

**Drew Peterson Trial 2012 - Murder of Kathleen Savio
People of the State of Illinois v. Drew Peterson (09CF-1048)
Will County, Joliet, Illinois**

Dr. Mary Case Testified August 21, 2012

**A Personal Collection of Found Materials ("as is")
(Note: This is "not" an official legal court transcript)
(Dialog spacing done below for format and reading ease)**

In Session
<https://www.facebook.com/InSession>

August 21

Do you have a question about the Drew Peterson trial?

Vinnie will be answering some of your questions on-air starting at 1 P.M. ET

In Session

Prosecution PIO Chuck Pelkie has just given us the list of today's expected witnesses: Dr. Mary Case (a forensic neuro-pathologist), and Bryan Falat (an Illinois State Police trooper).

August 21 at 9:59am · Like · 4

In Session

August 21

Watch this thread for live updates from the Drew Peterson trial!

Judge Burmila has just taken the bench.

In Session

"Before we bring in the jury, we have the 404(b) hearing with regards to Mr. [Jeff] Pachter's testimony."

Prosecutor Koch: "What we're suggesting to the Court is we intend to introduce this testimony to prove intent, motive, and identity . . . it's clear that when he [the defendant] is out speaking to Mr. Pachter, offering Mr. Pachter \$25,000 to take care of his wife, it's very clear as far as intent . . . as far as motive, he tells Mr. Pachter that his wife has information on him, he

doesn't want her to go to the police . . . and identity is also at issue in this case, as to who committed this crime. This evidence helps prove that the defendant is the one who killed Kathleen Savio . . . that is the defendant . . . and we believe it happened in the later months of 2003 . . . because of that, I think that if you take his testimony you certainly have a situation that is close in time to her death, very close in time, in fact."

August 21 at 10:25am · Like · 24

In Session

Prosecutor Koch: "We do believe it is relevant; it is close in time . . . one witness is sufficient, if found to be credible, to prove that an act was committed . . . obviously, any type of other act is prejudicial; there's no question of that. But just because it's prejudicial doesn't mean that it's not probative . . . in this case, it is highly relative, highly probative; it goes directly to the intent of the defendant to commit this crime, to his identity, to his motive. So, we ask that you allow this 404(b) evidence to be admitted into this trial."

August 21 at 10:28am · Like · 23

In Session

Defense attorney Steve Greenberg responds. "This doesn't go to motive . . . it doesn't establish a motive . . . identity is not really an issue, and intent is not really an issue. We're not saying that Drew was there but it was an accident; we're saying he wasn't there. So the State doesn't really need this extra evidence of intent."

Greenberg cites case law to support the defense's position.

"What they want to do is bring in highly, highly prejudicial evidence, which is suspicious anyway. Mr. Pachter said he didn't really believe anyone . . . they don't need it for intent; all of the cases say that intent is not an issue when we're presenting this kind of a defense. So it's irrelevant, it's prejudicial, and it's not relevant of anything in the case. Our defense is it's an accident . . . so what does a hit man have to do with anything? They don't say he hired a hit man; they say he [Peterson] went over there and did this . . . if they can't find an Illinois case; we're in Illinois, Judge . . . they keep sending me [case] law from Massachusetts . . . to come here now and argue that Massachusetts and New Jersey say that it's OK is just preposterous when there's Illinois law right on the issue that says if our defense is it's an accident and he wasn't involved then it doesn't come in."

August 21 at 10:36am · Like · 6

In Session

Koch responds: "Intent goes to the state of mind of the defendant. His state of mind is clearly relevant in this case . . . I'd ask you to take that into consideration when you're making your

ruling.” Greenberg then jumps in, disputes the case law that the State has just cited. “It appears to be a consent defense, which is different from what we’re talking about here.”

Judge Burmila: “Counsel was correct when he said that the precedent that the State provided to the Court was non-jurisdictional in its nature . . . however, that leaves us with the issue of intent. What is the purpose of this evidence? . . . the issue is, did the defendant intend to kill his wife?, and this testimony goes to that issue. So the jury will be able to consider that, and this evidence will be admissible.”

August 21 at 10:41am · Like · 25

In Session

The judge sends for the jury.

He also asks the State to produce its next witness.

August 21 at 10:41am · Like · 11

In Session

The sidebar ends.

Defense attorney Darryl Goldberg objects to the publication of two photographs the prosecution hopes to show during the upcoming testimony of Dr. Mary Chase, calling them “gruesome.”

Prosecutor Glasgow responds, claims the photos “will show that this was not an accident, but a homicide . . . it’s important that they [the jurors] see it first hand.”

Goldberg also rails against “an artist’s rendering of an alleged injury” (this relates to a diaphragm injury). The judge asks to see the actual photograph of this particular injury. Goldberg also complains about “some other illustrative exhibits of some alleged injuries . . . these are in isolation, nothing to do with connecting the dots amongst each other [other injuries] . . . it is completely contrary to what we discussed previously, and it’s clear the only things these things would do are mislead or confuse the jury . . . it would be unfairly prejudicial, even for a demonstrative purpose.”

Glasgow withdraws one of the proposed exhibits, but supports the appropriateness of the others.

Judge: “The injuries depicted . . . are there actual photographs of those injuries?”

Glasgow confirms that there are.

Judge: “I understand Mr. Goldberg’s argument . . . I’m going to allow them to use [one], to

demonstrate the relationship of the wounds.”

Another demonstrative, however, is not allowed.

August 21 at 10:58am · Like · 11

In Session

Goldberg now objects to a video that the State intends to use.

The defense and judge say that they haven't seen the video in its final version, although prosecutor Connor says it has been sent to all parties.

The judge asks to see the video in question, which Connor is able to provide.

August 21 at 11:00am · Like · 15

In Session

The judge has now seen the prosecution's proposed video. Goldberg objects to the video, calls it “cumulative” and – at least in part – “completely misleading and confusing.”

Glasgow responds: “The State's intent is to utilize the video only in conjunction with the head injury . . . I think that would give them [the jury] a nice flow. And I don't believe the depiction is inaccurate.”

Judge: “I'm allowing the State to use the actual photos that were taken during the autopsy . . . the one or two demonstrative exhibits which showed the various layers of the skull, those I believe are admissible, because they show A person's skull rather than THIS person's skull . . . as far as the video in general, the problem I have with it is it looks like a movie, and I'm afraid it might confuse the jurors that it's an actual movie produced as a result of this autopsy . . . I think that's quite misleading. So given the fact that the State is going to be allowed to use the actual photographs, I don't see what the video adds. So the video is not going to be admitted.”

August 21 at 11:08am · Like · 6

In Session

The judge gives the attorneys a few minutes to get their exhibits together.

He then leaves the bench.

August 21 at 11:08am · Like · 4

In Session

there is a new thread.

The judge has sent for the jury.

August 21 at 11:20am · Like · 2

08/21/2012: Prosecution James Glasgow on direct examination

In Session

August 21

Watch this thread for live updates from the Drew Peterson trial!

Judge Burmila is back on the bench. He sends for the jury, and asks the State to call its next witness.

In Session

Prosecutor Glasgow calls Dr. Mary Case to the stand.

She identifies herself as “a medical doctor,” and goes over her educational and professional background. She has been a pathologist since 1973, and she is currently a professor of pathology at St. Louis University. She also serves as chief medical examiner for four counties (including St. Louis County).

August 21 at 11:24am · Like · 9

In Session

Dr. Case explains the role of a medical examiner.

“The medical examiner’s office, our mission is to determine the cause of death, and the manner of death . . . and also to answer other forensic issues that arise.”

She is board-certified in anatomic, neuro, and forensic pathology.

August 21 at 11:25am · Like · 11

In Session

According to Dr. Case, neuro-pathology is the study of “disease and injury of the nervous system . . . consciousness is part of the neural system.”

She says that “currently, less than 15 people” are board-certified in both neuro and forensic pathology.

August 21 at 11:28am · Like · 9

In Session

Since she started in 1975, Dr. Case has performed “about 11,000” autopsies. She also regularly does “brain cuttings . . . I’ve looked at thousands and thousands of brains.”

August 21 at 11:29am · Like · 10

In Session

The witness goes over some of the various professional organizations to which she belongs.

“Because I work as a medical examiner, I am frequently called by a prosecutor, as opposed to a defense attorney.”

However, she has a private consultation business, where she handles cases for either side. In the last few years, she’s looked at “40 or 50” defense cases.

August 21 at 11:32am · Like · 8

In Session

Dr. Case now explains her specialized research into the area of head injuries related to child abuse. She’s been qualified as an expert witness “many hundreds of times.”

Her first trial testimony was in 1977.

August 21 at 11:34am · Like · 8

In Session

The witness is asked about articles she has written in her field (“most of them have to do with head injuries”). She has also given “just under 400” lectures in the same field (“it’s a very common thing that I do”).

August 21 at 11:37am · Like · 8

In Session

Dr. Case is tendered as an expert in the field of neuro-pathology (without objection). “Were you contacted in 2010 to review an autopsy investigation into the death of Kathleen Savio Peterson?”

‘Yes, I did . . . I reviewed a large number of items, including the autopsy and scene investigation. In this case, there were three autopsies; I had all of those records. I had microscopic slides from the second and third autopsies. I had depositions of the three doctors that were involved, as well as testimony from a large number of individuals . . . I also have testimony from a number of police individuals . . .”

In the middle of this testimony, the attorneys suddenly go to a sidebar.

August 21 at 11:43am · Like · 8

In Session

The sidebar ends.

The judge excuses the jury and the witness.

August 21 at 11:43am · Like · 8

In Session

The jurors and witness are now gone.

Judge: “The doctor has now advised the jury that she’s reviewed the sworn testimony of people that this jury will never hear from . . . what are we going to do about that now?”

Glasgow: “With all due respect, I apologize to the Court.”

Judge: “Are all those people testifying? I’m assuming the State won’t call them all.”

Goldberg points out that some of the people mentioned have already been excused as witnesses earlier in the proceedings.

“We don’t have any obligation to call any witnesses . . . and Dr. Mitchell’s grand jury testimony wasn’t subject to cross-examination. That certainly crosses the line . . . it would be highly inappropriate for her to comment on any of those things.”

Glasgow: “Judge, if we could have a short break, we have case law we looked at previously.”

Judge: “I don’t believe that any such case law exists. But if you’ve got it, I’d like to see it.”

The judge leaves the bench, and the trial is in a brief recess.

August 21 at 11:48am · Like · 6

In Session

The parties are heading back into the courtroom.

We should be resuming shortly.

August 21 at 12:04pm · Like · 8

In Session

Judge Burmila returns to the bench. “During the break, I asked the parties to find for me the case . . . it’s an Illinois Supreme Court case from 1981. And in the decision, it was the first instance where the Illinois Supreme Court started to direct trial courts to leave behind the old methodology of proposing hypotheticals to expert witnesses . . . in this instance, when Mr. Glasgow told the doctor to go on [and give names], that was unnecessary . . . some of the people whose names she mentioned, their testimony was banned in this case, and that worries me . . . so when the jury comes back, I’m going to tell the jury to ignore the names of the people she said she relied on.”

Attorney Goldberg: “We discussed Dr. Mitchell’s grand jury testimony . . . I want to make sure that the doctor [Case] is not going to rely upon uncross-examined testimony from Dr. Mitchell.”

Judge: “She’s an expert, and if she says she saw something in his testimony, and she took it into account, she can do that. And you can cross-examine her about that.”

Attorney Greenberg responds: “We have such a unique circumstance here, with what happened with Dr. Mitchell . . . they should not be able to have an expert testifying as to Dr. Mitchell; the jurors should never be allowed to hear that . . . there’s no reason for this witness to have to say what Dr. Mitchell said.”

Prosecutor Kathy Patton then jumps in, and disputes Greenberg’s interpretation of the case law in question.

Glasgow: “She is not going to say that she relied upon Dr. Mitchell’s grand jury testimony to form her opinion.”

Judge: “We’re good to go, then.”

August 21 at 12:30pm · Like · 9

In Session

The judge sends for the witness and the jury.

August 21 at 12:30pm · Like · 6

In Session

The jurors are now back in the courtroom, and the judge admonishes them that “the nature of what Dr. Case reviewed, you’re to ignore that.”

Prosecutor Glasgow resumes his direct examination of Dr. Mary Case.

She says that she reviewed the case file and looked at photographs of the death scene “to find out everything that I possibly could.”

She identifies a photograph showing “the deceased in the bathtub, as she was found . . . there’s a lot of detail there. She’s lying on her left side . . . there’s evidence there’s been water in the blood . . . you can see certain post-mortem changes about her body.”

Another photograph shows “again the deceased at the scene, in the tub . . . the shelving around the tub has a large number of bath and other related items, including towels . . . none of those items are knocked down.”

A third photograph shows “a purple color along the right breast; that’s a change we see after death . . . you can see there’s some bloody material that has drained; that’s actually coming from a wound at the back of her head.”

August 21 at 12:34pm · Like · 3

In Session

The witness was able to examine Dr. Bryan Mitchell’s autopsy protocol.

“She was in a good state of health at the time that she died . . . she had a number of injuries about her body . . . a laceration at the back of the head, behind the ear and not all the way at the back of the head. It measured one inch, and was horizontal . . . there was no disease in her organs . . . I would classify [Dr. Mitchell’s results] as normal.”

August 21 at 12:35pm · Like · 6

In Session

The witness says she saw in Dr. Mitchell’s protocol some “mild thickening” in one of the

valves of Savio's heart. She says that is not uncommon for a woman of Savio's age.

"The lungs weighed about 900 grams . . . filled with a large amount of pulmonary edema fluid, which is an abnormal finding. But that's part of the death process, the reason for her being dead . . . the appearance of the brain was normal. The only abnormal thing was cerebral edema; there was swelling of the brain . . . this is a change happening at the very end of her life. Other than that, her brain was normal . . . this is a woman who has died as a result of drowning . . . she has no other outstanding reason to be dead."

August 21 at 12:39pm · Like · 10

In Session

"The toxicology was negative."

"Did he [Dr. Mitchell] posit a cause of death?" "Yes, he did... drowning . . . by breathing water in . . . the statement that he made was that the laceration might have been related to a fall that led to her death."

"Was there any finding of manner of death in Dr. Mitchell's protocol?" Objection/Sustained.

The prosecutor asks for a sidebar.

August 21 at 12:41pm · Like · 4

In Session

The sidebar ends.

The judge excuses the jury from the courtroom.

August 21 at 12:41pm · Like · 3

In Session

The jurors and the witness are now gone.

Attorney Goldberg is objecting, argues that the prosecution is asking the witness to speculate about what a specific portion of Dr. Mitchell's autopsy protocol may mean.

Prosecutor Glasgow responds, argues that Dr. Mitchell's statement is "unfortunate."

Goldberg: "The only reason it's unfortunate is because he doesn't like it!"

Judge: "If the State wants to ask this witness if Dr. Mitchell listed a manner of death, they can

ask that. But to ask this witness what Dr. Mitchell meant when he included this sentence, I don't know how she can do that . . . she cannot give her opinion of what Dr. Mitchell meant when he wrote that down in the report. He said 'fall' . . . what that means to the jury is beyond out ability to predict . . . you will not be allowed to ask her to speculate as to what Dr. Mitchell meant; she's not in a position to give that opinion."

August 21 at 12:47pm · Like · 3

In Session

The judge sends for the witness and the jury.

August 21 at 12:47pm · Like · 4

In Session

The jurors and the witness are back in the courtroom.

Prosecutor Glasgow resumes his direct examination.

"Did Dr. Mitchell give an opinion as to the manner of death in his autopsy protocol?"

"No, he didn't." Objection/Sustained.

"What are the five manners of death?"

"We have natural, accident, suicide, homicide, and unexplained."

"Were any of those mentioned in Dr. Bryan Mitchell's autopsy protocol?" Objection/Overruled.

"No."

The defense asks for a sidebar.

August 21 at 12:50pm · Like · 6

In Session

The sidebar ends, and the jurors and witness are once again excused from the courtroom.

Defense attorney Goldberg claims that "the prosecutor is trying to mislead the jury . . . now, the jury is left with the impression that Dr. Mitchell didn't do something, which is the whole theory of the prosecution's case . . . the coroner's inquest ruled that it was an accident. But they're trying to poison this jury, and convince this jury that Dr. Mitchell didn't do something right . . . it would be entirely inappropriate for him [Dr. Mitchell] not to offer a manner of death;

it's not his job.”

The judge questions this argument, asks if there's some official reason Mitchell is prohibited from offering a manner of death.

Goldberg continues to insist that this is unfair and prejudicial.

Defense attorney Greenberg then joins the discussion, continues to insist that Dr. Larry Blum previously ruled that it was improper for a county coroner to offer a manner of death.

The judge says that he will need some time to go over his notes of Dr. Blum's testimony . . . and, due to the hour, he decides to call the lunch recess at this time.

August 21 at 12:55pm · Like · 4

In Session

Judge Burmila leaves the bench.

The trial is in recess until 1:15 CT/2:15 ET.

August 21 at 12:55pm · Like · 4

In Session

August 21 at 1:53pm

Watch this thread for live updates from the Drew Peterson murder trial!

In Session

Judge Burmila has taken the bench.

Judge: “Did you locate that testimony you were looking for?”

Attorney Greenberg concedes that the defense was not able to locate exactly what it was looking for, but quotes from testimony from the hearsay hearing. He also quotes from a statute which he claims say it's the duty of the jury to determine a manner of death.

“Dr. Mitchell is not here to answer any of this . . . this witness here today is not here to critique the work of Dr. Mitchell. She's here to testify that the head trauma, in her opinion, wouldn't have caused Ms. Savio to pass out; that's her opinion . . . “

Judge Burmila interrupts, questions attorney Greenberg.

Glasgow responds, disputes the defense contention that the coroner is barred from suggesting a manner of death.

Judge: "Well, there's nothing I'm aware of that mandates that a coroner's pathologist includes a manner of death; there's nothing that precludes him from offering a manner of death . . . the objection is overruled. Be careful of where you go with your next witness, Mr. State's Attorney."

August 21 at 1:53pm · Like · 8

08/21/2012: Prosecution James Glasgow continues on direct examination

In Session

The witness and the jurors are now back in the courtroom.

Prosecutor Glasgow resumes his direct examination of neuropathologist Dr. Mary Case.

"With regards to Dr. Mitchell's protocols, was toxicology done?"

"Yes . . . it was a negative . . . it did not indicate the presence of any drugs or medications at all."

She also reviewed the materials from Dr. Larry Blum's 2007 autopsy.

She says that Dr. Blum's X-rays showed no abnormalities or broken bones, and that his incisions did not show "anything on the back . . . he farther explored the area of the soft tissue in the front part of your hip bone . . . there was deep bruising, and he further exposed and documented that, and took sections."

August 21 at 1:53pm · Like · 8

In Session

August 21 at 2:41pm

Watch this thread for live updates from the Drew Peterson murder trial!

In Session

The prosecution asks for a sidebar.

August 21 at 2:42pm · Like · 2

In Session

The sidebar ends.

“Did you have an opportunity to review an autopsy from 1007 performed by Dr. Michael Baden?”

“I did . . . he looked at all the material previously looked at in the two previous autopsies. He removed the spinal cord, and found some bruising or contusion in the muscles around the diaphragm. He photographed that, and then took microscopic sections, so that could be looked at . . . [the diaphragm] is inside, under the rib cage . . . the diaphragm is like a bellows; when you breathe in, it actually pulls air in. That’s a very important muscle to make you breathe . . . it’s protected by the ribs; it’s under the rib cage. And it’s behind the abdominal wall.”

“Did you have an opportunity to personally review all the slides assembled from the various autopsies?”

“I did.”

“Did you examine one of Dr. Blum’s slides, referring to the left lower quadrant?”

“I did . . . sections were made from that tissue, and a slide was made . . . then we can look at it under the microscope, which magnifies it.” Objection/Sustained.

August 21 at 2:44pm · Like · 7

In Session

“Did you review Dr. Blum’s findings as to his examination of the slides?”

“I did. My findings were similar; there were red blood cells present, which indicated this was an area of contusion . . . there were no inflammatory cells, which is the body’s reaction to any kind of injury . . . none of those were present. So it was a very fresh injury.”

“Was a photograph taken at the autopsy of this injury?”

“Yes, it was.”

The witness identifies a photograph of this lower left quadrant injury.

“You can see three blue areas of contusion . . . it looks blue to me; that indicates that it’s fresh . . . it’s a very fresh injury.”

August 21 at 2:47pm · Like · 13

In Session

“This is a large amount of force, going all the way down to the hip bone. It’s not just a minor little injury. It is significant . . . there are three separate forms of contact.” Objection/Overruled.

The witness then identifies photos that indicate there was no damage to the back, or the back of the neck.

August 21 at 2:49pm · Like · 14

In Session

Dr. Case then identifies a slide of Kathleen Savio’s heart.

“What did you find there?”

“I found it was normal heart; the cells didn’t indicate any kind of disease process, or any kind of injury.”

A second heart slide also indicates that the organ was healthy.

A slide from the hip tissue area indicates deep bruising.

August 21 at 2:51pm · Like · 9

In Session

The witness is asked about a slide from Dr. Baden’s autopsy.

“In the diaphragm, there were red blood cells and hemorrhage.”

Another slide “is similar . . . it also contained hemorrhage in the diaphragm area.”

“What kind of force would be required to produce a bruise like that in the diaphragm?”

“It went through the rib cage and produced a deep bruise in the diaphragm. So it’s a significant amount of force.”

August 21 at 2:55pm · Like · 17

In Session

Dr. Case divides head injuries into two types.

The first of these is “focal contact” (“something you could see with the naked eye”). Objection/

Sustained.

The witness then identifies a photograph of “the laceration to Kathleen Savio’s head . . . you’re looking at the undersurface. Where the laceration was, you can see some faint hemorrhage.”

“Does that fairly and accurately portray the brain as it was seen by Dr. Mitchell?”

“Yes, it does.” Objection/Overruled.

The photograph is then published.

Using a laser pointer, the witness notes the area of hemorrhages to which she’s just been referring (the “subgaleal hemorrhage . . . it has penetrated into the galea, but not all the way through”).

August 21 at 2:59pm · Like · 9

In Session

“There was enough force to tear the tissue, which is what a laceration is . . . enough force to lacerate the scalp.”

August 21 at 2:59pm · Like · 14

In Session

“After whatever force struck her head, tearing the skin, what happened to that force?”

“The force was dissipated . . . it entered into the galea, but not all the way through. So the force was dissipated.”

August 21 at 2:59pm · Like · 11

In Session

The witness identifies a demonstrative aid showing the laceration to Savio’s head.

“This outer layer, that’s skin . . . the scalp has a very distinct anatomy, with this thick layer of fat called the galea . . . and there here’s the bone. Beneath the bone is another thin membrane, the dura . . . beneath the dura is the subdural space.”

A second demonstrative is then identified by the witness, and she points out in more detail the structure of the brain.

"In Kathleen Savio's case, the only damages was in the skin and a portion of the galea . . . there is no hemorrhage in Ms. Savio's head, no trauma inside."

"Can you tell how much force would have been transmitted through the skull to the brain?"

"You can't predict that . . . only that the amount of force was dissipated before it went further."

August 21 at 3:05pm · Like · 8

In Session

The witness says that she wouldn't expect the amount of force from just a fall in the tub to have caused a loss of consciousness.

"A laceration is made by a blunt object. This is a blunt object."

"Did you see any such edge in the tub area, in the pictures that you saw?"

"I did not."

"In looking at the scene, did you come to any conclusions as to how Kathleen Savio might have hit her head?"

"When you look at the kind of injury I've discussed, that is an injury that comes with a large amount of force, such as that sustained in an automobile accident. A fall in a tub is not enough to produce diffused brain injury."

The witness goes on to say that "any time scalp tissue is torn, as it is here, there will be some bleeding."

"Based on the amount of blood you'd expect, do you have any conclusions?" Objection.

The judge calls the attorneys to a sidebar.

"Did you find any blood above her body?"

"I did not . . . if there was falling with striking of the head, there should be some blood there . . . I did not see any blood anywhere around the surface of the tub, only in the bottom of the tub."

"What kind of surface would be required to produce that laceration on her head?" Objection.

The defense asks for a sidebar.

August 21 at 3:19pm · Like · 7

In Session

“Is there any mechanism in the brain that if you are under water that triggers any reaction in the body?” Objection/Sustained.

“If a person is under water, is there any involuntary mechanism in the body that is triggered?” Objection/Overruled.

“When a person is under water, you normally hold your breath as long as you can. And then you take a breath . . . the respiratory center is driven by the level of carbon dioxide . . . “
Objection.

The defense asks for another sidebar.

August 21 at 3:19pm · Like · 9

In Session

The sidebar ends.

“In reviewing Kathleen Savio’s medical records, did you see she had been treated for . . .”
Objection.

The parties approach for another sidebar.

The sidebar ends, and the judge asks that the jury be excused from the courtroom.

August 21 at 3:21pm · Like · 8

In Session

The jurors and the witness are now gone.

The judge leaves the bench.

The trial is in a recess of undetermined length.

August 21 at 3:25pm · Like · 6

In Session

The parties are starting to go back into the courtroom.

We may be starting up again shortly.

August 21 at 3:33pm · Like · 13

In Session

Judge Burmila is back on the bench.

He sends for the witness and the jury.

August 21 at 3:46pm · Like · 11

08/21/2012: Prosecution James Glasgow continues on direct examination

In Session

The jurors and the witness are back in the courtroom.

Once again, prosecutor Glasgow resumes his direct examination of neuropathologist Dr. Mary Case.

“Did you have an opportunity to review the testimony of Dr. Vinod Motiani and Dr. Gene Neri?”
Objection/Overruled

“Yes, I did . . . Dr. Motiani is an internist and was the primary care [giver], going back to 1992 for Kathleen Savio. He treated her on a number of occasions . . . in 1995, he detected a heart murmur . . . [but] the heart was perfectly normal. The heart was normal at the autopsy . . . Dr. Neri is a neurologist, and he’d seen Kathleen Savio until February of ’02. I reviewed his records and his testimony . . . he was treating her for severe muscle spasm of the neck.”
Objection/Sustained.

“Have any comment on the cervical vertigo?” Objection/Sustained.

“What is cervical vertigo?”

“The sensation of things spinning around you . . . the neck muscles are in spasm, and it disorients the head.”

“Is there any danger with that condition?”

“There is no danger; it’s painful.”

August 21 at 3:51pm · Like · 12

In Session

“There was no evidence she had a seizure disorder . . . or any kind of neurological disorder.”

August 21 at 3:54pm · Like · 12

In Session

“Did you have a chance to see in the autopsy photos bruising in her upper chest?”

“From the first autopsy, you can see bruising inside the chest . . . it’s not visible externally. So we’re going to look internally . . .”

The defense objects, and requests a sidebar.

August 21 at 3:55pm · Like · 9

In Session

The sidebar ends.

“Do you recognize that exhibit?”

“I do . . . it is the inside of the chest before the bones are opened.”

The photograph is projected.

“The hemorrhages are located on the right side of the chest, on the midline, and over to the left . . . this is a result of blunt trauma that has struck the body, causing the tearing of soft tissue, a deep contusion . . . there are lots of nerve endings there.” Objection/Overruled.

August 21 at 3:56pm · Like · 15

In Session

“Do you recognize that?”

“This is a schematic, a computer-generated model.”

“Does it fairly portray those two contusions under the clavicles?”

“Yes.”

“And a third?”

“Yes, under the left breast.”

She points out these areas.

“This is blunt force impact . . . enough force that several areas of contusion have been created . . . two or three areas on the upper chest, and then one on the left lateral.”

“Is this a common household injury?” Objection/Sustained.

“Have you seen injuries like this before?”

“From automobile accidents, or similar traumatic incidents, yes.”

“Did you see photographs of an injury on the buttocks of Kathleen Savio?”

“Yes . . . it’s an abrasion . . . meaning there is scraping off of the skin surface . . . something rough has touched that area, or that area has touched something rough . . . the tub is smooth; this would have to be something rough touching that area, to abrade it”

August 21 at 4:01pm · Like · 17

In Session

The witness defines the term “first blow free . . . there is no blood spatter. The first one didn’t cast it off, but the second one would.”

“If you fell backward and hit your head, that’s not the same principle, is it?”
Objection/Sustained.

“It is not the same principle; that principle applies to repetitive.”

“Have an opinion as to how quickly that laceration would have bled?”

“I think it would have bled immediately . . . as soon as the blood vessels are opened, bleeding ensues . . . my opinion is that abrasion did not occur in a fall in that tub.”

August 21 at 4:05pm · Like · 17

In Session

“Is it also your opinion that that injury was not caused by a fall in that tub?”

“I don’t see anywhere in that tub that would cause that head injury, no . . . if you fell three times, and hit three different places . . .”

The defense then objects, and the parties go to a sidebar.

August 21 at 4:05pm · Like · 12

In Session

The sidebar ends.

The judge asks to have the jury removed.

August 21 at 4:05pm · Like · 6

In Session

The witness and the jurors are now gone.

The judge asks the court reporter to read back the last question (and the witness' partial response).

Attorney Goldberg then addresses the Court, complains that the witness' report says "nothing whatsoever about three falls . . . we are surprised by this. It's improper for her to attempt to rebut what the defense believes is going to be the State's theory in this case . . . they're trying to do this negative inference, this attack on our case preemptively. It's improper, and we're asking that her testimony be stricken."

Prosecutor Glasgow: "She's drawing reasonable inferences . . . [and] we went to great lengths to make sure that we turned everything over."

Goldberg: "She's a neuropathologist, not a crime scene reconstructionist . . . it's outside her realm of expertise."

Judge: "The motion to strike the testimony of the doctor in her entirety is denied. The last answer, about three falls, that portion of her testimony will be stricken."

The judge then sends for the witness and the jury.

August 21 at 4:12pm · Like · 16

In Session

The witness and the jurors are now back in the courtroom.

Judge to jury: "The doctor's testimony that it would take multiple falls to cause those injuries is to be stricken."

Prosecutor Glasgow continues his direct.

"What is rigor mortis?"

"A chemical reaction that takes place in the muscles . . . it begins to be noticeable about four

hours after death . . . it's stiff. After about 12 hours, the rigor will stay for about 24 hours, and then it begins to go away. After 36 and 48 hours following death, it will be totally gone. It's a type of parameter we use in a very loose way to determine how long someone's been dead."

"At room temperature, how long does it last?"

"Somewhere between 36 and 48 hours, it will be gone."

The defense then asks for a sidebar.

August 21 at 4:15pm · Like · 7

In Session

The sidebar ends.

"The age of the abrasion is that it appears very fresh. There's no appearance of healing to it. So it's very fresh."

August 21 at 4:15pm · Like · 10

In Session

"With the bruises you observed in Kathleen Savio, would any of them be post-mortem?"

"These are not post-mortem, no."

'Do you have an opinion to a reasonable degree of medical and scientific certainty as to the manner of death of Kathleen Savio?'

"I do . . . my opinion is homicide, meaning that another person did this. It is not an accident or a suicide."

This ends the direct examination of this witness.

August 21 at 4:19pm · Like · 19

In Session

The judge calls a recess at this time, to allow the defense to prepare for its cross-examination of Dr. Case. He leaves the bench.

August 21 at 4:19pm · Like · 6

In Session

August 21

Watch this thread for live updates from the Drew Peterson murder trial!

Judge Burmila is back on the bench. He sends for the witness and the jury.

08/21/2012: Defense Attorney Darryl Goldberg on cross examination

In Session

The witness and the jurors are back in the courtroom.

Defense attorney Darryl Goldberg begins his cross-examination of neuropathologist Dr. Mary Case.

“You are the medical examiner of St. Louis County?”

“The chief medical examiner, yes”

“And there are no limitations on your ability to do outside work?”

“There are not . . . this case is a private consultation.”

“Mary Case, Inc. is a business for you?”

“It is for tax purposes.”

“You’re only in business if you can produce results?”

“I don’t know what you mean by that.”

“If you were in the habit of giving unfavorable testimony for prosecutors, they wouldn’t call you?” Objection/Overruled.

“The vast majority of your cases are for the prosecution?”

“I would say that is correct; most of my testimony in criminal cases is from medical examiner work . . . I am called by the prosecution, not by the defense.”

“You have testified as an expert for a defendant in a criminal case?”

“I have . . . [but] it’s a small number . . . I have been consulted on numerous cases by the defense . . . [but] it is a very small number [of times where she’s actually testified for the defense in court].”

August 21 at 4:39pm · Like · 6

In Session

Dr. Case is next questioned about her C.V. “Would you take my word that . . .”
Objection/Sustained.

“Have you given a lecture where you spoke to the U.S. Attorney’s Office in Southern Illinois?”

The witness says she can’t remember off the top of her head, but the defense attorney directs her toward a specific passage, which jogs her memory. She also acknowledges giving a lecture to the U.S. Attorney’s Office in Nebraska.

“That is a federal prosecutor’s office, right?”

“Yes.”

“You’re on the advisory board for Shaken Baby Syndrome International?”

“Yes . . . it’s abusive injury to the head . . . most of my lectures have to do with head injury of some kind . . . I have a special interest in head injury.”

August 21 at 4:39pm · Like · 9

In Session

The witness is asked about some of the article she’s written (specifically about ones pertaining to head trauma in young children). She is then asked about some of the many awards she has received in the past.

“Generally, if anybody asks me, I will lecture. I’m happy to talk to anybody who will ask me.”

August 21 at 4:43pm · Like · 7

In Session

“You’ve never lectured to the National Association of Criminal Defense Attorneys, have you?”

“I’ve never been asked. I would be happy to do so.”

“Because of your cozy relationship with prosecutors?” Objection/Sustained.

August 21 at 4:44pm · Like · 9

In Session

The witness denies that she is an arm of law enforcement.

“I don’t know what their [the prosecution’s] theory is, their plan.”

“You understand that Mr. Peterson is on trial for murder, not for an accident?”
Objection/Overruled.

“Yes.”

“And you know how important your testimony is to that?”

“Yes, I understand that.”

The witness explains the single time she was not allowed to testify in a case.

“You were prepared to testify as to a cause of death without performing an autopsy?”

“Yes.”

August 21 at 4:47pm · Like · 8

In Session

The witness names the other pathologists whose work she reviewed for this case.

“I would like to see whatever evidence is there.”

“You are aware that Dr. Jeffrey Jentzen is a forensic pathologist?”

“I do know Dr. Jentzen; he’s a very good friend of mine.”

“And you’re aware that he’s come to a different conclusion than you have?”

“Yes.”

“You certainly don’t quarrel with his qualifications?”

“Not at all. Dr. Jentzen is a very fine forensic pathologist.”

She says that Dr. Vincent Demaio is also a fine pathologist, although she notes that she and Demaio have had many disagreements over the years. She says that she also has problems with the opinions of Dr. Jan Leetsma (she particularly disagrees with his opinions regarding abusive head trauma in children).

August 21 at 4:53pm · Like · 9

In Session

Dr. Case is asked about “langer lines.”

“Since you’ve agreed that Dr. Leetsma’s book is accepted as a respected treatise, he says ‘the scalp absorbs and dampens the effects of impact’ . . .”

“That’s what he says.”

“Ms. Savio had an injury on the back of her head?”

“Correct.”

“Parallel to the lines that run across her head would be horizontal lines . . . Dr. Leetsma says that’s what you’d expect to find?”

“Yes.”

“And that’s something completely different from what you’ve said today? You don’t accept anything in the forensic field as definitive unless you wrote it?”

“Yes.”

“And you’ve said that in the past?”

“Yes.”

“This book is still on the shelf in your library, isn’t it?”

“Yes, it is.”

August 21 at 4:57pm · Like · 5

In Session

The witness repeats she would not expect to see a laceration like the one to Savio’s head in a common bathtub fall. Attorney Goldberg quotes from Dr. Leetsma’s book, reading passages that appear to contradict her opinion.

“You told the jury that you would expect to see an edge?”

“I mentioned two things: a linear object, and an edged object.”

Goldberg continues to read from Dr. Leetsma’s book.

“I don’t disagree with anything that you just read there.”

August 21 at 5:00pm · Like · 8

In Session

Dr. Case acknowledges that an autopsy cannot reveal whether someone suffered from arrhythmia. She says that she reviewed Kathleen Savio's medical records in this case, and then identifies a copy of her own report.

"There's not one mention whatsoever about Miss Savio's medical records?"

"That's correct; I neglected to put those on there . . . I left it out, and I apologize."

"You knew that she took fat blaster pills?"

"I don't remember fat blaster pills."

"Assume it's in there."

"OK . . . I'm not an expert in fat blasters."

"They're sold all over the country, and in your community?"

"Probably."

She identifies Dr. Christopher Long as "my toxicologist."

"He is not a medical doctor?"

"That's correct."

August 21 at 5:05pm · Like · 8

In Session

"You understand that fat blaster pills would increase your metabolism, and there are a number of side effects on those bottles?"

"I don't know."

"You know that Ms. Savio did have heart palpitations?"

"When she first began with Dr. Motiani, she checked 'yes' for heart palpitations . . . I knew that she had palpitations."

"And she had a history of heart palpitations?"

“Yes; that is not an unusual complaint.”

August 21 at 5:07pm · Like · 4

In Session

“You understand Ms. Savio took aspirin?”

“There’s a list of medications she took; aspirin is a common thing, usually not prescribed . . . I don’t really recall her taking aspirin frequently . . . I don’t recall seeing aspirin in the records.”

“Did you see where she told her dermatologist that she had scarring on her buttocks?”

“Yes . . . that was not delineated further. She had it on her hands and on her buttocks.”

“What you did not note in your report is dizziness?”

“I don’t mention dizziness.”

“You don’t mention cervical vertigo?”

“No, I mentioned it later under Dr. Neri’s report.”

The witness is asked about Savio’s complaint of bloating.

“Can that mean that her heart was not functioning 100%?”

“It could, if she had congestive heart failure.”

Dr. Case also concedes that there are other complaints that Savio had that she did not personally mention in her report for this case (trouble sleeping, headaches, periods of anorexia, etc.).

“You have no idea that she and her boyfriend, Steve Maniaci, had rough sex shortly before her death?” Objection/Overruled.

“I don’t know about that.”

“And Mr. Maniaci told the state police that they had sex in the rear position, where she could have easily abraded her knees?”

“I am not aware of that . . . I did not hear anything that Mr. Maniaci said.”

August 21 at 5:14pm · Like · 4

In Session

The witness acknowledges that women bruise more easily than men.

“When you talked about the abrasion on Ms. Savio’s buttocks . . . you described that as brown and yellowish?”

“Yes . . . it’s not blue.”

“Abrasions can be produced post-mortem?”

“Yes.”

“Those are brownish yellow, right?”

“Yes.”

“So when you said it was produced before she died, that was incorrect?”

“In my opinion, it’s ante mortem . . . that particular one is not post-mortem, in my opinion.”

August 21 at 5:18pm · Like · 12

In Session

In the opinion of Dr. Case, Kathleen Savio was “healthy.”

“When you told the jurors that the head injury would not produce loss of consciousness when she fell, you’re making an assumption that she was conscious to start with?”

“Correct.”

August 21 at 5:24pm · Like · 10

In Session

The witness is asked about what may or may not be a common complaint pertaining to “a hot bath.”

“Your body tries to compensate for the fact that you’re in a hot bath?”

“Your body temperature stays the same . . . the blood is moving, the vessels are dilating; the blood is moving out there.”

She repeats that she finds it “extremely unlikely” that Savio passed out due to the hot water in a bath.

August 21 at 5:26pm · Like · 16

In Session

The witness is now asked about a book written by [defense expert] Dr. Werner Spitz.

“It’s recognized; it’s useful . . . I don’t agree with every statement in the book.”

“And you don’t agree with anything being authoritative unless you wrote it?”

“Yes.”

Attorney Goldberg reads from the book. “Dr. Spitz disagrees with you, doesn’t he?”

“And I disagree with Dr. Spitz.”

“You disagree when he says that if the blow is hard enough to break the skin, even unconsciousness is possible?” Objection/Sustained.

August 21 at 5:30pm · Like · 8

In Session

Dr. Case is questioned again about the “rough sex” that Goldberg theorizes might have caused some of her bruises.

“I don’t know if that’s rough sex; that probably happens every day”

Goldberg: “Maybe in your house, not mine.” Objection/Sustained.

August 21 at 5:33pm · Like · 8

In Session

“I see lots of people who bump into tables. They bump into things all the time. They do not have those kind of bruises on their body, those deep bruises . . . we all bump into things. That is not a common experience, for someone to walk around with bruises like that.”

“You have no idea whatsoever where that bruise came from, or where it came from?”

“In my opinion, it’s an inflicted injury.”

“Do you know with 100 % certainty, with your crystal ball?” Objection/Sustained.

August 21 at 5:39pm · Like · 13

In Session

“When you section a brain, there’s wet cutting and dry cutting?”

“I know what you mean, but that’s not terminology that I use.”

“Wet cutting is when you cut it when it’s not fixed?”

“I have never used that technology, but I understand what you’re talking about.”

Attorney Goldberg asks for a moment.

August 21 at 5:39pm · Like · 6

In Session

“If I understand it, you can slice or section a brain at the time of autopsy, or you can fix it, put it in a formaldehyde solution, to keep the structure?”

“Yes . . . that’s my preference, if I’m going to do a very detailed examination.”

“And you can section a spine?”

“Yes.”

“And that wasn’t done in this case?”

“It wasn’t done until the third autopsy.”

August 21 at 5:40pm · Like · 6

In Session

“One of the things you talked about an injury on the diaphragm . . . there was no injury whatsoever around the surrounding area?”

“That’s correct.”

“And Dr. Blum did not identify any injury in that area?” “He did not examine that area, like Dr. Baden did.” Objection/Sustained.

“You’d expect to see injury around the diaphragm, the area surrounding the diaphragm?”

“If you’re asking me if I’d expect to see it on the outside of the body, that answer would be

no.”

“Isn’t it just an artifact from an autopsy?” “Not in my opinion, no.”

“There were no injuries whatsoever to the areas immediately adjacent to that diaphragm?”

“There were none.”

That concludes the cross-examination of this witness, and the prosecution asks for a sidebar.

August 21 at 5:45pm · Like · 10

In Session

The sidebar ends.

The jurors are excused from the courtroom.

Judge: “We’ll take a five minute break.”

He then leaves the bench.

August 21 at 5:45pm · Like · 7

In Session

August 21

Watch this thread for live updates from the Drew Peterson murder trial!

Judge Burmila is back on the bench.

The defense has argued that the State should not have shown a photograph that it did during its examination of Dr. Case.

The prosecution offers to crop the photo if it is used again.

The judge says the photo was relevant to the witness’ testimony, and not overly prejudicial to the defendant. “I understand the defendant’s objection . . . but that objection is overruled.”

In Session

The judge sends for the witness and the jury.

August 21 at 6:09pm · Like · 2

In Session

Before the jurors or witness can return to the courtroom, the attorneys approach the bench for a sidebar.

August 21 at 6:11pm · Like · 5

08/21/2012: Prosecution James Glasgow on redirect examination

In Session

The sidebar ends.

The jurors return to the courtroom, and prosecutor Glasgow begins his redirect examination of neuropathologist Dr. Mary Case.

“Counsel was asking you questions that made it sound like you only lecture to law enforcement and police agencies?”

“There were a lot of questions about that, yes.”

The prosecutor then goes over her C.V., noting other lectures to various groups.

“I’m not sure I have a percentage. I think the majority of the lectures I do are to people who do death investigators . . . mainly defense investigators and other doctors.”

August 21 at 6:15pm · Like · 8

In Session

“Out of the 400 lectures, about half of them deal with adult head trauma?”

“I would say so, yes.”

The witness agrees that she and Dr. Jan Leetsma “have disagreements” about head trauma in children.

“But in this case, you both agree the cause of head trauma was a blunt object with a concentrated edge?”

“That’s correct.”

August 21 at 6:18pm · Like · 14

In Session

“You were asked about a sexual encounter with Mr. Maniaci, from behind. Were there any injuries to her knees?”

“There were no injuries to her knees.”

“If there was going to be rough sex from behind, would you expect injuries to her knees?”
Objection/Sustained.

“The abrasion on Kathleen Savio’s buttocks, it’s your opinion that is a pre-death injury?”

“Correct. The appearance is that it’s not healing . . . it’s a very fresh injury.”

August 21 at 6:19pm · Like · 14

08/21/2012: Defense Attorney Darryl Goldberg on recross examination

In Session

The prosecution has ended its brief redirect.

Attorney Goldberg then begins his recross.

“You were just asked about the abrasion on Ms. Savio’s buttocks?”

“Yes.”

“You’re sticking with ante mortem?”

“Yes . . . there’s no indication of any healing.”

“No vital reaction?”

“It’s a little bit different.”

“In your lecture notes, it says abrasions can be produced post-mortem, brownish yellow, like on Ms. Savio’s buttocks?”

“I believe those are post-mortem.” Objection/Sustained.

“You also know that Deputy Coroner Michael VanOver said that abrasion was healing?”

“I believe you’re correct; that was his impression.”

August 21 at 6:23pm · Like · 7

In Session

“You’re aware Ms. Savio fell down the stairs in 1999?” Objection/Sustained.

August 21 at 6:23pm · Like · 5

In Session

The defense has no further questions for this witness.

She is excused, and the trial is in recess for the day.

August 21 at 6:25pm · Like · 9
