

**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 30, 2012
“Prosecution Rebuttal Witness”**

**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

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August 30 at 2:44pm

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Judge Burmila is back on the bench.

Attorney Goldberg addresses the Court about the fact that the prosecution wants to recall Dr. Mary Case at this time.

In Session

Goldberg says she's reviewed Case's direct examination, and she's already discussed the possibility of axonal shearing in this case, "which is exactly what she's supposed to talk about this afternoon. . . . it's just not appropriate rebuttal-type evidence."

Prosecutor Glasgow responds: "There are only two issues we're recalling Dr. Case on. One is where Dr. Jentzen testified about her specialty being shaken babies . . . that's just flat-out incorrect; it's simply a falsehood. And with regard to the issue that Mr. Goldberg just raised . . . that's a misstatement of what she said . . . they completely altered what she said, and I think that's something she has a right to address. Her testimony will be brief."

Judge Burmila makes his ruling, says the State will be allowed to call Dr. Case.

He then calls for the jury.

August 30 at 2:45pm · Like · 5

In Session

Before the jury enters, the attorneys ask for a moment.

August 30 at 2:45pm · Like · 3

08/30/2012: Prosecutor James Glasgow at direct examination

In Session

The jurors enter the courtroom, and the prosecution calls its next rebuttal witness:

Forensic pathologist Dr. Mary Case.

She is questioned by prosecutor Glasgow.

“When it comes to brains, most of my autopsies are run of the mill people. Of the 11,000 autopsies I’ve done, the great majority are adults.”

“You’ve had a chance to read Dr. Jentzen’s testimony in this case?”

“I did.”

Prosecutor Glasgow tries to ask Dr. Case about Dr. Jentzen’s statement about Savio’s brain injury. But before he can finish it, the parties go to a sidebar.

August 30 at 2:50pm · Like · 5

In Session

The sidebar ends.

Once again, the witness is asked about Dr. Jentzen’s testimony.

“Could you explain the problem you see with that statement?”

“With a loss of consciousness, there may or may not be see signs of injury in the cranial cavity . . . my understanding of the statement is that my testimony was that every loss of consciousness would cause you to find something at autopsy, which is just not true.”

The witness is then asked about one of the books written by Dr. Vincent DiMaio.

The attorneys then approach for a sidebar.

August 30 at 2:53pm · Like · 6

In Session

The sidebar ends.

“Doctor, could you explain diffuse axonal injury?”

“Yes, it’s created by inertial brain motion; the brain is caused to move separately from the head . . . the container is more rigid. If very forceful motion is applied, your brain can move separately . . . when that kind of motion is made of the brain, there is also a type of hemorrhage created in the brain called subdural hemorrhage.” Objection/Sustained.

“What types of falls would create a diffuse axonal injury?”

“Usually it’s from a motor vehicle accident . . . very few falls, unless they’re from a great height. A regular fall would not generate sufficient force to cause a diffuse axonal injury.”

“Do you have an opinion, based on the scene in this case, whether or not a person of her height could fall and sustain a diffuse axonal injury?” Objection/Sustained.

“We do not see diffuse axonal injury outside of very specific types of trauma.”

That concludes the direct examination.

August 30 at 3:00pm · Like · 3

08/30/2012: Defense Attorney Steve Goldberg at cross examination

In Session

Attorney Goldberg begins his cross.

“Last week, when we spoke, I asked you about Mary Case, Inc.?”

“Yes.” Objection/Sustained.

The defense asks for a sidebar.

August 30 at 3:01pm · Like

In Session

The sidebar ends.

The witness is asked about the amount of money she’s billed the prosecutor’s office in this case.

“I don’t charge for preparation. Any work that I do is charged at the rate of \$350 an hour. That’s half the rate I normally charge; any government employee gets that price.”

“But you are billing roughly \$8,000?”

“Yes.”

“You told the jury that if Ms. Savio had suffered DAI you would never see that at autopsy?”

“You would not be able to see it unless she survived for about two and a half hours.”

“In your opinion, when Ms. Savio drowned it was well less than two and a half hours?”

“She didn’t linger for two hours.”

“So you wouldn’t expect to see DAI, even if it was there?”

“I would not expect to see the torn axons. But I would expect to see is a thin layer of blood, however . . . it takes two hours of survival to actually be able to see the torn axons.”

August 30 at 3:08pm · Like · 1

In Session

“You told the jury that a fall, you would need a significant fall, from 15 to 20 feet, to produce DAI?”

“Correct,”

“But you’ve written simply about forces where the head is abruptly accelerated and decelerated?”

“Correct.”

The State objects, and asks for a sidebar.

August 30 at 3:09pm · Like

In Session

The sidebar ends.

“In this chapter that you wrote, you say that DAI is seen in falls?”

“Yes . . . from falls greater than the height of an individual . . . that’s where your head is crushed.”

August 30 at 3:09pm · Like · 9

In Session

“In your opinion, DAI needs significant force?”

“That is right, significant force.”

The witness is then asked about something she wrote regarding brain injuries in children.

Before she can answer, the State objects, and asks for a sidebar.

August 30 at 3:11pm · Like · 5

In Session

The sidebar ends.

The jurors are then excused from the courtroom.

Glasgow puts his objection on the record, says that questions about a child’s brain are irrelevant and beyond the scope of direct.

The judge overrules the objection, and says that he will allow the question.

He sends for the jury.

August 30 at 3:13pm · Like · 1

In Session

The witness and jurors are now back in the courtroom.

“I want to talk about a paper you wrote, which was published in 2007?”

“I remember it.”

“You talk about a study you reference that involved adult primates?”

“Adult primates, yes . . . you would have to kill an individual to study it.”

Goldberg reads from this article.

“According to your paper, primates have suffered DAI from hitting even soft surfaces?”

“That statement was intended to reference injuries to an infant.”

“Did I read it correctly, though, before?”

“Yes, you did.”

The witness is then asked about another article that she wrote.

“Did I read that correctly, Doctor?”

“Yes, you did.”

August 30 at 3:21pm · Like

In Session

The witness repeats that she lowers her rate for any governmental agency.

“That’s a very small percentage of the cases that you do?”

“That’s correct.”

“But the State Attorney received a discount for your services?”

“That’s correct.”

August 30 at 3:21pm · Like · 1

In Session

The witness repeats that she disagrees with Dr. Jentzen’s opinion.

“And you know that he vehemently disagrees with your opinion?”

“I understand that. We obviously disagree with one another.”

The cross-examination of Dr. Case is now concluded.

August 30 at 3:23pm · Like · 5

08/30/2012: Prosecutor James Glasgow at direct examination

In Session

Once again, Dr. Case says that it takes roughly two hours to microscopically view signs of axonal injury.

She saw no sign of that in this case.

August 30 at 3:23pm · Like · 5

08/30/2012: Defense Attorney Steve Goldberg at recross examination

In Session

The redirect is over, and Goldberg begins his recross.

Once again, the witness is challenged by something that she's written before.

"DAI is diffuse, so it's not a local injury?"

"Correct."

The witness says there may be "markers" of DAI on the brain.

"I did not ever tell this jury that there would be large collections of blood."

"In all the publications you've written, you have not written one word about these kinds of markers?"

"Every paper I've ever written about DAI talks about thin smears [of blood] . . . I'm not quite sure how else to say it."

August 30 at 3:29pm · Like

In Session

The witness identifies some notes from a seminar she has given.

"I don't know if I say that [thin smears] in my notes . . . Sir, that is not a paper. That is a lecture note. I lecture, and then I say additional things, and I show photographs."

The witness is finished and excused, and leaves the bench.

The prosecution asks for a sidebar.

August 30 at 3:31pm · Like · 3
