MR. MURTHA:

9 Q. The first thing I want to clarify is in the  
10 course of your investigation in this matter, you  
11 determined that Mr. Gray had not been tased by the  
12 police; is that correct?

13 A. A conducted electrical weapon I had saw -- saw  
14 no evidence when I examined Mr. Gray's body that such a  
15 weapon had been deployed.

16 Q. Nor were you aware of his receiving any blunt  
17 force trauma from being beaten or -- by a police officer;  
18 is that correct?

19 MS. BLEDSOE: Objection.

20 THE COURT: Overrule.

21 THE WITNESS: So I can't say -- he had blunt  
22 force injuries, and --

23 BY MR. MURTHA:

24 Q. Which --

25 A. But they were explainable by having his hand --



1 wrist cuffs and ankle shackles and injuries that may have  
2 been sustained in the apprehension and putting him into  
3 the van.

4 But I can't say that he -- I mean, if you're  
5 asking did I find evidence that he had been -- excessive  
6 force had been used --

7 Q. That's correct.

8 A. -- no.

9 Q. And in your examination you had made a  
10 determination that he had not been -- the cervical spine  
11 injury that you've testified to did not occur prior to  
12 his entering into the police wagon; is that correct?

13 A. That is correct.

14 Q. And you then proceeded to conduct an  
15 investigation in this case. You conducted the autopsy on  
16 the 20<sup>th</sup> of April 2015; is that correct?

17 A. That is correct.

18 Q. And in order to prepare for the autopsy  
19 examination what did you do prior to the 20<sup>th</sup> of April  
20 2015?

21 A. Well, considering that I didn't know that Mr.  
22 Gray had died, and I did not know that he was going to be  
23 at the Office of the Chief Medical Examiner prior to the  
24 20<sup>th</sup> I did nothing except my normal duties.

25 Q. So you didn't -- prior to conducting the



1 autopsy examination you didn't obtain any medical  
2 records; correct?

3 A. Excuse me.

4 MS. BLEDSOE: Objection, Your Honor.

5 THE WITNESS: You said --

6 THE COURT: Overrule.

7 THE WITNESS: -- prior to the 20<sup>th</sup>?

8 BY MR. MURTHA:

9 Q. Yes.

10 A. Well, that's the 19<sup>th</sup>.

11 Q. Then examination was conducted on the 20<sup>th</sup>;  
12 correct?

13 A. Correct. But you're asking me what did I do  
14 prior to the 20<sup>th</sup>.

15 Q. Yes.

16 A. That was -- I recall it was a Sunday. I was at  
17 home.

18 Q. So on the 20<sup>th</sup> what did you actually do?

19 A. Well, once -- we have morning rounds, which  
20 similar to what happens in a hospital except that our  
21 patients are deceased. And we review the forensic  
22 investigator's report, based on the information that is  
23 given to him. So I had that information.

24 I also had a substantial presence by the  
25 Baltimore City Police. And as we discussed the



1       particulars of a particular death, they offer  
2       information.  So I had --

3             Q.    Well --

4             A.    -- the forensic investigator's report, plus I  
5       had a lot of information from the investigating agency.

6             Q.    When you say the investigating agency, what  
7       specific detective did you speak to?

8             A.    Well, there were a lot of them there.  And they  
9       -- each one had a part of the story.

10            Q.    And, in fact, you had actually told us on the  
11       9<sup>th</sup> of July 2015 that it was one of the most well  
12       attended examinations that you had conducted; is that  
13       correct?

14            A.    That is correct.

15            Q.    In fact, you explained to us that it -- there's  
16       an examination room where there's -- they aren't  
17       bleachers, but there's a seating area, and that they look  
18       out upon; is that correct?

19            A.    It's like an operating theater with a viewing  
20       deck above the room; yes.

21            Q.    And there was a significant -- there was a lot  
22       of interest in the examination that you were getting  
23       ready to conduct; correct?

24            A.    I would say so; yes.

25            Q.    And this -- unlike -- I don't think you



1 described what forensic pathology is, but can you  
2 describe what forensic pathology is to the ladies and  
3 gentlemen of the jury?

4 A. So it is the apply the training that one  
5 receives in medical school about natural disease. And  
6 the training that one receives in medical school and my  
7 pathology residency training. And the training that I  
8 get in injury, as well as other natural disease, in a  
9 forensic pathology fellowship to legal questions of cause  
10 mechanism and manner of death.

11 Q. And the control in the agency for setting  
12 guidelines and rules is the National Association of  
13 Medical Examiners; is that correct?

14 A. They set the standards for performance of a  
15 forensic autopsy, as well as offer guidelines for manner  
16 of death determination.

17 Q. In fact, it is the credit -- it credits the  
18 agency which you work for; correct?

19 A. It has -- we are accredited by the National  
20 Association of Medical Examiners; yes.

21 Q. And they require that you actually comply with  
22 their standards in order to receive accreditation at a  
23 later time; is that correct?

24 A. They are strongly -- they strongly suggest that  
25 you apply the standards as it applies to the operation of



1 a Medical Examiner's Office in the jurisdiction that it's  
2 operating.

3 Q. In fact, there is -- there are performance  
4 standards that are used as guidelines --

5 MR. MURTHA: I'd ask that this be marked as the  
6 next --

7 THE CLERK: Seven.

8 MR. MURTHA: Seven. Yes.

9 THE CLERK: It's 7 for identification purposes.

10 (Defendant's Exhibit Number 7  
11 was marked for identification.)

12 BY MR. MURTHA:

13 Q. Are you familiar with the Forensic Autopsy  
14 Performance Standards, published by the National  
15 Association of Medical Standards?

16 You have your own copy.

17 A. I do have my own copy.

18 Q. You were ready for me.

19 Defendant's Exhibit 1. I'd ask you to take a  
20 look at that.

21 THE CLERK: Seven.

22 MR. MURTHA: Seven. Excuse me.

23 BY MR. MURTHA:

24 Q. If you're familiar with it, if you would just  
25 advise the ladies and gentlemen of the jury.



1           A.   Well, it's not the whole thing.  It's selected  
2       pages from it.

3           Q.   Are those selected pages consistent with the  
4       contents of the full document?

5           A.   Yes.  I mean, they haven't been altered.

6           Q.   But does it look --

7           A.   Yes.

8           Q.   Now, in this case you made a determination that  
9       the cause of death of what?

10          A.   Neck injury.

11          Q.   And that the manner of death was homicide; is  
12       that correct?

13          A.   That is correct.

14          Q.   Now, in regard to the definition of homicide  
15       that the National Association of Medical Examiners  
16       provides are you familiar with that?

17          A.   Yes, I am.

18          Q.   And is it actually outlined in the guide for  
19       the document that I just provided to you?  Seven.

20          A.   Well, it has one -- actually, I don't think  
21       they -- do they really?

22               THE COURT:  Well --

23               THE WITNESS:  Actually say --

24               THE COURT:  I need to look at the defense  
25       exhibit.



1 THE WITNESS: What he has.

2 BY MR. MURTHA:

3 Q. Yes. If you look in there, in Defendant's  
4 Exhibit 7, and see if you can actually find what the  
5 National Association of Medical Examiners identifies as a  
6 basis for determining a homicide.

7 A. Are you sure you're talking about this one and  
8 not the manner for --

9 Q. I very well may be confused.

10 A. -- the guidelines for determining --

11 MS. BLEDSOE: Your Honor, can we approach?

12 THE WITNESS: -- manner -- classification of  
13 manner of death?

14 THE COURT: Well, there needs to be banter.  
15 Just let him ask you whatever he's going to ask you.

16 BY MR. MURTHA:

17 Q. Well, let me ask you this, are you familiar  
18 with what the definition of homicide is as the National  
19 Association of Medical Examiners sets forth?

20 A. There is -- yes. That's one of the very  
21 extensively discussed manners in the *Guide for Manner of*  
22 *Death Classifications* that is put forth by the National  
23 Association of Medical Examiners.

24 Q. I'm going to read you a definition, and ask you  
25 if this is the definition of the National Association of



1 Medical Examiners identifies:

2 "Homicide occurs when death results from a  
3 volitional act committed to another person to cause fear,  
4 harm or death.

5 "Intent to cause death is a common element, but  
6 is not required for classification as homicide.

7 "It is to be emphasized that the classification  
8 of homicide for the purposes of death certification is a  
9 neutral term. It neither indicates nor implies criminal  
10 intent with which remains a determination within the  
11 province of legal processes."

12 Is that a correct definition?

13 A. That is -- that is a definition that name puts  
14 forth.

15 Q. And, in fact, because the Office of the Chief  
16 Medical Examiner for the State of Maryland complies with  
17 the standards set forth by the National Association of  
18 Medical Examiners, the use of that definition is what is  
19 required in making a determination; is that correct?

20 A. Absolutely not. If you're reading from the  
21 Guidelines, that's -- and if you read the preface to the  
22 Guidelines that says they understand that there are  
23 regional differences in manner of death classifications,  
24 that each death has to be taken into consideration when a  
25 manner of death is being opinioned to a manner of death



1 is being rendered.

2 And it -- it -- even in the -- in violent  
3 deaths, suspicious deaths, and where homicide is going --  
4 going to be the manner of death, intent may be somebody  
5 who dies of 20 gunshot wounds. I don't think you have  
6 worry about whether you're going to consider its intent  
7 or not.

8 But in many cases the volitional act, or a --  
9 somebody who makes a decision to act or not to act and  
10 harm ensues doesn't mean that that action was intended to  
11 harm, but that action resulted in harm.

12 There's a big difference.

13 Q. So you're saying that if you have these  
14 standards that are actually incorporated into a document  
15 that are used for guidance in the examination process,  
16 that they aren't -- that you can vary from them; is that  
17 correct?

18 A. Well, that's the difference between standards  
19 and guidelines.

20 You're quoting from the guidelines which --

21 Q. So that would mean --

22 A. -- for a --

23 Q. -- then --

24 A. -- manner -- a guideline is --

25 Q. A guideline is a guideline. It's a directive.



1           A.    No, it's not.  Standards are what sets the  
2 performance of any entity.

3           Q.    Well --

4           A.    So I mean, I have standard -- you know,  
5 standards for performing the forensic autopsy.  What I  
6 should be doing at each step of the way.  What I should  
7 be -- you know, if I'm -- if I'm doing this -- if I'm  
8 looking at this kind of injury these are the things that  
9 I should be documenting.

10                  When I'm doing an internal examination this is  
11 what I'm going to look at when I'm looking at the brain,  
12 when I'm looking at the heart, when I'm looking at the  
13 lungs.

14                  Manner -- the manner of death because there are  
15 -- again, it's an opinion.  And people have different  
16 opinions on how to handle a manner of death.

17           Q.    So --

18           A.    And so there are guidelines.

19           Q.    It's a guideline.

20           A.    It is a guideline.  And if you read the entire  
21 guidelines for manner of death classification, it's a  
22 multi-page document, it goes through different scenerios.  
23 And after each scenario they'll say this death may be  
24 classified in some jurisdictions as X, however we realize  
25 that in other juridisdictions it would be classified as



1 something else.

2 And I can give you an example because this  
3 points it out --

4 Q. I'm not asking for an example, or I'll --

5 A. Okay.

6 Q. -- ask of you.

7 But you would agree that there's only one  
8 definition in the National Association of Medical  
9 Examiners --

10 A. No.

11 Q. Is there -- in the document -- in the document  
12 that you have with you, is there another definition that  
13 is set forth that says homicide?

14 A. What I'm saying is --

15 Q. I'm just asking you that very specific  
16 question.

17 A. There is that definition in the guidelines.

18 Q. And you would agree that that is the definition  
19 contained in the guidelines; correct?

20 A. That is a definition that is for homicide that  
21 is contained in the guidelines.

22 Q. And that, even though it may be a guideline,  
23 it's what is contained in the document that's used to  
24 give you guidance in making a determination; correct?

25 A. That is correct.



1                   And guidance may be followed or not, depending  
2                   on the death that's being investigated and the  
3                   jurisdiction that that death took place in.

4                   Q.     Just like a general order for the police  
5                   department; correct?

6                   MS. BLEDSOE:  Objection, Your Honor.

7                   THE COURT:  Overrule.

8                   BY MR. MURTHA:

9                   Q.     Which you actually relied up on in this case,  
10                  and we're going to get --

11                  THE COURT:  Overrule.

12                  BY MS. BLEDSOE:

13                  Q.     -- that later on.

14                  THE WITNESS:  I'm sorry.  What was the  
15                  question?

16                  BY MR. MURTHA:

17                  Q.     Just like you said it can -- sometimes it  
18                  applies, sometimes it doesn't apply, just like a general  
19                  order, which you relied up in making your determination  
20                  in this case, isn't that correct?

21                  A.     I have -- I actually don't know if general  
22                  orders are guidelines or standards.

23                  Q.     Okay.  You don't know.  That's very important.  
24                  You don't know; is that correct?

25                  A.     That is correct.



1 Q. Is there a definition contained within the  
2 National Association of Medical Examiners that is for  
3 accident?

4 A. Yes, there is.

5 Q. And would you agree that the definition set  
6 forth by the National Association of Medical Examiners  
7 for accident:

8 "Accident implies when an injury or poisoning  
9 causes death and there is little or no evidence that the  
10 injury or poisoning occurred with intent to harm or cause  
11 death. In essence, the fatal outcome was unintentional."

12 Is that the definition that's contained in the  
13 document that defines accident?

14 A. That is in the Guidelines for manner of death  
15 classification.

16 However --

17 Q. So -- and that's the only question I asked you.

18 A. Okay.

19 Q. So there's -- you agree that even though you  
20 say it's a guideline, it's not a standard, and I  
21 understand that you've described that to the ladies and  
22 gentlemen of the jury, that there are two definitions  
23 that are offered by the regulated agency that provides  
24 accreditation to the Office of the Chief Medical  
25 Examiner; is that correct?



1           A.    Could you repeat that?

2           Q.    Sure.  There are two definitions which you just  
3 actually agreed they are the ones that I've provided to  
4 you, one for accident, one for homicide; is that correct?

5           A.    That is correct.

6           Q.    And the Office of the Chief Medical Examiner  
7 for the State of Maryland doesn't have it's own guideline  
8 book that's used separately from the National Association  
9 of Medical Examiners; does it?

10          A.    No.

11          Q.    So even though you say that there's differences  
12 and it's an interpretive process, there -- the only  
13 standard language that would describe accident and would  
14 describe homicide is the information that I've just  
15 actually read to you and you adopted?

16          A.    No.

17          Q.    Well, can you point me to a document that  
18 actually has another definition of homicide?  Another  
19 definition, a document that says that this is what a  
20 homicide is, and this is what an accident is?

21          A.    No.  Because you're trying -- you're putting  
22 concrete -- or you're trying to be very concrete about  
23 the whole decision process that goes into determining  
24 manner of death, and you cannot do that because an  
25 accident in -- and what the Office of the Chief Medical



1 Examiner uses in the State of Maryland is an unforeseen  
2 event.

3 Intent, we actually -- and we don't. We don't  
4 use intent for -- for anything other than it is -- or we  
5 specifically don't use intent. However, there are times  
6 when that is implied. And it is sometimes hard not to  
7 consider it.

8 However, it's for the Office of the Chief  
9 Medical Examiner for the State of Maryland, since I've  
10 been there for the 13 years, homicide is the death of an  
11 individual through the acts or -- actions or inactions of  
12 another. And intent is not necessary.

13 That's all -- that's what I can say.

14 Q. And I understand --

15 A. It's not necessary to have intent to rule it a  
16 homicide. And it's -- but, yes, accident is, by  
17 definition, an unforeseen event.

18 Q. Well -- now, I know we're going to get to that  
19 because that's your opinion, and I know you want to tell  
20 the ladies and gentlemen of the jury that.

21 But I am limiting -- because you're -- you're  
22 rewriting a definition based on your experience; correct?

23 A. I am not rewriting the definition. And it says  
24 -- actually, you even read it, a volitional act. Intent  
25 is not necessary for homicide.



1 Q. That's true. But a volitional act committed to  
2 another person to cause fear, harm, or death.

3 A. To cause harm --

4 Q. Fear.

5 A. But -- fear.

6 Q. And death.

7 A. It does not necessarily have to be intent.  
8 It's the victim who is experiencing the fear, the harm  
9 and the death whether the individual --

10 Q. Well, let me ask you this --

11 A. -- did intent or not.

12 Q. You're -- now you're injecting the subjective  
13 state of mind of a person who is deceased that you could  
14 never actually, unless you had a statement that had been  
15 given just before they died.

16 A. That doesn't make sense because --

17 Q. And that's what I think when you just said  
18 that.

19 A. No. I don't think you're making sense. So --  
20 because that's the definition --

21 Q. You don't think I'm making sense because I  
22 don't agree with you.

23 MS. BLEDSOE: Objection.

24 THE COURT: Sustained.

25 Ask a question, Mr. Murtha.



1 And, Witness, respond. Do not give your  
2 opinion when he's talking to you. Just respond to his  
3 questions.

4 THE WITNESS: Yes, sir.

5 THE COURT: Thank you.

6 BY MR. MURTHA:

7 Q. Even though I understand you want -- you say  
8 that a guideline allows you latitude in the decision  
9 making process; correct?

10 A. That is correct.

11 Q. So a police officer, who is presented with a  
12 situation where there's a guideline, may also have the  
13 latitude in the decision making process; is that correct?

14 A. It depends on if those are their guidelines  
15 that he's -- that they are working under.

16 Q. So if a police officer made the determination  
17 that the person did present with an emergent medical  
18 needs, and communicated to another person that he said he  
19 wanted to go to the hospital and told that person take  
20 him to the hospital, he's actually used his independent  
21 judgment and assessed the situation and made the  
22 decision; right?

23 MS. BLEDSOE: Objection.

24 THE COURT: Sustained. Strike the question.  
25 Not relevant.



1                   Next question.

2                   BY MR. MURTHA:

3                   Q.   Well, in this case, you actually -- one of the  
4                   decisions that you made is that Officer Porter -- well,  
5                   actually, you haven't made a decision that Officer Porter  
6                   is responsible for the homicide of Freddie Gray; isn't  
7                   that correct?

8                   A.   That's correct.

9                   MS. BLEDSOE:  Objection, Your Honor.

10                  THE COURT:  Overrule.

11                  BY MR. MURTHA:

12                  Q.   And in fact, you haven't made any decisions  
13                  about whether or not any actions by Officer Porter led to  
14                  the death of Freddie Gray; is that correct?

15                  A.   That's correct.  That's not my job.

16                  Q.   It's not your job.  Your job is to examine the  
17                  physical body, to conduct an investigation associated  
18                  with the death, and then to render an opinion; is that  
19                  correct?

20                  A.   That is correct.

21                  Q.   And in this case, you rendered a rather lengthy  
22                  opinion; isn't that correct?

23                  A.   Yes, that is correct.

24                  Q.   And, in fact, you said this was the longest  
25                  opinion that you ever wrote; is that correct?



1           A.    Yes, that is correct.

2           Q.    And in this case, when Mr. Gray was presented  
3   for the autopsy examination on the 20<sup>th</sup>, he had already  
4   been hospitalized since the 12<sup>th</sup> of April; is that  
5   correct?

6           A.    That is correct.

7           Q.    And you actually provided rather detailed  
8   testimony about the cervical spine; is that correct?

9           A.    That is correct.

10          Q.    And you would agree that the injury that  
11   occurred in this case occurred to the cervical spine that  
12   many of us just call the neck if we're not medically  
13   trained; correct?

14          A.    That is correct.

15          Q.    So -- and I'm not minimizing the importance of  
16   your opinion or your statements, but essentially he had a  
17   broken neck.  There's a very descriptive way of saying  
18   that, but he did have a broken neck; correct?

19          A.    Yes.  That would be the common way of  
20   explaining it.

21          Q.    Now, before you actually conduct the  
22   examination, and in the course of the examination, you  
23   try to obtain as much information as possible; correct?

24          A.    That is correct.

25          Q.    And it would have been important for you to



1 know if Mr. Gray had reported that he had a back or neck  
2 injury previously; is that correct?

3 A. That is correct.

4 Q. And in the course of your investigation you  
5 actually met with members of the police department;  
6 correct?

7 A. Yes.

8 Q. And you met with members of the State's  
9 Attorney's Office; correct?

10 A. Yes.

11 Q. You met with Ms. Bledsoe; correct?

12 A. In the one time that I met with the State's  
13 Attorney's Office prior to rendering a decision.

14 Q. But was that when Ms. Goldberg was there also?

15 A. Yes.

16 Q. And did Ms. Goldberg or Ms. Bledsoe tell you  
17 that Mr. Gray had reported that he had prior back injury?

18 MS. BLEDSOE: Objection, Your Honor.

19 May we approach?

20 THE COURT: You may.

21 MS. BLEDSOE: Thank you.

22 (Counsel and the defendant approached the  
23 bench, and the following ensued:)

24 THE COURT: You guys know what coming, but I'm  
25 just thinking about it. I don't see -- I don't really



1 see any way around it. I don't really see any way around  
2 it. If you do, tell me.

3 MS. BLEDSOE: Well, I guess the issue is there  
4 is no documentation of any injury to his back. And we  
5 did the entire spine.

6 THE COURT: Right, right, right. No, I  
7 understand.

8 MS. BLEDSOE: Okay. And this could be --

9 THE COURT: No, no.

10 MS. BLEDSOE: This to me is the back doorway of  
11 trying to get the issue in that we came up here.

12 THE COURT: Oh, it's not a backdoor way.

13 MS. BLEDSOE: And I'm just being --

14 THE COURT: He's coming in the front door. And  
15 I don't see -- and I'm not making fun of you, but I don't  
16 see how or why he doesn't have a right to ask about it  
17 now. Whether there are issues down the line with -- for  
18 a mistrial, or whether there are going to be sanctions  
19 against, that's a separate issue.

20 But I don't think you can dispute that there is  
21 someone who exists, I don't have it in front of me, who  
22 wrote this. Now, whether it's accurate, whether you at  
23 some point get to cross that person from highway to  
24 heaven --

25 MS. BLEDSOE: Sure.



1 THE COURT: -- that's a different issue.

2 I'll take it from both of you all, I don't  
3 care. But --

4 MR. SCHATZOW: Just briefly. That's the  
5 problem with the question. The question suggests that  
6 Ms. Bledsoe knew something that she didn't tell them.

7 THE COURT: I don't --

8 MR. SCHATZOW: Instead of just asking her did  
9 anybody ever --

10 MS. BLEDSOE: Did anybody.

11 MR. SCHATZOW: -- tell you that he had a back  
12 injury.

13 THE COURT: Well, I didn't take it that way.  
14 And I don't think --

15 MR. MURTHA: And I didn't intend it that way.

16 THE COURT: Yeah.

17 MR. MURTHA: Because they were the only two  
18 people at the meeting.

19 THE COURT: Well, right.

20 MS. BLEDSOE: No, there were actually more than  
21 two people --

22 THE COURT: Well -- well --

23 MR. MURTHA: Well, from the State's Attorney's  
24 Office.

25 THE COURT: Right. But his point was, and I



1 think maybe you can clear this up --

2 MR. MURTHA: Okay.

3 THE COURT: I think the point is that your  
4 office was aware of something, not that you, but your  
5 office may have been aware of something, and did you  
6 office ever give it to you. Which is why I think why he  
7 said Ms. Goldberg, try to slide away from you.

8 MS. BLEDSOE: What I would suggest is that  
9 instead of singling out me, because I'm sitting at the  
10 trial table --

11 THE COURT: Sure. Sure. But you were the only  
12 one there.

13 MS. BLEDSOE: No, I wasn't. Lisa Goldberg,  
14 Albie, and myself were there.

15 THE COURT: Okay.

16 MS. BLEDSOE: So if -- if it truly is a  
17 question directed at the State's Attorney's Office, then  
18 it can be formed did anybody from the State's Attorney's  
19 Office inform you.

20 MR. MURTHA: I'd be glad to do that.

21 THE COURT: Yeah. Yeah. I honestly didn't  
22 take it that he was directing towards you. I guess  
23 because I read everything and knew everything.

24 MS. BLEDSOE: Yes.

25 THE COURT: So, yeah, I didn't take it.



1 MS. BLEDSOE: But they don't.

2 THE COURT: That's fair.

3 So if you just want to --

4 MR. MURTHA: I will clear it up.

5 THE COURT: This is a better question for him  
6 anyway, did anyone from the State's Attorney's Office.

7 While you're up here, anything else that you  
8 need?

9 MS. BLEDSOE: Or -- no.

10 THE COURT: Okay. Yeah. I think that's a fair  
11 question. Okay.

12 Thank you.

13 (Counsel and the defendant returned to the  
14 trial table, and the following ensued:)

15 THE COURT: Objection is sustained as to form,  
16 but Mr. Murtha you will rephrase your question.

17 MR. MURTHA: Thank you, Your Honor.

18 THE COURT: Mmm-hmm.

19 BY MR. MURTHA:

20 Q. I don't have your case notes right in front of  
21 me, but you actually keep a chart of the things that  
22 occurred through the course of the examination; is that  
23 correct? Excuse me, the investigation and the  
24 examination. There's a report, and then you keep, sort  
25 of, notes about ongoing things that are done; correct?



1           A.    It's a notation of what's going on with the  
2   file.

3           Q.    And so when you -- do you recall the day that  
4   you met with representatives for the State's Attorney's  
5   Office?

6           A.    Yes.  I met with them on 4/23/2015.

7           Q.    And it was -- there were several people from  
8   the State's Attorney's Office?

9           A.    It was Ms. Bledsoe, Ms. Goldberg, and Mr.  
10   Peisinger.

11          Q.    Peisinger?

12          A.    Peisinger.

13          Q.    Did any of those people --

14                THE COURT:  Sustained.

15                BY MR. MURTHA:

16          Q.    So you had, other than the medical records --

17                THE COURT:  Approach.

18                It was real clear, I thought.

19                (Counsel approached the bench, and the  
20   following ensued:)

21                MR. MURTHA:  You can just yell at me without  
22   them, and then I'll go back --

23                THE COURT:  (Laughter.)  No.  You were real  
24   clear.  All you needed to ask was --

25                MR. MURTHA:  Okay.



1 THE COURT: -- was did anyone from the State's  
2 Attorney's Office --

3 MR. MURTHA: Okay.

4 THE COURT: Yeah. Just, you know.

5 MS. BLEDSOE: Okay. But now the problem is  
6 every single person from the State's Attorney's Office  
7 who was at that meeting has now, once again, put out in  
8 front of the jury --

9 THE COURT: That's okay. That's okay.

10 MS. BLEDSOE: -- as opposed to just saying --

11 THE COURT: We can't know that.

12 MR. MURTHA: She's --

13 THE COURT: That -- uh-uh. Yeah. It's a  
14 problem that your office may have, not you personally.  
15 Again, I know.

16 MS. BLEDSOE: I feel very confident our office  
17 is not going to have a problem.

18 THE COURT: Okay. And that's great.

19 But, again, just say --

20 MR. MURTHA: Okay. I'm done.

21 THE COURT: No, no. You don't have to be done  
22 with it. It's just that that was what we agreed up here  
23 that you would simply say did anyone --

24 MR. MURTHA: Okay. Okay.

25 THE COURT: -- from the State's -- it's a fair



1 question.

2 MR. MURTHA: Okay.

3 THE COURT: It's an absolutely fair question.

4 Okay.

5 MR. MURTHA: Thank you.

6 (Counsel returned to the trial table, and the  
7 following ensued:)

8 THE COURT: Thank you.

9 BY MR. MURTHA:

10 Q. So no one from the State's Attorney's Office  
11 gave you any information about any potential preexisting  
12 injury; is that correct?

13 A. We actually discussed it, if I recall, because  
14 it's -- for the one time I met with them, I met with the  
15 police five times. But I had actually had a phone  
16 conversation with Major Brandford --

17 THE COURT: Well, the question, ma'am, was did  
18 anyone from the State's Attorney's Office gave you that  
19 information; is that a yes or no.

20 THE WITNESS: Oh. Okay.

21 We discussed it.

22 BY MR. MURTHA:

23 Q. You discussed what?

24 A. The allegation -- or the evident -- the  
25 question of whether there had been a prior neck injury.



1 MR. MURTHA: May we approach, Your Honor?

2 THE COURT: You sure can.

3 (Counsel and the defendant approached the  
4 bench, and the following ensued:)

5 THE COURT: I'm going to take a break.

6 MR. MURTHA: Yes, Your Honor.

7 (While counsel and the defendant remained at  
8 the bench, the white noise was deactivated, and the  
9 following ensued:)

10 THE COURT: Ladies and gentlemen, please do not  
11 discuss the testimony you've heard, even among  
12 yourselves.

13 Please leave your notepads on the chair.

14 We'll take our -- a morning break.

15 All rise for the jury.

16 Stay up here. Don't go anywhere.

17 Everyone may be seated.

18 (Whereupon, the jury was excused from the  
19 courtroom at 10:03 a.m.)

20 (While counsel and the defendant remained at  
21 the bench, the white noise was reactivated, and the  
22 following ensued:)

23 THE COURT: It was so simple. Okay.

24 MR. MURTHA: That's the first time.

25 THE COURT: I know.



1 MS. BLEDSOE: Wait a minute. This is  
2 ridiculous. Okay.

3 THE COURT: Ms. Bledsoe --

4 MS. BLEDSOE: I --

5 THE COURT: Ms. Bledsoe, first off, it's not  
6 ridiculous. The question was -- it was a simple  
7 question, did anyone in the State's Attorney's Office  
8 discuss with you the fact of preexisting injury. I  
9 assumed the answer was going to be no, and we're going to  
10 move on.

11 She said yes. I don't know where it goes with  
12 that.

13 MS. BLEDSOE: Okay. Okay. Here you go.  
14 The -- the chief -- Dr. Allan, as part of her  
15 discussions, talked about what the police have said about  
16 previous injuries --

17 THE COURT: Got it, but that's not the  
18 question.

19 MS. BLEDSOE: -- concerning --

20 MR. MURTHA: That's not what she said.

21 THE COURT: Right. That's not -- that is  
22 clearly -- and that's why I could --

23 MS. BLEDSOE: So discussion means, okay, tell  
24 me what they're saying. So --

25 THE COURT: The question was, did anyone in the



1 State's Attorney's Office discuss with you the  
2 possibility of a preexisting injury. I assume the answer  
3 is going to be no based on what you've said. Now the  
4 answer is --

5 MS. BLEDSOE: That is correct.

6 THE COURT: But it's not.

7 MS. BLEDSOE: It -- it --

8 THE COURT: Based on what she said.

9 MS. BLEDSOE: No, Your Honor.

10 THE COURT: Yes, yes, yes.

11 MR. SCHATZOW: Your Honor, may I try this?

12 THE COURT: Someone can try.

13 MR. SCHATZOW: May I try.

14 MS. BLEDSOE: It's semantics.

15 THE COURT: It's not semantics.

16 MR. SCHATZOW: Excuse me. Excuse me.

17 Your Honor, let me try this, because I think  
18 this is what happened. She was asked whether anybody in  
19 the State's Attorney's Office told her that he had a  
20 preexisting back injury.

21 THE COURT: Mmm-hmm.

22 MR. SCHATZOW: Her answer to that was no.

23 What she's now saying is there was a discussion  
24 about whether he had one and what the impact of that  
25 could have been.



1 THE COURT: Here's the thing. I've never heard  
2 her -- first off, because it has been disjointed, and  
3 because there was first Ms. Bledsoe, then Ms. Goldberg,  
4 then -- it has become somewhat muddled. I acknowledge  
5 that.

6 But what I thought was relatively clear was did  
7 anyone in the State's Attorney's Office discuss with you  
8 the fact of a preexisting injury. And I assumed that was  
9 going to be a no.

10 Now, she may be mixing it up. She may be.

11 MS. BLEDSOE: Mmm-hmm.

12 THE COURT: But you can't just up and down  
13 object. Well, you can do whatever you want. But it  
14 would not be sustained because it certainly is relevant.

15 Now, now that all the people have had a time to  
16 take a quick break, and if she thinks about it, we'll see  
17 what her answer is going to be.

18 But it's a clear question. And I will say it  
19 to you, ask again, did anyone in the State's Attorney's  
20 Office tell you that Mr. Freddie Gray --

21 MS. BLEDSOE: That's the question.

22 THE COURT: -- had a pre --

23 Well, it's been asked. Let me -- I'm confident  
24 it's been asked.

25 Ask it that way. We'll see what your answer



1 is. If she says yes, then you can't coach her -- you  
2 want to say you -- the State can't coach her.

3 MS. BLEDSOE: I'm not going to --

4 THE COURT: No. And I'm not saying -- what  
5 I'm saying --

6 MS. BLEDSOE: (Inaudible at 10:05:57 a.m.)

7 THE COURT: I'm saying -- the thing -- it's her  
8 answer. And then he has a right to go into it.

9 MS. BLEDSOE: I don't have any problem with  
10 that.

11 THE COURT: That's what she says, whether you  
12 believe it or not, and maybe she is mistaken. I don't  
13 know that, but it was clear to me.

14 So you understand what you're going to ask?

15 MR. MURTHA: Yes, Your Honor.

16 THE COURT: Let me hear it.

17 MR. MURTHA: Today -- well, actually, I would  
18 be permitted to ask the question you just answered the  
19 question that someone from the State's Attorney's Office  
20 told you about --

21 THE COURT: No, because it was unclear.

22 MS. BLEDSOE: No.

23 THE COURT: It was unclear. So I would object  
24 to that.

25 MR. MURTHA: Well, then I would say --



1 THE COURT: I'm sorry, I would sustain to that.

2 MS. BLEDSOE: I would object to that.

3 THE COURT: Yeah. I'd sustain to that.

4 MR. MURTHA: Did anyone from the State's

5 Attorney's Office discuss with you --

6 THE COURT: No, no, no. That was --

7 MS. BLEDSOE: Discuss.

8 MR. MURTHA: Did anybody from the State's

9 Attorney's Office provide you with information about the  
10 possibility of Mr. Gray --

11 MS. BLEDSOE: No.

12 THE COURT: No, no. No, no, no.

13 MS. BLEDSOE: No.

14 THE COURT: Did anyone -- and here's the  
15 question, this is why you were up here before, and that  
16 was how you asked it before. And it was a fine question,  
17 except for you said did she tell you, did Goldberg tell  
18 you, which was not the issue because Banks may have told  
19 -- should have told them, getting it from the sergeant,  
20 and so it's something she should have had, which is a  
21 fair line of questioning.

22 The question is, and the relevant question is,  
23 did anyone in the State's Attorney's Office tell you that  
24 Mr. Gray had a preexisting injury.

25 MR. MURTHA: Okay.



1           THE COURT:  If she says yes, which I think she  
2           may, then after that, he is ready to go off because I  
3           don't know where it's coming from.

4           MS. BLEDSOE:  I don't have an issue.

5           THE COURT:  Right.

6           MS. BLEDSOE:  Believe me.

7           THE COURT:  So that's -- that's all.  I mean,  
8           that's the beginning question.  If she says yes, you have  
9           a right to follow up.  If she says no, you go to the next  
10          stage.

11          MR. MURTHA:  Sure.

12          THE COURT:  Whether it's police officers, I  
13          don't care.  But --

14          MS. BLEDSOE:  Mmm-hmm.

15          THE COURT:  -- that's where we are.

16          MR. MURTHA:  Okay.

17          THE COURT:  So anything else since we're up  
18          here?

19          MS. BLEDSOE:  Uh-huh.  Not an issue with me.

20          THE COURT:  Okay.  All right.

21          MR. SCHATZOW:  Are you stepping back?

22          THE COURT:  No, not yet.  I -- because I get  
23          cover here.  It just makes my life easier.  I'm just  
24          going to see --

25          Go see if the jury is ready.  Because if



1           they're ready, then we're ready.

2                   THE SHERIFF:   Okay.

3                   THE COURT:   If they're not ready, they need a  
4 moment, just come and let me know.

5                   MS. BLEDSOE:   The --

6                   THE COURT:   Mmm-hmm.   What did you say?  You  
7 can speak.

8                   MS. BLEDSOE:   In context of this discussion --

9                   THE COURT:   Mmm-hmm.

10                  MS. BLEDSOE:   -- just so you know.

11                  THE COURT:   Mmm-hmm.

12                  MS. BLEDSOE:   The ironic part is that BPD is  
13 the one that has always alleged a preexisting condition.

14                  THE COURT:   Understand.

15                  MS. BLEDSOE:   And they have continued to come  
16 up with zero.  Cash for crash, there were none.  He fell  
17 off the stone wall, none.  He was running so fast, and he  
18 fell the day before, none.  That's the irony of this  
19 whole thing is that --

20                  THE COURT:   Understand.

21                  MS. BLEDSOE:   -- we have never contended that  
22 he has had a preexisting condition.  It's always been the  
23 police department that has always contended and thrown it  
24 out there.

25                  THE COURT:   And -- and today, as long as she



1 doesn't say that someone in the State's Attorney's Office  
2 told her that he had a preexisting condition, that's  
3 where he will go to next, I assume. And --

4 MS. BLEDSOE: I'm confident.

5 THE COURT: I wouldn't go in there confident if  
6 I were you.

7 MS. BLEDSOE: Oh, I'm confident.

8 THE COURT: Well, here's why. I'm not -- And,  
9 look, he never even said you told her. That's not the  
10 issue here. The issue is basically her perception  
11 possibly. And so --

12 MS. BLEDSOE: Not an issue.

13 THE COURT: Yeah.

14 All right. You all can go back. I don't need  
15 much cover. We'll -- I'll keep the white noise on.

16 (Brief pause.)

17 THE CLERK: All rise.

18 (Whereupon, the jury returned to the courtroom  
19 at 10:10 a.m.)

20 THE COURT: Thank you.

21 Everyone may be seated.

22 Remind the witness.

23 THE CLERK: Reminding you you're still under  
24 oath.

25 State your name for the record.



1 THE WITNESS: Dr. Carol Allan.

2 BY MS. BLEDSOE:

3 Q. Dr. Allan, as a follow up to the last question,  
4 my question is did anyone from the State's Attorney's  
5 Office tell you that Freddie Gray had a preexisting back  
6 injury?

7 A. No.

8 Q. They did not?

9 So no one from the State's Attorney's Office  
10 ever informed you of a preexisting back injury?

11 A. They didn't, as I said --

12 Q. Through the State's Attorney's Office.

13 A. They did not inform me. We discussed the  
14 possibility based on my examination and my -- and what I  
15 had found at the autopsy.

16 Q. In regard to the autopsy examination, one of  
17 the things that you commented on is, unlike a body that  
18 comes in after a crime has been committed and evidence is  
19 present about the nature of the injury at the time of the  
20 event, Mr. Gray's body had been altered because of  
21 medical procedures; is that correct?

22 A. That is correct.

23 Q. And you were looking at a body that had  
24 actually been in a hospital for seven days; is that  
25 correct?



1           A.    That is correct.

2           Q.    And had had received significant medical  
3 intervention in an attempt to stabilize his -- his neck  
4 injury; is that correct?

5           A.    That is correct.

6           Q.    And some of the things that you looked at were  
7 CT scans; is that correct?

8           A.    Yes.

9           Q.    And in the imaging that was presented as  
10 exhibits during the course of your testimony on direct  
11 reflected, at least as I recall, and correct me if I'm  
12 wrong, there were two images that you testified to. One  
13 was an image that was made at an hour after his admission  
14 to the hospital; is that correct?

15          A.    The CT scans were -- the first CT scan was  
16 performed an hour after he -- by the hospital clock after  
17 he had been admitted.

18          Q.    Do you recall, and if you have to look at your  
19 notes to refresh your memory, what time he was admitted  
20 to Shock Trauma?

21          A.    Okay. The hospital record says he was admitted  
22 at 10:02.

23          Q.    10:02?

24          A.    A.M.

25          Q.    A.M.



1           A.    Mmm-hmm.

2           Q.    And so the CT scan would have been  
3 approximately 11:02; correct?

4           A.    At 11:00.

5           Q.    11:00.

6                   And then there was another image that you  
7 looked at, and that was eight hours afterwards; is that  
8 correct?

9           A.    The first MRI, or magnetic resonance imaging,  
10 was performed at approximately five o'clock that evening.

11          Q.    And at the time that you looked at those there  
12 was a C4-C5 jumped facet transection; is that correct?

13          A.    No.

14          Q.    No?

15          A.    There wasn't a transection.

16          Q.    There was no transection?

17          A.    They read it as transection. But it was read -  
18 - he had -- that's the injury that they had read. But  
19 that's not the injury that we found because he was not  
20 transected.

21          Q.    But even though you disagree with the word  
22 transected, you said the spinal cord was pinched to a  
23 degree that it caused the same kind of symptoms; is that  
24 correct?

25          A.    Functionally transected.



1           Q.    And your testimony was that -- and I'll -- if I  
2           -- what would be the appropriate word to use if even  
3           though University of Maryland Medical System used the  
4           word transected, you're using another word. What is the  
5           word you're using; pinched? Compressed?

6           A.    Yes. Compressed is more -- more of a medical  
7           term. But pinched is basically what described it well  
8           also.

9           Q.    So -- but it has the same effect to the  
10          neurological system as a transection though; is that  
11          correct?

12          A.    At the time they took the scans; yes.

13          Q.    And I'm not a doctor, and I'm not going to  
14          pretend to be, and I've read what you've written, and  
15          I've tried to educate myself.

16                And I thought your description of what actually  
17          occurs is, assuming, and I know that you're going to  
18          offer some different information when we go through your  
19          opinion, but the evidence that you had in front of you an  
20          hour after the admission to the hospital was that there  
21          was the C4-C5 jumped facet, and you described what the  
22          jumped facet was, with a compression on the spinal cord,  
23          which caused severe deficits of essential nervous system;  
24          is that correct?

25          A.    In the region of the injury; yes.



1           Q.    And when you say the region of the injury, my  
2   recollection is that you explained that this kind of  
3   injury is catastrophic.  It's actually, once it occurs,  
4   the person would quickly lose the use of their limbs from  
5   the point of the injury downward; is that correct?

6           A.    That is correct.

7           Q.    And, in fact, the symptoms that might be  
8   present when a person has the kind of injury that has  
9   been described and has been documented through the  
10  imaging that you've reviewed, was that the person loses -  
11  - they become a quadriplegic; is that correct?

12          A.    Well, you also have to say --

13          Q.    Excuse me.  And I'm not being rude, but my  
14  question was a person becomes a quadriplegic.

15          A.    Not necessarily at the time of the injury.

16          Q.    I said or there -- soon after, that's what your  
17  testimony was.

18          A.    The -- what I had said was if the injury was  
19  complete at the time of injury, at the time the incident  
20  occurred, he would have been quadriplegic; yes.

21          Q.    The only evidence that you have -- if you tell  
22  the ladies and gentlemen of the jury, the only evidence  
23  that you have about the nature of the injury from the  
24  medical information, the records, is that it was a  
25  complete injury; is that correct?



1           A.    No.  Actually the radiology -- radiologist  
2           reported and he said a near transection, left greater  
3           than right on his -- the -- on the scans.

4           Q.    But it was the opinion of the medical  
5           professionals who provided emergency services and  
6           neurosurgeons that it was the kind of injury that would  
7           have caused the loss of limbs below C4-C5; correct?

8           A.    It would cause neurologic impairment of his  
9           limbs.

10                  Again, since he was unconscious there was no --  
11           and -- there was no way to really test his sensory or  
12           motor because he was in a coma, basically, when he  
13           arrived.

14                  So --

15           Q.    But that was their assessment.

16           A.    -- the --

17           Q.    That was the assessment of the medical  
18           professionals at the University of Maryland Medical  
19           Systems.

20           A.    I think their assessment was that he had a high  
21           grade spinal cord compromise with neurological injury.

22           Q.    Which would cause the loss of limbs.

23           A.    If it was a complete injury.

24           Q.    And -- and I --

25           A.    It would cause -- it would cause -- yes,



1 quadriplegia.

2 Q. If it was complete injury, and they treated at  
3 University of Maryland Medical System if was a complete  
4 injury; correct?

5 A. They treated like they would treat any injury  
6 to the spinal cord in that region.

7 Q. For the symptoms that would have been present  
8 was that a person would lose the loss of their limbs, if  
9 it was complete; correct?

10 A. I -- they treated him for what he arrived --

11 THE COURT: Ma'am. Ma'am. Ma'am, answer the  
12 question that he posed please.

13 THE WITNESS: Mmm-hmm.

14 Go ahead.

15 BY MR. MURTHA:

16 Q. If it's a complete injury it would have been  
17 loss of limbs -- use of limbs below C4 and C5; correct?

18 A. If it was a complete injury; yes.

19 Q. And which also would lead to -- potentially it  
20 would lead to incontinence; correct?

21 A. Yes.

22 Q. And as you had described, it would also lead to  
23 the inability to breathe rather rapidly; correct?

24 A. It would decrease the ability to breathe.

25 Q. It would -- to a point where the person, as you



1       said on your direct examination, would suffocate;

2       correct?

3           A.   Eventually; yes.

4           Q.   So the information that you had that's  
5       medically relevant to the determination of what happened  
6       to Freddie Gray primarily came from the University of  
7       Maryland Medical System and the imaging studies that they  
8       presented.

9           There were some other observations that you  
10      considered, the statements of the officers. But from a  
11      medical standpoint, you had a person who had been in the  
12      care of physicians that are professionals for seven days;  
13      correct?

14          A.   That is correct.

15          Q.   And yet there's no information medically  
16      available through those records that suggests that he  
17      didn't -- that he actually had the use of his limbs below  
18      C4 and C5; is that correct?

19          A.   Other than he was in a coma.

20          Q.   So --

21          A.   That's -- so there's -- there's no information  
22      one way or the other about his limb movement. So I can't  
23      say that -- yes or no to that answer because there's no  
24      information.

25          Q.   Except for the information about the



1 observations that the police officers made at the Western  
2 District that his body was completely flaccid and it was  
3 unresponsive; correct?

4 A. I -- if he's -- if he's unresponsive --

5 Q. That's --

6 A. -- he is not going to move his limbs. So I  
7 can't -- so I can't -- you know, you're phrasing it in  
8 such a way that I can't answer that with -- in a way that  
9 is going -- it's going to -- it's going to be confusing.

10 So I can say there was no information about his  
11 neurologic movement of his limbs.

12 Q. Nothing.

13 A. None.

14 Q. Right.

15 A. One way or -- no. I'm not saying -- there was  
16 no information whether he had movement of his limbs or  
17 not because he was in a coma basically.

18 So he was unresponsive. So it wasn't like they  
19 had given him a neurological test and said, oh, he can't  
20 move his legs or he can't move his arms.

21 Q. How was his breathing sustained while he was at  
22 the University of Maryland Medical Center?

23 A. He was on a respirator.

24 Q. And can you explain to the ladies and gentlemen  
25 of the jury why is a person put on a respirator?



1           A.    Because -- to assist in their breathing.

2           Q.    Because they're incapable of sustaining their -  
3   - the amount of breath that's needed for them to survive;  
4   correct?

5           A.    That is correct.

6           Q.    So he was operated on.

7                    You don't have any information to suggest that  
8   he had the use of the limbs; correct?

9           A.    That's correct.

10          Q.    And he was on a respirator; correct?

11          A.    That is a correct.

12          Q.    And do you know whether or not, and I'm not --  
13   again, not being rude, but this is very important. Do  
14   you know whether or not he was continent during the  
15   course of his stay at the University of Maryland Medical  
16   System?

17          A.    I have --

18          Q.    You have no information.

19          A.    I have information that he was on -- he had a  
20   Foley catheter, which for urine.

21                   And put people in coma, I'm sorry, they don't  
22   usually -- aren't usually continent.

23          Q.    So when he presented at the University of  
24   Maryland Medical System he was treated in a manner that  
25   was consistent with a person who would have had a



1 complete injury; correct?

2 A. Yes.

3 Q. Okay. In regard to your opinion, let's go to  
4 what is page seven, because the ladies and gentlemen of  
5 the jury just have this document. Ms. Bledsoe didn't ask  
6 you any questions about your opinion; did she? Other  
7 than what your -- the bottom line is; correct?

8 A. Cause and manner of death.

9 Q. But you wrote a lot of stuff before you got  
10 there; didn't you?

11 A. I did.

12 Q. Because you said you wrote more than you've  
13 ever written before.

14 And --

15 MS. BLEDSOE: Your Honor, may we approach  
16 please?

17 THE COURT: You may.

18 (Counsel and the defendant approached the  
19 bench, and the following ensued:)

20 MS. BLEDSOE: I'm not going to keep objecting,  
21 but Mr. Murtha keeps testifying. And then goes on and  
22 asks a question.

23 And he just did it. So he makes a comment, and  
24 then he'll go into a question. But the comment is part  
25 of the question.



1 THE COURT: Well, you'll object whenever you  
2 choose. I mean, I can't make a ruling unless you object  
3 to something.

4 MS. BLEDSOE: I understand.

5 But what I'm trying to say is if I did that,  
6 there would -- I'm just asking Mr. Murtha to please stop  
7 testifying in front of the jury instead of asking --  
8 saying it and then asking a question.

9 THE COURT: Well, I mean, he does have a right  
10 to cross. It's different.

11 MS. BLEDSOE: I get that. But he doesn't have  
12 a right to testify.

13 THE COURT: And I agree. So, again, if  
14 there's an objection I'll -- I'll take it into  
15 consideration.

16 And, Mr. Murtha, be mindful of that.

17 MR. MURTHA: Yes, Your Honor.

18 THE COURT: That if you don't want to keep  
19 hearing me say yeah, or whatever it may -- I may agree; I  
20 may disagree. But however the flow goes.

21 MR. MURTHA: Yes, Your Honor.

22 MS. BLEDSOE: Thank you.

23 THE COURT: Thank you.

24 (Counsel and the defendant returned to the  
25 trial table, and the following ensued:)



1 THE COURT: You may continue.

2 MR. MURTHA: Thank you.

3 BY MR. MURTHA:

4 Q. In the course of preparing to offer an opinion  
5 you would have done the autopsy examination, which you  
6 testified to; correct?

7 A. Correct.

8 Q. And you would have spoken to members of the  
9 Baltimore Police Department; correct?

10 A. Yes.

11 Q. And you -- and you did speak to members of the  
12 State's Attorney's Office; correct?

13 A. Yes.

14 Q. And do you recall being told that they wanted  
15 you to expedite preparing your opinion?

16 A. Absolutely not.

17 Q. Ms. Goldberg didn't tell you that when she met  
18 with you?

19 A. Not that I recall.

20 Q. You actually prepared your opinion on --  
21 actually signed off on the 30<sup>th</sup>; is that correct?

22 A. That is correct.

23 Q. And they -- and your telling the ladies and  
24 gentlemen of the jury that no one said, hey, we need this  
25 before May the 1<sup>st</sup>?



1           A.    Absolutely not.

2           Q.    Nine days.  That's how long it took you to do -  
3           - to write a report for one of the longest and most  
4           complicated autopsy examination reports that you've ever  
5           prepared; correct?

6           A.    It took nine days.

7           Q.    And the fact that the State's Attorney's Office  
8           wanted to charge by May the 1<sup>st</sup> didn't --

9           MS. BLEDSOE:  Objection, Your Honor.

10          THE COURT:  Overrule.

11          BY MR. MURTHA:

12          Q.    Didn't have -- never -- never played into it?

13          A.    Actually, I didn't know they were going to  
14          charge anyone.  That's not -- that's not my  
15          responsibility.

16          Q.    One of the things that you actually would have  
17          wanted to do is obtain all the information about the  
18          observations of Mr. Gray while he was in custody of the  
19          police; is that correct?

20          A.    As much information as I could gather; yes.

21          Q.    When you say as much information as you can  
22          gather, who were you relying upon to gather that  
23          information?

24          A.    The police.

25          Q.    And the police were completely cooperative with



1       you; correct?

2           A.    Yes.

3           Q.    The Baltimore Police Department; correct?

4           A.    Yes.  Yes, they were.

5           Q.    And do you recall telling me on July the 9<sup>th</sup>  
6       when we met that the police had their own take and the  
7       State's Attorney's Office had their own take on it?

8           MS. BLEDSOE:  Objection, Your Honor.

9           THE COURT:  Sustained.  Strike the question.  
10       Not relevant.

11          Next question please.

12          BY MR. MURTHA:

13          Q.    Do you consider the observations of witnesses  
14       stop by stop; is that correct?  When I say stop by stop,  
15       there were a series of interactions between Mr. Gray and  
16       the police.  And we, for the purpose of sort of making it  
17       easy and generic, they've been described as Stop 1, Stop  
18       2, Stop 3, Stop 4, Stop 5, and Stop 6.  And are you  
19       familiar with that?

20          A.    Yes.

21          Q.    And you actually used that assessment in your  
22       review of the evidence in this case; is that correct?

23          A.    Personally, I thought it was my assessment.

24          Q.    Well, then I'll give you credit.  We all used  
25       your assessment.



1                   If you would look at page seven of your report,  
2                   which actually has been admitted into evidence and is, I  
3                   believe, State's Exhibit 49. You make -- you actually  
4                   comment on Stop 1; is that correct?

5                   A.    Yes.

6                   Q.    And that's the arrest scene; is that correct?

7                   A.    Yes.

8                   Q.    At that point Mr. Gray exhibited both verbal  
9                   and physical resistance, and you said that; correct?

10                  A.    Correct.

11                  Q.    And Mr. Gray was able bear weight on his legs  
12                  and was actively speaking; correct?

13                  A.    Yes. That was in between -- yes.

14                  Q.    This is all just coming out of your report.

15                  A.    Okay.

16                  Q.    After Mr. Gray was handcuffed and placed on the  
17                  bench inside the transport van the doors to the van were  
18                  shut. Mr. Gray then began to yell and bang on the van,  
19                  causing the van to rock; correct?

20                  A.    Yes.

21                  Q.    So in looking at Stop 1, as you identified it,  
22                  at the point of arrest, clearly Mr. Gray was capable of  
23                  exercising use of his limbs; correct?

24                  A.    That is correct.

25                  Q.    And he was able to breathe; correct?



1           A.    Yes.

2           Q.    And he caused enough physical force to move the  
3 van from side to side; is that correct?

4           A.    That is what was in the witness statements, as  
5 well as on the videos.

6           Q.    And then there --

7           A.    Most of the witness statements.

8           Q.    -- was Stop 2, the van stops shortly  
9 thereafter, and officers remove Mr. Gray and place leg  
10 restraints on Mr. Gray because he was still yelling and  
11 shaking the van; correct?

12          A.    I just said that he was at stop -- the second  
13 stop was several blocks down, and he had placed an  
14 identification then in restraints.

15               Reportedly, he was still yelling and shaking  
16 the van.

17          Q.    And after restraints were placed on Mr. Gray,  
18 he was slid onto the van, head first on his stomach, he  
19 remained verbally and physically active; correct?

20          A.    Correct.

21          Q.    So that's Stop 2.

22               So I'm going to jump ahead a little bit because  
23 it's your opinion that you're offering in this written  
24 document that the injury occurred between Stops 2 and 4;  
25 is that correct?



1           A.    That is correct.

2           Q.    And now, again, you're not making any comment  
3 on Officer Porter at all. You're just assessing the  
4 facts as they are presented, and then developing a theory  
5 of what happened; correct?

6           A.    Yes. Because medical examiners are kind of  
7 like medical detectives. We put together the evidence --  
8 or the material that is presented to us, whether -- in  
9 this case it was witness statements with the examination  
10 that we find when we do the autopsy.

11          Q.    In -- in the process of that you made a  
12 determination that at Stop 2 Mr. Gray was placed on the  
13 floor of the transport wagon; correct?

14          A.    According to the witness statements that's  
15 where -- how he was placed.

16          Q.    And, in fact, you said that was probably the  
17 safest way for him to travel; correct?

18          A.    Absolutely not.

19          Q.    Well, it -- it -- you're saying that if he  
20 remained on the floor the injury to his neck would not  
21 have occurred; correct?

22          A.    I didn't say that. It's not -- that's not  
23 stated in my report.

24          Q.    Do you remember when we met on July the 9<sup>th</sup>?  
25 You thought it was offensive that a person would be laid



1 face down on the floor of a transport wagon; correct?

2 A. I thought it was a dangerous position for  
3 somebody who had just been asking for an inhaler because  
4 he couldn't breathe to be put face down on the floor of a  
5 van.

6 And I also thought that -- it was a very narrow  
7 space, the floors are dirty, and they're uncomfortable  
8 because they're the raised metal grid like pattern. That  
9 if somebody who had a -- was saying that they had a  
10 breathing problem, and in that confined space, the thing  
11 that they would do is get up. That's what I --

12 Q. Well, wait. Wait a second.

13 A. -- we were discussing. That's what we talked  
14 about.

15 Q. You said what a person would do is get up?

16 A. An individual would --

17 Q. You're speculating on that.

18 A. That's a --

19 Q. 100 percent.

20 A. But that's what I was talking to you at our  
21 conference. That's what I was saying. You -- you were  
22 asking me a question about --

23 Q. I was.

24 A. -- what we talked about. So that's what I told  
25 you.



1           Q.    You have no physical evidence, no documentary  
2 evidence that shows that he actually got up; correct?

3           A.    That's correct.

4           Q.    So he's placed in on his stomach. And one of  
5 your concerns would be what's called compression  
6 asphyxia; is that correct?

7           A.    More positional asphyxia.

8           Q.    Positional asphyxia.

9           A.    Mmm-hmm.

10          Q.    But you would --

11          A.    Or --

12          Q.    -- agree that if a person is talking that  
13 they're breathing; correct?

14          A.    Yes.

15          Q.    So at Stop 2 he's breathing, and he's face down  
16 in the wagon. And did you -- you actually went looking  
17 for the wagon -- the van; right?

18          A.    I -- yes. I actually saw two vans. But I did  
19 see the van.

20          Q.    Did you see -- and when you say the van, the  
21 van that was actually used to transport Mr. Gray on April  
22 the 12<sup>th</sup> of 2015; correct?

23          A.    That is correct.

24          Q.    So did you actually take any measurements?

25          A.    I did.



1 Q. Do you know what the width of the floor space  
2 is from what essentially would be the wheel well  
3 covering, which is where bench is, to the dividing cage;  
4 do you know what that -- how wide that was?

5 A. Yes.

6 Q. And how wide is that?

7 A. 19 inches.

8 Q. I'm sorry?

9 A. 19 inches.

10 Q. 19 inches.

11 Do you -- and so do you have the measurements  
12 of the width of Mr. Gray from shoulder to shoulder?

13 A. No. Because when I saw him he was close to 50  
14 lbs heavier than what he checked into because of all the  
15 fluids. So any kind of measurement would be -- it would  
16 be inaccurate to what his pre-hospital physique was.

17 Q. And --

18 A. But I can tell you that my shoulders at 17  
19 inches.

20 Q. And Mr. Gray, based on your review of the  
21 medical records from the University of Maryland Medical  
22 System, wasn't a big man; correct? I mean, he weighed  
23 130 --

24 A. 150 pounds when he went into the hospital was  
25 what they weighted him. But that actually could include



1 the backboard and things like that.

2 Q. And he was 50 -- how many inches?

3 A. He was 5'9", I think.

4 Q. So 5'9", 150 some pounds. So based on your  
5 investigation in this case, he actually did fit within  
6 that 19 inch space though. It might be firm and tight,  
7 but he did fit within that space; correct?

8 A. I -- he could have fit.

9 Q. I --

10 A. But I -- I did not see him in that position, so  
11 I can't say. So --

12 Q. So then -- but at stop two he's breathing, and  
13 there's no suggestion that -- from the information that  
14 he has incurred any injury that would interfere with his  
15 ability to use his limbs; is that correct?

16 A. That's correct.

17 Q. Then you got to stop -- what's called Stop 3.  
18 This one causes you some concern; doesn't it?

19 A. The Mosher Street stop?

20 Q. Yes. Mmm-hmm. Didn't you express you had --  
21 you had concerns about what might have happened?

22 A. Yes.

23 Q. Because based on your review of the information  
24 -- and if you don't know, you don't know. But Officer  
25 Porter isn't the person who would put Mr. Gray in the



1 wagon at Stop 1.

2 He wasn't the person who put in him the wagon  
3 or removed him and put him in the wagon at Stop 2.

4 And the only person, to the best of your  
5 knowledge, that's in the transport wagon at Stop 3 is  
6 Officer Goodson; is that correct?

7 A. That is correct.

8 Q. And your concern is that at Mosher Street the  
9 transport wagon comes to a stop. The ladies and  
10 gentlemen of the jury have seen a videotape that actually  
11 has come into evidence. It appears that Officer Goodson  
12 stops the van. And the length of the video --, or the  
13 part of the video that's relevant is approximately 17  
14 seconds.

15 Were Officer Goodson -- actually, if this is  
16 the -- the wagon, and the front of the wagon is -- did  
17 you actually watch this video?

18 MS. BLEDSOE: Objection, Your Honor.

19 THE COURT: Overrule.

20 If?

21 THE WITNESS: I saw a still photograph of the -  
22 - of Mr. Goodson on the -- behind the van. That's it.

23 BY MR. MURTHA:

24 Q. So -- but you never watched the video?

25 A. That -- I didn't have -- I did not get the



1 video.

2 Q. Did you ask to watch it?

3 A. Nope.

4 Q. Was it described to you that Officer Goodson,  
5 if I use where Officer Porter is at the trial table is  
6 the front of the van, he exits the van, walks around to  
7 the back. But you can't see what occurs in the back;  
8 correct?

9 A. Mmm-hmm. No.

10 Q. Were you familiar with the fact that there was  
11 a video system that had been installed in the van that  
12 was inoperable?

13 A. Yes.

14 Q. And so -- and, in fact, that inoperable video  
15 system would have maybe allowed Officer Goodson to see on  
16 a screen mounted on the dashboard what was -- what, if  
17 anything, was going on in the back; do you know that?

18 A. No. But I can imagine that that's what it  
19 would do.

20 Q. Based on Officer Goodson stopping at Stop 3,  
21 you have no factual basis or information to believe,  
22 other than speculation, that Mr. Gray had gotten up from  
23 the position he was on the floor; is that correct?

24 A. That's correct.

25 Q. So we have Stop 2 he's on his stomach. Stop 3



1           there's literally no information available.

2                   And then we get to Stop 4, which is Druid Hill  
3           and Dolphin; is that correct?

4           A.    Yes.

5           Q.    And are you familiar with the fact -- well --  
6           Officer Goodson stops the van, the wagon; correct?

7           A.    Okay.

8           Q.    Well, the van driver called for assistance and  
9           pulled over. Those are the words you used. An officer  
10          arrived. When the van door opened Mr. Gray was head  
11          first on his stomach; correct?

12          A.    Correct.

13          Q.    So what was the position that Mr. Gray was in  
14          at Stop 2?

15          A.    It's actually -- it seems like it's the same  
16          position all along.

17          Q.    When you say it seems, it is. It's the same  
18          position. He's on his stomach with his head facing the  
19          front of the van; correct?

20          A.    Correct.

21          Q.    And he's on his stomach. He hasn't flipped  
22          over. Because it's only 19 inches; correct? From wheel  
23          well, bench, to the interior dividing wall; correct?

24          A.    Correct.

25          Q.    That would be, and you saw and observed the



1 size. I know not consistent with at the time of his  
2 admission to the hospital because of the extra weight  
3 related to the procedures. But is it conceivable that he  
4 was in the same position because he couldn't move?

5 A. No. Because I -- well, I mean, it's -- if  
6 that's -- it's speculation. I don't agree with that  
7 because I think the injury that he sustained can only be  
8 done -- can only be -- can only happen in certain manner  
9 -- in certain ways.

10 Q. Well, and that's not the question I asked you.

11 A. Yeah. So no.

12 Q. What I --

13 A. So I don't -- I think -- I still think that he  
14 may not have moved -- I mean, no one was there. There's  
15 --

16 Q. Well, tell the ladies and gentlemen of the jury  
17 --

18 MS. BLEDSOE: Objection, Your Honor.

19 THE COURT: Overruled. Overrule

20 BY MR. MURTHA:

21 Q. Tell the ladies and gentlemen of the jury --

22 MS. BLEDSOE: Objection.

23 BY MR. MURTHA:

24 Q. -- what it is between Stop 2, Stop 3 and Stop 4  
25 that has evidence of value that was observed, that



1 someone saw, someone described, that says that Freddie  
2 Gray was in some position other than face down on the  
3 floor?

4 A. I cannot because -- I can only say that he went  
5 in without a neck injury --

6 Q. That's not my question.

7 A. So --

8 Q. Answer the question.

9 A. All right. He was face down in the van with  
10 his head facing the cabin. Whether he was exactly in the  
11 same place, whether his feet were closer to the door or  
12 not, I can't say because that's not reported.

13 Q. You have no -- now, science isn't based on  
14 speculation; is it?

15 A. Some of it is; yes.

16 Q. That's dangerous then.

17 MS. BLEDSOE: Objection.

18 THE COURT: Overrule.

19 Once again, the testimony --

20 THE COURT: Overrule.

21 MR. MURTHA: Objection.

22 THE COURT: Next question.

23 MR. MURTHA: Yes, Your Honor.

24 BY MR. MURTHA:

25 Q. So the only information that you have, because



1 your opinion is -- and we're going to get to this because  
2 it's in the report, your opinion is that something  
3 happened to Mr. Gray between Stops 2 and Stop 4; is that  
4 correct?

5 A. That is correct.

6 Q. And even though that's your opinion, you agree  
7 with me, that you have no physical evidence, no  
8 independent observations, no information whatsoever that  
9 would suggest that Mr. Gray was in any other position at  
10 Stop 2, Stop 3 and Stop 4, other than face down on the  
11 floor facing the front of the van; correct?

12 A. That was the position he was in.

13 Q. At Stop 4, are you familiar with the fact that  
14 Officer Porter was the officer that backed up Mr. -- or  
15 Officer Goodson?

16 A. Yes.

17 Q. So Officer Porter is actually -- are you  
18 familiar with the fact that he's not in the van, that  
19 he's actually in a patrol car; correct?

20 A. Yes.

21 Q. And, in fact, he gets -- you may not know it,  
22 but it's what's called a 10-11 for a back up, and he  
23 arrives at Dolphin and Druid Hill, where Officer Goodson  
24 has stopped the transport wagon, you're familiar with  
25 that; correct?



1           A.    Yes.

2           Q.    And you write Mr. Gray allegedly asked for her,  
3           and you say in here, saying he could breath, couldn't get  
4           up, and needed a medic.  You sort of put all those things  
5           together.

6           A.    I did.

7           Q.    And the jury has heard what it's heard, so I'm  
8           just going to use what you were considering.

9           A.    Right.

10          Q.    You would agree with me again that if a person  
11          is actually talking they're breathing; correct?

12          A.    That is correct.

13          Q.    And at that point, are you familiar with the  
14          fact -- well, did you ever ask to speak to Officer  
15          Porter?

16          A.    No, I did not.  That's not something the  
17          Medical Examiner's Office will do.

18          Q.    So if you had any questions about what Mr. Gray  
19          -- did you watch his entire recorded statement?

20          A.    I did.

21          Q.    So --

22                THE COURT:  I'm sorry.  I didn't hear your  
23          answer.

24                THE WITNESS:  I did.

25                THE COURT:  Thank you.



1 BY MR. MURTHA:

2 Q. So you're familiar with the fact that Officer  
3 Porter stands at the back of the wagon. And Officer  
4 Goodson opens the doors. And then -- because there's two  
5 sets of doors. In fact, the jurors are familiar with it.  
6 They've viewed the van. So there's an exterior door, and  
7 then there's an interior cage door. So at that point  
8 Officer Goodson is present --

9 THE COURT: Counsel, approach.

10 (Counsel and the defendant approached the  
11 bench, and the following ensued:)

12 THE COURT: While I certainly allow vigorous  
13 cross-examination, the State did earlier on object to you  
14 testifying. You are testifying. You will stop. You  
15 will ask questions.

16 MR. MURTHA: Yes, Your Honor.

17 THE COURT: Leading as you want, I don't care,  
18 but you will ask questions.

19 MR. MURTHA: Yes, Your Honor.

20 THE COURT: Thank you.

21 (Counsel and the defendant returned to the  
22 trial table, and the following ensued:)

23 BY MR. MURTHA:

24 Q. Based on -- whoops. Based on your review of  
25 Officer Porter's statement, you are aware of the fact



1       that Officer Porter's -- Mr. Gray says help. Officer  
2       Porter says, what do you mean, help; do you -- do you  
3       recall that?

4             A.    Yes.

5             Q.    And Mr. Gray says help me up; do you recall  
6       that?

7             A.    Actually, no.

8             Q.    You don't.

9             A.    I don't.

10            Q.    Okay. You don't recall that.

11            A.    No.

12            Q.    Well -- but Officer Porter did help Mr. Gray  
13       up; is that correct?

14            A.    Yes.

15            Q.    And he puts him on the bench?

16            A.    Yes.

17            Q.    Do you have any idea of the physical dimensions  
18       of Officer Porter?

19            A.    I think it would have been a really tight  
20       squeeze in that van.

21            Q.    Because --

22                   MR. MURTHA: Officer Porter, would you stand up  
23       please?

24                   BY MR. MURTHA:

25            Q.    He's bigger than Mr. Gray; isn't he?



1 A. Yes.

2 Q. And I'm going to guess, but he --

3 THE COURT: No, you're not.

4 MR. MURTHA: Okay. (Laughter.)

5 BY MR. MURTHA:

6 Q. Will you guess --

7 THE COURT: Nor will she.

8 MR. MURTHA: Okay.

9 BY MR. MURTHA:

10 Q. He's bigger than -- you said it would have been  
11 a tight fit; correct? With both of them in there.

12 A. Yes.

13 Q. And you would agree that previously Mr. Gray  
14 had been acting in a manner that was, I'm not going to  
15 say violent, but he was acting out. He was physically  
16 reacting to being placed in the van; correct?

17 A. He was active.

18 Q. And you he had acted to a degree where the van  
19 actually shook; correct?

20 A. That was the witness statements.

21 Q. So Officer Porter helps him up, or if you're  
22 aware, he -- you're aware that he places him on the  
23 bench; correct?

24 A. Correct.

25 Q. And you're -- it's going to come to cross-



1 examination, you're aware that he didn't seatbelt him at  
2 that time; correct?

3 A. That is correct.

4 Q. And you're not familiar with whether or not he  
5 had any officer safety concerns about whether he might  
6 get kicked in the face by Mr. Gray because he had been  
7 acting violently --

8 MS. BLEDSOE: Again. Objection, Your Honor.

9 THE COURT: Sustained.

10 Counsel, do not testify in front of the jury.

11 Question is struck.

12 Ask a question.

13 MR. MURTHA: Yes, Your Honor. Yes, sir.

14 BY MR. MURTHA:

15 Q. Were you familiar with whether or not Officer  
16 Porter had any safety concerns?

17 A. No.

18 Q. You didn't ask anybody to go ask him or follow  
19 up; correct?

20 A. No. I -- that's not the kind of information  
21 that we need -- that I need.

22 Q. But you did actually rely upon the general  
23 order in regard to whether or not he should have, in your  
24 mind, seatbelted him; correct?

25 A. There was the other part of the general orders



1           that was more important to my determination.

2           Q.    So for your determination the seatbelting issue  
3           wasn't of concern?

4           A.    It was not the primary concern.

5           Q.    Okay.  So Officer Porter -- are you aware of  
6           the fact that Officer Porter engages in a very limited  
7           conversation with Mr. Gray where he asked him some  
8           questions?

9           A.    Based on Mr. Porter's statement; yes.

10          Q.    So he asked him, like, how are we going to do -  
11          - are you familiar with the fact that he says, how are we  
12          going to do this, what do you need, do you need a medic?

13          MS. BLEDSOE:  Objection.

14          THE COURT:  Overrule.

15          THE WITNESS:  What I was -- was that based on  
16          my recollection of the recorded statement of Officer  
17          Porter was that Mr. Gray said, help, I can't breathe.  
18          And when Mr. Porter asked him to -- whether he could --  
19          to get up, he says I can't move.  And then Mr. Porter  
20          asked do you need a medic.  And Mr. Gray said -- replied,  
21          yes.

22          Q.    So just to make this clear --

23          A.    Mmm-hmm.

24          Q.    -- your recollection is that at Stop 4 Mr. Gray  
25          communicates, based on your review of Officer Porter's



1 recorded statement, your recollection is that Mr. Gray  
2 tells Officer Porter that he can't breathe?

3 A. Yes.

4 Q. That's your recollection?

5 A. Yes.

6 Q. Then Mr. -- excuse me, Officer Porter places  
7 him on the seat, and then are familiar with what Officer  
8 Porter does next?

9 A. No.

10 Q. Do you know who actually shut the doors?

11 A. No.

12 Q. Do you know who was driving the wagon?

13 A. Yes.

14 Q. And who was that?

15 A. Officer Goodson.

16 Q. And are you familiar with the fact that Officer  
17 Porter then told Officer Goodson that he asked for medic,  
18 he's not going to pass medical at Central Booking, we'll  
19 have to take him to the hospital?

20 A. That was in the witness state -- Officer  
21 Porter's statement; yes.

22 Q. Now, if -- so Officer Porter clearly, from your  
23 -- based on your review of the recorded statement,  
24 Officer Porter clearly indicated to Officer Goodson that  
25 Mr. Gray needed to go to the hospital; correct?



1           A.    Yes.

2           Q.    So if Officer Goodson had followed the request  
3 of Officer Porter, and had driven directly to the  
4 hospital, then you wouldn't have considered this a  
5 homicide; correct?

6           A.    That is correct.

7           Q.    The next stop is Stop 5. And that is at 1600  
8 West Pennsylvania Avenue; is that correct, if you know?

9           A.    North Avenue -- I haven't --

10          Q.    I'm sorry. Excuse me. Yes. 1600 West North  
11 Avenue.

12          A.    Mmm-hmm.

13          Q.    And again, do you know who the operator of the  
14 wagon is at that point?

15          A.    Officer Goodson.

16          Q.    Do you know what, if anything, Officer Porter  
17 did after Officer Goodson drove off with Mr. Gray?

18          A.    According to his statement he responded to  
19 another call.

20          Q.    And was that call to provide backup to the same  
21 place where Officer Goodson went?

22          A.    That -- those details I did not -- I know that  
23 they arrived in the same place.

24          Q.    So they -- they end up arriving at 1600 West  
25 North Avenue; is that correct?



1 A. Yes.

2 Q. And at that point they're -- it's there to  
3 actually provide assistance to officers who are arresting  
4 someone; is that correct?

5 A. That was my understand.

6 Q. And that other person is an individual by the  
7 name of Donte Allen; is that correct?

8 A. That is what my understanding. Mmm-hmm.

9 Q. And did you ask to see or hear all the  
10 statements of the officers that were present at Stop 5?

11 A. Not all of them, just the ones that were  
12 involved in Mr. Gray's.

13 Q. Did you ever hear from Officer Gladhill -- or  
14 when I say did you hear from Officer Gladhill did you  
15 ever have any -- have an opportunity to see the recorded  
16 statement of Officer Gladhill?

17 A. No.

18 Q. So if -- so you're not familiar with Officer  
19 Gladhill's observations were of Mr. Gray at Stop 5;  
20 correct?

21 A. Not through his recorded statement.

22 Q. Because, and I'm not being smart, but you  
23 didn't see his recorded statement?

24 A. No.

25 Q. Who made the decision of what statements to



1 show you and what ones not to show you?

2 A. I received the officer's recorded statements  
3 from the State's Attorney's Office.

4 Q. And Officer Porter just merely provided back up  
5 at that location; is that correct?

6 A. I don't --

7 Q. If you know.

8 A. I don't know what his role was.

9 Q. Do you know if there was a supervisor on the  
10 scene at Stop 5? Are you familiar with Sergeant Alicia  
11 White?

12 A. Yes.

13 Q. Are you familiar with the fact that Officer  
14 Porter told Sergeant White that Mr. Gray needed to go to  
15 the hospital?

16 A. There was -- that was in Officer Porter's  
17 statement.

18 Q. And there were observations that were provided  
19 at that point -- your opinion is whatever happened  
20 between Stops 2 and 4; correct?

21 A. Based on the witness statements and knowledge  
22 of what the ultimate injury was, what his physical -- and  
23 response would be to it.

24 Q. So your belief is that whatever happened,  
25 happened before Stop 5; correct?



1 A. Yes.

2 Q. And you're familiar with the fact that -- are  
3 you familiar with the fact that there's -- there are  
4 statements -- do you didn't look at Officer Gladhill's  
5 recorded statement. How about Officer Porter's?

6 A. Though -- I had the recorded statement, and  
7 then a written -- I don't -- because you didn't sign it,  
8 but it was a written, like, telephone conversation --

9 Q. But that was a telephone conversation with  
10 Detective Teel that preceded the recorded statement; is  
11 that correct?

12 A. I -- no. It was after, from what I understood.

13 Q. It was after; okay.

14 A. Yeah.

15 Q. So Stop 5 there were observations that Mr. Gray  
16 is actually in a kneeling position; is that correct?

17 A. Yes.

18 Q. And his -- at this point his -- he's still  
19 handcuffed; correct?

20 A. Yes.

21 Q. If you know.

22 And he's still shackled?

23 A. Correct.

24 Q. But he's kneeling. He's actually -- now, I'm  
25 going down on my knees, and he has his hands behind his



1 back, and he's actually leaning against the bench though;  
2 correct?

3 A. Yes.

4 Q. And you have information that he was actually  
5 able to hold his head erect; correct?

6 A. That I actually found out later, but --

7 Q. But he was.

8 A. Because the observation that was made on all  
9 the witness statements is that he was actually slumped  
10 over. And what I was told by all the -- Baltimore City  
11 Police on the day of the autopsy was that he was slumped  
12 over.

13 Q. That's what you were told. But subsequently --

14 A. Mmm-hmm.

15 Q. -- it appeared that he wasn't slumped over, but  
16 he was just leaning; is that correct? There was other  
17 observations consistent with that; correct?

18 A. There was somebody who said that his -- that he  
19 was -- that he was just leaning. That's fine.

20 Q. And -- but a person suffers a catastrophic  
21 complete C4-C5 jumped facet with either a compression or  
22 transection, you agree that they would lose the use --  
23 wait, if it's complete, they would lose the use of their  
24 limbs below C4 and C5; correct?

25 A. That is correct.



1           Q.    So if a person is in a kneeling position, hands  
2 behind their back, maybe even leaning -- I'm actually  
3 using muscles that are below C4 and C5; correct?

4           A.    Not necessarily.

5           Q.    I'm not?

6           A.    No.  Because, I mean, that -- you knew how  
7 tight that space is, so if you're just leaning -- I mean,  
8 somebody who is paralyzed is going to be -- they -- okay.  
9 So you put on the bench.  The motion of the van tips him  
10 onto the ground.  This is again --

11          Q.    Or speculation; right?

12          A.    A reasonable explanation of what -- how to get  
13 from step A to step B, based on the information.

14                So he doesn't need -- if somebody is paralyzed,  
15 if you put them in a position or he's in a position,  
16 he'll stay there until gravity is going to move him.  And  
17 he would still have muscular control of his neck and his  
18 head.  Shoulders -- even -- maybe even the tops of his  
19 shoulders.

20                So no, it doesn't surprise me given the  
21 constraints of that van that he could have been on the  
22 bench, with an injury, and then end up in a kneeling  
23 position with -- leaning.

24          Q.    So the constraints of the van, for the purpose  
25 of Stop 5, are important because it could have held him



1 up; correct?

2 A. Yes.

3 Q. So the constraints of the width of the space  
4 between the wheel well, where the seat is, and the  
5 interior wall, could constrain an individual from being  
6 able to move also if they were lying on their stomach;  
7 correct?

8 A. If they were paralyzed; yes.

9 Q. Well, wait a second. He could have also,  
10 because you're saying the person would be constrained  
11 because of the tightness of it. So if, again, we're  
12 going back, you --

13 MS. BLEDSOE: Objection, Your Honor.

14 THE COURT: Overrule.

15 BY MR. MURTHA:

16 Q. You have no factual information to suggest that  
17 Freddie Grey was anything but stuck between the wall and  
18 the bench between Stops -- Stops 2 and 4; right? You  
19 don't have any facts.

20 A. When I say constraints -- okay. If you're  
21 paralyzed --

22 Q. Well, let me -- answer the question.

23 A. -- yeah, you're not going to be able to move.

24 MS. BLEDSOE: Objection.

25 THE COURT: Overruled.



1 Answer the question that is posed.

2 THE WITNESS: Go ahead. What was your

3 question?

4 BY MR. MURTHA:

5 Q. The question was you have no factual

6 information that you can tell the ladies and gentlemen of

7 the jury that Freddie Gray was anything but stuck between

8 the wall and the bench between Stops 2 and 4 because he

9 ended up --

10 THE COURT: Well, ask a question.

11 BY MR. MURTHA:

12 Q. Between Stops 2 and 4.

13 MR. MURTHA: Yes, Your Honor.

14 THE COURT: Sustained.

15 MS. BLEDSOE: Thank you.

16 THE COURT: Because I think I'm very clear, I

17 want you to ask questions.

18 And I'm very clear, I want you to answer the

19 questions.

20 I don't want banter back and forth between

21 either of you.

22 Have I made myself clear to you, ma'am?

23 THE WITNESS: Yes, Your Honor.

24 THE COURT: Have I made myself clear to you,

25 sir?



1 MR. MURTHA: Yes, Your Honor.

2 THE COURT: Please ask a question.

3 And please answer the question that he poses.

4 Ask a question.

5 MR. MURTHA: Yes, Your Honor.

6 BY MR. MURTHA:

7 Q. You have no other information that he was  
8 anything but stuck; right?

9 A. Other than -- no.

10 Q. Okay.

11 A. All right. That's it.

12 Q. So Stop 5, Officer Porter doesn't really have  
13 anything to do with that; do you know? Other than  
14 telling Sergeant White --

15 MS. BLEDSOE: Objection, Your Honor.

16 THE COURT: Sustained.

17 BY MR. MURTHA:

18 Q. Are you familiar with, other than telling  
19 Sergeant --

20 THE COURT: Sustained.

21 BY MR. MURTHA:

22 Q. What, if any, information do you have  
23 concerning Officer Porter's involvement at Stop 5?

24 A. Other than questioning Mr. Gray, and asking how  
25 -- asking questions.



1 Q. And --

2 A. Getting minimal responses.

3 Q. And telling Sergeant White anything, if you  
4 know?

5 A. Saying that he needed medical attention.

6 Q. So --

7 A. That's -- Mmm-hmm.

8 Q. Would you agree that Officer --

9 A. That was -- again, that was in the recorded  
10 statement.

11 Q. So Officer Porter, upon Mr. Gray asking medical  
12 attention, conveys that to Officer Goodson at Stop 4;  
13 correct?

14 A. Yes.

15 Q. Conveys it to Sergeant White at Stop 5;  
16 correct?

17 A. Correct. In his recorded statement.

18 Q. Then they get to the Western District, which  
19 you have identified and we've all adopted, as Stop 6.

20 A. Yes.

21 Q. And that is where Mr. Gray is unresponsive; is  
22 that correct?

23 A. That is correct.

24 Q. And did you have an opportunity to review the  
25 pre-hospital report that was prepared by the -- the EMT



1 who responded to the scene from the Baltimore Fire  
2 Department?

3 A. The -- the -- EMS run sheet?

4 Q. Yes, ma'am.

5 A. Yes.

6 Q. That has a rather thorough description of what  
7 that individual -- or the individuals responding to it;  
8 is that correct?

9 A. That is correct.

10 Q. Did you incorporate that information into  
11 consideration -- incorporate that information into  
12 consideration of your opinion?

13 A. No. Because that I did not actually get until  
14 after this -- the report had been done. I had the  
15 information from the hospital records of the handover  
16 from EMS to the hospital people. So I had an idea of  
17 what was going on, and when things happened, but I didn't  
18 have the minute by minute description.

19 Q. But since receiving it, have you become  
20 familiar with the content of the information?

21 A. Yes.

22 MR. MURTHA: Court's indulgence, Your Honor.

23 THE COURT: Certainly.

24 Counsel, approach.

25 (Counsel and the defendant approached the



1 bench, and the following ensued:)

2 THE COURT: Is this going to be a different  
3 area, a longer area?

4 MR. MURTHA: Yes, Your Honor.

5 THE COURT: Okay. I'm going to take a break  
6 now then.

7 MR. MURTHA: Yes, sir.

8 THE COURT: Okay. Thank you.

9 MS. BLEDSOE: I'm sorry, what did you say, Your  
10 Honor?

11 THE COURT: Take a break.

12 MS. BLEDSOE: Taking a break.

13 THE COURT: Yes.

14 MS. BLEDSOE: Like a 10 minute break?

15 THE COURT: Is that what you need? Fine, go.

16 MS. BLEDSOE: No, I can do five.

17 THE COURT: Okay.

18 (Counsel and the defendant returned to the  
19 trial table, and the following ensued:)

20 THE COURT: All right. Ladies and gentlemen,  
21 this is apparently a good time to take a break.

22 Please leave your notepads on the chair.

23 Please do not discuss the testimony, even among  
24 yourselves.

25 We'll take about a five or 10 minute break.



1 All rise for the jury.

2 (Whereupon, the jury was excused from the  
3 courtroom at 11:03 a.m.)

4 THE COURT: All right. Thank you.

5 Everyone may be seated.

6 I'll be back in about 10 minutes, or five.

7 MS. BLEDSOE: Your Honor, is it okay if Dr.  
8 Allan also takes --

9 THE COURT: Mmm-hmm. Certainly.

10 (Whereupon, a recess was taken at 11:04 a.m.,  
11 and the matter resumed at 11:18 a.m.)

12 THE CLERK: All rise.

13 (Whereupon, the jury returned to the courtroom  
14 at 11:19 a.m.)

15 THE COURT: All right. Thank you.

16 Everybody may be seated.

17 You may remind the witness.

18 THE CLERK: Just reminding you you're still  
19 under oath.

20 State your name for the record.

21 THE WITNESS: Dr. Carol Allan.

22 THE COURT: You may proceed.

23 MR. MURTHA: Thank you, Your Honor.

24 BY MR. MURTHA:

25 Q. I had asked you some questions about the pre-



1 hospital report that was prepared by the fire department.

2 You have had an opportunity to look at that; correct?

3 A. Yes.

4 Q. And are you familiar with the nature of the  
5 examination that the EMT performed upon Mr. Gray?

6 A. All I have, and I don't have it in front of me,  
7 and all I recall is that it was a physical assessment.

8 Q. Are you familiar --

9 A. Before doing their thing.

10 Q. Now, just from the standpoint of your review of  
11 the University of Maryland medical records --

12 A. Mmm-hmm.

13 Q. -- you had testified as to the toxicology  
14 reports from the Office of the Chief Medical Examiner;  
15 correct?

16 A. Correct.

17 Q. And you had said that those toxicology reports  
18 reflected the medications that had been administered to  
19 Mr. Gray when he was at the hospital; correct?

20 A. Correct.

21 Q. But the University of Maryland Medical System  
22 also obtained samples for toxicology; is that correct?

23 A. Urine samples.

24 Q. Urine samples.

25 And they were able to determine that there were



1 some substances in his system at that time; is that  
2 correct?

3 A. Correct.

4 Q. Opioids; is that correct?

5 A. Yes.

6 Q. And marijuana?

7 A. Yes.

8 Q. And opioid, can you just describe that to the  
9 ladies and gentlemen of the jury, is that a narcotic?

10 A. It's a generic terms for a narcotic.

11 Q. Heroin.

12 A. It could be anything.

13 Q. Methadone.

14 A. No. Methadone. They test separately.

15 Q. Okay. Are you familiar with what's Narcan?

16 A. Yes.

17 Q. Can you describe to the ladies and gentlemen of  
18 the jury what is Narcan?

19 A. It's an opioid antagonist. So somebody who was  
20 under the influence of a narcotic, if they're given  
21 Narcan, it's supposed to reverse some of those effects.

22 Q. And it can actually reverse it. If someone is  
23 in an overdose, it can essentially save the person's  
24 life; right?

25 A. I -- it has that potential; yes.



1 Q. Are you familiar with the fact that the EMT  
2 that did the physical assessment administered Narcan to  
3 Mr. Gray?

4 A. Yes. To no effect.

5 Q. So based -- you as an expert get to consider  
6 all kinds of information and render an opinion. Does it  
7 appear from your view of the EMS report that it was  
8 uncertain as to the EMT that Mr. Gray wasn't overdosing?

9 MS. BLEDSOE: Objection.

10 THE COURT: Sustained. Strike the question.

11 BY MR. MURTHA:

12 Q. Why would Narcan be administered to a person?

13 A. That's pretty standard as -- to most  
14 individuals who the story is unclear.

15 Q. So if I had a heart attack and EMS was called,  
16 and I'm laying on the floor, and they're just going to  
17 give me Narcan?

18 A. They could, depends on the circumstances.  
19 That's something, since I don't -- I'm not an EMS  
20 technician or first responder, you can ask them.

21 Q. Okay. Thank you.

22 So from the Western District they go to the  
23 hospital. You've already testified in regard to the  
24 observations that you made about the imaging.

25 And I guess your opinion is that the diagnosis



1 and assessment of a trained medical professional at the  
2 University of Maryland Medical Center was not accurate;  
3 is that correct?

4 A. That's not true.

5 Q. Well, when they -- they determined that there  
6 was a complete jumped -- C4-C5 jumped facet with a  
7 transection, you're saying that that was an appropriate  
8 term for them to use?

9 A. No. What they said was there was -- what  
10 appeared to be a near transsection. So -- and I  
11 explained also that there are limitations in scans that -  
12 - I mean, we do comparison studies between autopsy  
13 findings and a CT that had been performed on the same  
14 individual.

15 And they're -- CT's or MRI's are much better at  
16 some things for some things better than autopsies, and  
17 autopsies are better than the CT's or scans for other  
18 things. And this is one of them was that it appeared on  
19 a scan that there was a near transsection of Mr. Gray's  
20 spinal cord.

21 And at autopsy it was not transected. It was -  
22 - it was pinched.

23 Q. But that was the opinion of the person who  
24 treated him at the time; correct?

25 A. And it was the radiologist's diagnosis.



1 Q. And you are obviously a medical doctor;  
2 correct?

3 A. I am.

4 Q. With a specialty in forensic pathology;  
5 correct?

6 A. Correct.

7 Q. And are you a diplomate?

8 A. I -- of what?

9 Q. Of forensic pathology.

10 A. Yes.

11 Q. And there -- your -- you referred -- you  
12 actually sought the opinion of a neuropathologist also;  
13 correct?

14 A. That is correct.

15 Q. You did not seek the opinion of a neurological  
16 surgeon though; did you?

17 A. No.

18 Q. And what is the difference -- well, can you  
19 describe what a neuropathologist does?

20 A. He -- yes. So actually they have, kind of, an  
21 active role in patient care because neuropathologists, if  
22 there is somebody who is doing a brain biopsy to look for  
23 evidence of a tumor, they are going to be reading that  
24 biopsy.

25 But a forensic neuropathologist deals with



1 examinations of the brains and spinal cords in  
2 individuals who are deceased, as in the case of Mr. Gray.

3 Q. And what does -- what's a neuro -- a  
4 neurological surgeon, what's the difference between a  
5 neurological surgeon and a neuropathologist?

6 A. Well --

7 Q. And if --

8 A. Okay. No.

9 Q. I'm going to say neurosurgeon.

10 A. I'm just going to say, like, in forensic  
11 neuropathologist and the difference between a  
12 neurosurgeon and forensic neuropathologist is that one's  
13 patients are alive and the others are deceased.

14 Q. Let's go back to Stop 5. There was another  
15 person who was placed in the wagon at Stop 5; is that  
16 right?

17 A. That is -- yes.

18 Q. Donte Allen.

19 A. Correct.

20 Q. Are you familiar with the fact that Donte Allen  
21 had provided a recorded statement to the Baltimore Police  
22 Department?

23 A. Yes.

24 Q. Did you review or listen or read a transcript  
25 of that statement?



1           A.    No.  But I had multiple people tell me what the  
2           recording said.

3           Q.    Well --

4           A.    And they all agreed, depending on -- it didn't  
5           what the source was, who was telling me, so I didn't feel  
6           it was -- since it wasn't in the group of witness  
7           statements that I received, I didn't feel it was  
8           necessary to try to obtain that.

9           Q.    Well, the last person to be in the physical  
10          proximity with Freddie Gray from the time that he's in  
11          the wagon --

12          A.    Mmm-hmm.

13          Q.    -- at Stop 5, at 1600 West North Avenue, and  
14          between there and getting to the Western District on  
15          Mosher Street, there was one person, other than Officer  
16          Goodson, who was in the van, and who was that?

17          A.    Mr. Allen.

18          Q.    And you reviewed the statements of all the --  
19          the recorded statements of all the officers; correct?

20          A.    Correct.

21          Q.    But you thought -- did anybody ever give you  
22          some information about Donte Allen that made you choose  
23          not to --

24          A.    No.

25          Q.    -- review the statement?



1           A.    I first heard about it on the -- Mr. Allen's  
2 statement, thought I didn't know it was Mr. Allen because  
3 I didn't -- they didn't tell me his name, by -- on the  
4 day of the autopsy because the police officers were --  
5 told me about that.

6           I then heard about it in the subsequent --  
7 well, the next two, three -- three times that I met with  
8 the police.

9           And then I heard about it when I -- and it was  
10 repeated to me in exactly the same of what Mr. Allen had  
11 said in reference to the sounds that he heard from  
12 Freddie Gray's compartment by the State's Attorney's  
13 Office.

14           So it was at this point, I mean, I heard it  
15 from at least five or six different people, and they told  
16 me it in exactly the same words. So I didn't feel that  
17 it was necessary for me to actually sit down and watch  
18 Mr. Allen say exactly the same thing.

19           Q.    Although he was the last -- the only person,  
20 other than Officer Goodson, who --

21           A.    Right. And he did not see him.

22           Q.    He heard him.

23           A.    He heard him.

24           Q.    Now --

25           A.    Supposedly -- mmm-hmm.



1 Q. Used another sensory perception to assess what  
2 he thought went on; right?

3 A. The witness statement -- yeah. This is --

4 Q. Excuse me? You said no he didn't use  
5 another --

6 A. No, no, no. I was going to go on and explain,  
7 but then I decided --

8 THE COURT: No, you aren't.

9 THE WITNESS: -- I wasn't --

10 THE COURT: No, you weren't.

11 THE WITNESS: I learned.

12 BY MR. MURTHA:

13 Q. Donte -- so you do know the substance of Donte  
14 Allen's statement; right?

15 A. Yes, I do.

16 Q. Donte Allen actually said that he heard what  
17 appeared to be Mr. Grey striking his head as if he wanted  
18 to hurt himself; correct?

19 A. Yes.

20 Q. Four or five times he -- he heard this -- do  
21 you know if he demonstrated that to the police? Did they  
22 explain that to you when you spoke to them?

23 A. No.

24 Q. Would it have been important if a witness  
25 demonstrated to the police what it is that he thought he



1 heard?

2 A. Well, I can tell you when I was in the van --

3 THE COURT: That's not a response, ma'am.

4 THE WITNESS: Okay. All right. Actually, no,  
5 I didn't feel that it was necessary.

6 BY MR. MURTHA:

7 Q. And that's because you had concluded that  
8 whatever happened, happened between Stops 2 and 4. And  
9 whatever Mr. Allen heard could have been something that  
10 affected your decision; right?

11 A. I'm sorry? Could you repeat that?

12 Q. Well, you decided that, although there's not  
13 any physical evidence --

14 THE COURT: Question.

15 MS. BLEDSOE: Objection, Your Honor.

16 THE COURT: I got it. I got it.

17 Question.

18 Mr. Murtha, look at me and listen. Do not  
19 testify. Ask question of the witness.

20 MR. MURTHA: Yes, Your Honor.

21 THE COURT: And both sides, when you object,  
22 simply object. I don't want to hear anything else unless  
23 I ask for something else.

24 MR. MURTHA: Yes, Your Honor.

25 THE COURT: Thank you.



1                   You may continue.

2                   MR. MURTHA: Thank you.

3                   BY MR. MURTHA:

4                   Q. You had decided that whatever injury was  
5 sustained by Mr. Gray was sustained between Stops 2 and  
6 4.

7                   A. Yes.

8                   Q. And whatever Donte Allen said would not effect  
9 your decision.

10                  A. Correct.

11                  Q. Because you had determined that Mr. Gray has  
12 sustained, as you would describe it, a high energy injury  
13 most often caused by abrupt deceleration of a rotated  
14 head and a hyperflex neck, such as seen in shallow water  
15 diving incidents; correct?

16                  A. That's what I said.

17                  Q. And how -- the timing of the injury you have  
18 concluded occurred between Stops 2 and 4; correct?

19                  A. Yes.

20                  Q. And your belief is speculative; correct?

21                  A. It's based on the witness statements and the  
22 medical evidence.

23                  Q. What --

24                  A. So it is not based on -- on direct observation.

25                  Q. Who provided information that Freddie Gray was



1 in any position other than laying on his stomach between  
2 seats -- Stops 2 and 4?

3 MS. BLEDSOE: Objection.

4 THE COURT: Overrule.

5 THE WITNESS: There's no evidence. There was  
6 no witness in the van that could say anything other than  
7 at those three stops he was in -- in -- face down with  
8 his head facing the van.

9 BY MR. MURTHA:

10 Q. But you've developed this theory about how it  
11 happened; right?

12 A. It is -- it is a -- it doesn't --

13 Q. It's a theory.

14 A. A theory based on the witness statements of Mr.  
15 Gray's behavior and the medical evidence of his injury.

16 Q. So you believe that somehow between Stops 2 and  
17 4, I mean, this is -- there's --

18 THE COURT: Question.

19 MR. MURTHA: Yes, Your Honor.

20 BY MR. MURTHA:

21 Q. You say that possibly before the third stop;  
22 correct? Possibly.

23 A. Correct.

24 Q. When a video showed the driver stopping,  
25 stepping out, and looking in the back of van; correct?



1           A.    That's what it says.

2           Q.    So your belief the mechanism of the injury is  
3 you say, this is literally what you're opinion is; right?  
4 "Due to the size of the van, because he was not belted  
5 with the safety belts that were present in the van, when  
6 Mr. Gray decided to get out of the position the police  
7 placed him in, he would have been hunched over. And  
8 because of the obstructed view of the roadway, would have  
9 had trouble anticipating the van's motion. As a result,  
10 he was at risk for an unsupported fall during  
11 acceleration or deceleration of the van."

12                   Do you have any evidence that there was rapid  
13 acceleration or deceleration of the van other than your  
14 belief that it just happened?

15           A.    I have no evidence because there were no  
16 witnesses. As I said, my opinion as to how Mr. Gray was  
17 injured is based on the witness statements of his  
18 condition at each stop where it was assessed, and the  
19 injuries that I found at autopsy, and the injuries that  
20 were documented in the hospital.

21           Q.    So -- but your assessment is a theory; correct?

22           A.    It is based -- there is no witnesses, so --

23           Q.    It's a theory.

24           A.    -- it is a theory. However, I think it --

25           THE COURT: Ma'am. Ma'am. There is no



1           however, just --

2                   THE WITNESS:   Okay.

3                   THE COURT:   He'll ask you another question.  I  
4           promise he'll ask you another question.

5                   Answer the question.

6                   BY MR. MURTHA:

7                   Q.   So you've actually sort of made up this thing  
8           that you're calling evidence.

9                   A.   I didn't call it evidence.

10                  Q.   Well, what you have concluded is based on what  
11           you believe happened; right?

12                  A.   No.  It's -- well, I do --

13                  Q.   Well, you --

14                  A.   I do believe it.  I do believe it.

15                  Q.   Then that's all I was asking.

16                  A.   Okay.

17                  Q.   You believe somehow that Mr. Gray, who's lying  
18           face down with handcuffs behind his back and shackles,  
19           face down in the van, somehow gets up and because the  
20           compartment isn't that big he's hunched over; right?  
21           He's hunched over, and he has his shackles on, and he's -  
22           - he's handcuffed; right?

23                         So he's sort of -- and I'm hunched over, I have  
24           my hands behind my back, and my leg are -- my feet are  
25           apart.  So he would have no ability to completely move or



1 hold on to something; correct?

2 A. That's correct.

3 Q. And your belief is that there was some rapid  
4 deceleration or acceleartion that would have caused his  
5 body to jerk in response; correct?

6 A. Yes.

7 Q. He might have fallen backwards, but when he --  
8 in order for this injury to occur, there has to be a  
9 turning of the neck to the left; correct?

10 A. It's slightly rotated, yes.

11 Q. Slightly rotated with the chin touching the  
12 chest typically; correct?

13 A. No. Not necessarily.

14 Q. Or could it just be that you're believing that  
15 he was then thrust into the wall of the van?

16 A. Depending -- it depends on where his position  
17 was --

18 Q. But you don't know.

19 A. If -- if he was -- yeah. If he stood up, which  
20 is possibhle given the constraints of the van. I mean, I  
21 could do it if I was on the floor. It would have been  
22 possible.

23 Q. Did you try it?

24 A. The floor was pretty dirty.

25 Q. Well, wait a second.



1 A. Because --

2 Q. Wait a second. You said you could do it.

3 A. Yes, I could.

4 Q. You went and looked at the van; right?

5 A. Yes.

6 Q. Well, why didn't you ask the police officers

7 that were there, who were completely cooperative, do me a

8 favor, can you put flex cuffs on me. Can you put

9 shackles on me. And can you clean the floor first.

10 A. Yeah.

11 Q. Or at least put something down there. And let

12 me replicate what it is that I believe happened; did you

13 do that?

14 A. No.

15 Q. Did you ask for anybody to replicate it?

16 A. No. Because I looked at the inside of the van,

17 and I knew it was possible.

18 Q. Are you a biomechanical engineer?

19 A. No. But --

20 Q. Eeh. That's all I'm asking.

21 A. Okay.

22 Q. Because that's a different science than

23 forensic pathology; correct?

24 A. It has connections with forensic pathology.

25 They often use our findings in their analysis.



1           Q.    So somehow you believe that Mr. Gray gets up --  
2    did you ever ask if there were any software programs  
3    installed in the vehicle that would produce -- like a  
4    black box?

5           A.    I did.

6           Q.    Was there one?

7           A.    No.   Not the -- not which would tell  
8    acceleration or deceleration or anything like that.

9           Q.    Did you ever ask, because you had access to  
10   everything, that -- because you said you saw the one  
11   video at Mosher Street; right?

12          A.    I saw the still photograph from that.

13          Q.    Do you know, in your experience in preparing  
14   this case, whether or not the police officers recorded  
15   whatever they could as far as from beginning to end, as  
16   far as the travel or the route of the wagon?

17          A.    Recorded how?

18          Q.    Where, when?

19          A.    By what means? I'm not sure I understand what  
20   you mean by how they recorded.

21          Q.    Well, did you ever ask, you know, I know there  
22   was no black box, but was there another way you could  
23   calculate it? Like could you access the CCTV, the Close  
24   Circuit Television, and then time how long it took to get  
25   from the first stop to the Western District?



1 MS. BLEDSOE: Objection, Your Honor.

2 THE COURT: Sustained.

3 THE WITNESS: I know --

4 THE COURT: Well, ma'am. Ma'am, when I say  
5 sustained you don't --

6 THE WITNESS: Oh, I'm sorry.

7 THE COURT: I know it's a shock here, but just  
8 -- next one.

9 BY MR. MURTHA:

10 Q. So there was no mechanism that was either  
11 available or created to determine whether the vehicle  
12 rapid accelerated or decelerated; correct?

13 A. That is correct.

14 Q. So your belief that the vehicle rapidly  
15 accelerated or decelerated is based on your conclusion  
16 that that's what happened -- had to happen; right?

17 A. Based on the assessment of what kind of energy  
18 impact that fracture -- this -- Mr. Gray's injury  
19 occurred, and based on his -- the assessment -- excuse  
20 me, at every stop and the medical findings that I found  
21 at autopsy, and in the hospital.

22 Q. And then, despite the fact that he got up,  
23 twisted around, in absolute --

24 THE COURT: Sustained.

25 BY MR. MURTHA:



1 Q. He had no control of his body is what you're  
2 saying?

3 MS. BLEDSOE: Objection, Your Honor.

4 THE COURT: Sustained.

5 BY MR. MURTHA:

6 Q. He landed in the same position that he started  
7 in?

8 MS. BLEDSOE: Objection.

9 THE COURT: Ask a question.

10 BY MR. MURTHA:

11 Q. Did he, based on your -- on the evidence in  
12 this case, did he land in the same position that he  
13 started in at Stop 2, when he landed on the floor at Stop  
14 4 after your speculative conclusion?

15 A. He was found face down on the van with his head  
16 facing the front of the van.

17 Q. And you would agree that he was able to talk to  
18 Officer Porter; correct?

19 A. He was able to respond to questions.

20 Q. And you watched Officer Porter's recorded  
21 statement.

22 A. I did.

23 Q. Officer Porter said he assisted him up;  
24 correct?

25 A. No. He actually said he put -- he picked him



1 up.

2 Q. Well, you --

3 A. I know, I have it in my report as being  
4 assisted. But I --

5 Q. Well --

6 A. Assisted to me is the same as being picked up.

7 Q. So for the purpose of your testimony when  
8 someone says assist it equals picked up.

9 A. I think the -- the -- the mechanism was the  
10 same. It does not inter -- it does not assume that Mr.  
11 Gray was helping. That definitely was not implied in the  
12 assist. Is that Mr. -- that Officer Porter was assisting  
13 Mr. Gray.

14 A. That's -- that's your conclusion, but you never  
15 followed up and asked any questions, like, hey, Officer  
16 Porter, was he able to, like, use his legs to stabilize  
17 himself to get on the bench?

18 A. The constraints on the Assistant Medical  
19 Examiners in a case that is suspicious -- a police  
20 involved and a suspicious death is that we do -- we don't  
21 interview those that are involved.

22 We interact with the detectives that are  
23 assigned to investigate.

24 Q. And they were completely cooperative; correct?

25 A. They were cooperative; yes.



1 Q. So you could have -- now, was Detective Corey  
2 also whom you met with; right?

3 A. Yes.

4 Q. At that time Major, now Colonel Brandford;  
5 correct; if you recall?

6 A. Yes.

7 Q. Detective Teel also; correct?

8 A. Correct.

9 Q. Was it Sergeant Gaines, was he another one who  
10 you met with?

11 A. No.

12 Q. If you recall?

13 A. No.

14 Q. So you could have -- but since they were  
15 completely cooperative, if you had a question, hmm, did  
16 he assist or did he pick up, could you have asked the  
17 detective to go back and ask Officer Porter to be more  
18 specific in regard to his physical interaction with Mr.  
19 Gray at Stop 4?

20 A. I probably could have.

21 (Phone noise.)

22 BY MR. MURTHA:

23 Q. And you didn't?

24 A. Nope.

25 THE COURT: Ladies and gentlemen, let me be



1 very, very clear. I have stated, my sheriffs have  
2 stated, do not have any electronic devices on whatsoever.  
3 I do not want to have to clear this courtroom, ladies and  
4 gentlemen. But, again, if you can't follow the rules,  
5 you will be escorted out, anyone and everyone. No one is  
6 excluded from this Court's ruling.

7 I am sorry, Mr. Murtha. You may continue.

8 MR. MURTHA: Thank you, Your Honor.

9 BY MR. MURTHA:

10 Q. So in your report, you actually write: If the  
11 motion, acceleration/deceleration, of the van was abrupt  
12 enough, given the confined space in the vehicle, it is  
13 possible -- it is possible that this neck injury occurred  
14 with him in a partially reclining position or as he was  
15 changing his position in the floor of the van; correct?

16 A. That's what it says.

17 Q. So there's a if; correct? If. If the motion,  
18 deceleration, of the van occurred, that would have to  
19 happen in order for your conclusion to be correct; right?

20 A. That is true.

21 Q. And it is possible but not conclusive that the  
22 neck injury occurred in the manner that you have  
23 described; correct?

24 A. That is correct.

25 Q. You then indicate that the reported kicking



1 heard after the fourth stop would have not been possible,  
2 however a seizure resulting from decreased oxygen  
3 supplied to the brain may have caused the banging noise  
4 reportedly heard from Mr. Gray's compartment; is that  
5 correct?

6 A. That's in my report, yes.

7 Q. You, even though you might take exception to  
8 this, if it was a complete compression, pinch, a  
9 transection below C4, the limbs would not be working;  
10 right?

11 A. That's true.

12 Q. I mean, it's almost like simplifying it for my  
13 own understanding, if there's electric, if there's a  
14 switch on the wall, but someone has cut the cord, you  
15 flip on the switch, no message is going to the rest of  
16 the body; correct?

17 A. It's actually a very good analogy.

18 Q. So a person who may be -- who may have suffered  
19 the consequence of a complete transection or compression,  
20 their lower extremities, their limbs, would not receive  
21 the message to kick?

22 A. That's correct. That's why I said that he  
23 would not have been able to hear kicking.

24 Q. So it is your suggestion that Donte Allen  
25 didn't hear what he said he heard?



1           A.   Well, he wasn't in the same compartment with  
2   Mr. Gray.  He may have heard banging, and that does not  
3   mean that he did not have a seizure.  Because just  
4   because he can't move his arms and his legs, he could  
5   still move his head.

6           And in a seizure, everything -- I mean, the  
7   typical view of a seizure is everything is moving.  But  
8   if it's paralyzed, the things that will move will move --

9           Q.   Would be his head?

10          A.   Will be his head.  Head and neck.

11          Q.   Because you've already testified above C4 and  
12   C5 would move; right?

13          A.   Above C4.

14          Q.   C4.  Excuse me.

15          A.   It's between C5 and C4.  C4 and above.

16          Q.   And so your opinion though isn't that it was  
17   purely as a result of not being seatbelted though;  
18   correct?

19               MS. BLEDSOE:  Objection, Your Honor.

20               THE COURT:  Sustained.

21               BY MR. MURTHA:

22          Q.   Well, you actually say that safety equipment  
23   was available, but not used; correct?

24          A.   Yes.

25          Q.   And part of what you base your opinion on is



1       you consider a General Order; is that correct?

2           A.     Actually, two of them.

3           Q.     Now, are you familiar with the fact that  
4       General Orders vary from jurisdiction to jurisdiction,  
5       from Baltimore County to Harford County to Baltimore  
6       City?

7           A.     Yes.

8           Q.     So assume for the purpose of answering this  
9       question that there's a General Order that addresses  
10      seatbelting in Baltimore City, but there's not one in  
11      Baltimore County.

12           MS. BLEDSOE:  Objection, Your Honor.

13           THE COURT:  Overruled.

14           BY MR. MURTHA:

15           Q.     If a officer who isn't subject to the General  
16      Order of Baltimore County has the same result as in this  
17      case, but there was no General Order, you would say that  
18      that would not be a homicide; is that correct?

19           A.     No, that's not correct.

20           Q.     Well, the National Association of Medical  
21      Examiners in its literature suggest that you not  
22      interpret statutes; is that correct, or legal laws for the  
23      purpose of making a determination of what the manner of  
24      death is; is that correct?

25           A.     That is correct.



1 Q. But in this case, you -- did you go online and  
2 look for a General Order?

3 A. I did.

4 Q. So, in fact, whatever you considered you didn't  
5 even get from the Police Department or from a member of  
6 the State's Attorney's Office; correct?

7 A. That's correct.

8 Q. So did you just Google General Order, Baltimore  
9 City Seatbelts?

10 A. General Orders basically in handling of people  
11 in custody.

12 Q. And you probably found a bunch of them; right?

13 A. I did.

14 MS. BLEDSOE: Objection, Your Honor.

15 THE COURT: Overruled.

16 BY MR. MURTHA:

17 Q. For different jurisdictions?

18 THE COURT: Sustained.

19 MS. BLEDSOE: Thank you.

20 BY MR. MURTHA:

21 Q. And so even though the National Association of  
22 Medical Examiners suggest that you not interpret statutes  
23 and legal documents in making a determination, you  
24 actually chose to do that; correct?

25 A. Well, you're kind of mis-interpreting the



1 National Association of Medical Examiners and when  
2 they're talking about determination of manner of death  
3 because it states that you need to know what the rules  
4 are.

5 Sports-related deaths are the best example for  
6 this is that there are rules that are suppose to be  
7 followed in sports to prevent injuries and if those rules  
8 are broken and a death occurs, like, I mean, you need to  
9 know those. So it's the same. I look at it the same way  
10 with here. I had to know what are the rules that govern  
11 the care of a prisoner that's being transported by the  
12 police, and so kind of, I call them the rules of  
13 engagement.

14 Q. Well, are you familiar with that the written  
15 directives developed by the Police Department are for  
16 internal use only and do not enlarge an officer's civil  
17 or criminal liability in any way?

18 MS. BLEDSOE: Objection.

19 THE COURT: Overruled.

20 BY MR. MURTHA:

21 Q. Are you familiar with that?

22 A. No, I'm not.

23 Q. Would it have been important maybe before you  
24 went on the internet and accessed the General Order to  
25 maybe consult with one of the very cooperative members of



1 the Baltimore Police Department and determine whether or  
2 not a policy, rather than a General Order, was in place  
3 and what, if any, discretion an officer had in making the  
4 determination of what to do with a situation?

5 A. No.

6 MS. BLEDSOE: Objection, Your Honor. Can we --

7 THE COURT: No. Overruled. And no, you can't  
8 approach.

9 BY MR. MURTHA:

10 Q. But there were plenty of police officers that  
11 were available to you to actually help you in making that  
12 determination; correct?

13 A. You're -- I think the issue is that --

14 Q. Actually, I --

15 A. -- I don't have a legal --

16 THE COURT: Ma'am?

17 THE WITNESS: All right. Answer the question.

18 THE COURT: He asked you a very specific  
19 question.

20 THE WITNESS: Could you repeat it, please?

21 BY MR. MURTHA:

22 Q. Sure. Despite the fact that there were many  
23 cooperative police officers available from the Police  
24 Department to assist you in whether -- in determining the  
25 General Order policy, you never asked for their



1 assistance?

2 A. No.

3 Q. And so in the end, you concluded that it was a  
4 homicide and you inserted in there that there was a  
5 foreseeability component; correct?

6 A. Foreseeability from the medical examiner point  
7 of view versus the legal, or definition. There's -- we  
8 use the same terms, but they have different meanings for  
9 what we do.

10 Q. Because you said it wasn't an accident because  
11 the fact that there was seatbelting available was  
12 foreseeable; correct?

13 A. It was called an accident, which is not called  
14 -- it was not called an accident.

15 Q. It should have been; right?

16 A. No.

17 MS. BLEDSOE: Your Honor, objection.

18 THE COURT: Sustained. Mr. Murtha, that may be  
19 your last time. You testify again I will hold you in  
20 contempt. Have I made myself clear, Mr. Murtha?

21 MR. MURTHA: Yes, Your Honor.

22 THE COURT: Thank you very much. Ask an  
23 appropriate question. Do not testify again in my  
24 courtroom.

25 MR. MURTHA: Yes, Your Honor.



1 BY MR. MURTHA:

2 Q. Do you have any facts that you can tell the  
3 ladies and gentlemen of the jury about, about anything  
4 that's documented between Stops 2 and 4 that Freddie Gray  
5 moved in any way, any fact, any information, at all?

6 MS. BLEDSOE: Your Honor, this is the sixth  
7 time it has been asked.

8 THE COURT: Ma'am?

9 MS. BLEDSOE: Objection.

10 THE COURT: How clear was I on say "objection"  
11 and I will rule?

12 MS. BLEDSOE: Objection.

13 THE COURT: Overruled. Answer the question,  
14 please.

15 THE WITNESS: Other than he was injured, no.

16 BY MR. MURTHA:

17 Q. And you agree that if Officer Goodson had taken  
18 Mr. Gray to the hospital upon Officer Porter telling him  
19 to do so, you would not have ruled this a homicide;  
20 correct?

21 A. If he had gotten prompt medical attention, it  
22 would not have been a homicide.

23 Q. As directed by Officer Porter?

24 A. Based on his recorded statement.

25 MR. MURTHA: Court's indulgence, Your Honor.



1 THE COURT: Certainly.

2 (Brief pause.)

3 MR. MURTHA: No further questions, Your Honor.

4 THE COURT: We'll take about a five-minute  
5 break, ladies and gentlemen. We'll come in about five or  
6 ten minutes. All rise for the jury.

7 (Whereupon, the jury was excused from the  
8 courtroom at 11:55 a.m.)

9 THE COURT: Thank you. You may be seated.  
10 Counsel, approach.

11 (Whereupon, counsel and the defendant  
12 approached the bench, and the following ensued:)

13 MS. BLEDSOE: So, Judge, we have a very bad  
14 scheduling problem at this point. Our expert is here  
15 today. So -- and we need to get him on.

16 THE COURT: Okay.

17 MS. BLEDSOE: What I'm asking is that we take  
18 his testimony, and that we do the rebuttal and the cross  
19 of the rebuttal on Dr. Allan after we do Dr. Soriano.

20 THE COURT: Do you care?

21 MR. MURTHA: Only that it's being called  
22 rebuttal. I would assume that it's actually redirect.

23 MS. BLEDSOE: Sure. Yes, redirect.

24 THE COURT: I think that would be correct,  
25 yeah. But beyond that, do you care.



1 MS. BLEDSOE: So redirect.

2 MR. MURTHA: Your Honor, whatever works for the  
3 Court's scheduling.

4 THE COURT: Well, it doesn't -- again, just  
5 because I sound cross with you, because I have to be  
6 sometimes, but again if you don't --

7 MR. MURTHA: Look, I think it's a professional  
8 courtesy and having read the rules of civility for the  
9 Baltimore Bar Association, I should say yes, I would  
10 defer to my learned counsel about putting the witnesses  
11 on.

12 THE COURT: All right, fine. Again, if you can  
13 work it out, that's fine. So what -- how much time do  
14 you need for this particular witness?

15 MR. SCHATZOW: I would hope that the direct is  
16 going to be about an hour --

17 (Whereupon, the testimony of Carol Allan, M.D.,  
18 was interrupted at 11:57 a.m., to take the testimony of  
19 another witness out of turn, and the testimony of Carol  
20 Allan, M.D., resumed at 3:23 p.m.)

21 THE CLERK: All rise.

22 THE COURT: Thank you, everyone. You may be  
23 seated. You all can have a seat. I'm sorry.

24 (Brief pause.)

25 (Whereupon, the jury returned to the courtroom



1 at 3:24 p.m.)

2 THE COURT: Okay. Now, everyone can be seated.

3 Remind the witness.

4 Whereupon,

5 CAROL ALLAN, M.D.,

6 a witness re-called on behalf of the State, having  
7 previously been duly sworn, was examined and testified as  
8 follows:

9 THE CLERK: You're reminded that you're under  
10 oath. State your name for the record.

11 THE WITNESS: Dr. Carol Allan.

12 THE COURT: You may proceed.

13 MS. BLEDSOE: Thank you.

14 REDIRECT EXAMINATION

15 BY MS. BLEDSOE:

16 Q. Dr. Allan, do you recall the defense showing  
17 you what's been marked as Defense Exhibit Number 7 for  
18 identification purposes? I'm just going to show it to  
19 you just so you're familiar with what it was.

20 A. Yes.

21 Q. Okay. Now, does that document discuss manner  
22 of death?

23 A. There is a definition of manner of death, and  
24 it also -- part of the duties of a medical examiner is to  
25 determine -- have an opinion as to manner of death, so it



1 does discuss it in those terms.

2 Q. Is there another document that goes into more  
3 detail about what the guidelines are for manner of death  
4 for forensic pathologists?

5 A. Yes.

6 Q. Okay. And do you have that document with you?

7 A. Actually, I only have excerpts of it because  
8 for some reason you can't download it off the web  
9 anymore.

10 Q. Okay.

11 A. Easily.

12 Q. Can you explain to the jury what that document  
13 would do?

14 A. Okay. So that document is the guidelines.  
15 It's called A Guide for Manner of Death Classification  
16 for the National Association of Medical Examiners. It  
17 was a -- kind of a provisional document in 2001, and then  
18 it was approved in 2002, and has been ratified since.

19 Q. Now, I'm going to show you what's been marked  
20 just for ID purposes as State's Exhibit Number --

21 THE CLERK: 67.

22 BY MS. BLEDSOE:

23 Q. -- 67.

24 THE COURT: What is it for the record, ma'am?

25 MS. BLEDSOE: It's the document that Mr. Murtha



1 was referring to. It's the --

2 THE COURT: Does it have a name?

3 MS. BLEDSOE: Yeah, it does. It's the Manner  
4 of Death Guidelines put out by NAMES.

5 THE COURT: Thank you.

6 MS. BLEDSOE: And just for ID purposes.

7 THE COURT: I understand.

8 (State's Exhibit Number 67 was  
9 marked for identification.)

10 BY MS. BLEDSOE:

11 Q. Okay. All right. Now, I'm going to show you  
12 what's been marked as State's Exhibit Number 67 just for  
13 ID purpose. Would you just take a look at this and ID  
14 it?

15 A. Yes.

16 Q. Is that the document that you're referring to?

17 A. Yes.

18 Q. Now, according to the National Association of  
19 Medical Examiners, they publish a guideline for manner of  
20 death; is that fair to say?

21 A. Yes.

22 Q. Okay. And in that guideline, can you describe  
23 what judgment you're allowed to have? What discretion do  
24 they give you?

25 A. As much as you need or want.



1           Q.    Okay.  And are there particular standards that  
2 are not guidelines?

3           A.    Yes.

4           Q.    Okay.  Can you tell the -- can you tell the  
5 jury what the difference between the standard and the  
6 guideline is because I think Mr. Murtha asked you about  
7 that?

8           A.    Yes.  So standards are set -- are -- there are  
9 rules.  Rules of how you would conduct an autopsy for  
10 both consistency and in -- and the reason why there are  
11 standards is because if everyone follows these standards,  
12 it means that a forensic autopsy will be performed at a  
13 level that is trustworthy and will get at the answers  
14 that -- to the questions that are being addressed in a  
15 forensic autopsy.

16                   And it's so that a forensic autopsy that's  
17 performed in the Office of the Chief Medical Examiner in  
18 Maryland is comparable to a forensic autopsy that is  
19 being produced in -- or is being conducted in the Office  
20 of the Medical Examiner for the City of New York.

21           Q.    All right.  And in terms of guidelines, is that  
22 when you get to use your judgment?

23           A.    Yes.

24           Q.    Okay.  And do they tell you about a good  
25 judgment, a bad judgment, a right judgment, or wrong



1 judgment?

2 A. No.

3 Q. Okay. So they give you discretion in terms of  
4 your judgment?

5 A. Yes.

6 Q. Okay. Now, those guidelines are published by  
7 what organization?

8 A. The National Association of Medical Examiners.

9 Q. Now, is Dr. Fowler a member, if you know, of  
10 the National Organization of Medical Examiners?

11 A. Actually, he's the president for 2016.

12 Q. Okay.

13 A. He's the vice president for 2015.

14 Q. And that would be the same Dr. Fowler that  
15 signed the -- your autopsy report; is that correct?

16 A. Yes.

17 Q. All right. And did you have occasion to  
18 discuss this case with Dr. Fowler?

19 A. Yes.

20 Q. Okay. And did you have occasion to discuss  
21 your opinions and your findings with Dr. Fowler?

22 A. Yes.

23 Q. And then it was Dr. Fowler who signed off as  
24 reviewing your report; right?

25 A. Yes.



1           Q.    Now, do you recall Mr. Murtha asking you about  
2   classifications that are different in different states?

3           A.    Yes.

4           Q.    All right. Can you explain or give an example  
5   of how a classification in the manner of death is  
6   different from one state to another state?

7           A.    All right. So probably the most basic one and  
8   the one that can cause the most grief is the kind of the  
9   hunting incident, where somebody is out hunting, aims a  
10   gun, and shoots what he thinks is a deer, and it ends up  
11   being a person.

12                    So in Maryland -- and this is Maryland's Office  
13   of the Chief Medical Examiner. And, again, this Manner  
14   of Death Classification is not a legal pronouncement.  
15   It's called a homicide because it's a volitional act,  
16   without the intent to harm, but it's a volitional act  
17   that ends in the death of an individual.

18                    Because the person who pulled the trigger of  
19   the gun, the gun is a weapon; it's designed to injure.  
20   And so when it's fired, and somebody is injured, it's not  
21   an unforeseen event. It's not an accident that somebody  
22   dies, but does not have an intent to kill them, unless  
23   the investigation proves otherwise.

24                    But, generally, those hunting incidents, and it  
25   would be called an accident if the gun misfired. Let's



1 say he -- there's something wrong with the gun. They  
2 dropped the gun. It misfires. And somebody is injured.  
3 That's different. So but if somebody fires the gun,  
4 aiming to injure something, and a person is killed, then  
5 it's a homicide. Whereas in many other states, those are  
6 called -- the hunting incidents are called accidents.

7 Q. So to just be clear, in Maryland you call the  
8 hunting incidences homicides?

9 A. Correct.

10 Q. Other states, probably Texas, call them  
11 accidents?

12 A. Correct.

13 Q. Okay. Now, Mr. Murtha asked you about  
14 information concerning any preexisting injury that Mr.  
15 Gray had had. Do you remember him asking about that?

16 A. Yes.

17 Q. Okay. At your first meeting with Baltimore  
18 Police Department, do you recall that date?

19 A. The -- at the --

20 Q. At the very first meeting with the --

21 A. The autopsy. The day of autopsy, 4-20.

22 Q. Okay. Was any information given to you from  
23 BPD at that meeting about any preexisting injury to Mr.  
24 Gray?

25 A. No.



1 Q. Okay. Did there come a time when any  
2 information when BPD was given to you or relayed to you  
3 about any preexisting condition?

4 A. No. Somebody -- I was asked if I saw any  
5 evidence at autopsy of a preexisting condition.

6 Q. Okay. And at the autopsy, did you see any  
7 preexisting condition to Mr. Gray's spinal cord?

8 A. No.

9 Q. I'm sorry. I didn't hear it with the door.

10 A. No.

11 Q. Okay. How about his spinal column?

12 A. Based on what was left, no.

13 Q. Okay. And when you say based on what was left,  
14 is that because of the medical interventions?

15 A. Correct.

16 Q. Okay. The medical interventions to his spinal  
17 column were -- can you describe the location of where  
18 that would be on his column?

19 A. Yes. It was in the cervical column, in the  
20 neck, and they had removed the posterior elements of C3  
21 through C6.

22 Q. Okay.

23 A. And put plates in.

24 Q. So below C3, below C3, was there any medical  
25 intervention to his spinal column?



1           A.    Between C3 and C6.

2           Q.    Below -- I'm sorry.  Below C6, was there any  
3 medical intervention below C6?

4           A.    No.

5           Q.    All right.  So in terms of his spinal column,  
6 is it fair to say that his thoracic spinal column was  
7 intact?

8           A.    Very good.  Yes.

9           Q.    Fine.  Okay.  And what would the level be below  
10 thoracic?

11           MR. MURTHA:  Lumbar.

12           THE WITNESS:  Lumbar.

13           MS. BLEDSOE:  Lumbar.  Thank you, Mr. Murtha.

14           THE WITNESS:  That was fine.

15           MR. MURTHA:  And then sacral.

16           BY MS. BLEDSOE:

17           Q.    Okay.  And then sacral?

18           A.    Yes.

19           Q.    Okay.

20           A.    It was fine.

21           Q.    Everything in his -- below his C6 was fine?

22           A.    Correct.

23           Q.    Okay.  Do you recall Mr. -- I'm sorry.  And not  
24 only did you observe his spinal column, but you would  
25 also have observed the muscles and the tissues connected



1 to the spinal column; is that fair to say?

2 A. Yes.

3 Q. And then, again, you would have observed  
4 anything below C6 in terms of his muscles and his tissues  
5 also; is that correct?

6 A. That is correct.

7 Q. Okay. So you did a complete examination of his  
8 muscles, his tissues, his bones, his spinal cord; is that  
9 fair to say?

10 A. Yes. In this type of autopsy, the deep soft  
11 tissues are examined all over.

12 Q. Okay. So just so the jury knows what a soft  
13 tissue -- what are you referring to when you say soft  
14 tissue?

15 A. Okay. Well, everything, other than bony  
16 cartilage, is really soft tissue. But in this case, the  
17 skin, the subcutaneous fat, and the muscle that's  
18 underlying that, all of that is soft tissue.

19 Q. Other than the medical procedures, which you've  
20 already described, was there any soft tissue injuries to  
21 Mr. Gray's -- to the tissue connecting Mr. Gray's spinal  
22 column and spinal cord?

23 MR. MURTHA: Objection.

24 THE COURT: Sustained.

25 BY MS. BLEDSOE:



1 Q. What, if any, injuries did you notice  
2 concerning soft tissue injuries?

3 MR. MURTHA: Objection.

4 THE COURT: Sustained.

5 BY MS. BLEDSOE:

6 Q. Did you examine his soft tissue injuries?

7 MR. MURTHA: Objection.

8 THE COURT: Sustained.

9 BY MS. BLEDSOE:

10 Q. If there was a preexisting condition, would you  
11 be able to determine how that would affect tissues and  
12 muscles?

13 A. It depends on what the preexisting condition  
14 was.

15 Q. And you had an opportunity to observe obviously  
16 the tissues and the muscles in his entire body; right?

17 A. Yes. And --

18 Q. No. That's all right. Just yes or no is good.

19 Do you remember Mr. Murtha talking to you or  
20 asking you questions about the exact position of Mr.  
21 Gray's body at -- of Mr. Gray at Baker and Mount?

22 A. Yes.

23 Q. Okay. Now, you don't know his exact position,  
24 do you?

25 A. No.



1 Q. Okay. Was his position described to you  
2 through Officer Porter's statement?

3 A. Yes.

4 Q. And was his position described to you through  
5 other officers' interviews?

6 A. Yes.

7 Q. And was his position described to you through  
8 other either videos or other information that you  
9 collected?

10 A. The position -- Mr. Gray's position in the van  
11 was through the recorded witness statements. The video  
12 didn't show him inside the van.

13 Q. Okay. So do you remember Mr. Murtha asking you  
14 about whether you knew that the van was rocking or not?

15 A. Yes.

16 Q. Okay. So what evidence do you have that Mr.  
17 Gray was either standing or up off the ground in the van  
18 at Baker and Mount?

19 A. The only is that the van was rocking.

20 Q. Okay. And I know you -- what was the reason  
21 you didn't want to go into the van?

22 MR. MURTHA: Objection.

23 THE COURT: Overruled.

24 BY MS. BLEDSOE:

25 Q. Do you remember Mr. Murtha asking you about



1           whether you actually went into the van or not, the wagon?

2           A.    I did go into the van.

3           Q.    Okay. Did you actually try to rock the van?

4           A.    I banged on the wall, yeah.

5           Q.    Okay. All right. And did you -- remember Mr.  
6           Murtha did this whole demonstration about being down on  
7           the floor?

8           A.    Yes.

9           Q.    Do you recall that?

10          A.    Yes.

11          Q.    Okay. Can you explain to the jury why you  
12          didn't go down on the floor and do what Mr. Murtha had  
13          suggested?

14          A.    It was -- the van inside was dirty, and it had  
15          unknown stains and things on the floors, and I was not  
16          dressed to go down on floors that were like that, nor --  
17          and it looked like it was really uncomfortable because it  
18          was these sharp little diamond raised things. I got -- I  
19          was in the van to take a look at the -- what it was --  
20          what it was like and what prisoner or a detainee would  
21          have been -- his experience inside there.

22          Q.    And were you -- do you recall Mr. Murtha asking  
23          you about a meeting on July 9th with the defense counsel?

24          A.    Yes.

25          Q.    And you had a conversation at that meeting, I



1           assume, with Mr. Murtha and probably Mr. Proctor?

2           A.    Mr. Proctor wasn't there.

3           Q.    Okay.  Was it Mr. Murtha?

4           A.    Mr. Murtha and five others.

5           Q.    And five others.  Okay.  And did you tell them  
6           who could come and who couldn't come to the meeting?

7           MR. MURTHA:  Objection.

8           THE COURT:  Sustained.

9           BY MS. BLEDSOE:

10          Q.    Was Mr. Porter at the meeting?

11          A.    No.

12          Q.    Is the Office of the Chief Medical Examiner a  
13          paramilitary organization?

14          A.    No.

15          Q.    Okay.  So the Office of the Chief Medical  
16          Examiner doesn't have orders, do they?

17          A.    No.

18          Q.    Do you recall -- do you recall Mr. Murtha  
19          asking you about can you describe a high energy -- high  
20          energy injury means?

21          A.    No.  He didn't ask -- he did not ask me.

22          Q.    Do you recall him talking to you about not  
23          being a biomechanical engineer?

24          A.    Yes.

25          Q.    Okay.  You have other -- you have done other



1       autopsies that are high energy injuries, haven't you?

2           A.    Oh, yes.

3           Q.    Can you tell the jury how many of those you've  
4       done --

5           A.    Well, um --

6           Q.    -- if you know?

7           A.    Out of the more than 4,800, a thousand of those  
8       are accidents.  So a fair number of those are motor  
9       vehicle incidents, collisions, pedestrians who are  
10      struck, precipitations from heights, falls from  
11      buildings, climbing, airplane incidents.  So those are  
12      all very high energy.  And a fair number of the suicides,  
13      which I have approximately 500, are -- you know, they are  
14      precipitation from heights.  And some of the other  
15      homicides include blunt force injuries, which -- and  
16      penetrating injuries to the spinal region, especially the  
17      cervical spine, which are definitely high energy.  And  
18      some of the undetermined are precipitation heights where  
19      the -- how the person, if it was a push, jump, or shove.

20          Q.    So you had a fair amount of experience doing  
21      autopsies that concern high energy injury; is that fair  
22      to say?

23          A.    That is.

24          Q.    Now, do you recall --

25               MS. BLEDSOE:  Your Honor, can we approach?



1 THE COURT: You may.

2 (Whereupon, counsel and the defendant  
3 approached the bench, and the following ensued:)

4 MS. BLEDSOE: Your Honor, I do recall that I  
5 had asked a question similar to this before, and you had  
6 sustained the objection. But Mr. Murtha went into a fair  
7 amount of detail about Dr. Allan listening to other  
8 witness statements. One of those witness statements,  
9 specifically Mr. Murtha referred to as Sergeant White's  
10 statement.

11 THE COURT: I don't recall him referring to a  
12 Sergeant White's statement when he referred to  
13 statements. The only one I remembered was someone who  
14 didn't like Hill or somebody. So what are you referring  
15 to specifically?

16 MS. BLEDSOE: Well, he specifically --

17 THE COURT: You may --

18 MR. MURTHA: I never actually referenced her to  
19 the White statement ever.

20 THE COURT: Well, it's not a Sergeant White.  
21 You're talking about -- wait it was Sergeant White, yeah.

22 MS. BLEDSOE: What was said to Sergeant White.  
23 He specifically asked her questions concerning what was  
24 said to Sergeant White.

25 MR. MURTHA: By Officer Porter to Sergeant



1 White.

2 MS. BLEDSOE: Right.

3 THE COURT: Okay.

4 MS. BLEDSOE: To --

5 THE COURT: Okay. They're not her statement?

6 MS. BLEDSOE: Right.

7 THE COURT: Okay.

8 MS. BLEDSOE: So I --

9 THE COURT: So what Porter said to Sergeant

10 White?

11 MS. BLEDSOE: What conversation occurred

12 between Sergeant White and Officer Porter.

13 MR. MURTHA: Officer Porter to Sergeant White.

14 THE COURT: Yeah, because -- and I'm not making

15 fun of it. I don't remember anything about Sergeant

16 White's statement being asked by Mr. Murtha. I may have

17 missed it, but --

18 MS. BLEDSOE: No. Mr. Murtha asked about

19 conversation that Officer Porter had with Sergeant White.

20 THE COURT: Right.

21 MS. BLEDSOE: Okay.

22 THE COURT: Okay.

23 MS. BLEDSOE: And he asked that on a number of

24 occasions during his cross.

25 THE COURT: Right.



1 MS. BLEDSOE: So I don't want to have an  
2 objection sustained if I ask her some questions about  
3 that conversation.

4 THE COURT: Well, it won't be sustained if  
5 you're talking about what Ser -- what Officer Porter said  
6 to Sergeant White. It would likely be sustained if  
7 you're talking about what Sergeant White said.

8 MS. BLEDSOE: Right. But --

9 THE COURT: Maybe I missed it, but --

10 MS. BLEDSOE: No. I guess the problem is that  
11 the conversation is not in a vacuum. In other words, Mr.  
12 Porter doesn't just say, you know, go through a long list  
13 of questions to Sergeant White, and then there's no  
14 response.

15 THE COURT: Oh, I get what you're saying.  
16 You're saying that she reviewed Porter's statement. And  
17 in Porter's statement, there is references to what White  
18 said?

19 MS. BLEDSOE: Right.

20 THE COURT: I got that. Okay.

21 MS. BLEDSOE: Right. And he made a point of  
22 bringing that out. And I don't want to --

23 THE COURT: Well, no. He made a point of  
24 bringing out what Porter said, not what White said  
25 though.



1                   There was a -- no. But there was a  
2 conversation, obviously, to --

3                   MS. BLEDSOE: Right, there was a conversation.

4                   THE COURT: Mmm-hmm.

5                   MS. BLEDSOE: Okay. So in order to talk about  
6 what that conversation was, I should be allowed to ask  
7 questions about what Officer Porter said and what Officer  
8 White said -- I mean what Sergeant White said.

9                   THE COURT: Well, let me ask you this. Do you  
10 plan to object to anything that Sergeant White said?

11                  MR. MURTHA: Because I think it's beyond the  
12 scope with regard to what Sergeant White may have said  
13 because I was very narrow in my questioning directly  
14 related to Officer Porter communicating information.

15                  THE COURT: He was.

16                  MS. BLEDSOE: I think Mr. Schatzow would like  
17 to say something.

18                  THE COURT: Sure. I don't mind.

19                  MR. SCHATZOW: Your Honor, just very briefly.  
20 I mean, he didn't ask it in terms of what Sergeant White.  
21 He asked, you read these statements, and you know that he  
22 told her X, whatever X is.

23                  THE COURT: Yes. Yes, correct.

24                  MR. SCHATZOW: Well, we all know, everybody  
25 standing here -- perhaps you don't because I don't know



1       whether you've read her statement or not -- knows that  
2       she denies that it was ever said.  The point I make was  
3       he -- he --

4               THE COURT:  Right.

5               MR. MURTHA:  Do you have immunity?  All right.

6               MR. SCHATZOW:  -- he wasn't.  But he wasn't --

7               THE COURT:  But that's true.  You --

8               MR. SCHATZOW:  But you can use hearsay if it  
9       goes to the basis for the parts -- for its opinion.  He's  
10      just using the expert as a way to parade his defense to a  
11      jury.

12              THE COURT:  Well, he has a right to do that to  
13      some degree.

14              MR. SCHATZOW:  To some degree, yes, Your Honor.

15              THE COURT:  Yes, but to some degree.  And when  
16      you object, I sustain things that are appropriate.

17              But, no, he did a good job in a sense of not  
18      saying that Sergeant White said this or Lieutenant Rice  
19      said that.  He said this is what my client said, and she  
20      did review the statement.  She had viewed the entire  
21      statement.  So, yes, she obviously read what he said, but  
22      he didn't ask that.  And maybe there as a reason why he  
23      didn't ask it.  I don't know.

24              So all that saying, you can't present to her  
25      what White said simply because they don't have a chance



1 to cross her. And they're not going to get -- I mean,  
2 they got --

3 MS. BLEDSOE: (Laughter.)

4 THE COURT: No, wait a minute. Wait a minute.

5 MS. BLEDSOE: I am, sure.

6 THE COURT: Yeah, yeah.

7 MS. BLEDSOE: Yeah, yeah.

8 THE COURT: Well, here's what I will say. They  
9 have his statement. They have his statement.

10 MR. MURTHA: They have his statement.

11 THE COURT: Yeah, so they've heard it already.  
12 And now I have to rethink. They've already heard it, so  
13 it's not an issue of whether this is -- they're going to  
14 get something that can't be crossed.

15 MR. MURTHA: Well, if they say what Sergeant  
16 White said, then it will be.

17 THE COURT: Well, it's already what Sergeant  
18 White said because it's what your client said. If it  
19 goes to what --

20 MR. MURTHA: What he said, he said to Sergeant  
21 White.

22 THE COURT: And whatever her response was. And  
23 I don't remember it. But there were some responses that  
24 Porter will say I said this, and she said yes, as I  
25 recall. Like, for example, with Goodson, I know -- I



1 remember him saying that there was an agreement that that  
2 Mr. Gray needed to go to the hospital, so there was an  
3 agreement with that. And I also believe that there was  
4 an agreement that Sergeant White said that he needed to  
5 go --

6 MS. BLEDSOE: You should go on hospital detail

7 --

8 THE COURT: Yeah.

9 MS. BLEDSOE: I mean, the conversation was  
10 described --

11 THE COURT: Yeah, right, right.

12 MS. BLEDSOE: -- in the statement.

13 THE COURT: Yes, I do know that. Yes, I agree  
14 with that.

15 MR. MURTHA: Well, so anything that's contained  
16 in Officer Porter's statement I believe is fair game.

17 THE COURT: Right.

18 MR. MURTHA: Yes, in Officer -- they're  
19 suggesting --

20 THE COURT: Right.

21 MR. MURTHA: -- at least my belief is, that the  
22 State is now suggesting they should be able to introduce  
23 Sergeant White's statement.

24 MS. BLEDSOE: Oh, no. No, no, no, no, no, no,  
25 no, no.



1 THE COURT: No, that's not what she's saying.

2 No, no. That's not what she said.

3 MR. MURTHA: But they said Sergeant White  
4 denied it. So that's what led me to believe that.

5 THE COURT: And assuming she denied it in Mr.  
6 Porter's statement, then I do believe it's fair game  
7 because it's already in.

8 MS. BLEDSOE: Right. Anything that Sergeant  
9 White said in Officer Porter's statement is fair game.

10 THE COURT: Right. Now, it's a dangerous.  
11 Because if you get into something that ultimately we find  
12 out wasn't in the statement, and I don't have -- does  
13 anyone have a copy of the statement around here?

14 MS. BLEDSOE: I understand.

15 MR. MURTHA: I have a binder if I could walk  
16 back. I can -- I have a clean copy of the statement.

17 THE COURT: Why don't you proffer your  
18 statement?

19 MS. BLEDSOE: I understand what it will do.

20 THE COURT: Why don't you proffer your question  
21 just so we don't have to go down this path. I think  
22 that's the cleanest way.

23 What are you -- what are you trying to get?

24 Again, it's redirect. So what are you trying to get?

25 MS. BLEDSOE: There was a conversation in which



1 White said you have detail -- you have hospital detail.

2 THE COURT: Right.

3 MS. BLEDSOE: And there was -- and Porter says,  
4 basically, okay, I have detail.

5 THE COURT: Right.

6 MS. BLEDSOE: That's really all I want to get  
7 into. I'm not getting into --

8 THE COURT: But how -- but here's my question  
9 then. How is that relevant to what Dr. Allan needs to  
10 hear about? Just because White said you have hospital  
11 detail?

12 MS. BLEDSOE: Well, there was a little bit more  
13 than just, you know --

14 THE COURT: Well, that's why, again, I need you  
15 to proffer because you're in a very dangerous area, and  
16 so I don't want to get into -- you asked could we  
17 approach. You approached.

18 MS. BLEDSOE: I did because I don't want to --

19 THE COURT: Agreed.

20 MS. BLEDSOE: -- make a mistake.

21 THE COURT: And I appreciate that. So I -- it  
22 seems all you can use --

23 MS. BLEDSOE: Is what was in the statement.

24 THE COURT: Yeah.

25 MS. BLEDSOE: Got you.



1           THE COURT: And how is it -- there may also be  
2 a relevance issue. How is it relevant to anything Dr.  
3 Allan had to say?

4           MS. BLEDSOE: Well, except that Dr. Allan  
5 reviewed Porter's --

6           THE COURT: Absolutely.

7           MS. BLEDSOE: Only to that -- only to that  
8 extent.

9           THE COURT: But to what point? Again, for  
10 redirect to what point? What is it that you're trying to  
11 redirect --

12          MS. BLEDSOE: To an acknowledgment that medical  
13 treatment was needed at North and Pennsy in the sense  
14 that she said you need to do -- you need to follow him to  
15 go to the hospital. So there's an acknowledgment that --

16          THE COURT: Right, right.

17          MS. BLEDSOE: That's where my line of  
18 questioning is going; that there is an acknowledgment  
19 that medical treatment was discussed between White and  
20 Porter.

21          THE COURT: Right.

22          MS. BLEDSOE: Without using the word "medical  
23 treatment," just this is what Sergeant White said you  
24 need to do.

25          THE COURT: I assume you want that?



1 MR. MURTHA: Well, it depends how they present  
2 the question as to --

3 (Laughter.)

4 MS. BLEDSOE: Well --

5 THE COURT: Well, that's true. That's  
6 absolutely true.

7 MS. BLEDSOE: It's not going to be in the light  
8 most favorable to the defense, but yeah.

9 THE COURT: Well, no, but all jokes aside,  
10 yeah. The idea that Porter and White discussed the need  
11 for medical treatment, that's already in.

12 MS. BLEDSOE: Yeah.

13 THE COURT: The question becomes how is it  
14 relevant to the doctor? To her treatment? To whatever?  
15 I don't understand that. And so right now, it's not an  
16 objection based on the fact that he can't cross the  
17 witness. It's an objection --

18 MS. BLEDSOE: Based on relevance.

19 THE COURT: Exactly.

20 MS. BLEDSOE: Got you.

21 THE COURT: Okay?

22 MS. BLEDSOE: All right. I got you.

23 THE COURT: We're good?

24 MS. BLEDSOE: We're good.

25 THE COURT: All right.



1 MS. BLEDSOE: I'm just making sure I'm --

2 THE COURT: Thank you very much.

3 MS. BLEDSOE: -- walking the line.

4 THE COURT: Mmm-hmm.

5 (Whereupon, counsel and the defendant returned  
6 to the trial table, and the following ensued:)

7 BY MS. BLEDSOE:

8 Q. Dr. Allan, do you remember Mr. Murtha talking  
9 to you about the issues of officer safety and the wagon  
10 and the seatbelt? Just a general discussion about those  
11 three (inaudible at 3:51:53 p.m. for one word)?

12 A. Officer safety wasn't mentioned.

13 Q. Okay. Do you recall Mr. Murtha asking you  
14 about -- do you recall Mr. Murtha asking you about Mr.  
15 Porter -- Mr. Gray being combative?

16 A. No.

17 Q. Do you recall Mr. Murtha asking you questions  
18 about an officer being kicked in the van and how small  
19 the van was?

20 A. No.

21 Q. Do you recall Mr. Murtha talking to you about  
22 Mr. Allen?

23 A. Yes.

24 Q. Donte Allen, do you remember that?

25 A. Yes.



1 Q. Okay. And do you -- can you explain to the  
2 jury why you discounted Donte Allen's statements?

3 A. I didn't discount that he didn't hear anything.  
4 I discounted that because as I -- it was relayed to me on  
5 numerous occasions that Mr. -- that Mr. Allen heard Mr.  
6 Gray kicking, and that I discounted because he would not  
7 have been able to kick with a high cervical, with a C4-C5  
8 injury.

9 Q. And how did --

10 A. But --

11 Q. Go ahead. Sorry. I didn't mean to interrupt  
12 you.

13 A. But he would be able to -- it was possible for  
14 him to move his head in a seizure, and that can -- and I  
15 -- from my being sitting inside the van, and not -- and  
16 the walls between the two compartments are kind of like  
17 almost hollow metal, and that just even a light tap could  
18 be -- because I had someone sitting on the other side --  
19 could be heard easily so.

20 Q. And did you also have an opportunity to look  
21 into the van and see that you couldn't see between the  
22 two compartments?

23 A. Yes.

24 Q. So when Mr. Allen says he heard or he saw or he  
25 believes Mr. Gray was banging his head, why would you



1 discount that statement?

2 A. It was -- I don't think I discounted the  
3 banging of his head. It was more the -- I had heard the  
4 kicking noise or banging noise. So it was not from  
5 kicking.

6 Q. And having reviewed and looked at the van, can  
7 you see in between the two divide -- in between the two  
8 compartments?

9 A. No.

10 Q. And did you -- do you need to consult with the  
11 Baltimore Police Department to determine whether a  
12 seatbelt is used or not used?

13 A. No.

14 Q. Okay. Didn't you, in fact, just review Officer  
15 Porter's statement and hear that a seatbelt wasn't used  
16 at Druid Hill and Dolphin?

17 A. There was no mention of a seatbelt being used  
18 or actually not used in any of the officers' statements.

19 Q. And is it your job as a medical examiner to  
20 determine who a defendant is in the case?

21 A. No.

22 Q. And you indicated from questioning from Mr.  
23 Murtha that you had reviewed the medical reports from the  
24 Maryland Medical Center for Mr. Gray and the EMS report;  
25 is that correct?



1           A.    Yes.

2           Q.    What kind of condition was Mr. Gray in,  
3 according to those reports, at the Western District?

4           A.    He did not have a pulse.  He was not breathing.  
5 And his -- he had a very close to a Glasgow Coma Scale of  
6 being in a coma.

7           Q.    So when you said -- when Mr. Murtha was asking  
8 you about, you know, could you determine if he could walk  
9 or not, how would you determine if somebody had sensation  
10 below C3 or C4?  How do you literally do that?

11          A.    That was my point; you can't.

12          Q.    Okay.  And who would have been in the best  
13 position at Druid Hill and Dolphin to determine if Mr.  
14 Gray had issues concerning -- neurological issues?

15               MR. MURTHA:  Objection.

16               THE COURT:  Sustained.

17               BY MS. BLEDSOE:

18          Q.    Well, how do you determine if somebody has a  
19 neurological issue?

20          A.    Well, if you're EMS --

21          Q.    I know that sounds like a simple question, but  
22 can you explain what you would do, or if you know, what  
23 would you do?

24          A.    I think that it's difficult for, you know, as a  
25 physician trained, who does not take care of live



1 patients now, is that it's basically on how they're  
2 acting and how they're moving or if they can't move.

3 If they say, they can't move, you ask why can't  
4 you move. And if he said -- because Mr. Gray may not  
5 have known what the -- what happened to him himself. So  
6 you have to -- you kind of elicit that kind of  
7 information just by asking.

8 And because you're not going to pull out a pin  
9 and say can you feel here, can you feel here, can you  
10 feel there, which is what a neurological examination  
11 would do for determining a level of damage.

12 But if somebody is saying, I mean --

13 Q. So asking questions about --

14 A. Asking questions --

15 Q. -- that person's condition?

16 A. Yes.

17 Q. Now, do you recall Mr. Murtha talking to you or  
18 asking you questions about your conclusions about how the  
19 injury occurred between or whether the injury occurred  
20 between the second and the fourth stop?

21 A. Yes.

22 Q. Okay. Now, what physical symptoms, as  
23 described by Officer Porter, led you to that conclusion?

24 A. I need help. I can't breathe. I can't move.  
25 And responding yes to do I need a medic.



1           Q.   And did you have an opportunity to -- were you  
2   aware that Officer Goodson had called in and said I need  
3   to check this prisoner out; I need assistance?

4           MR. MURTHA:  Objection.

5           THE COURT:  Sustained.

6           BY MS. BLEDSOE:

7           Q.   Did you have an opportunity as part of your  
8   investigation to listen to any of the dispatch?

9           MR. MURTHA:  Objection.

10          THE COURT:  Sustained.  Beyond the scope.

11          BY MS. BLEDSOE:

12          Q.   Were there other factors that led to your  
13   conclusion that the injury happened between the second  
14   and the fourth stop, other than what you've already  
15   expressed, which was I can't breathe.  I can't move.  
16   Help me.  And in response to do I need a medic, yes.  
17   Were there other factors?

18          A.   (Inaudible at 4:00:03 p.m.) that he was rocking  
19   the van at the second stop.  And the fourth stop, he was  
20   in the condition that I just described.  And I was told  
21   that by both Baltimore -- I was told by the Baltimore  
22   City Police that the driver of the van had called  
23   dispatch that they -- he needed assistance to check  
24   out -- check this guy out is the way it was told to me.

25          Q.   Now do you recall Mr. Murtha talking to you --



1 I'm sorry. Strike that.

2 MS. BLEDSOE: May I have just one second, Your  
3 Honor?

4 THE COURT: You may.

5 BY MS. BLEDSOE:

6 Q. Did the impact, or what you deemed one of the  
7 major impacts to Mr. Gray's head, did that help you and  
8 was that a factor in determining where the injury may  
9 have occurred?

10 A. No.

11 Q. Was the height of Mr. Gray a consideration  
12 about how the injury occurred?

13 A. No.

14 Q. Do you recall Mr. Murtha talking to you and  
15 asking you questions about the interpretation -- the role  
16 of the medical examiner versus the interpretation of a  
17 statute?

18 A. Yes.

19 Q. Okay. Now, when you read an order, are you  
20 interpreting the order, or are you reading the order?

21 A. I'm reading the order.

22 Q. Okay. So can you clarify your answer  
23 concerning interpretation of a statute that Mr. Murtha  
24 was talking to you about?

25 A. Other than I'm reading what's there, and it's



1 in print that there certain orders that were placed, and  
2 that some of them were similar between both sets that I  
3 was -- I had examined.

4 Q. And the order that you read indicated that a  
5 passenger should be seatbelted; is that fair to say?

6 A. On -- yes, on one of them.

7 Q. Okay. And that -- is it fair to say that Mr.  
8 Gray couldn't tell medical staff that he was paralyzed in  
9 the condition that he was found in at Western District  
10 Police Station?

11 A. Yes.

12 Q. Do you recall Mr. Murtha asking you about this  
13 interpretation of the statute, and you were going to give  
14 an example about a sport's analogy; do you remember that?

15 A. Yes.

16 Q. Okay. Now, this is your opportunity to use  
17 your sport's analogy. Can you explain to the ladies and  
18 gentlemen of the jury what you were going to say?

19 A. Okay. So we have to deal with deaths that  
20 occur during sport's related events.

21 MR. MURTHA: Objection.

22 THE COURT: Sustained.

23 THE WITNESS: And --

24 THE COURT: When I say sustained --

25 THE WITNESS: Oh, I'm sorry.



1 THE COURT: She's going to ask you another  
2 question.

3 THE WITNESS: Another question. All right.

4 BY MS. BLEDSOE:

5 Q. Do you recall wanting to give an explanation  
6 concerning this class -- the interpretation of a statute  
7 using a sport's analogy?

8 A. Yes.

9 Q. Okay. And were you given that opportunity?

10 A. No.

11 Q. All right. And you recall Mr. Murtha asking  
12 you about that; right?

13 A. Yes.

14 Q. Okay. Can you explain your answer in terms of  
15 interpretation of a statute to the ladies and gentlemen  
16 of the jury?

17 MR. MURTHA: Objection.

18 THE COURT: Overruled.

19 THE WITNESS: Yes. So if I'm examining, if I  
20 am -- I'm not quite sure what I can answer here. But I'm  
21 sure you will -- somebody will tell me if I'm not doing  
22 it.

23 So when I am doing a death investigation on an  
24 injury that occurs during an event that has rules, and  
25 those rules -- and that injury is due to somebody who



1 operating outside the rules, like actually much better at  
2 hockey, is that there's a lot of activity and interplayer  
3 contact in ice hockey. And so it's not surprising  
4 there's a lot of injuries there.

5 However, if -- even though the fans may like  
6 it, the fights that break out afterwards are illegal in,  
7 at least -- I don't know professionally, but at least at  
8 scholastic ice hockey --

9 THE COURT: Counsel, approach.

10 (Whereupon, counsel and the defendant  
11 approached the bench, and the following ensued:)

12 THE COURT: I'm about to strike her testimony.  
13 I have no clue what she's talking about. It's way beyond  
14 -- and I think I've given both sides some latitude, but I  
15 have no clue what she's talking about.

16 MS. BLEDSOE: Judge, Mr. Murtha specifically  
17 asked her that question, and she was trying to give an  
18 answer using a sport's analogy.

19 THE COURT: But, again, just because someone  
20 tries to do something, doesn't mean it's allowed in  
21 court.

22 Now, you cleared up your question, which is  
23 fine. But I don't understand it, and he objected. I  
24 overruled the objection, assuming that it was going to be  
25 what, candidly speaking, both sides proffered to me



1 before in your writings.

2 It's not that, and I don't know where she's  
3 going, so it's meandering. It is not helpful to the  
4 jury, so I am going to strike it, her testimony from the  
5 point after your question. And you'll clean it up later.

6 MS. BLEDSOE: Okay. Your Honor, the problem is  
7 --

8 THE COURT: Mmm-hmm.

9 MS. BLEDSOE: -- if you strike the testimony in  
10 response to a question that's completely appropriate,  
11 then -- and it is appropriate --

12 THE COURT: Notice I didn't strike your  
13 question.

14 MS. BLEDSOE: I understand that, but at least  
15 give me the opportunity to refocus her concerning her  
16 answer.

17 THE COURT: Well, that's fine.

18 MS. BLEDSOE: Instead of just automatically  
19 saying I'm going to strike the testimony.

20 THE COURT: No, I'm going to strike it because  
21 it has gone far beyond. Now, again, you have an  
22 opportunity to try again, but be very careful because  
23 it's inappropriate testimony. I don't know what she's  
24 saying.

25 I mean, I hear the words, but she's talking



1 about it could be professional hockey, but it's legal  
2 here, but it's not legal here. Well, for one thing, the  
3 Court will take judicial notice of the fact that, in  
4 hockey, certain fights are legal, so I don't know where  
5 she's going with this.

6 So, again, just because she's an expert, just  
7 because she wants to give you an opinion, doesn't mean  
8 she's allowed to do it unless it's done in a proper way,  
9 and this is an improper way.

10 MS. BLEDSOE: Fine.

11 THE COURT: So I'm going to strike the  
12 testimony, and you can try again briefly.

13 MS. BLEDSOE: I get it. I get it.

14 THE COURT: Okay. All right.

15 (Whereupon, counsel and the defendant returned  
16 to the trial table, and the following ensued:)

17 THE COURT: Based on Mr. Murtha's objection,  
18 the Court will strike the testimony of the witness after  
19 Ms. Bledsoe's question. That means you do not take it  
20 into consideration in your deliberations.

21 Next question?

22 BY MS. BLEDSOE:

23 Q. Based on Mr. -- Officer Porter's statement,  
24 were you able to determine whether or not Mr. Gray was in  
25 the same position from the fifth stop to the sixth stop?



1 A. No, I couldn't. Actually, I --

2 Q. You don't recall?

3 A. Not on Mr. -- on Officer Porter's statement.

4 Q. Do you recall Mr. Murtha talking to you about  
5 and he actually did a demonstration of Mr. Gray kneeling?

6 A. Yes.

7 Q. Do you recall that?

8 A. Yes.

9 Q. Okay. And do you recall reviewing Officer  
10 Porter's statement specifically in regard to how Officer  
11 Porter described Mr. Gray kneeling?

12 A. Yes.

13 Q. Okay. And isn't it fair to say that -- can you  
14 describe how Officer Porter described Mr. Gray kneeling?

15 A. That he was kneeling, facing front of the front  
16 of the van and slumped over towards his right side over  
17 the seat, by the seat.

18 Q. Okay. With his hands behind his back?

19 A. Yes.

20 Q. Okay. And given the injury that Mr. Gray  
21 suffered, is that position medically possible?

22 A. Yes.

23 Q. Okay. And don't you recall Officer Porter  
24 doing a demonstration in the video where he is down -- or  
25 he is showing that Mr. Gray is actually leaning over and



1 slumped on the bench?

2 A. Yes.

3 Q. And that came from Officer Porter's statement;  
4 is that right?

5 A. Yes.

6 Q. So when Mr. Murtha keeps asking you about  
7 speculation, the speculation is based on a number of  
8 things; isn't that right?

9 MR. MURTHA: Objection.

10 THE COURT: Sustained.

11 BY MS. BLEDSOE:

12 Q. What do you base your findings on?

13 A. It's based on the investigation --

14 Q. All right. Stop right there. The  
15 investigation, does that include Officer Porter's  
16 statement?

17 A. Yes.

18 Q. Okay. Does that include other officers'  
19 statements?

20 A. Yes.

21 Q. All right. Does that include information that  
22 the Baltimore Police Department told you?

23 A. Yes.

24 Q. Does that include information from Detective  
25 Teal?



1 A. Yes.

2 Q. Does that include information from --

3 MR. MURTHA: Objection.

4 THE COURT: Sustained.

5 BY MS. BLEDSOE:

6 Q. Other than just the investigation, what else?

7 A. The autopsy findings.

8 Q. The autopsy findings, okay. How about video?

9 A. Cap -- well, captured videos. That's part, to

10 me, is all the investigation part of it.

11 Q. Okay.

12 A. Lump that all together. The medical findings

13 from autopsy, as well the medical records from his stay,

14 Mr. Gray's stay, in the hospital.

15 Q. And that's what you based your conclusions on?

16 A. Yes.

17 MS. BLEDSOE: Thank you very much.

18 THE COURT: Any re --

19 MR. MURTHA: Yes, Your Honor.

20 THE COURT: Any recross?

21 MR. MURTHA: Yes. May I have the State's

22 exhibit that was just on, please.

23 THE COURT: 67?

24 MS. BLEDSOE: Yes.

25 MR. MURTHA: Thank you.



1 MS. BLEDSOE: Sure.

2 RECROSS-EXAMINATION

3 MR. MURTHA:

4 Q. Dr. Allan, in response to questions offered by  
5 the State concerning A Guide for Manner of Death  
6 Classification, you said that these were guidelines; is  
7 that correct?

8 A. That is correct.

9 Q. Well, I'm going to direct your -- this is  
10 State's Exhibit 7 -- excuse me 67. And if you would do  
11 me a favor, please, if you would look to page 5 at the  
12 bottom where it says General Principles, and read those  
13 two paragraphs, please.

14 MS. BLEDSOE: To yourself.

15 MR. MURTHA:

16 Q. Yeah, to yourself. I apologize.

17 A. Oh, okay.

18 MS. BLEDSOE: I didn't mean to jump in.

19 MR. MURTHA: Thank you.

20 (Brief pause.)

21 MR. MURTHA:

22 Q. Actually, it's three paragraphs.

23 MS. BLEDSOE: Read the whole page.

24 THE WITNESS: Do you mean General Principles;  
25 that's what you were talking about?



1 MR. MURTHA:

2 Q. Yes, ma'am. Yes, ma'am.

3 A. Yes.

4 Q. And then so you've looked at those?

5 A. I have.

6 Q. And when you say that these are guidelines,  
7 isn't it correct that the National Association of the  
8 Medical Examiners' Guide for Manner of Death  
9 Classification says there are basic general rules for  
10 classifying manner of death; is that correct?

11 A. Um --

12 Q. Is that what it says?

13 A. That's what it says.

14 Q. So if you flip the page, the next page, I had  
15 asked -- you were asking questions directly relating to  
16 this by the State. And when you get to the next page,  
17 it's, in effect, go back to page 5. There are exceptions  
18 to every rule, but every rule holds true most of the  
19 time; is that correct?

20 A. That's what it says there.

21 Q. Then it says there are basic general rules for  
22 classifying manner of death; is that correct?

23 A. Where are you reading that?

24 Q. If you go to, it's actually B, General  
25 Principles. And then under General Principles, there's



1 A, there are exceptions to every rule. Then B, there are  
2 basic general rules for classifying --

3 A. Basic general -- yes, in quotations. The  
4 "rules" is in quotes.

5 Q. Got it. And I would suggest that "rules" is in  
6 quotation, not guidelines; is that correct?

7 A. That -- and I think because they are using that  
8 as it's not really rules, but they are -- that's why it's  
9 in quotations.

10 Q. Well -- but you would agree with me it says  
11 "rules"; correct?

12 A. "Rules" in quotations.

13 Q. It doesn't say guidelines in quotations though,  
14 does it?

15 A. Oh, my goodness.

16 Q. That's frustrating, isn't it?

17 A. It says "rules" in quotations.

18 Q. And then when you go to the next page, it says  
19 these "rules," using quotations, defines accident,  
20 suicide, homicide, undetermined, and then in general; is  
21 that correct?

22 A. That's what it says.

23 Q. And it actually says --

24 MS. BLEDSOE: Your Honor, may we approach?

25 THE COURT: You may.



1 MS. BLEDSOE: Okay.

2 (Whereupon, counsel and the defendant

3 approached the bench, and the following ensued:)

4 THE COURT: I assume you're objecting because

5 he's reading from it?

6 MS. BLEDSOE: Yeah.

7 THE COURT: Yeah, you can't read from it.

8 MS. BLEDSOE: I mean, it's not into evidence,

9 so that's why I was saying read it to yourself.

10 THE COURT: Yeah, at some point, that's on you

11 all, but it's not in evidence.

12 MR. MURTHA: I'll move it into evidence then if

13 I'm --

14 THE COURT: If you all want to, I mean, that's

15 -- any objection?

16 MS. BLEDSOE: No.

17 THE COURT: All right. Well, then, the jury

18 will get to see it themselves.

19 MR. MURTHA: Okay.

20 THE COURT: That's fine. What is it now. Hold

21 on.

22 MR. MURTHA: It's State's Exhibit 67.

23 MR. SCHATZOW: 67 for identification.

24 THE COURT: So I guess I'll -- right. I'll ask

25 them do you want it in your case, or do you want it to be



1 a defense exhibit? It doesn't matter to me.

2 MS. BLEDSOE: We don't care. We'll put it in  
3 ours.

4 THE COURT: All right. So put in by agreement,  
5 and it will be State's Exhibit 67?

6 MS. BLEDSOE: Sure. Sure.

7 THE COURT: Thank you.

8 (Whereupon, counsel and the defendant returned  
9 to the trial table, and the following ensued:)

10 THE COURT: All right. So State's 67, which is  
11 the Manner of Death Guidelines by the National  
12 Association of Medical Examiners is into evidence now by  
13 agreement of the Defense and State.

14 Is that correct, State?

15 MS. BLEDSOE: Yes, Your Honor.

16 THE COURT: Is that correct, Defense?

17 MR. MURTHA: Yes, Your Honor.

18 THE COURT: So, Mr. Clerk, Madam Clerk, Number  
19 67 is no longer for identification. It is now in  
20 evidence.

21 (State's Exhibit Number 67 was  
22 received in evidence.)

23 MR. MURTHA: So --

24 MS. BLEDSOE: I'm sorry. The one that they  
25 used has a slight mark that -- a pen mark that's my mark.



1 Just so everybody knows that --

2 THE COURT: I'm sure Mr. Murtha will look at it  
3 and be satisfied before it goes to the jury.

4 MS. BLEDSOE: There's a slight mark in there  
5 that's actually mine.

6 THE COURT: Thank you. You now may continue.

7 MR. MURTHA: Thank you, Your Honor.

8 THE COURT: Mmm-hmm.

9 MR. MURTHA:

10 Q. So the National Association of Medical  
11 Examiners says that these general rules should be  
12 followed; is that correct?

13 A. Okay. So the General Principle says they have  
14 a special set of guidelines for the manner of death  
15 classification.

16 THE COURT: Ma'am, that wasn't his question.  
17 Just answer his question, please.

18 THE WITNESS: No. Because if you read the  
19 entire guidelines or guide --

20 MR. MURTHA:

21 Q. Ma'am, excuse me. Excuse me. I'm going to  
22 direct your attention to the specific paragraphs that I'm  
23 asking you about.

24 MS. BLEDSOE: She said no.

25 THE COURT: She's not answering his question.



1 THE WITNESS: Okay. Please do.

2 MR. MURTHA:

3 Q. I've asked you under the heading of General  
4 Principles --

5 A. Mmm-hmm.

6 Q. -- you actually identified that it said -- it  
7 does say "rule," and I would acknowledge it says "rule"  
8 in quotation marks; correct?

9 A. Okay.

10 Q. And it says that these are basic rules for  
11 classifying manner of death; is that correct? Is that  
12 what the document says? Or it doesn't say, but is that  
13 what is written on --

14 A. There are basic general "rules" in quotations  
15 for classifying manner of death.

16 Q. And that basic rule then applies to the manner  
17 of death categories; is that correct?

18 A. This is what they're discussing.

19 Q. In fact, that's where they discuss that  
20 homicide occurs when death results from a volitional act  
21 committed by another person to cause fear, harm, or  
22 death. Intent to cause death is a common element, but is  
23 not required for classification as homicide. Then in  
24 quotation -- parentheticals, it says more below.

25 It is to be emphasized that the classification



1 of homicide for the purpose of death certification is a  
2 neutral term, and neither indicates nor applies criminal  
3 intent, which remains a determination within the province  
4 of legal processes; correct?

5 A. I totally agree with this.

6 Q. Then an accident, and these, again, are rules  
7 that are generally to be followed in identifying manner  
8 of death; correct? At least as stated by the National  
9 Association of --

10 A. These are general -- general rules.

11 Q. Accident applies when an injury or poison  
12 causes death, and there is little or no evidence that the  
13 injury or poisoning occurred with intent to harm or cause  
14 death. In essence, the fatal outcome was unintentional;  
15 is that correct?

16 A. That's what it says there.

17 Q. And that is the Guide for Manner of Death  
18 Classification adopted, promulgated by the National  
19 Association of Medical Examiners; correct?

20 A. That is correct.

21 Q. In your testimony in cross-examine -- excuse me  
22 -- in redirect examination, you indicated in response to  
23 questions in your conversation with Baltimore Police  
24 Department concerning your viewing of the statements, the  
25 question was directly related to seatbelt. You said,



1       used or not used, there was no mention, no mention that  
2       it was or was not used. Do you recall saying that?

3           A.     That is correct.

4           MR. MURTHA: The Court's indulgence, Your  
5       Honor.

6           (Brief pause.)

7           MR. MURTHA: No further questions, Your Honor.

8           THE COURT: Ladies and gentlemen, we'll take a  
9       quick break. Please do not discuss the testimony you've  
10      heard, even among yourselves. Please leave your notepads  
11      on the chair.

12          All rise for the jury.

13          (End of Excerpt - The Testimony of Carol Allan,  
14      M.D. concluded at 4:20 p.m.)



REPORTER'S CERTIFICATE

I, Patricia A. Trikeriotis, the Chief Court Reporter for the Circuit Court for Baltimore City, do hereby certify that the proceedings in the matter of State of Maryland vs. William Porter, Case Number 115141037 on December 7, 2015, before the Honorable Barry G. Williams, Associate Judge, and a jury, were duly recorded by means of digital recording.

I further certify that the page numbers 1 through 172 constitutes the of the official transcript of an excerpt of the proceedings as transcribed by me or under my direction from the digital recording to the within typewritten matter in a complete and accurate manner.

In Witness Whereof, I have affixed my signature this 8th day of December, 2015.

*Patricia Trikeriotis*

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Patricia A. Trikeriotis  
Chief Court Reporter