

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

**Drew Peterson Defense Presents Their Case
Court Updates – Tuesday, August 28, 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)**

08/28/2012: Prosecution argues Defense using "Demonstrative Aids"

In Session

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

August 28 at 10:47am

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

Judge Burmila takes the bench.

Prosecutor Connor says that before the jury comes in, there are a couple of issues that need to be handled. The first issue is some demonstrative aids that the defense hopes to use, but to which the State objects.

One of these demonstratives is entitled "Slip and Fall Dynamics"; according to Connor, it has no relevance to this case.

Meczyk responds: "With all due respect, this is a meritless objection . . . this is only a demonstrative assistant; that's all this is."

In Session

Judge Burmila rules that one of the defense demonstrative exhibits will be banned.

He allows the other one, however.

A third exhibit will be allowed, after all the test and other additive material has been removed.

Glasgow addresses the bench: "This demonstrates a woman whose hands are in front of her as she falls backward . . . there's nothing around this woman that she's going to strike; she's falling in free space. She couldn't create the velocity to create this injury. This is so out of context . . . this is so far out from anything involved in the State that it would be so prejudicial . . . I would just ask the Court to reconsider its ruling, based on that."

Judge: "It seems to me that you're aptly able to cross-examine the expert . . . no one will be allowed to argue that this is a depiction of what happened to Ms. Savio; it's a demonstration about falling, not about Ms. Savio . . . if that opens the door to something you want to try to avail the jury of during rebuttal, we'll cross that bridge when we get to it . . . this is only the dynamic of a fall. If the cross-examination reveals it didn't happen in this particular fall, then the expert will be damaged by that."

August 28 at 10:57am · Like · 10

In Session

Glasgow requests to be allowed to take a photograph of the exhibit in question, to be sent to prosecution expert Dr. Mary Case.

"We didn't get this until yesterday afternoon. If I can get a chance to FAX this to her, we can get an answer, and we'll be ready to go right away."

Judge: "You don't want the witness to start until you've spoken to Dr. Case?"

Glasgow compromises, says that he can wait until after the direct examination to contact Dr. Case.

With that, the judge sends for the jury.

August 28 at 11:01am · Like · 8

08/28/2012: Defense Attorney Ralph Meczyk on direct examination

In Session

The jurors have entered the courtroom.

Attorney Ralph Meczyk calls the first defense witness of the day: **Dr. Jeffrey Jentzen**.

He is a forensic pathologist.

"Have you reached an opinion as to the cause and manner of the death of Kathleen Savio?"

"I have reached an opinion."

Without stating his opinion, the witness goes over his medical and professional background that qualifies him to form such an opinion.

August 28 at 11:04am · Like · 4

In Session

Dr. Jentzen continues to go over his educational and professional background.

He is licensed to practice medicine in the states of Michigan and Wisconsin.

He is board-certified in the fields of anatomic, clinical, and forensic pathology.

August 28 at 11:07am · Like · 2

In Session

“I’m the Director of Autopsy and Forensic Services at the University of Michigan Medical School in Ann Arbor.”

He claims this is rated as one of the top ten medical schools in this country.

Until 2008, he was the chief medical examiner in Milwaukee. the states of Michigan and Wisconsin.

He is board-certified in the fields of anatomic, clinical, and forensic pathology.

August 28 at 11:10am · Like · 2

In Session

The defense shows an exhibit to the prosecution. It is then shown to the witness.

“This is a copy of my . . .” Objection/Sustained.

“Is that a copy of your resume, or a summary of your accomplishments?”

“Yes.”

“It’s approximately 29 pages long?”

“That’s correct.”

But before the C.V. can be projected, the State asks for a sidebar.

August 28 at 11:13am · Like · 2

In Session

The sidebar ends.

“Besides being a board certified pathologist, do you hold any other degrees?”

“Yes, I have a PhD in the history of science from the University of Wisconsin.”

His dissertation for that degree was on the history of death investigation in the United States during the 20th Century.

August 28 at 11:13am · Like · 1

In Session

He has previously been the president and the chairman of the board of NAME (the National Association of Medical Examiners).

He has also authored one textbook in the field of forensic pathology.

August 28 at 11:16am · Like · 2

In Session

In addition to his textbook, he has written several articles in his field.

He names a few that might have special connection with the Peterson case.

August 28 at 11:16am · Like · 2

In Session

The witness has regularly given lectures to law enforcement agencies.

August 28 at 11:19am · Like · 1

In Session

One of Dr. Jentzen’s articles, from 2007, specifically dealt with drowning deaths.

He has also co-authored an article with prosecution witness Dr. Mary Case (regarding infant head injuries).

“Would that be relevant to the testimony you expect to give today?”

“Yes.”

He and Case also co-authored a “position paper” that dealt with aspects of head injuries.

And a third article he co-authored with Dr. Case had to do with Shaken Baby Syndrome.

August 28 at 11:20am · Like · 2

In Session

The witness is tendered as an expert witness in the field of forensic pathology.

The State has no objection, and so Dr. Jentzen is qualified as an expert in his field.

August 28 at 11:24am · Like · 3

In Session

Dr. Jentzen lists the documents that he has reviewed in the matter of the death of Kathleen Savio (scene reports, Savio's medical reports, the autopsy reports, the expert testimony of Drs. Blum and Case, and written reports by Drs. DiMaio, Leetsma, and Spitz).

“Have you been able to arrive at a conclusion as to the manner of death?”

“I have . . . it's my opinion that Kathleen Savio died from drowning, and that the manner of death is accidental . . . because of the circumstances of the death, the position of the body, the injury patterns, the disease processes, and the toxicology examination.”

August 28 at 11:28am · Like · 1

In Session

“Did you notice a pattern of injuries to Ms. Savio?”

“I did . . . Ms. Savio was lying in the bathtub on a left lateral position . . . she was lying on her left side, with a one-inch laceration on the left back section of her scalp.”

“Most of her injuries were to the left side of her body?”

“Correct . . . the injury patterns I saw on Katherine [sic] Savio were on the left side, over bony prominences . . . these injuries are classic for an individual who falls. When people fall, they fall on the corners of their body, their elbows, their chins . . . this injury pattern is classic for a fall . . . it's in the areas that you'd expect an individual to sustain an injury in a fall or a slip and fall.”

He claims he's seen injuries like this “almost weekly” in his work as a medical examiner.

“Did you see anything that would indicate to you a fall or a struggle?”

"I did not . . . there was a very delicate gold necklace around the neck that was intact . . . there was no breaking of the fingernails or any defensive injuries."

August 28 at 11:42am · Like · 2

In Session

"Did you notice any injury to her face?"

"No."

"Would that be a classic injury to struggle?"

"Yes, you would expect that."

Over a prosecution objection, Dr. Jentzen stands up and demonstrates that parts of the body where one would expect to find defensive injuries.

"Did you notice injuries of that nature on Ms. Savio's body?"

"No, I did not."

August 28 at 11:42am · Like · 2

In Session

In order to better explain his testimony, the witness steps down from the stand to the well of the courtroom. He is then directed to a demonstrative aid.

"This would be indicative of a typical slip and fall. Your feet go off the ground; they lose contact with the surface."

"They literally fly up into the air?"

"Correct; their feet lose contact with the surface."

The witness then returns to the witness stand.

August 28 at 11:43am · Like · 1

In Session

Dr. Jentzen says he has reviewed the trial testimony of prosecution expert Dr. Larry Blum.

“Based on your experience and training, is there anything unusual about the position of Ms. Savio’s body in that bathtub?”

“None to explain anything else but a fall.”

“Do you find the position of Ms. Savio’s body to be unusual, indicating a homicide?”

“No. It’s lying on the left side; that’s where all the injuries are. She’s in a kind of fetal position, basically because she is longer than the tub is. There has been some settling; her body has settled somewhat lower into the tub, and there is some compression of the toes. And you can see the lividity pattern, which is the settling of blood after a person dies.”

August 28 at 11:43am · Like · 1

In Session

“I’m going to talk to you about the laceration . . . is there anything unusual about the appearance, the configuration, the orientation of the laceration in this case?”

“No, there’s nothing unexpected about this laceration . . . it’s in a typical place where an individual would sustain that injury with a fall.”

“A laceration is a tear?”

“Correct.”

“Do tears make any typical type of sign?”

“They could be satellite (?), or triangularly shaped, or horizontal, or vertical . . . depending on where the force is, and how they strike.”

“Do you find it unusual in this case?”

“Absolutely not. This is a class injury, caused by a fall where there were numerable surfaces where a head could strike.”

August 28 at 11:50am · Like · 1

In Session

“Are there any contours on that tub that would cause that type of injury to the back of Ms. Savio’s head?”

“Yes, there are . . . any of the edges, those are the types of areas where when a scalp forcibly strikes them you would get a laceration . . . it would be certainly consistent with an impact onto the edge of the tub, correct.”

August 28 at 11:50am · Like · 2

In Session

The witness is directed to an exhibit that has been projected on a screen.

“Is that the scalp wound that Ms. Savio received?”

“Yes, it is.”

“Did Ms. Savio have a full head of hair?” “Yes, a thick head of hair.”

“If someone struck one of the contours of that tub and received that type of a gash, would there be any evidence, any proof of hair or tissue transfers on that tub?”

“There certainly be hair, but we wouldn’t expect any blood or other type of transference . . . when there’s impact, there’s a crushing impact on the blood vessels. And individuals with thick hair cover up the laceration, and prevent blood from immediately spattering onto the impact site . . . the wound basically tears, and then it comes together.”

“Is there an interval between the time of impact and when you have hemorrhage or bleeding?”

“Yes, and the amount of hair would also impede the blood flowing from outside the wound.”

August 28 at 11:56am · Like · 1

In Session

“Now I’d like to talk to you about the examination on the lower right quadrant . . . is this an injury of sufficient magnitude?”

“Yes, there was an impact to that area.”

“When Ms. Savio struck her head, could that injury have caused loss of consciousness?”

“Yes, very definitely.”

August 28 at 11:57am · Like · 1

In Session

“The pelvic crest . . . is that the hip bone?”

“Yes, the hip bone, on the front portion . . . it’s the bony prominence where there’s an attachment of a number of muscles . . . it’s generally visible on individuals.”

“How many bruises did you see on the pelvic crest?”

“There was one bruise.”

“How do you know it was one bruise?”

“It was a bruise accentuated in coloration in areas . . . but when looked at in totality, it was one bruise; it looked like one bruise with a small area of folding in the middle of it.”

“Were there three bruises, or only one?”

“Only one.”

“Can you age this bruise, or other bruises?”

“This bruise appeared to be an acute bruise . . . I could call it recent . . . I can’t age it with certainty, but I can say it was anywhere between two minutes to two hours to two days, or possibly even longer. It had a purple appearance, as a recent bruise.”

“Can you date it?”

“It’s difficult.”

“Can you say this bruise is nice and fresh, as Dr. Blum opined?”

“It’s a recent bruise. It could be a couple hours old. Or it could be a couple days.”

August 28 at 12:02pm · Like · 1

In Session

Dr. Jentzen is now asked about the bruise on Kathleen Savio’s left breast.

But before he can get into the subject, the parties approach the bench for a sidebar.

August 28 at 12:02pm · Like · 2

In Session

The sidebar ends.

The judge asks to have the jury removed from the courtroom.

August 28 at 12:04pm · Like · 2

In Session

The jurors and the witness are now gone.

Prosecutor Connor addresses the Court, claiming that “the colors don’t look right” in an exhibit the defense is hoping to use.

Judge: “You’re not suggesting that they altered it?”

Prosecutor Patton: “No, absolutely not . . . I think it’s a matter of consistency . . . I just don’t want to confuse the jury.”

Judge: “They can use their photograph, if they want to do that.”

August 28 at 12:08pm · Like · 5

In Session

Judge Burmila decides to take the morning recess at this point.

He leaves the bench, and the trial is in recess until 11:15 CT/12:15 ET.

August 28 at 12:08pm · Like · 3

In Session

August 28 at 12:28pm

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

Judge Burmila is back on the bench.

The jurors and the witness return to the courtroom.

“When she struck the back of the tub with her head, did her head bounce off?”

“Yes, I believe it did.”

The witness is asked about the bruise to Savio’s left breast.

“In my opinion, it’s a recent bruise . . . it could be a matter of hours to a matter of days old.”

“Can you date it with any more specificity?”

“No.”

“Can you rely on Dr. Mitchell’s autopsy?”

“Yes, it’s a common practice.”

“Do you believe that Dr. Mitchell performed a sound, competent autopsy on the body of Ms. Savio?”

“Yes . . . sufficient so that I could render an opinion.”

In Session

“Did you notice bruising in the area of Ms. Savio’s clavicle?”

“Yes.”

“Did you notice hemorrhage there?”

“I did.”

“Was there anything unusual?”

“No.”

“There were two bruises there?”

“Yes . . .they appeared to be generally symmetrical.”

The witness stands up, and demonstrates for the jury where he saw these injuries to Savio’s body.

“Based on your training and experience, can you tell us whether or not those symmetrical bruises are indicative of a sign of an assault or a struggle?”

“In my opinion, their location is atypical for an assaultive injury. The fact they’re symmetrical indicates they’re most typical of striking a surface . . . it wouldn’t be an indication I would have for an assaultive injury.”

August 28 at 12:36pm · Like · 4

In Session

The witness now moves to the subject of Kathleen Savio’s diaphragm.

“Is it a muscle that has a lot of vasculature?”

“No, it’s a very thin muscle, not as well supplied with blood as the scalp or other areas . . . it’s probably at maximum a quarter of an inch thick.”

“Have you read Dr. Blum’s report?”

“I did.”

“Where he references Dr. Baden’s findings?”

“Correct.”

“Recall whether or not Dr. Baden discovered hemorrhages of the diaphragm?”

“Dr. Bade describes a dark discoloration that he believes was hemorrhage in the area.”

“Did Dr. Mitchell discover that dark area?”

“He did not.”

“Did you consider Dr. Mitchell to be a competent pathologist?”

“Yes.”

“Did Dr. Blum discover this dark area of discoloration?”

“He did not.”

“Did Dr. Baden take a tissue sample of what he claimed to be a dark area in that hemorrhage?”

“Yes.”

“Do you know if Dr. Baden himself sat down and examined that sample himself?”

“I do not believe he did; it wasn’t referenced in any of his reports . . . he submitted it to Dr. Blum.”

“Did you have an opportunity to look at the slide that Dr. Baden made?”

“I did.”

“Was that the slide that represented the diaphragm tissue?”

“Yes . . . I didn’t see any hemorrhage in the tissue of the diaphragm that would indicate that there was real hemorrhage there. But there was a clump of red blood cells that I believe was an artifact . . . it does not indicate, in my opinion, any hemorrhage in the diaphragm.”

“Do your findings contradict Dr. Baden?”

“Yes . . . I didn’t see active hemorrhage in the diaphragm, no.”

“Have any doubt about that?”

“No . . . the hemorrhage was not observed by Dr. Mitchell, who had the best opportunity . . . it would have been a very unique area to have hemorrhage in; it would be very visible . . . it’s very unusual to have injury to the diaphragm . . . there’s very rarely hemorrhage into the muscle of the diaphragm.”

August 28 at 12:36pm · Like · 3

In Session

“I want to now talk to you about consciousness and unconsciousness . . . that general topic area. How do you define a concussion?”

“A trauma-induced change in mental status, or a change in your mentation, related to trauma . . . it’s graded from 1 to 5 . . . grade 5 is a loss of consciousness for over ten minutes . . . in a concussion, there is no structural or pathological finding in the brain tissue; there are no lesions that can be seen with even a CAT scan or an MRI . . . it’s more of a non-pathological change in mental status.”

“Can that concussion cause a loss of consciousness, even momentarily?”

“It can, in many occasions.”

“Can it cause dizziness?”

“Yes.”

“A disorientation?”

“Yes;”

“In your opinion, could Kathleen Savio have struck her head, not lost consciousness, but become dazed?”

“Yes.”

“Then slipped underwater, and drowned?”

“Yes.”

“Dr. Mitchell didn’t see any physical injury whatsoever to the brain?”

“That’s correct; he described no bruising or contusion to the brain, or around the brain substance.”

“You have read the booklet containing your colleague Dr. Case’s opinion about loss of consciousness?”

“Yes. “And you’re aware of her qualifications?”

“Yes.”

“And she’s a neuropathologist?”

“Yes.”

“Are you qualified to speak about neuropathology?”

“Certainly. In every examination I do, I examine the brain tissue.”

August 28 at 12:46pm · Like · 3

In Session

The witness is asked about Dr. Case’s opinion that this was a homicide.

“I disagree vehemently with that opinion . . . a concussion without any identifiable pathology injuries can cause loss of consciousness . . . I believe that Dr. Case is confused with interpreting what a fatal brain injury would be.”

“So you can have this type of a head injury, where there’s nothing at all, no physical damage to the naked eye, and still lose consciousness?”

“Correct.”

“Have you seen that as a forensic pathologist?”

“I have”

August 28 at 12:47pm · Like · 3

In Session

Dr. Jentzen is asked about the forces necessary to tear axons in the human brain.

“When someone has a head injury as Ms. Savio had, would those axons be damaged?”

"It's possible . . . they would be invisible for up to a number of hours, had she lived . . . the other explanation is that she had a concussion, with no injury to the brain. Dr. Mitchell didn't look at the microscopic tissue from the brain."

August 28 at 12:51pm · Like · 4

In Session

"Could a CAT scan or an MRI have detected this axonal damage?"

"It's possible an MRI could."

The witness steps down from the stand, identifies a demonstrative chart showing axonal damage.

"These are nerve cells inside the brain. They have long fibers which transmit the electrical stimuli . . . these long fibers go to the spinal cord, and interact with other nerves of the body . . . a typical neuron is microscopic; it's invisible to the naked eye . . . as it's torn, we see this circular retraction ball under the microscope. That's what pathologists look for under the microscope, to diagnose this injury. It's not seen for many hours later."

According to this witness, "it's likely she could have had axonal injury that was not detected."

"If Dr. Mitchell had taken samples right after death, would he have seen axonal injury?"

"No . . . it's a very severe injury."

"Would we have known that with Ms. Savio? Did she live long enough to find out?"

"No. She drowned."

August 28 at 12:57pm · Like · 2

In Session

"She could have suffered a severe head injury that could have resulted in axonal injury . . . it's identifiable later on, but you can't see it."

"It would not have been seen upon gross examination of her brain?"

"Correct."

"Do you agree that Dr. Mary Case is just plain wrong that if there was a loss of consciousness you'd see gross brain injury?"

"She's wrong."

“Do we have your word on it?” Objection/Sustained.

“Do we have your assurance on it, to a degree of medical certainty?”

“Yes, she would have had loss of consciousness without any visible alteration to the brain tissue.”

August 28 at 12:58pm · Like · 3

In Session

The witness confirms that he is being compensated for his work in this case. However, he denies that this compensation has affected his opinion.

“Based on your review of trial testimony, reports, police reports, and other materials furnished to you . . . have you come to a conclusion with respect to the manner of death of Kathleen Savio?”

“Yes, IK have an opinion. It’s my opinion that she died from drowning, and the manner of death is accidental . . . she slipped and fell, she struck the left side of her body . . . she sustained a head injury, she was rendered unconscious, and in an unconscious state she drowned in the tub . . . I would certify the death as drowning, and the manner of death as accident.”

August 28 at 1:03pm · Like · 4

In Session

The direct examination of Dr. Jentzen is now concluded.

Judge Burmila calls the lunch recess at this time.

The jurors leave the courtroom, and the trial is in recess until 1:15 CT/2:15 ET.

August 28 at 1:03pm · Like · 7

In Session

August 28 at 2:33pm

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

Judge Burmila has just taken the bench.

Defense Attorney Ralph Meczyk informs the Court that he has a few more questions he'd like to ask Dr. Jentzen, so the direct examination will continue.

In Session

The jurors are now back in the courtroom and attorney Meczyk resumes his direct examination of Dr. Jeffrey Jentzen.

"I want to ask you about another area of Ms. Savio's anatomy, the buttock region . . . do you see that discolored area?"

"I do."

"Do you have an opinion what that mark is?"

"I'm pointing to the area that is this reddish area in the buttock . . . I think it's a drying artifact, a desiccation of the skin that we typically see in bodies that have been exposed to air for a period of time."

"Your conclusion is that that discolored portion is an artifact of air?"

"Of drying."

He disagrees with the opinions of Dr. Blum and Dr. Case that this mark is an abrasion.

August 28 at 2:39pm · Like · 5

In Session

Once again, the witness says he believes Savio's death was caused by an accidental fall, which led to her drowning.

August 28 at 2:39pm · Like · 5

In Session

"Did you ever author a paper on fatal head injuries in infants and young children?"

"Yes."

The State objects to this question, and so the parties approach the bench for a sidebar.

August 28 at 2:39pm · Like · 7

In Session

The sidebar ends.

The witness is shown a copy of the paper in question.

“Did you ever author this paper on fatal abusive head injuries in infants and young children?”

“Yes, I coauthored that article.”

“There is a chapter in the article called ‘Diffuse Brain Injury?’

“Yes.”

The attorney quotes from the article (referring to axonal injuries).

“Those are your words?”

“Yes.”

“Did someone else use those words alongside you?”

“Dr. Mary Case was the coauthor of the article.”

“So those are her words, along with your words?”

“Yes.”

August 28 at 2:42pm · Like · 5

In Session

According to the witness, with special stains the injuries to the axon can be seen in as short a time as two hours. But the victim must remain alive for those injuries to be perceived.

August 28 at 2:44pm · Like · 5

In Session

“Did you also notice a shin injury?”

“Yes, there were injuries to both shins. They were recent contusions, or recent bruises . . . they were insignificant, symmetrical bruises, characteristics of striking tables and cars, indicative of daily living.”

That concludes the direct examination of this witness.

August 28 at 2:45pm · Like · 6

08/28/2012: Prosecutor John Connor on cross examination

In Session

Prosecutor Connor begins his cross.

“You’ve previously testified in this case that it’s possible this case was a homicide?”

“That’s correct . . . basically, anything is possible.”

August 28 at 2:45pm · Like · 28

In Session

The witness is asked about a demonstrative.

“In this demonstrative, this individual’s legs are not enclosed in any sort of conical bathtub?”

“Correct.”

“So this bears absolutely no relation to the bathroom Kathleen Savio was found in?”

“No, it’s just a person falling.”

“So it has absolutely no relation to this case?”

“I think it shows an individual who’s falling.”

“On a flat surface, with nothing around them?”

“Yes.”

August 28 at 2:49pm · Like · 27

In Session

The defense asks for a sidebar.

August 28 at 2:49pm · Like · 8

In Session

The sidebar ends, and the jury is excused from the courtroom.

Attorney Greenberg makes an objection about the State's use of the word "testify," in regard to Dr. Bryan Mitchell's testimony. Since Dr. Mitchell only testified at the grand jury, and was never subject to cross-examination in this case, Greenberg insists that it's leaving the wrong impression with this jury.

"It's improper . . . and you previously cautioned the State not to do it."

Prosecutor Connor responds, claims that Dr. Jentzen testified on direct examination that he reviewed the trial testimony of Dr. Mitchell.

"Here's the problem: there was no trial testimony of Dr. Mitchell.

He has actually relied on Dr. Mitchell's grand jury testimony."

August 28 at 2:53pm · Like · 10

In Session

Judge Burmila takes a moment to look through his notes.

"Where did he [Dr. Jentzen] say that he reviewed Dr. Mitchell's trial testimony?"

Connor: "Right at the beginning."

Judge: "You believe he mentioned Dr. Mitchell?"

Connor: "I believe I heard him mention the word 'Mitchell,' Your Honor. Obviously, if I'm wrong, I heartily apologize."

August 28 at 2:56pm · Like · 10

In Session

The judge decides to take a brief recess at this point, so that he can review the record from this morning's court reporter (who is not the same person who's in the courtroom this afternoon). He leaves the bench.

August 28 at 2:58pm · Like · 7

In Session

The judge is back on the bench.

Connor: "I just want to be clear. The witness has testified that he has reviewed a transcript of Dr. Mitchell."

Judge: "If you lay a foundation that he reviewed Dr. Mitchell's testimony, then he can go into that."

With that, the judge sends for the jury.

August 28 at 3:12pm · Like · 21

In Session

The jurors and the witness have returned to the courtroom.

Prosecutor Connor resumes his cross-examination of Dr. Jentzen.

"You reviewed materials from Dr. Bryan Mitchell?"

"Yes."

"Did you rely on all those materials?"

"I relied upon his autopsy protocol and his photographs. I certainly didn't rely on his opinions . . . just the protocol and the photographs."

August 28 at 3:14pm · Like · 12

In Session

According to Dr. Jentzen, "it's possible" Savio's left breast injury was a result of the same incident that caused her other injuries.

The defense asks for a sidebar.

August 28 at 3:20pm · Like · 8

In Session

The sidebar ends.

The witness is confronted with his prior testimony in this case.

"Today you said that was one area of contusion; previously, you said it was three separate areas of contusion?"

“Correct.”

August 28 at 3:20pm · Like · 11

In Session

Dr. Jentzen repeats that the clump of red blood cells he saw in the diaphragm are an artifact.

“So it’s your testimony those red blood cells are not indicative of hemorrhage in any way?”

“In to the diaphragm, yes.’

August 28 at 3:21pm · Like · 9

In Session

Dr. Jentzen disagrees with Dr. Baden’s and Dr. Case’s conclusions that there was an injury to the diaphragm.

“You testified about the different grades of concussion?”

“I said the concussion caused loss of consciousness for various periods of times.”

“So diffuse axonal injury doesn’t really relate to the concussion . . . [but to] severe head injury.”

“Do you disagree with Dr. Case’s testimony that there would not have been enough force generated in the small bathroom for either concussion or diffuse axonal injury?”

“I disagree with it.”

“So you say sufficient force could have been generated to cause either a severe head injury or either a grade four or five concussion?”

“Definitely.”

The witness concedes, however, that there are “no pathological findings” of this in Savio’s brain.

“You can have a concussion without severe head trauma. There was no severe head trauma in this case.”

August 28 at 3:28pm · Like · 6

In Session

“Is it your testimony here today that the hip injury, thigh, buttock, and arm were all fresh injuries at the time of the autopsy?” Objection/Sustained.

“The injuries you’ve testified to were all recent?”

“Correct.”

“You’re aware the buttock injury was described by Drs. Baden, Blum, and Case as an abrasion?”

“Yes.”

“And it was described in Dr. Mitchell’s autopsy protocol, as well, as an abrasion?”

“Correct . . . [but] it’s a dried artifact.”

August 28 at 3:31pm · Like · 10

In Session

The witness concedes that “it’s possible” that injuries to Savio’s arms and hands could be defensive injuries.

“I wouldn’t characterize them as defensive injuries . . . I wouldn’t consider them to be typical defensive-type injuries.”

August 28 at 3:32pm · Like · 10

In Session

“This bruising on the right finger, on the right hand . . . that would not be a defensive injury?”

“That’s correct.”

Prosecutor Connor continues to ask Dr. Jentzen about the injuries suffered by Kathleen Savio, one by one.

August 28 at 3:38pm · Like · 12

In Session

“You have previously testified that the head injury, the head impact would have occurred first?”

"I don't recall."

August 28 at 3:39pm · Like · 10

In Session

Once Dr. Jentzen is finished with his testimony, forensic pathologist Dr. Vincent DiMaio is expected to be the next defense witness.

He's been sitting in the courthouse hallway all day, awaiting his turn.

August 28 at 3:42pm · Like · 7

In Session

Prosecutor Connor once again challenges Dr. Jentzen with previous testimony.

"I don't recall the question."

August 28 at 3:43pm · Like · 12

In Session

"You indicated basically a total of there bruises . . . in fact, there were eight in Dr. Mitchell's report. Would that be a fair statement?"

"I don't recall the statement."

Dr. Jentzen indicates that "the laceration was caused by a blow to the head . . . the decedent was probably rendered unconscious and drowned. There's a possibility she could have just been stunned. But probably she was unconscious."

August 28 at 3:47pm · Like · 10

In Session

"The body of Kathleen Savio was face down, with an injury to the back of her head . . . it's your testimony she ended up face first, despite an initial fall backwards?"

"I believe she was found lying on her left side. Her face is to the left lateral position."

Despite being shown a photo of the body in the tub, Dr. Jentzen maintains "that is not a face down position."

Once again, he insists that the injury to her buttock is actually “a drying artifact . . . we see it all the time with bodies that are out in the air for some time . . . they occur in certain areas of the buttock area . . . the buttock crevice area . . . I can’t explain it.”

August 28 at 3:50pm · Like · 9

In Session

The witness denies that part of his opinion in this case is “pure speculation.”

“You indicated her necklace was still on the body, and that indicated something . . . again, that’s pure speculation?”

“No, I’ve seen jewelry torn and off because of a struggle.”

“She had no injuries to her face from a struggle . . . but a struggle could occur when someone approaches from behind as well, and there would be no injuries on the face?”
Objection/Overruled.

“I can’t answer the question; I wouldn’t know how the injuries would occur . . . I’m not sure how to answer your question.”

“The mechanism of death would be the inhalation of water?”

“The mechanism of death is drowning.”

August 28 at 3:53pm · Like · 15

In Session

The witness says he charges \$400 an hour for his testimony and preparation.

“For the entire case, I’m approaching probably \$8,000.”

The judge calls the attorneys to a sidebar.

August 28 at 3:55pm · Like · 13

In Session

The sidebar ends.

The jurors are excused from the courtroom, and the judge calls a brief recess.

He leaves the bench.

August 28 at 3:58pm · Like · 8

In Session

There is a new thread

August 28 at 4:17pm · Like · 3

In Session

August 28 at 4:17pm

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

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

In Session

The jurors are now back in the courtroom.

Prosecutor Connor continues his cross-examination:

The witness is asked about his prior testimony (in which he indicated that Savio probably hit her head first, which is not what he's said today).

"I don't recall it."

"Is there anything that would refresh your recollection?"

"If it was in the court documents, I would assume that would be my testimony."

That concludes the cross-examination of this witness.

August 28 at 4:20pm · Like · 26

08/28/2012: Defense Attorney Ralph Meczyk on redirect examination

In Session

Attorney Meczyk begins his redirect.

Once again, the witness is asked about some prior testimony (regarding the three separate

bruises v. one impact question).

“You said it was possible it could be three separate impacts, or could be the same impact?”

“Yes.”

“Doctor, you told the jury you’ve been paid \$8,000?”

“Yes.”

“Because you’re an amateur or a professional?”

“I am a professional forensic pathologist . . . I have used a lot of time and effort in this case.”

“Does that amount of money influence in any way the opinion you’ve rendered before this jury?”

“No, it’s just for my time and effort.”

That’s it for redirect.

There is no recross, and so the witness is excused.

August 28 at 4:26pm · Like · 9

08/28/2012: Defense Attorney Ralph Meczyk on direct examination

In Session

The next defense witness takes the stand: **Dr. Vincent DiMaio** (questioned by Ralph Meczyk).

“Did I ask you to come to a conclusion as to the death of Ms. Kathleen Savio?”

“Yes.”

“Did you do that?”

“Yes, Sir.”

Before he gives that opinion, however, he is questioned about his educational and professional background.

Just as he is about to start, the judge calls the attorneys to a sidebar.

August 28 at 4:29pm · Like · 7

In Session

The sidebar ends.

The witness is a medical doctor.

“I specialize in pathology, specifically the area of forensic pathology . . . for 43 years, since 1969.”

He is licensed in the state of Texas.

He goes over his educational and professional background.

He is board-certified in anatomical, clinical, and forensic pathology.

August 28 at 4:32pm · Like · 3

In Session Dr.

DiMaio’s father was once the chief medical examiner of New York City.

This witness was formerly the chief medical examiner of Bexar County, TX (which includes the city of San Antonio) for 25 years.

“I retired December 31, 2006.”

While in that position, he supervised four other forensic pathologists (as well as periodic trainees).

August 28 at 4:35pm · Like · 3

In Session

Dr. DiMaio has been the executive editor of the American Journal of Forensic Pathology since 1992. He’s helped draw up the standards in use at autopsies. He also worked with the United Nations relating to the prosecution of war crimes in the former Yugoslavia.

August 28 at 4:39pm · Like · 3

In Session

The witness has authored four forensic pathology textbooks (and edited a fifth).

One was coauthored with his late father.

Another was written with his wife, a forensic nurse.

In addition, he's written and published numerous articles and scientific letters.

August 28 at 4:40pm · Like · 5

In Session

Over his career, DiMaio has personally performed approximately 9,000 autopsies (and supervised another 25,000).

"I used to do it [perform autopsies] on a daily basis, until I retired."

He estimates he's performed "at least a hundred" autopsies on drowning victims.

That includes victims who drowned in bathtubs.

"They're not very common . . . mostly children involved."

August 28 at 4:43pm · Like · 4

In Session

Dr. DiMaio has been qualified as an expert in "maybe two thirds of states, plus the Canadian government, Israel, South Africa, and Colombia."

He's also testified in U.S. federal courts.

He is then tendered as an expert in forensic pathology.

The State waives cross-examination, and so DiMaio is qualified as an expert witness.

August 28 at 4:44pm · Like · 5

In Session

The witness goes over the numerous material that he's reviewed in the case of Kathleen Savio's death (including the reports of Drs. Blum, Case, Baden, Jentzen, and Daniel Spitz).

"Have you been able to come to a conclusion concerning . . ."

The attorneys approach the bench for a sidebar.

August 28 at 4:48pm · Like · 6

In Session

The sidebar ends.

Dr. DiMaio: "I concluded that the death was an accident, due to slipping in the bathtub and hitting the back of the head. This stunned Ms. Savio or rendered her unconscious. She slipped under the water, and she drowned."

"Did she have a pattern of injuries?"

"Yes . . . they're consistent with the pattern of injuries one would see if one fell on the left side of one's body. They're the injuries consistent with a fall and striking one's head on a hard surface."

"Did you see any signs of a struggle?"

"No, Sir . . . these injuries were up and down the left side of the body . . . those you see when see when somebody falls on their side, not with an assault. The injuries are of a fall, not an assault, the pattern of injuries."

"Is there any evidence at all about a struggle or an assault?"

"You can look at any one injury and give multiple explanations. What you're looking for is a pattern of injuries . . . the pattern of injuries are up and down the left side of the body, the left side of the back of the head. And this is the pattern of a fall, not of assault."

August 28 at 4:51pm · Like · 8

In Session

The witness is shown a photograph of the victim in her bathtub.

"Is there anything unusual about the way she's lying in that tub?"

"No . . . you have a slick surface, which is going to be covered with water. And you have somebody who is longer than the tub. So when you fall into the tub . . . the sides tend to guide the body down into this position; the water will also help this movement. So this position in the tub is not unusual . . . you tend to slide down into this position. And obviously the tub is shorter than she is tall."

"Is there anything unusual about her toes?"

"No . . . she's too tall for the tub. So what's happening is the body is just shifting into this position. It's just pure chance this is how the toes are."

August 28 at 4:55pm · Like · 7

In Session

“When someone falls in a bathtub, would this be considered an uncontrollable fall?”

“Yes, because you don’t intend to fall in a bathtub. And obviously you’ve lost control if you fall.”

“Dr. Blum has opined to this jury that this is a homicide. And one of the key factors that he cites is that she is not splayed and sprawled in the tub. Do you agree or disagree?”

“I would disagree. She’s fallen, hit the left side of her head, the left side of her body, and so she’s going in sideways. And you don’t always splay. People fall different ways; it depends on how your weight is. Your arms aren’t always going to go in the same position.”

August 28 at 4:57pm · Like · 6

In Session

According to Dr. DiMaio, it’s his position that Kathleen Savio probably slipped as she was attempting to get out of the tub.

“She probably slipped as a combination of a slick bathtub . . . no mat there . . .you’re getting up, there’s a plastic container of hair shampoo . . . it means she’s using chemicals. A lot of women’s chemicals contain oils: bath oil, coconut oil.” Objection/Sustained.

“There’s a whole bunch of materials there.” Objection/Sustained.

“Do you recall whether she used body lotions?”

“There’s materials that look like body lotions, but I cannot swear. The other factor is if you lie in a bathtub . . . if you lie in warm water, your body gets hot, and it cools itself by dilating the blood vessels. And your blood pressure falls . . .you are also lying in a semi-horizontal position. And when you start to stand up, your blood starts to go down to your legs. And the heart takes a while to get the blood pressure up get the blood to the heart, to the brain. And you feel dizzy. Some people always get it; some people get it occasionally . . .that could be a contributory factor, along with a slippery tub and no bath mat.”

August 28 at 5:02pm · Like · 3

In Session

“The laceration on her head . . . she had a horizontal laceration, not a vertical one?”

“Correct.”

“Is that indicative to you that this was a homicide?”

“No, the configuration of the laceration is purely random. You have the curved surface of the tub being contacted by the curved surfaces of the head. When they hit, some of the tears may be horizontal, vertical . . . it’s pure chance . . . all you know is the force was marked, because she’s got a laceration. She hit with significant force to get a laceration.”

August 28 at 5:04pm · Like · 2

In Session

“If you hit something hard and break the skin, the blood vessels are temporarily crushed. The bleeding takes maybe one or two or three seconds, and then you can move on . . .you see that sometimes with paper cuts. The other thing is she’s got heavy hair. So even if there was some minimal transfer, the heavy hair is going to just wipe everything off. So you’re not going to see anything.”

August 28 at 5:22pm · Like · 3

In Session

“Can you age or date a bruise?”

“You can say it’s recent or it’s old; that’s about it. The methods use to age bruises are color and microscopic examinations. The problem with color is if you bang yourself and get a purple bruise, it’s usually purple for a day or two or three. Sometimes, for some people, a purple bruise just fades, and there’s never a color change. If you examine microscopically, it’s not reliable; you could look at a bruise that’s two hours old and see a microscopic change. You can look at a bruise that’s a day old, and there’s no microscopic changes at all . . . it’s just not reliable. So, the most you can say about a bruise is to say ‘it looks recent’ or ‘it looks old.’ The science is just not there.”

August 28 at 5:22pm · Like · 4

In Session

All Dr. DiMaio can say about Savio’s bruises is “they look recent . . . the medical science just isn’t there.”

“Do you have an opinion if when Ms. Savio struck her head she was rendered unconscious?”

“Yes, I have an opinion . . . an impact hard enough to tear the skin, you’re hitting very hard. When you hit very hard, you get a concussion, which is a disturbance in your mental processes. You will either lose consciousness for a short time, or you will be sort of stunned . .

. you're helpless, and you just lie there. In all medical probability, she had to be at a minimum stunned, if not rendered unconscious for a period of time. And that's my opinion why she drowned; she slid into the water . . . once you've inhaled the water, you in a sense smother. Your oxygen supply is decreased, and eventually cut off entirely."

August 28 at 5:23pm · Like · 3

In Session

"You shouldn't see any physical damage with a concussion. A concussion is basically physiological . . . if a force is not in the concussion range, the axons are to a degree injured, but not killed. Certain substances will start to leak out, and certain substances will start to leak in . . . it kind of has pumps in the wall of the axon. When you get trauma like this, the cells aren't functioning, and you lose consciousness; the axons have sort of short-circuited the whole process . . . to know that you've lost one or two cells, you've got to live so that you can see that the cells are dying. But it doesn't have to die in a concussion. A concussion is a relatively mild form of injury to the brain."

"This sort of axonal damage wouldn't be readily apparent until about two hours later?"

"Yeah, one or two hours. The person has to live one to two hours, and then die."

"So it would be invisible at first?"

"Yes . . . CAT scans and MRIs don't pick up concussions at all."

August 28 at 5:23pm · Like · 3

In Session

According to Dr. DiMaio, brain damages occurs within four to five minutes after a person has lost their oxygen supply. After seven or eight minutes, a person can't be resuscitated.

August 28 at 5:24pm · Like · 3

In Session

"Dr. Baden, during the third autopsy, discovered reddish clumps on the diaphragm?"

"Yeah, he reported an area of discoloration."

"At some point, he made slides of that diaphragm?"

"Yes."

“Did you look at those slides under a microscope?”

“Yes . . . there’s no injury. He saw an area of discoloration that was not seen on the first or second autopsies . . . this was just an artifact, which is not unusual because of the color changes that occur after death . . . it’s actually pretty hard to damage the diaphragm . . . there’s nothing there.”

August 28 at 5:24pm · Like · 6

In Session

“Are you aware of the opinion of Dr. Jeffrey Jentzen . . .” Objection.

The parties head to a sidebar.

August 28 at 5:24pm · Like · 6

In Session

The sidebar ends.

“Were you able to come to a conclusion with respect to what the manner of death of Ms. Kathleen Savio Peterson was?”

“Yes . . . in my opinion, in all probability, it was an accident.”

“Do you have any doubt as to that opinion?”

“No . . . I stand on the circumstances, the autopsy findings. It’s my opinion that it’s an accident, due to a fall.”

August 28 at 5:25pm · Like · 6

In Session

Attorney Meczyk says that he has now finished his direct examination of Dr. DiMaio.

The judge decides to take a recess at this time.

He excuses the jurors, and leaves the bench.

August 28 at 5:25pm · Like · 6

In Session

August 28 at 5:38pm

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

Judge Burmila is back on the bench.

He sends for the jury. The jurors are back in the courtroom, and the trial resumes.

Prosecutor Glasgow begins his cross-examination of Dr. Dimairo.

“One of your main specialties is gunshots?”

“Yes.”

“Whether or not one is rendered unconscious, that ventures to the neurological end of things?”

“Yes.”

“There’s a board certification for neuropathology?”

“That’s correct.”

“And you don’t currently hold that certification?”

“That’s correct.”

In Session

According to Dr. DiMaio, Dr. Mitchell’s autopsy was up to professional standards.

“One of the issues you originally had was that there wasn’t evidence of a struggle?”

“Correct, that there was no pattern of injuries suggestive of a struggle.”

The witness is then challenged by one of his own works, which reflects that grabbing a victim’s legs and pulling them under can result in drowning.” Objection/Overruled.

The defense asks for a sidebar.

August 28 at 5:40pm · Like · 20

In Session

The sidebar ends.

“That way of drowning someone is available to someone today?”

“Water runs right up your nose, and you can lose consciousness right away.”

“So, in this particular case, with what you indicated was a lack of struggle or injuries, this could be a possible scenario?”

“No. This woman has injuries; she’s got a lacerated scalp, she’s got bruises on the left side. The case you’re describing would have nothing.”

“But you can’t date these bruises, so she could have gotten them before she got into the bathtub?”

“Not the laceration.”

“But that could have been inflicted post-mortem?”

“Oh, no, no . . . if you hit somebody when they’re dead, you can get bleeding . . . but you would not see the soft tissue hemorrhage, because that requires blood pressure.”

“But once you start the drowning process, a person’s heart could continue to beat for quite some time?”

“That’s possible, yes.”

August 28 at 5:44pm · Like · 15

In Session

The witness admits that drowning in bathtubs are rare (“around 1.6 per million”).

“If you divide the people who drown in tubs, there’s children, people with epilepsy or seizure disorders, and then you have the other group, which is people who fall and hit their heads. About half of those have alcohol.”

“In this case, Ms. Savio’s toxicology was clean?”

“Yes . . . you can do it sober. Alcohol helps, but you don’t need it for a slip and fall.”

August 28 at 5:47pm · Like · 7

In Session

“You’re also aware that the scalp is very vascular and bleed profusely?”

“Yes, Sir.”

“In your analysis, you even left room for the fact that any blood that might have been coming out of her head might have been wiped away by her hair?”

“Yes, that’s a possibility . . . if there was any blood, it could. Especially if the hair is soaked. She’s got very thick hair, which was wet at the time of the autopsy, and that could wipe away [the blood]. But usually it’s a second blow that produces blood, not the first.”

“But any crushing injury would be toward the center of the wound, so the outer edges would start to bleed?”

“No . . . bleeding would be from the inside of the blood vessels, not the outside.”

“When a blood vessel is torn, there would be nothing to keep the blood from coming out?”

“If you have an initial injury, you’ll bleed more from the vessels that aren’t completely severed than the ones that are severed. But the blood doesn’t come gushing out immediately.”

August 28 at 5:51pm · Like · 10

In Session

“Did you consider whether Ms. Savio could have been rendered unconscious . . .” Objection.

The attorneys approach the bench for a sidebar.

August 28 at 5:52pm · Like · 6

In Session

The sidebar ends.

The jurors are released from the courtroom. The defense is objecting to the State’s line of questioning, saying that there’s no evidence to suggest that the victim was rendered unconscious and then forcibly drowned.

Attorney Goldberg: “That line of testimony is entirely inappropriate.”

Judge to prosecution: “Who’s going to testify that there was a struggle. You can’t present the doctor an infinite number of hypotheses.”

Glasgow: “I’m trying to attack his analysis of the scene . . . he says in his book you can drown someone in a tub by just grabbing them by the ankles.”

Judge: “How are you going to complete that, even if he says yes? What is the jury to make of

that information?”

Glasgow: I'm just attacking his analysis of this case as an accident.”

Judge: “The objection is going to be sustained. You're not going to be able to ask the doctor that question.”

August 28 at 5:59pm · Like · 9

In Session

The witness and the jurors return to the courtroom.

“If we could just go through the injuries found by Dr. Mitchell at the first autopsy . . . there's a one inch blunt laceration on the scalp?”

“Yes.”

“That's where you've testified she struck her head on the tub?”

“Yes.”

“In your book, you suggest that smooth surfaces tend to produce irregular, Y-shaped injuries?”

“Yes, that's right, they tend to.”

The witness is then shown a photo from one of his books, showing a laceration caused by a blow from a baseball bat.

“That type of laceration is very similar to the one on Kathy Savio's head?”

“That's right . . . but it just depends; there's variations.”

“You have no idea if she even did fall how she fell? The angle that she might have hit something, you can't know that for certain?”

“To a degree, it's chance . . . the problem with the head is it's a round surface with some flat areas . . . so the laceration that's produced, you can't say exactly what it's going to be . . . if you hit somebody in the head, you generally get a linear laceration.”

August 28 at 6:06pm · Like · 14

In Session

Dr. DiMaio agrees that the laceration to Savio's head was caused “with significant force.”

That galea has not been penetrated?”

“Right.”

“There’s no skull fracture, and no other damage below the skull?”

“That’s right.”

“You’re indicating this injury was called by this headlong fall with substantial force hitting the tub?”

“Right.”

“The next injury Dr. Mitchell documents is an abrasion on the left buttock . . . he was there, in person, looking at the body when he made that observation?”

“Yes, Sir.”

“He was able to see it in 3-D, in person?”

“Yes, Sir.”

August 28 at 6:10pm · Like · 13

In Session

According to Dr. DiMaio, “the embalming and the burial proved that this is one bruise [on Savio’s hip] . . .when you hit someone, the blood goes from the interior to the surface. The blood will through different areas of tissue to get to the surface. We know it’s one impact, with two bruises.”

“Dr. Mitchell described three bruises?”

“I would call it two; if you want to make it three, I won’t argue.”

“And the second autopsy shows it went deep to the bone?”

“Yes, that’s why it was not immediately apparent . . . I said there was a bruise there.”

“But you went from three to one?”

“OK, what I said was there was a bruise there. When Dr. Mitchell wrote his protocol, he did not have the second autopsy . . . when you embalm the body, you force the blood along the tracts, producing the full extent of the bruise if Ms. Savio had lived. She would have had one large bruise. It’s one bruise with three extensions; the embalming could not produce blood in the other areas unless there had been injury in those areas.”

“There are three points of contact, though, at the skin level?”

“No, there are three points of contusion on the one bruise. It’s like the five fingers on a hand; it’s still one hand.”

August 28 at 6:16pm · Like · 5

In Session

“The contusions of the diaphragm that Dr. Baden took a sample of . . .you’re indicating your review of the slide does not show the hemorrhaging?”

“Yes, not only my review of the slide, but Dr. Blum. He says the same thing.”

August 28 at 6:17pm · Like · 7

In Session

“With regards to Dr. Blum’s findings, as to the sample taken . . . you indicated he did not find any hemorrhage in the diaphragm tissue?”

“Yes . . .there’s a small areas of blood cells, and white blood cells. It’s not a contusion. And if you’re going to say it’s a contusion with white blood cells, it would take two or three days for the white blood cells to come out. But what he’s describing is a clump of red blood cells with some white blood cells. And if you have white blood cells, it can’t be a recent injury.”

“You indicated that in all probability Ms. Savio was seated in her tub, and when she stood up she experienced orthostatic hypertension?”

“This could be a possible contributor to the fall.”

“But you saw nothing in her records to suggest that she had orthostatic hypertension?”

“OK . . . the only one who can say whether they have any symptoms is the person who experiences orthostatic hypertension. It’s only possible; I can’t say it’s 100 percent. Only the person experiencing it can.”

August 28 at 6:23pm · Like · 9

In Session

“With regards to the surface of the tub, a skin abrasion . . .that’s where the top layer of skin is abraded off?”

“That’s correct.”

“And from what you know of that tub, there’s no surface there that would account for that abrasion?”

“That’s correct.”

He repeats that, in his opinion, the alleged bruise on Savio’s buttocks is merely an artifact.

“In this case, the most likely cause would be prolonged immersion in water, followed by drying.”

August 28 at 6:26pm · Like · 4

In Session

The witness is confronted with one of his reports; he’s apparently referred to a “thumb” that was actually a fourth finger.

“You’re correct. I made a mistake.”

“What do you charge for your time?”

“I charge \$400 an hour to review materials and write reports . . . I have the bill right here; I charged \$7,200 for 18 hours.”

In addition, he’s charging an additional \$4,000 for today and yesterday.

August 28 at 6:29pm · Like · 13

In Session

That ends the cross-examination of Dr. DiMaio.

There is no redirect examination, and so he is excused.

The defense asks for a sidebar.

August 28 at 6:31pm · Like · 8

In Session

The sidebar ends.

The judge calls a brief recess prior to the next witness.

August 28 at 6:32pm · Like · 6

In Session

The judge is back on the bench.

He sends for the jury.

August 28 at 6:46pm · Like · 9

08/28/2012: Defense Attorney Joseph Lopez on direct examination

In Session

The defense calls its next witness: **Robin Queen**

She is questioned by attorney Joe Lopez.

“I work for the Illinois State Police . . . as a special agent, since 2005.”

August 28 at 6:49pm · Like · 4

In Session

At one point, she interviewed earlier witness Kristin Anderson.

“She had lived for a short time with Kathleen Savio.”

“Did she ever indicate to you anything about Kathleen Savio having a knife?”

“No.”

August 28 at 6:50pm · Like · 5

In Session

That’s the end of the direct examination.

The parties approach for a sidebar.

August 28 at 6:51pm · Like · 5

In Session

The sidebar ends.

There is no cross-examination of this witness, and so she is excused.

August 28 at 6:51pm · Like · 5

08/28/2012: Defense Attorney Joseph Lopez on direct examination

In Session

Lopez calls his next witness: Bridget Bertrand.

She is a captain with the Illinois State Police.

In 2009, she spoke to Kristin Anderson phone calls she claimed to have made to the Illinois State Police.

“Ms. Anderson stated she had called the headquarters and stated she had some information into the investigation of the death of Kathleen Savio . . . I spoke to a number of police officers assigned to the building, and asked if anyone recalled speaking to Ms. Anderson. None of the officers I spoke to recalled speaking to Ms. Anderson.”

“Were you able to speak to people on duty on March 10, 2004?”

“Yes. I believe it was 17 people.”

She names several of them.

“What is a telecommunicator?”

“It’s a dispatcher.”

“Did you speak to three who were working on March 10, 2004?”

“Yes.”

August 28 at 6:57pm · Like · 7

In Session

The witness is shown a copy of her report.

“This is my investigative report, documenting my call with Kristin Anderson.”

She continues to confirm the names of officers that she spoke with regarding this issue.

“You spoke to each one of those individuals, and you couldn’t find anybody who spoke to Ms. Anderson that day?”

“Correct.”

That ends the direct examination.

August 28 at 6:59pm · Like · 7

08/28/2012: Prosecutor John Connor on cross examination

In Session

Connor begins his cross.

The witness agrees that she did her investigation showing three phone calls from Kristin Anderson’s phone to the Illinois State Police.

“And nobody could remember a call from five years before?”

“Correct.”

That’s the end of the cross-examination.

August 28 at 7:02pm · Like · 12

In Session

The witness has been excused, and the jurors are gone for the day.

Judge Burmila asks the defendant to stand, and informs him that he has a right to testify or not to testify.

“At the end of your case, I’m going to ask you whether or not you’ll want to testify.”

Peterson: “I understand, Sir.”

August 28 at 7:03pm · Like · 12

In Session

Judge Burmila decides to recess at this point.

He instructs the attorneys to return to court at 8:45 CT/9:45 ET Wednesday morning – 15

minutes earlier than usual – to discuss a motion.

The trial is in recess until that time.

August 28 at 7:05pm · Like · 8
