

DIRECT EXAMINATION

1

2 **BY MS. BARD:**

3 Q. Could you please introduce yourself to the
4 jury?

5 A. Yes. I'm Dr. Michael Robert Condron, II.

6 Q. Dr. Condron, can you explain to the jury your
7 educational background?

8 A. Yes. I received my doctor of medicine degree
9 from the Meharry Medical College in Nashville in 2004.
10 I then completed a residency in anatomic and clinical
11 pathology at the University of Texas at Houston, here in
12 Houston. I then did a one-year subspeciality
13 pathology -- surgical pathology fellowship at the
14 Methodist Hospital here in Houston. And then I
15 completed my one-year forensic pathology fellowship at
16 the Harris County Medical Examiner's Office here.

17 And since then, I've been employed as an
18 assistant medical examiner for the Harris County Medical
19 Examiner's Office, which is now called the Institute of
20 Forensic Sciences.

21 Q. So, if I understand, currently you are an
22 assistant medical examiner; is that correct?

23 A. That's correct.

24 Q. How long have you been with the M.E. -- or the
25 Institute of Forensic Sciences?

1 A. About three years.

2 Q. And as an assistant medical examiner, what is
3 your main responsibilities?

4 A. To perform autopsies and external examinations
5 to determine the cause and manner of death.

6 Q. And can you describe for the jury a little bit
7 about what is involved in an autopsy?

8 A. An autopsy begins with an external examination,
9 which is where we document basic features like hair
10 color, eye color, height and weight, and any externally
11 evident injuries or signs of disease. Sometimes,
12 depending on the nature of the case, we'll collect
13 evidence like fingernail scrapings or various other
14 kinds of evidence depending on what's necessary. Then
15 an internal examination is done, which is where we
16 examine all of the internal structures of the body, all
17 of the organs. We'll collect specimens for toxicology
18 and do other various procedures as indicated depending
19 on the case.

20 Q. Are you a licensed medical doctor in the state
21 of Texas?

22 A. Yes, I am.

23 Q. Can you describe for the jury a little bit
24 about what forensic pathology is?

25 A. Okay. Forensic pathology is a subspeciality

1 within pathology, which is a specialty within medicine,
2 like obstetrics or pediatrics or surgery. Pathology is
3 the diagnosis of disease based on examining tissues or
4 bodily fluids as opposed to examining a patient
5 directly. And then forensic pathology is a sub-division
6 of that branch of medicine, which is primarily focused
7 on determining cause and manner of death.

8 Q. During your career, about how many autopsies
9 using the skill set and the training that you have in
10 forensic pathology have you performed?

11 A. The last time I checked was about six or eight
12 weeks ago, and it was 770.

13 Q. And have you ever testified before as an expert
14 witness in the area of forensic pathology and autopsies?

15 A. Yes, I have.

16 Q. Was that here in Houston, Harris County, Texas?

17 A. Yes.

18 Q. Has that been on few or many occasions?

19 A. Fifteen to twenty, maybe.

20 Q. Now, Dr. Condrón, on July 27th of 2010, were
21 you able to conduct an autopsy on someone by the name of
22 Manuel Gonzalez Portillo?

23 A. Yes.

24 MS. BARD: Your Honor, may I approach the
25 witness?

1 THE COURT: Yes.

2 Q. (By Ms. Bard) I'm going to show you what's
3 previously been marked as State's Exhibit No. 105,
4 what's already been admitted as 106, and what's
5 previously been marked as State's 107 (indicating).

6 A. Okay.

7 Q. Now, is it common for -- when performing an
8 autopsy to record the findings of your external and
9 internal examination?

10 A. Yes.

11 Q. And is that what we see here in State's Exhibit
12 105, your autopsy report --

13 A. Yes.

14 Q. -- your findings?

15 A. Yes.

16 Q. And does it also include a toxicology report
17 for Mr. Portillo and a diagram of the injuries suffered
18 on the external portion of Mr. Portillo?

19 A. Yes, it does.

20 Q. And is it common practice for the Institute of
21 Forensic Sciences to keep these autopsy reports?

22 A. Yes.

23 Q. And are these autopsy reports made at or near
24 the time of the events that are recorded therein?

25 A. They're made at or near the time of the

1 autopsy, yes.

2 Q. Okay. And were they made by you, somebody with
3 personal knowledge of the autopsy itself?

4 A. That's correct.

5 Q. Okay. Looking at State's Exhibit 106, is every
6 autopsy that you perform given a specific case number?

7 A. Yes. Each one gets a unique number.

8 Q. In this case, what is the unique number for
9 Mr. Portillo's case?

10 A. It's ML12 -- "ML" stands for medical/legal.
11 I'm sorry. ML10, which is the year 2010, and then 2186.

12 Q. And do we see ML10-2186, is that same case
13 number here in the photos, 106 and 107?

14 A. Yes.

15 Q. And do these photos fairly and accurately
16 depict what you saw in performing your autopsy and the
17 external examination?

18 A. They're a portion of what I saw, yes.

19 MS. BARD: Your Honor, at this time, the
20 State would offer into evidence State's Exhibits 105 and
21 State's Exhibit 107.

22 **(State's Exhibit No. 105 and 107 Offered)**

23 MS. BECK: No objection, Your Honor.

24 THE COURT: State's 105 and 107 are
25 admitted.

1 **(State's Exhibit No. 105 and 107 Admitted)**

2 Q. (By Ms. Beck) As a doctor performing an
3 autopsy, are you also shown or familiar with any
4 pictures of them out -- of the bodies out at the scene?

5 A. Sometimes, yes.

6 Q. Okay. And did you have that occasion here in
7 this case?

8 A. I don't recall if I saw scene photographs.
9 They are not in the case file, but a lot of times we
10 keep them on a computer server.

11 Q. Looking at State's Exhibit No. 105 --

12 A. I'm sorry. I take that back. I remember now I
13 did see scene photographs, yes.

14 Q. You did see scene photographs?

15 A. Yes.

16 Q. Okay. Looking at State's Exhibit 105, are we
17 looking at the autopsy report here for Mr. Manuel
18 Gonzalez Portillo (indicating)?

19 A. Yes.

20 Q. And it's got your signature down there, Michael
21 Condron (indicating)?

22 A. Yes.

23 Q. And I notice it says on the front page: Cause
24 of death and manner of death. Could you describe what
25 cause of death means to a jury?

1 A. Cause of death is -- it sort of speaks for
2 itself. It's the physical process that caused somebody
3 to die.

4 Q. And what does manner of death mean?

5 A. The manner of death is a term that we use in
6 forensic pathology to sort of indicate how somebody
7 died. There's five manners that are available for us in
8 the state of Texas. They are accident, homicide,
9 suicide, natural, and undetermined.

10 Q. In Mr. Portillo's case, what was his cause of
11 death?

12 A. His cause of death was blunt force injuries of
13 head, torso, and extremities.

14 Q. And the manner of death was accident?

15 A. The manner of death is accident, yes.

16 Q. I'm going to flip to Page 1. I take that back.
17 I'm going to start at Page 6 of your autopsy report for
18 Mr. Portillo.

19 Now, the first page, basically, just gives
20 us kind of a simple blunt force injuries to the head,
21 torso, and extremities. On Page 6, do you go into a bit
22 more specific as to what that cause of death and
23 those -- what you call pathological diagnoses are?

24 A. Yes. This is a summary of the findings that
25 are detailed in the body of the report, yes.

1 Q. All right. I want to kind of describe -- I'm
2 sure the jury and I are not very good at pathology and
3 anatomy. Going through kind of the order, the blunt
4 force injuries of the head, it says: 1. Extensive --
5 I'm going to say this wrong -- comminuted?

6 A. Comminuted.

7 Q. -- comminuted skull fractures and
8 atlanto-occipital dislocation. Can you describe that
9 for the jury?

10 A. A comminuted fracture is one where a bone is
11 not fractured in a straight line, but broken into
12 multiple small pieces. Sort of like shattered or
13 crushed. And the -- so, most of the bones in the skull
14 had comminuted fractures.

15 The atlanto-occipital dislocation refers
16 to -- the occipital is the bone at the base of the
17 brain. And the atlanto part refers to the first
18 vertebra in the cervical spine. So, they normally --
19 the skull rests on top of the first cervical vertebra.
20 And in this case, that was dislocated or separated.

21 Q. So, if I understand number one correctly,
22 basically, all of the bones in his skull were fractured
23 into little pieces?

24 A. They all had comminuted fractures. I don't
25 want to make it sound like they were all turned into

1 small pieces, but it was not just a simple linear
2 fracture of one bone.

3 Q. Then it says: Contusion and disruption of
4 brainstem. What does that mean?

5 A. The brainstem is the part of the brain that
6 connects to the spinal cord. It includes the pons and
7 the medulla. And that part of the brain had a lot of
8 hemorrhage from the blunt injuries and parts of the
9 substance of it were disrupted.

10 Q. And No. 3 is: Diffuse subarachnoid hemorrhage.

11 A. Yes. The brain has multiple coverings over it.
12 And one of them is called the arachnoid mater. And
13 there was blood underneath that that was caused by the
14 injuries to his brain.

15 Q. No. 4 is: Diffuse cerebral contusions and
16 disruption. What is that?

17 A. A contusion is a blunt injury that causes
18 bleeding. He had multiple contusions on the surface of
19 his brain and parts of the brain -- substance of the
20 brain were disrupted.

21 Q. And then No. 5: Diffuse subcutaneous scalp
22 hemorrhage. What does that mean?

23 A. Subcutaneous refers to underneath the surface
24 of the skin. So, the scalp had hemorrhage within the
25 tissues under the surface as well.

1 Q. Now, moving onto the blunt force injuries of
2 the torso. It says that we've got a lot of abrasions,
3 contusions, and lacerations of the torso. If we look at
4 State's Exhibit 105 further in, we notice there is a --
5 is this where you keep sort of a drawing, if you will,
6 of those contusions, abrasions, and lacerations?

7 A. Yes.

8 Q. And so, if the jury wanted, they could take a
9 look and see kind of what you're specifically saying.
10 For example, what are we looking at here, the top left
11 portion (indicating)?

12 A. At the top left is my notes about his hair
13 color, mustache and beard, the way his eyes looked, they
14 were brown, his corneas were a little bit cloudy, things
15 like that.

16 Q. And then if we keep moving, it's your different
17 notes as to what you noticed on his body; scars,
18 fractures, that kind of thing?

19 A. Scars, fractures, abrasions, yes.

20 Q. Okay. Going back to the pathological
21 diagnoses, the blunt force traumas of the torso. No. 2
22 says: Multiple bilateral rib fractures. How many ribs
23 were broken in Mr. Portillo's body?

24 A. On the left, it was ribs one through six. And
25 on the right, it was ribs one, two, and six. So, that

1 adds up to nine.

2 Q. And just for the jury, how many ribs do we
3 actually have in the human body?

4 A. There's 12 on each side.

5 Q. So, a pretty significant portion of his ribs
6 had been cracked and fractured as well?

7 A. Yes.

8 Q. Staying with the torso, but flipping to the
9 next page, No. 3 says: Lacerations of upper and lower
10 lobes of left lung. What does that mean?

11 A. A laceration is a blunt injury that causes
12 tissue to tear as opposed to a contusion which causes it
13 to bleed. These were related to the rib fractures.
14 Basically, the ribs had violated the surface of the
15 lung.

16 Q. And when you say the rib fracture has violated
17 the surface -- I know it's kind of clinical -- it
18 basically, if I understand what lacerations mean, is it
19 ripped and shredded parts of his lungs as it were
20 breaking?

21 A. Yes. The ribs cut the surface of the lung,
22 yes.

23 Q. Okay. And then the same thing for the liver,
24 not necessarily caused by the ribs, but his liver was
25 lacerated meaning that it was also cut as well?

1 A. Yes, it had areas where it was torn. Yes.

2 Q. Okay. And then under "C," we have blunt force
3 injuries of the extremities. No. 1 is the abrasions,
4 contusions, and lacerations of the left arm. And if we
5 look at State's Exhibit 107 -- and, actually No. 2, it
6 says: Closed, displaced fracture of left humerus with
7 hemorrhage of left arm and shoulder musculature.

8 Keeping in mind State's Exhibit 107, can
9 you describe what that means and what we're looking at
10 for the jury?

11 A. Well, the fracture, you can't really see here.
12 This is a photograph of the back, the upper back, which
13 would include the shoulder, and, obviously, his head,
14 but you can see part of the hemorrhage that's associated
15 with a large injury involving the shoulder and the left
16 arm.

17 Q. Based on all of that, from all of the skull
18 fractures and the hemorrhages and the breakages through
19 his lungs and liver, and including his shoulder and arm,
20 do you believe that those all contributed to his cause
21 of death?

22 A. Yes.

23 Q. Okay. Looking at State's Exhibit No. 49, this
24 is a scene photo, probably something similar to what
25 you -- I just want to be clear. You observed some scene

1 photos of the way the body was at the scene, correct?

2 A. Yes, I have seen this photograph. This
3 photograph is in the county's server file that I have
4 access to. Yes, I remember this photograph now.

5 Q. And is this photograph consistent with the
6 injuries that you noted, including the skull fractures
7 through the brain hemorrhaging and all the way through
8 to the arm injuries?

9 A. Yes.

10 Q. And looking at State's Exhibit No. 50, is that
11 also describing and showing how those injuries had
12 occurred (indicating)?

13 A. Yes.

14 Q. And then what is this jury looking at here in
15 State's No. 106 (indicating)?

16 A. This is what we call an identification
17 photograph. This is one of the photographs that's taken
18 at the beginning of every case. It's a close-up view of
19 the face for purposes of identifying the body.

20 Q. And if we look here, it's a little bit closer,
21 kind of on the -- this would be the left side of his
22 body, or is that the right side? On State's 106, this
23 abrasion kind that we see here (indicating)?

24 A. Yes.

25 Q. Is that consistent with what would be known as

1 a seatbelt mark?

2 A. He was the driver. That's on the left. Yes,
3 that could be explained by a seatbelt, yes.

4 Q. Okay. Now, did you perform a toxicology
5 analysis or request a toxicology analysis on
6 Mr. Portillo?

7 A. Yes. We routinely order a panel of toxicology
8 testing on all motor vehicle accidents on the driver.
9 And that was done here. The panel has since expanded.
10 It includes drugs we didn't test for then, but, yes, it
11 was done.

12 Q. Let's look at the very last page of your
13 autopsy report. Is this that toxicology report
14 (indicating)?

15 A. Yes.

16 Q. If we scroll in, nothing was detected in his
17 system as far as alcohol or any type of drugs?

18 A. None of the drugs that we looked for at that
19 time were detected. And alcohol also was not. Well,
20 it's part of that, yes. It's not depicted.

21 Q. Having examined Mr. Portillo, did you find any
22 sort of natural disease or natural causes that would
23 have caused his death that day, on July 26th, 2010?

24 A. No. He did have some heart disease, but that
25 would not -- in the face of these injuries, that had

1 nothing to do with his death.

2 Q. What had to do with his death?

3 A. The blunt force injuries of his head and the --
4 and neck, as well as the torso with the rib fractures
5 and the lung lacerations.

6 Q. Now we're going to move onto -- did you have
7 occasion to do an autopsy on the passenger, Mr. Cristo
8 Salvador Alfonso?

9 A. Yes.

10 MS. BARD: Your Honor, may I approach the
11 witness?

12 THE COURT: Yes.

13 Q. (By Ms. Bard) Showing you what has previously
14 been marked as State's Exhibit 104 (indicating).

15 A. Okay.

16 Q. Is that the autopsy report that you did for
17 Mr. Alfonso?

18 A. Yes.

19 Q. And what was the specific case number that you
20 gave for this case?

21 A. This was ML10-2187.

22 Q. So, that's simply just one number next after
23 Mr. Portillo's case?

24 A. That's right.

25 Q. And is that same case number seen here in

1 State's Exhibit 108, 109, and 110 (indicating)?

2 A. Yes, it is.

3 Q. And do State's Exhibits 109 and 110, are they
4 simply two external examination photographs that were
5 taken during your autopsy of Mr. Alfonso?

6 A. Yes. These are two photographs of the front
7 side of the body.

8 Q. And it's going to be kind of the same questions
9 that we did for Mr. Portillo. The autopsy report and
10 the photos, are they -- is it a regular practice for the
11 Institute of Forensic Sciences to record the autopsy and
12 take photographs?

13 A. Yes.

14 Q. And is it -- was it made by you?

15 A. Yes.

16 Q. And it's kept by the Institute of Forensic
17 Sciences?

18 A. That's right.

19 Q. Okay. And it was made at or near the time of
20 the autopsy?

21 A. Yes.

22 Q. Okay.

23 MS. BARD: Your Honor, at this time, the
24 State would offer into evidence State's Exhibits 104,
25 109, and 110.

1 **(State's Exhibit No. 104, 109, and 110**
2 **Offered)**

3 MS. BECK: Can I have just one second, Your
4 Honor?

5 THE COURT: Okay.

6 (Pause)

7 MS. BECK: No objection to State's Exhibits
8 104, 109, and 110.

9 THE COURT: All right. State's 104, 109,
10 and 110 are admitted.

11 **(State's Exhibit No. 104, 109, and 110**
12 **Admitted)**

13 Q. (By Ms. Bard) So, similar on what we did on
14 Mr. Portillo, this is the autopsy report for Mr. Cristo
15 Alfonso, correct (indicating)?

16 A. Yes.

17 Q. And his cause of death, if I'm not mistaken,
18 and his manner of death, is the exact same as
19 Mr. Portillo, correct?

20 A. Yes.

21 Q. Blunt force injuries of the head, the torso,
22 the extremities by some sort of accident?

23 A. Yes.

24 Q. Okay. And that's your signature down there at
25 the bottom (indicating)?

1 A. Correct.

2 Q. Okay. Looking at State's Exhibit 104, we're
3 going to flip to Page 7, your pathological diagnoses.
4 We'll kind of go through these, maybe just a little bit
5 faster since we did it already. The blunt force
6 injuries of the head, No. 1: Abrasions, contusions, and
7 lacerations of face and scalp with subcutaneous
8 hemorrhage. What does that mean?

9 A. Again, abrasions, contusions, and lacerations
10 are all different types of blunt force injuries. And he
11 had them on his face, as well as his scalp. And we
12 talked about subcutaneous hemorrhage already. Just
13 hemorrhage of the tissues underneath the surface of the
14 skin.

15 Q. Are those abrasions, contusions, lacerations,
16 are those things that we see -- what you've kind of
17 marked on your body diagram throughout the autopsy
18 report?

19 A. I think there might be a close-up diagram of
20 the face on Page 2 that would show them better. Yeah.

21 Q. And if we look at State's Exhibit 108, that's
22 an actual photograph of Mr. Alfonso and those injuries
23 (indicating)?

24 A. Yes.

25 Q. We see subarachnoid hemorrhaging.

1 A. Yes.

2 Q. On No. 2, we see skull fractures of right,
3 middle, and posterior cranial fossae. What are we
4 looking at there?

5 A. The base of the skull is divided into three
6 sort of cup-shaped regions. There's one in the front,
7 one in the middle, one in the back. Each of those is
8 called a fossae. Just a Latin word for cavity. So,
9 he's got a fracture in the right middle fossae and in
10 the posterior fossae.

11 Q. Could you kind of just show the jury where on
12 his skull that actually would be?

13 A. Those are referring to the base of the skull.
14 So, if you can imagine looking at someone's head from
15 the top, with the top part of their skull, you know,
16 transparent, so you can see through it. Just looking at
17 the bottom surface of the skull, that's where those
18 fractures are at. There's one that's in the middle
19 going sort of from the center part off to the right.
20 And then there is one in the back part that extended
21 from the hole where the spinal cord comes out, sort of
22 upward along the back side of the head.

23 Q. And then subdural hemorrhaging was something we
24 talked about. That's one of the levels of the brain
25 that there was some bleeding under?

1 A. Yes. The dura is another covering of the brain
2 and there was hemorrhage in the space underneath that
3 membrane that's caused by blunt impact on the head.

4 Q. Going to the blunt force injuries of the neck,
5 it says: Fractures of the transverse processes of C3
6 and C4 vertebrae. What does that mean?

7 A. C3 and C4 are the third and fourth vertebrae in
8 the cervical spine in the neck. And the transverse
9 processes are parts of the little -- the bones that have
10 very complex shapes. The transverse process is one of
11 the parts that sticks off the side of the vertebrae.
12 They were fractured.

13 Q. We see some subdural hemorrhaging of the spinal
14 cord and anterior neck muscle hemorrhaging. Is that
15 just more bleeding going on around his brain and around
16 his neck?

17 A. The subdural hemorrhage around the spinal cord
18 is probably an extension of the hemorrhage that was in
19 the head. The anterior neck muscle hemorrhage is
20 something that must have impacted his neck in the front.

21 Q. Looking at the blunt force injuries of his
22 torso -- and by "torso" you mean kind of from the neck
23 kind of to the waist area?

24 A. Yeah. The torso includes everything -- the
25 chest and the abdomen. So, everything from the neck

1 down to the pelvic area. Yeah.

2 Q. He's got some abrasions, but I want to talk
3 about No. 2. He's got complete, basically, fractures of
4 ribs one through nine. So, he also has nine rib
5 fractures?

6 A. Yes.

7 Q. Okay. And then he has lacerations and
8 contusions of his right and left lung. Were those
9 caused by his ribs like Mr. Portillo's were?

10 A. Probably caused by the rib fractures as well as
11 possibly just impact, something impacting the outside of
12 the body or the lungs, perhaps, impacting the inside
13 surface of the rib cage.

14 Q. So, if Mr. Alfonso was thrown from the vehicle
15 and landed on the pavement, would that be that sort of
16 contact that you're talking about?

17 A. That could explain this, yes.

18 Q. Okay. Then I notice that there's a laceration
19 and contusion of the heart. Can you describe what type
20 of injury that was for Mr. Alfonso?

21 A. Sure. Laceration is a tearing of soft tissue
22 and a contusion is caused by an impact to it. Usually
23 they go together or they can frequently go together.
24 This was on, I believe, the front surface of his heart,
25 there was a small tear and bruising on the heart muscle.

1 Q. Then it says: No. 5, right hemothorax, 250
2 milliliters. What does that mean?

3 A. Hemothorax refers to blood in the chest cavity.
4 In this case, it was on the right. And there was about
5 250 milliliters of it.

6 Q. Is that -- I mean, 250 milliliters, is that a
7 lot, a little?

8 A. A liter is about a quart. So, it's about a
9 cup, I guess. Yeah.

10 Q. And then there's lacerations of his liver. And
11 then we notice that his extremities, he's basically got
12 cuts, bruises all over his body, upper and lower
13 extremities, on his legs?

14 A. Yes.

15 Q. All right. And then he fractured his left
16 patella. Is that basically he broke his knee, kneecap?

17 A. Yeah. Patella is the kneecap. Yes.

18 Q. If we're looking at State's Exhibit 109, are
19 these photos of some of those cuts, abrasions, and
20 scrapes that you were discussing (indicating)?

21 A. Yes.

22 Q. From his shoulder all the way down into his
23 kind of pelvic area, abdomen?

24 A. Yes.

25 Q. Okay. And then looking at State's Exhibit 110,

1 what are we looking at here (indicating)?

2 A. These are the photographs of the thighs and the
3 legs. And you can see the abrasions around his knees.
4 And you can't see it, but the left patella is fractured
5 as well.

6 Q. Dr. Condron, looking at the autopsy for
7 Mr. Alfonso, did he have any sort of natural disease or
8 any sort of problem with the body that would have caused
9 his death on July 27th of 2010?

10 A. He did have some natural disease, but it was
11 chronic and it was not contributing to this, in the face
12 of these injuries.

13 Q. It was basically some heart disease?

14 A. Yes. He had, looked like, hypertension and
15 some atherosclerosis in his coronary arteries.

16 Q. Now, Dr. Condron, I want to talk to you a
17 little bit about the difference between Mr. Portillo and
18 Mr. Alfonso's death. Mr. Portillo's death, with all of
19 the fracturing and all of the -- from his -- basically,
20 from his skull down to his liver, was his death quick,
21 was it painless? Can you tell that for the jury?

22 A. It was probably very quick. He had very
23 severe, extensive head injuries, including injuries to
24 the brainstem, which is usually associated with nearly
25 instantaneous death.

1 Q. And is that evidenced by the fact that there
2 was no blood found in his lungs after they had been --
3 after they had been cut?

4 A. He did not have any bleeding in the chest, the
5 space around the lungs. He did have the lacerations of
6 his lungs associated with the rib fractures and there
7 was some blood actually in the substance of the lungs
8 that was associated with the -- you know, them being
9 injured, but as far as bleeding out from the lungs, he
10 did not have any.

11 Q. I want to compare, basically, contrast that to
12 Mr. Alfonso. The injuries that he had, was his death
13 quick, painless? Can you tell that from the autopsy?

14 A. That's hard to tell. His heart was most likely
15 beating for a little bit of time afterwards because he
16 did have that 250 milliliters of blood that was actually
17 in his chest. Just because somebody's heart is beating
18 doesn't mean they're conscious or feeling anything or
19 experiencing anything. And he did have some very
20 significant head injuries as well. So, it's difficult
21 for me to say exactly how quickly he lost consciousness
22 or if he was conscious at all after the impact.

23 Q. Dr. Condrón, are you familiar with the legal
24 definition of serious bodily injury?

25 A. I am very vaguely familiar with it, yes.

1 Q. Are you familiar with serious bodily injury --
2 or would you disagree with this: That serious bodily
3 injury is any bodily injury that creates a substantial
4 risk of death or that actually causes death?

5 A. That's my understanding of what the legal
6 meaning of that term is, yes.

7 Q. Did Mr. Portillo and Mr. Alfonso suffer serious
8 bodily injury and/or death?

9 A. I would say that their injuries fit that
10 description, yes.

11 Q. Are you familiar with whether or not a motor
12 vehicle is a deadly weapon in the state of Texas?

13 A. My understanding is that it is considered a
14 deadly weapon, yes.

15 MS. BARD: I pass the witness, Your Honor.

16 THE COURT: Ms. Beck.

17 MS. BECK: No questions, Your Honor.

18 THE COURT: You may step down, Doctor.

19 THE WITNESS: Thank you.

20 THE COURT: Ladies and gentlemen, we're
21 going to go to lunch at this point. We'll continue
22 after lunch with the testimony. You may retire to the
23 jury room.

24 (Lunch recess)

25 (Open court, defendant and jury present)