

1 A. Correct.

2 Q. All right. Did you notice any bullet holes
3 in the ceiling in the living room?

4 A. I did not.

5 Q. Did you look for any .22 type bullet holes
6 in the ceiling of that room?

7 A. I did not.

8 MR. SCOTT: Pass the witness, your
9 Honor.

10 MR. PENEGUY: No further questions for
11 this witness.

12 THE COURT: You may be excused subject
13 to being recalled.

14 Call your next witness.

15 MR. PENEGUY: Call Dr. Chu, C-H-U.

16 THE COURT: From the State.

17 ALBERT CHU,
18 having been first duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 Q. (BY MR. PENEGUY) Please introduce yourself
21 to the jury.

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

25 Q. Can you tell us how long you've worked at

1 that location?

2 A. Since July of 2005.

3 Q. Can you tell us about some of your training
4 and experience and background before working for the
5 Institute of Forensic Sciences?

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

16 Q. Can you tell the jury essentially what a
17 forensic pathologist is?

18 A. We are physicians who investigate sudden,
19 unexpected, or violent death.

20 Q. Can you tell us: In your current
21 assignment in Harris County, are you called upon to
22 be a forensic pathologist?

23 A. Yes.

24 Q. Can you kind of tell the jury some of the
25 additional training and experience you receive

1 specifically in regards to staying current in
2 forensic pathology?

3 A. I'm a member of national organizations in
4 forensic pathology and medical/legal death
5 investigation. I participate in or present in
6 national meetings every now and then. I've published
7 a few papers in the field. And I also do continuing
8 medical education activities as a requirement for
9 licensure by the State.

10 Q. And specifically working for Harris County,
11 have you performed autopsies and medical examinations
12 in Harris County?

13 A. Yes.

14 Q. On few or many occasions?

15 A. Many.

16 Q. Have you testified as an expert before in
17 the field of forensic pathology?

18 A. Yes.

19 Q. On few or many occasions?

20 A. Many.

21 Q. In your capacity as a forensic pathologist,
22 do you perform autopsies?

23 A. Yes.

24 Q. Can you tell the jury what an autopsy is?

25 A. An autopsy is an examination of a decedent

1 that consists of first external examination during
2 which I look on the outside of the body for any
3 evidence of illness or injury followed by an internal
4 examination where I look on the inside of the body,
5 again, looking for any evidence of illness or injury.

6 Q. Do you have knowledge about how a decedent
7 or how a body is brought to the Institute of Forensic
8 Sciences?

9 A. Yes. Initially our office will be
10 contacted most commonly by law enforcement about
11 someone who has passed. And then a decision will be
12 made based on the circumstances, based on the
13 individual case on whether or not our office will
14 accept jurisdiction over that body. If that decision
15 is made, it's then assigned a unique medical/legal
16 number, an identifying number. And then depending on
17 the case, our investigator -- an investigator from
18 our office might go out to the scene. Or if it's
19 from a hospital, we might send people out to pick up
20 the body. Otherwise, the body will be transported to
21 our office and checked in.

22 Q. When a body arrives at your offices, you
23 said it's assigned a particular medical/legal number.
24 What is that?

25 A. It's an identifying number that is unique

1 to that individual. That number will subsequently
2 appear on any photographs or reports or other
3 documents associated with that case. It just allows
4 us to keep track of each individual person who passes
5 through our office.

6 Q. Dr. Chu, did you perform an autopsy on the
7 body Baron Keith Armstrong?

8 A. Yes.

9 Q. And are you familiar with the medical/legal
10 number associated with that autopsy?

11 A. Yes.

12 Q. What is that medical/legal number?

13 A. It's ML12-1681.

14 Q. When you perform an autopsy, is there a
15 document that is created that details all of the
16 portions of the autopsy and your findings?

17 A. Yes.

18 MR. PENEГУY: Judge, may I approach
19 the witness?

20 THE COURT: You may.

21 Q. (MR. PENEГУY) Showing you what has been
22 marked for identification purposes as State's Exhibit
23 Number 154, ask that you look at that document and
24 tell me if you're familiar with it.

25 A. (Complies.)

1 Q. Are you familiar with what has been marked
2 State's Exhibit Number 154?

3 A. Yes.

4 Q. And without going into its contents, is
5 this a document detailing an autopsy?

6 A. Yes, as well as a toxicology report and an
7 anthropology report.

8 Q. Okay. And are those part of the
9 investigation that was done at the Harris County
10 Institute of Forensic Sciences?

11 A. Yes.

12 Q. Do they carry the medical/legal number for
13 the autopsy of Baron Keith Armstrong?

14 A. Yes.

15 Q. And do each of them detail things that
16 occurred at your facility?

17 A. Yes.

18 Q. Are these types of documents, are they made
19 in the ordinary course of business of your institute?

20 A. Yes.

21 Q. Are they made by somebody -- the
22 information contained in them, are they made by
23 somebody with knowledge? In this case, it's you?

24 A. Yes.

25 Q. Are they made at or near the time that you

1 performed the autopsy of Baron Armstrong?

2 A. Yes.

3 MR. PENEGUY: Judge, we'd offer
4 State's Exhibit Number 154; tender to opposing
5 counsel.

6 MR. SCOTT: We have no objection, if
7 it please the Court.

8 THE COURT: State's Exhibit Number 154
9 is admitted.

10 Q. (MR. PENEGUY) Dr. Chu, do you have a copy
11 of the autopsy report with you?

12 A. Yes.

13 MR. PENEGUY: Judge, may I publish
14 portions of State's Exhibit Number 154?

15 THE COURT: You may.

16 Q. (BY MR. PENEGUY) Dr. Chu, some of this is
17 repetitive. This is State's Exhibit Number 154; is
18 that correct?

19 A. Yes.

20 Q. Can you tell us what this is an autopsy
21 report of?

22 A. It's Mr. Armstrong's autopsy report.

23 Q. Can you tell us the medical/legal number?

24 A. ML12-1681.

25 Q. Can you tell us the date of the report?

1 A. The date there is the date the autopsy was
2 performed, which is June 8th, 2012.

3 Q. Okay. On the bottom of this document, it
4 contains two signatures?

5 A. Yes.

6 Q. Is one of those yours?

7 A. Yes.

8 Q. Which one is yours?

9 A. The top one.

10 Q. Is this essentially the cover page for the
11 autopsy report?

12 A. Yes.

13 Q. Does the autopsy report then detail
14 basically what you performed in your autopsy?

15 A. Yes.

16 Q. Does it also denotes specific injuries that
17 were observed during your autopsy?

18 A. Yes.

19 Q. Does it detail other tests performed on the
20 body at the Institute of Forensic Sciences?

21 A. Yes.

22 Q. Can you kind of tell us essentially what
23 the history is listed for Baron Keith Armstrong? Can
24 you tell us how old he was?

25 A. He was 45 years old. And as you can see,

1 he was pronounced dead in his residence on June 8th,
2 2012.

3 Q. Can you tell us was he identified by
4 fingerprints in this case?

5 A. Yes.

6 Q. Here you detail an external appearance,
7 roughly the height and weight of the individual?

8 A. Yes.

9 Q. What was his height?

10 A. He was 68 inches in length. It's measured
11 while he's lying down obviously.

12 Q. About how much did he weigh?

13 A. 159 pounds.

14 Q. The next portion of the autopsy report, can
15 you describe what you do in the next several pages?

16 A. After that initial description of his
17 external appearance, there is some evidence of
18 medical intervention section --

19 Q. Was there any in this case?

20 A. No, there was not.

21 Q. If he would have had some type of services
22 provided to him at the scene or in the ambulance,
23 would they be listed there typically?

24 A. Yes.

25 Q. What happens next?

1 A. Next is the evidence of injury section in
2 which I describe the injuries that I noted both
3 externally and internally on Mr. Armstrong.

4 Q. Did you go into pretty -- I mean, you do
5 become very descriptive when you are doing this; is
6 that correct?

7 A. Yes.

8 Q. Why is that?

9 A. Because this is a documentation of what I
10 saw during the autopsy.

11 Q. Do you note all of the injuries that you
12 were able to observe in the next several pages?

13 A. Yes.

14 Q. I'd like to go over those with you, but
15 when you are doing this, do you also prepare
16 essentially a diagram of the body to list and show
17 where the injuries occurred?

18 A. Yes.

19 Q. Do you also have a closeup of the
20 defendant's [sic] head to document in your report
21 where injuries occurred?

22 A. A diagram of the head?

23 Q. Yes, sir.

24 A. Yes.

25 Q. What else do you guys do to document the

1 injuries that occurred when you're performing an
2 autopsy?

3 A. The main other thing is the use of
4 photographs, photography. So photographs are taken
5 during the autopsy to document the findings as well
6 as the written report.

7 Q. This page, is this the page that documents
8 the injuries to the body of Baron Keith Armstrong?

9 A. Yes.

10 Q. Does it carry the same medical/legal number
11 we discussed earlier?

12 A. Yes.

13 Q. The writing on this, who's writing is that?

14 A. That's mine.

15 Q. Does the next page talk about the same but
16 just to the head of the individual?

17 A. Yes.

18 Q. And why are we having four images of a head
19 here?

20 A. Just to show the different surfaces of the
21 head.

22 MR. PENEGUY: Judge, may I approach
23 the witness?

24 THE COURT: You may.

25 Q. (BY MR. PENEGUY) Dr. Chu, prior to

1 testifying did you have an opportunity to kind of
2 examine, go over some of the photographs that are
3 relevant in this case?

4 A. Yes.

5 Q. Did you guys take a lot of photographs?

6 A. More than the average case, yes.

7 Q. I'm going to show you what has been marked
8 for identification purposes as State's Exhibit
9 Number 155 through 166 and ask if you recognize these
10 items.

11 A. These are photographs from Mr. Armstrong's
12 autopsy.

13 Q. Do each of these photographs, do they
14 contain the medical/legal number or the sticker that
15 has the medical/legal number of your case in the
16 autopsy here?

17 A. Yes.

18 Q. Do each of these photographs fairly and
19 accurately depict how Mr. Armstrong's body appeared
20 when you performed your autopsy?

21 A. Yes.

22 MR. PENEGUY: Judge, at this time we
23 offer State's Exhibit Number 155 through 166; tender
24 to opposing counsel.

25 MR. SCOTT: May we approach, your

1 Honor?

2 *THE COURT:* You may.

3 *(At the Bench.)*

4 *THE COURT:* Yes, sir, which one?

5 *MR. SCOTT:* I'm sorry, Judge?

6 *THE COURT:* Show me the ones you
7 object to, just one at a time.

8 *MR. SCOTT:* All right. We object to
9 that one. Has no probative value. The prejudicial
10 effect overrides the probative value, 155.

11 *THE COURT:* It's denied. 155 is
12 admitted.

13 *MR. SCOTT:* 157 and 158 are
14 duplicitous because they have the same injuries.

15 *MR. PENEGUY:* Judge, may I respond? I
16 believe one of them also shows injuries to the back
17 which are relevant, and I think the other one is
18 across.

19 *THE COURT:* Denied. 157, 158 are
20 admitted.

21 *MR. SCOTT:* 163 and 164, essentially
22 the same picture.

23 *THE COURT:* Looks pretty much the same
24 to me. Pick one.

25 *MR. PENEGUY:* Judge, we'll go with the

1 larger view, with your permission. 163.

2 THE COURT: 163 is admitted and 164 is
3 not admitted.

4 MR. SCOTT: 162, same picture as the
5 full face one you admitted before.

6 MR. PENEGUY: Judge, there are
7 injuries to the neck that are relevant to this case.

8 THE COURT: The picture I just looked
9 at is the same thing. What does this picture show
10 that the one we just admitted doesn't show?

11 MR. PENEGUY: In that image, Judge,
12 the picture is brought back to show all the trauma
13 that has been conducted to the neck.

14 THE COURT: I still don't see any
15 injuries here. So I sustain 162.

16 MR. SCOTT: 161 is also the back of
17 the man's head. There has been one admitted. This
18 one is admitted.

19 THE COURT: It's overruled. 161 is
20 admitted.

21 MR. SCOTT: 159 and 160 are in fact
22 the same picture as the picture shown in 155, Judge.

23 THE COURT: That's denied. 159, 160
24 admitted.

25 MR. SCOTT: We have no objection to

1 165 and 166.

2 (In open court.)

3 THE COURT: State's 155 through 166
4 are admitted except for State's Exhibit Number 162
5 and 164, which are not admitted.

6 MR. PENEGUY: Judge, during the
7 doctor's testimony I'm going to ask that I'm allowed
8 to publish these by holding them up in front of the
9 jury but not on the projectors.

10 THE COURT: All right.

11 MR. PENEGUY: Mr. Scott, I'll show you
12 each of the photos.

13 MR. SCOTT: All right.

14 Q. (BY MR. PENEGUY) Dr. Chu, of the series of
15 photographs that were shown, are those all of the
16 photographs taken in this case?

17 A. No.

18 Q. You said that there were a lot more, more
19 than normal photographs taken in this case. Why is
20 that the case?

21 A. Just because the number of injuries that
22 Mr. Armstrong had required more photography.

23 Q. In regards to the autopsy report that you
24 conducted, can you tell the jury how or what the
25 order in which you talk about injuries where you

1 detail injuries?

2 A. I just start at the top of the head and
3 work downward.

4 Q. Okay. So you talk about the injuries to
5 the head. And I'm going to refer you to the diagram
6 that is one of two that details Mr. Armstrong's face
7 and head. Do you have a copy of that diagram with
8 you?

9 A. Yes.

10 Q. When a body is brought into the Harris
11 County Institute of Forensic Sciences, do you take a
12 photograph of the upper body and the face to try
13 to -- to use as identification purposes?

14 A. Yes.

15 Q. Do State's Exhibit Number 155 and 156
16 detail those photographs?

17 A. Yes.

18 Q. And State's Exhibit Number 156 has been
19 cropped a little bit. Are we cutting out anything in
20 particular there? Anything relevant? Let me ask
21 that.

22 A. No.

23 Q. Can you describe how the apparent injuries
24 to the victim's face appeared when his body was
25 brought to the hospital -- I'm sorry -- brought to

1 the Institute of Forensic Sciences?

2 A. As you can see, he's got a number of --
3 quite a bit of facial trauma including lacerations or
4 tearing of the skin as well as abrasions, which are
5 scrapes of the skin and contusions or bruises of the
6 skin.

7 Q. Was there -- did you note and document any
8 degree of swelling to Mr. Armstrong's head?

9 A. It did appear that he had some swelling
10 around the eyes and the overall shape of his head or
11 at least his face was deformed due to fractures of
12 his underlying facial bones.

13 Q. When we're talking about the injuries, we
14 need to document specifically the strikes to the
15 head. Can we start with the image that is in the top
16 left side of your diagram, and can you document or
17 kind of tell the jury the injuries that you noted in
18 the diagram on the top left corner, the front of his
19 face?

20 A. As you can see, both from the diagram as
21 well as the photo, he's got again a number of
22 lacerations. The most notable one is in the mouth
23 region. But he also has, in addition to that, some
24 smaller lacerations as well as abrasions and bruises
25 on the face. I think it's pretty evident from the

1 photographs.

2 Q. The injuries that are shown in the
3 photographs and that you examined, can you tell us
4 about the extent of the injuries to his face and the
5 bones below his nose?

6 A. In addition to the external injuries, he
7 had fractures of his maxilla, which is the upper jaw
8 bone; zygomatic bones, which are kind of like the
9 cheek bones; he had broken nose; and also his lower
10 jaw, his mandible, was fractured. He also had a
11 bunch of teeth that were knocked out.

12 Q. In regards to the cheeks, did he suffer
13 injuries to both cheeks?

14 A. Yes.

15 Q. When we're talking about injuries such as
16 this, would these be consistent with blunt force
17 trauma?

18 A. Yes.

19 Q. What is blunt force trauma?

20 A. It's any kind of forceful trauma that
21 involves a blunt object as opposed to something sharp
22 like a knife or a penetrating trauma like a bullet.
23 So, it's blunt trauma, blunt trauma that's caused by
24 impact of one object.

25 Q. And is blunt trauma, can it be caused by

1 someone's hand?

2 A. Yes.

3 Q. Can it be caused by other objects?

4 A. Yes.

5 Q. Blunt force trauma, is it capable of
6 causing death?

7 A. Yes.

8 Q. Is it capable of causing serious bodily
9 injury?

10 A. Yes.

11 Q. Moving to the next face photograph, still
12 at the top, and looking at the right side of
13 Mr. Armstrong's face, the circle that you have drawn
14 kind of over that bone, is that the injury to the
15 cheek on the right side?

16 A. That's kind of more on the lower jaw. So
17 that -- you're referring to a circle on the right
18 side of the face, which is a scrape, an abrasion of
19 the skin. It was kind of further back than the cheek
20 bone.

21 Q. Can you describe the injury that you've
22 marked and that you observed in the face photograph
23 that is above or I guess just behind the right eye?
24 Is that the right way to say it?

25 A. To the side of the right eye there is a

1 laceration or a tearing of the skin.

2 Q. Was there any blunt trauma that was also
3 associated with that laceration?

4 A. Well, the laceration's caused by blunt
5 trauma.

6 Q. Can you tell us about the type of -- about
7 the type of injury to the side of the right eye?

8 A. Again, it's a laceration. It's a tearing
9 of the skin, and it's caused by some form of blunt
10 trauma.

11 Q. Can you tell us anything about the type of
12 object that caused that injury?

13 A. Other than that it was a blunt object, no.

14 Q. Any other injuries of note when we're
15 talking about the right side of the -- what about
16 behind the ear on the right side of Mr. Armstrong's
17 head?

18 A. He has a laceration there which is kind of
19 that -- there's a line.

20 Q. And what can you tell us about that
21 laceration?

22 A. Just like any other laceration, it's caused
23 by impact with a blunt object or against a blunt
24 surface, something blunt.

25 Q. Moving to the back of Mr. Armstrong's head.

1 Did you document injuries to the back of his head and
2 also did you photograph them?

3 A. Yes.

4 Q. Show you what has been admitted into
5 evidence as State's Exhibit Number 158, State's
6 Exhibit Number 161. Are you familiar with those
7 items?

8 A. Yes.

9 Q. Do they show the back of Mr. Armstrong's
10 head?

11 A. Yes.

12 Q. And the injuries that are associated?

13 A. Yes.

14 Q. I'm going to first ask you about this one
15 and then about these. Looking at State's Exhibit
16 Number 158, does State's Exhibit Number 158 show the
17 laceration that you just documented that's in the top
18 left corner of the photograph behind the left ear?

19 A. Top right corner.

20 Q. Sorry. Yes, sir.

21 A. Yes.

22 Q. Okay. Does it also show another injury
23 that you noted in the bottom left diagram or the one
24 that shows the direct back of his head?

25 A. Yes.

1 Q. Is that also noted in State's Exhibit
2 Number 162?

3 A. Yes.

4 Q. Can you describe the injuries to the back
5 of Mr. Armstrong's head?

6 A. He has that broad abrasion or scrape that
7 sort of crosses, horizontally crosses the back of the
8 head. Immediately below that there is another
9 laceration or skin tear. To the right of that broad
10 abrasion is a linear abrasion. And he has also
11 another abrasion that's further down below all those
12 aforementioned injuries.

13 Q. These type of injuries, are they consistent
14 with blunt trauma to the head?

15 A. Yes.

16 Q. Moving to the left side of his face, did
17 you note apparent injuries there?

18 A. Yes.

19 Q. And to the left side of the face, are those
20 shown in State's Exhibit Number 160?

21 A. Yes.

22 Q. Okay. I'm going to show both sides of the
23 face at the same time. So the left side of the face
24 is 160 and the right side of the face is 159; is that
25 correct, sir?

1 A. Yes.

2 Q. I want you to describe the injuries that
3 were shown to the left side of the face when
4 Mr. Armstrong was presented.

5 A. On the left side of the face, which we
6 talked about a little bit already, there's a
7 laceration off to the side of the right -- I'm sorry.
8 Go back to the left side. To the left side of the
9 face, he has a combination of different abrasions or
10 skin scrapes and bruises.

11 On the right side of the face, the
12 side we talked about earlier, he has a laceration or
13 skin tear off the side of the right eye as well as
14 more scrapes on his right cheek and right lower jaw.

15 Q. The types of injuries that are associated
16 on the left side of the face, are those consistent
17 with blunt force trauma?

18 A. Yes.

19 Q. Okay. Are all of these injuries that are
20 to the head consistent with blunt force trauma?

21 A. Yes.

22 Q. Can you tell us -- when you're looking at a
23 body during the course of an autopsy, can you tell us
24 how many times or how many blunt strikes there were
25 to Mr. Armstrong's head?

1 A. Without knowing anything about the object
2 that was used, there is no way to know how many times
3 he was struck in the head.

4 Q. An object might have different surfaces; is
5 that fair?

6 A. Yes.

7 Q. And so it's possible that one strike could
8 cause multiple injuries simultaneously?

9 A. Yes.

10 Q. But generally looking at the injuries to
11 Mr. Armstrong's head, were the injuries on multiple
12 plains of his head?

13 A. Yes.

14 Q. And what are those typically indicative of?

15 A. Well, when I see injuries on multiple
16 surfaces of a person's head, it rules out a single
17 impact, like from a fall or something like that. So
18 obviously if someone has injuries, blunt injuries
19 down their face, on the front of the face as well as
20 the right side of the face, and left side of the
21 face, and the back of their head, I can safely say,
22 well, this person has had more than one impact, even
23 if it's a really complexly -- a complexly shaped
24 instrument. So in this case I think it's easy to say
25 that he's been struck multiple times, more than one

1 time.

2 Q. When we're talking about these injuries,
3 were there -- was there -- during the course of an
4 autopsy do you, in fact, do you go behind the skin
5 and examine the structure of his head and his brain?

6 A. Yes.

7 Q. Okay. When you did that in Mr. Armstrong's
8 case, were you able to note the presence of fractures
9 to his skull?

10 A. Yes.

11 Q. Can you tell us about that?

12 A. I mentioned earlier the fractures on his
13 face which are part of the skull. He also had a
14 fracture of the frontal portion of his skull.

15 Q. Where is that?

16 A. The front part of the skull.

17 Q. Can you show us on the diagram where that
18 skull fracture occurred?

19 A. It's kind of hard to describe on this
20 diagram, but it basically would be on the right, the
21 right side of his face towards the front.

22 Q. The trauma to his head, does it -- can
23 blunt force trauma to the head cause problems to an
24 individual's organs inside the skull?

25 A. Yes.

1 Q. Did you note any types of injuries like
2 that in this case?

3 A. Yes. He had bleeding over the surface of
4 his brain as well as bruises to the brain itself.

5 Q. What is that indicative of?

6 A. They are just internal manifestations of
7 blunt trauma.

8 Q. When someone suffers those types of head
9 injuries, how does the body react?

10 A. Injuries like that to the head, it's hard
11 to work backwards and try to figure out what exactly
12 it would have done. But certainly injuries like that
13 can cause unconscious or changes in their mental
14 status or death.

15 Q. In this case can you describe the
16 hemorrhaging to the subdural?

17 A. I mentioned earlier he had bleeding over
18 the surface of his brain. This is -- the medical
19 term for this is subdural and subarachnoid
20 hemorrhage. So these are -- the terms subdural and
21 subarachnoid refer to different layers of the tissue
22 that cover the surface of the brain.

23 Q. What do you mean by hemorrhage?

24 A. Bleeding.

25 Q. When someone has bleeding in those layers

1 between their skull and their brain, what effect does
2 it have on the brain function?

3 A. It can cause death.

4 Q. Independent of anything else?

5 A. Yes.

6 Q. You mentioned that he had brain contusions.

7 Can you tell the jury where the brain contusions,
8 brain bruising was?

9 A. He had bruising on both sides of his brain.

10 Q. We've described or detailed a lot of
11 injuries to the brain. Is there anything big on the
12 injuries to the head that we've not talked about?

13 A. No.

14 Q. So in your analysis, after the head let's
15 talk about the neck. Was there injuries to
16 Mr. Armstrong's neck?

17 A. Yes.

18 Q. Are some of those indicated on this
19 diagram?

20 A. Some of them. I think more of them were on
21 the previous diagram.

22 Q. Okay. And you are referring to here?

23 A. Yes.

24 Q. And here?

25 A. Yes.

1 Q. What can you tell us about the injuries to
2 his neck?

3 A. He had a number of abrasions, again, tissue
4 scrapes or skin scrapes, and contusions or bruises to
5 his neck.

6 Q. Can you tell us what was happening beneath
7 the skin in regards to the tissue in his neck and the
8 bones?

9 A. He also had hemorrhage or bleeding into the
10 muscles of the front of his neck. He also had
11 fractures of the hyoid bone which is the bone that's
12 in the upper part of the neck kind of behind the base
13 of the tongue, as well as his thyroid and trichoid
14 cartilages, those are the cartilages that make up
15 your larynx. So fractures of his laryngeal
16 cartilages.

17 Q. Can the cause of those be blunt force
18 trauma?

19 A. Yes.

20 Q. Could they be pressure to the neck by
21 trauma?

22 A. Yes.

23 Q. In regard to the injuries to the head and
24 to the neck, did you request a consult to try to
25 document additional parts of these injuries in

1 Mr. Armstrong's case?

2 A. Yes. I requested that our forensic
3 anthropologist come and take a look at the bones of
4 his face to document all the fractures that he had
5 there.

6 Q. And why was that necessary? Why was that
7 something that you chose to do in this case?

8 A. It's mainly because the -- there are a lot
9 of different bones in the face. The facial bones are
10 very complex. And our anthropologists, they
11 specialize in the examination of the skeletal system
12 of bones. So they are better at closely examining
13 those fractures that are in the face, the small bones
14 that make up the face.

15 Q. Moving down from the neck, let's talk about
16 the upper torso, upper chest. Can you kind of talk
17 us through some of the injuries that were sustained
18 to his upper chest?

19 A. Yes, I can. He had mostly abrasions or
20 scrapes to the skin. He did have a single, what
21 looked like a cut, something caused by a sharp object
22 on the right side of his upper chest.

23 Q. And is that shown in this photograph?

24 A. Yes.

25 Q. This is State's Exhibit Number 163. Does

1 this also document some of the injuries, blunt force
2 injuries?

3 A. Yes.

4 Q. Were there both blunt force and scratching
5 or scraping on his chest?

6 A. I would consider scrapes or abrasions a
7 form of blunt force injury. So yes.

8 Q. Okay.

9 (Exhibit Published.)

10 Q. (BY MR. PENEGUY) Just like with the head,
11 did you attempt to go behind the skin to learn about
12 some of the injuries to his chest?

13 A. Yes.

14 Q. What happens there?

15 A. Basically I make an incision on the front
16 of the body, open up the body and look on the inside.

17 Q. Anything in particular of note when you did
18 the internal examination of his chest and I guess the
19 bones, ribs associated with his chest?

20 A. Yes. He had fractures of his right seventh
21 rib and left first and fourth rib as well as a
22 laceration or tear of his liver.

23 Q. Again, indicative of possible blunt force
24 trauma?

25 A. Yes.

1 Q. In regards to the rib injuries, were
2 those -- what do you do with that knowledge?

3 A. I just document the presence of the
4 fractures.

5 Q. Okay. Exterior of the body, you look the
6 chest over, look at his back. Still the upper body.
7 What can you tell us about injuries to the back?

8 A. He had some abrasions, again, scrapes on
9 the left side upper back as well as -- well, that's
10 it. Just some abrasions on the left side of the
11 upper back.

12 Q. Is that shown in this photograph, State's
13 Exhibit Number 157?

14 A. Yes.

15 (Exhibit Published.)

16 Q. (BY MR. PENEGUY) Moving down the torso, did
17 you document other injuries on his extremities, like
18 his arms and his legs?

19 A. Yes.

20 Q. And do you document some of those in both
21 of these photos essentially?

22 A. Yes.

23 Q. Specifically in regards to -- do you always
24 look -- do you try to typically take note of any
25 injuries to his hands?

1 A. Yes.

2 Q. Do we have photographs of the hands?

3 A. Yes.

4 Q. What is 165?

5 A. 165 is a picture of the back of
6 Mr. Armstrong's left hand.

7 Q. And 166?

8 A. The back of his right hand.

9 (Exhibit Published.)

10 Q. (BY MR. PENEGUY) Did you document any
11 injuries there?

12 A. Yes. He had a few small abrasions on the
13 backs of each hand.

14 Q. Anything major?

15 A. No.

16 Q. What about his legs?

17 A. He had an abrasion on this right knee.

18 Q. Anything major?

19 A. No.

20 Q. In talking about Mr. Armstrong and you're
21 conducting your autopsy, do you go through a process
22 also to examine his internal organs?

23 A. Yes.

24 Q. And why do you guys do that?

25 A. Again, we're looking for any evidence of

1 injury internally. We are also documenting any
2 preexisting natural disease that might be there.

3 Q. In this case did you conduct the internal
4 examination?

5 A. Yes.

6 Q. And did your testing reveal really any
7 disease or defect that could have been an intervening
8 cause of death?

9 A. No.

10 Q. Do you guys also do a toxicology report?

11 A. Yes.

12 Q. And basically what is that?

13 A. During the autopsy I will collect various
14 fluids and tissues that can be sent to our lab and
15 tested for the presence of drugs or medications,
16 alcohol. In a homicide case our lab will, as
17 routine, test for the presence of alcohol or
18 stimulants.

19 Q. Did you test for alcohol in this case?

20 A. Yes.

21 Q. Was there alcohol present?

22 A. Yes.

23 Q. Can you tell us the degree of the blood
24 alcohol?

25 A. Blood alcohol was .18 grams per deciliter.

1 Q. Did you test for the presence of simulants?

2 A. Yes.

3 Q. Would a stimulant be things like cocaine?

4 A. Yes.

5 Q. Would they be things like PCP or
6 phencyclidine?

7 A. Yes.

8 Q. Did you note the presence of any stimulants
9 in Mr. Armstrong?

10 A. No stimulants were detected.

11 Q. When you're talking about Mr. Armstrong and
12 his death, did you collect any additional evidence
13 that was submitted and collected in regards to this
14 case?

15 A. Yes. There was a fragment of wood that was
16 in the body bag with him when he came to our office.

17 MR. PENEГУY: Judge, may I approach
18 the witness?

19 THE COURT: You may.

20 Q. (BY MR. PENEГУY) Show you what has been
21 marked for identification purposes as State's Exhibit
22 Number 170. Are you familiar with that item?

23 A. Yes.

24 Q. Is that the item that you recovered?

25 A. Yes.

1 Q. And is it in the same or substantially the
2 same condition as when you recovered it?

3 A. Yes.

4 MR. PENEGUY: Judge, we would offer
5 State's Exhibit Number 170 and tender to opposing
6 counsel.

7 MR. SCOTT: No objection.

8 THE COURT: Thank you. 170 is
9 admitted.

10 Q. (MR. PENEGUY) State's Exhibit Number 170,
11 does it contain information about the medical/legal
12 number of your autopsy?

13 A. Yes.

14 Q. And that's the envelope that is in the
15 plastic bag, 170. What can you tell us about this
16 item?

17 A. This is a piece of wood that was, again, in
18 the body bag with Mr. Armstrong when he arrived at
19 our office.

20 Q. Okay. And did you tag it because you
21 thought it might be of some relevance?

22 A. In a homicide case anything that is in the
23 bag generally will be documented and typically
24 submitted as evidence.

25 Q. Did you notice the presence of any type of

1 substance on this fragment of wood?

2 A. Appeared to be blood on it.

3 (Exhibit Published.)

4 Q. (BY MR. PENEГУY) Dr. Chu, based upon your
5 autopsy that you conducted on the body of Baron Keith
6 Armstrong, did you reach an opinion in regards to the
7 cause of death of Baron Armstrong?

8 A. Yes.

9 Q. And what was that opinion?

10 A. Blunt trauma of the head and neck.

11 Q. And how did you classify the manner of
12 death?

13 A. Homicide.

14 Q. In regards to the types of injuries, the
15 blunt trauma that you observed, can you tell the jury
16 what would happen, what's the mechanism of death when
17 the brain had the bleeding or when the subdural
18 bleeding that you described in the blunt force
19 trauma, what is happening inside there?

20 A. Well, not so much the subdural but the
21 subarachnoid, which is just bleeding in a different
22 layer of the brain, can cause the blood vessels of
23 the brain to effectively clamp down, and this
24 interferes with the flow of blood to the brain itself
25 and can cause death.

1 Q. The injuries that you described to Baron
2 Keith Armstrong's head, would you classify them as
3 significant?

4 A. Yes.

5 Q. Can you point to any particular one of them
6 and say that was the strike that caused his death?

7 A. No.

8 Q. Is it really just looking at all of them
9 and the totality that you're able to reach your
10 determination?

11 A. Yes.

12 Q. The wounds that you observed to the body of
13 Baron Armstrong, were those wounds that -- did you
14 consider them to be fresh?

15 A. Yes.

16 Q. What do you mean by that?

17 A. Meaning that they showed no evidence of any
18 kind of healing response which suggests that they
19 occurred at or around the time of death.

20 MR. PENEГУY: Judge, I pass the
21 witness.

22 THE COURT: Mr. Scott.

23 CROSS-EXAMINATION

24 BY MR. SCOTT

25 Q. Dr. Chu, in relation to your autopsy -- and

1 I think we all know the answer, but let me ask you
2 for the record: You know basically nothing about the
3 circumstances surrounding the retrieval of the body
4 or that type of information? Your primary function
5 is to, once a body is received in the morgue, then
6 you start analyzing that body or examining that body;
7 is that accurate, sir?

8 A. We typically get some information about the
9 circumstances of the death. We don't do autopsies in
10 a vacuum. So not entirely correct.

11 Q. Well, you know according to the history
12 where it happened and it was that he was dead at the
13 scene, correct?

14 A. Yes.

15 Q. All right. In relation to the injuries --
16 and I'm going back to the chart that you had where
17 the bodies, front and back, are exhibited. And I'm
18 just asking: It appears as to -- the majority of
19 those injuries appear to have been administered to
20 the front of the body. Am I accurate in assuming
21 that?

22 A. Well, on the head it's all surfaces; for
23 the remaining of the body, it's mostly the front.

24 Q. Now, on the -- well, you talk about the
25 head. Let's see. The back of the head shows --

1 where does the back of the head start, by the way?

2 Where does the back of your head start? Behind your
3 ears? Behind your -- where?

4 A. Back of the head is not a formal medical
5 term. It's just the back of your head.

6 Q. Okay. Back of the head. Okay. Then I am
7 medical.

8 All right. Back of the head appears
9 in your autopsy report and it shows, I guess, three
10 areas to the back of the head, correct? Three either
11 abrasions or blunt trauma; is that basically
12 accurate?

13 A. You're talking about the diagram?

14 Q. Uh-huh.

15 A. There's three abrasions and one laceration.
16 So four injuries just on that one part of the
17 diagram.

18 Q. Which is, in my language, the back of a
19 person's head, right?

20 A. Yes.

21 Q. Okay. So the laceration would be the one
22 on the right, the other three are the abrasions,
23 correct?

24 A. Well, the laceration is sort of in the
25 middle on my diagram.

1 Q. It's the long --

2 A. On the right, that's just an abrasion
3 that's linear in shape.

4 Q. Okay. Now, in relation to any of these
5 injuries, are you able to determine, other than a
6 blunt trauma force, what caused the injury?

7 A. No.

8 Q. Now, you say that you start this, the
9 examination, and you start I think you told us at,
10 what, the crown of the head or top of the head and
11 work your way down. Is that basically how you
12 proceed?

13 A. That's how I organize the report.

14 Q. And are you able to tell by looking at
15 these injuries that are pointed out in the diagram as
16 to the order of those injuries to the body as to when
17 they happened?

18 A. No.

19 Q. So any injury could have been either before
20 or after any other injury basically on this whole
21 chart; is that correct?

22 A. Yes.

23 Q. And you're certainly not here to talk about
24 what Mr. Armstrong was doing at the particular time
25 that he was receiving these injuries, correct?

1 A. Correct.

2 Q. In relation to the back of Mr. Armstrong's
3 body, do you have any lacerations that are shown on
4 the back according to the diagram?

5 A. He has one on the back of his head, but --

6 Q. Yes, sir, the one we talked about earlier,
7 right?

8 A. Right. But not any on the rest of the back
9 of his body.

10 Q. And the things that are pointed out then
11 are abrasions?

12 A. Yes.

13 Q. The majority of the ones then on the front,
14 would they be lacerations or abrasions?

15 A. A combination of both. Are you talking
16 about on his body or his head?

17 Q. I'm talking about the ones depicted on the
18 front diagram we've got here of the entire body.

19 A. On the front of his body, excluding his
20 head, most of them are abrasions or scrapes of the
21 skin.

22 Q. You differentiate between that and
23 lacerations, right?

24 A. Or any other kind of injury.

25 Q. Okay. Now, in relation to the toxicology

1 report, you've got alcohol found; is that correct?

2 A. Yes.

3 Q. And I guess you'll have to help me because
4 I really don't know the answer. Intoxication's .08 I
5 think now.

6 A. For driving.

7 Q. Right. DWI kind of deal. Would this be
8 more or less than that?

9 A. More than that.

10 Q. All right. If it's .08, this is .18, over
11 twice that, correct?

12 A. Yes.

13 Q. And the .24 would be three times over
14 driving while intoxicated, correct?

15 A. Yeah, but that's a urine level. That's not
16 a blood level.

17 Q. There's a difference between the two,
18 correct?

19 A. Yes.

20 Q. There might have been the same amount of
21 consumption but there might have been different burn
22 off, or how does that happen?

23 A. There's a lot of different ways that can
24 happen. The legal limit for driving is based on the
25 blood, not on any other fluid.

1 Q. Oh. Now, we're talking about -- was there
2 any marijuana found in his system?

3 A. Our lab did not test for marijuana. So I
4 don't know if he had it or not.

5 Q. Did -- in cases I've had before, they
6 always have. Well, not always, but once in awhile a
7 body will be brought in and the hands would be bagged
8 to see if in fact there is any of the nitrites or
9 anything else that might be on the person's hands.
10 Was that done in relation to Mr. Armstrong's body
11 that you know of?

12 A. Yes.

13 Q. And did they have bags on the hands?

14 A. Yes.

15 Q. And was there tests done for nitrites or
16 some indication of handling a firearm?

17 A. There was no gunshot residue testing done.
18 I'm not familiar with the -- what was the first form
19 of testing you mentioned?

20 Q. Looking for nitrites.

21 A. Oh. Oh. Oh. No, there is no such testing
22 done because we only do those in cases of firearm
23 related deaths. So since this death appeared to be
24 due to blunt trauma and there was no gun involved, we
25 did not do the -- we did not request the specimens

1 for the gunshot residue testing.

2 Q. If a person might have handled a gun, using
3 a gun, not necessarily firing a gun, there still
4 might have been residue from the gun that would have
5 been on his hands; but if you weren't notified that
6 that was a possibility, you wouldn't have tested for
7 that, correct?

8 A. We would not collect the sample. We are
9 not the ones who typically order that testing even if
10 the sample is collected. But that's correct, that if
11 we did not know that was a possibility, we would not
12 have collected that sample.

13 Q. So correct me if I'm wrong, you have a
14 homicide, homicide detectives generally -- let's talk
15 about generalities. They show up out where the body
16 is. If the person is deceased at the location, just
17 like we're talking about here in this case on Van
18 Fleet Street, and then your people, however you want
19 to phrase that, people from where you work would then
20 go out to the scene and they would be responsible for
21 either examining the body, whatever they might do
22 right there at the scene, and then transporting the
23 body back to you for you to look at, correct?

24 A. Yes.

25 Q. All right. So if they are there at the

1 scene, if there was no notice to you-all that
2 Mr. Armstrong was supposed to have had a pistol at
3 the time of his death -- was that not told to you?

4 A. I don't recall.

5 Q. In relation to abrasions, such as the ones
6 on Mr. Armstrong, could you -- were you able to
7 determine what, if anything, came into contact that
8 might have caused the abrasions?

9 A. No.

10 Q. I don't know what you could find, maybe rug
11 or fibers or, you know, CSU sort of stuff.

12 A. The more common scenario in which we would
13 be able to match an abrasion type injury to an object
14 is if that object has a specific pattern to it and it
15 strikes the body in such a way that it leaves an
16 abrasion that has that exact pattern or shape, then
17 maybe you could do some visual comparison and figure
18 it out that way. But he did not have any
19 recognizable, at least, patterns on him that would
20 allow me to say, Oh, he must have been struck by a
21 specific object.

22 Q. Good. If he crawled across the floor and
23 it left abrasions on the knees, just saying, crawling
24 on the floor or moving on the floor, could there have
25 been indications, rug fibers, or anything like that

1 that might have been evident on that?

2 A. Perhaps.

3 Q. Do you remember whether or not -- maybe
4 it's in here in my memory -- but do you remember
5 whether or not he had shoes on?

6 A. Yes, he had white athletic shoes on.

7 Q. Do you know whether or not they had a
8 particular pattern on the bottom of those athletic
9 shoes, or did you notice?

10 A. I don't recall. I know that they were
11 photographed, but I don't remember what pattern they
12 might have had.

13 MR. SCOTT: I'll pass the witness,
14 your Honor.

15 MR. PENEGUY: No further questions.

16 THE COURT: Doctor, you are excused.
17 Thank you so much for your testimony.

18 Call your next witness, please.

19 MR. PENEGUY: State calls Dr. Love.

20 (Witness sworn.)

21 THE COURT: From the State.

22 JENNIFER LOVE,

23 having been first duly sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MR. PENEGUY