

1 excused?

2 MR. ANDERSON: Yes, Your Honor.

3 MR. BREWER: Please, Your Honor.

4 THE COURT: Okay. Thank you, sir. You're
5 free to go.

6 THE WITNESS: Thank you.

7 THE COURT: Drive safely.

8 THE WITNESS: Thank you.

9 THE COURT: Call your next witness, please.

10 MS. DOZIER: Dr. Chu.

11 THE COURT: Come on up, Doctor.

12 THE BAILIFF: Judge, he has not been sworn in.

13 THE COURT: Thank you.

14 (Witness sworn.)

15 THE COURT: Have your seat, please.

16 You may proceed.

17 MS. DOZIER: Thank you, Your Honor.

18 **ALBERT CHU,**

19 having been first duly sworn, testified as follows:

20 **DIRECT EXAMINATION**

21 Q. (BY MS. DOZIER) Dr. Chu, can you introduce
22 yourself to the members of the jury?

23 A. My name is Albert Chu. I'm assistant medical
24 examiner at the Harris County Institute of Forensic
25 Sciences.

1 Q. Are you a licensed medical doctor?

2 A. Yes.

3 Q. Can you give the members of the jury the benefit of
4 your educational background and training that allows you to
5 hold that particular position that you just told them about?

6 A. I went to college at Johns Hopkins University in
7 Baltimore, Maryland, and also got a master's degree there.
8 I then went to medical school at the State University of New
9 York in Buffalo, New York. After graduation I did a
10 residency program in anatomic and clinical pathology at the
11 Hospital of the University of Pennsylvania in Philadelphia,
12 Pennsylvania. I then did a fellowship in forensic pathology
13 at the office of the chief medical examiner for the State of
14 Maryland in Baltimore, Maryland.

15 Q. Where are you originally from?

16 A. I grew up in New York.

17 Q. How did you end up in Houston, Texas?

18 A. For work.

19 Q. Okay. How long have you been an assistant medical
20 examiner here in Harris County?

21 A. Since July of 2005.

22 Q. And before that was that all of the residencies and
23 internships that you did after medical school?

24 A. Yes.

25 Q. When did you decide to focus on this particular

1 practice?

2 A. Sometime during my residency.

3 Q. Okay. And can you tell the members of the jury
4 what it is that you do at the medical examiner's office here
5 in Harris County?

6 A. Our major role is to investigate any sudden,
7 unexpected or violent deaths that occur within the county.

8 Q. And how do you do that?

9 A. We basically look at a combination of
10 circumstances, scene findings, autopsy results and other
11 postmortem studies and then come to a conclusion based on
12 all of those different things.

13 Q. And what exactly is an autopsy?

14 A. An autopsy is -- consists of an external
15 examination of a body, during which I look at the outside of
16 the body for any evidence of illness or injury. Once that's
17 completed, I then do an internal examination looking on the
18 inside of the body, again looking for any evidence of
19 illness or injury.

20 Q. And when you do an autopsy, do you actually
21 document it in some form or fashion?

22 A. Yes.

23 Q. How do you document it?

24 A. It's through a combination of photographs, diagrams
25 and written notes.

1 Q. When you do an autopsy, how do you distinguish one
2 autopsy from the next one in line or one after that?

3 A. Every individual who comes to our office is
4 assigned a unique identifying or medical/legal number so
5 that that same number will appear on any photographs or
6 reports that are associated with that individual.

7 Q. The autopsy report that you spoke about, you said
8 it's written and it's also photographs?

9 A. Yes.

10 Q. And are those records kept in the regular business
11 practice of the Harris County medical examiner's office?

12 A. Yes.

13 Q. Are they made by somebody with personal knowledge
14 of the information placed in the record?

15 A. Yes.

16 Q. Are they made at or near the time of the findings?

17 A. Yes.

18 Q. And is it the regular business practice of the
19 Harris County medical examiner's office to keep those types
20 of reports?

21 A. Yes.

22 Q. Now, in this particular case, are you the doctor
23 who actually performed the autopsy on the body of Reginald
24 Williams?

25 A. No.

1 Q. Who is the doctor who performed the autopsy on the
2 body of Reginald Williams?

3 A. Roger Mitchell.

4 Q. And does he still work at the Harris County medical
5 examiner's office?

6 A. No.

7 Q. Do you know where he went or why he left the
8 office?

9 A. He left to become the chief medical examiner in
10 Newark, New Jersey.

11 Q. Okay. So, kind of back up in your direction.

12 A. Yes.

13 Q. All right. Is it possible for you to review the
14 findings of Dr. Mitchell, review his work, the autopsy
15 report that he did and also review the photographs taken as
16 part of that autopsy and come to your own conclusion as to
17 the cause of death of an individual?

18 A. Yes.

19 Q. And did you, in fact, do that in this case, review
20 the autopsy report prepared by Dr. Mitchell regarding the
21 autopsy of Reginald Williams?

22 A. Yes.

23 Q. Can you tell us the unique number that was assigned
24 to the case of Reginald Williams?

25 A. Yes. It was ML11, 11 being for the year 2011,

1 0810.

2 Q. Okay. And what does 0810 stand for?

3 A. That's the -- part of the unique identifying
4 number. Basically individuals who come to our office are
5 assigned a number in order -- sequentially. So, the very
6 first person who comes through on January 1st is 0001 and
7 then it just goes in order from there.

8 Q. So, in 2011 -- the autopsy was done on what date?

9 A. March 13th, 2011.

10 Q. So, on March 13th, 2011, when the autopsy was done
11 on Reginald Williams, he was the 810th autopsy here in
12 Harris County of the year?

13 A. That number includes individuals who don't get
14 autopsied but still come to our office. That -- it's not
15 the 810th autopsy. It's the 810th body that comes to our
16 office.

17 Q. Okay. Did you and I have an opportunity to sit
18 down and discuss this case and look at some of the
19 photographs that were associated with this particular
20 record?

21 A. Yes.

22 MS. DOZIER: May I approach the witness, Your
23 Honor?

24 THE COURT: You may.

25 Q. (BY MS. DOZIER) If I can show you State's Exhibits

1 5 through 8. Are these some of the photographs that were
2 taken as part of that business record regarding the autopsy
3 of Reginald Williams?

4 A. Yes.

5 Q. And are these photographs kept in the practice to
6 which you've just described?

7 A. Yes.

8 MS. DOZIER: Your Honor, at this time I'd like
9 to offer State's Exhibits 6 through 8 and I'll tender to
10 defense counsel for any objections.

11 MR. ANDERSON: No objection.

12 THE COURT: State's Exhibit 6 through 8 will
13 be admitted.

14 Q. (BY MS. DOZIER) When you reviewed the autopsy
15 report, the actual written report and formed your opinion as
16 to the cause of death in this case, did you also use the
17 photographs to do that?

18 A. Yes.

19 Q. Looking first at State's Exhibit No. 5, was this
20 one of those photographs?

21 A. Yes.

22 Q. Does that particular photograph help you in cause
23 of death or is that just a photograph that's generally taken
24 as what we might call an identification photograph?

25 A. Yes, this is just what we call an ID photo,

1 standard photograph taken for any decedent who comes to our
2 office.

3 Q. From your review of the autopsy photos and the ones
4 we introduced here, that's not all of the photographs, is
5 it?

6 A. No, it's not.

7 Q. Okay. There are a number more?

8 A. Yes.

9 Q. Did you rely just on the photographs that we have
10 here or also -- or all of them?

11 A. Other photographs in addition to the ones that were
12 just shown.

13 Q. Okay. From your review of the photographs, was
14 there anything apparent to you as to a possible cause of
15 death?

16 A. Yes.

17 Q. What was that?

18 A. A gunshot wound of the torso.

19 Q. And do we see that in State's Exhibit No. 6?

20 A. Yes.

21 Q. Okay. Were there also photographs of any internal
22 damage done by the gunshot wound?

23 A. Yes.

24 Q. Did you look at those?

25 A. Yes.

1 Q. From your review of those photographs, can you tell
2 us anything about that gunshot wound, what type of damage it
3 did to the body of Reginald Williams?

4 A. Yes. After entering his body there on the left
5 flank, it struck the left kidney, the aorta, which is the
6 largest artery in the body, the small intestines and the
7 liver before stopping just under the skin on the right side
8 of the chest.

9 Q. And looking at State's Exhibit No. 7 in that
10 photograph, do we see the area where the bullet stopped
11 before exiting the body?

12 A. Yes.

13 Q. Can you on your skin press -- use your finger and
14 draw a circle around that area?

15 A. (Indicating.)

16 Q. From your view of the photographs, looking at the
17 photographs, can you tell whether or not that bullet
18 partially exited or not?

19 A. It does not -- certainly a bullet did not exit
20 because it was still in the body. It was basically -- that
21 dark area that I circled is an abrasion or a scrape of the
22 skin. The bullet is just underneath that mark.

23 Q. And when you do autopsies and when autopsies are
24 done, if a bullet is found in the body, is the bullet
25 recovered?

1 A. Yes.

2 Q. And is it also photographed?

3 A. Yes.

4 Q. And was there a photograph associated with this
5 particular record that we see in State's Exhibit No. 8, a
6 bullet that was photographed?

7 A. Yes.

8 Q. After your review of the records and your review of
9 the photographs, do you have an opinion to the cause of
10 Reginald Williams' death?

11 A. Yes.

12 Q. What is your opinion?

13 A. Gunshot wound of the torso.

14 Q. And would that have been done by a deadly weapon;
15 namely, a firearm?

16 A. Yes.

17 Q. This particular injury that was suffered by
18 Mr. Williams, would it cause his death immediately?

19 A. His death would not have been instantaneous. It
20 probably would have taken him a short amount of time to die
21 but it would not have been immediate.

22 Q. Would it have been immediately incapacitating or
23 would he be able to ambulate or move around afterwards for a
24 short period of time?

25 A. He probably would have been able to move for a

1 short amount of time.

2 Q. When you reviewed the photographs, was there any
3 blood loss associated with this gunshot wound?

4 A. Yes.

5 Q. And was that -- that blood loss, was it apparent
6 out at the scene or was it actually still in Mr. Williams'
7 body?

8 A. There was blood within his body, yes.

9 Q. Okay. What's the actual manner? You said it's --
10 the cause of death is gunshot wound to the torso but what
11 actually causes his death?

12 A. Well, the manner of death is homicide, meaning it's
13 a death at the hands of another individual.

14 Q. Okay. What part of the gunshot wound was -- I
15 guess what I'm trying to get at, what killed him? Was it
16 the hit to the kidney, the aorta, the bowels?

17 A. I think the most immediately life-threatening
18 component of that injury was the injury to the aorta. As I
19 mentioned earlier, the aorta is the largest artery of the
20 body, so the blood loss from that injury would have been
21 rapid and death from that would have been rapid. The
22 injuries to the kidney and the small intestine and the
23 liver, those are also life threatening but not as
24 immediately life-threatening as the aortic injury.

25 MS. DOZIER: Okay. I'll pass the witness.

1 THE COURT: Mr. Anderson.

2 MR. ANDERSON: Thank you, Your Honor.

3 CROSS-EXAMINATION

4 Q. (BY MR. ANDERSON) Doctor, along with the internal
5 examination and the external examination that's performed
6 during the course of an autopsy, lab work is also done in
7 terms of analyzing, say, the blood of a person who -- a body
8 that comes in for an autopsy, correct?

9 A. Sometimes, yes.

10 Q. All right. And that also -- that lab report is
11 also made a part of the autopsy report.

12 A. Yes.

13 Q. Okay. And I take it, along with the photographs
14 and the actual report itself, that was also included in the
15 autopsy report that you examined or reviewed, correct?

16 A. Yes.

17 Q. Now, something that I noted, looking at the lab
18 report, it shows that apparently his blood was analyzed for
19 amphetamine, methamphetamine, cocaine, phencyclidine,
20 ethanol, methanol, isopropyl -- isopropanol and acetone and,
21 of course, it determined that none was detected as far as
22 the examination was concerned.

23 A. Correct.

24 Q. All right. Now, was there a analysis done or lab
25 work done to determine if there was the presence of, let's

1 say, marijuana, in the body of Mr. Williams?

2 A. No, there was not.

3 Q. Okay. So, there's no way of knowing now whether or
4 not he had used marijuana that day.

5 A. Correct.

6 Q. Okay. Now, is there a particular reason as to why
7 that was not a part of the lab report or do you know?

8 A. The only reason is that it's our office policy for
9 homicide cases to only -- for homicide cases to only test
10 for alcohol and the stimulants that were just listed.

11 Q. Okay. I take it would there have to be a special
12 request made in order to analyze for marijuana?

13 A. Yes.

14 Q. Okay. So, there may have been marijuana in his
15 system; we just don't know.

16 A. Correct.

17 MR. ANDERSON: I'll pass the witness. Thank
18 you, sir.

19 THE COURT: Anything further?

20 MS. DOZIER: No, Your Honor.

21 THE COURT: All right. May this witness be
22 excused?

23 MS. DOZIER: Yes, Your Honor.

24 MR. ANDERSON: Yes, Your Honor.

25 THE COURT: Thank you, Doctor. You're free to

1 go. The Rule has been invoked, so please don't discuss your
2 testimony with any of the other witnesses.

3 *THE WITNESS:* Okay.

4 *THE COURT:* Thank you so much.

5 Ladies and gentlemen, why don't we go ahead
6 and take our morning break. We'll be in recess until 11:30,
7 please.

8 *(Jury not present.)*

9 *(Recess.)*

10 *(Jury present.)*

11 *THE COURT:* Be seated, please. Please call
12 your next witness.

13 *MS. DOZIER:* Essie Clay.

14 *(Brief pause.)*

15 *THE COURT:* She's not there. Steve's looking
16 with a quizzical look.

17 *COURT REPORTER:* Steve's always looking with a
18 quizzical look.

19 *THE COURT:* All right. Well, I wasn't going
20 to say that because I knew you were going to. Poor Steve.

21 Right up here, please, ma'am.

22 *THE WITNESS:* What I need to do?

23 *THE COURT:* Right around up here, please.

24 Before you have your seat, raise your right hand to take the
25 oath.