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LOS ANGELES, CALIFORNIA; TUESDAY, JULY 18, 1995
9:03 A.M.

DEPARTMENT NO. 103 HON. LANCE A. ITO, JUDGE
APPEARANCES:

(APPEARANCES AS HERETOFORE NOTED.)

(JANET M. MOXHAM, CSR NO. 4855, OFFICIAL REPORTER.) (CHRISTINE
M. OLSON, CSR NO. 2378, OFFICIAL REPORTER.)

(THE FOLLOWING PROCEEDINGS WERE
HELD IN OPEN COURT, OUT OF THE
PRESENCE OF THE JURY:)

THE COURT: ALL RIGHT.

BACK ON THE RECORD IN THE SIMPSON MATTER.

MR. SIMPSON IS AGAIN PRESENT BEFORE THE COURT WITH
HIS COUNSEL, MR. SHAPIRO, MR. COCHRAN, MR. BAILEY.

THE PEOPLE ARE REPRESENTED BY MISS CLARK, MR. DARDEN
AND MR. KELBERG. ALSO PRESENT IS MR. GORDON.

COUNSEL, IS THERE A MATTER YOU NEED TO TAKE UP WITH
ME BEFORE WE RESUME?

MR. GORDON: VERY BRIEFLY, YOUR HONOR.

YOUR HONOR, WITH REGARD TO WITNESS LIST AND SOME
DISCOVERY ISSUES, THE WITNESS LIST WE HAVE BEEN GETTING HAS BEEN
AT BEST FLUID, CHANGING, EBBING AS THE TIDES GO EACH HOUR, IF NOT
DAY.

THE ABILITY TO PREPARE FOR SUCH IS NEXT TO
IMPOSSIBLE. THAT WAS DIFFICULT ENOUGH WHEN WE HAD THE CIVILIAN
WITNESSES WITH THAT TYPE OF TESTIMONY, BUT AS WE ARE MOVING INTO
THIS ARENA OF SCIENTIFIC EVIDENCE WITH THIS FLUID WITNESS LIST
WHERE WE HAVE DIFFERENT PERSONNEL INVOLVED, COUPLED WITH THE FACT
THAT WE ARE RECEIVING REPORTS ON WORK THAT WAS DONE LITERALLY
MONTHS AND MONTHS AGO, DATED TODAY, DATED YESTERDAY AND THOSE
REPORTS CONTAIN NUMEROUS ISSUES THAT ARE GOING TO HAVE TO BE
LITIGATED.

ONE, IT IS NOT COMPLYING WITH DISCOVERY.

TWO, I DON'T THINK IT IS --

THE COURT: DO YOU WANT TO GIVE ME SOME SPECIFIC EXAMPLES?

MR. GORDON: JUST A MOMENT.

(DISCUSSION HELD OFF THE RECORD
BETWEEN THE DEPUTY DISTRICT
ATTORNEYS.)

MR. GORDON: SPECIFICALLY WITH REGARD TO REPORTS, SPEAKING

OF THE RECENT REPORTS WE RECEIVED FROM MAC DONELL -- DR. MAC DONELL AND DOCTORS LEE, BOTH OF WHICH CONTAIN INFORMATION THAT -- WITH REGARD TO PREPARATION, WITHOUT KNOWING WHEN THESE WITNESSES ARE GOING TO TESTIFY, WHEN WE HAVE OTHER D.A.'S HAVE TO DO IT.

(DISCUSSION HELD OFF THE RECORD
BETWEEN THE DEPUTY DISTRICT
ATTORNEYS.)

MR. GORDON: SECONDARILY, THERE IS ALL SORTS OF EXPERIMENTAL TYPE OF INFORMATION CONTAINED THAT IS GOING TO REQUIRE LITIGATION. COUNSEL SHOULD KNOW THAT.

MISS CLARK INFORMS ME WE JUST RECEIVED A REPORT TODAY >FROM DR. RIEDERS, AND IN GETTING THESE REPORTS THERE IS NO SPECIFIC TIME WHEN THESE WITNESS ARE GOING TO TESTIFY, SO THE EBB AND FLOWING WITNESS LIST, COUPLED WITH THIS TYPE OF DISCOVERY AT THIS DATE, IS, A, NOT FULFILLING WITH THE COURT'S ORDERS, AND TWO, IT IS GOING TO TAKE A LOT OF COURT TIME, OUR TIME, IN MAKING IT VERY DIFFICULT TO BE PREPARED AND READY TO GO FOR THE COURT.

THE COURT: ALL RIGHT.

WELL, I SEE MR. DOUGLAS IS NOT HERE, WHO IS OUR DISCOVERY COMPLIANCE PERSON.

MR. COCHRAN: THAT IS ALL RIGHT.

MR. GORDON: WE WOULD LIKE SPECIFICALLY AT LEAST A CONCRETE WITNESS LIST IN COMPLIANCE WITH THE COURT'S ORDER, SO WE CAN PREPARE WHAT IS OCCURRING; NOT AT SIX O'CLOCK ON SUNDAY WE MAY CALL SOME PEOPLE OR SOME TIME LATER TODAY A CRYPTIC REMARK OF A SPECIFIC CONCRETE LIST.

THANK YOU, SIR.

THE COURT: MR. COCHRAN.

MR. COCHRAN: GOOD MORNING, YOUR HONOR.

YOU KNOW, THAT SOUNDED VERY SIMILAR TO WHAT WE WERE ALWAYS SAYING WHEN THEY WERE PUTTING ON THEIR CASE, DIDN'T IT?

THE COURT: DEJA VU.

MR. COCHRAN: DEJA VU ALL OVER AGAIN.

THE TRIAL IS A DYNAMIC PROCESS THAT DOES IN FACT CHANGE. THE COURT WILL RECALL THAT LAST WEEK MR. DOUGLAS, OVER MY OBJECTIONS, GAVE THEM 24 WITNESSES. HE WAS SO FAR OUT IN FRONT IT WAS AMAZING. WE DID COVER 22 WITNESSES LAST WEEK.

THEN WE DEALT WITH MR. KELBERG AND WE HAVE BEEN STYMIED YESTERDAY.

BECAUSE I WANT TO MOVE THIS TRIAL, WE ARE GOING TO BE -- AND I TOLD MR. DARDEN JUST BEFORE WE CAME OUT, PERHAPS HE DIDN'T TALK TO MR. GORDON -- I TOLD HIM WHO THE WITNESSES WILL BE TODAY. THEY KNOW WHO THE WITNESSES ARE TODAY. I WILL BE GLAD TO TELL THEM.

I TOLD THEM THAT WE DECIDED TO MOVE MALTZ BACK BECAUSE I DON'T WANT TO SPEND THE REST OF THIS WEEK ON DOCTOR'S TESTIMONY THAT DOESN'T MEAN ANYTHING AND WE WANT TO MOVE ON.

AND SO I WILL BE GLAD TO COOPERATE WITH THEM FROM THAT POINT.

MS. CLARK: MOTION TO STRIKE, YOUR HONOR.

MR. COCHRAN: WELL, I'M TALKING, YOUR HONOR.

SO AT ANY RATE -- SO THAT IS THE POINT I THINK.

WITH REGARD TO DISCOVERY, MR. DOUGLAS WILL BE HERE JUST MOMENTARILY.

THE COURT: ALL RIGHT, COUNSEL.

I WILL MEET WITH COUNSEL AT THE NOON HOUR AND WE WILL HAMMER OUT THE SCHEDULE FOR THE NEXT SEVERAL DAYS.

MR. GORDON: THANK YOU.

MR. COCHRAN: SURE. WE WILL BE GLAD TO.

MR. DARDEN: CAN WE PLACE ON THE RECORD, YOUR HONOR, WHAT IS THE WITNESS LIST FOR TODAY?

MR. COCHRAN: I WILL BE GLAD TO, YOUR HONOR, AS BEST I CAN.

I THINK THAT AFTER THIS WITNESS, WHENEVER HE IS FINISHED FINALLY, WE EXPECT TO CALL JUANITA MOORE. COUNSEL IS AWARE OF.

WE EXPECT TO CALL --

MS. CLARK: CAN WE GET AN OFFER OF PROOF AS TO JUANITA MOORE? WE HAVE NO IDEA WHO SHE IS.

MR. COCHRAN: YOUR HONOR, MAY I ADDRESS THIS?

JUANITA MOORE. I EXPECT TO CALL MR. MERAZ, KELLY MULLDORFER, THE LAPD OFFICER, MR. WALSH, THE MAN WHO MADE THIS VIDEO.

AND WHILE WE ARE WASTING ALL THIS TIME, I THINK HE WILL CLEAR THAT UP FOR THEM.

WE EXPECT TO CALL -- WE ARE GOING TO SEE AT LUNCHTIME A PHOTOGRAPHER, ROKAHR. WE WOULD ALSO LIKE TO TALK TO WILLIE FORD, THE OTHER PHOTOGRAPHER WHO DID THE CIVIL LIABILITY VIDEO.

THE COURT: ALL RIGHT.

MR. COCHRAN: UMM, THERE MAY BE ONE THAT I AM MISSING OUT ON, YOUR HONOR, BUT WE ALWAYS TRY TO HAVE MORE THAN ENOUGH WITNESSES FOR THE DAY.

SO I THINK THOSE ARE THE WITNESSES MR. DARDEN AND I TALKED ABOUT.

IN FACT, ROKAHR AND FORD, HE IS GOING TO MAKE AVAILABLE. WE WILL PROBABLY, RIGHT AFTER JUANITA MOORE, OFFICER DON THOMPSON, THE OFFICER WHO HANDCUFFED MR. SIMPSON LIKE AT TWELVE O'CLOCK ON JUNE 13TH.

HE WAS HERE YESTERDAY, SO THEY KNOW WHO THE WITNESSES ARE, YOUR HONOR.

THE COURT: OKAY. ALL RIGHT.

THE ONE OTHER ISSUE TO BE RESOLVED BEFORE WE INVITE THE JURY TO COME BACK IS THE COMMENT THAT IS IN THIS TAPE.

AND THE RECORD SHOULD REFLECT THAT THIS MORNING I MET WITH COUNSEL, MR. SHAPIRO, AND MR. KELBERG, AND VIEWED THE LASER DISK OUTTAKE ON THREE DIFFERENT OCCASIONS, AND THE COURT RECOLLECTS HAVING SEEN THAT OUTTAKE ON TWO PREVIOUS OCCASIONS.

AND I WILL HEAR ARGUMENT FROM COUNSEL REGARDING THE ADMISSIBILITY OF THAT STATEMENT BY MR. SIMPSON.

MR. KELBERG: YOUR HONOR, PERHAPS SHOULD THE COURT HAVE THAT PLAYED JUST BRIEFLY SO WE CAN -- IT TAKES JUST ABOUT TWO MINUTES I THINK.

THE COURT: WELL, THE REASON WE PLAYED IT FOUR TIMES --

MR. KELBERG: WELL, JUST SO THAT EVERYBODY UNDERSTANDS WHAT THE STATEMENT IS.

THE COURT: I'M THE ONLY ONE WHOSE OPINION COUNTS HERE, MR. KELBERG.

MR. KELBERG: WELL, THAT IS FOR CERTAIN, YOUR HONOR.

THE STATEMENT THEN, FOR THE RECORD, INVOLVES THE TRAINER BEGINNING AN EXERCISE IN WHICH HE IS MAKING PUNCHING MOTIONS WITH THE LEFT AND RIGHT HAND AND THE TRAINER BEGINS BY SAYING "YOU BETTER WATCH OUT, O.J.," AND MR. -- OR WORDS TO THAT EFFECT.

THE COURT: "YOU BETTER LOOK OUT FOR THIS LEFT."

MR. KELBERG: "FOR THIS LEFT."

THE COURT WROTE IT DOWN. I'M GOING TO NEED MY NOTES THEN TO --

THE COURT: THAT WAS AN EXERCISE TO TRY TO SAVE TIME IN NOT VIEWING.

MR. KELBERG: WHAT HE SAYS IS, "YOU GOT TO GET YOUR SPACE IN IF YOU ARE WORKING OUT WITH THE WIFE, IF YOU KNOW WHAT I MEAN."

YOU COULD ALWAYS BLAME IT ON, UMM, WORKING OUT." AT THE TIME HE IS MAKING PUNCHES WITH THE LEFT AND RIGHT ARM. THAT IS, MR. SIMPSON IS MAKING IT.

YOUR HONOR, THE COURT OF COURSE IS WELL AWARE THIS VIDEO WAS MADE LESS THAN THREE WEEKS BEFORE THE MURDER OF NICOLE BROWN SIMPSON.

THIS COURT HAS HEARD TESTIMONY OF DOMESTIC VIOLENCE INVOLVING MR. SIMPSON AND NICOLE BROWN SIMPSON AND HAS ADMITTED SUCH EVIDENCE AS IT MAY RELATE TO INTENT AND TO MOTIVE.

MR. SIMPSON'S UNSCRIPTED REMARK REFLECTS HIS STATE OF MIND, HIS ATTITUDE TOWARDS HIS WIFE, HIS ATTITUDE TOWARDS STRIKING HIS WIFE.

YOU CAN ALWAYS BLAME IT ON, IN ESSENCE, THIS EXERCISE, THIS WORKOUT.

NOW, EVERYBODY LAUGHS IN THE VIDEO BECAUSE THIS VIDEO IS MADE BEFORE THE MURDERS. IF THIS VIDEO HAD BEEN SHOWN THE DAY AFTER OR HAD BEEN SHOT THE DAY AFTER THE MURDERS AND MR. SIMPSON MADE THE VERY SAME REMARK TO THAT TRAINER THAT HE MAKES IN THIS VIDEO, I DON'T THINK THERE IS ONE PERSON WHO IS EXERCISING WITH MR. SIMPSON OR ONE PERSON WHO WOULD WATCH THAT VIDEO WHO WOULD BE LAUGHING ALONG WITH MR. SIMPSON.

IT IS SO CLOSE IN TIME TO THE MURDERS, YOUR HONOR, IT IS SO DIRECTLY RELATED TO STRIKING HIS WIFE, WHICH IS EXACTLY PART OF THE EVIDENCE TO SHOW INTENT AND MOTIVE, RELEVANT TO PREMEDITATION AND DELIBERATION.

IF IT IS AN OFFHANDED REMARK THAT IS NOT INTENDED TO REFLECT HIS TRUE STATE OF MIND, THE JURY MAY SO FIND.

I DON'T THINK THEY WILL FIND THAT, NOT GIVEN THE PROXIMITY IN TIME AND THE OTHER EVIDENCE OF DOMESTIC VIOLENCE.

SO IT HAS SUBSTANTIAL PROBATIVE VALUE ON MR. SIMPSON'S STATE OF MIND.

AND LET'S FACE IT, YOUR HONOR, HIS STATE OF MIND IS A BIG ISSUE IN THIS CASE, BOTH WITH RESPECT TO PROVING IDENTITY AND WITH RESPECT TO PROVING PREMEDITATION AND DELIBERATION.

AND SO ON THE BASIS OF THE THRESHOLD FOR ADMISSIBILITY, I SUBMIT TO THE COURT IT HAS SUBSTANTIAL PROBATIVE VALUE AND ITS UNFAIRNESS OR ITS POSSIBLE PREJUDICE IS WHAT? THAT THE JURY WILL THINK WHAT? THAT HE BEATS HIS WIFE OR THAT HE THINKS BEATING A WIFE IS SOMETHING THAT IS OF NO CONSEQUENCE.

WELL, ISN'T THAT EXACTLY WHAT THIS IS ALL ABOUT; HIS INTENT, HIS MOTIVATION, HIS RELATIONSHIP WITH HIS WIFE AND WHETHER IT SERVES TO PROVE THAT HE IS IN FACT THE MURDERER AND THAT THESE MURDERS ARE FIRST DEGREE RATHER THAN SECOND?

SO I SUBMIT THAT THERE IS SUBSTANTIAL PROBATIVE VALUE AND IT IS NOT SUBSTANTIALLY OUTWEIGHED, AS THE CODE REQUIRES, BY UNDUE PREJUDICE.

I'LL SUBMIT THE MATTER, YOUR HONOR.

THE COURT: THANK YOU.

MR. SHAPIRO.

MR. SHAPIRO: THANK YOU VERY MUCH.

GOOD MORNING.

THE COURT: GOOD MORNING.

MR. SHAPIRO: YOUR HONOR, FORTUNATELY WE HAD A CHANCE TO VIEW THE TAPE ON FOUR OCCASIONS THIS MORNING STARTING AT 8:30.

AND THE COURT WILL RECALL THAT THIS WAS SAID WITH A SMILE ON MR. SIMPSON'S FACE, THAT THE PEOPLE WHO HEARD THE REMARK WERE CHUCKLING AT IT, THAT IT WAS CLEARLY A REMARK MADE IN JEST; IT WAS TAKEN IN JEST.

MR. KELBERG HAS NOT HAD THE BENEFIT OF BEING HERE THROUGH THE ENTIRE TRIAL, SO THEREFORE HE HAS ONLY HONED IN ON THE MEDICAL ASPECTS OF THIS CASE AND APPARENTLY DOES NOT REALIZE

THAT THE ONLY EVIDENCE THAT MR. SIMPSON HAD ANY PHYSICAL CONTACT WITH NICOLE BROWN SIMPSON WAS FIVE AND A HALF YEARS AGO IN 1989.

AND TO TRY TO ESTABLISH SOME TYPE OF LINKAGE BETWEEN THAT AND FIVE AND A HALF YEARS LATER WHEN DOING WHAT HE DESCRIBES AS A PUNCH -- AND IF MR. KELBERG WOULD LIKE ME TO DEMONSTRATE A PUNCH, I WOULD BE MORE THAN GLAD TO SHOW IT TO HIM -- BUT THIS IS JUST A LITTLE ARM MOVEMENT GOING UP AND DOWN ON EACH SIDE, FAR >FROM A PUNCH.

AND CLEARLY A REMARK MADE IN JEST, CLEARLY SOMETHING THAT IS POTENTIALLY VERY, VERY PREJUDICIAL AND NO REAL PROBATIVE VALUE. IT DOESN'T PROVE ANYTHING WHATSOEVER, THEREFORE, IT SHOULD PROPERLY BE EXCLUDED FROM CONSIDERATION BY THIS JURY.

THE COURT: ALL RIGHT.

THANK YOU, COUNSEL.

MR. SHAPIRO: THANK YOU, YOUR HONOR.

THE COURT: ALL RIGHT.

THE COURT, IN EVALUATING THIS STATEMENT, MUST LOOK AT THE STATEMENT IN ITS CONTEXT, BOTH WITHIN THE CONTEXT OF HOW THE STATEMENT IS MADE HERE DURING AN OUTTAKE FROM AN EXERCISE VIDEOTAPE, PLUS THE CONTEXT OF THE FACTS AND CIRCUMSTANCES OF THE CASE.

I HAVE TO WEIGH THE PROBATIVE VALUE, WHICH I FIND TO BE SUBSTANTIAL, ESPECIALLY GIVEN THE PROXIMITY. I THINK THE PROXIMITY IS WHAT GIVES IT THE MOST PROBATIVE VALUE.

AND I FIND THAT THAT OUTWEIGHS ANY PREJUDICIAL IMPACT AND THE OBJECTION WILL BE OVERRULED.

ALL RIGHT. LET'S HAVE THE JURY, PLEASE.

(BRIEF PAUSE.)

(THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN COURT, IN THE PRESENCE OF THE JURY:)

THE COURT: ALL RIGHT. THANK YOU, LADIES AND GENTLEMEN. PLEASE BE SEATED.

LET THE RECORD REFLECT THAT WE HAVE BEEN REJOINED BY ALL THE MEMBERS OF OUR JURY PANEL.

GOOD MORNING, LADIES AND GENTLEMEN.

THE JURY: GOOD MORNING.

THE COURT: ALL RIGHT.

DOCTOR, WOULD YOU RESUME THE WITNESS STAND, PLEASE.

ROBERT HUIZENGA,

THE WITNESS ON THE STAND AT THE TIME OF THE EVENING ADJOURNMENT, RESUMED THE STAND AND TESTIFIED FURTHER AS FOLLOWS:

THE COURT: THE RECORD SHOULD REFLECT THAT DR. ROBERT HUIZENGA IS ON THE WITNESS STAND UNDERGOING CROSS-EXAMINATION BY MR. KELBERG.

GOOD MORNING AGAIN, DOCTOR.

THE WITNESS: GOOD MORNING.

THE COURT: YOU ARE REMINDED, SIR, YOU ARE STILL UNDER OATH.

MR. KELBERG, YOU WERE PLAYING A VIDEOTAPE WHICH YOU HAVE STOPPED AT A PARTICULAR LOCATION AT THE COURT SESSION YESTERDAY.

MR. KELBERG: YES, YOUR HONOR.

AND MY INTENTION WOULD BE SIMPLY TO ASK MR. FAIRTLOUGH TO START THE TAPE UP AND CONTINUE WATCHING THE VIDEOTAPE.

THE COURT: ALL RIGHT.

AND BEFORE YOU DO THAT, LADIES AND GENTLEMEN, THE PARTIES HAVE ASKED ME TO MENTION TO YOU THAT IN VIEWING THIS VIDEOTAPE THIS IS THE RAW FOOTAGE THAT WAS LATER MADE INTO FINISHED PRODUCT.

THERE ARE STARTS AND STOPS AND THAT MAY NOT BE APPARENT TO YOU IN WATCHING IT, SO YOU SHOULD ALSO PAY ATTENTION TO THE REAL TIME COUNTER WHICH IS IN THE LOWER RIGHT-HAND QUADRANT OF THE SCREEN SO THAT YOU CAN NOTE WHEN THERE IS A START AND A STOP.

MR. KELBERG: THANK YOU, YOUR HONOR.

THE COURT: ALL RIGHT.

IS THAT CORRECT, MR. SHAPIRO?

MR. SHAPIRO: YES. THANK YOU VERY MUCH, YOUR HONOR.

THE COURT: ALL RIGHT. MR. FAIRTLOUGH.

(AT 9:16 A.M., PEOPLE'S EXHIBIT 521, A VIDEOTAPE, WAS PLAYED.)

(AT 9:54 A.M. THE PLAYING OF THE VIDEOTAPE CONCLUDED.)

MR. KELBERG: I BELIEVE THAT IS THE END OF THE TAPE, YOUR HONOR.

THE COURT: ALL RIGHT.

MR. KELBERG, DO YOU HAVE ANY ADDITIONAL QUESTIONS FOR THE DOCTOR?

MR. KELBERG: JUST SOME VERY BRIEF QUESTIONS BEFORE WE GET TO ANOTHER VIDEO.

CROSS-EXAMINATION (RESUMED)

BY MR. KELBERG:

Q DOCTOR, FIRST OF ALL, I WANT YOU TO ASSUME THAT THAT VIDEO SERIES OF TAPES WAS SHOT ON MAY 25, 1994, AND ALL OF THAT WAS SHOT IN THE COURSE OF ONE DAY WITH ADDITIONAL TAPING THAT DAY INVOLVING THE INTRODUCTORY REMARKS THAT MR. SIMPSON IS GOING TO MAKE AS PART OF THE ULTIMATE FINISHED PRODUCT WHICH I HAVE NOT SHOWN FOR PURPOSES OF QUESTIONING YOU.

FIRST OF ALL, DOCTOR, IN VIEWING THIS VIDEOTAPE DID YOU SEE MR. SIMPSON LIMP AS YOU SAY HE LIMPED IN THE SAME FASHION YOU SAW HIM LIMP ON JUNE 15TH, 1994, IN A SITUATION THAT LED YOU TO DESCRIBE IT AS LIKE TARZAN'S GRANDFATHER?

A THERE WAS NO CLEAR WALKING SEQUENCE IN THIS AREA, SO I CAN'T ACTUALLY ASSESS THAT, BUT HE DEFINITELY DOES HAVE A LOT OF THE SAME DISABILITIES I TALKED ABOUT.

Q DOCTOR, MY QUESTION -- EXCUSE ME.

A I DIDN'T SEE A WALKING SEGMENT WELL ENOUGH TO TOTALLY EVALUATE HIS GAIT.

Q YOU SAW HIM IN A WALKING MANEUVER FORWARD AND BACKWARD DURING THE COURSE OF THE EXERCISE, DID YOU NOT?

A YES, I DID.

Q MY SPECIFIC QUESTION THEN TO YOU AGAIN IS, SIR, DID YOU SEE ANY EVIDENCE OF THE SAME KIND OF LIMP THAT YOU SAY YOU SAW ON JUNE 15TH THAT LED YOU TO DESCRIBE MR. SIMPSON AS WALKING LIKE TARZAN'S GRANDFATHER?

A IN THIS TAPE --

Q YES OR NO, DOCTOR?

A IN THIS TAPE HE HAS AN ALTERED CADENCE BUT HIS LIMP MORE PRONOUNCED WHEN I SAW HIM ON 6/15/94.

Q IS YOUR ANSWER THAT YOU DID NOT SEE THE LIMP AS YOU

SAY YOU SAW ON JUNE 15TH?

A THAT'S CORRECT.

MR. SHAPIRO: OBJECTION, ARGUMENTATIVE.

THE COURT: OVERRULED.

Q BY MR. KELBERG: IS THAT CORRECT, DOCTOR?

A THAT IS CORRECT.

Q DOCTOR, WOULD IT BE SAFE TO SAY THAT NONE OF THE ACTIVITY THAT YOU WITNESSED IN THIS VIDEO SEGMENT WOULD CREATE THE KIND OF ADRENALINE RUSH THAT YOU TESTIFIED ONE MIGHT EXPECT IF A PERSON LIKE MR. SIMPSON WERE ENRAGED; IS THAT CORRECT?

A THIS VIDEO WOULD NOT CREATE AN ADRENALINE RUSH, THIS WORKOUT VIDEO, UNLESS HE WAS VERY, VERY NERVOUS ABOUT GOING IN FRONT OF THE CAMERA TO GIVE, YOU KNOW, SOME OF HIS PREPARED LINES.

Q DID MR. SIMPSON APPEAR NERVOUS TO YOU IN DELIVERING ANY OF HIS LINES?

A NO, HE DID NOT.

Q AND SO WOULD IT BE ACCURATE TO SAY, DOCTOR, THAT AGAIN NO CIRCUMSTANCE HERE WOULD HAVE CAUSED THE KIND OF ADRENALINE RUSH THAT CAN LEAD TO EXERTION BEYOND NORMAL CAPABILITY THAT ONE MIGHT SEE IF A PERSON IS IN AN ENRAGED EMOTIONAL STATE; IS THAT CORRECT?

A WHEN A PERSON IS IN AN ENRAGED EMOTIONAL STATE PRESUMABLY THEY HAVE MORE ADRENALINE THAN WHAT HE WOULD HAVE FOR THIS SORT OF EXERTION WHICH THE BODY WOULD STILL NEED TO CALL UP SOME MECHANISM FOR THE EXERCISE, BUT NO, I THINK THAT THAT IS A FAIR STATEMENT, HE WOULDN'T HAVE THE KIND OF ADRENALINE RUSH YOU WOULD IF HYPOTHETICALLY YOU ARE ENRAGED.

Q DOCTOR, JUST A COUPLE OTHER FOLLOW-UP THINGS.

NO. 1, YOU FOUND THAT DOCUMENT, THE FEBRUARY 5TH, 1995, LETTER THAT YOU SENT TO MR. DOUGLAS, YOU WENT THROUGH YOUR FILES AND YOU BROUGHT IT TO MY ATTENTION THIS MORNING THAT YOU HAD FOUND IT.

I JUST WANTED TO MAKE SURE THAT IS ON THE RECORD.

A THANK YOU.

Q IS THAT CORRECT?

A IT WAS MISFILED IN -- BUT IT WAS IN THE CHART, CORRECT.

Q NO. 2, THAT YOU HAVE PROVIDED TO ME -- YESTERDAY YOU PROVIDED ONE PAGE, WHAT IS PAGE 215 FROM SOME TEXTBOOK DESCRIBING AS THE TOPIC "CLINICAL PICTURING OF RHEUMATOID ARTHRITIS"?

A CORRECT.

Q AND YOU ALSO PROVIDED TO ME TWO PAGES, PAGES 876 AND 877, OF A CHAPTER -- CHAPTER 52 FROM A TEXTBOOK OF RHEUMATOLOGY. THE CHAPTER IS BY A PHYSICIAN, A RHEUMATOLOGIST, IS HE NOT, DR. EDWARD D. HARRIS, JR.?

A THAT'S CORRECT.

Q AND DOCTOR, THESE ARE SOME OF THE MATERIALS YOU RELIED UPON IN GIVING YOUR ANSWERS TO SOME OF MY EARLIER QUESTIONS?

A THEY WERE SOME OF THE MATERIALS, CORRECT.

Q DOCTOR, DO YOU CONSIDER DR. HARRIS TO BE A PREEMINENT RHEUMATOLOGIST?

A I DON'T KNOW DR. HARRIS. HE OBVIOUSLY WROTE THIS CHAPTER, BUT I CAN'T -- I CAN'T TALK ABOUT HIS QUALIFICATIONS, BUT HE CERTAINLY DID WRITE THIS CHAPTER IN THE BOOK.

Q ASSUMING HE IS A BOARD CERTIFIED RHEUMATOLOGIST ASSOCIATED WITH STANFORD UNIVERSITY'S SCHOOL OF MEDICINE AND PRESENTLY HE IS ON A SABBATICAL WRITING -- PART OF A TEAM OF DOCTORS WRITING A WHOLE NEW TEXTBOOK ON RHEUMATOLOGY, IF DR. HARRIS HAD REVIEWED MR. SIMPSON'S RECORDS THAT YOU'VE PROVIDED

AND THE REPORT ON X-RAY EXAMINATIONS OF DR. MARTEL, AND ALL OF THE OTHER MATERIALS THAT YOU'VE REVIEWED, AND CONCLUDED THAT MR. SIMPSON WAS NOT SUFFERING AN ACUTE EPISODE OF RHEUMATOID ARTHRITIS ON JUNE 12TH, 1994, AND WAS NOT SUFFERING AN ACUTE EPISODE OF RHEUMATOID ARTHRITIS ON JUNE 15TH, 1994, WHEN YOU SAW HIM, WOULD YOU ACCEPT DR. HARRIS' OPINION OVER YOUR OWN, GIVEN HIS SPECIALTY, ASSUMING THAT THAT IS IN FACT HIS FINDING?

MR. SHAPIRO: OBJECTION, ASSUMES FACTS NOT IN EVIDENCE.

THE COURT: SUSTAINED.

MR. KELBERG: YOUR HONOR, MAY I BE HEARD ON THAT BRIEFLY? PEOPLE VERSUS BUSH.

THE COURT: SUSTAINED.

Q BY MR. KELBERG: DOCTOR, AGAIN, YOU DON'T HOLD YOURSELF OUT AS A RHEUMATOLOGIST, CORRECT?

A NO, I DON'T.

Q ALL RIGHT.

ONE LAST THING BEFORE GETTING INTO ANOTHER VIDEO. YOU TALKED ABOUT HAVING A TEST DONE FOR

TOXOPLASMOSIS, CORRECT?

A THAT IS CORRECT.

Q AND THAT WAS BECAUSE OF SOMETHING RELATED TO A CAT?

A THERE WAS A POSSIBILITY THAT THERE HAD BEEN A CAT AT SOME TIME.

Q WHAT WAS YOUR INFORMATION AND THE SOURCE OF THE INFORMATION AS WELL?

THAT IS A COMPOUND QUESTION SO LET ME BREAK IT DOWN.

NO. 1, DID YOU RECEIVE SOME INFORMATION REGARDING A CAT EXPOSURE ON THE PART OF MR. SIMPSON?

A I'M GOING TO HAVE TO GO REVIEW MY NOTES. THAT IS MY RECOLLECTION, THAT THERE WAS -- THAT HE DID AT SOME TIME HAVE EXPOSURE TO A CAT, YES.

Q WOULD YOU PLEASE REVIEW YOUR NOTES AND SEE WHAT INFORMATION YOU RECEIVED.

A OKAY.

(WITNESS COMPLIES.)

THE COURT: THEN MAYBE YOU CAN TELL US WHAT TOXOPLASMOSIS IS.

MR. KELBERG: I'M SURE THE DOCTOR CAN.

(DISCUSSION HELD OFF THE RECORD BETWEEN THE DEPUTY DISTRICT ATTORNEYS.)

THE COURT: ISN'T THIS ONE OF THE LAST ITEMS ON 507?

MR. KELBERG: IT IS -- I DON'T KNOW IF IT IS THE ENTRY. THE LAB REPORT -- I CAN TELL YOU WHAT PAGE, IF YOU WILL GIVE ME JUST ONE --

THE COURT: WHY DON'T YOU DIRECT THE DOCTOR'S ATTENTION SO HE DOESN'T HAVE TO SPEND THE WHOLE MORNING.

THE WITNESS: I JUST FOUND IT ON A NOTE 6/17/94 HE HAS A POSITIVE HISTORY OF CAT EXPOSURE.

Q BY MR. KELBERG: AND WHAT IS THAT HISTORY, IF YOU RECEIVED IT?

A THAT HE HAS A POSITIVE HISTORY OF CAT EXPOSURE. I DON'T REMEMBER THE EXACT SITUATION, BUT APPARENTLY THAT WAS SOMETHING THAT I NOTED DOWN.

OBVIOUSLY IN THE DIFFERENTIAL OF ADENOPATHY OF A SWOLLEN LYMPH NODE THAT WOULD PROBABLY BE A TEST THAT WE ORDINARILY DO ANYWAY IN A WIDE BATTERY OF TESTS LOOKING FOR A CAUSE OF A SWOLLEN LYMPH GLAND.

AND THE FACT THAT HE HAD CAT EXPOSURE MAY HAVE JUST

HEIGHTENED WHATEVER SMALL SUSPICION THERE EXISTED INITIALLY.

Q MY QUESTION, THOUGH, DOCTOR, IS DID YOU GET SPECIFIC INFORMATION? WELL, MR. SIMPSON, DO YOU HAVE A CAT IN THE HOUSE? DO YOU HAVE FRIENDS WHOSE HOUSE YOU VISIT WHERE YOU HAVE BEEN EXPOSED TO A CAT? WHEN? ANY SPECIFIC INFORMATION? DID YOU INQUIRE OF HIM?

A YES, I DID.

Q WHAT SPECIFIC INFORMATION DID HE GIVE YOU, DOCTOR?

A HE GAVE ME ENOUGH INFORMATION THAT I FELT IT WAS IMPORTANT TO RUN TESTS THAT HE HAD BEEN EXPOSED TO A CAT.

MR. KELBERG: YOUR HONOR, I WILL MOVE TO STRIKE AS NONRESPONSIVE.

THE QUESTION IS WHAT SPECIFIC INFORMATION DID HE GIVE YOU?

Q WHAT SPECIFIC INFORMATION --

A I DON'T RECALL THE SPECIFIC INFORMATION, JUST ENOUGH THAT I MADE THAT NOTE, SO I CAN'T ANSWER THAT EXACTLY.

Q YOU DIDN'T WRITE IT DOWN?

A YEAH, I DID WRITE THAT HE HAD EXPOSURE TO A CAT.

Q EVEN IF YOU CAN'T TELL US SPECIFICALLY WORD FOR WORD

--

A UH-HUH.

Q -- IN SUBSTANCE WHAT DID HE TELL YOU AS TO WHEN HE HAD SUCH EXPOSURE?

A OBVIOUSLY IN ORDER FOR ME TO WRITE IT DOWN MY FEELING MUST HAVE BEEN THAT HE HAD HAD RECENT EXPOSURE TO A CAT. TYPICALLY I WILL WRITE DOWN EXPOSURE TO A CAT OR I WOULD HAVE WRITTEN DOWN EXPOSURE TO A KITTEN SINCE OBVIOUSLY KITTENS HAVE A HIGHER INCIDENCE OF TRANSMITTING TOXOPLASMOSIS.

AND IF HE HAD, I'M SURE I WOULD HAVE NOTED IT, OR IF HE WOULD HAVE CHANGED KITTEN LITTERS I ALSO WOULD HAVE NOTED THAT OR WHETHER HE HAD EXPOSURE TO VARIOUS OTHER SOURCES, BUT THAT BASICALLY WAS SOMETHING THAT I WROTE DOWN AND THAT IS ALL I REALLY RECALL ON IT, JUST WHAT IS IN THE NOTE.

Q JUST YOUR CUSTOM AND PRACTICE, THOUGH, TO WRITE IT DOWN, WOULD INDICATE TO YOU WHAT PROXIMITY IN TIME TO JUNE 15TH ARE YOU FOCUSING ON FOR SUCH EXPOSURE TO CAUSE YOU TO RUN THE TEST?

A UMM, MY RECOLLECTION THAT IT WAS A MINIMAL EXPOSURE AND A RELATIVELY PAST EXPOSURE, BUT AGAIN, I DON'T REMEMBER THE EXACT -- I WOULD HAVE TO SPECULATE ON THAT.

Q AND THE --

A I KNOW THAT WE HAD RESULTS THAT WE WEREN'T -- WEREN'T THAT WORRIED ABOUT.

Q AND THERE IS NOTHING MORE THAT YOU CAN RECALL IN SUBSTANCE, EVEN IF NOT SPECIFICALLY --

A NO, THERE IS NOT.

Q -- ON MR. SIMPSON'S STATEMENT TO YOU REGARDING CAT EXPOSURE?

A NO, THERE IS NOT.

Q ONE LAST THING. X-RAYS.

I THINK YOU SAID ON DIRECT THAT AT LEAST YOU DIDN'T USE ONE X-RAY, BUT YOU SAID X-RAYS, AND I'M NOT SURE IT IS ONE OR MEANT TO BE MORE THAN ONE.

WERE X-RAYS TAKEN ON JUNE 15TH, 1994?

A YES, THEY WERE.

Q HOW MANY?

A TWO X-RAYS.

Q WHAT AREA OR AREAS OF THE BODY?

A CHEST.

Q WHY DID YOU TAKE THEM?

A TRYING TO FURTHER EVALUATE A POSSIBLE CAUSE OF HIS LYMPH NODE UNDER HIS RIGHT ARM.

Q AND WHAT WAS THE RESULT -- DID YOU EVALUATE THE X-RAYS?

A I DID AND I HAD THEM OVER READ BY A RADIOLOGIST.

Q A SPECIALIST IN READING X-RAYS; IS THAT CORRECT?

A CHEST X-RAYS, CORRECT.

Q THE RESULTS WERE?

A NORMAL.

Q DO YOU HAVE THE REPORTS?

A NO, I DON'T.

Q WAS A REPORT GENERATED?

A NO. I PHYSICALLY BROUGHT IT TO THE HEAD CHEST RADIOLOGIST AT CEDARS AND ASKED HIM.

Q DOCTOR, DID YOU EVER ON THE 15TH HAVE X-RAYS TAKEN OF MR. SIMPSON'S KNEES?

A NO, I DID NOT.

Q HANDS?

A NO, I DID NOT.

Q ELBOWS?

A NO, I DID NOT.

Q ANY OF THE AREAS WHERE HE MAY HAVE HAD PAST EVIDENCE OF RHEUMATOID ARTHRITIS?

A WE DON'T TAKE ORTHOPEDIC X-RAYS IN OUR OFFICE, AND BASICALLY, GIVEN THE TIME CONSTRAINTS AND THE FACT THAT HE HAD NO URGENT NEED TO SEE AN ORTHOPEDIST FOR THOSE PROBLEMS, GIVEN THE PRIORITIZATION OF HIS HEALTH PROBLEMS, THOSE THINGS WEREN'T DONE.

Q AND NO URGENT NEED, INCLUDING NO EVIDENCE ON JUNE 15TH, THAT SUGGESTED TO YOU AN ACUTE ONSET OF RHEUMATOID ARTHRITIS, CORRECT?

A THERE WAS EVIDENCE OF SIGNIFICANT JOINT PROBLEMS. THERE WAS NO EVIDENCE THAT GETTING X-RAYS WOULD HELP THOSE JOINT PROBLEMS AND THAT THAT WAS A COST EFFICACIOUS APPROPRIATE THING TO DO GIVEN HIS SCHEDULE AND HIS NEEDS AT THAT TIME.

Q BUT MY QUESTION IS NO EVIDENCE OF AN ACUTE ONSET OF SYMPTOMS OF RHEUMATOID ARTHRITIS REQUIRING YOU AT THAT TIME TO HAVE HIM EVALUATED?

A AT THAT TIME ALL I KNEW IS THAT HE HAD A RHEUMATOLOGIST AND THAT HE HAD CONTINUING JOINT PAINS, AND AS I'VE TOLD YOU BEFORE, MY SUSPICION OF A FLARE, SLIGHT OR OTHERWISE, REALLY CAME LATER WHEN THE FULL DETAILS OF THE CASE BECAME APPARENT TO ME.

AS I SAID, WHEN HE CAME IN THE OFFICE, HE WAS LIMPING, HE HAD JOINT COMPLAINTS THAT I ELICITED, BUT REALLY THAT WASN'T THE FOCUS OF HIS COMPLAINTS.

AND I PROCEEDED ACCORDINGLY BASED ON MY ASSESSMENT OF THE PRIORITIZATIONS OF HIS HEALTH PROBLEMS.

MR. KELBERG: MAY I HAVE JUST A MOMENT, YOUR HONOR?

(DISCUSSION HELD OFF THE RECORD
BETWEEN THE DEPUTY DISTRICT
ATTORNEYS.)

Q BY MR. KELBERG: ONE LAST TOPIC, DOCTOR.
ANOTHER VIDEO.

I'M GOING TO ASK, YOUR HONOR, THAT A VIDEO WHICH HAS ON THE LABEL THE LETTER "N" HYPHEN "SAT," S-A-T, "NO. 1," 4-5-94. 60 MINUTES, NSA, WILLIAM BEARDEN, BEARDEN COMPANY, 31 MARCH, 1994," BE MARKED AS I THINK IT IS 522.

THE COURT: 522, VIDEOTAPE.

HOW LONG IS THIS VIDEOTAPE?

(PEO'S 522 FOR ID = VIDEOTAPE)

MR. KELBERG: THE SIGNIFICANT AMOUNT I AM GOING TO PLAY IS, I WOULD SAY, YOUR HONOR -- I THINK IT IS ABOUT TEN MINUTES OR LESS.

THE COURT: ALL RIGHT. PROCEED.

MR. KELBERG: AND YOUR HONOR, IF I DON'T DO THIS NOW I WILL PROBABLY FORGET, THERE WERE SEVERAL PHOTOGRAPHS DUPLICATED OFF THE ELMO THAT I DID NOT MARK YESTERDAY AS EXHIBITS.

I'M GOING TO ASK THAT THEY BE MARKED -- PERHAPS WE CAN DO IT AT THE RECESS WITH THE APPROPRIATE DESIGNATION.

THE COURT: FINE.

MR. KELBERG: SO I WILL -- MR. FAIRTLOUGH. I HAVE HAD IT KEYED UP TO THE SEGMENT.

Q AND DOCTOR, I'M GOING TO ASK YOU TO ASSUME THAT THIS IS MR. SIMPSON AT THE END OF MARCH, 1994, AT A MOTIVATIONAL SEMINAR FOR A PRODUCT CALLED JUICE PLUS AND HE IS GOING TO BE INTRODUCED AND HE IS GOING TO BE SPEAKING TO A GROUP AT THIS MOTIVATIONAL SEMINAR.

AND THE PORTION I'M GOING TO HAVE MR. FAIRTLOUGH PLAY WILL INCLUDE A DISCUSSION BY MR. SIMPSON OF HIS PAST PROBLEMS AND HIS PRESENT HEALTH AS HE VIEWS IT.

MR. SHAPIRO: YOUR HONOR, I'M GOING TO OBJECT TO HIS COMMENT. IT IS IMPROPER. IT IS NOT A QUESTION.

THE COURT: OVERRULED.

PROCEED.

MR. SHAPIRO: YOUR HONOR, MAY WE APPROACH?

THE COURT: PROCEED.

MR. SHAPIRO: MAY WE APPROACH JUST TO MAKE A RECORD?

THE COURT: PROCEED. YOU HAVE MADE YOUR OBJECTION AND IT IS ON THE RECORD.

PROCEED.

I TAKE IT THIS IS A SET-UP.

MR. SHAPIRO: I HAVE ANOTHER OBJECTION.

MR. KELBERG: IT IS, YOUR HONOR.

THE COURT: YOUR HONOR, I HAVE ANOTHER OBJECTION.

THE COURT: ALL RIGHT. THEN MAKE IT AT THE RECESS.

PROCEED.

(AT 10:09 A.M., PEOPLE'S EXHIBIT 522, A VIDEOTAPE, WAS PLAYED.)

(AT 10:13 A.M. THE PLAYING OF THE VIDEOTAPE CONCLUDED.)

MR. KELBERG: I ASKED MR. FAIRTLOUGH TO STOP THE TAPE AT THAT POINT.

Q DOCTOR, YOU HAVE HAD A CHANCE OBVIOUSLY TO LISTEN TO THAT, THE HISTORY AS GIVEN BY MR. SIMPSON OF HIS PREMEDICAL STATUS WHERE HE NO LONGER HAD TO TAKE ANY OF THE PAIN MEDICATION.

WOULD THAT SUGGEST SOMEBODY WHO IS IN A CONDITION BETTER THAN AS YOU DESCRIBED HIM, BASED ON HIS WALK, TARZAN'S GRANDFATHER?

A AT THE TIME HE MADE THIS TAPE, WHICH YOU HAVE TOLD ME WAS 4/94 --

Q NO, I SAID -- SORRY, DOCTOR. I SAID AT THE END OF MARCH, 1994?

A THE END OF MARCH? OKAY.

Q OR APPROXIMATELY TWO AND A HALF MONTHS BEFORE YOU SAW HIM.

A OKAY.

IT SOUNDED LIKE BASED ON HIS STATEMENTS, IF YOU CAN BELIEVE EVERYONE THAT MAKES AN ADVERTISEMENT, AND CERTAINLY BEING AROUND THE RAIDERS, WE USED TO LAUGH ABOUT IT IN THE LOCKER ROOM, THE PRODUCTS THAT THEY WOULD SUPPORT, AND DO SOMETHING TOTALLY DIFFERENT, INCLUDING WEARING SHOES THAT WERE TOTALLY DIFFERENT THAN THE SPONSOR THAT THEY WERE ENDORSING ON T.V. AND TAPING OVER THE LOGO AND VARIOUS OTHER VITAMIN PRODUCTS WHICH THEY READILY ADMITTED WERE WORTHLESS, THAT THEY THEN WENT OUT AND PITCHED.

HOWEVER, GIVEN -- IF YOU ASSUME THAT PITCHMEN CAN BE TAKEN AT YOUR WORD, THEN I THINK OBVIOUSLY HE WAS DOING BETTER, BUT IT IS VERY MISLEADING WHEN HE SAYS HE HAD ACUTE FLARES OF RHEUMATOID ARTHRITIS, WHICH IS BASED ON THE HISTORY I HAVE GOTTEN >FROM DR. MALTZ AND DR. JOBE, SOMETHING THAT THEY BOTH -- AGAIN, I WASN'T THERE.

IT IS VERY DIFFICULT FOR YOUR DOCTOR, WITH ALL DUE RESPECT, TO MAKE A DIAGNOSIS ON PAPER. MEDICINE ISN'T PRACTICED THAT WAY.

USUALLY WHAT YOU DO IS YOU TAKE A HISTORY AND YOU DO AN EXAMINATION AND THEN YOU COME TO A DIAGNOSIS AND FORTUNATELY MEDICINE HASN'T GOTTEN TO THE STAGE YET WHERE YOU CALL UP A PROFESSOR THAT WRITES A CHAPTER AND OVER THE PHONE YOU MAKE A DIAGNOSIS. WE STILL DO RELY ON HISTORY AND PHYSICAL AND MEDICINE, AT LEAST TO THE BEST OF MY KNOWLEDGE, BASED ON MY TRAINING AT HARVARD.

HOWEVER, IT IS VERY MISLEADING, BECAUSE IF YOU BELIEVE THE RHEUMATOLOGIST, IF YOU BELIEVE THE ORTHOPEDIST, AND I HAVE NO REASON TO DOUBT THEIR REPORTS, STATING THAT WHEN THEY BOTH LAST SAW HIM, IN 1993 IN JULY HE WAS HAVING AN ACUTE FLARE OF RHEUMATOID ARTHRITIS WHICH WAS SO SEVERE HE HAD DIFFICULTY BENDING DOWN TO TIE HIS SHOE, BUT I HAVE NO REASON TO DOUBT THEIR REPORT.

AND IF YOU BELIEVE THAT REPORT AND IF YOU ALSO BELIEVE THAT THE MEDICATION HE WAS ON, SULFASALAZINE, HAS SOME DISEASE REMITTING QUALITIES, IT IS A DISEASE MODIFYING AGENT IN RHEUMATOID ARTHRITIS, IT IS NOT SURPRISING THAT HE MIGHT BE DOING QUITE WELL, BECAUSE AT THE TIME THAT HE GAVE THAT MOTIVATIONAL SPEECH HE WAS ON A SIGNIFICANT ANTI-RHEUMATOID ARTHRITIS MEDICATION.

ALSO, THE DISEASE RHEUMATOID ARTHRITIS -- AGAIN I'M JUST A JACK-OF-ALL-TRADES, AND I PROBABLY WOULDN'T KNOW -- HAS A FLUCTUATING COURSE, AND THAT REALLY WOULD BE MY COMMENT ON THAT TAPE.

Q DOCTOR, YOU WERE APPRISED THIS TAPE WAS GOING TO BE PLAYED BEFORE YOU CAME INTO COURT THIS MORNING, DIDN'T YOU?

A I HAVE NEVER SEEN THAT TAPE.

Q WELL, YOU WERE TOLD THAT THERE WAS GOING TO BE A MOTIVATIONAL SPEECH MADE OF MR. SIMPSON MAKING THIS, DIDN'T YOU?

A I WAS NEVER TOLD THIS TAPE WAS GOING TO BE PLAYED BY ANYONE.

Q DID YOU PREPARE THAT ANSWER IN ADVANCE, EXPECTING THE QUESTION?

A NO, I DIDN'T.

Q ALL RIGHT. LET ME ASK THE THIS WAY THEN, DOCTOR: YOU ARE SAYING MR. SIMPSON WAS MERELY A PITCH MAN WHO WAS LYING TO THE PEOPLE, WHAT HE SAID ABOUT HIS HEALTH WAS NOT TRUE BASED ON YOUR EXPERIENCE WITH THE RAIDERS?

IS THAT WHAT YOU ARE SAYING, DOCTOR?

A I'M GIVING ALL THOSE AS POSSIBILITIES.

Q ARE YOU SAYING --

A I DO NOT KNOW.

MR. KELBERG: EXCUSE ME, YOUR HONOR.

THE COURT: HE IS ENTITLED TO FINISH HIS ANSWER.

MR. KELBERG: FIT IT IS RESPONSIVE. I

SUGGEST --

THE COURT: I DIDN'T EVEN HEAR. I HEARD FOUR WORDS OUT OF THE DOCTOR'S MOUTH.

MR. KELBERG: I'M SORRY, I THOUGHT I HEARD THE END OF THE SENTENCE.

THE COURT: DOCTOR, GO AHEAD AND FINISH YOUR ANSWER.

THE WITNESS: COULD YOU REPEAT THE QUESTION?

Q BY MR. KELBERG: DOCTOR, YOU ARE SAYING, ARE YOU NOT, THAT MR. SIMPSON, WHEN HE IS GIVING HIS MEDICAL CONDITION UP THERE, IS LYING TO THOSE PEOPLE, THAT IN FACT THAT DOES NOT REPRESENT HIS CONDITION?

ISN'T THAT WHAT YOU ARE SAYING BY RELATING THIS TO YOUR EXPERIENCE WITH THE NFL PLAYERS.

MR. SHAPIRO: OBJECTION TO WHAT MR. SIMPSON SAID ON THE --

THE COURT: SUSTAINED.

REPHRASE THE QUESTION.

Q BY MR. KELBERG: DOCTOR, YOU ARE SUGGESTING THAT MR. SIMPSON IS NOT BEING TRUTHFUL WITH THESE PEOPLE REGARDING HIS MEDICAL CONDITION BECAUSE HE VIEWS HIMSELF AS A PITCHMAN FOR A PRODUCT AS A RESULT OF WHICH HE IS WILLING TO SAY THINGS THAT ARE NOT TRUE TO PLEASE THE PEOPLE PAYING HIM TO MAKE THE SPEECH?

IS THAT WHAT YOU ARE SUGGESTING.

MR. SHAPIRO: OBJECTION. IT MISCHARACTERIZES WHAT MR. SIMPSON SAID.

THE COURT: OVERRULED.

Q BY MR. KELBERG: YOU MAY ANSWER THE QUESTION, DOCTOR.

A I CANNOT GET INSIDE MR. SIMPSON'S HEAD. I DO KNOW THAT HE HAD A LACK OF UNDERSTANDING OF HIS RHEUMATOID ARTHRITIS. HE CONSTANTLY DENIED THE FACT THAT HE HAD RHEUMATOID ARTHRITIS. HE DID NOT WANT TO SEE HIMSELF AS AN ARTHRITIC PATIENT.

AND SO I CAN'T SAY WHETHER IT WAS, A, A FULL LACK OF UNDERSTANDING OF HIS DISEASE THAT LED HIM TO NOT UNDERSTAND THE POSSIBLE EFFECT OF THE ANTI-RHEUMATOID ARTHRITIS MEDICATION HE WAS TAKING AT THE TIME OF THAT SPEECH OR WHETHER HE WAS KNOWINGLY MISREPRESENTING TO MAKE MONEY.

I HAVE NO IDEA AND I AM NOT QUALIFIED TO SAY.

Q BY MR. KELBERG: WELL, DOCTOR, IF HE WAS BEING TRUTHFUL ABOUT HIS CONDITION, THAT HE WASN'T MAKING FALSE STATEMENTS JUST TO PLEASE SOMEBODY PAYING HIM, THEN IN FACT HE IS SAYING HIS CONDITION IS SUCH I DON'T NEED THE PILLS ANY MORE AS OF THIS TIME?

ISN'T THAT WHAT HE IS SAYING?

MR. SHAPIRO: OBJECTION, YOUR HONOR. CALLS FOR SPECULATION.

THE COURT: SUSTAINED.

Q BY MR. KELBERG: DOCTOR, BY THE WAY, YOU WERE IN THE COURTROOM YESTERDAY AFTERNOON WHEN I READ A SUMMARY, A TRANSCRIPT SUMMARY OF WHAT WAS BEING -- GOING TO BE PLAYED THIS MORNING WHEN WE WERE DISCUSSING THIS AS BEING THE LAST PIECE OF EVIDENCE THAT I WOULD USE IN CROSS-EXAMINING YOU?

YOU WERE IN THE COURTROOM, WEREN'T YOU, SIR?

A I HAVE NO IDEA.

MR. SHAPIRO: OBJECTION, CALLS FOR SPECULATION, NO FOUNDATION.

THE COURT: OVERRULED.

YOU CAN ANSWER THE QUESTION.

THE WITNESS: I DON'T KNOW IF I WAS IN THE COURTROOM OR NOT BECAUSE I DIDN'T HEAR WHAT YOU SAID, SO I'M NOT SURE WHERE I WAS

SINCE I DIDN'T -- HOW WOULD I KNOW IF I WAS IN THE COURTROOM IF I DIDN'T HEAR WHAT YOU SAID?

Q BY MR. KELBERG: DOCTOR, DID YOU LEAVE THE COURTROOM BEFORE THE COURTROOM WAS CLEARED OF ALL PRESS YESTERDAY AFTERNOON AT THE COMPLETION OF COURT BUSINESS?

A I LEFT.

Q HAD YOU LEFT BEFORE THE PRESS LEFT THE COURTROOM?

A I LEFT AFTER EVERYONE FILED OUT.

Q AND SO, DOCTOR, IS IT YOUR STATEMENT HERE THAT IF THERE WAS A MOTION ARGUED IN THE PRESENCE OF THE PRESS, WITH A REPRESENTATION MADE BY ME TO THE COURT AS TO WHAT THIS VIDEOTAPE WAS GOING TO SAY, IF YOU WERE HERE, YOU DIDN'T HEAR WHAT I WAS SAYING AT THE TIME I WAS MAKING THIS OFFER OF PROOF TO THE COURT?

MR. SHAPIRO: YOUR HONOR, IT HAS BEEN ASKED AND ANSWERED FOUR TIMES.

THE COURT: OVERRULED.

Q BY MR. KELBERG: YOU MAY ANSWER THE QUESTION, DOCTOR.

A I DID NOT HEAR OR FOLLOW ANY MOTION YOU MADE OR FOLLOW THAT WHATSOEVER, NO.

Q NOW, DOCTOR, YOU SAID THAT YOU WOULDN'T RELY UPON A DR. HARRIS, AND I REPRESENT HE IS A BOARD CERTIFIED RHEUMATOLOGIST, AND A PREEMINENT EXPERT IN THE FIELD OF RHEUMATOLOGY.

MR. SHAPIRO: YOUR HONOR, I'M GOING TO OBJECT IF THIS IS TESTIMONY.

THE COURT: OVERRULED.

Q BY MR. KELBERG: YOU SAID YOU WOULDN'T RELY ON THAT OVER DR. MALTZ AND DR. JOBE WHO SAW HIM; IS THAT CORRECT?

A I SAID I WOULD NOT RELY ON ANY INDIVIDUAL WHO REVIEWED A CHART WITHOUT DOING AN APPROPRIATE HISTORY AND PHYSICAL AT THAT TIME AND SEEING THE PATIENT.

Q IN GENERAL, DOCTOR, WOULD YOU RELY ON A BOARD CERTIFIED RHEUMATOLOGIST OVER A DOCTOR WHO HELD HIM OUT AS A RHEUMATOLOGIST WHO WAS NEITHER BOARD CERTIFIED IN INTERNAL MEDICINE OR IN RHEUMATOLOGY?

MR. SHAPIRO: OBJECTION, YOUR HONOR, IT IS ARGUMENTATIVE.

THE COURT: OVERRULED.

Q BY MR. KELBERG: AS DR. MALTZ IN FACT IS?

MR. SHAPIRO: OBJECTION.

THE COURT: SUSTAINED.

MR. KELBERG: AS AN OFFER OF PROOF --

THE COURT: SUSTAINED.

MR. KELBERG: ALL RIGHT. I WILL LEAVE OUT THAT PHRASE AND ASK THE DOCTOR TO ANSWER IT.

THE COURT: REPHRASE THE QUESTION, COUNSEL.

MR. SHAPIRO: MAY WE APPROACH?

Q BY MR. KELBERG: DOCTOR, WOULD YOU, ALL THINGS BEING EQUAL, RELY UPON AN EVALUATION BY A BOARD CERTIFIED RHEUMATOLOGIST OVER AN OPINION OFFERED ON AN ISSUE OF RHEUMATOLOGY -- RHEUMATOID ARTHRITIS FROM A PERSON WHO IS AN ORTHOPEDIC SURGEON OR A PERSON WHO HELD HIMSELF -- HELD HIMSELF OUT AS A SPECIALIST IN RHEUMATOLOGY WHO WAS NEITHER BOARD CERTIFIED IN INTERNAL MEDICINE OR BOARD CERTIFIED IN RHEUMATOLOGY?

MR. SHAPIRO: OBJECTION, COMPOUND.

THE COURT: SUSTAINED.

Q BY MR. KELBERG: DOCTOR, WOULD YOU ACCEPT THE OPINION OF SOMEONE HOLDING HIMSELF OUT AS A RHEUMATOLOGIST WHO WAS NOT BOARD CERTIFIED IN EITHER INTERNAL MEDICINE OR IN RHEUMATOLOGY OVER THE OPINION OF A SPECIALIST BOARD CERTIFIED IN RHEUMATOLOGY ON THE ISSUE OF A RHEUMATOID ARTHRITIS ACUTE ONSET?

A THE WHOLE ISSUE OF EXPERTS IS VERY DIFFICULT. IN MEDICINE YOU HAVE TO SEE THE PATIENT.

MR. KELBERG: YOUR HONOR, I MOVE TO STRIKE AS NONRESPONSIVE.

THE COURT: OVERRULED. HE CAN ANSWER THE QUESTION.

MR. KELBERG: ALL RIGHT.

THE WITNESS: THERE ARE VERY -- VARIOUS DEFINITIONS OF AN EXPERT, BUT BASICALLY ANY DOCTOR, TO BE AN EXPERT, OBVIOUSLY NEEDS TO BE VERY KNOWLEDGEABLE AND NEEDS TO HAVE APPROPRIATE TRAINING, NEEDS TO BE -- HAVE SHOWN PROFICIENCY IN WHAT HE DOES, AND NEEDS TO, IN ADDITION, HAVE OTHER TRAITS, INCLUDING CARING ABOUT PEOPLE AND THINGS OF THAT NATURE.

I MEAN, THERE ARE OTHER DEFINITIONS OF AN EXPERT, AND JUST TO GIVE YOU AN IDEA, AT HARVARD, YOU KNOW, THERE IS A MEAN STREAK IN THERE, AND I REMEMBER AS A STUDENT BEING TOLD THERE AN EXPERT IS A BASTARD FROM BOSTON WITH SLIDES.

JUST BECAUSE YOU'VE GOT A BIG DEGREE DOESN'T MEAN EVERYTHING. YOU NEED TO SEE A PATIENT, YOU NEED TO DO THE BUILDING BLOCKS OF MEDICINE, AND THAT IS A HISTORY AND THAT IS A PHYSICAL EXAMINATION AND AN EVALUATION OF ALL THE RESULTS.

I STILL THINK THAT IS THE WAY TO PRACTICE MEDICINE. I DO NOT KNOW OF THE OTHER SPECIALIST.

ALL THINGS CONSIDERED, THE MORE TRAINING, THE MORE PROFICIENCY IS SUPERIOR, BUT I THINK IT IS VERY DANGEROUS TO COMPARE CREDENTIALS AND BASE A DIAGNOSIS BASED ON WHO HAS GOT THE LONGEST CV. I THINK THAT THAT IS A DANGEROUS STEP.

THAT IS MY OWN PERSONAL OPINION.

Q DOCTOR, YOU HAVE DR. JOBE'S RECORDS, DO YOU NOT?

A YES, I DO.

Q WOULD YOU PULL OUT, IF YOU WOULD, HIS ONE-PAGE EVALUATION FROM JULY 13, 1993.

A IF I CAN FIND IT.

THE COURT: MR. KELBERG, DO YOU HAVE THAT IMMEDIATELY AVAILABLE, AN EXTRA COPY?

MR. KELBERG: MINE I MARKED WHICH I HAVE NO PROBLEM IN SHOWING THE DOCTOR.

MAY I STAY UP HERE TO --

THE COURT: YOU MAY. SAVE US A LITTLE TIME HERE, MR. KELBERG.

Q BY MR. KELBERG: NOW, DOCTOR, THIS IS THE LAST REPORT >FROM DR. JOBE, THE ORTHOPEDIC SURGEON, PRIOR TO YOUR EVALUATION OF JUNE 15TH, 1994, CORRECT?

A YES, IT IS.

Q AND IT IS DATED JULY 13TH OF 1993; IS THAT CORRECT?

A THAT'S CORRECT.

Q AND IT INDICATES THAT CERTAIN X-RAYS WERE TAKEN OF MR. SIMPSON'S RIGHT ELBOW, CORRECT?

A THAT IS CORRECT.

Q AND IT INDICATES THAT IN THE OPINION OF DR. JOBE THAT THE X-RAYS ARE WITHIN NORMAL LIMITS BUT SHOW EARLY FINDINGS OF RHEUMATOID ARTHRITIS; IS THAT CORRECT?

A THAT IS WHAT IS SAYS HERE, CORRECT.

Q NOW, DOCTOR, DID YOU RECEIVE A COPY OF A JUNE 28TH, 1995, TWO-PAGE REPORT FROM A DR. WILLIAM MARTEL, A DOCTOR WITH THE UNIVERSITY OF MICHIGAN, THE LETTER DIRECTED TO DR. MALTZ?

A YES, I RECEIVED A COPY OF THAT.

Q AND IN ESSENCE, DR. MARTEL IS A SPECIALIST IN RADIOLOGY WHICH YOU HAVE IDENTIFIED ALREADY AS PEOPLE WHO SPECIALIZE IN READING X-RAYS?

A THAT IS CORRECT.

Q AND IN ESSENCE WHAT DR. MALTZ HAD ASKED IS FOR DR.

MARTEL TO REVIEW THE AVAILABLE X-RAYS OF MR. SIMPSON FROM '91, '92 AND '93; IS THAT CORRECT?

A THAT'S CORRECT.

Q AND THERE WERE NO OTHER X-RAYS AFTER THE '93 X-RAYS TO PROVIDE THAT DEALT WITH THE AREAS IN QUESTION; THE HANDS, THE WRISTS, THE FEET, THE ELBOWS, CORRECT?

A THAT'S CORRECT.

Q NOW, WITH RESPECT TO WHAT DR. JOBE HAS INDICATED AS X-RAY FINDINGS OF THE RIGHT ELBOW SHOWING NORMAL LIMITS BUT EARLY FINDING OF RHEUMATOID ARTHRITIS, WAS A READING OF THAT X-RAY ALSO TAKEN BY DR. MARTEL?

AND I WILL SHOW YOU THE REPORT -- AND YOUR HONOR, MAY THIS BE MARKED AS 522, PLEASE?

THE COURT: HOW ABOUT 523.

MR. KELBERG: 533, I'M SORRY.

THE COURT: WHAT IS THE DATE ON THAT LETTER?

MR. KELBERG: THE LETTER IS DATED JUNE 28TH, 1995, TO DR.

MALTZ.

THE COURT: ALL RIGHT. THIS IS BY DR. MARTEL, HOWEVER?

MR. KELBERG: CORRECT.

THE COURT: ALL RIGHT. ALL RIGHT. 523.

(PEO'S 523 FOR ID = LTR DTD 6/28/95)

THE WITNESS: THESE ELBOW X-RAYS, ARE THOSE FROM MALTZ' OFFICE OR JOBE'S OFFICE, DO WE KNOW?

Q BY MR. KELBERG: WELL, DOCTOR, WHAT IS THE DATE SHOWN ON THOSE X-RAYS?

A THE DATE IS JULY 13, 1993, AND HE WAS SEEN BY BOTH DR. JOBE AND DR. MALTZ ON THAT SAME DAY, SO I DON'T KNOW WHOSE X-RAYS, BUT IT PROBABLY DOESN'T MAKE A DIFFERENCE.

Q ALL RIGHT.

SO YOU'VE SAID IT DOESN'T PROBABLY MAKE A DIFFERENCE.

DID YOU FIND ANY INDICATION BY DR. MARTEL OF HIS

ASSESSMENT OF THE ELBOWS?

A HE DID MAKE AN ASSESSMENT OF THE ELBOWS.

Q AND WHAT DID HE INDICATE IN HIS ASSESSMENT OF THE ELBOWS?

A HIS ASSESSMENT OF THE ELBOWS, FRONTAL AND LATERAL VIEWS OF BOTH ELBOWS, SHOW NO SIGNIFICANT ABNORMALITIES; HOWEVER, AS I'M SURE YOU ARE AWARE --

MR. KELBERG: YOUR HONOR, I WILL MOVE TO STRIKE AS NONRESPONSIVE.

THE COURT: ALL RIGHT. NEXT QUESTION.

Q BY MR. KELBERG: DID YOU ALSO, BY THE WAY, RECEIVE >FROM DR. MALTZ A COPY OF A JULY HANDWRITTEN CHART ENTRY FOR AN EVALUATION OF MR. SIMPSON IN THE COUNTY JAIL?

A I ASSUME I DID.

MR. KELBERG: IF I MAY HAVE JUST A MOMENT, YOUR HONOR, TO FIND -- I'M SORRY, YOUR HONOR.

MAY I JUST HAVE A MOMENT TO FIND A REPORT?

THE COURT: THAT IS WHY WE HAVE POST-ITS.

MR. KELBERG: I'M SORRY?

THE COURT: THAT IS WHY WE HAVE POST-ITS.

MR. KELBERG: IN THE COUNTY IT IS SOMETIMES TOUGH TO FIND THEM.

(DISCUSSION HELD OFF THE RECORD
BETWEEN THE DEPUTY DISTRICT
ATTORNEYS.)

MR. KELBERG: I -- UMM, I BELIEVE THIS IS THE ONE I WISH TO

USE.

THE COURT: IS THAT IT, MR. KELBERG?

MR. KELBERG: YES, I BELIEVE SO, YOUR HONOR.

I'M GOING TO HAVE TO GET A CLEAN COPY AND I WILL GET IT FROM ANOTHER SOURCE, BUT I WOULD ASK THAT THIS DOCUMENT, WHICH HAS THE ACCOUNTING NO. 505 BE MARKED AS 524.

THE COURT: ALL RIGHT. WHAT IS THIS?

MR. KELBERG: IT APPEARS TO BE A HANDWRITTEN NOTE OF DR. MALTZ', A RHEUMATOLOGY NOTE, AND BECAUSE OF THE COPY THAT WAS PROVIDED TO THE PROSECUTION, I CANNOT BE CERTAIN WHAT THE MONTH DATE IS, BUT THE DAY IS 2/94.

AND I'M GOING TO SHOW -- PERHAPS, DOCTOR, AT A BREAK, IF WE GET THERE, IF YOU HAVE A CHANCE TO FIND YOUR COPY, MAYBE IT WILL HAVE THE MONTH.

(PEO'S 524 FOR ID = HANDWRITTEN NOTE)

Q BY MR. KELBERG: THIS IS DR. MALTZ' HANDWRITTEN NOTE OF AN EVALUATION OF MR. SIMPSON; IS THAT CORRECT?

A THAT IS CORRECT.

Q AND I WANT TO INVITE YOUR ATTENTION TO THE SECOND PARAGRAPH.

CAN YOU READ WHAT DR. MALTZ HAS WRITTEN THERE?

A THE COPY IS A LITTLE BIT POOR. YOU ARE GOING TO HAVE TO HELP ME THERE.

Q DOES IT APPEAR TO BE:

"MAIN PROBLEM PRESENTLY IS CLASSICAL INCREASED ACTIVITY OF HIS RHEUMATOID DISEASE WITH THE LEFT KNEE BEING HIS MAJOR LIMITING FACTOR IN TERMS OF PAIN," I CAN'T MAKE OUT THE NEXT WORD, "AND SWELLING?"

A SWELLING.

Q WORD THAT WE CAN'T MAKE OUT MAY BE "GEL"?

A (NO AUDIBLE RESPONSE.)

Q LET ME BACK IT UP.

WHAT IS READ TO BEGIN WITH, DOES THAT SOUND WHAT IT APPEARS TO YOU TO BE:

"MAIN PROBLEM PRESENTLY IS CLASSICAL INCREASED ACTIVITY OF HIS RHEUMATOID DISEASE WITH THE LEFT KNEE BEING HIS MAJOR LIMITING FACTOR IN TERMS OF PAIN," THE WORD WE CAN'T DECIPHER, "AND SWELLING."

A YES.

Q AND THAT INDICATES TO YOU, DOES IT NOT, DOCTOR, THAT DR. MALTZ, EXCUSE ME, BELIEVED THAT MR. SIMPSON HAS EVIDENCE OF RHEUMATOID ARTHRITIS IN HIS LEFT KNEE, CORRECT?

A I'M NOT SURE THAT IS WHAT IT SAID, NO.

Q WELL, DOCTOR, DOESN'T IT SAY --

A IT SAYS HE HAS EVIDENCE ON -- THIS IS MY INTERPRETATION.

YOU WILL HAVE TO DR. MALTZ, IT WILL PROBABLY BE MORE APPROPRIATE, BUT IF I READ THAT, IT SAYS HE HAS GOT EVIDENCE OF RHEUMATOID ARTHRITIS WITH -- AND THIS IS A DIFFERENT PART HIS LEFT KNEE -- BEING HIS MAJOR LIMITING FACTOR.

THAT IS HOW I READ IT, BUT YOU MAY HAVE READ IT DIFFERENTLY.

Q DON'T YOU READ IT AS THE RELATIONSHIP BETWEEN THE RHEUMATOID ARTHRITIS AND THE LIMITING ASPECT ON HIS LEFT KNEE?

A WE HAVE TO ASK DR. MALTZ THAT. I WOULDN'T ASSUME THAT.

Q WELL, LET'S ASK YOU TO LOOK THEN AT DR. MARTEL'S REPORT AND SEE IF IN THE SUMMARY HE EVALUATES THE LEFT KNEE

X-RAYS FOR EVIDENCE OF INFLAMMATORY DISEASE WHICH RHEUMATOID ARTHRITIS WOULD BE; ISN'T THAT CORRECT?

A RHEUMATOID ARTHRITIS IS AN INFLAMMATORY DISEASE, RIGHT.

Q AND IN THE SUMMARY, WITH RESPECT TO THE LEFT KNEE, DOES HE NOT SAY THE FOLLOWING:

"THE ABNORMALITY NOTED IN THE LEFT KNEE IS DEGENERATIVE RATHER THAN INFLAMMATORY IN NATURE AND PROBABLY SECONDARY TO EARLIER TRAUMA."

A THAT IS WHAT IS SAID HERE.

Q AND THAT WOULD INDICATE THAT MR. SIMPSON, AT LEAST BASED UPON THAT X-RAY, DOES NOT SHOW EVIDENCE OF RHEUMATOID ARTHRITIS IN THE LEFT KNEE JOINT, BUT RATHER HAS THE EFFECTS OF OSTEOARTHRITIS FROM PREVIOUS TRAUMA, CORRECT?

A THERE IS DEFINITELY OSTEOARTHRITIS IN HIS LEFT KNEE, BUT WE HAVE A BIOPSY THAT IS STRONGLY CONSISTENT OF RHEUMATOID ARTHRITIS OF THE SYNOVIUM TAKEN IN 1991, SO I THINK THERE IS SOME QUESTION ABOUT THAT, AND THERE IS SOME SUBTLETIES THAT I CERTAINLY AM NOT IN A POSITION TO DISCUSS WITH YOU.

Q WELL, DR. MARTEL, WOULD YOU AGREE, IS AN EXPERT IN RADIOLOGY, WHICH YOU ARE NOT?

A THAT IS CORRECT.

Q ACCORDING TO HIS REPORT THE LEFT KNEE DOES NOT SHOW EVIDENCE OF INFLAMMATORY DISEASE; IT SHOWS OSTEOARTHRITIS, RIGHT?

A THAT IS CORRECT; HOWEVER, AS THE ELBOW, SOMETIMES YOU CAN HAVE RHEUMATOID ARTHRITIS IN A JOINT AND NOT HAVE X-RAY CHANGES, SO I WOULD BE VERY CAREFUL -- AND AGAIN, I DON'T WANT TO PRESENT MYSELF AS AN EXPERT -- BUT I WOULDN'T JUMP TO SIMPLE CONCLUSIONS BASED ON THE FACT THAT AN X-RAY SHOWS DEGENERATIVE NOT RHEUMATOID ARTHRITIS THAT THAT JOINT CANNOT BE INVOLVED WITH BY AND IN RHEUMATOID ARTHRITIS.

THE COURT: ALL RIGHT.

MR. KELBERG, WE ARE GOING TO TAKE TO TAKE OUR BREAK.

MR. KELBERG: ALL RIGHT. THANK YOU, YOUR HONOR.

THE COURT: ALL RIGHT.

LADIES AND GENTLEMEN, WE ARE GOING TO TAKE OUR MID-MORNING RECESS AT THIS TIME.

REMEMBER ALL MY ADMONITIONS TO YOU.

DOCTOR, YOU CAN STEP DOWN. YOU ARE ORDERED TO COME BACK IN FIFTEEN MINUTES.

LET ME SEE COUNSEL WITH THE COURT REPORTER, PLEASE.

(THE FOLLOWING PROCEEDINGS WERE HELD AT THE BENCH:)

THE COURT: OVER AT THE SIDE BAR.

MR. KELBERG, YOU TOLD ME TWO MORE QUESTIONS AFTER THE VIDEOTAPE.

MR. KELBERG: YOUR HONOR, I DID NOT EXPECT HIS ANSWER TO BE -- I DID NOT EXPECT HIS ANSWER, WHICH I THINK THE COURT WILL RECOGNIZE, WENT ON FOR PROBABLY ABOUT TWO AND A HALF MINUTES, UNABATED, AFTER I ASKED THE SIMPLE QUESTION REGARDING THE MOTIVATIONAL VIDEO.

HE HAS THROWN IN THE KITCHEN SINK IN AN EFFORT -- AS AN ADVOCATE -- AS THE JURY WILL SEE, IS AS AN ADVOCATE RATHER THAN AS A PHYSICIAN.

THE COURT: HAVEN'T WE ESTABLISHED THAT AT THIS POINT?

MR. KELBERG: I THINK I HAVE.

MR. COCHRAN: EXACTLY.

THE COURT: THE ONLY THING THAT I THINK WE ARE GOING TO DO

IS WE HAVE THE TAPE FROM YESTERDAY, AS I UNDERSTAND IT, THAT WILL SHOW --

MS. CLARK: WE DON'T KNOW.

MR. KELBERG: WE ARE PREVIEWING IT TO SEE IF IT WILL SHOW THE DOCTOR PRESENT WHEN --

MS. CLARK: I'M SORRY, DEPENDS ON THE CAMERA PAN.

MR. KELBERG: WE ARE GOING TO SEE IF IT SHOWS HIM PRESENT.

THE COURT MAY THINK IT IS COLLATERAL.

THE COURT: I THINK THAT IS REAL COLLATERAL. LET'S FINISH.

MR. KELBERG: I WANT TO FIND THE ONE DOCUMENT. THERE IS A DIFFERENT DOCUMENT I WAS LOOKING FOR.

THE COURT: I AGREE YOU CAN LOOK FOR THE DOCUMENT, BUT LET'S WIND THIS UP.

MR. SHAPIRO: YOUR HONOR, MAY I BE HEARD BRIEFLY?

THE COURT: YES, MR. SHAPIRO.

I'M SORRY, YOU NEEDED TO MAKE YOUR RECORD ON AN OBJECTION PREVIOUSLY.

MR. SHAPIRO: TO PARAPHRASE THE FORMER CHIEF JUDGE OF THE FEDERAL DISTRICT COURT, CROSS-EXAMINATION IS NOT A MARATHON, AND THIS WITNESS IS CALLED FOR LIMITED PURPOSES.

THIS CROSS-EXAMINATION IS NOW APPROACHING A RECORD, JUST AS THE DIRECT EXAMINATION OF MR. KELBERG BROKE ALL EXISTING RECORDS, THAT WE ALSO BELIEVE THAT UNDER 352 THAT THE COURT SHOULD EXERCISE ITS DISCRETION IN CONTROLLING THE FLOW OF THIS CASE, AND THAT THE ONLY OBJECT OF MR. KELBERG'S CROSS-EXAMINATION, WHICH SOMETIMES IN MY OPINION BORDERS ON THE LUDICROUS, IS TO SLOW DOWN THE PACE OF THE DEFENSE, WHICH WE HAVE TOLD THE COURT WE WANT TO FINISH IN THREE TO FOUR WEEKS, TO THROW OFF OUR FLOW OF WITNESSES AND TO ACCOMPLISH NOTHING OTHER THAN TO BORE THE JURY AND ENGAGE IN SOME TYPE OF PRIVATE CONVERSATION WITH THE DOCTOR.

THE COURT: ALL RIGHT.

MR. KELBERG, HOW MUCH MORE DO YOU HAVE LEFT?

MR. KELBERG: IF I CAN FIND THE DOCUMENT, VERY, VERY, VERY BRIEF.

THE COURT: ONE DOCUMENT?

MR. KELBERG: I JUST WANT TO REVIEW THE MARTEL REPORT AND SEE IF THERE IS ANY OTHER --

THE COURT: ALL IT IS GOING TO SAY -- LET'S FACE IT, IT IS REALLY A FINE POINT WITHOUT A DISTINCTION.

IF IT IS RHEUMATOID ARTHRITIS IN HIS KNEE OR IF IT IS OSTEOARTHRITIS IN HIS KNEE, IT IS STILL ARTHRITIS, AND WE AGREE THAT LOOKING AT THE RAILROAD TRACKS ON THE SIDE OF HIS KNEE AND LOOKING AT THE NUMBER OF HITS THE GUY TOOK, HE PROBABLY HAS GOT KNEE PROBLEMS. HE HAS GOT KNEEMONIA.

MR. KELBERG: YOUR HONOR, I WILL ACCEPT ALL THAT, BUT THE ISSUE IS THIS DOCTOR NOW WANTS TO MAKE IT OUT THAT HE HAD AN ACUTE ONSET OF RHEUMATOID ARTHRITIS THAT WOULD HAVE PREVENTED HIM ON JUNE 12 --

THE COURT: HE HASN'T SAID THAT.

MR. KELBERG: WELL, HE IS SUGGESTING IT. THAT IS THE INFERENCE THAT HE WANTS THE JURY TO DRAW.

AND THE QUESTION IS, IS HE CREDIBLE -- IS HE CREDIBLE IN FORMING SUCH AN OPINION? I FIND THIS DOCTOR --

THE COURT: COUNSEL, YOU'VE GOT A VIDEOTAPE OF MR. SIMPSON WALKING DOWN THE SIDEWALK ON JUNE THE 12TH AT THE RECITAL WHERE HE IS NOT LIMPING. YOU'VE GOT THIS EXERCISE VIDEO WHERE HE IS JUMPING AROUND ALL DAY AND HE IS MAKING THESE ARM MOTIONS AND ALL THIS KIND OF STUFF.

THE PROSECUTION'S THEORY IS THAT THEY CORNERED MR. GOLDMAN IN THAT LITTLE CAGE. YOU DON'T NEED TO CHASE THE GUY

DOWN. YOU CAUGHT HIM.

MR. KELBERG: I AGREE WITH ALL THAT, YOUR HONOR.

THE COURT: LET'S WIND THIS UP.

MR. KELBERG: I WILL.

MS. CLARK: CAN I JUST MAKE ONE POINT, YOUR HONOR? EIGHT DAYS OF CROSS ON TOM LANGE.

THE COURT: NO, NO, NO.

MS. CLARK: THE COURT REMEMBERS THAT SO I WANT TO PUT THAT IN CONTEXT.

THE COURT: MISS CLARK, I'M NOT WORRIED ABOUT THAT, BUT I THINK WE'VE ALREADY MADE OUR POINT HERE IS THE POINT I'M TRYING TO MAKE.

MR. KELBERG: I AGREE, JUDGE.

THE COURT: YOU MADE THE POINT THAT THERE WERE MANY OTHER INJURIES ON THE BACK OF THE LEFT HAND. THAT WAS GREAT STUFF.

MS. CLARK: RIGHT, RIGHT.

MR. KELBERG: YOUR HONOR, MAY I BE EXCUSED?

THE COURT: GO AHEAD.

MS. CLARK: I'M NOT DISPUTING THE COURT'S OBSERVATIONS. I JUST THINK THAT MR. SHAPIRO'S OUTRAGEOUS STATEMENTS --

THE COURT: MISS CLARK, YOU DON'T NEED TO CALL HIS COMMENTS OUTRAGEOUS.

MS. CLARK: YES, I DO.

THE COURT: THANK YOU.

MR. SHAPIRO: I WOULD ALSO OBJECT, SINCE THEY DON'T WANT TO BE HERE, TO THE PLAYING OF THE JUICE PLUS VIDEO, AS BEYOND THE SCOPE OF DIRECT EXAMINATION AS BEING -- AS BEING A 352 OBJECTION AND THAT IT SHOULD NOT BE -- WE ARE PRACTICING LAW WHILE YOU ARE JOKING.

THE COURT: ALL RIGHT.

MR. SHAPIRO: AND WE WERE --

MS. CLARK: I DON'T THINK I WANT TO HEAR ANY MORE OF THIS, AND I THINK THAT THE COURT OUGHT TO SHUT MR. SHAPIRO DOWN BEFORE THOSE PERSONAL REMARKS ARE MADE. I THOUGHT THAT WAS NOT GOING TO BE ALLOWED.

THE COURT: MISS CLARK, STOP, PLEASE.

MS. CLARK: IS IT ONLY ALLOWED ON ONE SIDE?

THE COURT: STOP IT. THE COURT ALREADY RULED ON THAT. THE OBJECTION IS OVERRULED.

MR. SHAPIRO: THANK YOU, YOUR HONOR.

THE COURT: JUST CLEANING UP OUR RECORD HERE, MISS CLARK.

(RECESS.)

(THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN COURT, OUT OF THE PRESENCE OF THE JURY:)

THE COURT: BACK ON THE RECORD IN THE SIMPSON MATTER.

ALL PARTIES ARE AGAIN PRESENT.

MR. KELBERG, DID YOU FIND THAT DOCUMENT?

MR. KELBERG: I'M SATISFIED THAT THE DOCUMENT I SHOWED HIM IS THE AREA I WANTED TO INQUIRE ON.

THE COURT: WHAT AREA IS THIS, MR. KELBERG?

MR. KELBERG: I'M TRYING TO SUGGEST TO THE COURT THAT I DON'T THINK I'M GOING TO HAVE ANY MORE EXAMINATION.

THE COURT: OKAY. GOOD. THAT IS IT?

MR. KELBERG: JUST TO MARK THE EXHIBIT.

THE COURT: ALL RIGHT.

MR. SHAPIRO: SO STIPULATED.

THE COURT: LET'S HAVE THE JURORS, PLEASE.

(BRIEF PAUSE.)

(THE FOLLOWING PROCEEDINGS WERE
HELD IN OPEN COURT, IN THE
PRESENCE OF THE JURY:)

THE COURT: ALL RIGHT. THANK YOU, LADIES AND GENTLEMEN.
PLEASE BE SEATED.

LET THE RECORD REFLECT WE HAVE BEEN REJOINED BY ALL
THE MEMBERS OF OUR JURY.

MR. KELBERG, DO YOU HAVE SOME ITEMS YOU NEED TO MARK?

MR. KELBERG: I DO, YOUR HONOR.

THESE AGAIN ARE FROM THE ELMO THAT WE HAD PRODUCED
YESTERDAY DURING THE EXAMINATION.

THE PHOTOGRAPH OF THE FORMAL DIAGRAM THAT DR.
HUIZENGA INCLUDED IN OUR EXHIBIT 507 I ASK TO BE MARKED AS 507-A.

THE COURT: ALL RIGHT. 507-A.

(PEO'S 507-A FOR ID = DIAGRAM)

MR. KELBERG: THE PHOTOGRAPH WITH THE TWO AREAS OF ABRASION
THAT IS A PART OF THE SEQUENCE OF -- A PART OF THE PHOTOGRAPH OF
516 I WOULD ASK TO BE MARKED AS 516-A.

THE COURT: 516-A.

(PEO'S 516-A FOR ID = PHOTOGRAPH)

MR. KELBERG: ANOTHER PHOTOGRAPH THAT SHOWED THAT ABRASION
TO THE LEFT THUMB FROM PHOTOGRAPH
518-B BE MARKED AS 518 DOUBLE B, AS IN BOY.

THE COURT: SO MARKED.

(PEO'S 518-BB FOR ID = PHOTOGRAPH)

MR. KELBERG: AND WE HAVE A CLEAN COPY OF THE JULY 13,
1993, REPORT, YOUR HONOR -- AND I'M SORRY, I DID LOSE TRACK OF
THE DESIGNATIONS -- I BELIEVE THAT THAT WAS GOING TO BE 523, DR.
JOBE'S ONE-PAGE --

THE COURT: I HAVE THAT -- I HAVE 523 AS THE 6/28, DR.
MARTEL --

MR. KELBERG: OKAY.

THEN IT IS THE EXHIBIT NUMBER RIGHT AFTER THE VIDEO,
I BELIEVE, SHOULD BE THE NEXT IN ORDER, AND THE VIDEO --

THE COURT: WELL, THE --

MR. KELBERG: MOTIVATIONAL VIDEO.

THE COURT: THE MOTIVATIONAL VIDEO I HAVE AS 522. MRS.
ROBERTSON, DOES THAT CORRELATE?

MR. DOUGLAS: CORRECT, YOUR HONOR.

MR. KELBERG: 523, YOUR HONOR, WOULD BE DR. MARTEL'S
REPORT.

THE COURT: RIGHT. I HAVE 524, A HANDWRITTEN NOTE OF DR.
MALTZ.

MR. KELBERG: OKAY.

IF I DIDN'T SPECIFICALLY MAKE
DR. JOBE'S ONE-PAGE JULY 13, 1993, TYPEWRITTEN DOCUMENT AS 525

--

THE COURT: 525. ALL RIGHT. DR. JOBE'S NOTE.

(PEO'S 525 FOR ID = DOCUMENT/7-13-93)

MR. KELBERG: WITH THAT, YOUR HONOR, I HAVE NO FURTHER QUESTIONS.

THE COURT: THANK YOU.

MR. SHAPIRO.

MR. SHAPIRO: THANK YOU VERY KINDLY, YOUR HONOR.

GOOD MORNING, LADIES AND GENTLEMEN.

THE JURY: GOOD MORNING.

REDIRECT EXAMINATION

BY MR. SHAPIRO:

Q GOOD MORNING AGAIN, DR. HUIZENGA.

A GOOD MORNING.

Q DR. HUIZENGA, ARE YOU FAMILIAR WITH THE TERM "FORENSIC MEDICINE"?

A YES, I AM.

Q ARE YOU FAMILIAR WITH THE TERM "FORENSIC PHYSICIAN"?

A YES, I AM.

Q WHAT IS YOUR UNDERSTANDING OF THAT TERM OR THOSE TERMS?

A THOSE ARE TERMS THAT DEAL WITH THE STUDY OF THINGS THAT HAPPEN ESSENTIALLY AFTER DEATH WITH AN OBVIOUS BENT TOWARDS LAW, AND YOU KNOW, PATHOLOGY OF MEDICINE AS IT RELATES TO THAT.

Q AND THE TERM "FORENSIC" AS IT APPLIES IN THE COURT SETTING DEALS WITH PEOPLE WHO DEAL WITH LEGAL ISSUES RELATED TO THEIR SPECIALTY; IS THAT CORRECT?

A THAT'S RIGHT.

Q IS THAT YOUR UNDERSTANDING?

A YES.

Q IS THAT SOMETHING YOU DO?

A NO, IT IS ABSOLUTELY NOT WHAT I DO.

Q IS THAT SOMETHING YOU WANT TO DO?

A NO, NO DESIRE WHATSOEVER.

Q I TAKE IT THAT YOUR PRIMARY FOCUS IS THE PRACTICE -- THE PRIVATE PRACTICE OF MEDICINE?

A THAT IS CORRECT.

Q NOW, YOU HAVE INDICATED THAT YOU GRADUATED FROM HARVARD MEDICAL SCHOOL.

AT THE TIME YOU WENT TO HARVARD MEDICAL SCHOOL HOW WAS THAT RATED IN THE SPECTRUM OF MEDICAL SCHOOLS IN THE COUNTRY?

A I THINK IN TERMS OF THE RATING BY THE DEANS AND THE DIFFICULTY IN GETTING IN IT WAS PROBABLY THE HARDEST SCHOOL TO GET IN.

Q AND UPON GRADUATION YOU APPLIED FOR A RESIDENCY?

A THAT IS CORRECT.

Q AND ARE THERE DIFFERENT RESIDENCIES AROUND THE COUNTRY?

A THERE ARE MANY DIFFERENT RESIDENCIES AROUND THE COUNTRY, RIGHT.

Q AND JUST LIKE SCHOOLS, DO RESIDENCIES DIFFER IN THEIR PROGRAMS AND THEIR PRESTIGE?

A AGAIN, IT IS DIFFICULT TO EXACTLY QUANTITATE, BUT THERE IS DIFFERENT LEVELS OF PRESTIGE AND LEVELS OF QUALITY AND DIFFICULTY IN GETTING IN.

Q AND WHERE DID YOU TAKE YOUR RESIDENCY?

A AT CEDARS-SINAI HOSPITAL, YOU KNOW, IS A SUB-SET OF THE UCLA MEDICAL SYSTEM.

Q AND IS THAT HERE IN LOS ANGELES?

A YES, IT IS.

Q AND HOW -- HOW WAS THAT PROGRAM RATED AT THE TIME YOU

WERE ACCEPTED?

A IT WAS VERY HIGHLY REGARDED AT THAT TIME.

Q HOW MANY RESIDENTS WERE IN THE PROGRAM WHEN YOU WERE THERE?

A THERE WERE APPROXIMATELY THIRTY.

Q AND IS THERE A POSITION CALLED CHIEF RESIDENT?

A YES, THERE IS.

Q WHAT IS THAT POSITION?

A TYPICALLY TWO INDIVIDUALS FROM THAT CLASS ARE CHOSEN TO TEACH THE ONCOMING RESIDENTS AND TO LEAD MORNING REPORT AND TO ROUND WITH THE YOUNGER RESIDENTS FOR EDUCATIONAL PURPOSES.

Q AND ON WHAT BASIS ARE THE CHIEF RESIDENTS SELECTED?

A WELL, PRESUMABLY THEY ARE CHOSEN BY THE CHIEF OF MEDICINE BASED ON WHOEVER SHOWS THE MOST PROMISE IN TERMS OF TEACHING AND OTHER PHYSICIAN ATTRIBUTES.

Q IN TERMS OF TEACHING, IN ADDITION TO YOUR PRIVATE PRACTICE OF MEDICINE, HAVE YOU MAINTAINED ANY TEACHING POSITIONS?

A YES, I HAVE.

Q WHAT TEACHING POSITIONS HAVE YOU MAINTAINED?

A AS A CLINICAL PROFESSOR OF MEDICINE AT UCLA.

Q AND WHAT SUBJECTS HAVE YOU TAUGHT TO THE STUDENTS AT UCLA IN MEDICAL SCHOOL?

A UMM, INTRODUCTION TO MEDICINE, AS WELL AS ATTENDING FOR MEDICAL STUDENTS AND THE RESIDENTS ON WARD ROUNDS.

Q NOW, YOU'VE TOLD US ALSO THAT YOU WERE A DOCTOR FOR THE LOS ANGELES RAIDERS, A FOOTBALL TEAM?

A YES, I WAS.

Q HOW MANY OTHER DOCTORS HAD THAT POSITION FOR TEAMS IN THE LOS ANGELES AREA?

A THERE WAS ONE OTHER TEAM IN LOS ANGELES AREA AND THERE WAS ONE OTHER INTERNIST FOR THAT TEAM, AND THEN DURING MY TENURE WITH THE LOS ANGELES RAIDERS THERE WAS ALSO ANOTHER FOOTBALL TEAM THAT WAS THERE TEMPORARILY, SO THERE WAS AN INTERNIST FOR THAT TEAM AS WELL.

Q IS THAT VIEWED AS A PRESTIGIOUS POSITION?

A I ALSO BELIEVE IT IS VIEWED AS A PRESTIGIOUS POSITION.

Q AND IT IS THE TYPE OF JOB MANY DOCTORS WOULD LIKE TO GET?

A I BELIEVE THAT IS TRUE.

Q AND YOU RESIGNED FROM THAT POSITION?

A YES, I DID.

Q AND YOU RESIGNED BECAUSE OF YOUR INTEGRITY?

A I RESIGNED --

MR. KELBERG: OBJECTION, YOUR HONOR, LEADING AND SUGGESTIVE.

THE COURT: REPHRASE THE QUESTION.

Q BY MR. SHAPIRO: WHY DID YOU RESIGN FROM THAT POSITION AFTER HOW MANY YEARS -- HOW MANY YEARS DID YOU SERVE IN THAT POSITION?

A I SERVED IN THAT POSITION FOR EIGHT YEARS.

Q AND WHY DID YOU RESIGN FROM THAT POSITION?

A I RESIGNED FROM THAT POSITION BECAUSE THE TEAM OWNER WOULD NOT LISTEN WHEN I DESCRIBED IN DETAIL AN INCIDENT THAT HAPPENED WITH THE TEAM ORTHOPEDIST REGARDING AN INCIDENT WHERE A PLAYER WAS TEMPORARILY PARALYZED.

AND ESSENTIALLY, TO MAKE A VERY TRAGIC STORY SHORT, WAS TOLD FACE-TO-FACE BY THE ORTHOPEDIC SURGEON, AFTER HE HAD INFORMATION THAT SAID THERE WAS A PROBLEM IN HIS CERVICAL SPINE, THAT HE WAS POTENTIALLY AT HIGHER RISK, ACCORDING TO NUMEROUS

SPECIALISTS OF THE NECK, ORTHOPEDIC NECK SPECIALISTS AND NEUROSURGEONS, HE WAS LOOKED AT BY THE TEAM ORTHOPEDIST IN HIS FACE AND SAID BASED ON THAT X-RAY YOU ARE OKAY, YOU KNOW, YOU CAN PLAY NEXT WEEK.

AND OF COURSE I, AS ALL THESE TYPES OF PROBLEMS, WENT BEHIND THE SCENES AND MADE SURE HE GOT OTHER OPINIONS, BUT WHEN THE OWNER DIDN'T BACK MY POSITION ON THIS, THAT IS WHY I RESIGNED.

Q AS A MATTER OF PERSONAL INTEGRITY?

A YES, IT WAS.

Q AND DO YOU VALUE THAT?

A YES, I DO.

Q HOW DO YOU VALUE THAT? HOW HIGHLY, HOW STRONGLY ARE YOU CONCERNED ABOUT YOUR INTEGRITY?

A THAT IS ALL I HAVE AS A PHYSICIAN IS MY REPUTATION WHICH I HAVE WORKED HARD TO BUILD OVER THE LAST 21 YEARS SINCE I ENTERED MEDICINE.

Q IN THE PRIVATE PRACTICE OF MEDICINE DO YOU FUNCTION AS AN INDIVIDUAL DOCTOR FOR THE PURPOSES OF YOUR OWN INCOME?

A YES, I DO.

Q AND HOW LONG HAVE YOU DONE THAT?

A I HAVE BEEN IN A PRIVATE PRACTICE SINCE APPROXIMATELY 1983, 1984.

Q I HAVE BEEN REMINDED THAT SOME PEOPLE MIGHT HAVE SOME DIFFICULTY HEARING. WOULD BE KIND ENOUGH TO MAYBE MOVE THE MICROPHONE A LITTLE BIT FURTHER.

A SURE.

(WITNESS COMPLIES.)

Q AND YOU ARE IN WHAT'S CALLED A GROUP OF DOCTORS?

A YES, WE SHARE OFFICE SPACE.

Q YOU SHARE OVERHEAD?

A CORRECT.

Q BUT YOUR PATIENTS AND YOUR INCOME IS YOUR OWN?

A THAT IS CORRECT.

Q AND ONE OF THE DOCTORS THAT YOU SHARE OFFICE SPACE WITH IS MY PERSONAL PHYSICIAN, DR. ROBERT KOBLIN?

A THAT'S RIGHT.

Q ARE THERE OTHER DOCTORS THERE?

A YES.

Q ARE THEY SIMILARLY INVOLVED IN INTERNAL MEDICINE?

A YES, THEY ARE.

Q WHAT IS THE REPUTATION OF THE GROUP OF DOCTORS THAT YOU ARE WITH?

A I BELIEVE WE HAVE AN ABSOLUTELY IMPECCABLE REPUTATION.

Q WHAT ARE THE OTHER DOCTORS WHO ARE INCLUDED IN YOUR GROUP NOW THAT PRACTICE OUT OF THE SAME OFFICE?

MR. KELBERG: OBJECTION, IRRELEVANT.

THE COURT: OVERRULED.

THE WITNESS: DR. DERWIN.

Q WHAT IS HIS FIRST NAME?

A ARNOLD.

Q OKAY. WHO ELSE?

A THAT IS IT FOR RIGHT NOW.

Q SO THE THREE DOCTORS?

A RIGHT.

Q AS A PRIVATE PRACTITIONER, THE SOURCE OF YOUR INCOME FOR WHICH YOU RELY UPON A LIVING IS PATIENTS?

A THAT IS CORRECT.

Q DO YOU ADVERTISE TO GET PATIENTS?

A NO, I DO NOT ADVERTISE.

Q DO YOU SOLICIT PATIENTS?

A NO, I DO NOT.

Q HOW DO YOU GET PATIENTS TO BUILD A MEDICAL PRACTICE?

A BASICALLY OVER A PERIOD OF TIME INDIVIDUALS THAT FEEL YOU ARE PROVIDING THEM HIGH QUALITY MEDICINE WILL REFER ACQUAINTANCES, FRIENDS OR FAMILY MEMBERS.

Q AND WAS THAT THE CASE WITH O.J. SIMPSON?

A THAT WAS THE CASE WITH O.J. SIMPSON.

Q HE WAS REFERRED BY SOMEONE WHO KNEW YOU?

A THAT IS CORRECT.

Q AND THAT WAS MYSELF?

A THAT'S CORRECT.

Q AND YOU HAVE NO EXPERIENCE IN CRIME SCENE INVESTIGATIONS, DO YOU?

A NONE WHATSOEVER.

Q AND YOU HAVE TOLD THIS JURY ALREADY THAT YOU HAVE NEVER BEFORE TESTIFIED IN A CASE?

A THAT IS CORRECT.

Q DO YOU EVER WANT TO TESTIFY AGAIN IN A CASE?

A I THINK ONE MAY BE ENOUGH HERE.

Q WHAT WAS YOUR FOCUS WHEN YOU SAW O.J. SIMPSON ON THE 15TH OF JUNE, 1994?

A I THINK MY FOCUS WAS THE SAME FOCUS I HAVE WITH EVERY PATIENT AND THAT IS THAT I SIT THEM DOWN IN MY OFFICE AND ASK THEM, YOU KNOW, WHAT ARE YOUR PROBLEMS AND TRY TO FIGURE OUT IF THERE ARE ANY OTHER THINGS GOING ON THAT THEY MAY NOT BE AWARE OF, AND ESSENTIALLY FORMULATE A PLAN FOR THEIR HEALTH.

I, YOU KNOW, APPROACHED HIM LIKE I APPROACH EVERY OTHER PATIENT IN MY OFFICE, AND REALLY, BESIDES REQUESTING FROM YOU A PHOTOGRAPHER, GIVEN THE FACT THAT YOU TOLD ME ON THE PHONE HE HAD CUTS, REALLY DID NOTHING ELSE DIFFERENT THAN I WOULD DO FOR ANOTHER FIRST TIME OFFICE VISIT, THOROUGH PHYSICAL EXAMINATION.

Q SO WHAT YOU ARE SAYING IS, IN ADDITION TO THE GENERAL EXAMINATION THAT WAS REQUESTED BY THE PATIENT, THERE WAS SOMETHING ADDITIONAL AND THAT WAS TO TAKE PHOTOGRAPHS --

MR. KELBERG: OBJECTION, LEADING AND SUGGESTIVE.

THE COURT: SUSTAINED.

REPHRASE THE QUESTION.

Q BY MR. SHAPIRO: WOULD YOU TELL THE LADIES AND GENTLEMEN OF THE JURY, IN ADDITION TO THE HISTORY AND PHYSICAL EXAMINATION OF MR. SIMPSON, WAS THERE SOMETHING ADDITIONAL THAT WAS REQUESTED BY MYSELF?

A YES, THERE WAS.

Q WHAT WAS THAT?

A PHOTOGRAPHS OF HIS HANDS.

Q PHOTOGRAPHS OF ANYTHING ELSE, ANY OTHER PART OF HIS BODY?

A THE REMAINDER OF THE BODY AS WELL, TO DOCUMENT WHETHER OR NOT THERE WERE ANY OTHER INJURIES.

Q OUTSIDE OF THAT, WAS THERE ANYTHING ELSE THAT WAS REQUESTED OF YOU, WHEN YOU SAW MR. SIMPSON AS A PATIENT, THAT WAS OUT OF THE ORDINARY?

A NO, THERE WAS NOT.

Q HAS THERE BEEN -- HAVE YOU MET WITH ANYBODY IN PREPARATION FOR YOUR TESTIMONY HERE TODAY?

A I MET -- I TALKED WITH YOU ON THE PHONE ON THURSDAY FOR APPROXIMATELY -- EXCUSE ME.

YOU CAME TO MY OFFICE ON THURSDAY EVENING FOR APPROXIMATELY FIFTEEN TO TWENTY MINUTES ON THURSDAY NIGHT.

I FINISHED UP SEEING PATIENTS AT APPROXIMATELY 7:30 TO EIGHT O'CLOCK ON THURSDAY NIGHT.

I HAD NOT PREPARED WHATSOEVER ANY SPECIAL MATERIAL AND YOU CAME AND GAVE ME AN IDEA WHAT SORTS OF THINGS YOU WOULD BE ASKING ON THURSDAY EVENING.

BEFORE THAT I HAD ONE MEETING AT MR. COCHRAN'S OFFICE SOMEWHERE AROUND THE 1ST, WHERE THERE WERE A GROUP OF ATTORNEYS, YOU WERE PRESENT, AS WELL AS OTHER ATTORNEYS, AND I STOOD UP AND GAVE A BRIEF SUMMARY OF MR. SIMPSON'S MEDICAL PROBLEMS.

Q AND THEN YOU ALSO WATCHED THE VIDEO WITH THE LAWYERS?

A AND SUNDAY, WHICH WAS IN THE MIDDLE OF IT, YOU SAID PREPARED BEFORE -- SUNDAY IN THE MIDDLE OF THIS TESTIMONY I WENT AND WATCHED THE VIDEO THAT -- ACTUALLY DIDN'T GET TO SEE THIS VIDEO; I SAW THE FINAL PRODUCT.

Q WERE YOU GIVEN ANY INSTRUCTIONS BY MYSELF OR ANY OTHER LAWYERS AS TO HOW TO TESTIFY IN THIS CASE?

A YES, I WAS.

Q WHAT WERE THOSE INSTRUCTIONS?

A TELL THE TRUTH.

Q HAVE YOU IN ANY WAY TRIED TO MISLEAD THIS JURY BASED ON YOUR MEDICAL FINDINGS AND OBSERVATIONS OF MR. SIMPSON ON JUNE THE 15TH?

A NO, I HAVEN'T.

Q HAVE YOU IN ANY WAY COMPROMISED YOUR INTEGRITY?

A I DON'T BELIEVE I HAVE.

Q NOW, AS A PHYSICIAN DO YOU DEVELOP A RAPPORT WITH YOUR PATIENTS?

A YES, I DO.

Q AND DO YOU CARE ABOUT YOUR PATIENTS?

A YES, I DO.

Q AND WOULD YOU SAY THAT IS TRUE OF YOUR RELATIONSHIP WITH MR. SIMPSON?

A YES, IT IS.

Q DO YOU CARE ABOUT MR. SIMPSON?

A YES, I DO.

Q AND DO YOU CARE ABOUT HIS STATE OF HEALTH?

A YES, I DO.

Q BASED ON THE STANDARD PRACTICES FOR PHYSICIANS IN THE BEVERLY HILLS WEST LOS ANGELES AREA, IS THERE A GENERAL STANDARD OF PRACTICE FOR

A FIRST EVALUATION OF A PATIENT?

A YES, THERE IS.

Q WOULD YOU RELATE TO THE LADIES AND GENTLEMEN OF THE JURY WHAT THAT IS.

MR. KELBERG: OBJECTION, YOUR HONOR, IRRELEVANT.

THE COURT: OVERRULED.

THE WITNESS: GENERALLY WHEN YOU SEE A FIRST TIME NEW PATIENT YOU SIT THEM DOWN IN YOUR OFFICE AND TALK FOR APPROXIMATELY A HALF AN HOUR TO 45 MINUTES TO EVEN AN HOUR, AND ESSENTIALLY THEN MOVE ON AND DO A PHYSICAL EXAMINATION THAT TYPICALLY TAKES SOMEWHERE AROUND A HALF AN HOUR TO COMPLETE, AND THEN THE NURSE GETS THE PATIENT, EITHER IN THE MIDDLE OF THAT PROCESS OR AT THE END, TO DO ALL THE VITAL SIGNS, TO DRAW BLOOD FOR TESTS, TO DO CHEST X-RAYS, TO DO A HEARING TEST AND A VISION TEST, IF THAT IS NEEDED.

AND THEN ESSENTIALLY OCCASIONALLY, IF IT IS APPROPRIATE, YOU KNOW, OTHER THINGS MAY BE DONE, SUCH AS SEEING A DIETITIAN IN THE OFFICE.

Q NOW, YOUR SPECIALTY IS INTERNAL MEDICINE?

A YES, IT IS.

Q IS THAT ALSO KNOWN AS GENERAL MEDICINE?

A YES, IT IS.

Q WOULD YOU EXPLAIN TO THE LADIES AND GENTLEMEN OF THE JURY WHAT THAT ENTAILS, WHAT YOUR FUNCTION IS AS A DOCTOR IN THAT AREA?

A BASICALLY YOU ARE -- SOMEONE -- A FAMILY DOCTOR, QUOTE-UNQUOTE, IS SOMEONE WHO DID THEIR FOUR YEARS OF MEDICAL SCHOOL, DID ONE-YEAR OF INTERNSHIP AND THEN HE HANGS HIS SHINGLE.

AN INTERNIST BASICALLY DOES THAT FIRST YEAR WHERE YOU KIND OF TAKE ALL COMERS, BUT THEN YOU DO AN ADDITIONAL TWO YEARS WHERE DO YOU ESSENTIALLY THE SAME THING TO HOPEFULLY GET A LITTLE BIT MORE UNDERSTANDING OF THOSE PROBLEMS.

AND THEN IN MY CASE I DID AN EXTRA YEAR OF CHIEF RESIDENCY, ALL BASICALLY EVALUATING EVERY DIFFERENT SUB-SPECIALTY, SO MY ROLE IS TO TRY TO SEE IF I CAN TAKE CARE OF ALL OF YOUR PROBLEMS.

OBVIOUSLY THERE ARE CERTAIN -- I MIGHT BE BETTER IN KIDNEY DISEASE AND NOT SO GREAT IN DERMATOLOGY, OR I MIGHT BE VERY GOOD IN ORTHOPEDICS FOR AN INTERNIST AND NOT SO GREAT IN SOMETHING LIKE RHEUMATOLOGY.

AND THEN YOU BASICALLY, IF YOU CAN HANDLE THEIR PROBLEMS AND YOU FEEL COMFORTABLE WITH THEIR COMPLAINTS, THE BUCK STOPS THERE. YOU MAKE THE DECISIONS AND YOU DEVISE A TREATMENT PLAN.

IF THAT IS NOT THE CASE, THEN YOU MAKE ARRANGEMENTS TO HAVE THEM SEE A SECOND OPINION, A SUB-SPECIALIST WHO ARE GOING TO KNOW SOMETHING ABOUT THAT AREA, BUT THEY HOPEFULLY WILL KNOW SOMEWHAT MORE AND THEN YOU REFER THEM TO THAT APPROPRIATE SPECIALIST.

Q AND APPROXIMATELY HOW MANY SUB-SPECIALISTS ARE THERE THAT YOU WOULD REFER PEOPLE TO, JUST GENERALLY?

A IN TERMS OF THE CLASSES OF SUB-SPECIALTIES PROBABLY, YOU KNOW, FIFTEEN OR TWENTY, ALTHOUGH YOU CAN GET VERY TECHNICAL AND YOU CAN BREAK DOWN SOME SUB-SPECIALTIES, EVEN SOMETHING LIKE ORTHOPEDICS, INTO PEOPLE THAT DO MOSTLY ANKLES, KNEES OR SHOULDERS OR NECK OR BACK, BUT I WOULD SAY FIFTEEN OR TWENTY IS A PRETTY GOOD ESTIMATE.

Q NOW, REGARDING O.J. SIMPSON, DID YOU CONDUCT THE EXAMINATION THAT YOU DESCRIBED TO THE LADIES AND GENTLEMEN OF THE JURY AS BEING A PROPER INITIAL PATIENT'S VALUATION?

A YES, I DID.

POSSIBLY BECAUSE IT, I BELIEVE, TOOK ABOUT TWO HOURS, MAYBE IN TERMS OF DOING THE HISTORY AND IN TERMS OF INCLUDING TIME FOR THE PHOTOGRAPHS, MAYBE IT WENT AN EXTRA 15, 30 MINUTES OVER WHAT I WOULD NORMALLY SPEND, BECAUSE WE WERE PUSHED BACK, AS I SAID, AN HOUR INTO OUR AFTERNOON.

Q NOW, IN TERMS OF A PHYSICAL EXAMINATION, IS THERE ANY REAL LIMITATION ON WHAT A DOCTOR CAN DO IN EXAMINING A HUMAN BEING?

A NO. BASICALLY WHAT YOU DO IS YOU START OUT AND THERE IS A STANDARD EXAMINATION. IN OTHER WORDS, IF YOU LOOK AT, SAY, SOMETHING LIKE THE STOMACH, YOU CAN JUST DO THE ROUTINE THINGS, WHICH MIGHT BE TO LISTEN TO SEE IF THERE IS BOWEL SOUNDS, TO SEE IF THE INTESTINES, THE ABDOMEN, IS SYMMETRICAL, TO FEEL IF THERE ARE ANY MASSES OR THERE IS ANY TENDERNESS OR TO -- OBVIOUSLY I THINK I MENTIONED ALREADY -- LISTEN.

IF ANY OF THOSE ARE ABNORMAL, THAT IS THE SCREENING -- LET'S JUST SAY, OF THE ABDOMEN; LOOK, LISTEN, PALPATE. IF ANY OF THOSE ARE ABNORMAL, THEN FOR EACH ABNORMALITY THERE ARE TEN MORE THINGS THAT YOU COULD THEN MOVE INTO, BUT THERE IS -- YOU KNOW, YOU CAN'T DO EVERY TEST AND EVERY PERSON OR YOU ESSENTIALLY

WOULD BE THERE FOR TWELVE HOURS.

Q I MEAN, THERE ARE SOME EXAMINATIONS THAT PERHAPS THE PRESIDENT OF THE UNITED STATES WOULD GET ON A YEARLY EXAMINATION OR HEADS OF OTHER STATES THAT MIGHT REQUIRE A HOSPITALIZATION AND A BATTERY OF TESTS OVER A PERIOD OF DAYS; ISN'T THAT CORRECT?

MR. KELBERG: OBJECTION, YOUR HONOR, LEADING, ARGUMENTATIVE AND IRRELEVANT.

THE COURT: IT IS, BUT I WILL ALLOW THE ANSWER BECAUSE IT WILL BE YES OR NO.

THE WITNESS: YES.

Q BY MR. SHAPIRO: OKAY.

SO THERE ARE LIMITATIONS WITHIN AN INITIAL EXAMINATION.

DID YOU FEEL THAT WITHIN THOSE LIMITATIONS A PROPER INITIAL EXAMINATION WAS DONE OF MR. SIMPSON?

A YES, I DID, IN ADDITION TO WHICH AGAIN DICTATING THE REPORT WOULD BE A LITTLE BIT UNUSUAL.

USUALLY YOU TAKE CRYPTIC NOTES AND JUST NOTING CERTAIN THINGS, SO THAT WOULD BE THE ONLY OTHER UNUSUAL THING ABOUT THIS EVALUATION.

Q NOW, IN DOING AN INITIAL EVALUATION, ARE THERE CERTAIN AREAS THAT YOU DO NOT GO INTO IN-DEPTH UNTIL YOU FIND PROBLEMS?

A YES.

Q AND IF YOU FIND PROBLEMS, IS IT THEN YOUR JOB TO SEE IF THE PERSON IS BEING TREATED BY SOMEBODY IN THOSE AREAS?

A YES.

Q DID YOU FIND -- FIRST LET ME ASK YOU:

WHEN PEOPLE SEE -- DO YOU HAVE PATIENTS THAT SEE ON YOU A ROUTINE BASIS?

A YES, I DO.

Q YOU ARE CALLED THEIR REGULAR DOCTOR?

A THAT IS CORRECT.

Q AND DO THEY COME IN FOR ANNUAL EXAMINATIONS?

A YES, THEY DO.

Q IN YOUR HISTORY DID YOU FIND OUT WHETHER O.J. SIMPSON HAD SUCH A DOCTOR IN THE LAST FIVE YEARS?

A I DID FIND THAT INFORMATION OUT.

Q AND WHAT WAS THAT INFORMATION?

A HE DOES NOT HAVE A REGULAR DOCTOR THAT HE SAW ON REGULAR BASIS FOR INTERNAL MEDICINE.

Q BUT DID HE HAVE SPECIALISTS THAT HE SAW?

A YES, HE DID.

Q NOW, YOU'VE TOLD US THAT YOU ARE -- IN RESPONSE TO A QUESTION BY MR. KELBERG, ARE YOU BOARD CERTIFIED IN EMERGENCY MEDICINE?

A NO, I AM NOT.

Q ARE YOU BOARD CERTIFIED IN ANY TYPE OF MEDICINE?

A INTERNAL MEDICINE.

Q AND THAT IS WHAT YOU PRACTICE?

A THAT'S CORRECT.

Q AND THAT IS THE REASON MR. SIMPSON SAW YOU?

A THAT IS CORRECT.

MR. KELBERG: OBJECTION, LEADING AND SUGGESTIVE AND CALLS FOR SPECULATION.

THE COURT: SUSTAINED.

REPHRASE THAT LAST QUESTION.

Q BY MR. SHAPIRO: DID MR. SIMPSON SEE YOU FOR SUTURES, ON AN EMERGENCY BASIS, OF HIS FINGER?

A NO, HE DID NOT.

Q WHAT DID YOU SEE YOU FOR?

A MR. SIMPSON SAW ME FOR AN ACUTE STRESS REACTION,
SITUATIONAL DEPRESSION, DIFFICULTY SLEEPING.

Q AND FROM THAT YOU TOOK A HISTORY?

A THAT IS CORRECT.

Q AND DID THAT LEAD YOU TO INVESTIGATE OTHER AREAS OF
HIS HEALTH DURING THAT HISTORY?

A YES, IT DID.

Q AND INVESTIGATING OTHER AREAS OF HIS HEALTH YOU HAVE
TOLD US THAT HE HAD A CONDITION AND A DISEASE KNOWN AS ARTHRITIS?

A THAT IS CORRECT.

Q NOW, YOU HAVE BEEN CROSS-EXAMINED FOR ABOUT TWO DAYS
BY MR. KELBERG ON ARTHRITIS?

A CORRECT.

Q ARE YOU A SPECIALIST IN ARTHRITIS?

A NO, I AM NOT.

Q IF MR. SIMPSON HAD NO OTHER DOCTOR AND YOU WERE THE
FIRST PERSON WHO SAW THIS CONDITION, WOULD YOU HAVE REFERRED HIM
TO SOMEONE ELSE?

A YES, I WOULD.

Q AND WHAT WOULD YOU HAVE REFERRED HIM FOR?

A ARTHRITIS.

Q AND YOU WOULD REFER HIM TO A SPECIALIST IN THAT AREA?

A THAT'S CORRECT.

Q AND REGARDING THE ORTHOPEDIC -- NOW, LET ME JUST ASK
YOU THIS:

WAS THERE -- AFTER THAT EXAMINATION FOR TWO DAYS IS
THERE ANY QUESTION IN YOUR MIND, AS OF JUNE 15TH, 1994, WHETHER
OR NOT O.J. SIMPSON SUFFERED FROM ARTHRITIS?

A NO, THERE IS NO QUESTION IN MY MIND.

Q HOW CERTAIN ARE YOU OF THAT?

A I AM A CERTAIN AS I CAN BE.

Q WOULD YOU SAY WITHIN A REASONABLE DEGREE OF MEDICAL
CERTAINTY?

A YES, I WOULD. YOU KNOW, THEY SAY SOMETHING, YOU
KNOW, IN MEDICINE, YOU KNOW, WHEN YOU STANDING IN MONTANA AND YOU
HEAR HOOF BEATS COMING BEHIND YOU, IT COULD BE ZEBRAS, BUT IT IS
HORSES, AND THAT IS WHAT YOU HAVE TO SEE.

AND IN HIS CASE HE HAD ABSOLUTELY WITHOUT QUESTION
MULTIPLE AREAS WHERE HE HAD ARTHRITIS.

Q IS THERE ANYTHING IN THE TWO DAYS OF EXAMINATION BY
MR. KELBERG GOING OVER ALL MINUTIA, ALL THE REPORTS --

MR. KELBERG: YOUR HONOR, I WILL OBJECT, ARGUMENTATIVE.

THE COURT: SUSTAINED. IT IS ARGUMENTATIVE.

REPHRASE THE QUESTION.

Q BY MR. SHAPIRO: IS THERE ANYTHING IN THE TWO DAYS OF
EXAMINATION OF MR. KELBERG ON THE ISSUE OF ARTHRITIS THAT CHANGES
YOUR OPINION AS TO WHETHER OR NOT ON JUNE 15TH MR. SIMPSON
SUFFERED FROM ARTHRITIS?

A NO.

Q DID YOU DO A PHYSICAL EXAMINATION OF THE JOINTS OF
MR. SIMPSON?

A YES, I DID.

Q AND DID YOU COME TO ANY CONCLUSIONS REGARDING HIS
ORTHOPEDIC CONDITION?

A HE HAD ABNORMAL JOINTS ON EXAMINATION.

Q IF MR. SIMPSON DID NOT HAVE A SPECIALIST IN
ORTHOPEDICS -- AN ORTHOPEDIST, WOULD YOU HAVE REFERRED HIM TO
ONE?

A YES, I WOULD HAVE.

Q ARE YOU FAMILIAR WITH THE NAME OF THE ORTHOPEDIST
THAT MR. SIMPSON WAS SEEING, DR. FRANK JOBE?

A YES, I AM.

Q WHAT IS HIS REPUTATION?

A HE IS BY REPUTATION ONE OF THE BEST SPORTS ORTHOPEDIC SURGEONS IN THE COUNTRY.

Q IF, AS A HYPOTHETICAL, THAT A DOCTOR OF DR. JOBE'S REPUTATION, EDUCATION AND EXPERIENCE, EVALUATED MR. SIMPSON AND REFERRED HIM TO A RHEUMATOLOGIST NAMED DR. BERTRAM MALTZ, WOULD YOU AS A DOCTOR, EXPECT YOUR PATIENT, MR. SIMPSON, TO FOLLOW THAT ADVICE AND GO SEE DR. MALTZ?

MR. KELBERG: OBJECTION, CALLS FOR SPECULATION.

THE COURT: OVERRULED.

THE WITNESS: YES, I WOULD.

Q BY MR. SHAPIRO: AND TO YOUR KNOWLEDGE WAS THAT DONE?

A YES, IT WAS.

Q WAS THAT DONE THREE AND A HALF YEARS AGO?

A YES, IT WAS.

Q AND TO YOUR KNOWLEDGE WAS MR. SIMPSON TREATED FOR THE LAST THREE AND A HALF YEARS FOR ARTHRITIS?

A YES, HE WAS.

Q AND DO YOU BELIEVE THAT THAT WAS TO SET UP SOME TYPE OF DEFENSE FOR A CRIME THAT WOULD BE COMMITTED FIVE YEARS OR FOUR YEARS LATER?

A I WOULD NOT BELIEVE THAT, NO.

Q DO YOU BELIEVE IT WAS SOME TYPE OF CHARADE TO FOOL DR. MALTZ THREE AND A HALF YEARS AGO THAT HE WAS SUFFERING FROM A CONDITION AND TREATED FOR A CONDITION THAT HE DIDN'T HAVE?

A NO.

Q DO YOU HAVE ANY DOUBT ABOUT THAT?

A NO.

Q YOU HAVE TOLD US THAT AS A TEAM DOCTOR MANY ATHLETES DON'T WANT TO ADMIT INJURIES BECAUSE THAT WOULD PREVENT THEM FROM PLAYING; IS THAT CORRECT?

A THAT'S CORRECT.

Q AND THAT WOULD BE YOUR JOB WHETHER OR NOT SOMEBODY WAS CAPABLE OF PLAYING OR NOT; ISN'T THAT TRUE?

A IF IT WAS ON A NON-ORTHOPEDIC NON-JOINT PROBLEM, YES.

Q SO YOU ARE USED TO PEOPLE NOT GIVING YOU A COMPLETE ACCURATE HISTORY; IS THAT CORRECT?

A YES, I AM.

Q AND WOULD YOU SAY YOU MAY BE MORE USED TO THAT THAN ORDINARY DOCTORS WHO PRACTICE INTERNAL MEDICINE BECAUSE OF YOUR EXPERIENCE IN THE NFL?

MR. KELBERG: OBJECTION, CALLS FOR SPECULATION.

THE COURT: OVERRULED.

THE WITNESS: I BELIEVE THAT IS AN ACCURATE STATEMENT.

Q BY MR. SHAPIRO: AND YOUR EXPERIENCE IN THE NFL AS AN INTERNIST, HOW MANY OTHER DOCTORS WERE ACTING IN A PROFESSIONAL CAPACITY ADVISING TEAMS IN THE NATIONAL FOOTBALL LEAGUE WHEN YOU WERE INVOLVED?

A THERE WERE SOMEWHERE IN THE SEVENTY TO EIGHTY RANGE IN TERMS OF DOCTORS THAT WERE AFFILIATED WITH THE 28 PROFESSIONAL NFL FOOTBALL TEAMS.

Q AND IS THERE AN ORGANIZATION OF THOSE DOCTORS -- WAS THERE AN ORGANIZATION OF DOCTORS?

A YES, THERE IS.

Q AND DID YOU MAINTAIN ANY POSITION WITHIN THAT ORGANIZATION?

A YES, I DID.

Q WHAT POSITION DID YOU MAINTAIN?

A IN 1987 I WAS ELECTED VICE-PRESIDENT, PRESIDENT-ELECT AND WAS PRESIDENT OF THE NFL PHYSICIAN'S SOCIETY FROM 1989 TO

1991.

Q NOW, MR. KELBERG WENT THROUGH PART OF YOUR CURRICULUM THAT I DID NOT BRING UP AND THAT WAS THINGS THAT YOU HAVE DONE ON TELEVISION AND ON RADIO?

A CORRECT.

Q WERE YOU SELECTED TO APPEAR IN CERTAIN VENUES ON RADIO AND TELEVISION BECAUSE OF YOUR EXPERTISE?

MR. KELBERG: OBJECTION, YOUR HONOR, CALLS FOR SPECULATION AND HEARSAY.

THE COURT: SUSTAINED.

REPHRASE THE QUESTION.

Q BY MR. SHAPIRO: DO YOU KNOW WHY YOU WERE SELECTED TO APPEAR ON CERTAIN RADIO AND TELEVISION SHOWS?

A I BELIEVE SO.

Q AND WHAT IS YOUR BELIEF?

MR. KELBERG: SAME OBJECTION, YOUR HONOR.

THE COURT: SUSTAINED.

Q BY MR. SHAPIRO: WHAT AREAS DID YOU DISCUSS ON RADIO AND TELEVISION?

A TYPICALLY ISSUES REVOLVING AROUND MEDICINE AND SPORTS.

Q AND IS THAT SOMETHING THAT YOU ALSO BELIEVE YOU HAVE AN EXPERTISE IN?

A I BELIEVE I DO.

Q AND YOU HAVE TOLD THAT TO THE JURY, WHAT YOUR EXPERIENCE IS?

A YES, I HAVE.

Q AND WERE THERE ANY OTHER AREAS THAT YOU TALKED ABOUT PERIODICALLY IN THE MEDIA?

A IN THE RECENT YEARS IT HAS BEEN ESSENTIALLY ALL SPORTS AS IT CONTAINS MEDICINE.

Q ANYTHING IN THE PAST THAT YOU TALKED ABOUT ON RADIO OR TELEVISION?

A IN THE PAST I HAVE BEEN HIRED BY SEVERAL SHOWS TO GO ON FOR A TWO OR THREE-MINUTE BLURB TO TALK ABOUT GENERAL MEDICAL ISSUES ON A REVOLVING BASIS.

Q WOULD YOU SAY THAT SUBSTANTIALLY ALMOST ALL OF YOUR INCOME COME FROM YOUR PRIVATE PRACTICE OF MEDICINE, NOT FROM TALKING ON RADIO OR TELEVISION?

A THAT'S CORRECT.

Q AND NOT FROM WRITING A BOOK?

A THAT IS CORRECT.

Q IN FACT, WERE PEOPLE HIGHLY CRITICAL IN THE FOOTBALL LEAGUE OF THE BOOK THAT YOU WROTE?

A ACTUALLY NOT. I THINK THAT ON ONE TEAM THEY WERE CRITICAL.

Q WHAT TEAM WAS THAT?

A THE LOS ANGELES RAIDERS.

Q WHY WERE THEY CRITICAL?

MR. KELBERG: OBJECTION. CALLS FOR HEARSAY, LACK OF FOUNDATION AND SPECULATION.

THE COURT: SUSTAINED.

I THINK THE JURY CAN FIGURE THAT OUT.

MR. SHAPIRO: WELL, MAYBE THEY DON'T KNOW MR. DAVIS, YOUR HONOR.

THE COURT: THEY CAN FIGURE IT OUT.

MR. SHAPIRO: THANK YOU.

THE COURT: ALL RIGHT. THEY ARE ALL NODDING, YES, THEY'VE FIGURED IT OUT.

Q BY MR. SHAPIRO: NOW, MR. KELBERG MADE A BIG ISSUE AND WAVED THIS --

MR. KELBERG: YOUR HONOR, I WILL OBJECT, ARGUMENTATIVE.
THE COURT: SUSTAINED.

REPHRASE THE QUESTION.

Q BY MR. SHAPIRO: MR. KELBERG SHOWED YOU A LETTER THAT IS DATED FEBRUARY 5TH, 1995 -- MAY I SHOW THIS TO THE WITNESS WHICH HAD POST-IT OVER IT AND THAT POST-IT WAS A QUESTION TO MY COLLEAGUE, MR. CARL DOUGLAS; IS THAT CORRECT?

A THAT'S CORRECT.

Q NOW, DID YOU SEND THAT LETTER TO MYSELF AND MR. DOUGLAS?

A YES, I DID.

Q WITH THE POST-IT?

A YES, I DID.

Q AND AS PART OF DISCOVERY WERE YOU AWARE THAT WE TURNED THAT LETTER OVER TO MR. KELBERG?

A I HAD NO IDEA WHAT YOUR DISCOVERY PROCESSES ARE.

Q BUT HE HAD THE SAME COPY OF THE LETTER THAT WE HAD, DIDN'T HE?

A YES, HE DID.

Q AND HE HAD THE SAME POST-IT ON IT?

A YES, HE DID.

Q YOU WEREN'T TRYING TO HIDE ANYTHING FROM THE JURY ABOUT THAT, WERE YOU?

A NO, I WASN'T.

Q AND DID YOU DEMONSTRATE SOME CONCERN ABOUT NOT BEING ABLE TO FIND THAT IN YOUR FILE WHEN MR. KELBERG ASKED YOU ABOUT THAT YESTERDAY?

A YES, I DID.

Q AND WHAT DID YOU DO IN THAT REGARD?

A I HAD REVIEWED MY CHART ON THAT LATE THURSDAY NIGHT WHEN I -- AFTER TALKING TO YOU, AND I REMEMBERED THAT IT WASN'T IN THE PART OF MY NOTES THAT I REVIEWED, BUT IN FACT IT WAS MISFILED IN A DIFFERENT PART OF THIS CHART HERE, HADN'T SEEN IT.

Q DID YOU TAKE TIME ON YOUR OWN TO TRY TO FIND THAT?

A YES, I DID, LAST NIGHT.

Q DID ANYBODY ASK YOU TO DO THAT?

A NO, THEY DIDN'T.

Q AND DID YOU FIND THAT?

A YES, I DID.

Q AND DID YOU GIVE TO IT MR. KELBERG THIS MORNING?

A YES, I DID.

Q AND IS THAT THE SAME COPY OF THE LETTER THAT MR. KELBERG ALREADY HAD?

A YES, IT IS.

Q HAD YOU EVER BEEN ASKED BY A CRIMINAL LAWYER BEFORE TO WRITE A SUMMARY OF YOUR FINDINGS SO THAT THEY COULD BE TURNED OVER IN A PROCEDURE WE CALL DISCOVERY?

A NO, I HAD NEVER PARTICIPATED IN THAT.

Q WERE YOU ASKED TO DO THAT?

A YES, I WAS.

Q WAS IT A TRUTHFUL SUMMARY OF YOUR FINDINGS THAT YOU WROTE TO MR. DOUGLAS?

A YES, IT WAS ABSOLUTELY TRUTHFUL.

Q WHY DID YOU ASK THAT QUESTION IS THIS LETTER?

A I HAD NO IDEA HOW LONG HE WANTED THE SUMMARY TO BE, WHETHER HE WANTED IT A HALF A PAGE OR FIVE PAGES. I MADE IT ONE PAGE AND I WASN'T SURE WHETHER THAT WAS THE TYPE OF IN-DEPTH PRESENTATION OF THE PROBLEMS THAT HE FELT WAS APPROPRIATE, GIVEN THE REPORT HE WANTED ME TO GENERATE.

Q YOUR QUESTION HAD NOTHING TO DO WITH ACCURACY OR INTEGRITY OF THE REPORT, BUT MORE THE FORM OF THE REPORT?

A THAT'S CORRECT.

Q WHAT WE WOULD CALL FORM OVER SUBSTANCE?

MR. KELBERG: OBJECTION AS ARGUMENTATIVE AND LEADING AND SUGGESTIVE.

THE COURT: SUSTAINED.

Q BY MR. SHAPIRO: YOU HAVE NEVER DONE ANY TYPE OF REPORT LIKE THAT BEFORE, HAVE YOU?

A NO, I HAVE NOT.

Q HAVE YOU EVER DONE ANY SINCE?

A NO, I HAVE NOT.

Q AND THAT IS NOT SOMETHING YOU DO WHEN YOU DO YOUR PATIENT EVALUATION THE WAY YOU DID FOR MR. SIMPSON IN THE ORDINARY COURSE OF YOUR PRACTICE; ISN'T THAT CORRECT?

A THAT'S CORRECT.

Q NOW, IN EXAMINING MR. SIMPSON, YOU TOLD US THAT YOU DIAGNOSED A LYMPH NODE UNDER HIS ARMPIT?

A THAT IS CORRECT.

Q DID THAT CONCERN YOU AS A DOCTOR?

A VERY MUCH SO.

Q WHY DID THAT CONCERN YOU?

A BECAUSE GIVEN THE WHOLE CONSTELLATION OF HIS COMPLAINTS, I WAS CONCERNED THAT THAT COULD INDICATE SOME SORT OF INFECTION, CANCER OR OTHER ACUTE PROCESS THAT NEEDED TO BE RESOLVED IN THE MIDDLE OF EVERYTHING ELSE THAT WAS GOING ON.

AND IT PRESENTED MANY MEDICAL, AS WELL AS ORGANIZATIONAL PROBLEMS TO PROPERLY TREAT THAT PROBLEM.

WHEN YOU SEE AN ORDINARY PATIENT, YOU DON'T HAVE THE PRESSURES THAT WERE FACED IN THIS CASE IN TERMS OF TIME, AVAILABILITY OF THE PATIENT AND OTHER ISSUES.

Q WERE YOU LATER ADVISED THAT MR. SIMPSON WAS GOING TO BE CHARGED WITH A CRIME?

A YES, I WAS.

Q AND DID THAT HAVE ANY EFFECT ON SPEEDING UP YOUR NEXT EXAMINATION OF MR. SIMPSON?

A YES, IT DID.

Q WHAT EFFECT DID THAT HAVE?

A WELL, WE NEEDED TO GET IN AND DRAW MORE BLOOD TESTS AND PUT SKIN TESTS ON TO EVALUATE SOME OF THE POSSIBILITIES FOR THAT ABNORMAL LYMPH NODE.

Q THAT WASN'T TO PREPARE ANY TYPE OF DEFENSE IN THIS CASE, WAS IT?

A NONE WHATSOEVER.

Q THAT WAS BECAUSE YOU WERE TOLD THAT MR. SIMPSON WOULD BE GOING TO JAIL?

A THAT'S CORRECT.

Q AND IN YOUR EXPERIENCE IN THIS CASE, HAVE YOU FOUND IT IS MORE DIFFICULT TO TREAT A PATIENT IN JAIL?

A IT IS MORE DIFFICULT TO TREAT A PATIENT IN JAIL THAN IN THE USUAL BEVERLY HILLS SETTING.

Q AND DID YOU CONTINUE YOUR TREATMENT OF MR. SIMPSON FOR THIS LYMPH NODE?

A YES, I DID.

Q TELL THE JURY WHAT YOU DID REGARDING THAT.

A WELL, IT WAS A VERY DIFFICULT SITUATION BECAUSE I WAS TOLD WHEN HE WENT INTO JAIL THAT THE ADMITTING DOCTOR WHO EXAMINED HIM SAID HE DIDN'T HAVE A LYMPH NODE.

MR. KELBERG: OBJECTION, YOUR HONOR. I WILL MOVE TO STRIKE AS NONRESPONSIVE.

THE QUESTION IS WHAT DID HE DO.

THE COURT: YES. WHAT DID YOU DO?

Q BY MR. SHAPIRO: WHAT DID YOU DO TO FOLLOW UP ON THAT

LYMPH NODE, IF ANYTHING?

A FOLLOWED UP ON THE BLOOD TEST AND TRIED TO GAIN ACCESS INTO THE HOSPITAL SO THAT I COULD HAVE A CANCER SPECIALIST EVALUATE THE PATIENT.

Q SO THIS ISN'T -- IS NOT SOMETHING YOU DID ON YOUR OWN, BUT YOU AGAIN WENT TO A SUB-SPECIALIST?

A THAT IS CORRECT, AFTER INITIALLY GOING TO AN INFECTIOUS DISEASE SPECIALIST WITH THE INITIAL BATCH OF RESULTS, AND FEELING THAT THAT PROBABLY WASN'T OUR FIRST LINE OF ATTACK.

Q DID YOU ALSO CONSULT WITH THE JAIL PHYSICIAN?

A YES, I DID.

Q ON THIS VERY ISSUE?

A YES, I DID.

Q AND WAS THERE A DIFFERENCE OF OPINION BETWEEN YOURSELF AND THE JAIL PHYSICIAN?

A YES, THERE WAS.

MR. KELBERG: OBJECT AS CALLING FOR HEARSAY, LACK OF FOUNDATION.

THE COURT: OVERRULED.

Q BY MR. SHAPIRO: AND HOW DID THAT OPINION DIFFER?

A THAT OPINION DIFFERED BECAUSE I WAS TOLD THE DOCTOR THAT EVALUATED HIM ON THE NIGHT HE WENT INTO THE HOSPITAL FELT THERE WAS NO LYMPH NODE.

Q AND YOU BELIEVED THERE WAS?

A AND I HAD BELIEVED THAT THERE WAS, CORRECT.

Q TELL THE JURY WHAT YOU HAD TO DO TO FOLLOW UP ON THIS AND WHAT STEPS YOU HAD TO GO THROUGH TO PROPERLY TREAT MR. SIMPSON?

THE COURT: THAT IS NOT PARTICULARLY RELEVANT.

WHAT HE ACTUALLY DID, WHAT TREATMENT HE GOT IS RELEVANT.

Q BY MR. SHAPIRO: WOULD YOU ANSWER THE JUDGE'S QUESTION, WHAT YOU ACTUALLY DID AND WHAT TREATMENT HE GOT?

THE COURT: WHAT KIND OF TESTING DID YOU ARRANGE FOR AND WHERE AND WHEN?

THE WITNESS: AFTER INITIALLY GOING THROUGH ALL HIS FIRST BATCH OF TESTS WITH AN INFECTIOUS DISEASE SPECIALIST INFORMALLY, SINCE IT WAS VERY DIFFICULT TO GAIN ACCESS INTO THE JAIL, I MADE ARRANGEMENTS FIRST TO GET MYSELF BACK IN THE JAIL TO TRY TO ASSESS HIS LYMPH NODE AS WELL AS OTHER CONTINUING PROBLEMS WITH THE NIGHT SWEATS.

AND THEN WHEN I ASCERTAINED THAT THE LYMPH NODE WAS IN FACT STILL THERE, OVER A PERIOD OF TIME ARRANGED TO HAVE A CANCER SPECIALIST GET ADMITTANCE INTO THE JAIL AND FEEL THE LYMPH NODE TO FEEL WHETHER HE FELT IT WAS A BENIGN NODE OR A PATHOLOGICAL NODE BASED ON HIS EXAMINATION.

Q BY MR. SHAPIRO: AND WHAT TOOK PLACE AFTER THAT?

A WELL, DR. GREG SARNUS SAW HIM IN THE JAIL AND FELT THAT THERE WAS, GIVEN HIS HISTORY AND PHYSICAL EXAMINATION THAT HE CONDUCTED IN THE JAIL INFIRMARY, THAT THERE WAS UP TO A TEN PERCENT CHANCE THAT GIVEN THIS HISTORY AND PHYSICAL CONDITION, HE HAD SOMETHING IN THE RANGE OF A HODGKIN'S TYPE CANCER AND A NINETY PERCENT CHANCE THAT IT WAS SOME OTHER BENIGN OR INFECTIOUS DISEASE.

Q AND WHAT WAS THE RECOMMENDATION THAT WAS MADE BASED ON THIS EVALUATION?

A THE RECOMMENDATION MADE WAS TO HAVE HIM HOSPITALIZED AND TO EXCISE THIS INDEX RIGHT AXILLARY NODE.

Q WAS THAT DONE?

A YES, IT WAS.

Q AND DID THE NODE IN FACT EXIST?

A YES, IT DID.

Q THE JAIL DOCTOR WAS WRONG?

A THE INITIAL ADMITTING JAIL PHYSICIAN WAS INCORRECT IN HIS INITIAL ASSESSMENT.

Q DID THIS HAVE ANYTHING WHATSOEVER TO DO WITH THE DEFENSE OF O.J. SIMPSON IN THIS CASE?

A NONE WHATSOEVER.

Q DID YOU DO ANY FURTHER STUDIES RELATING TO ANY ISSUES REGARDING THE DEFENSE OF O.J. SIMPSON IN THIS CASE?

A THE ONLY OTHER ISSUES THAT I DID WERE ON THE EVALUATION OF THE CANCER ON THE 17TH.

I DREW EXTRA BLOOD RELATING TO HIS HEMATOLOGIC STATUS, WHETHER OR NOT HE HAD ANY PROCLIVITY TO BLEED OR CLOT MORE QUICKLY THAN THE NORMAL, AT THE REQUEST OF DR. BADEN.

Q AND WHAT WAS THE RESULT OF THAT?

A THE RESULT OF THAT WAS THAT IT APPEARED LIKELY -- COAGULATION STUDIES WERE NORMAL, ALTHOUGH THERE ARE A COUPLE VERY ESOTERIC TESTS THAT WERE BORDERLINE AND SUGGESTED A POSSIBILITY OF A VERY MINOR TENDENCY TO BLEED MORE THAN A -- WHAT WOULD BE CONSIDERED NORMAL.

Q AND DR. BADEN IS A FORENSIC PATHOLOGIST?

A YES, HE IS.

Q AND HIS JOB IS -- DO YOU KNOW WHAT HIS JOB IS?

A (NO AUDIBLE RESPONSE.)

Q DO YOU KNOW WHAT HE DOES FOR A LIVING?

A HE IS A FORENSIC PATHOLOGIST, TO MY UNDERSTANDING.

Q AND HE DOES AUTOPSIES FOR THE STATE OF NEW YORK?

A THAT WAS MY UNDERSTANDING, RIGHT.

Q HAVE YOU EVER DONE AN AUTOPSY?

A I HAVE --

Q OUTSIDE OF MEDICAL SCHOOL?

A NO, I HAVE NOT. WE HAVE WATCHED LIMITED AUTOPSIES AS PART OF A TEACHING PROCESS IN THE HOSPITAL, OCCASIONALLY PATIENTS THAT EXPIRE IN THE TEACHING SITUATION IN THE HOSPITAL, WE WILL GO DOWN AND HAVE EARLY MORNING AUTOPSY VIEWINGS AND DISCUSSIONS OF ORGANS.

Q YOU DIDN'T DO AN AUTOPSY OF THE DECEDENTS IN THIS CASE?

A NO, I DID NOT.

Q YOU DIDN'T SEE ANY PHOTOGRAPHS OF THE DECEDENTS IN THIS CASE?

A NO, I DID NOT.

Q DID THIS HAVE ANYTHING TO DO WITH YOUR EXAMINATION OF O.J. SIMPSON?

A IT DID NOT.

Q HAVE YOU EVER BEEN ASKED TO GIVE AN OPINION OF A DECEDENT'S INJURIES ON A HAND THE WAY MR. KELBERG ASKED YOU TO?

A NO, I NEVER HAVE.

Q WAS THAT YOUR PURPOSE IN COMING HERE, TO GIVE AN OPINION ON THE INJURIES OF A DECEDENT?

A NO, IT WASN'T.

Q DID YOU GO TO THE CRIME SCENE IN THIS CASE?

A NO, I HAVE NOT.

Q DID YOU TALK TO CRIMINALISTS IN THIS CASE?

A NO, I HAVE NOT.

Q THAT IS NOT YOUR FUNCTION, IS IT?

A NO, IT IS NOT.

Q BEFORE YOU WERE ASKED THESE QUESTIONS, OTHER THAN ON GENERAL KNOWLEDGE, DID YOU HAVE ANY SPECIFIC KNOWLEDGE AS TO HOW THESE MURDERS TOOK PLACE?

A NONE WHATSOEVER.

Q LET ME ASK YOU A GENERAL QUESTION:
DESCRIBE TO THE LADIES AND GENTLEMEN OF THE JURY THE
BASIC RANGE OF PATIENTS YOU SEE BY AGE.

A WELL, WE PROBABLY SEE INDIVIDUALS ALL THE WAY FROM 15
UP TO I THINK MY OLDEST PATIENT IS 101, 102.

Q EXCLUDING THE YOUNG AND THE VERY OLD AND THE
INFIRMED, IS THERE ANY PATIENT THAT YOU TREAT THAT WOULD NOT BE
CAPABLE OF HANDLING A KNIFE?

A I REALLY DON'T BELIEVE THAT THERE IS. I THINK ALL OF
THEM COULD.

Q IS THERE ANY PATIENT THAT YOU TREAT THAT WOULD NOT BE
CAPABLE OF CUTTING SOMEONE WITH A KNIFE?

A NO, NOT UNLESS THEY HAD A FRACTURE ON THAT ARM OR
SOME TYPE OF OBVIOUS DEFORMITY.

Q AND WOULD YOU GIVE THE SAME ANSWER TO THE GENERAL
POPULATION OF SOUTHERN CALIFORNIA WITH THE EXCLUSION OF THE
YOUNG, THE OLD AND THE INFIRMED?

A I THINK THAT WOULD BE A FAIR STATEMENT.

Q YOU SAW THE VIDEO HERE, OBVIOUSLY?

A YES, I DID.

Q AND THAT IS ONLY PART OF THE VIDEO, ISN'T IT?

A THAT IS TRUE.

Q YOU SAW A COMPLETE VIDEO THAT WE SHOWED YOU; IS THAT
CORRECT?

A THAT'S CORRECT.

Q AND IN THAT COMPLETE VIDEO IT SHOWS MR. SIMPSON
DRINKING LOTS OF WATER?

A (NO AUDIBLE RESPONSE.)

Q DOES IT NOT?

A THAT IS TRUE.

Q AND IT SHOWS MR. SIMPSON TALKING ABOUT FLIGHTS ON
AIRPLANES?

A THAT'S TRUE.

Q AND JET LAG?

A THAT IS TRUE.

Q COULD YOU -- DO YOU RECOMMEND FOR YOUR PATIENTS,
BETWEEN THE AGES OF 15 AND 101, ANY TYPE OF PHYSICAL EXERCISE?

A I RECOMMEND PHYSICAL EXERCISE TO ALL MY PATIENTS.

Q WHY?

A BECAUSE I THINK IT IS VERY GOOD FOR YOUR HEALTH.

Q AND ARE THERE DIFFERENT LEVELS OF PHYSICAL EXERCISE
THAT YOU RECOMMEND?

A ABSOLUTELY.

Q AND WHAT DO THEY RANGE FROM?

A WELL, THEY RANGE FROM BASICALLY IN THE CASE OF MY 101
YEAR OLD PATIENT, TELL HER TO WALK AROUND HER HOUSE ON HER WALKER
ON A DAILY BASIS, TO DISCUSSING WORKOUT PLANS WITH PROFESSIONAL
ATHLETES.

Q REGARDING THE VIDEO THAT YOU JUST SAW, WOULD YOU
RECOMMEND THAT TO ANY PARTICULAR AGE GROUP OF PATIENTS YOU HAVE?

A I THINK THAT THAT IS A VERY LOW IMPACT AND IT IS A
RELATIVELY STRAIGHTFORWARD AEROBICALLY, AND SO THAT SORT OF LEVEL
OF EXERCISE WOULD PROBABLY BE MORE APPROPRIATE FOR VERY HEALTHY
INDIVIDUALS, MAYBE ALL THE WAY UP TO, YOU KNOW, BOTH MEN AND
WOMEN, ASSUMING THAT YOU DID KIND OF KNEE PUSH-UPS, ALL THE WAY
IN THE MID-SEVENTIES OR HIGHER CERTAINLY SHOULD BE ABLE TO DO
WHAT WE SAW ON THAT TAPE.

Q THE ACTUAL PUSH-UPS WOULD TAKE ADDITIONAL SHOULDER
STRENGTH?

A I THINK ADDITIONAL PEC STRENGTH, YOU KNOW, IF WE
EXPECTED PEOPLE OF THAT AGE TO DO PUSH-UPS.

Q I NOTICED YOU TAKING SOME NOTES DURING THE PLAYING OF THE VIDEO. DID YOU NOTICE ANY BREAKS WITHIN THAT VIDEO?

A YES, I DID.

Q AND WOULD YOU DESCRIBE THOSE TO THE JURY AS TO WHAT AFFECT THAT WOULD HAVE ON SOMEBODY DOING THE MOVEMENTS IN THAT VIDEO?

A WELL, OBVIOUSLY WHEN YOU TAKE A BREAK, YOU KNOW, YOU RECHARGE YOUR BATTERIES IN TERMS OF YOUR AEROBIC MECHANISM AND YOUR HEART RATE IS GOING TO COME WAY DOWN AND SO YOU ARE NOT GOING TO -- YOU KNOW, LIKE RUNNING A TREADMILL, YOU ARE NOT GOING TO POOP OUT WHEN YOU HAVE THOSE REST PERIODS IN TERMS OF THE MOVEMENT.

FOR CERTAIN TYPES OF ARTHRITIS, ACTUALLY MOVING MAY HELP LIMBER THE JOINTS. CERTAINLY OSTEOARTHRITIS, YOU KNOW, SOMETIMES AFTER MOVING SOMEWHAT, YOU CAN WARM UP THE JOINT A LITTLE BIT.

Q NOW, MR. KELBERG SPENT A LOT OF TIME TALKING TO YOU ABOUT YOUR --

MR. KELBERG: YOUR HONOR, I WILL OBJECT AGAIN AS ARGUMENTATIVE.

THE COURT: SUSTAINED.

REPHRASE THE QUESTION.

Q BY MR. SHAPIRO: ASKED A LOT OF QUESTIONS -- IS THAT OKAY?

ASKED YOU QUESTIONS ABOUT PROFESSIONAL FOOTBALL PLAYERS?

A CORRECT.

Q DO YOU KNOW WHEN THE LAST TIME MR. SIMPSON PLAYED IN A PROFESSIONAL FOOTBALL GAME WAS?

A I ASSUME IT WAS SOMEWHERE AROUND 1980.

Q ABOUT FIFTEEN YEARS AGO?

A THAT'S CORRECT.

Q AS SOMEBODY WHO IS FAMILIAR WITH SPORTS, ARE YOU FAMILIAR WITH THE OLDTIMERS BASEBALL GAME?

A I'VE HEARD IT MENTIONED. I HAVE NEVER SEEN THAT.

Q HAVE YOU EVER HEARD OF AN OLDTIMERS FOOTBALL GAME?

A NO, I DO NOT.

Q DO YOU KNOW WHY THEY DON'T HAVE ONE?

A BECAUSE THEY ARE ALL IN AN ORTHOPEDIST'S OFFICE.

Q REGARDING YOUR EXPERIENCE WITH PROFESSIONAL FOOTBALL PLAYERS, ARE THERE POSITIONS KNOWN AS SKILLED POSITIONS?

A YES, THERE ARE.

Q AND WHAT DOES THAT REFER TO?

A A SKILLED POSITION IS SOMETHING IN TERMS OF A WIDE RECEIVER, QUARTERBACK, RUNNING BACK.

Q MR. SIMPSON WAS A RUNNING BACK?

A YES, HE WAS.

Q HE WOULD QUALIFY IN A SKILLED POSITION?

A THAT'S CORRECT.

Q AND IN YOUR EXPERIENCE DO PLAYERS IN SKILLED POSITIONS HAVE TO BE MAD TO PLAY FOOTBALL?

A NO, THEY DON'T.

Q DO THEY HAVE TO BE ANGRY TO PLAY FOOTBALL?

A NO, THEY DON'T.

Q ARE YOU AWARE THAT MR. SIMPSON, THROUGH HIS FOUR YEARS OF COLLEGE AND FIFTEEN YEARS IN THE NFL, CARRIED THE BALL MORE TIMES THAN ANY OTHER RUNNER IN THAT PERIOD OF HISTORY?

A THAT IS WHAT I UNDERSTAND, RIGHT.

Q AND WAS HIS JOB TO TACKLE PEOPLE?

A NO, IT WASN'T.

Q WAS HIS JOB TO BLOCK PEOPLE?

A NO, IT WASN'T.

Q WAS HIS JOB TO TRY TO RUN AWAY FROM PEOPLE AND SCORE A TOUCHDOWN?

A THAT'S CORRECT.

Q AND IF HE DIDN'T SCORE A TOUCHDOWN WHAT WOULD HAPPEN TO HIM WHEN HE WAS CARRYING THE BALL?

A HE WOULD GET HIT FROM VARIOUS ANGLES.

Q AND IF HE CARRIED THE BALL MORE THAN ANY OTHER PLAYER IN THE HISTORY OF THE NFL, UP UNTIL THAT PERIOD OF TIME, AND IN COLLEGE UP UNTIL THAT PERIOD OF TIME, WOULD YOU SAY THEN HE WAS HIT MORE THAN ANY OTHER PLAYER?

MR. KELBERG: OBJECTION. THAT WOULD CALL FOR SPECULATION.

THE COURT: OVERRULED.

THE WITNESS: HE WOULD BE HIT CERTAINLY WHILE PLAYING GAMES MORE, AND YOU KNOW, PRACTICES WOULD CERTAINLY ADD TO THAT TOLL.

Q BY MR. SHAPIRO: WHAT IS THE EFFECT ON A RUNNING BACK CARRYING A FOOTBALL, BEING HIT BY ONE OR MORE OTHER PLAYERS IN A TACKLE?

MR. KELBERG: OBJECTION, IRRELEVANT IN THE ABSTRACT.

THE COURT: OVERRULED.

THE WITNESS: WHEN YOU GET HIT, IN TERMS OF THE JOINTS, YOU MAY OCCASIONALLY DAMAGE LIGAMENTS AND BONY STRUCTURES.

Q BY MR. SHAPIRO: AND IS THAT SOMETHING THAT YOU WOULD EXPECT TO FIND IN A RETIRED RUNNING BACK?

A THAT IS SOMETHING THAT MAY OCCUR IN A RETIRED RUNNING BACK, SURE.

Q WAS MR. SIMPSON THE TYPE OF PLAYER WHO HAD THE REPUTATION OF BEING A FRIENDLY FOOTBALL PLAYER?

A I THINK THAT IS A CORRECT STATEMENT.

Q ARE YOU AWARE THAT IN THE FIFTEEN YEARS THAT HE PLAYED FOOTBALL HE WAS ONLY INVOLVED IN ONE FIGHT?

MR. KELBERG: OBJECTION, YOUR HONOR. THAT ASSUMES FACTS NOT IN EVIDENCE.

THE COURT: SUSTAINED.

MR. SHAPIRO: I CAN MAKE AN OFFER OF PROOF, YOUR HONOR.

Q ARE YOU AWARE THAT FOOTBALL PLAYERS WOULD PICK HIM UP AFTER HE WAS TACKLED?

MR. KELBERG: SAME OBJECTION, YOUR HONOR.

THE COURT: OVERRULED.

THE COURT: YOU CAN ANSWER THAT QUESTION.

THE WITNESS: YES, I BELIEVE THAT IS ALSO CORRECT.

Q BY MR. SHAPIRO: IN FACT, THAT HAPPENED WHEN UCLA PLAYED USC, DIDN'T IT?

A (NO AUDIBLE RESPONSE.)

Q HE WAS A FRIENDLY SORT --

MR. KELBERG: I DIDN'T HEAR AN ANSWER, I'M SORRY, TO THE LAST QUESTION.

THE COURT: THEY DIDN'T HAVE TO PICK HIM UP.

NEXT QUESTION.

Q BY MR. SHAPIRO: HE WAS NOT THE TYPE OF PLAYER THAT WOULD PLAY WITH ANGER --

A I DON'T BELIEVE --

Q -- IN YOUR OPINION?

A IN MY OPINION THAT IS CORRECT.

Q ABOUT THIS -- THIS TYPE OF ADRENALINE RUSH, WOULD THAT BE THE SAME FOR ANYONE WHO IS IN AN EMERGENCY SITUATION?

A THAT'S CORRECT.

Q THAT IS HUMAN BEHAVIOR? THAT IS NOT LIMITED TO FOOTBALL PLAYERS, IS IT?

A THAT IS CORRECT.

Q AND IN FACT YOU TALKED ABOUT THE FEAR SYNDROME.

WOULD YOU SAY THAT ADRENALINE REACTION WOULD BE THE SAME IF SOMEBODY WAS BEING ATTACKED BY MORE THAN ONE PERSON WITH A KNIFE?

A THAT IS CORRECT.

Q AND WOULD THAT CAUSE THEM TO FIGHT BACK?

A I WOULD CERTAINLY EXPECT THAT.

Q AND WOULD YOU EXPECT THAT THEY MIGHT FIGHT BACK WITH MORE STRENGTH THAN THEY ORDINARILY WOULD HAVE?

MR. KELBERG: YOUR HONOR, I WILL OBJECT, OUTSIDE THE FIELD OF EXPERTISE. HE SAID HE IS NOT A FORENSIC PATHOLOGIST.

THE COURT: OVERRULED.

THE WITNESS: THAT IS A VERY LOGICAL ASSUMPTION TO ME.

Q BY MR. SHAPIRO: YOU WERE ASKED A HYPOTHETICAL QUESTION BY MR. KELBERG AND HE LISTED A SERIES OF TEN WITNESSES AND HE SAID IF SOME OF THESE WITNESSES OR ONE OF THESE WITNESSES DID NOT SEE MR. SIMPSON LIMPING.

DO YOU REMEMBER THAT QUESTION?

A CORRECT.

Q LET ME ASK YOU ANOTHER HYPOTHETICAL.

IF AN INDIVIDUAL BY THE NAME OF JIM MC KAY CAME TO THIS COURT AND TESTIFIED THAT HE HAD NEVER MET O.J. SIMPSON BEFORE AND ON JUNE THE 8TH OF 1994 HE PLAYED GOLF WITH HIM, AND AS A COMPLETE STRANGER HE OBSERVED MR. SIMPSON TO BE LIMPING, WOULD THAT CONFIRM THE CONCLUSIONS YOU REACHED ON JUNE THE 15TH?

A THAT WOULD CERTAINLY CORROBORATE WHAT I SAW ON THE 15TH.

Q AND DO YOU BELIEVE THAT AS A DOCTOR WITH A TRAINED EYE YOU MIGHT BE ABLE TO DETECT SOMETHING THAT A LAY PERSON WOULD CALL A LIMP MORE EASILY THAN A LAY PERSON WHO IS NOT TRAINED WITH YOUR BACKGROUND, EXPERIENCE AND EDUCATION?

A YES.

Q YOU TALKED -- YOU WERE ASKED QUESTIONS ABOUT A DOCTOR MARTEL AND X-RAYS OF THE ELBOW?

A THAT IS CORRECT.

Q DID YOU REVIEW ANY OTHER X-RAYS THAT MR. KELBERG DIDN'T ASK YOU ABOUT FROM DR. MARTEL?

A I DID NOT REVIEW THOSE PARTICULAR X-RAYS. I --

Q GO AHEAD. I'M SORRY.

A I GOT SENT A COPY OF DR. MARTEL'S FINDINGS.

Q THERE WERE SOME OTHER FINDINGS THAT YOU WANTED TO RELATE IN RESPONSE TO A QUESTION FROM MR. KELBERG RELATING TO DR. MARTEL; IS THAT CORRECT?

MR. KELBERG: OBJECTION, LEADING AND SUGGESTIVE.

THE COURT: OVERRULED.

THE WITNESS: DR. MARTEL BASICALLY READ THE ELBOWS AS BEING NORMAL AND BASICALLY WHAT I WAS STARTING TO SAY, WHEN HE ASKED ME THAT QUESTION OR READ THAT THING OFF THE REPORT, WAS THAT YOU CAN HAVE RHEUMATOID ARTHRITIS OF THE ELBOW AND YOU CAN HAVE FLEXION CONTRACTURES THAT IS A POSSIBILITY AND STILL HAVE A NORMAL X-RAY APPEARANCE.

IT IS A VERY -- IT IS A DIFFICULT CALL.

THIS IS WHY YOU HAVE SPECIALISTS. THAT CERTAINLY ISN'T IN MY BAILIWICK, BUT THAT IS CERTAINLY WHAT I WAS STARTING TO BRING UP WITH HIM.

Q BY MR. SHAPIRO: AFTER TWO DAYS OF CROSS-EXAMINATION

--

MR. KELBERG: SAME OBJECTION, YOUR HONOR, AS ARGUMENTATIVE.

THE COURT: OVERRULED.

Q BY MR. SHAPIRO: -- IS YOUR OPINION ANY DIFFERENT AS TO WHETHER OR NOT MR. SIMPSON HAD ANY BRUISES ON HIM WHEN YOU OBSERVED HIM ON THE 15TH OF JUNE?

A NO, IT IS NOT.

Q AFTER TWO DAYS OF CROSS-EXAMINATION IS YOUR OPINION THAT THE CUT ON THE TOP OF THE MIDDLE FINGER OF THE LEFT HAND WAS MORE CONSISTENT WITH GLASS?

A I FELT THAT WAS MORE CONSISTENT WITH GLASS BECAUSE AS IT CAME AROUND, IT CURVED INITIALLY.

IF YOU REMEMBER THE PICTURE OVER HIS THIRD -- LET'S GO TO THE LEFT HAND AND DO IT THE RIGHT WAY -- AS IT CURVED, IT CAME RIGHT OVER THE JOINT AND THEN IT TOOK AN ACUTE ANGLE, APPROXIMATELY SIXTY DEGREES, AND THEN THAT ACUTE ANGLE TO ME SAID, SURE, IT COULD BE A FIVE, THERE COULD BE MOVEMENT, BUT TO ME THAT SAID THAT IS WHY I FELL OFF OF THE FENCE ON THAT CUT AS BEING MORE CONSISTENT WITH GLASS.

Q ASSUME THAT ON MONDAY, JUNE THE 13TH, MR. SIMPSON -- LET ME JUST CHECK THIS DATE FOR A SECOND.

(DISCUSSION HELD OFF THE RECORD
BETWEEN DEFENSE COUNSEL.)

Q BY MR. SHAPIRO: ON JUNE THE 13TH IN THE AFTERNOON A NURSE EMPLOYED BY THE COUNTY OF LOS ANGELES NAMED MR. PERATIS WAS CALLED UPON TO EXAMINE MR. SIMPSON'S LEFT HAND, AND ASSUME THAT THE ONLY INJURY THAT HE TALKED ABOUT WAS THE CUT THAT YOU HAVE JUST DESCRIBED AS A FISHHOOK CUT.

WOULD THAT CAUSE YOU TO CONCLUDE THAT THE INJURIES ON THE SIDE OF THE FINGER WERE NOT THERE AT THAT TIME?

MR. KELBERG: OBJECTION, CALLS FOR SPECULATION.

THE COURT: SUSTAINED.

Q BY MR. SHAPIRO: WOULD A NURSE BE IN A POSITION, A COUNTY NURSE BE IN A POSITION TO SEE THE CUTS THAT YOU'VE DESCRIBED TO THE JURY, IN YOUR OPINION, IF HE WAS PROPERLY TRAINED AND CERTIFIED?

A I BELIEVE THAT WOULD BE TRUE.

Q AND IF THE NURSE DID NOT OBSERVE THOSE CUTS ON THE 12TH, WOULD THAT INDICATE THAT THEY OCCURRED SOMETIME AFTER THE 12TH AND THAT WOULD BE -- WOULD THAT BE CONSISTENT WITH YOUR FINDING?

MR. KELBERG: THAT MISSTATES THE HYPOTHETICAL. IT IS THE 13TH.

THE COURT: OVERRULED.

MR. KELBERG: NOT THE 12TH.

THE WITNESS: THAT WOULD BE CONSISTENT.

Q BY MR. SHAPIRO: IS THE CUT ON THE INDEX FINGER OF MR. SIMPSON CONSISTENT WITH SOMEBODY WHO BROKE A DRINKING GLASS THAT YOU WOULD FIND IN A HOTEL BATHROOM?

A THE FOURTH FINGER? YOU SAID INDEX.

Q THE MIDDLE FINGER?

A THE MIDDLE FINGER, THIS CUT -- THE PROXIMAL OR THE DISTAL? THERE IS TWO CUTS ON THAT THIRD FINGER.

(DISCUSSION HELD OFF THE RECORD
BETWEEN DEFENSE COUNSEL.)

Q BY MR. SHAPIRO: I MADE A MISTAKE. MR. COCHRAN HAS CORRECTED ME.

HE WORKS FOR THE CITY OF LOS ANGELES, THE NURSE. WOULD THAT CHANGE YOUR OPINION, RATHER THAN THE COUNTY?

A NO, IT WOULD NOT.

Q LET'S GET BACK TO THE GLASS.

WHEN YOU TRAVELED WITH THE FOOTBALL TEAMS, DO YOU GUYS STAY HAD HOTELS AROUND THE COUNTRY?

A YES, WE DID.

Q DID YOU GO IN THE BATHROOM?

A YES, YOU WOULD.

Q THEY HAVE LITTLE GLASSES THERE WITH KIND OF LITTLE DOILIES AND A LITTLE KIND OF THING ON TOP THAT SAYS "SANITARY" WITH A LITTLE BLUE INSIGNIA ON IT?

A THAT'S CORRECT.

Q ARE YOU FAMILIAR WITH THOSE GLASSES?

A YES, I AM.

Q IF THAT GLASS WAS BROKEN WHEN SOMEBODY WAS INFORMED OF THE DEATH OF THEIR EX-WIFE, COULD THAT TYPE OF GLASS CAUSE THAT TYPE OF INJURY?

MR. KELBERG: OBJECTION, YOUR HONOR, AS AN IMPROPER HYPOTHETICAL.

THE COURT: SUSTAINED.

Q BY MR. SHAPIRO: COULD A DRINKING GLASS, SIMILAR TO THOSE GLASSES THAT YOU'VE OBSERVED, ACCOUNT FOR THAT TYPE OF INJURY?

A ON THE PROXIMAL THIRD --

Q YES.

A -- FINGER?

YES, THAT CUT IS CONSISTENT.

Q NOW, MR. KELBERG ASKED YOU QUESTIONS -- AND I DON'T REMEMBER THE NAME OF THEM -- I'M NOT THAT FAMILIAR WITH THEM, ABOUT SOME KIND OF CELLS. HE HAD ONE NAME FOR IT YOU HAD ANOTHER NAME FOR SOME KIND OF MONOCYTES?

A HE NAMED IT PHAGOCYTES.

Q YOU CALLED IT MONOCYTES?

A WELL, HE SAID THAT YOU START OUT WITH A WOUND AND YOU HAVE PHAGOCYTES THERE, BUT REALLY YOU START OUT IN AN INFLAMMATORY PHASE WITH NEUTROCYLS AND IT MOVES TO MONOCYTES WITH ANOTHER NAME FOR IT CAN BE PHAGOCYTES.

Q IN ANY EVENT, WHATEVER THEY ARE CALLED IN THE HEALING PROCESS.

HE TALKED ABOUT CONFUSION. ARE YOU CONFUSED AS TO WHETHER THE JAGGED EDGES WERE CAUSED BY CUTTING GLASS OR BY THE HEALING PROCESS?

MR. KELBERG: YOUR HONOR, THAT MISSTATES THE TESTIMONY.

THE COURT: OVERRULED.

THE WITNESS: NO, I AM NOT.

Q BY MR. SHAPIRO: WHAT IS YOUR OPINION?

A MY OPINION IS THAT THOSE INJURIES WERE CAUSED BY A SHARP OBJECT AND THEY ARE MORE CONSISTENT WITH GLASS THAN A KNIFE, BUT THEY WERE CAUSED BY A SHARP OBJECT.

MR. SHAPIRO: MAY I HAVE ONE MOMENT TO CONFER WITH MY COLLEAGUES BEFORE I FINISH, YOUR HONOR?

THE COURT: CERTAINLY.

MR. SHAPIRO: THANK YOU.

(DISCUSSION HELD OFF THE RECORD
BETWEEN DEFENSE COUNSEL.)

(DISCUSSION HELD OFF THE RECORD
BETWEEN DEFENSE COUNSEL AND
THE DEFENDANT.)

Q BY MR. SHAPIRO: IN YOUR EXPERIENCE, DOCTOR, WOULD PROFESSIONAL FOOTBALL PLAYERS -- HAVE YOU SEEN OCCASIONS WHEN THEY ACT IRRATIONAL?

A YES, I HAVE.

Q AND DO YOU HAVE ANY OPINION AS TO THE CAUSE OF THOSE

TYPES OF ACTIONS?

MR. KELBERG: OBJECTION, YOUR HONOR, AS TO THE RELEVANCY.

THE COURT: OVERRULED.

THE WITNESS: YES, ANABOLIC STEROIDS.

Q BY MR. SHAPIRO: DID YOU RUN A TEST ON MR. SIMPSON TO SEE WHETHER OR NOT HE WAS USING ANABOLIC STEROIDS WHEN YOU SAW ON HIM JUNE THE 15TH?

A YES, I DID.

Q AND WHAT WAS THE RESULT OF THAT TEST?

A NEGATIVE.

MR. SHAPIRO: THANK YOU.

NOTHING FURTHER.

THE COURT: MR. KELBERG, HOW MUCH TIME DO YOU NEED TO CROSS-EXAMINE?

(DISCUSSION HELD OFF THE RECORD
BETWEEN THE DEPUTY DISTRICT
ATTORNEYS.)

MR. KELBERG: MAY I HAVE JUST A MOMENT?

(DISCUSSION HELD OFF THE RECORD
BETWEEN THE DEPUTY DISTRICT
ATTORNEYS.)

THE COURT: EXCUSE ME, COUNSEL.

HOW MUCH TIME DO YOU NEED TO CROSS-EXAMINE.

MR. KELBERG: I'M NOT GOING TO FINISH BY NOON I'M QUITE SURE.

THE COURT: HOW MUCH TIME DO YOU NEED TO CROSS-EXAMINE?

MR. KELBERG: MAYBE 20 MINUTES, 25 MINUTES.

THE COURT: PROCEED.

RECROSS-EXAMINATION

BY MR. KELBERG:

Q DOCTOR, DID YOU PRESCRIBE THE XANAX FOR THE STRESS THAT YOU ASSESSED ON JUNE 15TH FOR MR. SIMPSON?

MR. SHAPIRO: OBJECTION, IMPROPER REDIRECT -- RECROSS EXAMINATION. IT WAS NOT BROUGHT UP.

THE COURT: OVERRULED.

THE WITNESS: NO, I DID NOT.

Q BY MR. KELBERG: TO YOUR KNOWLEDGE DID SOMEONE PRESCRIBE FOR HIM XANAX?

A I REFERRED HIM TO A PSYCHIATRIST SO I CAN'T SPEAK FOR THAT.

Q IS XANAX A DEPRESSANT?

A XANAX IS AN ANIT-ANXIETY DRUG.

Q AND DOCTOR, IS ONE OF ITS SIDE EFFECTS THAT IT CAN MAKE PEOPLE SLEEPY?

A THAT IS CORRECT.

Q NOW, DOCTOR, I WANT TO DISCUSS A FEW THINGS THAT WERE TOUCHED UPON BY MR. SHAPIRO.

FIRST OF ALL, WHEN YOU SAID NO OLDTIMERS NFL, THERE ARE OLDTIMER HOCKEY GAMES, AREN'T THERE?

A I AM NOT AWARE OF THAT. THAT IS POSSIBLY TRUE.

Q HOCKEY IS A PRETTY VIOLENT SPORT, ISN'T IT?

A YES, IT IS.

Q AND PEOPLE SUSTAIN SEVERE KNEE INJURIES IN THAT SPORT; IS THAT CORRECT?

A THAT IS CORRECT.

Q AND IN FACT ONE OF THESE TYPICAL DEFENSIVE ACTIONS IN HOCKEY IS SOMETHING CALLED CHECKING, RIGHT?

A THAT'S CORRECT.

Q AND ONE TYPE OF CHECKING IS TO SLAM YOUR BODY INTO THE BODY OF THE OPPOSING PLAYER AND THE TWO BODIES GO SLAMMING INTO THE BOARDS, RIGHT?

A THAT'S CORRECT.

Q AND THAT --

THE COURT: MR. KELBERG, WHETHER OR NOT OTHER SPORTS HAVE OLDTIMER GAMES IS INTERESTING BUT NOT REAL PRODUCTIVE HERE.

MR. KELBERG: ALL RIGHT. PERHAPS I SHOULD HAVE OBJECTED AS IRRELEVANT ON THE NFL, BUT I WILL MOVE TO SOMETHING ELSE.

Q DOCTOR, YOU WERE TALKING ABOUT GETTING PATIENTS. DO YOU ACCEPT INSURANCE?

A NO, I DO NOT.

Q SO I THOUGHT YOU SAID YOU BILLED MR. SIMPSON'S INSURANCE COMPANY FOR THE CARE YOU PROVIDED. THAT IS A MISSTATEMENT?

A WE BILLED SAG AND THEN TYPICALLY, YOU KNOW, WE ASK THE PATIENT TO PAY THE REMAINDER.

Q ARE YOU ON ANY KIND OF HMO PANEL?

A NO, I AM NOT.

Q SO ALL OF YOUR PATIENTS HAVE TO BE PATIENTS WHO CAN PAY YOUR BILLS; IS THAT CORRECT?

A THAT'S CORRECT.

Q AND YOUR PRACTICE IS IN BEVERLY HILLS; IS THAT CORRECT?

A YES, IT IS.

Q DO YOU HAVE LIKE A HOURLY RATE OR HOW DO YOU CHARGE PATIENTS FOR GENERAL EXAM?

A YOU CHARGE -- CHARGE BASED ON EXAMINATIONS OR LAB TESTS THAT ARE DONE IN THE OFFICE.

Q AND IF I CAME TO YOU -- MAYBE I BETTER NOT CHOOSE MYSELF -- IF SOMEBODY CAME TO YOU FOR A FIRST EVALUATION, WHAT WOULD BE THE TYPICAL COST OF SUCH AN EVALUATION?

MR. SHAPIRO: OBJECTION, IRRELEVANT.

THE COURT: OVERRULED.

THE WITNESS: IT WOULD BE QUITE VARIABLE. IT WOULD ALL DEPEND ON EXACTLY WHAT WAS DONE.

Q BY MR. KELBERG: WELL, IN GENERAL, DOCTOR, YOU DESCRIBED WHAT IS A GENERAL INITIAL EVALUATION BEVERLY HILLS STANDARDS MR. SHAPIRO ASKED YOU ABOUT.

WHAT IS THE COST OF THAT?

A I WOULD SAY SOMETHING LIKE FOR A THOROUGH PHYSICAL EXAM, SOMEWHERE AROUND A THOUSAND DOLLARS, 600, A THOUSAND.

Q NOW, DOCTOR, YOU SAID IN RESPONSE TO MR. SHAPIRO'S QUESTION THAT YOU CARED ABOUT MR. SIMPSON?

A THAT'S CORRECT.

Q CORRECT.

YOU CARED ABOUT HIS HEALTH?

A THAT'S CORRECT.

Q DO YOU CARE IF HE IS ACQUITTED?

A I -- I HAVE -- YOU BUILD A BOND WITH PATIENTS. WHEN YOU SEE A PATIENT AND YOU EVALUATE THEM, YOU HAVE TO CARE ABOUT THEM. IF YOU DON'T CARE ABOUT THEM, YOU REALLY WOULDN'T BE ABLE TO BE THEIR DOCTOR.

Q AND ISN'T IT THAT CARE, THAT CLOSENESS YOU DEVELOP WITH THE PATIENT, THAT CAN SUBCONSCIOUSLY INFLUENCE THOSE SUBJECTIVE EVALUATIONS THAT YOU ADMITTED ON CROSS-EXAMINATION DOCTORS MAKE, SUCH AS IN MR. SIMPSON'S CASE?

MR. SHAPIRO: OBJECTION, YOUR HONOR, CALLS FOR SPECULATION

AND EXPERT OPINION OF A PSYCHIATRIST.

THE COURT: SUSTAINED. SUSTAINED.

Q BY MR. KELBERG: DOCTOR, WHEN YOU DEVELOP A CLOSENESS AND FONDNESS FOR A PATIENT, IN YOUR OPINION CAN THAT AFFECT YOUR OBJECTIVITY IN EVALUATING THE PATIENT'S CASE?

A ANYTHING IS POSSIBLE, BUT YOU HAVE TO FIGHT TO TRY TO MINIMIZE THAT OR ELIMINATE IT.

Q FOR EXAMPLE, DOCTOR, ISN'T IT THE CASE THAT PHYSICIANS ARE TAUGHT TO SEND FAMILY MEMBERS TO INDEPENDENT DOCTORS FOR EVALUATIONS BECAUSE OF CONCERN THAT YOUR RELATIONSHIP WITH THE PATIENT MAY CLOUD YOUR JUDGMENT?

A THAT IS CORRECT.

Q INCIDENTALLY, YOU TALKED ABOUT A FAMILY DOCTOR. THERE IS A SPECIALTY OF MEDICINE, A BOARD CERTIFIED SPECIALTY CALLED FAMILY MEDICINE; ISN'T THAT CORRECT, DOCTOR?

A UMM, I AM LACKING IN MY KNOWLEDGE OF THAT EXACT FACT.

Q ARE YOU -- WELL, YOU TALKED ABOUT SOME RESIDENCY PROGRAM. ARE YOU FAMILIAR WITH WHETHER CEDARS HAS A RESIDENCY PROGRAM IN FAMILY MEDICINE?

A THEY DID NOT WHEN I WAS THERE IN MY TRAINING.

Q THAT IS '83 YOU ENDED YOUR TRAINING?

A THAT'S CORRECT.

Q NOW, DOCTOR, YOU WERE ASKED SOME QUESTIONS ABOUT WHETHER OR NOT MR. SIMPSON WENT TO DR. JOBE AND TO DR. MALTZ BEFORE JUNE 12TH OF 1994 IN SOME EFFORT TO SET UP A DEFENSE TO THE CRIMES, AND YOU INDICATED TO YOUR BELIEF HE DID NOT, CORRECT?

A THAT'S CORRECT.

Q ON THE OTHER HAND, DOCTOR, IF YOU ASSUME, HYPOTHETICALLY, MR. SIMPSON MURDERED HIS EX-WIFE AND MR. GOLDMAN, WOULD YOU AGREE THAT HE WOULD HAVE A MOTIVE AFTER THE CRIME TO COME LIMPING INTO YOUR OFFICE FOR THE VISIT ARRANGED BY HIS LAWYER, MR. SHAPIRO, IN AN EFFORT TO MAKE IT APPEAR THAT HE MAY HAVE PHYSICAL LIMITATIONS TO HIS ABILITY TO HAVE ACTED ON JUNE 12TH?

THE COURT: SUSTAINED.

MR. SHAPIRO: OBJECT.

THE COURT: SUSTAINED. IMPROPER HYPOTHETICAL.

REPHRASE THE QUESTION.

Q BY MR. KELBERG: DOCTOR, WOULD YOU AGREE THAT YOU DID NOT -- THERE WAS NO WAY THAT YOU COULD DETERMINE OBJECTIVELY ON JUNE 15TH WHETHER MR. SIMPSON'S LIMP, THAT CAUSED YOU TO BELIEVE HE MOVED LIKE TARZAN'S GRANDFATHER, WAS LEGITIMATE OR ONE THAT WAS PUT ON IN AN EFFORT TO CONVEY A CONDITION THAT WAS WEAKER THAN HE TRULY WAS?

YOU HAD NO OBJECTIVE WAY TO DETERMINE THAT, DID YOU?

A THERE IS AN OBJECTIVE WAY TO ATTEMPT TO EVALUATE THAT BY LOOKING AT JOINTS, AND IT APPEARED TO ME, GIVEN HIS LEFT KNEE AND WHAT DIDN'T APPEAR TO BE A PROBLEM IN THE VIDEO, HIS RIGHT ANKLE, SOMETIMES A LIMP CAN INTENSIFY WHEN YOU HAVE TWO WEIGHT-BEARING JOINTS THAT ARE AFFECTED, AS YOU POINT OUT.

AND I ABSOLUTELY HAVE TO AGREE WITH YOU, THERE CAN BE MALINGERING ON CERTAIN LEVELS IN ORTHOPEDICS, BUT THAT WAS MY BEST DETERMINATION AT THE TIME.

Q BY THE WAY, DOCTOR, YOU TALKED ABOUT SOME DIFFICULTIES WITH THE JAIL.

YOU WERE ABLE TO GET MR. SIMPSON TO CEDARS-SINAI MEDICAL CENTER FOR THE BIOPSY, CORRECT?

A THAT IS CORRECT.

Q AND IN YOUR OPINION HIS CARE WAS NOT COMPROMISED IN ANY WAY, WAS IT, WITH RESPECT TO EVALUATION OF THAT LYMPH NODE FOR POSSIBLE SIGN OF CANCER, CORRECT?

A UMM, IF THERE HAD BEEN AN ACUTE PROBLEM IT MIGHT HAVE BEEN BECAUSE I REALLY COULDN'T GET ACCESS FOR SEVERAL WEEKS INTO THE JAIL.

Q AND IT TURNED OUT THAT IT WAS BENIGN, CORRECT?

A THAT IS ABSOLUTELY CORRECT.

MR. KELBERG: YOUR HONOR, I'M GOING TO ASK MR. FAIRTLOUGH -- I WAS GOING TO ASK MR. FAIRTLOUGH -- COULD I ASK MR. HARRIS TO HELP ME OUT TO PUT SOMETHING ON?

THE COURT: SHOW THIS TO COUNSEL FIRST.

MR. KELBERG: DOCTOR, I'M GOING TO SHOW YOU A COUPLE OF PICTURES -- I AM GOING TO DO SO RIGHT NOW.

(DISCUSSION HELD OFF THE RECORD
BETWEEN DEPUTY DISTRICT ATTORNEY
AND DEFENSE COUNSEL.)

MR. SHAPIRO: I HAVEN'T HAD A CHANCE TO REVIEW THIS TEXT YET, YOUR HONOR. IT IS GOING TO TAKE ME A LITTLE BIT OF TIME.

I AM NOT AN EXPERT.

THE COURT: ALL RIGHT. USE THE PHOTOGRAPHS, MR. KELBERG.

MR. KELBERG: I'M SORRY?

THE COURT: PROCEED.

MR. KELBERG: IF MR. SHAPIRO WILL GIVE ME --

I'M SORRY, MAY I PROCEED WITH THE PHOTOGRAPHS?

THE COURT: WHAT IS IT A PHOTOGRAPH OF?

MR. DARDEN: A PHOTOGRAPH OF HANDS OF SUFFERERS OF RHEUMATOID ARTHRITIS.

THE COURT: PROCEED.

(BRIEF PAUSE.)

MR. KELBERG: I DON'T KNOW -- MR. HARRIS, IS IT POSSIBLE YOU COULD TURN IT NINETY DEGREES?

CAN YOU BACK IT UP POSSIBLY -- THAT WAS BETTER. I THINK YOU HAD IT. I'M SORRY.

ALL RIGHT. WE ARE GOING TO GET DIZZY. THAT IS FINE.

Q DOCTOR -- AND I CAN BRING YOU THE TEXT -- I JUST WANT TO BE ABLE TO SHOW IT FOR THE LADIES AND GENTLEMEN OF THE JURY -- DO THESE APPEAR TO BE HANDS OF PEOPLE SUFFERING FROM VARIOUS STAGES OF RHEUMATOID ARTHRITIS?

A YES, THEY DO.

Q AND IT CAN BE A VERY CRIPPLING DISEASE, CAN IT NOT?

A THAT IS CORRECT.

Q MR. SIMPSON DID NOT HAVE JOINT DEFORMITY OF ANY DEGREE SIMILAR TO EVEN THE LOWER PHOTOGRAPH, LET ALONE THE UPPER PHOTOGRAPH, DID HE, SIR?

A CERTAINLY NOT THE UPPER PHOTOGRAPH WHERE YOU HAVE IN THIS STAGE ULNAR DEVIATION. I REALLY CAN'T EVALUATE THE PROXIMAL -- THE LOWER PICTURE TO COMPARE THAT VERY WELL.

MR. KELBERG: COULD I ASK IF MR. HARRIS CAN PRINT THIS PICTURE AND THEN I'M GOING TO SHOW THE BOOK TO THE DOCTOR SO HE CAN SEE IT UP CLOSE.

THE COURT: ALL RIGHT.

MR. KELBERG: MAY I APPROACH, YOUR HONOR?

THE COURT: YOU MAY.

MR. KELBERG: DOCTOR, I'M SHOWING YOU THIS BOOK -- YOUR HONOR, MAY THE PRINTOUT BE MARKED AS I THINK WE ARE AT 526?

THE COURT: YES.

(PEO'S 526 FOR ID = PHOTOGRAPH)

THE WITNESS: THE INITIAL PICTURES, AS THE TEXT DESCRIBES, A SYNOVIAL PROLIFERATION OF THE MCP JOINTS TO A LESSER EXTENT OF THE PROXIMAL INTERPHALANGEAL JOINTS.

IF YOU LOOK AT HIS HANDS AND THE SWELLING THERE, AND WE CAN ARGUE ABOUT HARD VERSUS BOGGY, AS WELL AS, YOU KNOW -- I THINK THAT THEY ARE ROUGHLY COMPARABLE. WE CAN ARGUE ABOUT EXACTLY WHAT THEIR ORIGIN IS.

Q AND YOU FEEL COMFORTABLE WITH YOUR EXPERTISE IN RHEUMATOLOGY TO DO THAT; IS THAT CORRECT, DOCTOR?

A NO, I DID NOT.

Q WELL, DOCTOR, I WANTED TO ASK YOU WHEN MR. SHAPIRO ON DIRECT EXAMINATION WAS ASKING YOU A SERIES OF QUESTIONS ABOUT CAUSES OF CUTS AND SO FORTH, DID IT EVER OCCUR TO YOU TO SAY IT IS OUTSIDE MY FIELD OF EXPERTISE?

MR. SHAPIRO: ARGUMENTATIVE. OBJECTION.

THE COURT: SUSTAINED.

REPHRASE THE QUESTION.

Q BY MR. KELBERG: DOCTOR, DID YOU EVER FEEL IT WAS OUTSIDE YOUR FIELD OF EXPERTISE IN ANSWERING ANY OF THE QUESTIONS POSED TO YOU BY MR. SHAPIRO?

MR. SHAPIRO: OBJECTION. THAT IS A VERY VAGUE QUESTION. I ASKED A LOT OF QUESTIONS.

THE COURT: SUSTAINED.

REPHRASE THE QUESTION.

Q BY MR. KELBERG: WITH RESPECT TO ANY QUESTIONS ASKING FOR THE OPINION OF THE INJURIES SUSTAINED BY MR. SIMPSON, DID YOU FEEL THAT TO OFFER AN OPINION ON SUCH A SUBJECT WAS OUTSIDE YOUR FIELD OF EXPERTISE?

A NO, I DID NOT.

Q WHEN YOU WERE ASKED HYPOTHETICAL QUESTIONS BY ME, DID YOU EVER SAY, WITH RESPECT TO THE BLUNT FORCE TRAUMA INJURIES TO MR. GOLDMAN AND THE ABRASIONS TO MR. SIMPSON, THAT IT WAS OUTSIDE YOUR FIELD OF EXPERTISE TO OFFER AN OPINION AND THEREFORE YOU SHOULD NOT OFFER AN OPINION?

MR. SHAPIRO: YOUR HONOR, THERE WAS AN OBJECTION BY COUNSEL.

THE COURT: OVERRULED.

Q BY MR. KELBERG: YOU MAY ANSWER THE QUESTION, DOCTOR. HAVE YOU EVER SAID THAT, IT WAS OUTSIDE YOUR FIELD OF EXPERTISE?

A I THINK WHEN WE SHOWED THOSE AUTOPSY PHOTOS I MAY HAVE SAID THAT. I DON'T HAVE -- YOU WILL HAVE TO KIND OF READ BACK THAT QUESTION.

Q BY MR. KELBERG: DOCTOR, IF YOU FELT THAT IN ANSWERING ANY HYPOTHETICAL QUESTION ASKED BY ME IT WAS OUTSIDE YOUR FIELD OF EXPERTISE, DID YOU FEEL YOU COULD SAY SO?

MR. SHAPIRO: YOUR HONOR, I'M GOING TO OBJECT. WE OBJECTED TO THESE QUESTIONS.

THE COURT: OVERRULED.

MR. SHAPIRO: AND HE WAS ORDERED TO ANSWER THEM.

THE COURT: OVERRULED.

MR. KELBERG: YOUR HONOR, I WOULD ASK THE COURT, WITH RESPECT TO SPEAKING OBJECTION --

THE COURT: PROCEED.

Q BY MR. KELBERG: DOCTOR, YOU MAY ANSWER THE QUESTION.

A COULD YOU GIVE ME --

Q DID YOU FEEL THAT IF IT WAS A QUESTION CALLING FOR AN OPINION OUTSIDE YOUR FIELD OF EXPERTISE, THAT YOU COULD ANSWER THAT IT WAS OUTSIDE YOUR FIELD OF EXPERTISE AND YOU COULD NOT ANSWER THE QUESTION?

A I THINK AS A BASE LINE FOR MY TESTIMONY I HAVE SAID I WASN'T AN EXPERT IN THESE VARIOUS AREAS. YOU HAVE ASKED ME MANY, MANY QUESTIONS IN EVERY AREA OF EXPERTISE.

SOME OF THE AREAS YOU ASKED ME QUESTIONS ACTUALLY, QUOTE-UNQUOTE, DON'T HAVE, AS YOU PUT IT, A BOARD CERTIFIED SPECIALTY, AND ONE OF THOSE WOULD BE THE AREA OF THE CUTS, BUT THERE WERE -- THERE IS NO BOARD CERTIFICATION FOR SOMEONE THAT EVALUATES WHETHER -- WHEN SOMEONE WALKS INTO AN OFFICE, YOU KNOW, IT IS A KNIFE OR IT IS A GLASS CUT TO AN OUT-PATIENT.

OBVIOUSLY FORENSIC PATHOLOGISTS DEAL WITH THAT, BUT THAT IS AN AREA THAT WE SEE A LOT, AND SO I OFFERED AN OPINION, BUT THAT IS ALL IT WAS BASED ON, THE EXPERIENCE THAT I DID GIVE YOU, AND YOU ASKED ME MANY OTHER HYPOTHETICAL QUESTIONS, SOME OF WHICH YOU KNOW, I GAVE YOU AS TRUTHFUL AN ANSWER AS I COULD.

BUT THERE WERE INSTANCES WHERE I MAY HAVE SAID THINGS THAT IN FACT I DIDN'T HAVE ANY DIRECT KNOWLEDGE OF, AND I CAN THINK OF, YOU KNOW, ONE SUCH QUESTION THAT I WAS STAYING UP A LITTLE BIT LAST NIGHT THINKING ABOUT, AND THAT WAS WHEN YOU ASKED ME IF SOMEONE HAD BRUTALLY KILLED TWO PEOPLE AFTER I HAD SAID THAT MR. SIMPSON WAS UNDER A LOT OF STRESS, IF THEY BRUTALLY KILLED TWO PEOPLE WOULD THERE BE A LOT ON THEIR MIND.

AND AS I WAS THINKING ABOUT THAT LAST NIGHT, I HAVE -- THAT WOULD BE MY OPINION. IF I PUT MYSELF IN MY OWN BODY, I WOULD THINK THAT THAT WOULD BE TRUE, BUT THEN AGAIN, I HAVE NEVER TALKED TO A CONVICTED MURDERER, I HAVE NEVER HAD ANY CONTACT WITH A MURDERER THAT WAS CONVICTED AT ANY POINT IN MY LIFE, AND REALLY THERE IS AN EXAMPLE WHERE I SHOULD HAVE SAID, YOU KNOW, I REALLY DON'T HAVE ANY IDEA WHAT TYPE OF EMOTIONAL REACTION A COLD-BLOODED KILLER HAS.

BECAUSE WHEN I WAS THINKING ABOUT THAT LATE LAST NIGHT I THINK THAT IS ONE OF THE THINGS THAT I DID REGRET SAYING THAT I DEFINITELY DID SAY.

Q MY QUESTION TO YOU WAS, DOCTOR, DID YOU FEEL THAT YOU COULD SAY IT IS OUTSIDE MY FIELD OF EXPERTISE, I CAN'T ANSWER THE QUESTION?

DID YOU FEEL THAT THAT WAS AN ANSWER YOU COULD GIVE IN A COURT OF LAW AS A WITNESS HAVING TAKEN AN OATH IF IT WAS A QUESTION THAT YOU FELT WAS OUTSIDE YOUR FIELD OF EXPERTISE?

A (NO AUDIBLE RESPONSE.)

Q THAT IS THE QUESTION. YES OR NO.

DID YOU FEEL YOU COULD OR DID YOU FEEL YOU COULDN'T?

A I FELT THAT IT WAS MY RESPONSIBILITY TO TRY TO ANSWER THE QUESTIONS AS BEST I COULD, GIVEN THE CAVEAT THAT EVERYBODY KNEW WHAT MY CREDENTIALS WERE AND WEREN'T.

Q I WILL ASK THE QUESTION ONE MORE TIME, DOCTOR.

THE COURT: I THINK WE HAVE ASKED THE QUESTION.

MR. KELBERG: ALL RIGHT.

Q DOCTOR, HAVE YOUR DONE -- HAD PATIENTS WHO WERE INVOLVED IN CIVIL LITIGATION?

A YES, I HAVE.

Q HAVE YOU EVER HAD TO PREPARE REPORTS FOR ATTORNEYS IN CIVIL LITIGATION?

A YES, I HAVE.

Q AND THE FACT THAT THIS IS A CRIMINAL CASE VERSUS YOUR PAST EXPERIENCE IN CIVIL LITIGATION, HOW, IF AT ALL, DOES THAT AFFECT THE KIND OF REPORT YOU WERE TO PREPARE?

A I WAS TOLD THAT MY RECORDS WERE NOT GOING TO BE PASSED OVER AND THAT I HAD TO PREPARE A SUMMARY. I HAVE NEVER EVER BEEN ASKED THAT REQUEST PREVIOUSLY IN MY PROFESSIONAL CAREER.

Q HAVE YOU EVER BEEN RETAINED BY AN ATTORNEY, EITHER

FOR THE PLAINTIFF IN A CIVIL PERSONAL INJURY ACTION OR A DEFENDANT, AN INSURANCE COMPANY, FOR EXAMPLE, TO EVALUATE A PATIENT AND GIVE A REPORT TO THE REQUESTING PARTY OF THAT EVALUATION?

A I HAVE IN A HANDFUL OF CASES REVIEWED CHARTS IN LEGAL MATTERS OFTEN ABOUT SPORTS MEDICINE AND ANABOLIC STEROIDS.

Q HAVE YOU PREPARED --

A IF I HAVE DONE THAT, IT HAS BEEN VERY RARELY AND I REALLY CAN'T REMEMBER A CASE RIGHT OFF THE TOP OF MY HEAD. IT IS POSSIBLE THAT I HAVE DONE THAT ONCE OR TWICE.

Q WHEN YOU HAVE DONE THAT, HAVE YOU PREPARED REPORTS FOR THE PARTY REQUESTING YOU TO REVIEW THE RECORD?

A I JUST CAN'T REMEMBER A CASE WHERE I'VE HAD A PATIENT COME IN WHO -- WELL, MAYBE I CAN REMEMBER ONE CASE OR TWO CASES, AND I MUST HAVE PREPARED A REPORT FOR THEM.

Q NOW, DOCTOR, YOU DID SEE WHAT YOU SAID I THINK ORIGINALLY WAS THE COMMERCIAL VIDEO?

A THAT'S CORRECT.

Q AND ALL OF THE AEROBIC EXERCISE THAT WE SEE IN THAT TYPE OF ENVIRONMENT IS INCLUDED IN THE COMMERCIAL VIDEO. SOME OF WHAT WE SAW BECAUSE, THEY DIDN'T MULTIPLE TAKES, IS NOT INCLUDED IN THE COMMERCIAL VIDEO, CORRECT?

A THAT'S CORRECT.

Q AND THE COMMERCIAL VIDEO HAS MR. SIMPSON TAKING GOLF SWINGS AND SHOOTING A BASKETBALL AND SO FORTH; IS THAT CORRECT?

A THAT'S CORRECT.

Q BUT THERE IS NO SEGMENT OF THIS COMMERCIAL TAPE DEALING WITH THE AEROBIC EXERCISES OF THE TYPE WE WERE LOOKING AT IN THE EXHIBIT, WHICH IS -- HAS -- I'M SORRY.

LET ME REPHRASE THE QUESTION.

THE COMMERCIAL TAPE DOES NOT HAVE ALL OF THE AEROBIC EXERCISE WE SAW ON THE EXHIBIT?

A THAT'S CORRECT.

Q BUT IT DOES HAVE AT LEAST ONE SEGMENT OF EACH TYPE OF THE ACTIVITY? IS THAT A FAIR STATEMENT?

A THAT IS A FAIR STATEMENT.

Q SO YOU DIDN'T FEEL MISLED, DID YOU, BY SEEING WHAT IS ACTUALLY MORE FOOTAGE OF MR. SIMPSON THAN IS PROVIDED IN THE COMMERCIAL VIDEO, REGARDING HIS ABILITY TO PERFORM THESE TYPES OF AEROBIC EXERCISES?

A NO, I DID NOT.

Q BY THE WAY, DOCTOR, IN LOOKING AT THAT VIDEO, DID YOU SEE WHERE MR. SIMPSON, IN SOME SIGNIFICANT AMOUNTS, THE BOXING SEGMENTS, FOR EXAMPLE, WAS ABLE TO FULLY EXTEND HIS RIGHT AND LEFT ARMS?

A NO, I DID NOT SEE THAT.

Q NEVER SAW THAT --

A IN MY --

Q I'M SORRY.

A IN MY OPINION IN DOING THOSE BOXES PUNCHES WAS RELATIVELY CLEAR THAT THE FIXED FLEXION CONTRACTIONS WERE THERE AND HE WAS NOT ABLE TO FULLY EXTEND HIS ARM IN ANY SHOT THERE.

Q YOU SAW HIM DO PUSH-UPS, DID YOU NOT?

A YES, I DID.

Q AND DID YOU SEE, AT LEAST IN SOME INSTANCES, WHERE HE WAS DOING PUSH-UPS WITH BOTH HIS LEFT AND RIGHT HANDS, PALM TO THE SURFACE OF THE FLOOR?

A YES, I DID.

Q AND WHAT IS THE ANGLE THAT WAS REQUIRED FOR HIM TO DO THAT AND DO A PUSH-UP AS HE WAS DOING THEM, THAT IS, A TRADITIONAL PUSH-UP LIKE THE TRAINER AT ONE POINT WHERE THE

TRAINER WAS ON HIS KNEES?

WHAT IS THE ANGLE OF FLEXION?

A A TRADITIONAL PUSH-UP YOU WILL GET RIGHT UNDER YOUR CHEST AND YOU WILL GO, YOU KNOW, NOT ALL THE WAY BACK NINETY DEGREES NECESSARILY, BUT YOU WILL COME CLOSE.

WHAT HE WOULD DO IS HE WOULD KIND OF MANIPULATE -- YOU COULD SEE HIM KIND OF STUMBLE A LITTLE BIT WHEN HE WOULD GET UP AND GO DOWN AND HE WOULD GET THAT LEFT HAND A LITTLE BIT FURTHER OUT FRONT SO THAT HE DIDN'T HAVE TO BRING THAT THING UP TO NINETY DEGREES SO WOULD HE DO HIS PUSH-UPS WITH HIS HANDS OUT IN FRONT, SO THAT THAT INABILITY TO BRING BACK HIS HAND, HE COULD COMPENSATE FOR THAT WHEN HE DID THE PUSH-UPS.

Q YOU -- IN FACT, THAT WOULD PLACE MORE WEIGHT BEARING ON THE HAND IN THAT POSITION THAN IF IT WERE IN THE MORE TRADITIONAL POSITION CLOSER TO THE CHEST, WOULDN'T IT, SIR?

A PLACE WEIGHT WHERE?

Q MAKE IT A MORE DIFFICULT PROCEDURE IN PLACING HIS WEIGHT IN GOING DOWN AND UP, PUSHING DOWN AND UP? HE HAS GOT TO EXERT MORE EFFORT BECAUSE HE HASN'T GOT HIS HANDS IN THE MOST OPPORTUNE POSITION PHYSIOLOGICALLY; ISN'T THAT CONNECT?

A I AGREE WITH THAT.

Q AND HE WAS ABLE TO DO THAT, WASN'T HE?

A YES, HE WAS.

Q AND HE DID IT MULTIPLE TIMES?

A YES, HE DID.

Q NOW, DOCTOR, MY HYPOTHETICAL ON THAT VIDEO WAS ALL THOSE SHOTS WERE DONE IN ONE DAY? YOU REMEMBER THAT, DON'T YOU?

A YES, I DO.

Q AND THE BREAKS WERE MAYBE SIX MINUTES OR SEVEN MINUTES. DID YOU WRITE DOWN THE TIME?

A YES, I DID.

Q SOME OF THEM WERE AROUND SIX OR SEVEN MINUTES?

A SOME OF THEM WERE AS LONG AS FROM 16:27:32 TO 16:41:06, SO AGAIN, THIS IS HIGHER MATH, BUT THAT IS 14 MINUTES, BUT SOME IT LOOKED LIKE WERE SIX MINUTES, I WILL TAKE YOUR WORD FOR THAT.

Q WELL, NO, DON'T TAKE MY WORD, DOCTOR.

IF YOU WROTE DOWN THE TIME, YOU TELL US THE AMOUNT OF TIME OF BREAKS THAT YOU WROTE DOWN?

A ALL RIGHT. NOW YOU ARE GOING TO TEST MY --

THE COURT: COUNSEL, THIS IS A MINOR ISSUE.

MR. KELBERG: ALL RIGHT. I WILL MOVE ON.

Q YOU TALKED ABOUT AN ADRENALINE RUSH, DOCTOR; IS THAT CORRECT?

A YES, I DID.

Q HAVE YOU HEARD OF IT REFERRED TO IN TERMS OF THE FIGHT OR FLIGHT RESPONSE?

A YES, I HAVE.

Q AND IF MR. GOLDMAN WAS BEING ATTACKED BY A MORE POWERFUL INDIVIDUAL WHO HAD THE ELEMENT OF SURPRISE AND APPROXIMATELY SIX-INCH LONG KNIFE AT MR. GOLDMAN'S THROAT, WOULD YOU EXPECT UNDER THOSE CIRCUMSTANCES THAT MR. GOLDMAN'S PHYSIOLOGICAL RESPONSE WOULD BE AN ADRENALINE RUSH?

MR. SHAPIRO: OBJECTION, ASSUMES A FACT NOT IN EVIDENCE.

THE COURT: SUSTAINED.

Q BY MR. KELBERG: DOCTOR, WOULD YOU AGREE THAT IF A PERSON IS THREATENED WITH IMMINENT GREAT BODILY HARM THAT THAT IS THE KIND OF CIRCUMSTANCE WHICH CAN CAUSE THE ADRENALINE AUTOMATICALLY TO BEGIN FLOWING?

A I THINK THAT IS A FAIR STATEMENT.

Q AND DOCTOR, WOULD YOU AGREE THAT THE NORMAL REACTION

OF A HUMAN BEING FACING DANGER IS TO RUN FROM THE DANGER, IF AT ALL POSSIBLE?

MR. SHAPIRO: OBJECTION, SHALL BEYOND THE SCOPE OF EXPERTISE.

THE COURT: SUSTAINED.

Q BY MR. KELBERG: DOCTOR, YOU HAVE REVIEWED, IN YOUR TRAINING AS A PHYSICIAN, BASIC PHYSIOLOGY, HAVE YOU NOT?

A YES, I HAVE.

Q AND IN BASIC PHYSIOLOGY THEY TALK ABOUT THE FIGHT OR FLIGHT RESPONSE, DON'T THEY, SIR?

A YES, THEY DO.

Q AND YOU LEARNED THAT THE NORMAL HUMAN REACTION PHYSIOLOGICALLY TO A THREAT OF GREAT BODILY INJURY OR DEATH IS TO TRY AND FLEE IF POSSIBLE, ISN'T THAT CORRECT?

MR. SHAPIRO: OBJECTION, BEYOND HIS EXPERTISE.

THE COURT: OVERRULED.

Q BY MR. KELBERG: YOU MAY ANSWER THE QUESTION, DOCTOR.

A YOUR NORMAL REACTION IS TO TRY TO PROTECT YOURSELF AND SAVE YOUR LIFE IN WHATEVER MANNER IS POSSIBLE.

Q AND GENERALLY THAT IS TO FLEE IF POSSIBLE; ISN'T THAT CORRECT?

MR. SHAPIRO: OBJECTION, BEYOND HIS EXPERTISE.

THE COURT: SUSTAINED.

Q BY MR. KELBERG: DOCTOR, IF MR. GOLDMAN HAD NO PLACE TO GO, HE TRIED TO FLEE AND HE IS FLAILING HIS ARMS BACKWARDS IN TRYING TO GET AWAY FROM AN ATTACKER WHO IS MORE POWERFUL THAN HE AND HE IS STABBED MULTIPLE TIMES WITH FATAL STAB WOUNDS, WOULD YOU AGREE THAT HE WOULD NOT HAVE HAD THE OPPORTUNITY IN SUCH AN ATTACK THAT MAY HAVE TAKEN LESS THAN A MINUTE --

MR. SHAPIRO: OBJECTION.

Q BY MR. KELBERG: -- TO FLEE?

THE COURT: SUSTAINED.

Q BY MR. KELBERG: DOCTOR, WOULD YOU AGREE THAT THE MORE RAPID THE ASSAULT, THE THREAT OF DEATH OR GREAT BODILY INJURY ON THE HUMAN BEING, THE LESS TIME THE PERSON HAS TO REACT, EITHER BY WAY OF FLIGHT OR BY WAY OF FIGHT?

MR. SHAPIRO: OBJECTION, SPECULATION, COMPOUND.

THE COURT: SUSTAINED.

Q BY MR. KELBERG: DOCTOR, WITH RESPECT TO MR. SIMPSON AND A CONGENIAL FOOTBALL PLAYER, HE DIDN'T HAVE TO GET ANGRY OR -- I DON'T WANT TO MISQUOTE THE WAY THE QUESTION WAS ASKED BY MR. SHAPIRO.

WOULD YOU EXPECT THAT MR. SIMPSON, WHEN HE IS TRYING TO BREAK THROUGH LINEMEN WHO MAY WEIGHT 300 POUNDS TRYING TO TACKLE HIM, WAS PROBABLY NOT SMILING AS HE DID SO?

A I THINK THAT WHEN YOU ARE BREAKING THROUGH 300-POUND LINEMEN YOU ARE IN A ZONE. YOU KNOW, I DON'T KNOW IF HE WAS SMILING OR HAD HIS TONGUE HANGING OUT OR WHAT, BUT I DON'T -- I CAN'T ANSWER THAT.

Q AND THAT ZONE IS THE HARNESSING OF YOUR ENERGIES TO TRY AND GET A PEAK PERFORMANCE FROM YOUR MUSCLES TO GET YOU THROUGH AND PAST, IF POSSIBLE, WHAT IS THAT IMPEDING FORCE OF A 300-POUND DEFENSIVE TACKLE, RIGHT?

A I THINK THE HARNESSING IS OCCURRING, BUT THERE ARE ALSO MANY OTHER FACTORS IN TERMS OF TALENT LEVEL. YOU KNOW, IF IT WAS JUST A QUESTION OF HARNESSING, YOU KNOW, A LOT OF THE REST OF US WOULD HAVE A SHOT TO PLAY PROFESSIONAL BALL, SO I THINK THAT IS MAYBE ONLY A MINOR COMPONENT.

Q WOULD YOU AGREE THAT ALL PLAYERS HAVE TO HARNESS THE ENERGY?

THE COURT: COUNSEL, I THINK REALLY THE DYNAMICS OF

PROFESSIONAL SPORTS IS INTERESTING --

MR. KELBERG: YOUR HONOR, I GET ONCE AGAIN THE COURT'S SUGGESTION.

THE COURT: ALL RIGHT.

MR. KELBERG: MAY I HAVE JUST A MOMENT?

THE COURT: YOU MAY.

(DISCUSSION HELD OFF THE RECORD
BETWEEN THE DEPUTY DISTRICT
ATTORNEYS.)

Q BY MR. KELBERG: DOCTOR, ONE LAST AREA, AND THAT IS MR. SHAPIRO ASKED YOU ABOUT ANY QUESTION THAT MR. SIMPSON HAS ARTHRITIS AND WHETHER YOU CHANGED YOUR OPINION AFTER YOUR EXAMINATION.

AND I WANT TO ASK THE FURTHER QUESTION, IS IT STILL YOUR OPINION THAT THERE IS NOTHING, FROM YOUR FINDINGS OF MR. SIMPSON'S PHYSICAL CONDITION ON JUNE 15TH, 1994, WHICH PREVENTS HIM FROM MURDERING TWO HUMAN BEINGS AS YOU PREVIOUSLY SAID HE COULD DO?

MR. SHAPIRO: OBJECTION, ASKED AND ANSWERED.

THE COURT: OVERRULED.

THE WITNESS: I BELIEVE THAT GIVEN THE HYPOTHETICALS YOU'VE GIVEN ME BEFORE IN TERMS OF SOMEONE THAT WAS IN A FIXED STATIONARY POSITION, DOES HE HAVE THE STRENGTH TO HOLD A KNIFE, TO WIELD A KNIFE, I THINK THE ANSWER TO THAT IS YES.

Q BY MR. KELBERG: MY QUESTION, THOUGH, WAS TO REPEAT THE QUESTION THAT YOU WERE INITIALLY ASKED THAT YOU SAID YES, HE HAD THE PHYSICAL CAPABILITY TO MURDER TWO HUMAN BEINGS, IS THAT STILL YOUR OPINION? YES OR NO?

MR. SHAPIRO: OBJECTION, ASKED AND ANSWERED, MISSTATES THE QUESTION.

THE COURT: OVERRULED.

THE WITNESS: GIVEN A LIST OF HYPOTHETICALS, I'M NOT SO SURE WHETHER HE HAS THE FULL CAPABILITIES TO HANDLE TWO PEOPLE AT ONCE WHO BOTH ARE ABLE TO FLEE.

IF -- IF INDIVIDUALS WERE TAKEN OR THE -- I DON'T REALLY FEEL LIKE I'M QUALIFIED TO GIVE YOU AN ABSOLUTE ANSWER.

HE HAS SOME LIMITATIONS WHICH I'VE TRIED TO DESCRIBE, AND I'VE SAID THAT HE DOES HAVE UPPER BODY STRENGTH AND HE HAS CERTAIN LIMITATIONS OF HIS MOVEMENT, CERTAIN DIFFICULTIES WE SEE IN THE TAPE IN TERMS OF UNCERTAINTY GETTING OFF THE GROUND AND SOME SLIGHT STUMBLING MOTIONS.

AND WE KNOW AT LEAST ON THE 15TH -- ON THE 15TH WHEN I SAW HIM HE HAD TWO JOINTS THAT WERE HURTING HIM AND AFFECTED HIS ABILITY TO WALK PERFECTLY.

I REALLY CAN'T -- CAN'T STATE MORE THAN THAT, BUT CERTAINLY, AS I HAVE SAID BEFORE, GIVEN YOUR HYPOTHETICALS, THERE WAS NO MEDICAL IMPEDIMENT TO HOLDING A KNIFE OR SLASHING SOMEONE'S THROAT BASED ON MY EVALUATION OF HIS STRENGTH AND HIS UPPER BODY EVALUATION.

Q BY MR. KELBERG: DOCTOR, HAVE YOU CHANGED TO THIS ANSWER THAT YOU JUST GAVE FROM YOUR PREVIOUS ANSWER, WHICH WAS A DIRECT YES, THAT HE DID HAVE THE PHYSICAL CAPABILITY TO COMMIT THE MURDERS BECAUSE YOU REALIZE THAT YOUR EARLIER ANSWER WILL HURT MR. SIMPSON ON THE ISSUE OF HIS GUILT OR INNOCENCE IN THIS CASE?

THE COURT: SUSTAINED. SUSTAINED.

MR. KELBERG: I HAVE NOTHING FURTHER, YOUR HONOR.

THE COURT: MADAM REPORTER.

REPORTER OLSON: I'M FINE.

FURTHER REDIRECT EXAMINATION

BY MR. SHAPIRO:

Q DO YOU HAVE PATIENTS TO SEE THIS AFTERNOON?

A I HOPE SO.

MR. SHAPIRO: NOTHING FURTHER.

THE COURT: ALL RIGHT.

DOCTOR, THANK YOU VERY MUCH. YOU ARE EXCUSED.

MR. KELBERG: YOUR HONOR, MAY I ASK THAT THE DOCTOR NOT BE EXCUSED. I DON'T PAPER THE NEED TO RECALL HIM IN REBUTTAL.

THE COURT: WE KNOW WHERE TO FIND HIM.

MR. KELBERG: OKAY.

THE COURT: DOCTOR, THANKS A LOT.

ALL RIGHT.

LADIES AND GENTLEMEN, WE ARE GOING TO TAKE OUR BREAK FOR THE NOON HOUR.

PLEASE REMEMBER ALL OF MY ADMONITIONS TO YOU.

DON'T DISCUSS THE CASE AMONG YOURSELVES, DON'T FORM ANY OPINIONS ABOUT THE CASE, DON'T CONDUCT ANY DELIBERATIONS UNTIL THE MATTER HAS BEEN SUBMITTED TO YOU, DO NOT ALLOW ANYBODY TO COMMUNICATE WITH YOU WITH REGARD TO THE CASE.

WE WILL STAND IN RECESS. 1:45.

ALL RIGHT.

(AT 12:22 P.M. THE NOON RECESS
WAS TAKEN UNTIL 1:45 P.M. OF
THE SAME DAY.)

LOS ANGELES, CALIFORNIA; TUESDAY, JULY 18, 1995
1:00 P.M.

DEPARTMENT NO. 103 HON. LANCE A. ITO, JUDGE
APPEARANCES:

(APPEARANCES AS HERETOFORE NOTED.)

(JANET M. MOXHAM, CSR NO. 4855, OFFICIAL REPORTER.) (CHRISTINE
M. OLSON, CSR NO. 2378, OFFICIAL REPORTER.)

(THE FOLLOWING PROCEEDINGS WERE
HELD IN OPEN COURT, OUT OF THE
PRESENCE OF THE JURY:)

THE COURT: ALL RIGHT.

BACK ON THE RECORD IN THE SIMPSON MATTER.

ALL PARTIES ARE AGAIN PRESENT.

COUNSEL, DID WE HAVE A CHANCE TO RESOLVE ANY OF THOSE
DISCOVERY AND/OR WITNESS DISCLOSURE ISSUES?

MR. COCHRAN: I'M NOT SURE. DEAN UELMEN IS HERE FOR US.
IF THE COURT WANTS TO ALLOW US A COUPLE MINUTES -- I'M NOT SURE
-- SINCE WE LEFT AT 12:20 -- BUT IT MIGHT BE WISE -- WHATEVER
YOUR HONOR WANTS TO DO -- IF YOU WANT TO HAVE THOSE LAWYERS
WORKING ON THAT STEP OUTSIDE AND HAVE US CONTINUE ON, WE WILL BE
WILLING TO DO THAT, YOUR HONOR.

THE COURT: YES.

ALL RIGHT.

DO WE HAVE OUR NEXT WITNESS?

MR. COCHRAN: YES. OUR NEXT WITNESS IS PRESENT.

THE COURT: ALL RIGHT.

MR. COCHRAN: BY THE TIME WE BREAK OR GET WORD, I'LL GIVE
THE COURT A REPORT. I DON'T KNOW WHO'S HANDLING IT FOR THE
PEOPLE.

THE COURT: ALL RIGHT.

LET'S HAVE THE JURORS.

WHO'S OUR NEXT WITNESS, MR. COCHRAN?

MR. COCHRAN: YES.

THE COURT: WHO IS OUR NEXT WITNESS?

MR. COCHRAN: JUANITA MOORE, YOUR HONOR.

(THE FOLLOWING PROCEEDINGS WERE
HELD IN OPEN COURT, IN THE
PRESENCE OF THE JURY:)

THE COURT: THANK YOU, LADIES AND GENTLEMEN. PLEASE BE
SEATED.

ALL RIGHT.

LET THE RECORD REFLECT WE'VE BEEN REJOINED BY ALL THE
MEMBERS OF OUR JURY PANEL.

GOOD AFTERNOON, LADIES AND GENTLEMEN.

THE JURY: GOOD AFTERNOON.

THE COURT: AND THE DEFENSE MAY CALL THEIR NEXT WITNESS.

MR. COCHRAN: YES. THANK YOU VERY KINDLY, YOUR HONOR.

OUR NEXT WITNESS WILL BE MISS JUANITA MOORE.

MISS MOORE, WOULD YOU STEP FORWARD, PLEASE.

JUANITA MOORE,

CALLED AS A WITNESS BY THE DEFENDANT, WAS SWORN AND TESTIFIED AS
FOLLOWS:

THE COURT: ALL RIGHT.

MISS MOORE, WOULD YOU STAND RIGHT THERE, PLEASE, AND
FACE THE CLERK, MRS. ROBERTSON.

THE CLERK: YOU DO SOLEMNLY SWEAR THAT THE TESTIMONY YOU
MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT SHALL BE THE
TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, SO HELP YOU
GOD?

THE WITNESS: I DO.

THE CLERK: PLEASE HAVE A SEAT ON THE WITNESS STAND AND
STATE AND SPELL YOUR FIRST AND LAST NAMES FOR THE RECORD.

THE WITNESS: MY NAME IS JUANITA MOORE, J-U-A-N-I-T-A, LAST
NAME MOORE, M-O-O-R-E.

THE CLERK: THANK YOU.

THE COURT: MR. COCHRAN.

MR. COCHRAN: THANK YOU KINDLY, YOUR HONOR.

GOOD AFTERNOON, LADIES AND GENTLEMEN.

THE JURY: GOOD AFTERNOON.

DIRECT EXAMINATION

BY MR. COCHRAN:

Q GOOD AFTERNOON, MISS MOORE. HOW ARE YOU?

A I'M PRETTY GOOD.

Q VERY GOOD, MISS MOORE. THANK YOU FOR COMING TODAY.

MISS MOORE, WHAT IS YOUR OCCUPATION, MA'AM?

A I AM A BARBER.

Q AND FOR LONG HAVE YOU BEEN A BARBER?

A OH, APPROXIMATELY 30 YEARS.

Q AND DO YOU HAVE A BARBER SHOP SOMEWHERE WITHIN THE
CONFINES OF THE COUNTY OF LOS ANGELES?

A YES. ON ADAMS BOULEVARD IN LOS ANGELES.

Q ALL RIGHT.

AND FOR HOW LONG HAVE YOU BEEN AT THAT LOCATION?

A AT THAT LOCATION, FOR 10 YEARS.

Q ALL RIGHT.
NOW, MISS MOORE, DO YOU -- YOUR BARBER SHOP IS IN THE COMMUNITY; IS THAT CORRECT?

A YES.

Q AND DO YOU HAVE A NUMBER OF RATHER WELL-KNOWN PATRONS WHO PATRONIZE YOUR BARBER SHOP?

A YES, I DO.

Q WHO ARE SOME OF THE PEOPLE WHO YOU CUT THEIR HAIR?

MS. CLARK: OBJECTION. IRRELEVANT, YOUR HONOR.

MR. COCHRAN: I'LL LINK IT UP.

THE COURT: OVERRULED.

THE WITNESS: UMM -- DO I ANSWER?

THE COURT: SURE. NO. GO AHEAD.

THE WITNESS: OKAY.

DEPUTY CHIEF BERNARD PARKS. THAT'S ONE. RAY CHARLES, CONGRESSMAN JULIAN DIXON.

Q BY MR. COCHRAN: ALL RIGHT.
SO YOU HAVE A NUMBER OF PEOPLE IN THE COMMUNITY LIKE THAT?

A YES.

Q AND DO YOU HAVE A GENTLEMAN WHO IS TO MY LEFT OVER HERE, MR. O.J. SIMPSON -- MR. SIMPSON ONE OF YOUR CUSTOMERS?

A YES.

Q AND HOW LONG DID YOU CUT MR. SIMPSON'S HAIR?

A APPROXIMATELY 16 YEARS.

Q AND DURING THAT PERIOD OF TIME, IN THE 16 YEARS THAT YOU'VE CUT MR. SIMPSON'S HAIR, AT ANY TIME, DID YOU EVER TINT OR DYE MR. SIMPSON'S HAIR?

A TINT OR DYE, NO.

Q AND SO WHAT WE SEE IS -- WELL, AT LEAST UP TO THE TIME THAT YOU LAST SAW HIM, WHAT WE SEE IS WHAT WE'RE GETTING WITH HIM; IS THAT RIGHT?

A YES.

Q YOU KNOW HOW THEY SAY ONLY YOUR HAIRDRESSER WILL KNOW FOR SURE?

A YES.

Q ALL RIGHT.
SO YOU AT NO TIME EVER TINTED OR DYED HIS HAIR; IS THAT CORRECT?

A NO, I DIDN'T.

Q ALL RIGHT.
NOW, IN THAT CONNECTION, DURING THE TIME, THE 16 YEARS THAT YOU CUT MR. SIMPSON'S HAIR, DID HE HAVE DANDRUFF IN HIS HAIR?

A UH, PERIODICALLY HE WOULD HAVE DANDRUFF, YES.

Q AND DO YOU RECALL PARTICULAR TIMES WHEN HE'D HAVE DANDRUFF MORE THAN AT OTHER TIMES?

A UH, IT SEEMED THAT HE WOULD HAVE DANDRUFF MORE IN THE OFF SEASON, WHEN HE WAS PLAYING GOLF AND IN THE SUN A LOT.

Q ALL RIGHT.
NOW, WHEN YOU SAY THE OFF SEASON, SO WE'RE CLEAR ABOUT THAT, IN THE LAST 10 YEARS OR SO, WHEN YOU WOULD CUT MR. SIMPSON'S HAIR, WHEN YOU SAY OFF SEASON, WHAT DO YOU MEAN BY OFF SEASON AS OPPOSED TO ON SEASON?

A WELL, WHEN HE WASN'T WORKING AS A REPORTER OR HE WASN'T PLAYING FOOTBALL.

Q ALL RIGHT.
SO WAS THERE A PARTICULAR PERIOD OF THE YEAR WHEN MR. SIMPSON WOULD EITHER BE PLAYING FOOTBALL OR WORKING AS A SPORTSCASTER?

A YES. UH, WELL, IN THE RECENT YEARS, HE WOULD BE GONE

LIKE ON THE SEASON, WHICH WOULD START LIKE SEPTEMBER TO LIKE JANUARY.

Q ALL RIGHT.

WOULD THAT BE DURING FOOTBALL SEASON?

A YES.

Q ALL RIGHT.

AND DURING THOSE PERIODS OF TIME, YOU WOULDN'T SEE HIM TO CUT HIS HAIR REGULARLY; IS THAT CORRECT?

A NOT AS REGULARLY AS DURING THE OFF SEASON.

Q ALL RIGHT.

WOULD THERE BE TIMES, HOWEVER, DURING THE ON SEASON, DURING FOOTBALL SEASON THAT HE WOULD STILL COME IN TO SEE YOU WHEN WAS IN TOWN?

A THE ON SEASON?

Q YES.

A YES.

Q AND IN THOSE TIMES IN THE RECENT PAST WHEN HE CAME IN TO SEE YOU, WOULD YOU ALWAYS CUT HIS HAIR AT YOUR SHOP ON ADAMS BOULEVARD OR WOULD YOU DO IT SOMEPLACE ELSE ON OCCASION?

A I WOULD DO IT IN BOTH PLACES. I WOULD DO IT AT HIS HOME AND AT THE SHOP.

Q ALL RIGHT.

AND HIS HOME, YOU KNOW HIS HOME TO BE ON ROCKINGHAM, DO YOU?

A YES, I DO.

Q ALL RIGHT.

AND YOU'VE BEEN THERE?

A YES.

Q ALL RIGHT, MA'AM.

NOW, WITH REGARD TO THE SO-CALLED OFF SEASON, YOU WERE SAYING THAT THIS CONDITION OF DANDRUFF WOULD BE PERHAPS WORSE AT TIMES DURING THE -- I THINK YOU SAID OFF SEASON WHEN HE'S PLAYING GOLF; IS THAT CORRECT?

A YES.

Q AND WHAT, IF ANYTHING, WOULD ATTRIBUTE TO THAT, THAT HE WOULD HAVE MORE DANDRUFF IN THE OFF SEASON?

A WELL, IT WOULD HAPPEN MOSTLY IF HE DIDN'T PUT OIL ON HIS HAIR. IF HE PUT OIL ON HIS HAIR, HE WOULDN'T HAVE DANDRUFF LIKE HE DID. IT WOULD BE IN -- WHEN HE PLAYED GOLF, HE WAS IN THE SUN, YOU KNOW, AND WITH THE LACK OF OIL THAT WOULD CREATE THE DRY SCALP.

Q ALL RIGHT.

NOW, YOU'RE NOT A DERMATOLOGIST, ARE YOU?

A I'M NOT A DERMATOLOGIST, NO.

Q AND AS SUCH, WITH REGARD TO WHEN YOU WOULD SEE DANDRUFF IN HIS HAIR OR AROUND HIS SHOULDERS OR WHATEVER, WHAT WOULD YOU DO FOR HIM OR RECOMMEND TO HIM?

A WELL, I WOULD TELL HIM TO BE SURE AND TO PUT MORE OIL IN HIS HAIR IF HE'S GOING TO BE IN THE SUN AND I WOULD TELL HIM TO USE SOME KIND OF DANDRUFF SHAMPOO, YOU KNOW, OVER-THE-COUNTER SHAMPOO. IT WASN'T BAD ENOUGH FOR HIM TO GO TO A DERMATOLOGIST, YOU KNOW. HE COULD JUST USE A DANDRUFF SHAMPOO.

Q ALL RIGHT.

OKAY.

AND WOULD YOU EVER SHAMPOO HIS HAIR OR WAS THAT SOMETHING HE TOOK CARE OF HIMSELF?

A OH, HE WOULD DO THAT HIMSELF.

Q NOW, AT ANY TIME DURING THE -- YOU'VE BEEN CUTTING HIS HAIR FOR ABOUT 16 YEARS PLUS?

A YES.

Q AND SO DURING THAT TIME FRAME, DID YOU EVER HAVE

OCCASION TO PUT ANY CHEMICALS OR ANYTHING OF THAT NATURE ON MR. SIMPSON'S HAIR?

A NO. WELL, I DID. ABOUT 10 YEARS AGO, I PUT A CHEMICAL RELAXER ON IT TO TEXTURIZE IT. AND AFTER THAT, WE DECIDED -- THE BOTH OF US DECIDED THAT WE DIDN'T LIKE IT, SO WE WOULDN'T DO THAT ANYMORE.

Q THAT WAS ONLY ONE TIME IN THE LAST 16 YEARS?

A ONLY ONE TIME.

Q AND THAT WAS ABOUT 16 YEARS AGO?

A ABOUT 10 YEARS AGO.

Q OKAY.

IT WAS ABOUT 10 YEARS AGO?

A YES.

Q ALL RIGHT.

AND SO IF YOU LOOK AT MR. SIMPSON'S HAIR NOW -- YOU'RE NOT DOING HIS HAIR. THIS IS NOT YOUR PRODUCT RIGHT HERE (INDICATING)?

A NO, THAT IS NOT MY PRODUCT.

Q WE WILL DISCLAIM THAT.

BUT THE WAY HIS HAIR LOOKS NOW, IT SEEMS TO HAVE A LITTLE MORE GRAY. OTHER THAN THAT, IS THAT THE WAY HIS HAIR LOOKS IN A NATURAL STATE?

A YES.

Q NOW, WITH REGARD TO -- DID YOU EVER DO ANYTHING ABOUT THE GRAY IN HIS HAIR?

A OH, YES. I WOULD LIKE CLIP THEM OUT TO KEEP FROM PUTTING CHEMICALS IN HIS HAIR.

Q ALL RIGHT.

NOW --

A ONE BY ONE.

Q NOW, I'D LIKE TO DIRECT YOUR ATTENTION BACK TO THE MONTH OF MAY OF 1994.

DO YOU RECALL A DATE TOWARD THE END OF MAY OF 1994 THAT YOU HAD OCCASION TO CUT MR. SIMPSON'S HAIR?

A YES, I DO.

Q AND CAN YOU TELL THE LADIES AND GENTLEMEN OF THE JURY THE APPROXIMATE DATE THAT YOU DID MR. SIMPSON'S HAIR TOWARD THE END OF MAY OF 1994?

A YES. I CAN TELL THEM BECAUSE IT WAS MY BIRTHDAY.

Q AND YOUR BIRTHDAY WAS WHAT?

A MAY 23RD.

Q AND DO YOU REMEMBER WHAT DAY OF THE WEEK THAT WAS?

A IT WAS ON A MONDAY.

Q AND IN YOUR BARBER SHOP, DO YOU HAVE -- LIKE OTHER BARBER SHOPS IN THE COMMUNITY, DO YOU HAVE A DAY WHEN YOU'RE NORMALLY OFF?

A THAT'S MONDAY.

Q MONDAY IS YOUR DAY OFF?

A YES.

Q ALL RIGHT.

AND SO WAS THAT -- MAY 23RD, WAS THAT A -- 1994, WAS THAT A MONDAY?

A YES, IT WAS.

Q ALL RIGHT.

AND THAT WAS YOUR BIRTHDAY; IS THAT CORRECT?

A YES.

Q ALL RIGHT.

TELL THE JURORS, MEMBERS OF THE JURY HOW IT CAME THAT YOU DID MR. SIMPSON'S HAIR AND WHERE YOU DID IT.

A UH, I DID HIS HAIR AT HIS HOME.

Q ALL RIGHT.

AND DO YOU REMEMBER ABOUT WHAT TIME YOU ARRIVED THERE, MISS MOORE?

A APPROXIMATELY 6:30ISH. I GUESS 6:30.

Q ALL RIGHT.

WHEN YOU ARRIVED THERE, TELL US WHAT HAPPENED THEN, IF ANYTHING.

A WELL, WHEN I ARRIVED THERE, HE WAS HOME ALONE AND WE WENT --

MS. CLARK: YOUR HONOR, OBJECTION. I WOULD LIKE TO APPROACH.

THE COURT: YES. WITH THE COURT REPORTER, PLEASE.

(THE FOLLOWING PROCEEDINGS WERE HELD AT THE BENCH:)

MS. CLARK: THIS GIVES US SOME CLUE --

THE COURT: HOLD ON.

WE'RE OVER AT SIDEBAR.

WHERE ARE WE GOING WITH THIS, MR. COCHRAN?

MR. COCHRAN: THIS IS THE LAST TIME SHE CUT HIS HAIR. JUDGE, I'M GOING TO JUST BRING OUT THE LAST TIME SHE CUT THE DEFENDANT'S HAIR AT ROCKINGHAM, WHAT CONDITION HIS HAIR WAS IN.

MS. CLARK: THAT'S ALL? WHO WAS THERE, I WANT TO HEAR ABOUT THAT. WHY IS THAT RELEVANT?

MR. COCHRAN: WHY IS IT RELEVANT WHO WAS THERE?

MS. CLARK: YES.

MR. COCHRAN: IT'S VERY RELEVANT.

MS. CLARK: THEN LET'S HEAR WHAT IT IS.

MR. COCHRAN: YOU'RE THE JUDGE. I'M NOT --

MS. CLARK: ALL RIGHT.

YOUR HONOR, YOU KNOW, WE'VE SEEN --

THE COURT: WAIT, WAIT, WAIT.

WHO'S THERE? WHO'S THERE?

MR. COCHRAN: GIGI COOKED THE DINNER. THE FACTS ARE, THEY HAD -- GIGI GUARIN IS THE HOUSEKEEPER. SHE COOKED DINNER. I THINK THE DIRECTOR, ONE OF HIS DIRECTORS OF A MOVIE OR SOMETHING.

THEY HAD DINNER. AFTER THAT, O.J. WAS WATCHING FROGMAN OR SOMETHING LIKE THAT. SHE CUT HIS HAIR. THAT WAS IT. I THINK PAULA WAS THERE. THAT WAS IT.

THE COURT: OKAY.

MR. COCHRAN: NO BIG THING.

MS. CLARK: WHAT IS THE RELEVANCE OF PAULA BEING THERE?

MR. COCHRAN: BECAUSE SHE WAS THERE.

THE COURT: THE LAST TIME HE HAD HIS HAIR CUT?

MS. CLARK: MAY I POINT OUT TO THE COURT, IF THAT IS THE OFFER, AN UNRELIABLE OFFER OF PROOF WAS MADE INFORMALLY TO MR. DARDEN. MR. DARDEN RECEIVED THE FOLLOWING OFFER OF PROOF OFF THE RECORD JUST BEFORE WE BEGAN:

THAT SHE WOULD TESTIFY TO THE FACT THAT HIS HAIR WAS NEVER TREATED. AND WE HAVE NOW HEARD EXTENSIVE TESTIMONY ABOUT DANDRUFF AND NOW ABOUT THE LAST DAY SHE CUT HIS HAIR.

I AM GOING TO ASK THE COURT TO REQUIRE AN OFFER OF PROOF AND AN OFFER THAT IS COMPLETE AND HONEST IN THE FUTURE WHEN WE HAVE WITNESSES WHO HAVE NO STATEMENTS. THIS IS A TRIAL BY AMBUSH NOW.

THE COURT: LET'S PROCEED.

MR. COCHRAN: MAY I --

THE COURT: NO. NO.

LET'S PROCEED.

MR. COCHRAN: THAT WAS WRONG.

THE COURT: LET'S PROCEED.

(THE FOLLOWING PROCEEDINGS WERE
HELD IN OPEN COURT:)

THE COURT: ALL RIGHT.

THANK YOU, COUNSEL.

MR. COCHRAN.

MR. COCHRAN: THANK YOU, YOUR HONOR.

Q BY MR. COCHRAN: I THINK I WAS JUST ASKING BEFORE WE
WERE INTERRUPTED WHO WAS PRESENT AT THE TIME THAT YOU ARRIVED
THERE AND THEN WHAT HAPPENED AFTER THAT.

A UH, MR. SIMPSON WAS HOME ALONE.

Q AND THEN WHAT HAPPENED AFTER YOU SAW HIM, YOU SAW MR.
SIMPSON?

A YES.

Q AND THEN WHAT DID YOU DO?

A WE WENT INTO THE FAMILY ROOM AND HE WAS SHOWING ME A
NEW MUSICAL SYSTEM THAT HE HAD INSTALLED AND WAS KIND OF LIKE A
LITTLE TOY FOR HIM. HE WAS SHOWING ME HOW IT WORKS; IT PLAYS
UPSTAIRS AND DOWNSTAIRS AND THIS ROOM, ET CETERA.

Q ALL RIGHT.

FIRST TIME YOU HAD SEEN THAT?

A FIRST TIME I HAD, YES. I HAD SEEN THAT, YES.

Q OKAY.

AND WHAT HAPPENED AFTER THAT?

A AND WE'D JUST SIT THERE AND WE LISTENED TO THE MUSIC
AND WE WERE WAITING FOR THE REST OF THE GUESTS TO ARRIVE.

Q ALL RIGHT.

DID SOME OTHER PEOPLE ARRIVE?

A YES.

Q AND WHO ARRIVED, MA'AM?

A UH, IT WAS A LADY, I CAN'T REMEMBER HER NAME, BUT HE
INTRODUCED ME TO HER AND I FORGOT HER NAME, BUT HE WAS -- SHE WAS
HIS DIRECTOR.

Q DIRECTOR IN WHAT?

A IN I SUPPOSE THE MOVIES AND MAYBE FROGMAN. I'M NOT
SURE.

Q OKAY.

AND --

A AND --

Q SHE ARRIVED?

A YES, SHE ARRIVED.

Q OKAY.

DID SOMEONE ELSE ARRIVE?

A A LITTLE LATER ON, YES.

Q ALL RIGHT.

AND WHO WAS THAT?

A PAULA BARBIERI.

Q PAUL BARBIERI?

A YES.

THE COURT: EXCUSE ME, COUNSEL.

MA'AM, IF YOU WOULD, MISS MOORE, WOULD YOU ALLOW MR.
COCHRAN TO FINISH ASKING YOU THE QUESTION BEFORE YOU START TO
SPEAK BECAUSE THE COURT REPORTER CAN ONLY REPORT ONE PERSON
TALKING AT A TIME, OKAY?

THE WITNESS: OKAY.

THE COURT: AND, MR. COCHRAN, WOULD YOU LET HER FINISH
ANSWERING BEFORE YOU START TO ASK THE NEXT QUESTION?

MR. COCHRAN: I'M SORRY, YOUR HONOR. I CERTAINLY WILL.

THE COURT: THANK YOU.

Q BY MR. COCHRAN: SO THAT WE'RE CLEAR FOR THE LADIES AND GENTLEMEN OF THE JURY, TELL US THE ORDER THAT PEOPLE ARRIVED THERE ON THAT EVENING.

A WELL, I CAME FIRST AND THEN THE -- HIS DIRECTOR CAME AND PAULA WAS LAST.

Q ALL RIGHT.
HAD YOU EVER SEEN OR DID YOU KNOW PAULA BARBIERI BEFORE THAT DAY?

A YES. I HAD SEEN PAULA PRIOR TO THAT.

Q ALL RIGHT.
NOW, AFTER EVERYBODY ARRIVED -- AND BY THE WAY, WAS THE DIRECTOR A MALE OR FEMALE?

A SHE WAS -- IT WAS A FEMALE.

Q ALL RIGHT.
AND AFTER EVERYONE ARRIVED, TELL US WHAT HAPPENED THEN.

A WE HAD A DINNER.

Q OKAY.
AND WHO PREPARED DINNER, IF YOU RECALL?

A GIGI.

Q AND IS THAT GIGI GUARIN, G-U-A-R-I-N?

A GIGI IS THE MAID.

Q OKAY.
IS THAT THE LADY WHO IS A HOUSEKEEPER THERE?

A YES. HOUSEKEEPER.

Q ALL RIGHT.
SO DID ALL OF YOU HAVE DINNER TOGETHER?

A YES.

Q ALL RIGHT.
AND AFTER YOU HAD DINNER, WHAT HAPPENED AFTER THAT?
A HIS DIRECTOR LEFT AND PAULA STAYED FOR A WHILE AND THEN SHE TALKED FOR A WHILE AND THEN SHE LEFT, AND THEN I CUT HIS HAIR AND HE PUT THE FROGMAN VIDEO ON. SO WHILE I CUT HIS HAIR, HE WATCHED A VIDEO.

Q ALL RIGHT.
WERE YOU ABLE TO SEE THE VIDEO YOURSELF AT THAT TIME?

A WELL, I COULDN'T CONCENTRATE ON IT BECAUSE I WAS CUTTING HIS HAIR, BUT I DID SEE -- YOU KNOW, LOOK AT IT A LITTLE BIT.

Q SO YOU THEN PROCEEDED TO CUT HIS HAIR; IS THAT CORRECT?

A YES.

Q ALL RIGHT.
AND ABOUT WHAT TIME WAS THAT IF YOU RECALL ON THE MAY 23RD DATE?

A UMM, PROBABLY ABOUT 8:30, 9:00 MAYBE.

Q AND ON THAT OCCASION, WITH REGARD TO CUTTING HIS HAIR, YOU DID NOT SHAMPOO HIS HAIR, DID YOU?

A NO. NO.

Q ALL RIGHT.
HE DIDN'T HAVE ANY CHEMICALS IN HIS HAIR, DID HE?

A NO.

Q AND DO YOU RECALL WHETHER OR NOT YOU DID ANYTHING ABOUT THE -- IF HE HAD ANY GRAY AT THAT TIME?

A YEAH. I CLIPPED THE GRAYS OUT.

Q AND WAS THIS HAIR CUT SIMILAR TO OTHER HAIRCUTS YOU GAVE HIM OVER THE COURSE OF THE 16 YEARS YOU DID HIS HAIR?

A YES.

Q NOW, SO IN ADDITION TO BEING -- IN ADDITION TO MR. SIMPSON BEING A PATRON OR CUSTOMER OF YOURS, WAS HE SOMEONE THAT WHO ALSO OVER THE YEARS BECAME A FRIEND OF YOURS ALSO?

A YES.
Q NOW, SAVE SOME TIME AND ASK YOU THIS.
YOU DIDN'T SEE MR. SIMPSON ON JUNE 12TH, 1994, DID YOU?
A NO, I DID NOT.
Q AND WAS MAY 23RD, 1994 ABOUT THE LAST TIME YOU CUT HIS HAIR?
A IT WAS THE LAST TIME, YES.
Q AND HOW HAD YOU GOTTEN TO THAT LOCATION, TO ROCKINGHAM?
A HOW DID --
Q HOW DID YOU GET UP THERE THAT NIGHT?
A I DROVE MY CAR.
Q AND WHEN IT WAS OVER, YOU LEFT; IS THAT CORRECT?
A I LEFT.
Q ALL RIGHT.
YOU CAME DOWN HERE TODAY PURSUANT TO A REQUEST TO TESTIFY; IS THAT CORRECT?
A YES.
MR. COCHRAN: THANK YOU VERY KINDLY.
THE WITNESS: YOU'RE WELCOME.
THE COURT: MISS CLARK.
MS. CLARK: THANK YOU, YOUR HONOR.
GOOD AFTERNOON, LADIES AND GENTLEMEN.
THE JURY: GOOD AFTERNOON.

CROSS-EXAMINATION

BY MS. CLARK:

Q GOOD AFTERNOON, MISS MOORE.
A GOOD AFTERNOON.
Q DANDRUFF, THAT'S A CONDITION OF THE SCALP, ISN'T THAT?
A RIGHT.
Q OKAY.
AND JUST FROM A LAYPERSON'S UNDERSTANDING, BECAUSE THAT'S ALL I HAVE, IT'S WHEN YOUR SCALP GETS DRY, CORRECT?
A RIGHT.
Q OKAY.
AND WHEN YOU HAVE THAT CONDITION WHERE YOUR SCALP GETS DRY, IF YOU COMB YOUR HAIR, YOU'RE GOING TO PULL THOSE FLAKES OFF THE SCALP; IS THAT RIGHT?
A THIS IS VERY TRUE.
Q OKAY.
AND SO WHEN YOU WOULD COMB HIS HAIR WHEN HE HAD DANDRUFF, THOSE FLAKES WOULD COME OUT, CORRECT?
A YES. SOMETIMES, YES.
Q SOMETIMES YES AND SOMETIMES NO?
A YES. WELL, IF I -- THE MORE VIGOROUS I COMB IT, THE MORE IT WOULD COME OUT. SOMETIMES I WOULD JUST BRUSH IT AND CUT IT. I DIDN'T USE A COMB.
Q RIGHT.
SO IF YOU DIDN'T USE A COMB, EVEN IF HE HAD DANDRUFF, YOU WOULDN'T DISTURB ANY FLAKES ON THE HAIR. IS THAT A FAIR STATEMENT?
A THAT'S TRUE.
Q AND SO IF HIS HAIRS CAME OUT BY THEMSELVES, IF THEY WERE NATURALLY SHED, YOU KNOW WHAT I MEAN, WITHOUT BEING PULLED OUT BY COMBING, THEN THEY MIGHT NOT SHOW ANY FLAKES OF DANDRUFF: IS THAT RIGHT?
MR. COCHRAN: OBJECTION. CALLS FOR SPECULATION.

THE COURT: OVERRULED.

THE WITNESS: WOULD YOU REPEAT THE QUESTION, PLEASE?

Q BY MS. CLARK: SURE.

IF YOU DID NOT COMB THE HAIR, IF HIS HAIR WAS JUST -- YOU KNOW, WE SHED HAIRS EVERY DAY, DON'T WE?

A YES.

Q OKAY.

UNFORTUNATELY.

A YES.

Q ALL RIGHT.

IN THAT PROCESS, IF YOU JUST SHED YOUR HAIR NATURALLY AND YOU'RE NOT COMBING, THEN THE DANDRUFF IS NOT GOING TO COME OFF ON THE HAIR; ISN'T THAT RIGHT?

MR. COCHRAN: I OBJECT TO THE FORM OF THAT QUESTION, YOUR HONOR. NO FOUNDATION.

THE COURT: OVERRULED.

THE WITNESS: DANDRUFF'S NOT GOING TO COME OFF ON THE -- ON WHERE? I DON'T UNDERSTAND THE QUESTION.

Q BY MS. CLARK: WHEN YOU -- YOU JUST INDICATED WHEN YOU COMB THE HAIR VIGOROUSLY, DANDRUFF WILL COME OFF.

A RIGHT.

Q OKAY.

AND IF YOU DON'T, IF YOU JUST BRUSH HIS HAIR, THE DANDRUFF DOESN'T COME OFF?

A RIGHT.

Q OKAY.

WHICH MEANS IF YOU DON'T BRUSH OR COMB THE HAIR AND IT JUST FALLS OFF BY ITSELF, THE DANDRUFF DOESN'T COME OFF.

MR. COCHRAN: I OBJECT.

THE COURT: OVERRULED.

THE WITNESS: IF YOU DON'T DO ANYTHING TO THE HAIR, I GUESS IT WILL JUST STAY THERE. I'M NOT SURE REALLY. I GUESS IT WILL JUST STAY ON THE SCALP.

Q BY MS. CLARK: OKAY.

AND IT WON'T BEING SHOWING UP IN THE HAIR, RIGHT?

MR. COCHRAN: OBJECTION, YOUR HONOR. CALLS FOR SPECULATION.

THE COURT: SUSTAINED.

THE WITNESS: I CAN'T SAY THAT. I DON'T KNOW.

THE COURT: MA'AM, MA'AM. WHEN I SUSTAIN THE OBJECTION, THAT MEANS DON'T ANSWER THE QUESTION.

THE WITNESS: OKAY.

THE COURT: NEXT QUESTION.

Q BY MS. CLARK: SO SOMETIMES HE HAD DANDRUFF AND SOMETIMES HE DID NOT?

A THAT'S CORRECT.

Q OKAY.

AND SOMETIMES IN THE SUMMER WHEN YOU SAW HIM TO TAKE CARE OF HIS HAIR, HE WOULD HAVE DANDRUFF AND SOMETIMES HE WOULD NOT?

A THAT'S CORRECT.

Q OKAY.

AND DANDRUFF, CAN THAT BE CAUSED BY A CHANGE IN HYGIENE LIKE WHAT YOU EAT AND HOW YOU TAKE CARE OF YOURSELF?

A UMM, I'M NOT SURE.

MR. COCHRAN: I OBJECT TO THE FORM OF THAT QUESTION. SHE INDICATED SHE'S NOT A DERMATOLOGIST. NO FOUNDATION.

THE COURT: OVERRULED. SHE'S INDICATED SHE'S NOT SURE.

MS. CLARK: OKAY.

THE COURT: NEXT QUESTION.

Q BY MS. CLARK: FOR EXAMPLE, IF YOU HAVE A CHANGE IN

SHAMPOO, CAN THAT CAUSE DANDRUFF?

MR. COCHRAN: CALLS FOR SPECULATION, YOUR HONOR.

THE COURT: OVERRULED.

THE WITNESS: I'M NOT SURE.

Q BY MS. CLARK: YOU'RE NOT SURE?

A I'M NOT SURE IF A CHANGE IN SHAMPOO -- IT -- THAT'S
-- YEAH, IT COULD HAVE. IT COULD CAUSE IT AND COULD HELP IT.

Q BY MS. CLARK: AGGRAVATE IT?

A IT COULD CAUSE IT, MAKE IT BETTER OR MAKE IT WORSE.

Q OKAY.

SO WHAT ABOUT A CHANGE IN THE TYPE OF WATER YOU USE?
COULD THAT CAUSE DANDRUFF OR AFFECT IT OR AGGRAVATE IT?

A YES.

MR. COCHRAN: I OBJECT TO THE FORM OF THE QUESTION.

THE COURT: OVERRULED.

ANSWER WILL STAND.

Q BY MS. CLARK: NOW, DANDRUFF CAN OCCUR IN A ONE- TO
TWO-DAY PERIOD. IS THAT FAIR TO SAY?

MR. COCHRAN: I OBJECT. WITHOUT FOUNDATION, YOUR HONOR.

THE COURT: SUSTAINED.

Q BY MS. CLARK: HOW LONG DOES IT, IF YOU KNOW, BECAUSE
YOU'VE BEEN TREATING -- HOW MANY PEOPLE HAVE YOU HAD AS CUSTOMERS
OVER THE 30 YEARS?

A HOW MANY PEOPLE I'VE HAD AS CUSTOMERS?

Q REGULAR CUSTOMERS. LET'S NARROW IT DOWN SOME.

A I REALLY DON'T KNOW THE ANSWER TO THAT ONE.

Q WOULD IT BE FAIR TO SAY THOUSANDS?

A NO.

Q HUNDREDS?

A YES.

Q YES.

OKAY.

OF THOSE HUNDREDS OVER THE PAST 30 YEARS, HAVE SOME
OF THEM HAD DANDRUFF?

A YES.

Q WHAT PERCENTAGE WOULD YOU SAY HAD DANDRUFF?

A I'M NOT SURE. MAYBE FIVE PERCENT.

Q OKAY.

AND OF THAT FIVE PERCENT THAT HAD DANDRUFF, DID YOU
NOTICE THAT SOME WOULD HAVE DANDRUFF AT TIMES AND NOT AT OTHERS?

A YES.

Q OKAY.

AND IN -- ON THOSE OCCASIONS WHEN THOSE PEOPLE HAD
DANDRUFF SOMETIMES AND DIDN'T HAVE IT OTHER TIMES, CAN DANDRUFF
BUILD -- CAN THE CONDITION OF HAVING DANDRUFF OCCUR IN THE PERIOD
OF SAY A WEEK TO TWO WEEKS?

A I SUPPOSE SO.

Q DEPENDING ON THE CHANGE OF WATER, SHAMPOO AND
WHATNOT?

A THAT'S CORRECT.

Q OKAY.

NOW, YOU INDICATED THAT -- WELL, HOW LONG HAVE YOU
BEEN GOING TO ROCKINGHAM TO DO THE DEFENDANT'S HAIR?

A JUST ABOUT EVER SINCE I BEEN CUTTING HIS HAIR. OFF
AND ON, I WOULD GO TO THE HOUSE AND DO IT TOO.

Q SO ON SOME OF THOSE OCCASIONS, YOU WOULD SEE NICOLE
BROWN THERE I TAKE IT?

A YES.

Q OKAY.

AND YOU KNEW HER?

A YES.

Q OKAY.
AND WHEN PRIOR TO MAY 23RD DID YOU SEE HER AT
ROCKINGHAM?
A UMM, I BELIEVE MAY 1ST.
Q MAY 1ST?
A UH-HUH.
Q IS THAT YES? I'M SORRY. FOR THE REPORTER, WAS THAT
-- WE CAN'T SAY UH-HUH. WE HAVE TO SAY YES OR NO.
A OH, YES.
Q WAS THAT YES?
OKAY.
AND WHEN PRIOR TO -- YOU SAW PAULA BARBIERI THERE ON
MAY 23RD?
A YES.
Q OKAY.
AND WHEN PRIOR TO MAY 23RD DID YOU SEE PAULA BARBIERI
THERE?
A UMM, I DIDN'T SEE PAULA THERE. SHE CAME TO MY SHOP.
Q SHE CAME TO HER SHOP, DID SHE?
A YES.
Q OKAY.
AND DID SHE COME TO YOUR SHOP EARLIER IN MAY?
A NO.
Q DID SHE COME TO YOUR SHOP IN APRIL?
A NO.
Q WHEN DID SHE COME TO YOUR SHOP?
A SUMMER OF '92.
Q WAS THAT THE ONLY TIME?
A YES.
Q OKAY.
SO YOU WERE -- SHE WAS NOT A REGULAR CUSTOMER OF
YOURS?
A NO.
Q OKAY.
AND YOU DID NOT SOCIALIZE WITH HER?
A NO.
Q DID YOU VISIT ROCKINGHAM AGAIN BETWEEN MAY 23RD AND
JUNE 12TH?
A NO.
Q AND SO DID YOU SEE THE DEFENDANT BETWEEN MAY 23RD AND
JUNE 12TH?
A NO.

(DISCUSSION HELD OFF THE RECORD
BETWEEN THE DEPUTY DISTRICT
ATTORNEYS.)

Q BY MS. CLARK: DID YOU EVER -- TO THE BEST OF YOUR
KNOWLEDGE, MA'AM, DID ARNELLE SIMPSON TREAT HER HAIR?

MR. COCHRAN: I OBJECT. JUST A MOMENT. OBJECTION. CALLS
FOR SPECULATION. NO FOUNDATION.

THE COURT: SUSTAINED.

Q BY MS. CLARK: WERE YOU ACQUAINTED WITH THE DEFENDANT
WHEN HE WAS MARRIED TO MARGUERITE?

A NO.

Q OKAY.

DID YOU EVER MEET MARGUERITE.

MR. COCHRAN: YOUR HONOR, THIS IS BEYOND THE SCOPE.

THE COURT: SUSTAINED.

MS. CLARK: MAY WE APPROACH? I HAVE AN OFFER, YOUR HONOR.

THE COURT: WITH THE COURT REPORTER.

(THE FOLLOWING PROCEEDINGS WERE
HELD AT THE BENCH:)

THE COURT: ALL RIGHT.

WE ARE OVER AT SIDEBAR.

WHERE ARE WE GOING WITH THIS?

MS. CLARK: WELL, THE REASON THAT THEY CALLED HER OBVIOUSLY IS BECAUSE OF THE NON-MATCHING HAIRS IN THE CAP THAT ARE TINTED, DYED, BUT BLACK ORIGIN HAIRS. AND THOSE HAIRS COULD HAVE BEEN >FROM A MEMBER OF HIS FAMILY WHO TINTED OR DYED THEIR HAIR LIKE MARGUERITE OR ARNELLE. SO I WANT TO PROBE WITH THIS WITNESS WHETHER SHE KNOWS WHETHER THEY TREATED THEIR HAIR.

THE COURT: HOW IS IT EVEN PLAUSIBLE THAT MARGUERITE COULD BE A SOURCE?

MS. CLARK: BECAUSE THIS HAT HAS BEEN IN HIS POSSESSION FOR THE LAST -- WELL, THEY STOPPED MANUFACTURING THIS HAT IN 1980. IT'S AN OLD HAT.

MR. COCHRAN: YOUR HONOR, THIS IS DESPERATE. THAT IS PREPOSTEROUS. SHE ALREADY INDICATED SHE DIDN'T KNOW ANYTHING ABOUT MARGUERITE.

THIS IS BEYOND THE SCOPE. WE'RE TRYING TO MOVE THIS CASE ALONG RATHER THAN SPENDING THREE, FOUR DAYS ON SOMETHING THAT HAS NOTHING TO DO WITH ANYTHING.

THE COURT: THE ISSUE OF TINTED HAIR IS FAIR GAME. SO I'LL ALLOW SOME LIMITED CROSS-EXAMINATION ON THIS AREA, LIMITED HOWEVER.

(THE FOLLOWING PROCEEDINGS WERE
HELD IN OPEN COURT:)

THE COURT: ALL RIGHT.

THANK YOU, COUNSEL.

PROCEED.

MS. CLARK: THANK YOU, YOUR HONOR.

Q BY MS. CLARK: ALL RIGHT.

YOU ARE A PROFESSIONAL HAIRDRESSER; ARE YOU NOT?

A YES.

Q OKAY.

AND YOU'VE TINTED AND DYED HAIR IN YOUR TIME, HAVE YOU?

A YES.

Q MANY TIMES?

A YES.

Q AND IN -- AS PART OF YOUR EXPERTISE, YOU KNOW WHAT TINTED OR DYED HAIR LOOKS LIKE, CORRECT?

A WELL, SOMETIMES YOU CAN TELL. SOMETIMES YOU CAN'T.

Q RIGHT.

OKAY.

AS A PROFESSIONAL, DO YOU THINK THAT YOU CAN TELL BETTER THAN SAY I COULD WHETHER SOMEONE'S HAIR IS DYED OR TREATED?

MR. COCHRAN: JUST A MOMENT. I OBJECT TO THE FORM OF THAT QUESTION. ASSUMES THAT SHE WOULD KNOW WHAT MISS CLARK KNOWS. OBJECT TO THE FORM.

THE COURT: SUSTAINED.

REPHRASE THE QUESTION.

Q BY MS. CLARK: I'M NOT A HAIRDRESSER.

DO YOU THINK THAT YOU AS A HAIRDRESSER HAVE A BETTER ABILITY TO DETERMINE WHETHER SOMEONE TREATS OR DYES THEIR HAIR THAN SOMEONE WHO IS NOT A HAIRDRESSER AND NOT -- DOES NOT HAVE

THE EXPERIENCE OF DYING AND TREATING HAIR ON A REGULAR BASIS?

A YES.

Q ALL RIGHT.

ARE YOU FAMILIAR WITH THE NAME MARGUERITE SIMPSON?

A YES.

Q AND YOU ARE AWARE THAT SHE IS THE FORMER WIFE OF THE DEFENDANT?

A YES.

Q IN YOUR OPINION, MA'AM, DOES SHE DYE OR TREAT HER HAIR?

MR. COCHRAN: I OBJECT TO THE FORM OF THAT QUESTION.

THE COURT: SUSTAINED. FOUNDATION.

Q BY MS. CLARK: HAVE YOU SEEN HER HAIR?

MR. COCHRAN: OBJECT TO THE FORM OF THAT QUESTION. WHEN?

THE COURT: FOUNDATION.

Q BY MS. CLARK: YOU HAVE SEEN MARGUERITE SIMPSON ON TELEVISION; HAVE YOU NOT?

A YES.

Q IN CONNECTION WITH THIS CASE, CORRECT?

A YES.

Q AND YOU HAVE SEEN HER IN YOUR SHOP PERHAPS?

A YES.

Q AND WHEN WAS THE VERY FIRST TIME YOU SAW HER IN YOUR SHOP?

A UMM, PROBABLY ABOUT 1979 MAYBE.

Q AND WHEN YOU SAW HER IN 1979, WAS HER HAIR DIED OR TREATED?

MR. COCHRAN: YOUR HONOR, I OBJECT. THAT'S IRRELEVANT AND IMMATERIAL. SHE SAW HER IN 1979.

THE COURT: OVERRULED BASED ON THE OFFER.

THE WITNESS: I DON'T REMEMBER.

Q BY MS. CLARK: SINCE THAT TIME THOUGH, YOU'VE SEEN HER ON OTHER OCCASIONS; HAVE YOU NOT?

A I SAW HER ABOUT -- I'M NOT SURE. I'M NOT SURE WHEN IT WAS, BUT IT WAS MAYBE IN THE LAST FEW MONTHS OR SO. SHE CAME TO THE SHOP.

Q AND WHEN SHE CAME TO THE SHOP IN THE LAST FEW MONTHS, DID YOU NOTICE THAT HER HAIR WAS DYED OR TREATED?

MR. COCHRAN: I OBJECT. THAT ASSUMES FACTS NOT IN EVIDENCE.

THE COURT: REPHRASE THE QUESTION.

Q BY MS. CLARK: CAN YOU TELL US WHAT YOUR OBSERVATION WAS OF HER HAIR?

A YOU KNOW, TO BE HONEST, I DON'T REMEMBER.

Q YOU DON'T REMEMBER?

A NO. I DON'T REMEMBER WHAT HER HAIR WAS LIKE. I DON'T REMEMBER.

Q AS A HAIRDRESSER, DOESN'T THE WAY PEOPLE'S HAIR LOOK, ISN'T THAT SOMETHING THAT STANDS OUT TO YOU?

MR. COCHRAN: I OBJECT, YOUR HONOR.

THE WITNESS: THAT'S TRUE.

MR. COCHRAN: ARGUMENTATIVE.

THE COURT: OVERRULED.

Q BY MS. CLARK: AND THAT'S SOMETHING THAT YOU TAKE PARTICULAR NOTICE OF BECAUSE THAT'S YOUR JOB, THAT'S YOUR PROFESSION?

A THAT'S TRUE.

Q AND YOU DO NOT RECALL WHAT MISS SIMPSON'S HAIR LOOKED LIKE WHEN YOU SAW IT A FEW MONTHS AGO?

MR. COCHRAN: ASKED AND ANSWERED.

THE COURT: SUSTAINED.

Q BY MS. CLARK: YOU DID NOT -- YOU DO NOT RECALL WHETHER YOUR OBSERVATION OF HER HAIR REVEALED TO YOU THAT IT WAS DYED OR TREATED WHEN YOU SAW HER THREE MONTHS AGO?

MR. COCHRAN: OBJECTION.

THE COURT: SUSTAINED.

YOU'VE ALREADY ASKED THE QUESTION.

Q BY MS. CLARK: ALL RIGHT.

ARE YOU FAMILIAR -- YOU KNOW WHO ARNELLE SIMPSON IS, CORRECT?

A THAT'S CORRECT.

Q NOW, YOU'VE SEEN HER ON TELEVISION AS WELL; HAVE YOU NOT?

A YES.

Q HAVE YOU ALSO SEEN HER AT ROCKINGHAM?

A UMM, NOT SINCE MAY 1ST.

Q MAY 1ST WAS THE LAST TIME YOU SAW HER AT ROCKINGHAM?

A THAT'S CORRECT.

Q AND ON THAT OCCASION, DID YOU HAPPEN TO NOTICE WHETHER HER HAIR WAS DYED OR TREATED?

MR. COCHRAN: OBJECT. CALLS FOR SPECULATION, YOUR HONOR.

THE COURT: OVERRULED.

YOU CAN ANSWER THE QUESTION.

THE WITNESS: I DON'T KNOW IF SHE DYED IT OR NOT.

Q BY MS. CLARK: COULD HAVE BEEN, BUT YOU DON'T KNOW?

MR. COCHRAN: OBJECTION. SPECULATION.

THE WITNESS: IT COULD HAVE BEEN, BUT I DON'T KNOW. I DON'T KNOW.

THE COURT: WAIT.

ALL RIGHT.

SHE DOESN'T KNOW. THE ANSWER WILL STAND. SHE HAS INDICATED SHE DID NOT KNOW.

PROCEED.

Q BY MS. CLARK: HAVE YOU SEEN ARNELLE ON PRIOR OCCASIONS, THAT IS BEFORE MAY 1ST, 1994?

A YES.

Q AND ON THOSE PRIOR OCCASIONS, DO YOU RECALL WHETHER OR NOT HER HAIR WAS DIED OR TREATED?

MR. COCHRAN: OBJECTION, YOUR HONOR. SPECULATION.

THE COURT: OVERRULED.

THE WITNESS: I DON'T KNOW IF SHE DYES IT OR NOT.

Q BY MS. CLARK: DID YOU MAKE ANY OBSERVATIONS THAT CAUSED YOU TO FORM AN OPINION ONE WAY OR ANOTHER?

MR. COCHRAN: ASKED AND ANSWERED.

THE WITNESS: I KNOW HER HAIR ALWAYS LOOKED NICE.

Q BY MS. CLARK: YEAH. OTHER THAN LOOKING NICE, DOES IT APPEAR TO YOU -- OTHER THAN LOOKING NICE, DOES IT APPEAR TO YOU TO HAVE BEEN DYED OR TREATED --

MR. COCHRAN: ASKED AND ANSWERED.

Q BY MS. CLARK: -- OR TINTED?

THE COURT: SUSTAINED. BEEN ASKED AND ANSWERED.

THE WITNESS: I DON'T KNOW.

THE COURT: WAIT, WAIT, WAIT.

MA'AM, WHEN I SUSTAIN THE OBJECTION, PLEASE DON'T ANSWER. ALL RIGHT?

MS. CLARK: I HAVE NOTHING FURTHER.

THE COURT: ALL RIGHT.

MR. COCHRAN.

MR. COCHRAN: JUST A COUPLE OF QUESTIONS.

REDIRECT EXAMINATION

BY MR. COCHRAN:

Q MISS MOORE, YOU DON'T -- YOU'VE NEVER DONE MARGUERITE THOMAS' HAIR, HAVE YOU?

A NO, I HAVEN'T.

Q ALL RIGHT.

SHE'S NOT A CUSTOMER OF YOURS, IS SHE?

A NO.

MS. CLARK: OBJECTION. LEADING.

THE COURT: OVERRULED.

Q BY MR. COCHRAN: AND WITH REGARD TO ARNELLE SIMPSON, YOU SAID HER HAIR LOOKS NICE ALL THE TIME?

A YES.

Q AND SHE'S NOT A CUSTOMER OF YOURS EITHER, IS SHE?

A NO.

Q AND AS FAR AS YOU KNOW, MR. SIMPSON DIDN'T CHANGE THE WATER AT HIS HOUSE BETWEEN MAY 1ST AND MAY 25TH, DID HE?

MS. CLARK: OBJECTION. LEADING.

THE COURT: OVERRULED.

THE WITNESS: NOT THAT I KNOW OF.

Q BY MR. COCHRAN: AND YOU DESCRIBED FOR US THAT YOU HAD SEEN PAULA BARBIERI BACK IN 1992 AND THEN YOU NEXT SAW HER AGAIN ON MAY 25TH, 1994; IS THAT CORRECT?

A ON MAY 23RD.

Q MAY 23RD, 1994?

A YES.

Q YOUR BIRTHDAY, RIGHT?

A RIGHT.

Q AND THE LAST TIME THAT YOU SAW MISS NICOLE BROWN SIMPSON WAS ON MAY 1ST, 1994; IS THAT CORRECT?

A THAT IS CORRECT.

Q AND WERE YOU AT ROCKINGHAM ON THAT DATE?

A YES.

Q AND WERE YOU THERE TO GIVE MR. SIMPSON A HAIRCUT?

A YES.

Q AND WAS MISS NICOLE BROWN SIMPSON THERE AT THAT TIME?

A YES, SHE WAS.

MR. COCHRAN: THANK YOU VERY KINDLY FOR COMING TODAY.

NOTHING FURTHER, YOUR HONOR.

THE COURT: ANYTHING MORE, MISS CLARK?

MS. CLARK: MAY I HAVE ONE MOMENT?

THE COURT: CERTAINLY.

(DISCUSSION HELD OFF THE RECORD
BETWEEN THE DEPUTY DISTRICT
ATTORNEYS.)

MS. CLARK: I HAVE NOTHING FURTHER.

THE COURT: THANK YOU.

ALL RIGHT.

MISS MOORE, THANK YOU VERY MUCH FOR COMING IN.

YOU'RE EXCUSED.

ALL RIGHT.

NEXT WITNESS.

MR. COCHRAN: YES.

MAY WE APPROACH, YOUR HONOR, JUST FOR A MOMENT, PLEASE?

THE COURT: YES.

(A CONFERENCE WAS HELD AT THE
BENCH, NOT REPORTED.)

(THE FOLLOWING PROCEEDINGS WERE
HELD IN OPEN COURT:)

THE COURT: ALL RIGHT.

MR. COCHRAN, HAVE YOU CONFIRMED THE AVAILABILITY OF
YOUR NEXT WITNESS?

MR. COCHRAN: YES.

DON THOMPSON, YOUR HONOR, LAPD OFFICER. AND I BELIEVE
THEY'VE GONE TO CHECK. I BELIEVE HE'S HERE, IF THE COURT PLEASE.

THE COURT: DONALD THOMPSON?

MR. COCHRAN: DON THOMPSON.

I'LL CHECK ALSO.

(BRIEF PAUSE.)

THE COURT: MRS. ROBERTSON.

THE CLERK: RAISE YOUR RIGHT HAND, PLEASE.

DONALD THOMPSON,

CALLED AS A WITNESS BY THE DEFENDANT, WAS SWORN AND TESTIFIED AS
FOLLOWS:

THE CLERK: YOU DO SOLEMNLY SWEAR THAT THE TESTIMONY YOU
MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT, SHALL BE THE
TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH, SO HELP YOU
GOD?

THE WITNESS: I DO.

THE CLERK: PLEASE BE SEATED ON THE WITNESS STAND AND STATE
AND SPELL YOUR FIRST AND LAST NAMES FOR THE RECORD.

THE WITNESS: MY NAME IS DONALD THOMPSON, D-O-N-A-L-D
T-H-O-M-P-S-O-N.

THE CLERK: THANK YOU.

THE COURT: MR. COCHRAN.

MR. COCHRAN: THANK YOU, YOUR HONOR.

DIRECT EXAMINATION

BY MR. COCHRAN:

Q GOOD AFTERNOON, OFFICER THOMPSON.
HOW ARE YOU?

A I'M DOING VERY WELL.

Q VERY GOOD, SIR. THANK YOU FOR COMING THIS AFTERNOON.
I'D LIKE TO DIRECT YOUR ATTENTION, SIR, BACK TO THE
DATE OF JUNE 12TH OF 1994.

AT SOME TIME ON THAT DATE IN AND AROUND THE NOON DAY
HOUR, WERE YOU ASSIGNED TO 360 ROCKINGHAM IN THE CITY OF
BRENTWOOD OR CITY OF LOS ANGELES, BRENTWOOD, CALIFORNIA?

A NOT ON JUNE 12TH.

Q ALL RIGHT.

HOW ABOUT -- CAN I DO THAT AND ASK THAT SAME QUESTION
FOR JUNE 13TH, 1994?

A YES, SIR.

Q AND AT ABOUT NOON ON THAT DATE, WERE YOU ASSIGNED TO
THE 360 ROCKINGHAM RESIDENCE?

A YES, I WAS.

Q AND AT THAT TIME, WAS YOUR ASSIGNMENT IN THE WEST LOS
ANGELES DISTRICT OF THE LAPD?

A YES, IT WAS.

Q AND YOU WERE IN THE WEST L.A. DIVISION I SHOULD SAY;
IS THAT RIGHT?

A YES, SIR.

Q NOW --

MR. COCHRAN: MAY I HAVE JUST A SECOND, YOUR HONOR?

THE COURT: YOU MAY.

(BRIEF PAUSE.)

MR. COCHRAN: MAY I HAVE JUST A SECOND?

I'M TRYING TO GET A PIECE OF EVIDENCE, YOUR HONOR,
BUT WE'LL PROCEED.

Q BY MR. COCHRAN: WHAT TIME, IF YOU RECALL, DID YOU
ARRIVE AT THE ROCKINGHAM LOCATION ON THAT DATE, SIR?

A I WOULD SAY ABOUT 8:00 O'CLOCK IN THE MORNING, MAYBE
A LITTLE AFTER, 8:05 OR SO.

Q OKAY. 8:05 ON -- AND WE'RE TALKING JUNE 13TH; IS THAT
CORRECT?

A YES.

Q ALL RIGHT.

AND AT SOME TIME AROUND NOON OR THEREABOUTS, DID YOU
HAVE OCCASION TO SEE MR. O.J. SIMPSON AT THAT LOCATION?

A YES, I DID.

Q AND TELL US WHAT TIME THAT WAS THAT YOU SAW MR.
SIMPSON.

A IT WAS AROUND NOON.

Q RIGHT AROUND NOONTIME?

A SOMEWHERE AROUND NOON.

Q ALL RIGHT.

AND WHEN YOU SAW HIM, DID HE APPEAR TO YOU TO BE IN
AN AGITATED STATE OR AN UPSET STATE?

MR. DARDEN: OBJECTION. LEADING, YOUR HONOR.

THE COURT: SUSTAINED.

MR. COCHRAN: WELL, LET ME --

COUNSEL IS CORRECT, YOUR HONOR.

Q BY MR. COCHRAN: CAN YOU DESCRIBE HOW MR. SIMPSON
APPEARED WHEN YOU FIRST SAW HIM AROUND NOON ON JUNE 13TH?

A YES. HE SEEMED TO BE IN A HURRIED STATE.

Q ALL RIGHT.

AND DID IT APPEAR AS THOUGH HE WAS JUST COMING BACK
TO THE PREMISES THERE?

MR. DARDEN: OBJECTION. SPECULATION.

THE COURT: SUSTAINED.

Q BY MR. COCHRAN: COULD YOU TELL WHETHER OR NOT HE HAD
BEEN THERE BEFORE OR WAS JUST COMING BACK?

MR. DARDEN: SAME OBJECTION, YOUR HONOR.

THE COURT: SUSTAINED.

REPHRASE THE QUESTION.

MR. COCHRAN: CERTAINLY.

Q BY MR. COCHRAN: DID YOU -- WHEN YOU WERE THERE AT
8:05, YOU DIDN'T SEE MR. SIMPSON, DID YOU?

A NO, I DIDN'T.

Q ALL RIGHT.

AND YOU SAID, YOU JUST TOLD THIS JURY THAT YOU SAW
HIM AROUND 12:00 NOON; IS THAT CORRECT?

A THAT'S CORRECT.

Q DID HE APPEAR TO COME FROM THE STREET ROCKINGHAM ONTO
THE GROUNDS AT THE TIME YOU SAW HIM?

A YES.

Q ALL RIGHT.

DID HE APPEAR TO YOU ALSO TO BE UPSET WHEN YOU SAW
HIM?

MR. DARDEN: OBJECTION, YOUR HONOR. THIS IS LEADING.

THE COURT: SUSTAINED.

Q BY MR. COCHRAN: ALL RIGHT.

CAN YOU TELL US ANYTHING ELSE ABOUT HIS DEMEANOR AS YOU SAW HIM THERE?

A NO.

Q REMEMBER THAT YOU AND I HAD A CONVERSATION YESTERDAY IN THIS COURTROOM?

A YES.

Q AND AT THAT TIME, I ASKED YOU ABOUT HOW HE, MR. SIMPSON, APPEARED, AND DO YOU RECALL INDICATING TO ME THAT HE SEEMED TO YOU TO BE AGITATED WHEN YOU FIRST SAW HIM? YOU USED THOSE WORDS "AGITATED"?

A I DON'T REMEMBER USING THE WORD "AGITATED," BUT HE DID SEEM TO BE IN A HURRY.

Q ALL RIGHT.

YOU DON'T RECALL USING THE WORD "AGITATED" WITH ME YESTERDAY?

A I MAY HAVE USED THAT WORD. I DON'T RECALL RIGHT NOW.

Q WOULD THAT SOMEWHAT FIT IT?

A SOMEWHAT.

Q ALL RIGHT.

JUST YOUR BEST RECOLLECTION, OFFICER. ALL RIGHT?

OKAY.

SO AS HE APPEARED IN THIS HURRIED AGITATED STATE, DID YOU -- STRIKE THAT.

BEFORE WE GET TO THAT, HAD YOU --

MR. COCHRAN: YOUR HONOR, YOU'RE SMILING. I'M SORRY. OKAY.

I LOOKED UP AND SAW YOU SMILING. TOOK ME ABACK. LET ME JUST TAKE A MOMENT HERE.

Q BY MR. COCHRAN: LET'S BACK UP A MOMENT.

PRIOR TO YOUR SEEING MR. SIMPSON THERE AT ABOUT 12:00 NOON ON JUNE 13TH, HAD YOU HAD A CONVERSATION WITH A DETECTIVE BY THE NAME OF VANNATTER?

A YES, I DID.

Q AND DID DETECTIVE VANNATTER GIVE YOU SOME INSTRUCTIONS WITH REGARD TO WHAT TO DO WHEN YOU SAW MR. SIMPSON ARRIVE AT THE LOCATION?

A YES, HE DID.

Q WHAT DID HE TELL YOU TO DO?

MR. DARDEN: OBJECTION. HEARSAY.

THE COURT: OVERRULED.

MR. COCHRAN: THANK YOU.

Q BY MR. COCHRAN: YOU MAY ANSWER.

A HE TOLD ME TO PLACE THE DEFENDANT IN HANDCUFFS AS SOON AS HE ARRIVED.

Q WELL NOW, DIDN'T HE SAY SPECIFICALLY, TOLD YOU TO HOOK HIM UP OR CUFF HIM REFERRING TO MR. SIMPSON WHEN HE ARRIVED?

A YES.

Q ALL RIGHT.

AND WHEN DID HE TELL YOU TO HOOK HIM UP OR CUFF HIM WHEN MR. SIMPSON ARRIVED? WHEN DID VANNATTER TELL YOU TO DO THAT?

A THAT WAS SHORTLY BEFORE MR. SIMPSON ARRIVED. I WOULD SAY ABOUT A MINUTE TO A MINUTE AND A HALF BEFORE HE ARRIVED.

Q ALL RIGHT.

SO THIS WOULD BE THEN SHORTLY BEFORE 12:00, RIGHT?

A WELL, THAT'S IF MR. SIMPSON ARRIVED AT 12:00.

Q OKAY.

AND YOUR BEST ESTIMATE WAS AROUND 12:00; IS THAT CORRECT, SIR?

A SOMEWHERE AROUND 12:00 O'CLOCK.

Q OKAY.

AND SO WHERE WERE YOU WHEN VANNATTER GAVE YOU THESE INSTRUCTIONS?

A I WAS AT THE FRONT OF THE SIMPSON RESIDENCE.

Q ALL RIGHT.

AND ON THAT PARTICULAR DATE, AT THAT TIME, DETECTIVE VANNATTER WAS SENIOR TO YOU IN YOUR SERVICE WITH THE LAPD; IS THAT CORRECT?

A YES, SIR.

Q AND THAT WAS AN INSTRUCTION HE GAVE YOU THAT YOU THOUGHT YOU HAD TO CARRY OUT; ISN'T THAT RIGHT?

A YES.

Q AND -- AND THIS WAS -- SO WE'RE CLEAR, THIS WAS ON JUNE 13TH PRIOR TO 12:00 NOON ON THAT DATE, IS THAT CORRECT, THAT HE GAVE YOU THESE INSTRUCTIONS?

MR. DARDEN: OBJECTION. MISSTATES THE TESTIMONY.

THE COURT: OVERRULED.

Q BY MR. COCHRAN: RIGHT?

A ONCE AGAIN, THAT IS IF THE ACTUAL TIME THAT MR. SIMPSON ARRIVED WAS IN FACT 12:00 O'CLOCK.

Q ALL RIGHT.

AND THAT'S YOUR BEST RECOLLECTION?

A YES.

Q OKAY.

WE UNDERSTAND.

SO NOW -- SO VANNATTER GAVE YOU THESE INSTRUCTIONS AND THEN YOU SAW MR. SIMPSON AFTER THAT; IS THAT CORRECT?

A YES.

Q AND THEN MR. SIMPSON CAME ON THE PREMISES IN THIS AGITATED, HURRIED STATE?

MR. DARDEN: OBJECTION. MISSTATES THE EVIDENCE.

THE COURT: SUSTAINED.

MR. DARDEN: IT'S LEADING.

THE COURT: SUSTAINED.

Q BY MR. COCHRAN: WELL, LET ME SEE IF I CAN STATE THIS.

AFTER YOU TALKED TO VANNATTER -- WHEN YOU FIRST TALKED TO VANNATTER AND HE GAVE THESE INSTRUCTIONS TO HOOK HIM UP OR TO CUFF HIM, YOU DIDN'T SEE O.J. SIMPSON AT THAT POINT, DID YOU?

A NO.

Q ALL RIGHT.

IT WAS AFTER THAT THAT YOU SAW MR. SIMPSON, RIGHT?

A YES.

Q AND THEN AFTER YOU SAW MR. SIMPSON COME ON THE PREMISES THAT YOU'VE DESCRIBED HIS CONDITION, HIS DEemeanOR, DID YOU FOLLOW THE INSTRUCTIONS OF DETECTIVE VANNATTER? DID YOU HOOK HIM UP OR DID YOU CUFF MR. O.J. SIMPSON?

A YES, I DID.

Q AND AS HE WALKED ON THE PREMISES, DID YOU HOOK HIM UP OR CUFF HIM IN AN AREA OVER NEAR WHERE THERE APPEARS TO BE A -- SOME KIND OF A CHILD'S HOUSE?

MR. DARDEN: OBJECTION, YOUR HONOR. THIS IS LEADING.

THE COURT: SUSTAINED.

Q BY MR. COCHRAN: ALL RIGHT.

WHERE DID YOU HOOK HIM UP OR CUFF HIM?

A IT WAS NEAR THE FRONT DOOR OF THE RESIDENCE.

Q ALL RIGHT.

AND THEN AT SOME POINT, DIDN'T YOU ASK HIM TO STEP OVER TO THE -- AN AREA WHERE THERE'S SOME TREES AND --

THE COURT: SUSTAINED. SUSTAINED.

MR. COCHRAN: ALL RIGHT.

THE COURT: REPHRASE THE QUESTION, PLEASE.

MR. COCHRAN: SURE, YOUR HONOR. I'LL BE GLAD TO.

THE COURT: IT'S HARD TO SHIFT ROLES, ISN'T IT?

MR. COCHRAN: NO, YOUR HONOR. IT'S -- I'LL ADJUST, YOUR HONOR.

THE COURT: ALL RIGHT.

Q BY MR. COCHRAN: NOW, SIR, YOU HOOKED HIM UP OR YOU CUFFED HIM NEAR THE FRONT OF THE ROCKINGHAM RESIDENCE; IS THAT CORRECT?

A THAT'S CORRECT.

Q AND WAS ANYONE ELSE AROUND AT THAT POINT?

A I DON'T KNOW WHAT YOU MEAN BY "AROUND."

Q WAS ANYONE ELSE REAL CLOSE, IN CLOSE PROXIMITY TO YOU AND MR. SIMPSON AT THAT POINT?

A AT THE TIME HE WAS BEING PLACED IN HANDCUFFS?

Q YES, SIR.

A AT THAT TIME, I DIDN'T SEE ANYONE NEAR ME.

Q ALL RIGHT.

AND AFTER YOU HOOKED HIM UP OR CUFFED HIM, DID YOU MOVE HIM TO SOME OTHER LOCATION?

A NO.

Q AT SOME POINT, DID YOU -- DID YOU TURN HIM OVER TO SOMEONE ELSE, MR. SIMPSON?

A YES.

Q AND WHO'S THAT?

A THE DETECTIVES AT THE SCENE.

Q AND WHO WERE THE DETECTIVES WE'RE TALKING ABOUT?

A THERE WERE A NUMBER OF DETECTIVES AT THE SCENE.

Q ALL RIGHT.

SPECIFICALLY, DO YOU RECALL WHICH DETECTIVE, IF ANY, YOU TURNED MR. SIMPSON OVER TO?

A NOT INDEPENDENTLY. I CAN'T REMEMBER.

Q ALL RIGHT.

WHEN I SAY "TURN HIM OVER TO A DETECTIVE," AFTER YOU HOOKED HIM UP OR CUFFED HIM NEAR THE FRONT OF THE ROCKINGHAM RESIDENCE, IS THAT WHERE YOU LEFT MR. SIMPSON AT THAT POINT?

A YES.

Q AND THEN YOU WENT TO SOME OTHER LOCATION AT THAT POINT?

A YES.

Q AND WHEN MR. SIMPSON -- WHEN YOU LAST SAW HIM, AT LEAST AT THAT POINT, WAS HE NEAR THE FRONT OF THE RESIDENCE?

A YES.

Q AT SOME POINT AFTER THAT, DID YOU EVER SEE MR. SIMPSON OVER -- UNDER A TREE NEAR WHAT APPEARS TO BE A CHILD'S PLAYHOUSE?

MR. DARDEN: SAME OBJECTION.

THE COURT: OVERRULED.

Q BY MR. COCHRAN: DID YOU EVER SEE -- YOU MAY ANSWER.

A YES.

Q HOW MUCH TIME ELAPSED FROM THE TIME YOU HANDCUFFED HIM BY THE FRONT DOOR TO THE TIME YOU SAW HIM OVER BY THIS TREE AND THE CHILD'S PLAYHOUSE?

A WELL, THE LOCATION WHERE HE WAS HANDCUFFED, WHICH WAS CLOSER TO THE FRONT DOOR, WAS AT THAT LOCATION SPECIFICALLY.

Q OKAY.

I'M A LITTLE BIT CONFUSED WHEN YOU SAY "AT THAT LOCATION."

A YES.

Q WHAT ARE YOU TALKING ABOUT?

A THIS TREE AND DOLLHOUSE.

Q OKAY.

SO IS IT YOUR TESTIMONY THAT HE WAS HANDCUFFED BY THE TREE AND DOLLHOUSE ALSO?

A I'M SAYING THAT THE TREE AND DOLLHOUSE IS IN FACT CLOSE TO THE FRONT DOOR.

Q ALL RIGHT.

A HE WAS HANDCUFFED THERE, WHICH HAPPENS TO BE CLOSE TO THE FRONT DOOR OF THE RESIDENCE.

Q OKAY.

SO IF YOU HAD THE FRONT DOOR TO THE RIGHT AND THE TREE AND THE DOLLHOUSE TO THE LEFT, WHICH WOULD HE BE HANDCUFFED CLOSEST TO?

A I WOULD SAY CLOSER TO THE TREE THAN THE DOLLHOUSE.

Q CLOSER TO THE TREE?

A YES.

Q ALL RIGHT.

NOW, PRIOR TO YOUR TESTIMONY HERE, HAVE YOU HAD OCCASION TO SEE A VIDEO OF YOU AND MR. SIMPSON ON THE PREMISES THERE AT OR ABOUT THE TIME -- THE TIME YOU HOOKED HIM UP OR HANDCUFFED HIM?

A I'VE SEEN BITS AND PIECES OF IT.

Q AND DID YOU SEE IT AS RECENTLY AS THIS WEEK?

A NO.

Q WHEN WAS THE LAST TIME YOU SAW IT?

A WELL, I WOULD SAY MAYBE ABOUT A MONTH AGO I SAW A PORTION OF IT.

Q ALL RIGHT.

WHO SHOWED THAT TO YOU?

A I SAW A PART OF IT ON TELEVISION.

Q ALL RIGHT.

HAVE YOU SEEN IT SINCE THAT TIME AT ALL?

A NO.

Q ALL RIGHT.

MR. COCHRAN: NOW, YOUR HONOR, I WANTED TO SEE IF WE HAVE THAT EXHIBIT. EXHIBIT 1250? LET ME SEE IF WE HAVE IT HERE.

(BRIEF PAUSE.)

MR. COCHRAN: YOUR HONOR, I WOULD LIKE AT THIS POINT TO MARK -- AND COUNSEL PERHAPS MAY WANT TO SEE IT -- EXHIBIT 1250. IF I CAN TALK TO MR. DARDEN FOR A MOMENT, PERHAPS WE CAN SAVE SOME TIME. THERE ARE TWO EXHIBITS HERE. EXHIBIT 1250, I WOULD LIKE TO MARK NOW, AND EXHIBIT I THINK IS 124 IS ALREADY IN EVIDENCE I BELIEVE.

MR. DARDEN: PEOPLE'S 124.

MR. COCHRAN: YEAH.

MAY WE HAVE JUST A SECOND, YOUR HONOR, TAKE A SECOND?

(DISCUSSION HELD OFF THE RECORD
BETWEEN THE DEPUTY DISTRICT
ATTORNEY AND DEFENSE COUNSEL.)

MR. COCHRAN: MAY WE TAKE A LOOK AT THIS NOW, YOUR HONOR?

(BRIEF PAUSE.)

THE COURT: MRS. ROBERTSON, IS THIS A FRESH CUP FOR --

THE CLERK: YES, IT IS.

THE COURT: ALL RIGHT.

ARE YOU READY TO PROCEED?

MR. COCHRAN: I THINK WE ARE, YOUR HONOR.

I WOULD LIKE -- ASK LEAVE OF THE COURT. I WOULD LIKE TO MARK AS THE NEXT EXHIBIT EXHIBIT 1250, YOUR HONOR, DEFENDANT'S NEXT IN ORDER AND WOULD ASK THE COURT TO ALLOW US TO PLAY IT AT THIS POINT. I WANT TO ASK THE OFFICER SOME QUESTIONS.

THE COURT: 1250.

(DEFT'S 1250 FOR ID = VIDEO)

MR. DARDEN: WITHOUT THE SOUND.

MR. COCHRAN: I THINK WITHOUT THE SOUND. I DON'T THINK THERE'S ANY SOUND ON IT.

THE COURT: ALL RIGHT.

MR. COCHRAN: THERE'S A MONITOR TO YOUR RIGHT. I'LL ASK YOU SOME QUESTIONS REGARDING THIS, IF YOU CAN WATCH THIS VERY BRIEFLY, SIR.

(AT 2:38 P.M., DEFENDANT'S EXHIBIT 1250, A VIDEOTAPE, WAS PLAYED.)

Q BY MR. COCHRAN: ALL RIGHT.

DO YOU RECOGNIZE THAT GENTLEMAN IN THE WHITE SHIRT?

A YES, I DO.

Q WHO IS THAT?

A THAT'S MR. SIMPSON.

Q AND TO MR. SIMPSON'S RIGHT IS A TALL GENTLEMAN IN AN LAPD UNIFORM.

DO YOU RECOGNIZE THAT INDIVIDUAL?

A YES.

Q AND AT THAT POINT, DO YOU HAVE YOUR LEFT HAND ON MR. SIMPSON'S RIGHT HAND -- RIGHT ARM RATHER? ARE YOU ABLE TO TELL?

A IT LOOKS LIKE OUR ARMS ARE TOUCHING.

MR. COCHRAN: AND THAT, YOUR HONOR, FOR THE RECORD OF DEFENDANT'S 1250 IS 00:08:01.05.

THE COURT: YES.

MR. COCHRAN: THANK YOU.

YOU MAY CONTINUE, MR. HARRIS.

Q BY MR. COCHRAN: AND NOW, HE IS -- YOU ARE TOUCHING AT THAT POINT; IS THAT RIGHT? YOU HAVE HIM BY THE ARM?

A YES.

Q YOU HAVE HIM BY THE RIGHT ARM?

A YES.

Q ALL RIGHT.

MR. COCHRAN: CONTINUE.

Q BY MR. COCHRAN: HE'S JUST ARRIVED AT THAT LOCATION; ISN'T THAT CORRECT?

A YES.

Q ALL RIGHT.

IS THAT A FAIR AND ACCURATE PORTRAYAL OF THE WAY HIS ARRIVAL WAS DEPICTED AS HE CAME BACK TO THAT LOCATION ON JUNE 3RD, 1994 -- JUNE 13TH, 1994 AROUND NOON?

A YES, IT WAS.

Q ALL RIGHT.

NOW, I WANT TO SHOW YOU ANOTHER ONE.

MR. COCHRAN: I THINK THE NEXT ONE IS PEOPLE'S 124. THIS MAY ALREADY BE IN EVIDENCE, YOUR HONOR.

(AT 2:40 P.M., PEOPLE'S EXHIBIT 124, A VIDEOTAPE, WAS PLAYED.)

Q BY MR. COCHRAN: NOW, THIS IS -- IS THIS THE TREE WE WERE TALKING ABOUT ACROSS FROM THE FRONT DOOR OF MR. SIMPSON'S RESIDENCE?

A YES, IT IS.

Q AND DO YOU RECOGNIZE MR. O.J. SIMPSON THERE?

A YES, I DO.

Q AND THERE WAS A POLICE OFFICER IN FRONT OF HIM AND CLOSE -- IN CLOSE PROXIMITY TO HIM. IS THAT YOU?

YOU MAY NOT BE ABLE TO SEE IT NOW, BUT EARLIER? WHO IS THAT IN THAT PICTURE NOW?

A IT LOOKS LIKE --

MR. COCHRAN: LET ME ASK HIM TO BACK THAT UP AGAIN.

BACK UP.

THE COURT: MAYBE YOU CAN START AT THE FRONT OF THAT BECAUSE I THINK WE SEE THE WITNESS RIGHT THERE.

Q BY MR. COCHRAN: NOW, I SEE A POLICE OFFICER BEHIND MR. SIMPSON AND I CAN'T MAKE OUT HIS NAME BADGE, BUT HE HAS THOSE -- COUPLE STRIPES ON HIS ARM THERE.

DO YOU RECOGNIZE WHO THAT IS?

A YES, I DO.

Q WHO IS THAT?

A THAT IS ME.

Q OKAY.

AND IS THAT -- IS THAT ABOUT THE TIME THAT YOU'RE HOOKING HIM UP OR HANDCUFFING HIM?

A YES.

Q ALL RIGHT.

BECAUSE MR. SIMPSON'S HANDS ARE BEHIND HIM AT THAT POINT; IS THAT RIGHT?

A NO.

Q THEY'RE NOT BEHIND HIM?

A NO.

Q ALL RIGHT.

BUT THIS IS JUST PRIOR TO THE TIME THAT YOU HANDCUFFED HIM?

A YES.

Q ALL RIGHT.

AND SO THAT IS YOU THOUGH?

A YES, IT IS.

Q ALL RIGHT.

THANK YOU, SIR.

SHORTLY AFTER THAT, DO YOU HANDCUFF HIM? ARE YOU HANDCUFFING HIM NOW? IN THAT SCENE NOW, IS HE HANDCUFFED?

A WOULD YOU PLAY IT BACK AGAIN FOR ME? I GLANCED AWAY.

Q SURE.

ARE YOU ABLE TO MAKE ANYTHING OUT ON THAT?

A YES.

Q ALL RIGHT.

NOW, AT THAT POINT, IS MR. SIMPSON HANDCUFFED AT THAT POINT?

A NOT YET.

Q ALL RIGHT.

YOU'RE IN THE PROCESS OR ABOUT TO START?

A YES.

MR. COCHRAN: OKAY. GO ON, MR. HARRIS, PLEASE, SIR.

Q BY MR. COCHRAN: NOW, DO YOU SEE AT SOME POINT -- NOW, HE'S HANDCUFFED AT THIS POINT; ISN'T THAT CORRECT?

A YES.

Q NOW -- AND DO YOU RECOGNIZE DETECTIVE VANNATTER, PHILIP VANNATTER?

A YES, I DO.

Q AT THAT POINT, YOU LEFT THE LOCATION HAVE YOU OR LEFT THE IMMEDIATE LOCATION?

A YES.

Q YOU RETURNED TO THE FRONT OF ROCKINGHAM?

A YES, I DID.

Q ALL RIGHT.

AND YOU HAVE NOW HOOKED HIM UP; IS THAT CORRECT?

A I PLACED HIM IN HANDCUFFS. YES, I DID.

Q AND BEFORE YOU LEFT -- AND THAT -- IS THAT A FAIR PICTURE OF HOW MR. SIMPSON APPEARED WHEN HE'S HANDCUFFED, WITH HIS HANDS HANDCUFFED BEHIND HIS BACK?

A YES.

Q HOW LONG WOULD YOU SAY HE HAD BEEN BACK HOME ON HIS PREMISES BEFORE HE WAS HANDCUFFED LIKE THAT?

A YOU'RE ASKING ME HOW MUCH TIME HAD ELAPSED?

Q YEAH. FROM THE TIME HE WAS WALKING IN TO THE TIME HE'S HANDCUFFED IN THAT CONDITION.

A I WOULD SAY ABOUT A LITTLE OVER 30 SECONDS.

Q ABOUT 30 SECONDS?

A MAYBE A LITTLE LONGER. 45 SECONDS.

Q 30 TO 45 SECONDS WOULD BE A GOOD ESTIMATE; IS THAT RIGHT?

AND THEN THEREAFTER, AFTER THIS 30- TO 45- SECOND PERIOD OF TIME, YOU THEN TURNED HIM OVER TO THE DETECTIVES; IS THAT CORRECT, SIR?

A YES

(AT 2:45 P.M., THE PLAYING OF THE VIDEOTAPE WAS CONCLUDED.)

Q ALL RIGHT.

AND YOU THEN HAVE DESCRIBED FOR US THAT YOU WENT BACK OUT TO THE FRONT OF THE RESIDENCE NEAR THE ROCKINGHAM GATE; IS THAT CORRECT, SIR?

A THAT'S CORRECT.

Q WHEN YOU RETURNED TO THE ROCKINGHAM GATE, DID YOU OBSERVE A COFFEE CUP ON THE HOOD OF THE WHITE FORD BRONCO PARKED THERE?

MR. DARDEN: LEADING, YOUR HONOR.

THE COURT: SUSTAINED.

Q BY MR. COCHRAN: OKAY. LET ME SEE IF I CAN REPHRASE IT.

WHEN YOU RETURNED TO THE ROCKINGHAM GATE, DID YOU SEE ANYTHING UNUSUAL ON THE HOOD OF THE WHITE FORD BRONCO?

A YES, I DID.

Q WHAT DID YOU SEE, SIR?

A I SAW TWO WHITE STYROFOAM CUPS.

Q TWO OF THEM?

A YES.

Q AND CAN YOU GIVE US A WORD PICTURE FOR THE JURY? WHERE WERE THESE WHITE STYROFOAM CUPS?

A THEY WERE ON THE HOOD OF THE BRONCO.

Q AND -- OH, GOLLY. CAN YOU TELL US, WERE THEY NEAR THE ENGINE? WERE THEY NEAR THE WINDSHIELD OR HOW WERE THEY SITUATED? GIVE US A WORD PICTURE IF YOU WOULD. PICTURE.

A I REALLY DON'T REMEMBER EXACTLY WHERE THEY WERE PLACED, BUT I DO REMEMBER THEY WERE ON THE HOOD.

Q ALL RIGHT.

WERE THEY CLOSE TO EACH OTHER, THE TWO STYROFOAM

CUPS?

A YES.

Q WERE THEY SIDE BY SIDE?

A YES. CLOSE TO EACH OTHER.

Q AND WHEN YOU FIRST OBSERVED THEM, HOW FAR AWAY WERE YOU FROM THE BRONCO?

A I WOULD SAY ABOUT 15 TO 20 FEET.

Q FROM THE BRONCO?

A YES.

Q ALL RIGHT.

AND SO YOU SAW THESE TWO STYROFOAM CUPS AND DID YOU SEE A -- ANY PERSON CLOSE TO THE BRONCO AT THAT TIME?

A NO, I DIDN'T.

Q ALL RIGHT.

AT SOME POINT, DID YOU ASCERTAIN THAT -- FROM ONE OF YOUR BROTHER OFFICERS WHO HAD PUT EITHER ONE OF THESE CUPS --

MR. DARDEN: OBJECTION. THIS IS CALLING FOR HEARSAY.

MR. COCHRAN: WELL, NOT YET.

THE COURT: OVERRULED.

MR. COCHRAN: CAN I FINISH THE QUESTION?

OKAY.

THANK YOU.

Q BY MR. COCHRAN: DID YOU ASCERTAIN FROM YOUR PARTNER WHO HAD PUT AT LEAST ONE OF THESE STYROFOAM CUPS ON THE BRONCO?

A YES, I DID.

Q AND WHAT WAS YOUR PARTNER'S NAME?

A ANGELA GUZMAN.

Q GUZMAN?

A YES.

Q WAS SHE THE LADY, ANGELA GUZMAN, WHO WAS IN THE PHOTOGRAPH, THE FIRST ONE WE SHOWED, DEFENDANT'S 1250?

A YES.

Q ALL RIGHT.

AND SHE TOLD YOU WHO HAD PLACED BOTH OF THE CUPS ON THERE OR ONE OF THEM?

MR. DARDEN: OBJECTION, YOUR HONOR.

THE COURT: SUSTAINED.

Q BY MR. COCHRAN: ALL RIGHT.

AS A RESULT OF YOUR CONVERSATION WITH ANGELA GUZMAN, YOUR PARTNER, DID YOU THEN HAVE A CONVERSATION WITH A PHOTOGRAPHER?

A YES, I DID.

Q WAS THIS PHOTOGRAPHER A MALE OR A FEMALE?

A FEMALE.

Q AND WAS THE SUBJECT MATTER OF THAT CONVERSATION WHETHER OR NOT THIS FEMALE PHOTOGRAPHER HAD PLACED --

THE COURT: SUSTAINED.

Q BY MR. COCHRAN: -- ONE OF THE STYROFOAM --

THE COURT: SUSTAINED.

Q BY MR. COCHRAN: WELL, THIS CONVERSATION YOU HAD WITH THE FEMALE PHOTOGRAPHER, WHERE DID IT TAKE PLACE?

A IN THE STREET ON ROCKINGHAM.

Q WAS IT NEAR THE BRONCO?

MR. DARDEN: THAT'S VAGUE, NEAR.

THE COURT: OVERRULED.

THE WITNESS: IT ALL DEPENDS ON WHAT YOU MEAN BY NEAR.

Q BY MR. COCHRAN: OKAY.

WELL, YOU TELL ME WHERE IN RELATION TO THE BRONCO. WHY DON'T YOU TELL US.

A I WOULD SAY AT LEAST 30 FEET AWAY FROM THE BRONCO.

Q ALL RIGHT.

AND AT THAT LOCATION, YOU HAD A CONVERSATION WITH THIS LADY?

A YES.

Q IS THAT CORRECT?

AND WAS THE SUBJECT MATTER OF THAT CONVERSATION DEALING WITH CUPS?

A YES.

Q AND AFTER YOU HAD THIS CONVERSATION WITH THIS LADY, DID YOU SEE HER DO ANYTHING WITH REGARD TO ANY CUP THAT WAS IN AND AROUND THAT BRONCO?

A NO.

Q DID ANYONE REMOVE THESE TWO CUPS YOU SAW OFF THE BRONCO?

A YES.

Q WHO REMOVED THEM?

A I DID.

Q AND DID YOU REMOVE IT OR MOVE BOTH OF THEM?

A YES, I DID.

Q AND DID YOU REMOVE THEM AFTER THE CONVERSATION YOU HAD WITH THIS LADY, THE PHOTOGRAPHER?

A I THINK I DID.

Q DO YOU KNOW THE NAME OF THIS FEMALE PHOTOGRAPHER YOU SPOKE WITH, SIR?

A I'D LIKE TO CHANGE THAT ANSWER.

Q OKAY.

YOU CERTAINLY MAY, SIR.

A I THINK I MOVED THEM BEFORE I HAD THE CONVERSATION WITH HER.

Q ALL RIGHT.

WELL, LET'S SEE IF WE CAN GET THE SEQUENCE STRAIGHT. YOU SAW TWO CUPS, STYROFOAM CUPS ON THE BRONCO, THE HOOD OF THE BRONCO, RIGHT?

A YES.

Q IS THAT THE FIRST THING YOU OBSERVED WITH REGARD TO THE BRONCO AND THE CUPS?

A YES.

Q AND DID YOU HAVE A CONVERSATION WITH YOUR PARTNER, ANGELA GUZMAN, AFTER THAT?

A YES.

Q AND THEN DID YOU THEN REMOVE THE TWO CUPS AFTER THAT CONVERSATION WITH ANGELA GUZMAN?

A YES.

Q THEN DID YOU HAVE THE CONVERSATION WITH THE FEMALE PHOTOGRAPHER?

A YES.

Q SINCE YOU REMOVED THE TWO CUPS, WERE THEY -- WAS ANY LIQUID IN EITHER ONE OF THOSE TWO CUPS?

A I THINK THERE WAS SOME LIQUID IN ONE OF THE CUPS.

Q ALL RIGHT.

WAS ONE CUP EMPTY, IF YOU RECALL, OR WERE THEY BOTH -- THEY BOTH HAVE SOME LIQUID IN THEM?

A I REALLY DON'T REMEMBER TOO MUCH ABOUT THE OTHER CUP.

Q ALL RIGHT.

SO WE DON'T RECALL ABOUT ONE CUP, BUT LET'S TALK ABOUT THE CUP YOU REMEMBER, OKAY?

A OKAY.

Q WHAT DO YOU RECALL AS BEING IN THAT OTHER CUP, SIR?

A I REMEMBER COFFEE BEING IN THAT CUP.

Q ALL RIGHT.

AND YOU REMOVED THE CUP, THE ONE WITH THE COFFEE IN IT, AND WHAT DID YOU DO WITH IT?

A I PLACED IT ON THE CURB NEAR THE BRONCO.

Q ALL RIGHT.
AND WHAT DID YOU DO WITH THE SECOND CUP, SIR?

A IT WAS PLACED NEXT TO THE FIRST CUP.

Q THEY WERE BOTH PLACED THERE; IS THAT RIGHT?

A YES.

Q WERE EITHER -- IF YOU KNOW, WERE EITHER OF THOSE CUPS PHOTOGRAPHED? DO YOU KNOW?

A I DON'T THINK SO.

Q ALL RIGHT.
AND WHEN YOU REMOVED THE TWO CUPS FROM THE HOOD OF THE BRONCO, DID YOU SEE ONE OF THOSE CIRCLES THAT COFFEE CUPS SOMETIMES LEAVE LIKE ON THE BOTTOM OF IT?

A YES, I DID.

Q AND DID YOU SEE ONE -- WAS IT KIND OF A CIRCLE OR RING?

A YES.

Q AND DID YOU SEE ONE OR TWO?

A I DISTINCTLY REMEMBER SEEING ONE.

Q ALL RIGHT.
YOU DON'T REMEMBER A SECOND ONE?

A I DON'T RECALL IF THERE WAS A SECOND ONE OR NOT.

Q ALL RIGHT.
SO THIS -- AND WAS THE RING THAT YOU REMEMBER -- THE CIRCLE OR RING THAT YOU REMEMBER, WAS THAT FROM THE CUP, THE CUP THAT HAD THE COFFEE THEREIN?

A I'M PRETTY SURE IT WAS.

Q ALL RIGHT.
NOW, IN THIS -- AFTER YOU REMOVED THE TWO CUPS, THE ONE WITH THE COFFEE, AS I UNDERSTAND THE SEQUENCE OF EVENTS, THAT'S WHEN YOU THEN HAD THE CONVERSATION WITH THIS FEMALE PHOTOGRAPHER; IS THAT CORRECT?

A YES.

Q AND HOW LONG DID THAT CONVERSATION TAKE PLACE?

A I WOULD SAY IT LASTED ABOUT 15 SECONDS.

Q AND IN THAT CONVERSATION, DID THE SUBJECT MATTER OF THE CUP WITH -- THE CUP WITH THE COFFEE THEREIN COME UP? YOU CAN ANSWER THAT YES OR NO.

A YES.

Q DID YOU AT SOME POINT GIVE HER BACK THE CUP OF COFFEE AND SHE DID SOMETHING WITH IT?

MR. DARDEN: OBJECTION. THAT MISSTATES THE EVIDENCE.

THE COURT: OVERRULED.

MR. COCHRAN: I'M ASKING.

THANK YOU.

THE WITNESS: I REALLY DON'T REMEMBER IF IT WAS GIVEN BACK TO HER.

Q BY MR. COCHRAN: ALL RIGHT.

A BUT THAT'S VERY POSSIBLE, THAT I DID GIVE THE CUPS BACK TO HER TO THROW AWAY.

Q ALL RIGHT.
NOW, LET'S SEE NOW. WITH REGARD TO YOUR STATEMENT IN THIS CASE, YOU HAD OCCASION TO BE INTERVIEWED BY DETECTIVE RON PHILLIPS OF THE WEST LOS ANGELES DETECTIVE BUREAU ABOUT APRIL 7TH, 1995 AT 7:20 HOURS; IS THAT CORRECT? REMEMBER THAT?

A YES.

Q AND IF I WERE TO SHOW YOU A COPY OF THAT STATEMENT, MIGHT THAT REFRESH YOUR RECOLLECTION OF WHETHER OR NOT YOU GAVE THE CUP OF COFFEE BACK TO THE LADY AND THAT SHE THREW IT AWAY?

A IT MIGHT.

MR. COCHRAN: MAY I APPROACH, YOUR HONOR?

THE COURT: YOU MAY.

MR. COCHRAN: COUNSEL HAS THIS.

THE COURT: AND, MR. DARDEN, DO YOU HAVE A COPY OF THIS REPORT?

MR. DARDEN: YES.

THE COURT: ALL RIGHT.

PROCEED.

Q BY MR. COCHRAN: I'LL SHOW YOU THIS PART.

I NOTICE YOU'RE SHAKING YOUR HEAD. HAVE YOU HAD OCCASION NOW TO REVIEW THIS PORTION OF THE REPORT?

MR. COCHRAN: AND FOR THE RECORD, YOUR HONOR, I GUESS I'M TALKING ABOUT THE THIRD FULL PARAGRAPH ON THE SECOND PAGE OF THE REPORT OF DETECTIVE PHILLIPS' INTERVIEW WITH OFFICER DON THOMPSON.

Q BY MR. COCHRAN: HAVE YOU READ THAT NOW?

A YES.

Q AND IN REVIEWING THAT, DOES THAT REFRESH YOUR RECOLLECTION OF WHAT YOU TOLD DETECTIVE PHILLIPS BACK IN APRIL OF 1995?

A YES.

Q DOES THAT REFRESH YOUR RECOLLECTION OF WHAT TOOK PLACE ON JUNE 13TH, 1994?

A YES, IT DOES.

Q ALL RIGHT.

TELL US WHAT HAPPENED, SIR, REGARDING THE CUP OF COFFEE.

A STARTING FROM WHEN I FIRST SAW THE CUPS OF COFFEE?

Q YES. WHY DON'T YOU START THERE.

A I WENT BACK TO THE FRONT. I SAW TWO STYROFOAM CUPS ON THE HOOD OF THE BRONCO. I ASKED MY PARTNER ABOUT THE TWO STYROFOAM CUPS. SHE HAD MADE MENTION TO THE FEMALE PHOTOGRAPHER. I REMOVED THE TWO STYROFOAM CUPS, PLACED IT ON THE CURB AND I WENT TO THE PHOTOGRAPHER.

Q DID YOU TALK TO HER?

A YES, I DID.

Q OKAY.

AND AFTER YOU TALKED TO HER, WHAT HAPPENED AFTER THAT?

A I GAVE THE CUPS TO HER AND I'M ASSUMING SHE THREW THEM AWAY.

Q RIGHT.

YOU GAVE BOTH CUPS TO HER; IS THAT CORRECT?

A YES.

Q NOW, WOULD YOU -- WOULD YOU BE ABLE TO IDENTIFY THAT PHOTOGRAPHER IF YOU SAW HER AGAIN?

A YES, I WOULD.

Q AND DID YOU -- DID YOU TAKE HER NAME BY THE WAY?

A NO, I DIDN'T.

Q ALL RIGHT.

HOWEVER, YOU DID MAKE A NOTE OF THIS AND YOU ENTERED THE INCIDENT ON THE VEHICLE IMPOUND REPORT; IS THAT CORRECT?

A YES.

Q AND YOU -- DID YOU TRY AND MAKE SURE THAT PHOTOGRAPHS WERE TAKEN OF THE COFFEE STAINS ON THE HOOD?

A NO, I DIDN'T.

Q ALL RIGHT.

BUT YOU SAW THOSE YOURSELF; IS THAT RIGHT?

A YES.

Q NOW, WHILE YOU'RE ALSO OUT AT ROCKINGHAM THAT MORNING, DID YOU EVER SEE A LADY RUN UP TO THE BRONCO AND TOUCH IT ON THE DRIVER'S SIDE DOOR, ANOTHER FEMALE?

A NO, I DIDN'T SEE A LADY RUN UP AND TOUCH IT.
Q ALL RIGHT.
DID YOU EVER SEE A LADY APPROACH THE BRONCO AND APPEAR TO LOOK IN FROM THE DRIVER'S SIDE?
A NOT AT THAT TIME.
Q ALL RIGHT.
YOU SAW THAT AT SOME TIME, HOWEVER; DID YOU NOT?
A YES, I DID.
Q AND WHEN IN RELATION TO JUNE 13TH, 1994, DID YOU SEE A LADY IN CLOSE PROXIMITY TO THE BRONCO ON THE DRIVER'S SIDE APPARENTLY PEERING IN THE WINDOW? WAS THAT ON TELEVISION?
A I SAW IT ON TELEVISION.
Q AND WHEN DID YOU SEE IT ON TELEVISION?
MR. DARDEN: IT'S IRRELEVANT, YOUR HONOR.
THE COURT: OVERRULED.
THE WITNESS: THAT WAS WITHIN A WEEK OR SO AFTER THE INCIDENT HAD OCCURRED.
Q BY MR. COCHRAN: SO WITHIN A WEEK OF JUNE 13TH; IS THAT CORRECT?
A YES.
Q HAVE YOU SEEN THAT VIDEO RECENTLY AT ALL?
A I'VE SEEN IT, BUT NOT VERY RECENTLY.
Q ALL RIGHT.
DID YOU HAVE OCCASION AT ALL ON THE DATE OF JUNE 13TH TO SPEAK WITH THAT LADY, THAT PARTICULAR LADY WHO WAS LOOKING OR PEERING IN THE BRONCO?
A PRIOR TO THAT INCIDENT, YES, I DID TALK TO HER.
Q AND YOU TALKED TO THAT LADY?
A YES.
Q AND WHEN WAS THAT THAT YOU TALKED TO HER?
A IT WAS EARLIER IN THE MORNING.
Q AND SO THAT WE'RE CLEAR, WE'RE TALKING ABOUT THE MORNING OF JUNE 13TH?
A YES.
Q JUST PRIOR TO MR. SIMPSON'S RETURN; IS THAT RIGHT?
A YES.
Q OKAY.
DO YOU KNOW WHAT TIME IT WAS EARLY IN THE MORNING YOU TALKED TO THIS LADY?
A COULD HAVE BEEN SOMETIME BETWEEN 10:00 AND 11:00.
Q ALL RIGHT.
DO YOU KNOW HER NAME?
A NO.
Q WHAT WERE THE CIRCUMSTANCES -- WHAT WERE THE CIRCUMSTANCES SURROUNDING YOUR CONVERSATION WITH HER THAT MORNING BETWEEN 10:00 AND 11:00?
A SHE CONTINUED TO ASK ME QUESTIONS ABOUT VARIOUS THINGS IN THE DRIVEWAY AND THE BRONCO.
Q THIS PARTICULAR LADY DID?
A YES.
Q AND DO YOU KNOW WHAT HER OCCUPATION WAS? WERE YOU ABLE TO ASCERTAIN THAT?
A I WOULD ONLY ASSUME THAT SHE WAS WITH THE NEWS MEDIA.
Q ALL RIGHT.
YOU DON'T KNOW THAT FOR SURE THOUGH, RIGHT, OR DO YOU?
A I'M PRETTY CERTAIN. I THINK I DID SEE A PRESS PASS.
Q OKAY.
SO SHE WAS INTERROGATING YOU ABOUT VARIOUS THINGS; IS THAT CORRECT?
A YES.

Q AND THEN AS I UNDERSTAND IT -- THAT WAS BETWEEN 10:00 AND 11:00 -- YOU DIDN'T ACTUALLY SEE HER PEERING OR LOOKING INSIDE THE BRONCO UNTIL AFTER THE INCIDENT; IS THAT CORRECT?

A THAT'S CORRECT.

Q BUT YOU RECOGNIZED HER AS THE SAME LADY WHO HAD BEEN ASKING YOU QUESTIONS EARLIER THAT MORNING. IS THAT A FAIR STATEMENT?

A YES, SIR.

MR. COCHRAN: ALL RIGHT.

MAY I HAVE JUST A SECOND, YOUR HONOR?

THE COURT: YES.

(DISCUSSION HELD OFF THE RECORD
BETWEEN DEFENSE COUNSEL.)

Q BY MR. COCHRAN: I WANT YOU --

MR. COCHRAN: YOUR HONOR, I WOULD LIKE TO MARK AS DEFENDANT'S NEXT IN ORDER EXHIBIT 1251, AND I WOULD LIKE TO HAVE MR. DARDEN TAKE A LOOK AT IT IF HE WANTS AND ASK THE OFFICER A QUESTION OR TWO ABOUT IT.

(DEFT'S 1251 FOR ID = VIDEOTAPE)

(DISCUSSION HELD OFF THE RECORD
BETWEEN THE DEPUTY DISTRICT
ATTORNEY AND DEFENSE COUNSEL.)

MR. DARDEN: MAY I HAVE A MOMENT, YOUR HONOR?

(BRIEF PAUSE.)

THE COURT: MR. COCHRAN, IS THIS THE SAME PIECE WE'VE SEEN BEFORE?

MR. COCHRAN: YES, HE'S SEEN IT BEFORE, BUT I WANT TO GIVE HIM A CHANCE TO SEE IT AGAIN.

THE COURT: IN THE FUTURE, LET'S DO THIS BEFORE WE HAVE THE JURY OUT HERE, PLEASE.

(BRIEF PAUSE.)

MR. COCHRAN: COUNSEL HAS SEEN IT, YOUR HONOR.

MAY WE PROCEED?

MR. DARDEN: 352 OBJECTION.

THE COURT: OVERRULED.

MR. COCHRAN: MR. HARRIS, WOULD YOU PLEASE PROCEED.

YOUR HONOR, THIS WILL BE 1251.

THE COURT: IS THIS THE VIDEOTAPE OF SOMEONE WALKING UP TO THE BRONCO?

MR. COCHRAN: YES.

MR. DARDEN: HE DIDN'T SEE IT.

THE COURT: HE RECOGNIZED THE INDIVIDUAL WHO'S THERE.

PROCEED.

MR. COCHRAN: THANK YOU, YOUR HONOR.

YOU MAY PROCEED.

THANK YOU, YOUR HONOR.

(AT 2:55 P.M., DEFENDANT'S
EXHIBIT 1251, A VIDEOTAPE,
WAS PLAYED.)

Q BY MR. COCHRAN: ALL RIGHT.

I WANT YOU TO TAKE A LOOK AT THIS, OFFICER THOMPSON.
IS THAT THE BRONCO YOU WERE TALKING ABOUT?

A YES, IT IS.

Q OKAY, SIR.

NOW, THAT --

MR. COCHRAN: STOP IT THERE.

Q BY MR. COCHRAN: THAT LADY WHO HAS RUN UP TO THE
VEHICLE WITH A CAP ON AND WHITE SHIRT AND PANTS AND TENNIS SHOES,
DO YOU RECOGNIZE THAT LADY?

A YES, I DO.

Q AND IS THAT THE LADY THAT YOU HAD BEEN TALKING WITH
BETWEEN 10:00 AND 11:00 ON JUNE 13TH WHO HAD BEEN ASKING A LOT OF
QUESTIONS?

A YES.

Q AND IS THIS THE FOOTAGE THAT YOU SAW ABOUT A WEEK
AFTER JUNE 13TH?

A YES, IT IS.

Q DO YOU BELIEVE THAT LADY IS WITH THE PRESS, DO YOU?

A YES.

Q AND YOU DON'T KNOW HER OR YOU CAN'T GIVE US HER NAME,
IS THAT RIGHT, AT THIS POINT?

A I DON'T KNOW HER NAME, BUT I DEFINITELY REMEMBER AN
ACCENT, AN ENGLISH ACCENT.

Q AND ENGLISH AS IN GREAT BRITAIN OR UK?

A YES. OR POSSIBLY AUSTRALIAN.

Q ALL RIGHT.

THAT'S ALL YOU CAN TELL US AT THIS POINT?

A YES.

Q OKAY, SIR.

MR. COCHRAN: YOU MAY CONTINUE ON, SIR.

THAT'S FINE, YOUR HONOR.

(AT 3:00 P.M., THE PLAYING
OF THE VIDEOTAPE CONCLUDED.)

Q BY MR. COCHRAN: JUST SO THAT WE'RE CLEAR, THE
CONVERSATION THAT YOU HAD WITH THIS LADY WITH THE ENGLISH ACCENT
WHO WE SUBSEQUENTLY SAW IN THAT VIDEO, WAS THAT CONVERSATION
BEFORE OR AFTER THE CONVERSATION WITH THE FEMALE PHOTOGRAPHER
WITH REGARDS TO THE CUPS ON THE BRONCO, THE TWO CUPS?

A THAT WAS BEFORE.

Q THE CONVERSATION WITH THE LADY WHO SPOKE ENGLISH?

A YES.

Q WAS BEFORE THAT?

A YES.

Q SO YOU DEALT WITH TWO DIFFERENT LADIES ON THAT
OCCASION, RIGHT?

A YES.

MR. COCHRAN: THANK YOU VERY MUCH FOR COMING TODAY, MR.
THOMPSON.

THE COURT: MR. DARDEN.

MR. DARDEN: THANK YOU, YOUR HONOR.

CROSS-EXAMINATION

BY MR. DARDEN:

Q GOOD AFTERNOON, OFFICER THOMPSON.

A GOOD AFTERNOON, SIR.

Q YOU AND I MET EACH OTHER LAST FRIDAY EVENING; IS THAT
CORRECT?

A THAT'S RIGHT.

Q AND SINCE THAT TIME, I'VE MADE YOU AVAILABLE TO MR. COCHRAN AND MR. DOUGLAS TO BE INTERVIEWED BY THEM; IS THAT RIGHT?

A THAT'S CORRECT.

Q OKAY.

BEFORE GOING OVER TO ROCKINGHAM, YOU WENT OVER TO BUNDY THAT MORNING; IS THAT CORRECT?

A YES, I DID.

Q YOU ARRIVED AT BUNDY AROUND 6:55 IN THE MORNING?

MR. COCHRAN: OBJECTION. THIS IS LEADING. BEYOND THE SCOPE OF DIRECT.

THE COURT: SUSTAINED.

MR. DARDEN: MAY I MAKE AN OFFER OF PROOF? I UNDERSTAND THE COURT'S PRIOR RULING, JUDGE. IF I CAN JUST ASK A COUPLE OF QUESTIONS.

THE COURT: COUPLE.

MR. DARDEN: THANK YOU.

Q BY MR. DARDEN: OKAY.

AND YOU LEFT BUNDY AT 8:05 APPROXIMATELY?

A YES.

Q OKAY.

AND FROM THERE, YOU WENT OVER TO ROCKINGHAM; IS THAT RIGHT?

A THAT'S RIGHT.

Q NOW, PRIOR TO LEAVING BUNDY, DID YOU HAVE A CHANCE TO LOOK AROUND?

MR. COCHRAN: OBJECTION, YOUR HONOR. THIS IS BEYOND -- THIS IS BEYOND THE SCOPE OF DIRECT EXAMINATION.

MR. DARDEN: I WOULD LIKE TO APPROACH AND MAKE AN OFFER.

THE COURT: SUSTAINED.

PROCEED.

Q BY MR. DARDEN: DO YOU UNDERSTAND THE TERM "PROBABLE CAUSE," OFFICER THOMPSON?

MR. COCHRAN: I OBJECT. THAT'S NOT AN ISSUE, YOUR HONOR. I OBJECT. IMPROPER.

THE COURT: LET ME SEE YOU AT THE SIDEBAR WITH THE COURT REPORTER.

(THE FOLLOWING PROCEEDINGS WERE HELD AT THE BENCH:)

THE COURT: ALL RIGHT.

WE'RE OVER AT THE SIDEBAR.

CHRIS, WHERE ARE YOU GOING WITH THIS?

MR. DARDEN: MR. COCHRAN HAS I THINK IMPRESSED THE JURY WITH THE NOTION THAT LAPD OR THIS OFFICER IN PARTICULAR HAD NO CAUSE TO ARREST THE DEFENDANT WITHIN 30 SECONDS OF HIS ARRIVAL AT HOME. THE FACT OF THE MATTER IS THAT THIS PARTICULAR OFFICER WENT TO BUNDY, HE SAW THE BLOODY SHOEPRINTS, HE KNEW ABOUT THE BLOOD DROPS, HE KNEW ABOUT THE DEAD BODIES IN FRONT OF THE PLACE. HE KNEW IT WAS NICOLE BROWN SIMPSON.

HE WENT TO ROCKINGHAM, HE SAW THE BLOOD IN THE BRONCO, HE SAW THE BLOOD TRAIL BEHIND THE BRONCO, HE SAW THE BLOOD GOING UP THE DRIVEWAY, HE SAW THE BLOOD IN THE FOYER. AND THIS OFFICER IS GOING TO TESTIFY THAT THEY SHOULD HAVE HOOKED O.J. SIMPSON UP.

MR. COCHRAN: I DIDN'T HEAR THAT.

MR. DARDEN: THEY SHOULD HAVE HOOKED HIM UP AT THAT TIME.

COUNSEL RAISED THE NOTION THAT HE HAD NO CAUSE TO ARREST HIM, AND ALL I'M ASKING FOR IS PERMISSION TO REBUT THAT NOTION AND THE FACT OF THE MATTER THAT IF IT WAS ANYBODY ELSE, THEY WOULD HAVE BEEN HOOKED UP, AS MR. COCHRAN PUT IT, AND THERE

WAS MORE THAN SUFFICIENT LEGAL CAUSE TO DO IT. AND I THINK UNDER THE CIRCUMSTANCES, THE JURY NEEDS TO KNOW THAT.

MR. COCHRAN: ALL I TRIED TO SHOW IS WHAT HAPPENED WHEN HE CAME HOME. HE WAS ARRESTED OR HOOKED UP AT THIS POINT UNTIL HOWARD WEITZMAN CAME. HE ALREADY KNEW.

I DIDN'T GO INTO BUNDY. WE SPECIFICALLY APPROACHED TO DISCUSS THE LIMITED INQUIRY I WOULD ASK ABOUT, AND THAT'S ALL I WENT INTO.

352. WE'RE NOT RAISING THE ISSUE OF THAT. WE'RE JUST INDICATING HE WAS ARRESTED, HOOKED UP. IT WASN'T EVEN THIS GUY'S IDEA ANYWAY. HE WAS I GUESS JUNIOR TO VANNATTER.

THAT'S NOT THE ISSUE. THE ISSUE IS WHAT HAPPENED ON THAT PARTICULAR MORNING. THAT'S ALL.

MR. DARDEN: THIS IS CROSS-EXAMINATION. HE SHOULDN'T BE ALLOWED TO RESTRICT, YOU KNOW, WHAT IS REASONABLE CROSS. AND THIS IS REASONABLE. YOU RAISED THESE ISSUES, AND I WOULD LIKE TO FINISH.

MR. COCHRAN: I HAVEN'T RAISED ANY ISSUE. THE COURT INDICATED IN THE PAST IN THIS SITUATION.

THE COURT: IF YOU'RE NOT RAISING THIS ISSUE, WHY DID WE CALL THIS GUY?

MR. COCHRAN: I DID NOT RAISE THAT ISSUE, YOUR HONOR. AND I APPROACHED THE BENCH AND WENT THROUGH THIS. I DIDN'T RAISE THAT ISSUE ABOUT THAT. I JUST RAISED THE ISSUE THIS MAN HANDCUFFED MR. SIMPSON, AND THAT'S THE ISSUE I RAISED AND TALKED ABOUT THE COFFEE CUP.

THAT IS ALL I DID, AS YOU SAID WITH US BEFORE. THEY PRESENTED THEIR CASE. THIS IS OUR CASE OR PART OF THE CASE.

HOW DOES THAT BECOME RELEVANT, GOING OVER TO BUNDY? WE WENT THROUGH THAT ALREADY. I MEAN AFTER THAT, WE'RE JUST TRYING TO PUT OUR CASE ON IN A WAY THAT YOU'VE SAID THEY COULD PUT ON THEIR CASE.

WE'VE DONE EXACTLY THE SAME THING. I DON'T SEE HOW HE CAN GO FAR AFIELD OF THAT, HOW THIS IS EVEN RELEVANT.

MR. DARDEN: I NEVER HEARD THE TERM "FAR AFIELD" UNTIL I ENCOUNTERED MR. COCHRAN AND MR. SHAPIRO. I WATCHED THEIR CROSS.

THE COURT: MR. COCHRAN, WHAT WAS THE RELEVANCE OF PUTTING THIS GUY ON IN THE FIRST PLACE; THAT HE WAS HANDCUFFED WHEN HE ARRIVED, WITHIN 30 SECONDS OF HIS ARRIVAL?

MR. COCHRAN: WHAT WAS THE RELEVANCE OF THAT?

THE COURT: YES.

MR. COCHRAN: THE RELEVANCE OF THAT IS THEY -- THIS IS ON JUNE 13TH AT 12:00 O'CLOCK. THERE'S NOTHING BACK, NOTHING AT ALL, AND HE'S HANDCUFFED AT THAT POINT.

MS. CLARK: THERE'S A BETTER OFFER OF PROOF THAT I CAN MAKE.

MR. COCHRAN: NOT AT ALL. THAT IS A FACT. YOU ARE SAYING I CAN'T PUT THIS ON? IT HAS NOTHING TO DO WITH ANY PROBABLE CAUSE.

THE COURT: I ALLOWED YOU TO PUT THAT ON.

MR. COCHRAN: I'M SAYING, THE RELEVANCE OF IT HAS TO DO WITH WHETHER OR NOT THERE'S A RUSH TO JUDGMENT, WHICH IS FAR DIFFERENT FROM PROBABLE CAUSE. WHETHER THEY MAKE A DECISION WHETHER TO HANDCUFF THIS MAN WITHIN 30 TO 45 SECONDS, THIS SEEMS TO BE EXTREMELY RELEVANT.

THE FACT TO ALLOW THEM TO PARADE UP THESE BLOOD SPOTS OVER HERE, WE'VE ALREADY HEARD THAT. IT'S CUMULATIVE. THEY DON'T GET TO RETRY THEIR CASE. THEY TRIED THEIR CASE. AT THIS POINT, THIS IS OUR CASE.

THE COURT: MY RECOLLECTION, HOWEVER, MR. DARDEN, IS THAT THE DIRECTION TO OFFICER THOMPSON CAME FROM DETECTIVE VANNATTER.

MR. COCHRAN: ABSOLUTELY IT DID. HE JUST TOLD HIM WHAT TO DO.

THE COURT: IS THAT CORRECT?

MR. DARDEN: THAT IS CORRECT.

THE COURT: THEN THE DETERMINATION OF PROBABLE CAUSE IS DETECTIVE VANNATTER'S OR DETECTIVE VANNATTER TO TESTIFY TO.

MR. DARDEN: JUDGE, THAT IS NOT THE ISSUE. HE COULD HAVE TAKEN THIS UP WITH VANNATTER, OKAY, WHICH THEY DID. NOW THEY CALLED THIS OTHER GUY UP HERE TO RAISE THE ISSUE AGAIN IN THE DEFENSE, AND HE IS THE OFFICER WHO ACTUALLY PLACED HIM IN PHYSICAL CUSTODY. HOW CAN HIS STATE OF MIND NOT BE AN ISSUE?

IT'S NOT FAIR, JUDGE.

MR. COCHRAN: WHAT DO YOU MEAN IT'S NOT FAIR? YOUR HONOR, THIS IS THE DEFENSE CASE. THIS IS THE DEFENSE CASE. WE HAVE THE RIGHT TO PUT THAT ON. IT HAS NOTHING TO DO --

THAT'S UNFAIR. I MEAN, I APPROACHED THE BENCH TO TALK TO THE COURT ABOUT THAT. WE'RE TRYING TO MOVE THIS CASE ALONG. THIS IS RIDICULOUS. HIS STATE OF MIND, HOW CAN IT BE RELEVANT TO DOING SOMETHING?

MR. DARDEN: MY TURN?

THE COURT: YES.

MR. DARDEN: HE'S RAISED THIS RUSH TO JUDGMENT STUFF IN HIS DEFENSE, JUDGE. THE WITNESS IS HERE.

THE COURT: BUT THE POINT I'M MAKING --

MR. DARDEN: HE CAN TESTIFY TO HIS -- EVEN THOUGH VANNATTER IS HIS SENIOR, HE HAS THE RIGHT NOT TO PLACE SOMEONE UNDER ARREST IF HE DOESN'T BELIEVE THERE IS PROBABLE CAUSE. HE IS A POLICE OFFICER EMPLOYED BY THE LAPD. YOU KNOW, THIS OFFICER HAS THE RIGHT NOT TO MIND AN UNLAWFUL ORDER. IF THERE WAS INSUFFICIENT PROBABLE CAUSE, HE DIDN'T HAVE TO ARREST O.J. SIMPSON.

MR. COCHRAN: IS HE FINISHED? WHO'S KIDDING WHOM?

THE COURT: WAIT. HOW LONG IS THIS GOING TO TAKE? HE'S GOING TO SAY HE WAS THERE, "I SAW THIS, I SAW THAT."

MR. DARDEN: WELL, YOU KNOW, I'M ON CROSS. I CAN, YOU KNOW -- I GET TO LEAD. I CAN LEAD HIM. 10 OR 12 QUESTIONS TO FINISH THAT ASPECT.

MR. COCHRAN: JUDGE, WHAT I ASK YOU TO DO IN THIS CASE IS -- WE ARE TRYING TO DO WHAT WE CAN TO GET THIS CASE FINISHED.

THE COURT: I UNDERSTAND YOU DON'T WANT TO GO BACK INTO THIS. I AM GOING TO LET THE JURY GO.

HOLD ON. STAY THERE.

(THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN COURT, IN THE PRESENCE OF THE JURY:)

THE COURT: ALL RIGHT.

LADIES AND GENTLEMEN, THIS DISCUSSION IS GOING TO TAKE A LITTLE LONGER THAN I THOUGHT. WE'RE GOING TO TAKE OUR BREAK RIGHT NOW.

SO WHY DON'T YOU ALL STEP BACK INTO THE JURY ROOM, TAKE YOUR MID-AFTERNOON BREAK, AND THEN I'LL CHAT WITH THE LAWYERS HERE FOR A FEW MOMENTS.

ALL RIGHT.

REMEMBER ALL MY ADMONITIONS TO YOU.

ALL RIGHT, OFFICER. YOU CAN STEP DOWN. DON'T GO AWAY.

MADAM REPORTER, WOULD YOU RESUME YOUR SPOT THERE, PLEASE.

(THE FOLLOWING PROCEEDINGS WERE
HELD IN OPEN COURT, OUT OF THE
PRESENCE OF THE JURY:)

THE COURT: ALL RIGHT.

THE RECORD SHOULD REFLECT THE JURY HAS WITHDRAWN FROM
THE COURTROOM.

ALL RIGHT.

MR. DARDEN, MY UNDERSTANDING IS THAT YOU WISH TO
INQUIRE ON CROSS-EXAMINATION OF OFFICER THOMPSON WHAT INFORMATION
HE HAD THAT IN HIS MIND JUSTIFIED DETAINING MR. SIMPSON AT THE
TIME THAT HE ARRIVED AT HIS PREMISES APPROXIMATELY NOON ON JUNE
THE 13TH, CORRECT?

MR. DARDEN: THAT'S CORRECT, YOUR HONOR.

MR. COCHRAN HAS MADE AN ISSUE OF THE FACT THAT THE
DEFENDANT WAS HANDCUFFED IN 30 SECONDS OR 45 SECONDS UPON HIS
ARRIVAL AT THE HOUSE AND THAT HE HAS RAISED THIS RUSH TO JUDGMENT
ISSUE BEFORE THIS JURY, AND I THINK THAT -- I'M SURE THAT THE
COURT WOULD AGREE, I THINK ANY LAWYER WOULD AGREE THAT THERE'S
MORE THAN SUFFICIENT PROBABLE CAUSE AT THAT POINT TO PLACE THIS
DEFENDANT IN HANDCUFFS, AND WE WOULD LIKE THE OPPORTUNITY TO
REBUT THIS INFERENCE THAT COUNSEL HAS RAISED BEFORE THIS JURY, A
WRONGFUL INFERENCE, AND ESTABLISH BEFORE THE JURY AND SHOW THE
JURY THAT IN NORMAL POLICE PRACTICE, GIVEN THE INFORMATION KNOWN
TO THIS OFFICER, IT WAS MORE THAN SUFFICIENT PROBABLE CAUSE TO
ARREST HIM, TO PLACE HIM IN HANDCUFFS.

THERE'S NOTHING WRONG WITH WHAT HAPPENED WITH THIS
DEFENDANT AT 360 ROCKINGHAM. AND HAD HE NOT BEEN A CELEBRITY OR
SOMEBODY ELSE, HE WOULD HAVE BEEN ARRESTED AND HANDCUFFED IN LESS
THAN 30 SECONDS, AND I THINK THE JURY SHOULD BE MADE AWARE OF
THAT.

THE COURT: BUT ISN'T THE TESTIMONY OF THIS OFFICER THAT HE
WAS FOLLOWING THE DIRECTIONS OF DETECTIVE VANNATTER?

MR. DARDEN: THAT IS CORR --

THE COURT: AND HE WAS INSTRUCTED BY SOMEBODY ELSE AND THAT
IT WAS DETECTIVE VANNATTER WHO MADE THE PROBABLE CAUSE
DETERMINATION, NOT THIS PARTICULAR OFFICER?

MR. DARDEN: THAT'S CORRECT, YOUR HONOR. BUT THIS OFFICER,
AS A MEMBER OF THE LAPD, HAS NO DUTY TO FOLLOW OR COMPLY WITH AN
UNLAWFUL ORDER FROM A DETECTIVE III, WHICH VANNATTER WAS. HAD HE
NOT BELIEVED IN THE PROPRIETY OF PLACING THIS DEFENDANT IN
HANDCUFFS, HE COULD HAVE OBJECTED. HE DIDN'T HAVE TO DO IT.

BUT HE DID, AND HE DID IT BECAUSE HE KNEW OR HE HAD
SOME INFORMATION ABOUT THE CRIME SCENE AT BUNDY BECAUSE HE HAD
BEEN THERE. HE KNEW ABOUT THE BODIES, HE KNEW ABOUT THE
FOOTPRINTS, HE KNEW ABOUT THE BLOOD DROP I BELIEVE THAT ENDED AT
THE DRIVEWAY. HE KNEW AND SAW THE BLOOD IN THE BRONCO, HE KNEW
ABOUT THAT. HE SAW THE BLOOD DROPS LEADING AWAY FROM THE BRONCO
AND THE BLOOD DROPS LEADING UP THE DRIVEWAY INTO THE FORAY OF THE
HOUSE.

AND BECAUSE WE'RE TALKING ABOUT AN ISSUE OF PROBABLE
CAUSE, I SUGGEST AS WELL THAT HE HAS A RIGHT TO RELY ON HEARSAY
AND HE SHOULD BE ALLOWED TO TELL THE JURY EVERYTHING HE KNEW AND
HEARD THAT MORNING THAT WOULD SUGGEST TO ANY REASONABLE POLICE
OFFICER THAT THIS DEFENDANT HAD KILLED TWO PEOPLE. HE SHOULD HAVE
BEEN ARRESTED AND THE JURY SHOULD BE MADE AWARE OF THAT AND THEY
SHOULD BE MADE AWARE OF IT IN THE CONTEXT OF THIS SO-CALLED RUSH
OF JUDGMENT.

THE COURT: AND WHAT IS YOUR CONTEMPLATED CROSS-EXAMINATION
OF OFFICER THOMPSON AT THIS POINT?

MR. DARDEN: TO ASK --

THE COURT: THAT HE WAS AT BUNDY, THAT HE WAS AWARE OF THE CRIME SCENE ISSUES?

MR. DARDEN: YES.

THE COURT: HE WAS AWARE OF THE BLOOD AT THE ROCKINGHAM ADDRESS, AND BASED UPON THAT, HE SAW NO REASON TO DISAGREE WITH DETECTIVE VANNATTER'S DETERMINATION TO HOOK UP MR. SIMPSON?

MR. DARDEN: YES. YES.

THE COURT: I COULD DO THAT IN THREE QUESTIONS.

MR. DARDEN: WELL, IT WOULD BE MORE DRAMATIC IF YOU DID IT IN 15, YOUR HONOR.

THE COURT: BUT WE'RE NOT HERE FOR DRAMA, ARE WE, MR. DARDEN?

MR. DARDEN: WELL, I'M NOT. NOT ANYMORE. BUT, YOU KNOW -- ALSO, YOU KNOW, I THINK IT'S IMPORTANT --

THE COURT: THAT WASN'T AN APPROPRIATE COMMENT, MR. COCHRAN. THAT WAS A CHEAP SHOT.

MR. DARDEN: I'M SORRY. DID MR. COCHRAN APOLOGIZE?

THE COURT: NOT YET, BUT HE WILL.

MR. DARDEN: WELL, BUT I THINK ALSO, I THINK IT'S IMPORTANT TO ESTABLISH BEFORE THE JURY THAT THESE OFFICERS ACTED IN GOOD FAITH, YOUR HONOR, AND THAT THIS IS NOT SOME CONSPIRACY AND THAT THE OFFICERS DID NOT ACT MALICIOUSLY TOWARD THIS DEFENDANT.

THE COURT: MR. COCHRAN.

MR. COCHRAN: YES, YOUR HONOR.

FIRST OF ALL, ALL WE'RE TRYING TO GET HERE IS A FAIR TRIAL. BEFORE WE STARTED THIS PROCEEDING, THIS RECORD SHOULD REFLECT THAT I APPROACHED THE BENCH TO YOUR HONOR AND ASKED YOU, WENT THROUGH THIS OFFICER'S REPORT AS AN OFFER OF PROOF, TOLD YOU WHAT I WOULD GO INTO. THERE'S A PARTICULAR AREA I WOULD NOT GO INTO. YOU INDICATED THAT WOULD NOT BE ALLOWED TO GO INTO.

YOU KNOW, THE REASON WHY THIS TRIAL HAS LASTED SO LONG IS BECAUSE WE HAVE ALL THESE -- WHATEVER THEIR MINDS MAY THINK UP, THEY WANT TO GO OVER AND REHASH. WE'VE HEARD THIS FOR SIX MONTHS IN THEIR CASE, AND NOW I CANNOT BELIEVE THE COURT IS ENTERTAINING THE THOUGHT OF ALLOWING THEM TO DO IT AGAIN.

WE MADE IT VERY CLEAR WHAT I WAS GOING TO GO INTO. THEN I DID EXACTLY THAT, YOUR HONOR. I MEAN, WHAT WE WANT IS A FAIR TRIAL HERE, YOUR HONOR. IT SEEMS WHATEVER -- WE LIMIT EVERYTHING WE'RE DOING. WE'RE THE ONES MOVING THIS CASE AND IT'S GROSSLY UNFAIR.

THIS OFFICER'S STATE OF MIND HAS NOTHING TO DO WITH IT. ALL WE SOUGHT TO PROVE IS JUST THE FACTS. THEY'RE ALWAYS TALKING ABOUT THE TRUTH OF THE SITUATION.

THE TRUTH OF THE MATTER IS, MR. SIMPSON RETURNED HERE AT 12:00 O'CLOCK ON JUNE 13TH, AND WITHIN 30 TO 45 SECONDS, HE WAS HANDCUFFED. NOW, THAT'S WHAT I BROUGHT OUT AND THERE WERE TWO COFFEE CUPS ON THE BRONCO.

NOW, TO ALLOW THEM TO GO BACK AND TALK ABOUT SOME BLOOD ON BUNDY, WE HEARD ABOUT THIS FOR MONTHS, YOUR HONOR. WE'VE HEARD ABOUT ALL THAT. PROBABLE CAUSE IS NOT IN ISSUE. HIS STATE OF MIND IS NOT AN ISSUE.

VANNATTER IS THE ONE THAT SPECIFICALLY ELICITED. VANNATTER IS THE ONE WHO SAID HOOK HIM UP. THE FACT THAT THE COURT CAN ASK THOSE QUESTIONS IN TWO OR THREE QUESTIONS, THAT'S VERY NICE, YOUR HONOR. BUT THEN YOUR HONOR IS NO LONGER IN THE DISTRICT ATTORNEY'S OFFICE. THAT'S THEIR JOB.

AND AS THE JUDGE, WE ASK YOU TO -- I WANT MR. SIMPSON TO HAVE A FAIR TRIAL, AND THE FAIR TRIAL COMES ABOUT WHEN WE APPROACH, ASK YOU FOR CERTAIN RULINGS IN ADVANCE SO WE CAN RELY UPON THOSE THINGS. AND WHEN THE PEOPLE COME RIGHT BEHIND AND STARTS TALKING ABOUT BUNDY, AND I OBJECTED AS BEYOND THE SCOPE

CLEARLY, YOU KNOW, WHAT CAN WE RELY ON?

AND THAT'S -- I THINK THAT'S THE POINT, YOUR HONOR, THAT WE'RE ASKING. THIS IS NOT RELEVANT. HIS STATE OF MIND IS NOT RELEVANT, HAS NOTHING DO WITH IT AT ALL.

ALL I SOUGHT TO BRING OUT WAS WHAT THE FACTS WERE, YOUR HONOR, AS THEY EXISTED ON THAT MORNING, AND THAT'S ALL WE ELICITED. AND I TRIED TO USE THE VIDEOS -- THEY WANT TO TALK ABOUT TRUTH -- OF WHAT ACTUALLY TOOK PLACE.

THIS OFFICER TOLD A STRAIGHTFORWARD STORY AND THAT WAS ALL. AND IN NO WAY DID I ATTACK HIM. I JUST ELICITED THE FACTS FROM WHAT THEY WERE.

NOW, COUNSEL WANTS TO GO AND NOW BRING OUT HIS STATE OF MIND, AND THEY MAKE ALL THESE STATEMENTS. I MEAN, YOU KNOW, YOUR HONOR, THAT'S WHAT THIS TRIAL IS ALL ABOUT, ISN'T IT, AS TO WHO DID IT.

I MEAN, THE FACT THAT THEY THINK MR. SIMPSON IS GUILTY HAS NOTHING TO DO WITH REALITY. THERE'S THE TRUTH AND THERE'S THE TRUTH ACCORDING TO THEM.

AND I JUST WOULD ASK YOUR HONOR TO COUNSEL -- COUNSEL, ALL OF US AS ADVOCATES, WE DON'T MAKE THOSE KINDS OF STATEMENTS. WE JUST LIKE GO RIGHT DOWN THE MIDDLE. HE'S PRESUMED TO BE INNOCENT. THAT'S THE RULE IN AMERICA WHEN LAST I LOOKED.

SO ALL THESE STATEMENTS ABOUT HE SHOULD HAVE BEEN HOOKED UP IF HE HADN'T BEEN HIM, THAT'S PREPOSTEROUS. A JURY, THE CONSCIENCE OF THIS COMMUNITY WILL MAKE THE JUDGMENT IN THAT REGARD.

IT DOESN'T MATTER IF THE STATE OF MIND OR WHETHER VANNATTER WAS RIGHT OR WHATEVER. ULTIMATELY, ALL OF THESE FACTS WE PUT TOGETHER IN A SEARCH FOR TRUTH, YOUR HONOR. NOT THAT THERE WAS BLOOD OVER THERE. WE KNOW ABOUT THAT. IT'S NOT AS THOUGH THEY'VE BEEN PRECLUDED. YOU GAVE THEM SIX MONTHS TO GET EVERYTHING THEY WANTED TO UNTIL THEY FINALLY SAT DOWN AND SAID THEY RESTED.

NOW, THEY WANT TO PUT ON THEIR CASE DURING OUR CASE. AND I CANNOT COUNT THE TIMES THAT WE WOULD APPROACH THE BENCH AND YOU WOULD SAY, "COUNSEL, IT'S THEIR CASE. THEY CAN PUT IT ON ANY WAY THEY WANT TO."

IT'S OUR TURN NOW. AND SO WHAT WE DO IS APPROACH YOU AND ASK YOU TO LIMIT CERTAIN THINGS. YOU SAY WE'RE GOING TO LIMIT IT. AND NOW WE'RE WASTING TIME AGAIN WITH ANOTHER MAJOR ARGUMENT.

AND THE FACT THAT YOU CAN DO IT IN THREE QUESTIONS -- YOUR HONOR, I APOLOGIZE. I DON'T PERCEIVE IT TO BE A CHEAP SHOT. WHAT HE SAID WAS, HE SAYS, "I'M OUT OF DRAMA." I SAID YES, AFTER THE GLOVES. NOW, THAT WASN'T A CHEAP SHOT.

THE COURT: IT WAS.

MR. COCHRAN: I DIDN'T THINK IT WAS.

THE COURT: I THOUGHT IT WAS.

MR. COCHRAN: WELL, IT'S YOUR COURT. SO IF YOU THINK IT WAS, THEN I APOLOGIZE. BUT I DON'T THINK IT WAS A CHEAP SHOT. I WAS RESPONDING TO WHAT MR. DARDEN SAID, TWO OF MY COLLEAGUES.

THE COURT: COUNSEL, MR. DARDEN AND I WERE DISCUSSING A MATTER, AND YOU PIPED IN WITH THAT, WHICH I TOOK TO BE A CHEAP SHOT.

MR. COCHRAN: WELL, I DIDN'T THINK IT WAS A CHEAP SHOT. AND I WAS TALKING TO MR. SHAPIRO. I DID NOT -- WHEN YOU SAY PIPED IN -- BUT YOU HEARD VERY WELL, YOUR HONOR.

THE COURT: MR. COCHRAN, YOU THINK ABOUT THAT.

MR. COCHRAN: VERY WELL, YOUR HONOR.

(RECESS.)

(THE FOLLOWING PROCEEDINGS WERE
HELD IN OPEN COURT, OUT OF THE
PRESENCE OF THE JURY:)

THE COURT: ALL RIGHT.

BACK ON THE RECORD IN THE SIMPSON MATTER.

ALL PARTIES ARE AGAIN PRESENT.

ALL RIGHT.

COUNSEL, I'M GOING TO SUSTAIN THE 352 OBJECTION TO GOING INTO THE FACTS AND CIRCUMSTANCES THAT WOULD HAVE LED OFFICER DON THOMPSON TO ARREST MR. SIMPSON, WERE THAT HIS INDEPENDENT DETERMINATION. I WILL ALLOW ONE QUESTION OF OFFICER THOMPSON; DID HE DISAGREE WITH THE DIRECTION TO DETAIN MR. SIMPSON AND PLACE HIM IN HANDCUFFS AT THAT TIME. THAT'S THE ONLY QUESTION I'LL ALLOW IN THAT VEIN.

ALL RIGHT.

LET'S HAVE THE JURY, PLEASE.

AND, MR. COCHRAN AND MR. DARDEN, I WANT TO SEE BOTH OF YOU IN MY CHAMBERS WHEN WE CONCLUDE THIS AFTERNOON.

MR. COCHRAN: CERTAINLY.

THE COURT: AND THAT WILL BE WITH THE COURT REPORTER.

MR. UELMEN: DID YOUR HONOR WANT TO RESCHEDULE THE SANCTIONS MOTION THAT WAS SCHEDULED FOR 1:00 CLOCK?

THE COURT: YOU KNOW, I COMPLETELY FORGOT ABOUT THAT.

MS. CLARK: WELL, YOUR HONOR, CAN I ADDRESS THAT FOR A MOMENT WITH REGARDS TO TIMING JUST?

THE COURT: TIMING? I'M SORRY. I FORGOT WE HAD MR. UELMEN DOWN FROM STANFORD.

MS. CLARK: I KIND OF THOUGHT HE MIGHT HAVE BEEN HERE TO EXAMINE MR. MERAZ OR ELSE I WOULD HAVE SAID SOMETHING TO HIM EARLIER. AND I APOLOGIZE. SO I DIDN'T KNOW.

WITH RESPECT TO THAT, YOUR HONOR, AND I DO APOLOGIZE TO COUNSEL, BUT WE WERE GOING TO ASK THAT WE TAKE THIS UP ON FRIDAY IF THAT'S ALL RIGHT WITH THE COURT. I DO NOT KNOW WHAT OTHER PLANS THERE ARE, BUT THIS MOTION HAS BECOME MUCH BIGGER THAN I THOUGHT.

THE COURT: ALL RIGHT.

MR. NEUFELD, YOU HAD A -- YOU SEEM TO HAVE A REACTION TO FRIDAY?

MR. NEUFELD: I DO HAVE A SLIGHT REACTION.

GOOD AFTERNOON, YOUR HONOR.

THE COURT: GOOD AFTERNOON, SIR.

MR. NEUFELD: IT'S SIMPLY THAT, AS I THINK MR. DOUGLAS HAS TOLD YOU BEFORE, IT WAS OUR INTENTION TO PUT PROFESSOR HERBERT MACDONELL ON THE WITNESS STAND TOMORROW.

THE DISCOVERY IS NOW COMPLETE, AND HE IS HERE IN LOS ANGELES AND WE INTENDED TO HAVE HIM TESTIFY TOMORROW, AND I THINK THAT WAS THE REASON WHY YOU ORIGINALLY SCHEDULED THE SANCTION MOTION FOR 1:00 O'CLOCK THIS AFTERNOON.

MS. CLARK: MAY I BE HEARD TO THAT?

THE COURT: YES.

MR. NEUFELD: I JUST WANT TO DAY THAT, SO IF YOU WANT TO DO IT AT 5:00 OR 5:30 OR WHATEVER, THAT'S ACCEPTABLE AS WELL.

MS. CLARK: THE PROBLEM WITH THAT, YOUR HONOR, IS THAT WE HAD NO OPPORTUNITY TO EVALUATE THE LEGAL ISSUES RAISED BY THE LATE DISCOVERY DROPPED ON US BY DEFENSE COUNSEL. THERE WAS APPARENTLY AN EXAMINATION CONDUCTED BACK IN APRIL. THE REPORT OF THAT EXAMINATION WAS GIVEN TO US JUST A FEW DAYS AGO.

I CAN'T THINK OF ANY LEGAL OR -- EXCUSE ME. I CAN'T

THINK OF ANY FORENSIC OR SCIENTIFIC REASON WHY YOU WOULD WANT TO DELAY A REPORT FOR THREE MONTHS.

THE COURT: WELL, LET'S NOT ARGUE THAT ISSUE.

MS. CLARK: RIGHT.

THE COURT: JUST OF CURIOSITY, WHO IS DR. MACDONNELL.

MS. CLARK: MR. MACDONELL -- I DON'T KNOW THAT HE'S DOCTOR -- IS BLOOD SPATTER, THEIR BLOOD SPATTER EXPERT.

THE COURT: OKAY.

MS. CLARK: AND THE REASON THAT WE -- WE HAD TO EVALUATE THE REPORTS THAT HE SUBMITTED, AND WHEN WE DETERMINED THAT THE REPORTS --

THE COURT: NO. I JUST WANT TO KNOW WHAT HE'S GOING TO TESTIFY TO.

ALL RIGHT.

WE'LL TAKE IT UP AT 5:00.

MS. CLARK: WELL, YOUR HONOR, THE PROBLEM IS THAT WE HAVE BRIEFS TO FILE ON THIS. IT GOES TO NOT JUST DISCOVERY SANCTIONS, BUT GOES TO PRECLUSION OF THE TESTIMONY COMPLETELY BECAUSE IT'S IRRELEVANT UNDER 352.

THESE ARE SUBSTANTIAL LEGAL ARGUMENTS. IT'S NOT A DISCOVERY ISSUE, JUST A DISCOVERY ISSUE. THAT'S THE TIP OF THE ICEBERG. THERE'S MUCH MORE TO THIS.

THE COURT: WHY DON'T WE TAKE IT UP AT 5:00.

MS. CLARK: WE HAVE BRIEFS TO GIVE TO THE COURT. THEY WILL BE READY IN HALF AN HOUR, BUT I THOUGHT THAT THE COURT MIGHT WANT MORE TIME THAN THAT.

THE COURT: WELL, LET'S SEE HOW FAR WE GET.

MS. CLARK: ALL RIGHT.

THE COURT: ALL RIGHT.

LET'S HAVE THE JURORS, PLEASE.

DO YOU HAVE OFFICER THOMPSON AVAILABLE SOMEWHERE?

(THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN COURT, IN THE PRESENCE OF THE JURY:)

THE COURT: ALL RIGHT.

THANK YOU, LADIES AND GENTLEMEN. BE SEATED.

ALL RIGHT.

OFFICER THOMPSON, WOULD YOU RESUME THE WITNESS STAND, PLEASE.

AND THE RECORD SHOULD REFLECT THAT WE'VE BEEN REJOINED BY ALL THE MEMBERS OF OUR JURY PANEL.

ALL RIGHT.

OFFICER, WHY DON'T YOU PULL THE MICROPHONE UP CLOSE.

MR. DARDEN.

Q BY MR. DARDEN: THANK YOU FOR RETURNING, OFFICER.

A YOU'RE WELCOME.

Q OFFICER, WHEN WE LEFT OFF, YOU TOLD US THAT YOU HAD VISITED THE CRIME SCENE AT BUNDY; IS THAT CORRECT?

A YES.

Q AND YOU HAD A CHANCE TO LOOK AROUND THE SCENE AT ROCKINGHAM SOMEWHAT; IS THAT CORRECT?

A AT ROCKING --

MR. COCHRAN: I OBJECT, YOUR HONOR.

THE COURT: AT ROCKINGHAM.

OVERRULED.

Q BY MR. DARDEN: IS THAT CORRECT?

A AT ROCKINGHAM?

Q YES.

A YES.

Q OKAY.

AND WHEN DETECTIVE VANNATTER SAID WHAT HE SAID TO YOU THAT CAUSED YOU TO HANDCUFF THIS DEFENDANT, YOU DIDN'T THINK IT WAS WRONG TO HANDCUFF THE DEFENDANT, DID YOU?

MR. COCHRAN: I OBJECT TO THE FORM OF THAT QUESTION, YOUR HONOR.

THE COURT: REPHRASE THE QUESTION.

Q BY MR. DARDEN: WELL, DID YOU THINK IT WAS WRONG TO HANDCUFF THE DEFENDANT GIVEN WHAT YOU KNEW AND WHAT YOU HAD SEEN THAT DAY?

MR. COCHRAN: OBJECT TO THE FORM OF THAT QUESTION.

THE COURT: OVERRULED.

THE WITNESS: NO, I DIDN'T.

Q BY MR. DARDEN: WHEN YOU ARRIVED SOMETIME AFTER 8:05, YOU SAW THE BRONCO PARKED THERE; IS THAT CORRECT?

A YES.

Q AND YOU UNDERSTAND THAT WHEN YOU'RE DOING A CRIME SCENE INVESTIGATION, THAT YOU HAVE TO -- YOU HAVE TO SORT OF TAPE OFF THE CRIME SCENE AREA; IS THAT CORRECT?

A YOU HAVE TO PROTECT THE CRIME SCENE.

Q ALL RIGHT.

AND THAT IS COMMONLY DONE BY USING TAPE, RIGHT?

A YES.

Q BY USING POLICE OFFICERS?

A YES.

Q AND BY SETTING UP A PERIMETER AROUND THAT CRIME SCENE; IS THAT CORRECT?

A SOMETIMES, YES.

Q NOW, IN THIS SITUATION, THE BRONCO WAS PARKED OUT ON THE STREET, WASN'T IT?

A YES, IT WAS.

Q DID YOU CONSIDER PUTTING UP YELLOW TAPE AROUND THAT BRONCO?

A THAT WAS CONSIDERED MOMENTARILY.

Q YOU CONSIDERED THAT?

A YES.

Q BUT YOU DIDN'T, DID YOU?

A NO, I DIDN'T.

Q NOW, HOW LONG HAVE YOU BEEN A POLICE OFFICER?

A IT WILL BE EIGHT YEARS ON THE 13TH OF OCTOBER.

Q OKAY.

SO YOU'VE BEEN A POLICE OFFICER SEVEN YEARS APPROXIMATELY BACK IN JUNE OF 1994?

A SEVEN YEARS, NINE MONTHS, FIVE DAYS.

Q OKAY.

LIKE THAT, HUH?

AND YOU'D BEEN TO MANY, MANY CRIME SCENES BEFORE, HADN'T YOU, OFFICER?

A YES, I HAD.

Q IN FACT, YOU'RE A TRAINING OFFICER, AREN'T YOU?

A YES, I AM.

Q AND WHAT IS A TRAINING OFFICER?

A IT'S AN OFFICER WHO TRAINS NEW POLICE OFFICERS WHO HAVE JUST GRADUATED FROM THE POLICE ACADEMY.

Q AND DESPITE YOUR EXPERIENCE AFTER HAVING GONE TO OTHER CRIME SCENES AND DESPITE THE FACT THAT YOU'RE A TRAINING OFFICER, YOU DID NOT TAPE OFF THE AREA SURROUNDING THAT BRONCO; IS THAT CORRECT?

MR. COCHRAN: OBJECT TO THE FORM OF THAT QUESTION. THIS IS ARGUMENTATIVE.

THE COURT: OVERRULED.

THE WITNESS: THAT'S TRUE.

Q BY MR. DARDEN: AND WHY NOT?

A IT WAS EXTREME -- IT WOULD HAVE BEEN EXTREMELY DIFFICULT TO TAPE OFF THAT BRONCO BECAUSE OF ITS POSITION IN THE STREET.

Q WHAT ABOUT THE BRONCO'S POSITION MADE IT DIFFICULT TO TAPE IT OFF?

A THERE WAS NOTHING AROUND THE BRONCO WHICH WOULD HAVE ALLOWED ME TO SECURE TAPE AROUND THE BRONCO.

Q WELL, THE BRONCO WAS PARKED AT THE CURB, RIGHT?

A YES.

Q OKAY.

AND ABOUT WHAT, 10 FEET AWAY FROM THE PASSENGER DOOR, THERE WAS A FENCE AND SOME VINES GROWING UP THE --

MR. COCHRAN: OBJECT TO THE FORM OF THAT QUESTION. COUNSEL IS TESTIFYING.

THE COURT: OVERRULED. HE'S ALLOWED TO LEAD.

PROCEED.

THE WITNESS: THAT'S TRUE. YES, THERE IS.

Q BY MR. DARDEN: WHY NOT --

A IT'S A WALL.

Q WHY NOT TIE THE TAPE AROUND THE WALL AND THEN TIE IT AROUND THE BRONCO AND BACK AROUND TO THE WALL AGAIN?

A USUALLY YOU DON'T LET THE CRIME SCENE TAPE TOUCH A PART OF EVIDENCE, AND THERE'S REALLY NOTHING THERE WHICH WOULD HAVE ALLOWED ME TO TIE CRIME SCENE TAPE TO A WALL AND THEN TIE IT TO ANOTHER PORTION OF WALL AND KEEP THE BRONCO WITHIN THAT PORTION TIED OFF.

Q SO GIVEN THE POSITION OF THE BRONCO THEN, IT JUST WASN'T A PRACTICAL THING TO DO; IS THAT CORRECT?

A THAT'S CORRECT.

Q BUT YOU HAD ANOTHER REASON; IS THAT RIGHT?

A YES, I DID.

Q AND WHAT WAS THAT OTHER REASON?

A I DIDN'T WANT TO DRAW ATTENTION TO THE BRONCO.

Q AND IN FACT, VERY LITTLE ATTENTION WAS PAID TO THE BRONCO THAT MORNING; IS THAT CORRECT?

MR. COCHRAN: OBJECTION. CALLS FOR SPECULATION.

THE COURT: REPHRASE THE QUESTION.

IT ASSUMES FACTS THAT AREN'T IN EVIDENCE AT THIS POINT.

Q BY MR. DARDEN: NOW, WITH REGARD TO WHAT DETECTIVE VANNATTER TOLD YOU, YOU TOLD US THIS AFTERNOON THAT HE TOLD YOU TO PLACE THE DEFENDANT IN HANDCUFFS AS SOON AS HE ARRIVES; IS THAT CORRECT?

A THAT'S CORRECT.

Q NOW, YOU WERE INTERVIEWED BY DETECTIVE PHILLIPS ON APRIL 7, 1995; IS THAT CORRECT?

A YES.

Q AND WHEN YOU SPOKE TO DETECTIVE PHILLIPS, YOU TOLD DETECTIVE PHILLIPS YOU WEREN'T SURE IF DETECTIVE VANNATTER TOLD YOU TO HANDCUFF HIM OR WHETHER HE TOLD YOU TO HOOK HIM UP; IS THAT CORRECT?

A THAT'S CORRECT.

Q OKAY.

A BUT IT COULD HAVE BEEN EITHER ONE OF THE TWO.

Q OKAY.

ONE OR THE OTHER?

A YES.

Q YOU'RE NOT SURE WHICH ONE, RIGHT?

A NO.

Q ALL YOU KNOW IS THAT WHATEVER IT WAS THAT HE SAID TO YOU, YOU INTERPRETED THAT TO MEAN THAT YOU SHOULD HANDCUFF THE DEFENDANT AS SOON AS HE SHOWED UP?

A THAT'S RIGHT.

Q DETECTIVE VANNATTER DIDN'T USE THE WORD "ARREST," DID HE?

A NO, HE DIDN'T.

Q HE DIDN'T SAY, "WE'RE GOING TO TAKE HIM TO JAIL," DID HE?

A NO, HE DIDN'T.

Q HE DIDN'T SAY, "WE'RE GOING TO CHARGE HIM WITH MURDER," DID HE?

A NO, HE DIDN'T.

Q LAPD WAS SERVING A SEARCH WARRANT AT THAT HOUSE AT THAT TIME, WEREN'T THEY?

A I DON'T KNOW.

MR. COCHRAN: LEADING AND SUGGESTIVE, YOUR HONOR.

THE COURT: OVERRULED.

Q BY MR. DARDEN: WAS THE HOUSE BEING SECURED BY THE LAPD AT THAT TIME?

A YES, IT WAS.

Q AND THAT WOULD HAVE BEEN EITHER TO SERVE A SEARCH WARRANT OR TO OBTAIN A SEARCH WARRANT; IS THAT CORRECT?

MR. COCHRAN: I OBJECT TO THE FORM OF THAT QUESTION.

THE COURT: OVERRULED.

THE WITNESS: YES.

Q BY MR. DARDEN: AND WHEN THE POLICE SECURE A RESIDENCE LIKE THEY DID IN THIS CASE, ISN'T IT TRUE THAT NO ONE'S ALLOWED, NO CIVILIAN IS ALLOWED TO COME ONTO THE PROPERTY?

A THAT'S TRUE.

Q THE SCENE AT ROCKINGHAM WAS A CRIME SCENE IN YOUR MIND, WASN'T IT?

A YES, IT WAS.

Q YOU DON'T ALLOW CIVILIANS TO ENTER A CRIME SCENE, DO YOU?

A NO, YOU DON'T.

Q NOW, AFTER DETECTIVE VANNATTER SPOKE TO YOU, THE DEFENDANT ARRIVED WITHIN SECONDS, DIDN'T HE?

A YES.

Q HE GOT OUT OF A CAR?

A YES.

Q AND YOU JUST WATCHED A VIDEOTAPE A FEW MINUTES AGO, DIDN'T YOU?

A YES, I DID.

Q YOU SAW A BLACK BAG HANGING FROM THE DEFENDANT'S SHOULDER?

A YES.

Q A BLACK LEATHER DUFFLE BAG?

A POSSIBLY WAS LEATHER DUFFLE.

Q YOU DIDN'T SEE A BLACK GARMENT BAG HANGING OVER THE DEFENDANT'S SHOULDER, DID YOU?

A NO.

Q DID YOU SEE A LOUIE VUITTON GARMENT BAG IN THE DEFENDANT'S HAND AT THAT TIME?

A NO.

Q DID YOU SEE THE DEFENDANT HAND ROBERT KARDASHIAN A LOUIE VUITTON GARMENT BAG DOWN THE STREET?

MR. COCHRAN: YOUR HONOR, THIS IS BEYOND THE SCOPE.

THE COURT: FOUNDATION.

Q BY MR. DARDEN: DID YOU SEE MR. KARDASHIAN AT THE LOCATION THAT MORNING?

A YES, I DID.
Q DID YOU SEE HIM AT THE LOCATION PRIOR TO YOUR SEEING THE DEFENDANT?

A I DON'T REMEMBER IF IT WAS SHORTLY BEFORE OR SHORTLY AFTER.

Q WELL, WHEN YOU SAW MR. KARDASHIAN, WAS HE CARRYING A PIECE OF LUGGAGE?

A YES, HE WAS.

Q WHAT WAS HE CARRYING?

A LOOKED LIKE A LOUIE VUITTON --

Q GARMENT BAG?

A GARMENT BAG FITTED FOR -- MADE FOR A SUIT.

Q AND HAD ANYONE TOLD YOU TO SEIZE ANY LUGGAGE THE DEFENDANT MIGHT HAVE IN HIS POSSESSION WHEN YOU SAW HIM?

A NO.

Q HAD ANYONE TOLD YOU TO SEIZE ANY LUGGAGE MR. KARDASHIAN MIGHT HAVE HAD IN HIS POSSESSION WHEN YOU SAW HIM?

A NO.

Q DID YOU NOTICE WHETHER OR NOT THE LOUIE VUITTON BAG KARDASHIAN HAD, DID YOU NOTICE WHETHER OR NOT IT WAS FULL?

A YES.

Q DID IT APPEAR FULL?

A YES, IT DID.

Q ARE YOU AWARE THAT WHEN THE BAG APPEARED HERE IN COURT, IT WAS EMPTY?

MR. COCHRAN: YOUR HONOR, OBJECT TO THE FORM OF THAT QUESTION. THAT'S ARGUMENTATIVE.

THE COURT: SUSTAINED. SUSTAINED.

Q BY MR. DARDEN: DID MR. KARDASHIAN OFFER THAT BAG TO YOU, THAT IS THE LOUIE VUITTON BAG?

A NO, HE DIDN'T.

Q AND DID YOU HAVE IN YOUR MIND LEGAL CAUSE TO SEIZE THAT BAG AT THAT TIME?

MR. COCHRAN: YOUR HONOR, I OBJECT TO THE FORM OF THAT QUESTION.

THE COURT: SUSTAINED.

Q BY MR. DARDEN: DID YOU HAVE ANY REASON TO SEIZE THE BAG AT THAT TIME?

MR. COCHRAN: I OBJECT TO THE FORM OF THAT QUESTION.

THE COURT: OVERRULED. OVERRULED.

THE WITNESS: NO, I DIDN'T.

Q BY MR. DARDEN: DID YOU ALLOW MR. KARDASHIAN TO ENTER THE PREMISES AT ROCKINGHAM?

A NO, I DIDN'T.

Q DID HE ATTEMPT TO?

A YES, HE DID.

Q AND HE ATTEMPTED TO DO THAT WHILE HE WAS CARRYING THAT BAG; IS THAT CORRECT?

A I'M NOT REALLY SURE OF THAT.

Q OKAY.

Q DID YOU AND MR. KARDASHIAN EVER DISCUSS THE CONTENTS OF THAT BAG?

A NO, WE DIDN'T.

Q WAS IT EVER BROUGHT TO YOUR ATTENTION THAT MORNING THAT THE BAG BELONGED TO THE DEFENDANT?

A NO, IT WASN'T BROUGHT TO MY ATTENTION.

Q MR. KARDASHIAN DIDN'T TELL YOU THAT?

A NO.

MR. COCHRAN: I OBJECT TO THE FORM OF THAT QUESTION, YOUR HONOR.

THE COURT: OVERRULED.

MR. DARDEN: MAY I?

THE COURT: YOU MAY.

Q BY MR. DARDEN: LET ME SHOW YOU THE LOUIE VUITTON GARMENT BAG THAT HAS BEEN MARKED DEFENDANT'S 1062.

THE GARMENT BAG THAT YOU SAW IN MR. KARDASHIAN'S HAND, DID IT LOOK JUST LIKE THAT ONE?

A YES, IT DID.

Q DOES THAT BAG APPEAR EMPTY?

A YES, IT DOES.

Q WOULD YOU LIKE TO OPEN IT UP AND MAKE SURE?

(WITNESS COMPLIES.)

THE COURT: WELL, COUNSEL, WE'VE ALREADY BEEN THROUGH THIS WITH ANOTHER WITNESS.

THE WITNESS: IT SEEMS TO BE EMPTY.

Q BY MR. DARDEN: THAT ISN'T THE CONDITION OR THAT WASN'T THE CONDITION THE BAG WAS IN WHEN YOU SAW IT, WAS IT?

A NO.

Q NOW, WHEN THE DEFENDANT FIRST GOT OUT OF THE VEHICLE, I THINK YOU SAW THAT ON THE VIDEOTAPE; IS THAT RIGHT?

A YES.

Q YOU SAW HIM GET OUT OF THE VEHICLE?

A ON THE VIDEOTAPE I DID.

Q AND YOU SAY THAT HE -- WELL, HE GOT OUT OF THE VEHICLE AND HE WALKED TOWARD THE DRIVEWAY; IS THAT CORRECT?

A HE WALKED DIRECTLY INTO THE DRIVEWAY.

Q AND YOU TOLD US THAT HE APPEARED TO BE HURRIED; IS THAT RIGHT?

A YES.

Q THAT'S HOW YOU DESCRIBED HIS Demeanor; IS THAT RIGHT?

A YES.

MR. DARDEN: IF I CAN HAVE ONE MOMENT, YOUR HONOR.

(BRIEF PAUSE.)

Q BY MR. DARDEN: AND AS HE WALKED UP THAT DRIVEWAY, HE WASN'T CRYING, WAS HE?

A NO, HE WASN'T.

Q HE DIDN'T APPEAR DESPONDENT, DID HE?

MR. COCHRAN: I OBJECT TO THE FORM OF THAT QUESTION, YOUR HONOR, WITHOUT FURTHER FOUNDATION.

THE COURT: OVERRULED.

THE WITNESS: NO. HE DIDN'T.

Q BY MR. DARDEN: DO YOU UNDERSTAND THE WORD "DESPONDENT," OFFICER?

A YES.

Q AND WHAT DOES THAT WORD MEAN TO YOU?

A IT MEANS VERY SAD, GRIEVING, UPSET.

Q HE WASN'T LIKE THAT, WAS HE?

A HE DIDN'T SEEM THAT WAY TO ME.

Q IN FACT, HE HAD A BLANK HURRIED LOOK ABOUT HIS FACE, DIDN'T HE?

MR. COCHRAN: I OBJECT, YOUR HONOR. THAT'S LEADING. I OBJECT TO THE FORM OF THAT QUESTION.

THE COURT: REPHRASE THE QUESTION.

Q BY MR. DARDEN: DID HE HAVE A BLANK LOOK ABOUT HIM?

A SOMEWHAT, YES.

Q AND AS HE WALKED UP THE DRIVEWAY, HE WASN'T LIMPING, WAS HE?

A I DIDN'T SEE HIM LIMPING.

Q THE MOMENT YOU SAW HIM, YOU KNEW YOU WERE GOING TO HAVE TO HANDCUFF HIM, DIDN'T YOU?

A YES.

Q YOU'RE A POLICE OFFICER, CORRECT?

A THAT'S RIGHT.

Q DID HE WALK PAST YOU?

A YES, HE DID.

Q AND AS HE WALKED PAST YOU, DID YOU ATTEMPT TO STOP HIM FROM WALKING PAST YOU?

A NO, I DIDN'T.

Q DID YOU SAY ANYTHING TO HIM?

A NOT AS HE WAS WALKING BY ME. I WAS PLACING MY RADIO BACK IN MY HOLSTER.

Q SO YOU WEREN'T READY FOR HIM, WERE YOU?

A NO.

Q OKAY.

SO HE BREEZED PAST YOU, DIDN'T HE?

A YES.

Q YOU HAD TO CATCH UP TO HIM?

A YES, I DID.

Q AND WHEN YOU CAUGHT UP TO THE DEFENDANT, YOU DIDN'T TACKLE HIM, DID YOU?

MR. COCHRAN: I OBJECT, YOUR HONOR. THIS IS ARGUMENTATIVE. OBJECT TO THE FORM OF QUESTION.

THE COURT: SUSTAINED.

Q BY MR. DARDEN: WHEN YOU CAUGHT UP TO THE DEFENDANT, YOU PLACED YOUR HAND, YOUR HAND, YOUR LEFT HAND ON HIS RIGHT WRIST; IS THAT RIGHT?

A YES.

Q AND YOU DIDN'T GRAB HIS WRIST AND TWIST IT AROUND HIS BACK, DID YOU, OFFICER?

MR. COCHRAN: OBJECT TO THE FORM OF THAT QUESTION.

THE COURT: OVERRULED. OVERRULED.

THE WITNESS: NO, I DIDN'T.

Q BY MR. DARDEN: YOU SORT OF LIGHTLY GRABBED YOUR WRIST TO GET HIS ATTENTION, DIDN'T YOU?

MR. COCHRAN: I OBJECT TO THE FORM OF THE QUESTION.

THE COURT: OVERRULED.

THE WITNESS: INITIALLY I DIDN'T GRAB HIS WRIST. I JUST PLACED MY HAND IN FRONT OF HIS LEFT ARM TO SLOW HIM DOWN.

Q BY MR. DARDEN: AND DID THAT WORK?

A NO, IT DIDN'T.

Q DIDN'T YOU GRAB HIS WRIST?

A YES, I HAD TO GRAB IT.

Q OKAY.

DID THAT STOP HIM?

A IT GOT HIS ATTENTION.

Q DID HE CONTINUE TO WALK AT THAT POINT?

A YES.

Q YOU WERE IN UNIFORM, RIGHT?

A YES.

Q WHAT HAPPENED NEXT?

A I WAS VERBALIZING WITH MR. SIMPSON THROUGHOUT THAT EPISODE.

Q AND AT SOME POINT, YOU DID GET HIS ATTENTION, DIDN'T YOU?

A YES, I DID.

Q DID YOU EVENTUALLY STOP HIM IN THE DRIVEWAY?

A ACTUALLY, I DON'T THINK WE EVER GOT COMPLETELY STOPPED. WE DID SLOW DOWN A BIT AFTER I GRABBED HIS ARM TO GET HIS ATTENTION.

Q AND YOU SPOKE TO HIM AT THAT POINT, RIGHT?

A YES.

Q OKAY.

AND AT THAT PARTICULAR TIME, DID YOU FEEL LIKE YOU HAD SOME CONTROL OVER THE SITUATION?

A AFTER I HAD HIS ATTENTION, I FELT LIKE I WAS IN CONTROL.

Q AND YOU KNEW YOU HAD TO HANDCUFF HIM, RIGHT?

A YES.

MR. COCHRAN: I OBJECT TO THE FORM OF THAT QUESTION.

THE COURT: OVERRULED.

Q BY MR. DARDEN: YOU COULD HAVE HANDCUFFED HIM IN THE DRIVEWAY, COULDN'T YOU?

A YES, I COULD HAVE.

Q HOW MANY T.V. CAMERAS WERE THERE OUT THERE IN THE MIDDLE OF THE STREET AT THAT TIME?

A MANY.

Q AND WHEN THOSE T.V. PEOPLE, THOSE REPORTERS AND CAMERAMEN SAW THE DEFENDANT ARRIVE, THEY ALL CONVERGED ON THAT DRIVEWAY, DIDN'T THEY?

A YES, THEY DID.

Q BUT YOU DIDN'T HANDCUFF THE DEFENDANT IN FRONT OF THOSE TV CAMERAS?

MR. COCHRAN: OBJECTION, YOUR HONOR.

THE COURT: OVERRULED.

THE WITNESS: NO, I DIDN'T.

Q BY MR. DARDEN: YOU ATTEMPTED TO TAKE THE DEFENDANT OUT OF THE VIEW -- OUT OF VIEW?

MR. COCHRAN: I OBJECT TO THE FORM OF THAT LAST QUESTION. LEADING, SUGGESTIVE. OBJECTION.

THE COURT: NO. ASSUMES FACTS NOT IN EVIDENCE IS WHAT IT DOES.

Q BY MR. DARDEN: DID YOU TAKE THE DEFENDANT TO A CERTAIN AREA ON THE PROPERTY?

A YES, I DID.

Q WHY DID YOU TAKE HIM THERE?

A BECAUSE I DIDN'T WANT TO MAKE A BIG SCENE THERE IN THE DRIVEWAY.

Q AND WHERE DID YOU TAKE HIM AT THAT POINT?

A TOOK HIM TO THE DOLLHOUSE OR WHATEVER IT'S CALLED UNDERNEATH THE TREE.

Q AND IT WAS THERE THAT YOU HANDCUFFED THE DEFENDANT?

A YES.

Q AND WHEN YOU HANDCUFFED THE DEFENDANT THERE UNDERNEATH THE TREE, YOU DIDN'T THINK ANYONE OUTSIDE THE COMPOUND COULD SEE YOU, DID YOU?

MR. COCHRAN: OBJECTION TO THE FORM OF THAT QUESTION. SPECULATIVE.

THE COURT: OVERRULED.

THE WITNESS: NO, I DIDN'T.

Q BY MR. DARDEN: AND YOU DIDN'T WANT ANYBODY TO SEE YOU HANDCUFF THE DEFENDANT, CORRECT?

A IT REALLY DIDN'T MATTER TO ME. I JUST WANTED TO DO IT FOR THE DIGNITY OF THE DEFENDANT.

Q BUT THERE WAS ONE CAMERA PERSON THAT ACTUALLY GOT A CAMERA SHOT OF YOU HANDCUFFING THE DEFENDANT, RIGHT?

MR. COCHRAN: OBJECTION. ASSUMES FACTS NOT IN EVIDENCE AGAIN.

THE COURT: OVERRULED.

NO. WE'VE GOT THE VIDEOTAPE.

MR. COCHRAN: AT LEAST ONE.

Q BY MR. DARDEN: IS THAT RIGHT?
A THAT'S CORRECT.
Q THERE WAS ONE CAMERA THAT YOU SAW AT THAT TIME,
RIGHT?
A THAT'S CORRECT.
Q AND THAT CAMERA PERSON -- WHERE WAS THAT CAMERA
PERSON DURING THE TIME THAT YOU WERE HANDCUFFING THE DEFENDANT?
A HE HAD -- HE WAS CLIMBING THE WALL AT ASHFORD WITH
HIS VIDEO CAMERA AND VIDEOTAPING ME AND THE DEFENDANT AFTER HE
HAD CLIMBED THE WALL.
Q AND YOU CAME TO REALIZE THAT THAT CAMERAMAN WAS THERE
ONLY AFTER YOU HAD ALREADY HANDCUFFED THE DEFENDANT; IS THAT
RIGHT?
A I'M NOT REALLY SURE IF IT WAS BEFORE OR AFTER.
Q AT ANY EVENT, YOU KNEW YOU COULDN'T GET THE GUY OFF
THE WALL AT THAT POINT, RIGHT?
A THAT'S TRUE.
Q NOW, AFTER YOU HANDCUFFED THE DEFENDANT, YOU SAY YOU
TURNED HIM OVER TO SOME DETECTIVES?
A YES.
Q IN FACT, WHILE YOU WERE HANDCUFFING THE DEFENDANT,
YOU SAW SOME DETECTIVES EXIT THE FRONT DOOR OF THE DEFENDANT'S
HOUSE; IS THAT RIGHT?
A I THINK OUT OF THE CORNER OF MY EYE, I SAW SOMEONE
THERE.
Q THOSE DETECTIVES WENT IMMEDIATELY TO WHERE YOU AND
THE DEFENDANT WERE; IS THAT RIGHT?
A TRUE.
Q AND ONE OF THOSE DETECTIVES WAS DETECTIVE VANNATTER,
CORRECT?
A THAT'S TRUE.
Q AND AS DETECTIVE VANNATTER APPROACHED, YOU TURNED TO
GO BACK TO THE GATE AT ROCKINGHAM; IS THAT CORRECT?
A YES, I DID.
Q AND YOU HAD TO GO BACK TO THE GATE AT ROCKINGHAM
BECAUSE THE MEDIA PEOPLE WERE CREATING A SCENE THERE, RIGHT,
CAUSING A DISTURBANCE?
MR. COCHRAN: OBJECTION TO THE FORM OF THAT QUESTION.
ASSUMES FACTS NOT IN EVIDENCE.
THE COURT: OVERRULED.
Q BY MR. DARDEN: IS THAT RIGHT?
A YES. I WAS CONCERNED THAT THE MEDIA WOULD BE GIVING
MY PARTNER A LITTLE BIT TOO MUCH TO WORRY ABOUT.
Q I'M SORRY.
WHAT WAS YOUR PARTNER'S NAME?
A OFFICER GUZMAN.
Q DID YOU LEAVE THE -- WELL, STRIKE THAT.
AS YOU WALKED AWAY, DID -- WELL, STRIKE THAT.
MR. DARDEN: YOUR HONOR, CAN I JUST SHOW SOME FOOTAGE, SOME
VIDEO FOOTAGE?
THE COURT: WHICH EXHIBIT IS THIS, COUNSEL?
MR. DARDEN: CAN I HAVE ONE MOMENT? LET ME CHECK.

(DISCUSSION HELD OFF THE RECORD
BETWEEN THE DEPUTY DISTRICT
ATTORNEYS.)

MR. DARDEN: CAN I JUST SHOW A SMALL PORTION OF 124?
THE COURT: IS THIS THE SAME VIDEO FOOTAGE?
MR. DARDEN: YES. THE ONE WE JUST SAW.
THE COURT: ALL RIGHT.

Q BY MR. DARDEN: LET ME ASK A QUESTION.
NOW, OFFICER, ISN'T IT TRUE THAT WITHIN 10 SECONDS OF
YOUR HANDCUFFING THE DEFENDANT, DETECTIVE VANNATTER ARRIVED AND
REACHED IN HIS POCKET TO REMOVE A HANDCUFF KEY?

MR. COCHRAN: I OBJECT TO THE FORM OF THAT QUESTION, YOUR
HONOR.

THE COURT: OVERRULED.

THE WITNESS: I DIDN'T SEE THAT.

Q BY MR. DARDEN: BUT YOU HAVE SEEN THE FOOTAGE OF THE
HANDCUFFING AND WHAT FOLLOWED IMMEDIATELY THEREAFTER, CORRECT?

A YES.

Q OKAY.

LET ME SHOW YOU A PORTION OF THE VIDEOTAPE YOU JUST
SAW, 124.

(AT 4:01 P.M., PEOPLE'S EXHIBIT 124,
A VIDEOTAPE, WAS PLAYED.)

MR. DARDEN: STOP THERE.

Q BY MR. DARDEN: SEE DETECTIVE VANNATTER REACHING INTO
HIS POCKET?

A YES, I DO. YES, I DO.

MR. DARDEN: THANK YOU.

(AT 4:02 P.M., THE PLAYING OF
THE VIDEOTAPE WAS CONCLUDED.)

Q BY MR. DARDEN: YOU SAW THE DEFENDANT UNHANDCUFFED A
MOMENT LATER; IS THAT CORRECT?

MR. COCHRAN: OBJECT TO THE FORM OF THAT QUESTION. ASSUMES
A FACT NOT IN EVIDENCE.

THE COURT: OVERRULED.

THE WITNESS: YES. LATER, I DID SEE THE DEFENDANT NOT IN
HANDCUFFS.

Q BY MR. DARDEN: OKAY.

AND HOW LONG --

MR. COCHRAN: I MOVE TO STRIKE THAT, YOUR HONOR.
NONRESPONSIVE.

THE COURT: OVERRULED.

Q BY MR. DARDEN: AND HOW LONG AFTER YOU HANDCUFFED HIM
WAS IT THAT YOU SAW HIM WITHOUT HANDCUFFS?

A I WOULD SAY IT WAS WITHIN A MINUTE OR SO. MINUTE,
TWO MINUTES.

Q AND WHEN YOU SAW THE DEFENDANT AT THAT TIME, WAS HE
WALKING DOWN THE DRIVEWAY?

A YES, HE WAS.

Q HE WAS WALKING AT YOUR DIRECTION, CORRECT?

A YES.

Q OF COURSE, YOU WERE AT THE MOUTH OF THE DRIVEWAY
TRYING TO HOLD THE PRESS BACK; IS THAT RIGHT?

A YES.

MR. DARDEN: MAY I HAVE ONE MOMENT TO CONFER WITH COUNSEL?

(DISCUSSION HELD OFF THE RECORD
BETWEEN THE DEPUTY DISTRICT
ATTORNEY AND DEFENSE COUNSEL.)

THE COURT: IS THIS A TAPE THAT'S ALREADY BEEN MARKED?

MR. DARDEN: IT HASN'T BEEN MARKED, BUT IT IS -- IT IS ONE
THE COURT HAS SEEN. AT LEAST WE DON'T THINK IT'S BEEN MARKED.

THE COURT: ALL RIGHT.

PROCEED.

MR. DARDEN: THIS WILL BE PEOPLE'S NEXT IN ORDER, YOUR HONOR.

THE COURT: MRS. ROBERTSON?

527. I THOUGHT WE ALREADY HAD A 527. 527?

THE CLERK: 527.

(PEO'S 527 FOR ID = VIDEOTAPE)

Q BY MR. DARDEN: OKAY.
OFFICER, CAN YOU JUST TAKE A LOOK AT YOUR MONITOR
HERE?

(AT 4:05 P.M., PEOPLE'S EXHIBIT 527,
A VIDEOTAPE, WAS PLAYED.)

MR. DARDEN: LET'S STOP RIGHT THERE.

Q BY MR. DARDEN: NOW, OFFICER, YOU SEE MR. SIMPSON
WALKING DOWN THE DRIVEWAY?

A YES, I DO.

Q AND HE'S ACCOMPANIED TO HIS RIGHT BY HOWARD WEITZMAN?

A YES.

Q AND HE'S A CRIMINAL DEFENSE ATTORNEY?

A YES.

Q OKAY.

AND TO MR. SIMPSON'S LEFT IS DETECTIVE VANNATTER; IS
THAT CORRECT?

A YES.

Q AND AS THESE THREE MEN WALKED DOWN THE DRIVEWAY, THE
DEFENDANT IS ACTUALLY BEHIND DETECTIVE VANNATTER; IS THAT
CORRECT?

A YES, HE IS.

Q IS THAT THE APPROPRIATE MANNER IN WHICH A POLICE
OFFICER SHOULD WALK WITHIN -- WITH SOMEONE WHO'S BEEN ARRESTED ON
TWO COUNTS OF MURDER?

MR. COCHRAN: OBJECT TO THE FORM OF THAT QUESTION, YOUR
HONOR.

THE COURT: OVERRULED.

THE WITNESS: NO, IT IS NOT.

Q BY MR. DARDEN: NOW, HAD THE DEFENDANT BEEN UNDER
ARREST AT THAT POINT, HE WOULD HAVE BEEN WALKING AHEAD OF
DETECTIVE VANNATTER; IS THAT CORRECT?

MR. COCHRAN: CALLS FOR SPECULATION, YOUR HONOR.

THE COURT: OVERRULED.

THE WITNESS: YES, HE WOULD HAVE.

Q BY MR. DARDEN: THAT WOULD BE PROPER PROCEDURE,
RIGHT?

A IT WOULD HAVE BEEN GOOD OFFICER SAFETY AND GOOD
COMMON SENSE.

MR. DARDEN: PROCEED.

LET'S STOP HERE FOR A MOMENT.

Q BY MR. DARDEN: YOU NEVER SAW THE DEFENDANT LIMPING,
DID YOU?

A NO.

MR. DARDEN: IS THAT IT?

(AT 4:07 P.M., THE PLAYING
OF THE VIDEOTAPE WAS
CONCLUDED.)

MR. DARDEN: THAT'S IT, YOUR HONOR.

Q BY MR. DARDEN: NOW, OFFICER, AFTER YOU -- STRIKE THAT.

Q WAS IT AFTER MR. SIMPSON LEFT IN THE VEHICLE THAT YOU SAW THE COFFEE CUPS ON THE BRONCO?

A YES, IT WAS.

Q HAD YOU HAD AN OPPORTUNITY TO SEE THE BRONCO PRIOR TO THE DEFENDANT'S ARRIVAL?

A YES.

Q CAN YOU FIX FOR US THE AMOUNT OF TIME THAT THAT COFFEE CUP WAS ON THE HOOD OF THE BRONCO?

A I DON'T THINK IT COULD HAVE BEEN ANY MORE THAN FIVE MINUTES.

Q AND JUST SO THE RECORD IS CLEAR, THERE'S NO ALLEGATION THAT MR. SIMPSON HIT ANYONE WITH THE BRONCO, RIGHT?

A I'M SORRY. REPEAT?

Q WELL, THE HOOD OF THE BRONCO, DID YOU CONSIDER THE HOOD PORTION OF THE BRONCO TO SOMEHOW HAVE SOME EXTRA SIGNIFICANCE OR IMPORTANCE TO THE CASE?

MR. COCHRAN: CALLS FOR SPECULATION, YOUR HONOR.

THE COURT: OVERRULED.

THE WITNESS: I CONSIDERED THE ENTIRE BRONCO TO HAVE SIGNIFICANCE IN THE CASE.

Q BY MR. DARDEN: WELL, HAD YOU SEEN ANY BLOOD ON THE BRONCO THAT MORNING?

A YES, I DID.

Q WHERE?

A ON THE DRIVER'S SIDE OR SHOULD I SAY JUST ABOVE THE DRIVER'S SIDE DOOR HANDLE.

Q AND HAD YOU SEEN ANY BLOOD INSIDE THE BRONCO THAT DAY?

A YES, I DID.

Q WHAT TIME WAS IT THAT YOU SAW BLOOD INSIDE THAT BRONCO?

A THAT WAS EARLIER IN THE MORNING. I WOULD SAY MAYBE 8:30.

Q SO YOU MUST HAVE WALKED UP TO THE BRONCO; IS THAT CORRECT?

A YES, I DID.

Q DID YOU TOUCH IT?

A NO.

Q DID YOU GRAB THE DOOR HANDLES TO SEE IF THE VEHICLE WAS LOCKED?

A NO.

Q DID YOU EVER SEE ANYONE OPEN THE BRONCO UP AND GO INSIDE?

A NO, I DIDN'T.

Q DO YOU KNOW WHETHER OR NOT THE BRONCO WAS LOCKED?

A I DON'T KNOW IF IT WAS LOCKED OR NOT.

Q AND THAT'S BECAUSE YOU DIDN'T CHECK TO SEE IF IT WAS LOCKED, RIGHT?

A WELL, IN ADDITION TO THAT, I COULDN'T VISUALLY TELL EITHER IF IT WAS LOCKED JUST BY LOOKING INSIDE.

Q OKAY.

Q AND YOU DIDN'T TOUCH THE BRONCO BECAUSE YOU DIDN'T WANT TO SOMEHOW COMPROMISE THE INTEGRITY OF THE EVIDENCE; IS THAT CORRECT?

MR. COCHRAN: OBJECT TO THE FORM OF THAT QUESTION, YOUR HONOR. LEADING AND SUGGESTIVE.

THE COURT: OVERRULED. OVERRULED.

THE WITNESS: THAT'S TRUE.

MR. DARDEN: MAY I HAVE ONE MOMENT, YOUR HONOR?

THE COURT: CERTAINLY.

(DISCUSSION HELD OFF THE RECORD
BETWEEN THE DEPUTY DISTRICT
ATTORNEYS.)

Q BY MR. DARDEN: DURING THE TIME THAT YOU WERE OUT AT
ROCKINGHAM, DID YOU EVER SEE ANYONE GO INSIDE THE BRONCO?

A NO, I DIDN'T.

Q DID YOU SEE ANYONE TOUCH IT AT ALL?

A NO, I DIDN'T.

Q AND TO SAVE SOME TIME, YOU TRIED TO BE TRUTHFUL AND
ACCURATE HERE TODAY; IS THAT CORRECT?

A THAT'S TRUE.

Q YOU ARE TESTIFYING TODAY AS BEST YOU CAN RECALL; IS
THAT RIGHT?

A THAT'S TRUE.

Q ARE YOU PART OF SOME CONSPIRACY TO FRAME THIS
DEFENDANT, OFFICER?

A NO, I'M NOT.

Q DID YOU SEE ANYTHING THAT DAY THAT CAUSED YOU TO
SUSPECT THAT OTHERS IN YOUR DEPARTMENT, YOUR FELLOW OFFICERS WERE
SOMEHOW INVOLVED IN A CONSPIRACY TO FRAME THIS DEFENDANT?

MR. COCHRAN: I OBJECT TO THE FORM OF THAT QUESTION, YOUR
HONOR.

THE COURT: OVERRULED.

THE WITNESS: NO.

MR. DARDEN: THANK YOU, SIR.

THE COURT: MR. COCHRAN.

REDIRECT EXAMINATION

BY MR. COCHRAN:

Q OFFICER THOMPSON, I BELIEVE YOU SHARED WITH US YOU'VE
BEEN A POLICE OFFICER FOR OVER EIGHT YEARS WITH LAPD; IS THAT
CORRECT?

A NO.

Q HOW LONG?

A SEVEN YEARS, NINE MONTHS, FIVE DAYS.

Q AS OF TODAY?

A YES.

Q OH, YES. I THOUGHT THAT WAS EARLIER. SO YOU COUNTED
THOSE, HUH, BUT WHO'S COUNTING ANYWAY, RIGHT? YOU ENJOY YOUR
JOB, DON'T YOU?

A I'M COUNTING.

Q YOU ARE COUNTING?

HOW LONG DO YOU HAVE TO GO THEN? TELL ME HOW MANY
MORE DAYS DO YOU HAVE TO GO BEFORE YOU CAN LEAVE?

A THAT NUMBER IS TOO LARGE.

Q IS IT TOO LARGE? BUT YOU HAVE IT IN MIND, RIGHT?

A ONE DAY IT WILL HAPPEN.

Q I UNDERSTAND.

AND WHAT IS YOUR RANK NOW? WHAT HAVE YOU REACHED?
WHAT RANK HAVE YOU REFERRED?

A I'M A SENIOR LEAD OFFICER.

Q ALL RIGHT.

AND AS SUCH, YOU'RE A TRAINING OFFICER NOW WITH LAPD?

A YES.

Q ALL RIGHT. GOOD.

NOW, WITH REGARD TO THE EVENTS OF THIS DATE THAT
WE'VE TALKED ABOUT ON JUNE 13TH, 1994, AS I UNDERSTAND IT, THE

BRONCO WAS NEVER -- THERE WAS NEVER ANY YELLOW TAPE OR ANYTHING LIKE THAT PUT AROUND THE BRONCO BECAUSE LOGISTICALLY, YOU DIDN'T FEEL THAT WAS -- YOU COULD REALLY DO IT. IS THAT WHAT YOU'RE SAYING?

A THAT'S TRUE.

Q AND YOU MENTIONED THAT THAT'S WHY THE YELLOW TAPE WASN'T PUT ACTUALLY AROUND THE BRONCO ITSELF AS OPPOSED TO TRYING TO ANCHOR IT SOMEPLACE; ISN'T THAT CORRECT?

A YES. THAT'S ONE OF THE REASONS.

Q ALL RIGHT.

BUT BECAUSE IT WASN'T SECURE, THAT WAS HOW THESE TWO LADIES WE'VE JUST TALKED ABOUT WERE ABLE TO GET UP TO THE BRONCO AND ACTUALLY PUT ONE -- PUT TWO COFFEE CUPS UP ON IT; ISN'T THAT CORRECT?

A THAT'S -- I DON'T KNOW IF IT WAS ONE PERSON THAT PUT TWO CUPS UP THERE, BUT I SAW TWO CUPS.

Q ALL RIGHT. YOU'RE RIGHT.

COULD HAVE BEEN TWO PEOPLE PUTTING COFFEE CUPS ON THE BRONCO, RIGHT?

A THAT'S POSSIBLE.

Q BECAUSE YOU DON'T KNOW, RIGHT?

A THAT'S TRUE.

Q AND THEN WE KNOW, WE SAW THE VIDEO OF THE OTHER LADY WHO WALKED UP AND WAS LOOKING, PEERING INSIDE THAT BRONCO, RIGHT?

A THAT'S TRUE.

Q NOW, ONE OF THE THINGS YOU COULD HAVE DONE, HOWEVER, YOU COULD HAVE STATIONED A POLICE OFFICER RIGHT BY THAT BRONCO TO TELL EVERYBODY TO GET BACK. COULDN'T YOU HAVE DONE THAT?

A THERE WAS AN OFFICER THAT WAS -- WE HAD CLOSER TO THE BRONCO TELLING SOMEONE TO STAY BACK.

Q BUT YOU COULD HAVE -- COULDN'T YOU PUT SOMEBODY AND STATION THEM RIGHT BY THE BRONCO AND SAY "DON'T TOUCH THIS BRONCO"? YOU COULD HAVE DONE THAT, COULDN'T YOU?

A YOU'RE ASKING ME THROUGHOUT THE ENTIRE DAY HAVING SOMEONE RIGHT BY THE BRONCO?

Q YES. WELL, I'M ASKING YOU, COULD YOU HAVE PLACED SOMEONE RIGHT BY THE BRONCO AND SAID -- AN OFFICER RIGHT BY THE BRONCO, TELL EVERYBODY, "DON'T TOUCH THIS CAR"? YOU COULD HAVE DONE THAT, COULDN'T YOU?

A I GUESS THAT COULD HAVE BEEN DONE, YES.

Q COULD HAVE BEEN DONE, RIGHT?

A YES.

Q OKAY.

NOW, WITH REGARD TO THE BRONCO, YOU'VE TOLD US THAT YOU DID NOT -- YOU COULD NOT LOOK AND TELL WHETHER OR NOT THAT BRONCO WAS LOCKED, COULD YOU?

A THAT'S TRUE.

Q BECAUSE VISUALLY YOU COULDN'T TELL THAT. AND THEN SECONDLY, YOU YOURSELF NEVER CHECKED THE DOORS TO MAKE THAT DETERMINATION, DID YOU?

A THAT'S TRUE.

Q ALL RIGHT.

AND AS I UNDERSTAND IT, YOUR JOB PRIMARILY THERE WAS TO PROVIDE SECURITY FOR PEOPLE WHO WERE COMING UP IN AND AROUND ROCKINGHAM; IS THAT CORRECT?

A NO. MY JOB WAS TO PROTECT A CRIME SCENE.

Q ALL RIGHT.

I MEAN, IT BECAME A CRIME SCENE AT SOME POINT; IS THAT CORRECT?

A YES.

Q AND YOU KEPT PEOPLE OUT OF THERE; ISN'T THAT RIGHT?

A YES.

Q ALL RIGHT.

SO THAT -- MR. DARDEN ASKED YOU THESE QUESTIONS ABOUT MR. KARDASHIAN AND OTHERS WHO CAME UP THERE. NOBODY COULD COME ON THAT PROPERTY; ISN'T THAT CORRECT?

A THAT'S CORRECT.

Q SO WHATEVER BAGS MR. SIMPSON BROUGHT BACK WITH HIM >FROM CHICAGO, HE WAS NOT ALLOWED TO BRING THOSE BAGS ON THAT PROPERTY, IS THAT CORRECT, ONLY WHAT HE HAD ON HIS ARM? ISN'T THAT CORRECT, SIR?

MR. DARDEN: OBJECTION.

THE COURT: WHAT'S THE OBJECTION?

MR. DARDEN: SPECULATION.

THE COURT: OVERRULED.

Q BY MR. COCHRAN: HE WASN'T ALLOWED TO BRING ANY BAGS ON THAT PROPERTY, WAS HE?

A NO.

Q ALL RIGHT.

AND THEY WERE TURNED AWAY AND HE WAS TAKEN ON THE PROPERTY AND HANDCUFFED; ISN'T THAT CORRECT?

A YES.

Q ALL RIGHT.

NOW, WITH REGARD TO THAT, YOU TOLD US HE WAS HANDCUFFED WITHIN 30 TO 45 SECONDS OF HIS ARRIVAL. AFTER HE WAS HANDCUFFED, YOU THEN WENT BACK OUT TO THE FRONT OF THE PROPERTY; ISN'T THAT CORRECT?

A YES.

Q WHEN YOU NEXT SAW MR. SIMPSON, HE WAS BEING -- HE WAS COMING OUT TO GO DOWNTOWN TO TALK TO THE DETECTIVES; ISN'T THAT CORRECT?

MR. DARDEN: OBJECTION. CALLS FOR SPECULATION, HEARSAY.

THE COURT: SUSTAINED.

MR. COCHRAN: WELL, LET ME REPHRASE IT, YOUR HONOR.

Q BY MR. COCHRAN: WHEN YOU NEXT SAW MR. SIMPSON, HE WAS WALKING DOWN HIS DRIVEWAY IN THE COMPANY OF DETECTIVE PHILIP VANNATTER; ISN'T THAT CORRECT?

A YES.

Q AND YOU -- YOU STOOD THERE AND WATCHED HIM GET INTO A -- SOME VEHICLE. DID MR. SIMPSON GET INTO THE POLICE VEHICLE?

A I DON'T KNOW IF IT WAS A POLICE VEHICLE OR NOT.

Q WELL, THINK BACK FOR US. IS THERE ANY REPORT BY WHICH YOU COULD REFRESH YOUR RECOLLECTION, SIR?

A THE VIDEOTAPE WOULD HELP.

Q WOULD HELP IF YOU SAW THAT VIDEOTAPE AGAIN TO SEE WHAT HE GOT INTO. LET'S SEE IF WE CAN PLAY THAT AGAIN.

(BRIEF PAUSE.)

MR. COCHRAN: MAY I HAVE JUST A SECOND, YOUR HONOR?

THE COURT: YES. IS THAT PEOPLE'S 527?

(BRIEF PAUSE.)

Q BY MR. COCHRAN: NOW, WE'RE GOING TO PLAY --

MR. COCHRAN: WHAT IS THIS NUMBER, YOUR HONOR, 520 --

THE COURT: 527 I BELIEVE WAS THE LAST VIDEO PLAYED BY THE PEOPLE.

Q BY MR. COCHRAN: OKAY.

WELL, LET'S TAKE A LOOK AT THIS PHOTOGRAPH AND SEE IF THIS -- OR THIS VIDEO AND SEE WHETHER OR NOT THIS MIGHT REFRESH YOUR RECOLLECTION.

(AT 4:18 P.M., PEOPLE'S 527,
A VIDEOTAPE, WAS PLAYED.)

Q BY MR. COCHRAN: CAN YOU SEE THAT?
ALL RIGHT.

NOW, YOU SEE YOURSELF IN THIS PHOTOGRAPH?

A YES.

Q YOU SEE THAT VEHICLE THAT PHILIP VANNATTER IS OPENING
THE FRONT DOOR OF?

A YES.

Q MR. SIMPSON IS GETTING IN THE REAR OF THAT VEHICLE?

A YES.

Q NOW, THAT'S THE DETECTIVE'S VEHICLE, ISN'T IT? ISN'T
THAT DETECTIVE PHIL VANNATTER'S VEHICLE OWNED BY THE CITY OF LOS
ANGELES? MR. SIMPSON IS GETTING IN THE REAR OF THAT VEHICLE?

A I CAN'T TELL IF IT IS A CITY VEHICLE OR NOT.

Q I SEE.

WELL, DO YOU SEE THAT -- IN THE STOP ACTION HERE, DO
YOU SEE PHIL VANNATTER TOWARD THE LEFT FRONT DRIVER'S DOOR OF
THAT VEHICLE? DO YOU SEE HIM THERE?

A YES.

Q AND YOU SEE THAT IN THE LEFT REAR, MR. HOWARD
WEITZMAN?

A WELL, IT LOOKS LIKE MR. WEITZMAN IS LOOKING INSIDE
THE LEFT FRONT DOOR.

Q ISN'T THAT THE LEFT -- WELL, TOWARDS THE LEFT SIDE OF
THE VEHICLE, DO YOU SEE MR. WEITZMAN, THE SIDE THAT MR. SIMPSON
HAD JUST GOTTEN INTO, SIR?

A YES.

Q IS THAT THE LEFT REAR? SEEMS LIKE A FOUR-DOOR CAR,
DOESN'T IT?

A YES.

Q SO MR. SIMPSON GETS IN AND MR. WEITZMAN IS AT THAT
REAR DOOR, RIGHT?

A YES. IT LOOKS LIKE THAT.

Q AND THEN MR. VANNATTER IS UP AT THE LEFT FRONT OF THE
VEHICLE, ISN'T HE?

A YES.

Q ALL RIGHT.

NOW, AS YOU THINK BACK, DON'T YOU RECALL THAT THE
DETECTIVES WERE DRIVING PLAIN CARS THAT PARTICULAR DAY AND THAT
AFTER MR. SIMPSON GOT IN THE BACK, VANNATTER WAS JOINED BY
ANOTHER POLICE OFFICER AND THEY DROVE OFF? DO YOU RECALL THAT?

A I DON'T REMEMBER WHO WAS DRIVING THE CAR, BUT I DO
REMEMBER SEEING THE CAR DRIVE OFF.

Q ALL RIGHT.

AND MR. SIMPSON WAS IN THE COMPANY OF THESE TWO
POLICE OFFICERS, WASN'T HE?

A IF THAT WAS DETECTIVE VANNATTER DRIVING THE CAR AWAY,
YES.

Q ALL RIGHT.

YOU DIDN'T SEE MR. SIMPSON DRIVE OFF IN A BENTLEY,
DID YOU, SIR?

A NO.

Q YOU DIDN'T SEE HIM DRIVE OFF IN ANY CAR IN THAT
DRIVEWAY, DID YOU, SIR?

A NO.

Q YOU SAW HIM COME OUT OF THE DRIVEWAY AND GET INTO
THIS CAR WITH SOME POLICE OFFICERS AND YOU SAW THEM LEAVE THE
SCENE; ISN'T THAT RIGHT, SIR?

A YES.

Q ALL RIGHT.
AND DID YOU KNOW WHERE THEY WERE GOING AT THAT POINT?

A NO.

Q DID YOU ASCERTAIN AT SOME LATER POINT WHERE THEY WERE GOING?

MR. DARDEN: OBJECTION.

Q BY MR. COCHRAN: JUST ANSWER YES OR NO.

MR. DARDEN: IRRELEVANT. EXCEEDS THE SCOPE.

THE WITNESS: NO.

THE COURT: OVERRULED.

Q BY MR. COCHRAN: NOW, DO YOU SEE VANNATTER GET IN THAT CAR?

MR. COCHRAN: BACK THAT UP AGAIN.

Q BY MR. COCHRAN: I WANT YOU TO WATCH AND SEE IF VANNATTER DOESN'T --
IS THAT YOUR PARTNER, ANGELA GUZMAN?

A YES.

Q YOU SEE THAT --

MR. COCHRAN: WILL YOU BACK THAT UP A MINUTE, MR. HOWARD HARRIS, PLEASE, SIR. BACK IT UP A LITTLE MORE.

Q BY MR. COCHRAN: NOW, WAS THAT -- DO YOU SEE THESE TWO MEN THERE, THAT'S MR. WEITZMAN AND MR. VANNATTER?

A YES.

Q OKAY.
DID YOU SEE THEREAFTER --

MR. COCHRAN: LET'S SEE IF WE CAN PLAY IT FORWARD.

Q BY MR. COCHRAN: YOU SEE MR. SIMPSON GET INSIDE THE CAR.
SEEMS AS THOUGH THEY'RE -- THE LAWYER'S TALKING TO THE DETECTIVE, RIGHT?

A YES.

Q AND THEREAFTER, DOES IT SEEM AS THOUGH VANNATTER GOT INSIDE THAT CAR?

A YES.

Q ALL RIGHT.
AND SO DOES THAT REFRESH YOUR RECOLLECTION, THAT HE GOT IN THE DRIVER'S COMPARTMENT AND AT SOME POINT, HE THEN DROVE AWAY WITH MR. SIMPSON IN THE CAR?

A YES.

Q IN FACT, YOU CAN SEE HIM THROUGH THE WINDOW, CAN'T YOU?

A WELL, I COULD SEE HIM THROUGH THE WINDOW, YES.

Q ALL RIGHT.
DID YOU SEE A TALL GRAY-HAIRED MAN OUT IN THE STREET WHO WAS WAITING OUTSIDE ON ROCKINGHAM THERE THAT DAY?

A THERE WERE SO MANY PEOPLE THERE, THERE WERE BOUND TO BE A FEW GRAY-HAIRED PEOPLE.

Q OKAY.
BUT YOU COULDN'T RECALL THIS PARTICULAR TALL GRAY-HAIRED MAN BY THE NAME OF SKIP TAFT? THAT DOESN'T REFRESH YOUR RECOLLECTION?

A NO.

Q ALL RIGHT.
BUT SOMEBODY THERE AT THE SCENE HAD GRAY HAIR THAT DAY, RIGHT?

A THERE WERE A LOT PEOPLE THAT HAD GRAY HAIR, INCLUDING ME.

Q ALL RIGHT.
NOW, MR. WEITZMAN, THE LAWYER, WAS NOT IN THAT CAR. HE DIDN'T GET IN THAT CAR AND LEAVE THE SCENE IN THAT CAR, DID

HE?

A NO.

Q IN FACT, YOU SAW HIM LEAVE, DID YOU NOT, THAT DAY?

A I KNOW HE LEFT, BUT I DON'T REMEMBER SEEING HIM
LEAVE.

Q ALL RIGHT.

BUT HE LEFT IN A CAR DIFFERENT THAN HIS THEN CLIENT,
MR. O.J. SIMPSON; ISN'T THAT CORRECT?

A YES.

Q HE DIDN'T GO -- WHEREVER THESE DETECTIVES TOOK MR.
SIMPSON, MR. WEITZMAN, THE LAWYER, WAS NOT IN THAT CAR, WAS HE?

A I DON'T THINK HE WAS.

Q AND AS YOU SEARCH YOUR MEMORY AND LOOK BACK, MR.
SIMPSON WAS IN THE BACKSEAT OF THAT CAR ALL BY HIMSELF; ISN'T
THAT CORRECT?

A FROM MY OWN INDEPENDENT MEMORY?

Q YES.

A I DON'T REMEMBER THAT FROM MY OWN INDEPENDENT MEMORY.

Q ALL RIGHT.

WELL, LET'S REFRESH YOUR MEMORY BY LOOKING AT THIS
VIDEO. YOU NEVER SAW ANYBODY ELSE GET INSIDE THE BACKSEAT OF
THAT CAR WITH MR. SIMPSON, DID YOU?

A AS OF RIGHT NOW, NO.

(AT 4:22 P.M., THE PLAYING
OF THE VIDEOTAPE WAS
CONCLUDED.)

Q ALL RIGHT.

NOW, WITH REGARD TO YOUR TESTIMONY HERE TODAY, MR.
DARDEN INDICATED THAT YOU AND HE MET LAST FRIDAY; IS THAT
CORRECT?

A YES.

Q WAS THAT TO DISCUSS YOUR TESTIMONY THAT YOU WERE
GOING TO GIVE HERE IN THIS CASE?

A I THINK HE WAS INTERVIEWING WITNESSES.

Q AND DID YOU COME -- DID HE ASK YOU TO COME OVER AND
TALK TO HIM?

A YES.

Q AND DID YOU THEN HAVE OCCASION TO TALK TO HIM?

A YES, I DID.

Q ABOUT THE THINGS THAT THE TWO OF YOU HAVE JUST TALKED
HAVE ABOUT?

A YES.

Q WAS THAT CORRECT?

AND AS AN LAPD OFFICER, YOU WORK FOR THE CITY OF LOS
ANGELES; ISN'T THAT CORRECT?

A THAT'S CORRECT.

Q AND YOU PROTECT AND SERVE ALL THE CITIZENS; ISN'T
THAT CORRECT?

A I'M SORRY?

Q YOU PROTECT AND SERVE ALL THE CITIZENS, DON'T YOU?
YOU PROTECT AND SERVE ALL CITIZENS, DON'T YOU?

A YES, I DO.

Q AND YOU'RE JUST AS AVAILABLE TO ME AS YOU ARE TO MR.
DARDEN, AREN'T YOU?

A YES, I AM.

Q SO IF I CALLED YOU ON THE PHONE, YOU WOULD COME AND
TALK TO ME, WOULD YOU?

A SURE I WOULD.

Q YOU WOULDN'T HIDE FROM ME, WOULD YOU?

A NO.

Q IN FACT, YOU TALKED TO ME YESTERDAY IN FACT, DIDN'T YOU?

A YES, I DID.

Q NOW, SIR, MR. DARDEN ASKED YOU SOME QUESTIONS ABOUT WHETHER VANNATTER SAID HOOK HIM UP OR CUFF HIM. IT STILL MEANT THE SAME THING, PUT HANDCUFFS ON HIM. ISN'T THAT WHAT THAT MEANT?

A YES.

Q YOU UNDERSTAND WHAT THAT MEANT; ISN'T THAT RIGHT?

A YES.

Q AND YOU COMPLIED WITH THAT; ISN'T THAT CORRECT?

A YES, I DID.

Q AND THEN YOU THEN TURNED AND THEN YOU LEFT AND THERE WAS A PERIOD OF TIME WHEN MR. SIMPSON WAS OUT OF YOUR SIGHT; ISN'T THAT CORRECT?

A YES.

Q AND NOW, WITH REGARD TO MR. SIMPSON'S EMOTIONAL STATE, DO YOU RECALL I ASKED YOU SOME QUESTIONS ABOUT THAT?

A YES.

Q AND I REMINDED YOU THAT YESTERDAY WHEN WE TALKED HERE IN THIS COURTROOM, YOU MENTIONED THAT HE APPEARED AGITATED. REMEMBER THAT? REMEMBER THOSE QUESTIONS THAT I ASKED YOU?

A YES.

Q NOW, YOU HAD NEVER BEFORE SEEN MR. SIMPSON BEFORE IN CLOSE PROXIMITY, YOU TALKED TO HIM, HAD YOU?

A NO, I HAVEN'T.

Q SO YOU DON'T KNOW HOW HE IS WHEN HE'S DESPONDENT OR SAD OR DOWN, DO YOU?

A WELL, JUST FROM SEEING PEOPLE IN GENERAL DESPONDENT OR SAD, I COULD --

Q WE'RE TALKING ABOUT MR. SIMPSON. YOU'VE NEVER SEEN HIM BEFORE IN THAT STATE, HAVE YOU?

A NO.

Q THIS IS THE FIRST TIME YOU ACTUALLY ENCOUNTERED HIM; ISN'T THAT RIGHT?

A THAT'S CORRECT.

Q AND WERE YOU AWARE THAT HE JUST HAD COME BACK FROM A FLIGHT FROM CHICAGO AT THE TIME YOU ARRIVED THERE? WERE YOU AWARE OF THAT?

MR. DARDEN: OBJECTION. THIS IS --

THE COURT: SUSTAINED.

Q BY MR. COCHRAN: WELL, WERE YOU AWARE HE JUST HAD GOTTEN OFF A PLANE?

MR. DARDEN: SAME OBJECTION.

MR. COCHRAN: I'M ASKING. I'M ASKING, YOUR HONOR.

THE COURT: SUSTAINED.

Q BY MR. COCHRAN: WERE YOU AWARE HE HAD HAD NO SLEEP THAT NIGHT?

MR. DARDEN: OBJECTION.

THE COURT: SUSTAINED. WE ARE ASSUMING FACTS NOT IN EVIDENCE.

MR. COCHRAN: WELL, MAY I ASK IT IN A DIFFERENT WAY THEN PERHAPS, YOUR HONOR?

THE COURT: YES.

Q BY MR. COCHRAN: ALL RIGHT.

WERE YOU AWARE -- YOU WERE TOLD THAT MR. SIMPSON WAS GOING TO ARRIVE THERE IN A SHORT PERIOD OF TIME; ISN'T THAT CORRECT?

A YES.

Q BY ONE OF THE DETECTIVES?

A YES.

Q ALL RIGHT.

DO YOU KNOW WHERE HE HAD BEEN THE NIGHT BEFORE?

MR. DARDEN: OBJECTION. CALLS FOR HEARSAY.

MR. COCHRAN: I CAN ASK HIM IF HE KNOWS.

THE COURT: COUNSEL, THE JURY KNOWS THESE FACTS.

MR. COCHRAN: ALL RIGHT.

I'M SEEKING -- WITHOUT ARGUING WITH THE COURT, I THINK THAT HE WAS ALLOWED TO ASK. SO I'M GOING TO ASK ANOTHER QUESTION.

THE COURT: NO. I THINK THE JURY KNOWS.

MR. COCHRAN: OKAY.

THE COURT: WE'VE HEARD TESTIMONY FROM PEOPLE ON THE AIRLINE. THE JURY IS SMART ENOUGH TO BE ABLE TO PUT THIS WITNESS' TESTIMONY IN THE CONTEXT WITH THE OTHER WITNESSES.

MR. COCHRAN: CERTAINLY.

OKAY.

THANK YOU, YOUR HONOR. THEN I'LL MOVE ON.

THE COURT: OKAY.

MR. COCHRAN: THANK YOU.

Q BY MR. COCHRAN: WITH REGARD TO THE WAY MR. SIMPSON WALKED, DID YOU NOTICE THAT WHEN HE WALKS, HE HAS THIS KIND OF PECULIAR WALK? DID YOU NOTICE A PECULIAR WALK BECAUSE HE WALKS WITH KIND OF A LIMP AND HE'S KIND OF PIGEON-TOED WITH BOWLEGS? DID YOU NOTICE THAT?

MR. DARDEN: THIS IS SO LEADING.

THE COURT: SUSTAINED.

MR. COCHRAN: IT'S WHAT?

THE COURT: LEADING.

Q BY MR. COCHRAN: OKAY.

WELL, DID YOU NOTICE ANYTHING UNUSUAL ABOUT THE WAY MR. SIMPSON WALKS WHEN HE WALKS?

A I NOTICED THAT HE SEEMS TO HAVE A LONG STRIDE WHEN HE WALKS.

Q DID YOU NOTICE THAT HE APPEARS TO BE BOWLEGGED?

MR. DARDEN: OBJECTION. THIS IS LEADING, YOUR HONOR.

THE COURT: SUSTAINED.

Q BY MR. COCHRAN: IS HE BOWLEGGED?

A I DON'T KNOW.

Q YOU WEREN'T PAYING ATTENTION TO THE WAY O.J. SIMPSON WALKED THAT PARTICULAR DAY, WERE YOU?

A NO, I WASN'T.

Q BECAUSE WHAT YOU WERE TRYING TO DO WAS CARRY OUT VANNATTER'S ORDER TO CATCH UP TO HIM, TO HOOK HIM OR CUFF HIM; ISN'T THAT CORRECT, SIR?

MR. DARDEN: YOUR HONOR, THIS IS LEADING.

THE COURT: SUSTAINED.

Q BY MR. COCHRAN: WELL, YOU WERE TRYING TO CARRY OUT THE ORDER OF DETECTIVE VANNATTER; ISN'T THAT CORRECT, SIR?

MR. DARDEN: STILL LEADING.

THE COURT: IT IS.

MR. COCHRAN: WELL, JUST ONE LEADING.

Q BY MR. COCHRAN: OKAY.

SO YOU WERE TRYING TO CARRY OUT DETECTIVE VANNATTER'S INSTRUCTIONS; ISN'T THAT RIGHT?

MR. DARDEN: OBJECTION.

THE COURT: OVERRULED. WE WASTE MORE TIME GOING THROUGH THIS.

Q BY MR. COCHRAN: ISN'T THAT RIGHT?

A YES.

Q BY MR. COCHRAN: ALL RIGHT.

AND YOUR FOCUS WAS ON DEALING WITH MR. SIMPSON; ISN'T THAT CORRECT, THIS CATCHING UP WITH HIM?

A AT THAT POINT IN TIME, YES.

Q ALL RIGHT.

AND THIS CONVERSATION THAT YOU WENT INTO WHERE THE TWO OF YOU THEN WALKED OVER TOWARD THE DOLLHOUSE AND THE TREE, YOU WERE FOCUSING ON GETTING HIS HANDS BEHIND HIM AND THEN HANDCUFFING HIM WITH YOUR HANDCUFFS; ISN'T THAT RIGHT?

MR. DARDEN: YOUR HONOR, THIS IS LEADING.

THE COURT: IT IS.

Q BY MR. COCHRAN: ALL RIGHT.

WHAT WERE YOU FOCUSING ON WHEN YOU TOOK HIM TO THE DOLLHOUSE BY THE TREE?

A I WAS JUST FOCUSING ON A NUMBER OF THINGS.

Q WAS ONE OF THOSE THINGS HANDCUFFING HIM, SIR?

A YES.

Q ALL RIGHT.

AND YOU THEN ACCOMPLISHED THAT; ISN'T THAT CORRECT?

A YES.

Q THAT'S WHEN YOU THEN LEFT AND WENT BACK OUTSIDE; ISN'T THAT RIGHT?

A YES.

Q AND WITH REGARD TO OTHER PEOPLE WHO MIGHT HAVE TOUCHED OR GOT CLOSE TO THAT BRONCO OR GOT INSIDE THAT BRONCO, DO YOU KNOW ABOUT OTHER PEOPLE WHO TOUCHED IT?

MR. DARDEN: YOUR HONOR, THAT ASSUMES A FACT NOT IN EVIDENCE.

THE COURT: SUSTAINED.

Q BY MR. COCHRAN: WELL, LET ME ASK IT THIS WAY.

WERE OTHER REPORTS BROUGHT TO YOUR ATTENTION REGARDING OTHER PEOPLE WHO TOUCHED THE BRONCO?

MR. DARDEN: THAT WOULD CALL FOR HEARSAY.

THE COURT: SUSTAINED.

Q BY MR. COCHRAN: WHEN YOU WERE IN WITH MR. SIMPSON SEEKING TO HANDCUFF HIM OR CUFF HIM UP AS VANNATTER TOLD YOU, DO YOU KNOW WHETHER OR NOT THERE WAS A POLICE OFFICER OUT THERE WATCHING THE BRONCO AT THAT POINT?

A YES. MY PARTNER WAS AT THE FRONT ENTRANCE AT ROCKINGHAM.

Q NOW, WAS SHE OUT THERE WATCHING THE BRONCO IS THE QUESTION.

A SHE WAS KEEPING THE CROWD BACK AND WATCHING THE BRONCO.

Q BUT YOU TOLD MR. DARDEN THAT ONE OF THE PROBLEMS, THE REASON YOU HAD TO RUSH BACK WAS BECAUSE THE MEDIA OR THE CROWD WAS GETTING KIND OF UNRULY; IS THAT CORRECT?

A YES.

Q SO IT WAS VERY DIFFICULT TO DO BOTH, TO WATCH THE CROWD, KEEP THE MEDIA BACK AND WATCH THIS BRONCO; IS THAT RIGHT?

A THAT'S CORRECT.

Q YOU HAD A LOT ON YOUR HANDS THAT MORNING; IS THAT RIGHT?

A YES.

Q I UNDERSTAND.

MR. DARDEN ASKED YOU SOME QUESTIONS ABOUT THE LOUIE VUITTON BAG WHICH YOU SAID THAT YOU HAD SEEN A BAG THAT LOOKED LIKE THAT THAT PARTICULAR MORNING?

A YES.

Q AND YOU NEVER ASKED ANYBODY TO GIVE YOU THAT BAG THAT MORNING, DID YOU?

A NO.

Q IN FACT, THE PERSONS WHO HAD THAT BAG COULDN'T EVEN GET ON THE PROPERTY; ISN'T THAT RIGHT?

MR. DARDEN: YOUR HONOR, THIS IS LEADING.

THE COURT: IT IS.

Q BY MR. COCHRAN: WELL, COULD THE PERSON WHO HAD THAT BAG GET ON THE PROPERTY THAT MORNING?

A AT THAT TIME, NO.

THE COURT: BUT I THINK THIS IS THE THIRD TIME WE'VE ASKED THAT QUESTION.

MR. COCHRAN: ME?

THANK YOU, YOUR HONOR.

MAY I HAVE JUST A SECOND, YOUR HONOR?

THE COURT: CERTAINLY.

(DISCUSSION HELD OFF THE RECORD
BETWEEN DEFENSE COUNSEL AND THE
DEFENDANT.)

MR. COCHRAN: THANK YOU, YOUR HONOR.

Q BY MR. COCHRAN: OFFICER THOMPSON, YOU NEVER AT ANY TIME, WHEN YOU TALKED TO MR. SIMPSON, EVER TOLD HIM THAT HE COULDN'T UNPACK HIS LUGGAGE, DID YOU?

MR. DARDEN: OBJECTION. HEARSAY, YOUR HONOR.

THE COURT: OVERRULED.

THE WITNESS: NO.

Q BY MR. COCHRAN: AND WHEN PEOPLE COME HOME FROM TRIPS -- STRIKE THAT.

WHEN YOU COME HOME FROM A TRIP, DO YOU NORMALLY UNPACK YOUR LUGGAGE?

A WHEN I COME HOME FROM A TRIP?

Q YES. WHEN YOU TAKE A TRIP AND COME HOME, DO YOU UNPACK YOUR LUGGAGE?

A SOME OF IT I DO.

Q AND USUALLY, YOU DON'T LEAVE IT IN LUGGAGE UNTIL YOUR NEXT TRIP, DO YOU?

A SOME OF IT I DO.

Q YOU DO THAT? THAT'S IF YOUR NEXT TRIP IS REAL SOON I HOPE OR EITHER THAT OR YOU HAVE A LOT OF THINGS?

A YES.

Q NORMALLY WHEN YOU COME HOME FROM A TRIP, YOU UNPACK YOUR CLOTHES, DON'T YOU?

A YES.

Q THAT'S NORMAL, ISN'T IT?

A YES.

Q IS THAT RIGHT, SIR?

A YES.

MR. COCHRAN: OKAY.

THANK YOU VERY MUCH FOR COMING HERE TODAY.

THE WITNESS: YOU'RE WELCOME.

THE COURT: MR. DARDEN.

MR. DARDEN: JUST A COUPLE MINUTES, YOUR HONOR.

RE-CROSS-EXAMINATION

BY MR. DARDEN:

Q AND, OFFICER, NORMALLY WHEN YOU COME HOME FROM A TRIP, YOU DON'T GIVE YOUR LUGGAGE TO YOUR CRIMINAL DEFENSE ATTORNEY EITHER, DO YOU?

MR. COCHRAN: WE OBJECT TO THE FORM. IT'S ARGUMENTATIVE.

THE COURT: SUSTAINED. SUSTAINED.

Q BY MR. DARDEN: OFFICER, YOU JUST WATCHED A VIDEO

AGAIN, RIGHT?

A YES.

Q OKAY.

AND YOU SAW IN THE VIDEO THAT HOWARD WEITZMAN, THE DEFENDANT'S ATTORNEY, OPENED THE DOOR TO DETECTIVE VANNATTER'S VEHICLE, RIGHT?

A YES.

Q TYPICALLY WHEN SOMEONE'S ARRESTED FOR MURDER, IT'S THE OFFICER THAT OPENS THE DOOR, CORRECT?

MR. COCHRAN: OBJECT, YOUR HONOR. OBJECT TO THE FORM OF THAT. IT'S IRRELEVANT AND IMMATERIAL AS TO WHAT HAPPENS.

THE COURT: REPHRASE THE QUESTION.

Q BY MR. DARDEN: WELL, IS THAT UNUSUAL, THAT IS THAT THE CRIMINAL DEFENSE ATTORNEY WOULD BE OPENING THE DOOR TO THE DETECTIVE'S CAR AS OPPOSED TO THE DETECTIVE HIMSELF?

MR. COCHRAN: OBJECTION.

THE COURT: OVERRULED.

THE WITNESS: YES, IT IS UNUSUAL.

Q BY MR. DARDEN: AND IN THIS SITUATION, THAT'S EXACTLY WHAT HAPPENED, RIGHT?

A YES.

Q AND THEN THE DEFENDANT CLIMBED INTO THE BACKSEAT OF THAT VEHICLE?

A YES, HE DID.

Q HE DIDN'T SEEM TO HAVE ANY TROUBLE CLIMBING INTO THE BACKSEAT OF THAT VEHICLE, DID HE?

MR. COCHRAN: OBJECT TO THE FORM OF THAT QUESTION, YOUR HONOR.

THE COURT: OVERRULED.

THE WITNESS: NO, HE DIDN'T.

Q BY MR. DARDEN: NOW, TYPICALLY -- WELL, STRIKE THAT. YOU'VE ARRESTED PEOPLE AND PLACED THEM INSIDE YOUR VEHICLE BEFORE, CORRECT?

A YES, I HAVE.

Q AND TYPICALLY, DON'T YOU SORT OF PUT YOUR HAND ON TOP OF THEIR HEAD AND HELP THEM INTO THE BACK OF THE VEHICLE?

A YES. I MAKE SURE THEY DON'T HIT THEIR HEAD WHEN THEY ENTER.

Q NOBODY DID THAT IN THIS CASE, DID THEY?

A NO.

Q WASN'T NECESSARY, WAS IT?

A NO.

Q THAT'S BECAUSE THE DEFENDANT WASN'T IN HANDCUFFS, RIGHT?

A THAT'S CORRECT.

Q ON LOOKING BACK AT THAT VIDEO, AFTER THE DEFENDANT WAS INSIDE DETECTIVE VANNATTER'S CAR, DID YOU SEE DETECTIVE VANNATTER AND MR. WEITZMAN EMBRACE EACH OTHER?

A YES, I DID.

Q THAT DOESN'T HAPPEN TOO OFTEN, DOES IT?

MR. COCHRAN: YOUR HONOR, I OBJECT TO THE FORM OF THAT QUESTION. WHETHER DEFENSE LAWYERS EMBRACE OFFICERS IS IRRELEVANT AND IMMATERIAL.

THE COURT: OVERRULED. OVERRULED. OVERRULED. IT'S UNUSUAL.

MR. COCHRAN: I'LL STIPULATE.

THE WITNESS: I'VE NEVER SEEN THAT EVER BEFORE.

Q BY MR. DARDEN: THAT'S EXACTLY WHAT HAPPENED IN THIS CASE, ISN'T IT?

A YES.

MR. COCHRAN: THE VIDEO SPEAKS FOR ITSELF.

THE COURT: OVERRULED.

Q BY MR. DARDEN: BY THE WAY, HOW LONG DID YOU REMAIN OUT AT ROCKINGHAM THAT DAY?

A UNTIL I WOULD SAY AROUND 3:00 OR 4:00 CLOCK.

Q OKAY.

WERE YOU THERE WHEN THE DEFENDANT RETURNED HOME LATE THAT AFTERNOON?

A NO, I WASN'T.

Q NOW, NORMALLY WHEN YOU AS A POLICE OFFICER TRANSPORT SOMEONE WHO'S BEEN ARRESTED FOR MURDER, DON'T YOU TRANSPORT THEM IN A VEHICLE THAT HAS SOME TYPE OF PROTECTION BETWEEN THE FRONT SEAT AND THE BACKSEAT?

A PARTITIONING, YES.

Q AND YOU DIDN'T SEE THAT IN THIS CAR, DID YOU, IN DETECTIVE VANNATTER'S CAR?

A NO.

Q THAT'S NOT GOOD OFFICER SAFETY WHEN YOU'RE IN A SITUATION WHERE YOU'RE TRANSPORTING SOMEONE UNDER ARREST FOR MURDER, IS IT?

MR. COCHRAN: OBJECTION. IRRELEVANT AND IMMATERIAL.

THE COURT: OVERRULED.

THE WITNESS: NO.

Q BY MR. DARDEN: HAVE YOU EVER SEEN ANYONE ARRESTED FOR MURDER?

A YES.

Q AND ON THOSE OCCASIONS, HAVE YOU EVER SEEN ANYONE GET TREATED ANY BETTER --

MR. COCHRAN: OBJECT TO THE FORM OF THAT QUESTION.

THE COURT: OVERRULED.

Q BY MR. DARDEN: -- THAN THE WAY MR. SIMPSON WAS TREATED AT THAT TIME BY DETECTIVE VANNATTER?

A I'VE NEVER SEEN A PERSON ARRESTED FOR MURDER TREATED IN THE WAY I SAW THIS ON THE VIDEO, NO.

Q THAT'S NOT WHAT YOU WERE TAUGHT IN THE ACADEMY, IS IT?

A NO.

Q MR. COCHRAN ASKED YOU SOME QUESTIONS ABOUT YOUR ABILITY TO ASSESS THE DEFENDANT'S DEemeanOR WHEN YOU SAW HIM.

RECALL THOSE QUESTIONS?

A YES.

Q AND YOU TOLD MR. COCHRAN THAT YOU'D NEVER SEEN THE DEFENDANT BEFORE WHEN HE WAS SAD, CORRECT?

A THAT'S CORRECT.

Q YOU'VE NEVER SEEN HIM BEFORE WHEN HE WAS HAPPY, RIGHT?

A IN PERSON, NO.

Q THAT'S A HARD CALL, ISN'T IT, TO ASSESS SOMEONE'S DEemeanOR WHEN YOU'VE ONLY MET HIM FOR THE FIRST TIME; IS THAT RIGHT?

A SOMEWHAT, YES.

Q AND IT DOESN'T MATTER WHETHER YOU'RE A POLICEMAN AT THE MOUTH OF A DRIVEWAY IN BRENTWOOD OR A PASSENGER ON AN AIRLINE, CORRECT?

MR. COCHRAN: I OBJECT. THAT CALLS FOR SPECULATION.

THE COURT: SUSTAINED. SUSTAINED.

Q BY MR. DARDEN: EITHER WAY, IT'S DIFFICULT WHEN YOU DON'T -- WHEN YOU HAVEN'T HAD ANY PRIOR EXPERIENCE WITH THE PERSON, RIGHT?

MR. COCHRAN: OBJECT TO THE FORM OF THAT QUESTION, EITHER WAY.

THE COURT: OVERRULED.

Q BY MR. DARDEN: IS THAT RIGHT?

A IT'S A LITTLE MORE DIFFICULT, YES.

Q OKAY.

NOW, YOU TOLD US THAT YOU'VE NEVER SEEN ANYONE ARRESTED FOR MURDER BEING TREATED IN THE MANNER THE DEFENDANT WAS AND THAT THAT IS INCONSISTENT WITH WHAT YOU WERE TAUGHT IN THE ACADEMY?

A YES.

Q OKAY.

HOW WAS THAT DIFFERENT FROM WHAT YOU WERE TAUGHT IN THE ACADEMY?

A WELL, YOU -- IF YOU'RE TRANSPORTING A DEFENDANT ARRESTED FOR MURDER, FIRST OF ALL, YOU DON'T WALK IN FRONT OF THEM. NO. 2, YOU USUALLY HAVE THEM HANDCUFFED -- AS A MATTER OF FACT, ALWAYS HAVE THEM HANDCUFFED. NO. 3, YOU USUALLY TRANSPORT THEM IN A PARTITIONED VEHICLE.

Q WOULD YOU CHARACTERIZE THE TREATMENT THIS DEFENDANT RECEIVED THAT DAY AS SPECIAL TREATMENT?

THE COURT: THIS IS THE THIRD TIME WE'VE ASKED THIS QUESTION.

MR. DARDEN: I DON'T THINK I'VE EVER USED THE TERM "SPECIAL TREATMENT," YOUR HONOR.

THE COURT: NO. I THINK WE HAVE.

MR. DARDEN: OKAY.

YOU THINK I HAVE?

IN THAT CASE, I'LL SIT DOWN AND BE QUIET, YOUR HONOR.

THANK YOU, OFFICER.

THE WITNESS: YOU'RE WELCOME, SIR.

FURTHER REDIRECT EXAMINATION

BY MR. COCHRAN:

Q I WANT YOU TO ASSUME HYPOTHETICALLY, OFFICER, THAT A MAN IS IN -- AN INDIVIDUAL IS IN CHICAGO, ILLINOIS, WHERE HE'S FLOWN AND GOT LESS THAN TWO HOURS OF SLEEP AND HE'S NOTIFIED --

MR. DARDEN: OBJECT TO THE FORM OF THE QUESTION.

THE COURT: SUSTAINED.

MR. COCHRAN: I CAN POSE A HYPOTHETICAL. HE'S AN OFFICER.

THE COURT: SUSTAINED. ASSUMES FACTS NOT IN EVIDENCE.

MR. COCHRAN: WELL, LET ME POSE IT -- LET ME ADD SOME ADDITIONAL FACTS.

MR. DARDEN: HE IS NOT AN EXPERT.

MR. COCHRAN: HE DOESN'T HAVE TO BE AN EXPERT EITHER.

THE COURT: OKAY.

I'M GOING TO SUSTAIN SUSTAINED THE OBJECTION TO THIS QUESTION, COUNSEL. THE JURY IS FAMILIAR WITH THE TIMING.

MR. COCHRAN: VERY WELL. WELL, I WANT TO ASK ONE OTHER QUESTION.

THANK YOU, YOUR HONOR.

THE COURT: ALL RIGHT.

Q BY MR. COCHRAN: IF MR. SIMPSON -- STRIKE THAT.

DID YOU NOTICE THAT WHEN MR. WEITZMAN AND DETECTIVE VANNATTER HAD THEIR HANDS ON EACH OTHER, THEY APPEARED TO BE CLOSE TO EACH OTHER AS THOUGH THEY WERE WHISPERING. DID YOU NOTICE THAT?

MR. DARDEN: OBJECTION. CALLS FOR SPECULATION.

THE COURT: OVERRULED.

Q BY MR. COCHRAN: DID YOU NOTICE THAT?

A THEY COULD HAVE BEEN WHISPERING, BUT I'M NOT SURE IF THEY WERE OR NOT.

Q ALL RIGHT.

I'M SURE YOU'RE NOT SURE. BUT THEY COULD HAVE BEEN.
AND DID YOU NOTICE THERE WAS THE PRESS VERY, VERY CLOSE TO THEM
AT THE TIME THAT THEY WERE TOUCHING EACH OTHER? DID YOU NOTICE
THAT?

A I DID SEE A FEW PEOPLE NEAR THEM. I DON'T KNOW IF IT
WAS PRESS OR NOT.

Q ALL RIGHT.

AND YOU'VE LOOKED AT THE VIDEO. WE WON'T TAKE THE
TIME TO DO IT NOW.

IF YOU WANTED TO SAY SOMETHING PRIVATELY AND THE
PRESS WAS RIGHT BEHIND YOU, YOU WOULD MOVE CLOSE TO SOMEBODY;
ISN'T THAT CORRECT?

MR. DARDEN: OBJECTION.

THE COURT: OVERRULED.

Q BY MR. COCHRAN: ISN'T THAT CORRECT?

A YES.

Q AND THE LAST QUESTION I WANT TO ASK YOU, AS A POLICE
OFFICER WITH SOME SEVEN YEARS OF EXPERIENCE, IF YOU HAD A
SITUATION WHERE AN INDIVIDUAL WANTED TO GO DOWN TO WEST LOS
ANGELES STATION WITH YOU TO MAKE A COMPLETE STATEMENT TO YOU AND
YOU PUT HIM IN THE BACK OF THE CAR, YOU WOULDN'T HAVE ONE OF
THOSE --

MR. DARDEN: OBJECTION. ASSUMES FACTS NOT IN EVIDENCE.

MR. COCHRAN: MAY I FINISH THE QUESTION, YOUR HONOR?

MR. DARDEN: OBJECTION TO THE QUESTION.

THE COURT: HOLD ON.

SUSTAINED.

MR. COCHRAN: LET ME SEE IF I CAN REPHRASE THAT, YOUR
HONOR.

Q BY MR. COCHRAN: IN YOUR EXPERIENCE AS A POLICE
OFFICER, HAVE YOU HAD A CASE WHERE YOU HAD A SITUATION WHERE YOU
TALKED TO SOMEONE AND THEY WANTED TO MAKE A STATEMENT ABOUT A
PARTICULAR CASE AND YOU GAVE THEM A RIDE --

MR. DARDEN: OBJECTION.

THE COURT: SUSTAINED.

Q BY MR. COCHRAN: -- DOWN --

MR. COCHRAN: MAY I SEEK TO REPHRASE IT?

THE COURT: SUSTAINED.

MR. COCHRAN: VERY WELL.

THANK YOU VERY MUCH FOR COMING.

THE WITNESS: THANK YOU, SIR.

MR. DARDEN: NO QUESTIONS.

THE COURT: ALL RIGHT.

OFFICER THOMPSON, THANK YOU VERY MUCH.

THE WITNESS: THANK YOU.

THE COURT: NEXT WITNESS.

MR. COCHRAN: MR. MERAZ.

MS. CLARK: YOUR HONOR, MAY WE BE HEARD CONCERNING THIS
NEXT WITNESS AT SIDEBAR?

THE COURT: AREN'T WE ALREADY FAMILIAR WITH THIS WITNESS'
TESTIMONY?

MS. CLARK: YES, YOUR HONOR. THAT'S NOT THE REASON.

THE COURT: ALL RIGHT.

WITH THE COURT REPORTER, PLEASE.

(THE FOLLOWING PROCEEDINGS WERE
HELD AT THE BENCH:)

THE COURT: WHO'S HANDLING MERAZ?

MR. COCHRAN: I AM.

THE COURT: ALL RIGHT.

WHAT'S THE PROBLEM, MARCIA?

MS. CLARK: THERE IS -- THE PEOPLE ARE MAKING A MOTION UNDER 352 TO EXCLUDE THE TESTIMONY AS BEING IRRELEVANT AND UNDUE CONSUMPTION OF TIME.

THE REASON FOR THIS MOTION, YOUR HONOR, IS THAT BLOOD >FROM THE BRONCO WAS COLLECTED ON JUNE THE 14TH. THIS WITNESS ONLY HAD CONTACT WITH THE BRONCO ON JUNE 15TH AFTER THE BLOOD WAS COLLECTED.

IT IS TRUE FURTHER STAINS WERE COLLECTED FROM THE SAME AREAS THAT HAD BEEN PREVIOUSLY COLLECTED ON THE 14TH. HOWEVER, ALL THAT DOES IS PROVE FURTHER THAT THE BLOOD -- THE AREA WAS NOT CONTAMINATED BECAUSE WE ARRIVED AT THE SAME RESULTS WHETHER THE BLOOD WAS COLLECTED IN JUNE AND AS WE DO LATER ON IN AUGUST.

SO THIS WITNESS' TESTIMONY IS COMPLETELY IRRELEVANT AND IMMATERIAL.

THE COURT: MR. COCHRAN.

MR. COCHRAN: WELL, FIRST OF ALL, AS THE COURT IS AWARE, THEY WERE COLLECTING BLOOD FROM THE BRONCO UP UNTIL AUGUST, 300 SERIES, WHATEVER.

THIS MAN MOVED THIS CAR ON THE 15TH. COUNSEL DOESN'T WANT HIM TO TESTIFY BECAUSE SHE KNOWS HE'S GOING TO SAY THAT NO BLOOD WAS IN THERE. THIS IS VERY RELEVANT TESTIMONY. THEY'RE STILL COLLECTING EVIDENCE UP TO THIS DATE.

THIS VEHICLE WAS NOT SECURED. THE COURT WILL RECALL THIS WAS THE CASE WHERE THE CAR COULD HAVE BEEN RELEASED TO HERTZ. THERE WAS NO HOLD ON IT BY HARO OR ANYBODY ELSE.

HE DOESN'T SEE ANY NUMBER OF THINGS TAKE PLACE. SO IT'S VERY, VERY RELEVANT. THERE'S NOT A 352 PROBLEM. IT'S VERY RELEVANT. WE WANT TO GET THIS WITNESS ON AND OFF.

MS. CLARK: WE DON'T NEED A SOAP BOX, YOU KNOW, TO SEARCH FOR THE TRUTH. THIS HAS NOTHING TO DO WITH ANYTHING. THAT'S THE POINT.

THE FACT THAT THEY CHECKED A BOX OR DIDN'T CHECK A BOX ON THE IMPOUND SHEET IS IRRELEVANT. THAT MEANS NOTHING.

WE HAVE PHOTOGRAPHS FROM THE 14TH SHOWING THE BLOOD INSIDE THE BRONCO. THIS WITNESS DIDN'T LOOK FOR BLOOD IN THE BRONCO. HE GOT IN ENOUGH TO PUT A PIECE OF PAPER IN THE CAP, AND THAT'S IT, AND ALLEGEDLY TAKES SOME RECEIPTS LATER ON OUT OF THE SIDE DOOR.

THIS HAS GOT NOTHING TO DO WITH ANYTHING. AGAIN, THIS IS MORE SMOKING MIRROR. THAT'S FINE IF THERE'S SOMETHING TANGENTIALLY RELEVANT. BUT THE RECOVERY OF EVIDENCE WAS ACHIEVED BEFORE THIS WITNESS HAD CONTACT WITH THE BRONCO.

THIS IS A WASTE OF TIME, EVERYBODY'S TIME AND PRODUCES NOTHING IN THE SEARCH FOR THE TRUTH AT ALL. IT'S SIMPLY MISLEADING, CONFUSING AND UNDER CONSUMPTION OF TIME. THIS KIND OF GOOFING AROUND WHEN THE JURY IS BEING SEQUESTERED -- EVERYBODY HAS HALF DAY. WE DON'T. THIS IS A JOKE.

MR. COCHRAN: COULD COUNSEL KEEP HER VOICE DOWN?

THESE ARE THE SAME PEOPLE, YOUR HONOR, WHO BROUGHT DOWN BRIAN KELBERG FOR EIGHT DAYS ON DIRECT TESTIMONY --

THE COURT: WE DON'T NEED TO REHASH THAT.

MR. COCHRAN: WE DON'T HAVE TO REHASH THAT, BUT SHE'S THE ONE WHO'S SAYING THAT. I'M JUST SAYING AS AN OFFER OF PROOF, A DOCUMENT WITH NICOLE BROWN SIMPSON'S NAME OR WHATEVER ON IT IS VERY RELEVANT TO A NUMBER OF ISSUES.

MS. CLARK: DATED MARCH OF '94.

THE COURT: ALL RIGHT.

THE OBJECTION IS OVERRULED.

MR. COCHRAN: THANK YOU, YOUR HONOR.

WE'RE READY TO PROCEED.

MR. SHAPIRO: JUST BY WAY OF OBSERVATION, IT APPEARS TO ME WE EXTEND THE COURTESY TO COUNSEL TO MAKE OBJECTIONS AFTER THE QUESTION IS COMPLETED AND NOT INTERRUPTING COUNSEL, AND THAT'S ALWAYS BEEN THE COURT'S POLICY AND THAT HAS NOT BEEN FOLLOWED WITH MR. COCHRAN'S QUESTIONING.

THE COURT: MR. COCHRAN THOUGH HAS A WELL-DEVELOPED TALENT FOR ASKING LEADING QUESTIONS, AND I CAN TELL RIGHT AWAY WHERE WE'RE GOING WITH SOME OF THEM.

MR. SHAPIRO: YOUR RULINGS WERE ADVERSE WHEN HE SHOULD HAVE BEEN ALLOWED LEADING QUESTIONS.

THE COURT: NOBODY ASKED.

(THE FOLLOWING PROCEEDINGS WERE
HELD IN OPEN COURT:)

THE COURT: ALL RIGHT.

LET'S HAVE THE NEXT WITNESS, PLEASE.

AND, COUNSEL, AS FAR AS THIS WITNESS GOES, WE'LL GO

TO 5:00.

MR. COCHRAN: WHAT TIME, YOUR HONOR?

THE COURT: 5:00.

ALL RIGHT.

MR. MERAZ, WOULD YOU COME OVER HERE, STAND NEXT TO THE PODIUM, PLEASE.

MR. HIRSCH: EXCUSE ME, YOUR HONOR, I'M HARRY HIRSCH. I'M A FRIEND OF MR. MERAZ.

THE COURT: ALL RIGHT.

MR. GREEN: HARRY S. GREEN, YOUR HONOR.

THE COURT: ALL RIGHT.

GOOD AFTERNOON AGAIN, GENTLEMEN.

MR. HIRSCH: GOOD AFTERNOON.

THE COURT: ALL RIGHT.

COUNSEL, THERE'S SEATS OVER HERE.

MR. HIRSCH: OVER --

THE COURT: YEAH. THERE YOU GO.

ALL RIGHT.

MRS. ROBERTSON.

JOHN MERAZ,

CALLED AS A WITNESS BY THE DEFENDANT, WAS SWORN AND TESTIFIED AS FOLLOWS:

THE CLERK: RAISE YOUR RIGHT HAND, PLEASE.

YOU DO SOLEMNLY SWEAR THAT THE TESTIMONY YOU MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT, SHALL BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH, SO HELP YOU GOD?

THE WITNESS: I DO.

THE CLERK: PLEASE HAVE A SEAT ON THE WITNESS STAND AND STATE AND SPELL YOUR FIRST AND LAST NAMES FOR THE RECORD.

THE WITNESS: JOHN MERAZ, LAST NAME, M-E-R-A-Z.

THE COURT: ALL RIGHT.

MR. MERAZ, WOULD YOU JUST SIT BACK AND THEN PULL THE MICROPHONE TOWARDS YOU, PLEASE. THERE YOU GO.

THANK YOU.

MR. COCHRAN.

MR. COCHRAN: THANK YOU VERY KINDLY, YOUR HONOR.

DIRECT EXAMINATION

BY MR. COCHRAN:

Q GOOD AFTERNOON, MR. MERAZ.
A GOOD AFTERNOON.
Q MR. MERAZ, I'D LIKE TO DIRECT YOUR ATTENTION BACK TO THE MONTH OF JUNE OF 1994.
AT THAT TIME, HOW WERE YOU EMPLOYED, SIR?
A I WAS EMPLOYED BY A POLICE IMPOUND GARAGE.
Q AND WHICH POLICE IMPOUND GARAGE WERE YOU -- BY WHICH POLICE IMPOUND GARAGE WERE YOU EMPLOYED?
A VIERTEL'S AUTOMOTIVE.
Q AND PRIOR TO JUNE OF 1994, HOW LONG HAD YOU WORKED FOR VIERTEL'S?
A AT THAT TIME, 25 YEARS.
Q AND HOW WERE YOU EMPLOYED BY VIERTEL'S, SIR?
A I WAS A TOW TRUCK DRIVER.
Q AND YOU HAD -- YOU HAVE COME HERE TODAY PURSUANT TO A SUBPOENA TO TESTIFY; IS THAT CORRECT?
A YES, I HAVE.
Q NOW, I'D LIKE TO DIRECT YOUR ATTENTION BACK TO THE DATE OF JUNE -- THE DATES OF JUNE 14TH OR 15TH OF 1994.
AT THAT TIME, WERE YOU STILL A TOW TRUCK DRIVER?
A YES, I WAS.
Q AND IN THAT CONNECTION, DID YOU HAVE SOME CONNECTION WITH A WHITE BRONCO VEHICLE?
A YES, I DID.
Q AND ON WHAT DATE -- DID YOU TOW THE BRONCO VEHICLE AT SOME TIME IN JUNE OF 1994?
A YES, I DID.
Q AND DO YOU RECALL WHAT DAY IT WAS THAT YOU TOWED THAT VEHICLE?
A IT WAS JUNE 15.
Q ALL RIGHT.
SO ON JUNE 15TH, WHICH WOULD BE -- WOULD HAVE BEEN A WEDNESDAY?
A YES.
Q IS THAT CORRECT?
WILL YOU TELL THE LADIES AND GENTLEMEN OF THE JURY WHERE YOU SAW THIS BRONCO VEHICLE, WHERE YOU FIRST SAW IT ON JUNE 15TH, I GUESS WHICH WILL BE A WEDNESDAY?
A I WAS SENT TO 150 NORTH SAN PEDRO, WHICH IS THE PRINT SHED.
Q CALLED THE PRINT SHED?
A YES.
Q AND IS THAT THE PRINT SHED FOR THE LAPD?
A YES, IT IS.
Q ALL RIGHT.
AND WHEN YOU SAY "PRINT," DO YOU MEAN LIKE FINGERPRINT SHED?
A THEY DO FINGERPRINTING THERE, THEY DO PHOTOGRAPHING THERE, THEY DO LASERING THERE.
Q ALL RIGHT.
NOW, AS AN EXPERIENCED DRIVER OF SOME 25 YEARS' EXPERIENCE, HAD YOU GONE TO THAT PRINT SHED ON OCCASIONS PRIOR TO JUNE 15TH, 1994?
A I'VE BEEN THERE NUMEROUS OF TIMES, YES, TO PICK UP CARS.
Q AND HAD YOU RECEIVED SOME CALL TO GO AND PICK UP THE PARTICULAR -- THIS VEHICLE, THE BRONCO?
A YES. I WAS SENT THERE, YES.
Q AND YOU WERE AT THAT TIME WORKING FOR VIERTEL'S; IS THAT CORRECT?
A YES, I WAS.

Q AND DID VIERTEL'S HAVE SOME KIND OF A CONTRACT WITH THE CITY OF LOS ANGELES?

A YES.

Q WHAT KIND -- TELL ME ABOUT THAT CONTRACT. TELL US ABOUT THAT CONTRACT.

A IT'S A POLICE IMPOUND YARD AND HE GETS A PERMIT FROM THE CITY OF LOS ANGELES TO OPERATE, AND HE'S CONTRACT BY THE LOS ANGELES POLICE DEPARTMENT.

Q ALL RIGHT.

A OFFICIALLY CALLED A POLICE GARAGE. IT'S OFFICIALLY CALLED A POLICE GARAGE. IT'S OPG. STANDS FOR OFFICIAL POLICE GARAGE.

Q OKAY.

OPG STANDS FOR OFFICIAL POLICE GARAGE?

A YES, IT DOES.

Q OKAY.

SO YOU GOT THIS CALL. AND DO YOU REMEMBER ABOUT WHAT TIME IT WAS THAT YOU GOT THIS CALL TO GO TO THE PRINT SHED?

A SOMETIME AFTER 11:00 O'CLOCK IN THE MORNING.

Q ALL RIGHT.

AND WHAT KIND OF A VEHICLE WERE YOU DRIVING WHEN YOU RESPONDED TO THIS CALL?

A I WAS DRIVING A ONE-TON FORD.

Q ALL RIGHT.

AND YOU -- AND WHERE DID YOU GO WITH THIS ONE-TON FORD?

A THIS ONE-TON FORD, I WAS DISPATCHED TO CALL -- TO GO TO 150 NORTH SAN PEDRO.

Q AND ONCE YOU GOT THERE, TELL US WHAT YOU OBSERVED, IF ANYTHING, AT 150 SOUTH SAN PEDRO?

A WELL, I WENT TO 150 NORTH SAN PEDRO AND MET THE OFFICER AT THE GUARD SHACK.

Q ALL RIGHT.

AND WHEN YOU -- YOU TALKED TO AN OFFICER AT THE GUARD SHACK?

A YES, I DID.

Q DO YOU KNOW THE NAME OF THAT OFFICER?

A NOT RIGHT OFF.

Q ALL RIGHT.

DID YOU HAVE SOME CONVERSATION WITH HIM?

A UMM --

Q YOU CAN ANSWER THAT YES OR NO.

A YES.

Q ALL RIGHT.

AFTER YOUR CONVERSATION WITH THIS OFFICER, TELL US WHAT HAPPENED NEXT?

A HE DIRECTED TO ME AS TO WHERE THE CAR WAS.

Q ALL RIGHT.

AND THEN DID YOU SEE THIS VEHICLE, THIS FORD VEHICLE?

A ONCE I GOT THERE, YES.

Q ALL RIGHT.

DID YOU DRIVE IN?

A I DROVE IN, YES.

Q OKAY.

WITH THIS VEHICLE THAT YOU WERE DRIVING?

A YES. WITH THE TOW TRUCK, YES.

Q OKAY.

AND TELL US WHAT HAPPENED AFTER YOU DROVE IN.

A UMM, HE SHOWED ME WHERE THE VEHICLE WAS. I BACKED UP TO IT, PICKED IT UP AND PULLED OUT OF THE PRINT SHED.

Q ALL RIGHT.

NOW, PRIOR TO BACKING UP AND PULLING OUT OF THE PRINT SHED, DID YOU HAVE OCCASION TO GET INSIDE THAT VEHICLE AT ALL TO MAKE ANY KIND OF ADJUSTMENTS WITH REGARD TO THE STEERING COLUMN, ANYTHING OF THAT NATURE?

A YES, I DID.

Q ALL RIGHT.

AND WAS -- WHEN YOU -- DID YOU GET INSIDE THE DRIVER'S COMPARTMENT OF THE BRONCO VEHICLE?

A YES, I DID.

Q SO THAT WE'RE CLEAR NOW, THIS IS JUNE 15TH ABOUT WHAT TIME OF DAY?

A AFTER 11:00 O'CLOCK IN THE MORNING.

Q AND BEFORE WE TALK ABOUT YOU GETTING INSIDE THE VEHICLE, DID YOU -- THIS POLICE OFFICER YOU TALKED TO, DID HE GIVE YOU ANY KIND OF FORM OR ANY KIND OF INSTRUCTIONS REGARDING THIS PARTICULAR VEHICLE?

A WHEN I GOT THERE, I KNEW SOME OTHER OFFICERS THAT WERE IN A BUILDING THERE, AND I WAS TALKING TO THEM.

Q ALL RIGHT.

AND YOU HAD A CONVERSATION WITH THESE OFFICERS?

A YES, I DID.

Q WERE YOU EVER GIVEN ANY PARTICULAR FORM CALLED A VEHICLE INVESTIGATION FORM, AN IMPOUND FORM REGARDING THIS PARTICULAR VEHICLE?

A WELL, I -- I -- I BROUGHT MY OWN FORMS WITH ME. WE CARRY THOSE FORMS. SO I HAD THREE IMPOUND SHEETS WITH ME.

Q ALL RIGHT.

AND DID YOU FILL THAT FORM OUT YOURSELF?

A YES, I DID. I STARTED FILLING IT OUT AND HE FINISHED IT.

Q WHEN YOU SAY "HE" --

A THE OFFICER, THE IMPOUNDING OFFICER.

Q ALL RIGHT.

AND IF YOU WERE TO SEE THIS FORM THAT YOU BROUGHT WITH YOU, WOULD YOU RECOGNIZE THE HANDWRITING ON THAT FORM?

A YES.

MR. COCHRAN: ALL RIGHT.

YOUR HONOR, I WOULD LIKE TO MARK AS DEFENDANT'S NEXT IN ORDER IF THE COURT PLEASES --

THE COURT: 1252.

(DEFT'S 1252 FOR ID = VEH. FORM)

(DISCUSSION HELD OFF THE RECORD
BETWEEN THE DEPUTY DISTRICT
ATTORNEY AND DEFENSE COUNSEL.)

MR. COCHRAN: I'LL PUT A 1252 ON THIS, YOUR HONOR. AND MAY I APPROACH?

THE COURT: YES.

MR. COCHRAN: MAY I APPROACH?

THE COURT: YOU MAY.

Q BY MR. COCHRAN: I'M GOING TO PLACE BEFORE YOU, SIR, WHAT HAS NOW BEEN MARKED AS DEFENDANT'S 1252 AND ASK YOU TO TAKE A LOOK AT IT AND SEE, FIRST OF ALL, WHETHER OR NOT YOU RECOGNIZE THIS FORM.

MR. COCHRAN: IN THE UPPER LEFT-HAND CORNER, YOUR HONOR, IT'S CALLED A "LOS ANGELES POLICE DEPARTMENT VEHICLE INVESTIGATION FORM."

THE WITNESS: IT'S NOT MY FORM.

Q BY MR. COCHRAN: THIS IS NOT YOUR FORM?

A THAT'S NOT MY IMPOUND. THAT IS MY NAME, BUT THAT'S NOT THE IMPOUND.

Q BY MR. COCHRAN: OKAY.

THIS -- THAT JOHN ON THERE, THAT'S YOU?

A THAT'S ME, YES.

Q AND THAT'S NOT YOUR FORM?

A THIS IS NOT THE FORM, WHAT WE TAKE TO THE YARD, BUT THAT IS MY NAME.

Q OKAY.

ALL RIGHT.

LET ME ASK YOU THIS. THERE'S A NAME OF AN OFFICER BY THE NAME OF HARO, H-A-R-O?

A YES.

Q DO YOU RECOGNIZE THAT NAME?

A YES, I DO.

Q ON THIS FORM?

A YES, I DO.

Q LET ME GET ANOTHER FORM. WHY DON'T YOU HOLD ON TO THIS. LET ME GET ANOTHER FORM.

(BRIEF PAUSE.)

MR. COCHRAN: MAY I HAVE A SECOND, YOUR HONOR? MAY I APPROACH AGAIN, YOUR HONOR?

THE COURT: YOU MAY.

Q BY MR. COCHRAN: THIS -- I'M NOT SURE. THIS MAY BE A VERY SIMILAR FORM.

IS THIS -- DO YOU RECOGNIZE THE FORM TO YOUR LEFT AT ALL THAT HAS A LITTLE DIFFERENT WRITING ON IT?

A THE LEFT IS THE ONE I HAD.

Q OKAY.

MR. COCHRAN: LET ME, YOUR HONOR --

THE COURT: 1253.

MR. COCHRAN: 1253?

THE COURT: YES.

(DEFT'S 1253 FOR ID = IMPOUND FORM)

MR. COCHRAN: ALL RIGHT.

Q BY MR. COCHRAN: OKAY.

SO THIS ONE HERE, THIS IS 1253, AND THIS IS THE ONE YOU RECOGNIZE; IS THAT CORRECT?

A THAT'S THE ONE I RECOGNIZE, YES.

Q ALL RIGHT.

LET ME PLACE IT BEFORE YOU, AND JUST TAKE A QUICK MINUTE AND LOOK AT IT.

A (THE WITNESS COMPLIES.)

Q ALL RIGHT.

DO YOU RECOGNIZE THAT FORM?

A YES, I DO.

Q AND WHERE THERE'S -- OH, ABOUT MIDWAYS DOWN THIS PARTICULAR FORM, THERE'S A -- IT SAYS "GARAGE, EMPLOYEE SIGNATURE" AND IT SAYS "JOHN." WHOSE SIGNATURE IS THAT?

A THAT'S MINE.

Q AND YOU ARE JOHN MERAZ; IS THAT CORRECT?

A THAT'S CORRECT.

Q ALL RIGHT.

NOW, DID YOU HAVE THIS FORM WITH YOU WHEN YOU WENT OVER THERE TO PICK UP THIS VEHICLE?

A THIS IS THE FORM I HAD RIGHT HERE (INDICATING).

Q OKAY.

AND SO FOR THE RECORD, DID YOU FILL OUT PART OF THIS FORM AT ALL?

A YES, I DID.

Q CAN YOU INDICATE AND REFERRING TO THE FORM WHICH PORTIONS OF THE FORM YOU FILLED OUT, WHAT'S IN YOUR HANDWRITING?

A ON THE TOP OF THIS FORM, I PUT "FORD BRONCO" AND "TWO-DOOR, COLOR WHITE." THAT'S AS FAR AS I GOT, AND THE OFFICER FINISHED THE REST.

Q AND WAS THE OFFICER THIS PERSON H-A-R-O, HARO, HARO?

A YES.

MR. COCHRAN: IF I WAS TO PLACE THIS ON THE -- I WOULD LIKE TO PLACE THIS ON THE ELMO, YOUR HONOR.

THE COURT: YOU MAY.

MR. COCHRAN: I WANT TO ASK SOME QUESTIONS ABOUT IT.

PLACE IT ON THE ELMO, PLEASE.

Q BY MR. COCHRAN: WOULD IT BE HELPFUL TO HAVE A FORM -- YOU CAN LOOK DOWN AT THE --

MR. COCHRAN: YOUR HONOR, MAY I GIVE HIM A COPY OF THIS FORM?

Q BY MR. COCHRAN: LET ME GIVE YOU A COPY OF THIS FORM ALSO, AND YOU CAN ALSO REFER TO THE MONITOR THERE IF YOU LIKE TO, SIR.

A OKAY.

Q THANK YOU.

ALL RIGHT.

NOW, THIS FORM --

MR. COCHRAN: THIS IS 1253 I BELIEVE, YOUR HONOR.

THE COURT: YES.

Q BY MR. COCHRAN: THIS IS THE FORM THAT -- POINT OUT FOR US AGAIN WHERE WE CAN ALL SEE IT THE PARTS OF THE FORM THAT YOU FILLED OUT?

A UP ON TOP WHERE IT SAYS "FORD BRONCO." NOW, I STARTED THAT. I -- THAT IS MY HANDWRITING. "TWO-DOOR." I WROTE DOWN "TWO-DOOR."

Q ALL RIGHT.

A I ALSO PUT "COLOR, WHITE."

Q ALL RIGHT.

A AND HE FINISHED THE REST.

Q HE, MEANING THE POLICE OFFICER?

A POLICE OFFICER, YES.

Q ALL RIGHT.

AND DID YOU SIGN THIS FORM AT SOME POINT WHERE IT SAYS "JOHN"?

A DOWN ON THE BOTTOM ON THE RIGHT-HAND SIDE.

MR. COCHRAN: CAN YOU MOVE THAT UP A LITTLE BIT SO WE CAN SEE WHERE IT SAYS JOHN.

Q BY MR. COCHRAN: ON THE RIGHT-HAND CORNER THERE AT THE BOTTOM, THAT'S YOUR SIGNATURE?

A THAT'S MY SIGNATURE, YES.

Q ALL RIGHT.

NOW, LET'S MOVE BACK UP TO THE -- LET'S MOVE BACK UP TO THE UPPER LEFT-HAND CORNER OF THE FORM.

THERE IS A PART OF THIS FORM THAT INDICATES "PRINT/EVIDENCE, GIVE SPECIAL CARE."

DO YOU REMEMBER -- DO YOU SEE THAT PART OF THE FORM IN THE UPPER LEFT-HAND CORNER?

A YES.

Q AND AFTER IT COMES "RHD," I GUESS FOR ROBBERY-HOMICIDE DIVISION, "15452."

WHEN YOU GOT THIS PARTICULAR FORM, DEFENDANT'S 1253,

DID YOU -- WAS THAT BOX CHECKED FOR PRINTS OR ANY KIND OF SPECIAL CARE?

A THE ONLY THING THAT WAS MARKED WAS "HOLD."

Q ALL RIGHT.

BUT WAS THE BOX CHECKED WHERE IT SAYS "PRINTS"?

A NO. THE BOX WAS NOT CHECKED.

Q ALL RIGHT.

THAT WAS NOT CHECKED?

A NO, IT WASN'T.

Q ALL RIGHT.

NOW, WHAT ABOUT THIS THING THAT SAYS "HOLD"?

A WELL --

Q IS THAT -- LET ME STRIKE THAT.

LET ME ASK YOU ANOTHER QUESTION.

WHERE IT SAYS ON THE FORM --

MR. COCHRAN: AND WE CAN MOVE THE FORM UP, PLEASE, TO THE BODY OF THE FORM. UP A LITTLE HIGHER, PLEASE.

Q BY MR. COCHRAN: ALL RIGHT.

WHERE IT SAYS "HOLD UNTIL RELEASED TO REPRESENTATIVE >FROM HERTZ CORPORATION," WERE YOU AWARE OF THAT BEING ON THAT FORM?

MS. CLARK: OBJECTION, YOUR HONOR. 356. I WOULD ASK THE REST OF THE STATEMENT BE READ.

THE COURT: OVERRULED.

Q BY MR. COCHRAN: ALL RIGHT.

DO YOU RECALL SEEING THAT AT SOME POINT ON THE FORM, THAT "HOLD UNTIL RELEASED TO REPRESENTATIVE FROM HERTZ CORPORATION"?

A UH, UP ON TOP IS WHERE THE "HOLD" IS. YOU'VE GOT --

MS. CLARK: OBJECTION, YOUR HONOR. THIS IS BEYOND THIS WITNESS' EXPERTISE.

THE COURT: OVERRULED.

MS. CLARK: NO FOUNDATION.

THE COURT: OVERRULED.

Q BY MR. COCHRAN: YOU MAY ANSWER.

A UP ON TOP WHERE YOU HAVE "OKAY TO RELEASE AND HOLD"

--

Q YES, SIR.

A OKAY.

I WENT BY "HOLD" ON IT ONLY.

Q OKAY.

DID YOU FEEL THERE WAS ANY SPECIAL INSTRUCTIONS GIVEN ON THIS FORM REGARDING THIS PARTICULAR VEHICLE?

MS. CLARK: OBJECTION. THAT'S SPECULATION.

THE WITNESS: NO, THERE WASN'T.

THE COURT: OVERRULED.

Q BY MR. COCHRAN: AND YOU DEALT WITH THIS FORM MANY OCCASIONS BEFORE JUNE 15TH, 1994; IS THAT RIGHT?

A YES.

Q ALL RIGHT.

SO AS I UNDERSTAND IT -- I WAS JUST ABOUT TO ASK YOU -- AT SOME POINT PRIOR TO LEAVING THE LOCATION OF THE PRINT SHED, YOU HAD OCCASION TO OBSERVE THIS PARTICULAR VEHICLE; IS THAT CORRECT?

A THAT'S CORRECT, YES.

Q AND IN OBSERVING IT, I BELIEVE YOU DESCRIBED THAT YOU GOT INSIDE THE VEHICLE; IS THAT CORRECT?

A YES, I DID.

Q DESCRIBE FOR THE LADIES AND GENTLEMEN OF THE JURY WHAT YOU DID WHEN YOU GOT INSIDE THIS VEHICLE.

A WHEN I BROUGHT THE VEHICLE OUT --

MS. CLARK: OBJECTION. NONRESPONSIVE.

THE COURT: OVERRULED.

THE WITNESS: WHEN I GOT THE VEHICLE OUT, I PULLED IT OUT >FROM THE PRINT SHED, I CHECKED FOR THE STEERING WHEEL TO SEE THAT IT WAS PROPERLY LOCKED, AND I ALSO -- I BELIEVE I CHECKED THE EMERGENCY BRAKE. THEN I PROCEEDED AND I PUT THE STRAPS ON THE VEHICLE TO TOW IT AWAY.

Q BY MR. COCHRAN: NOW, WHILE YOU WERE -- WHEN YOU WERE CHECKING THE STEERING WHEEL, YOU WERE INSIDE THE VEHICLE; IS THAT CORRECT?

A THAT'S CORRECT.

Q YOU SAW THE STEERING WHEEL, DID YOU?

A YES.

Q SEE ANY BLOOD ON THAT STEERING WHEEL AT ALL?

A NO, I DIDN'T.

Q DID YOU -- WHEN YOU WERE INSIDE THAT VEHICLE, DID YOU HAVE OCCASION TO LOOK AROUND THE INSIDE OF THAT VEHICLE, MR. MERAZ?

A YES.

Q DID YOU SEE ANY BLOOD ON THE INSIDE OF THAT VEHICLE AT THAT TIME?

A I DIDN'T SEE ANY BLOOD AT ALL.

Q DID YOU -- DID YOU LOOK INSIDE THAT VEHICLE SPECIFICALLY TO SEE IF YOU COULD SEE ANY BLOOD INSIDE THE VEHICLE?

A NOT UNTIL I GOT TO THE YARD.

Q SO WHEN YOU FIRST WENT IN THERE, YOU DIDN'T LOOK, BUT WHEN YOU GOT TO THE YARD, YOU DROVE INTO THE YARD, DID YOU?

A I TOWED IT TO THE YARD.

Q ALL RIGHT.

WHEN YOU WERE AT THE PRINT SHED, WHEN YOU FIRST LOOKED AT THE STEERING COLUMN, YOU DIDN'T SEE ANY BLOOD, RIGHT?

A I DIDN'T SEE ANY. I DIDN'T SEE ANY AT THE PRINT SHED.

Q AFTER YOU GOT THE CAR IN POSITION TO TOW IT, YOU THEN TOWED IT SOMEWHERE; IS THAT CORRECT?

A YES, I DID.

Q AND THAT'S -- WOULD I BE CORRECT IN ASSUMING THAT YOU HOOKED IT UP, HOOKED YOUR VEHICLE TO THE BACK OF IT AND TOWED IT THAT WAY?

A TOWED IT TO THE TOW YARD.

Q FROM THE REAR.

AND WHERE DID YOU TOW THE VEHICLE TO?

A TOWED THE CAR TO 1155 WEST TEMPLE.

Q WHAT'S LOCATED AT 1155 WEST TEMPLE?

A THAT IS A POLICE IMPOUND YARD AND THAT IS VIERTEL'S AUTOMOTIVE.

Q AND HOW FAR IS THAT FROM 154 SAN PEDRO?

A I WOULD SAY HALF A MILE. MAYBE LESS.

Q OKAY.

HOW LONG DID IT TAKE YOU TO GET THERE?

A UMM, 10 MINUTES.

Q ALL RIGHT.

NOW, WHEN YOU -- SO YOU DROVE TO VIERTEL'S YARD; IS THAT CORRECT?

A YES.

Q AND AS YOU GOT THERE, DID YOU BECOME AWARE OF ANY MEDIA OR ANY ATTENTION REGARDING THIS PARTICULAR VEHICLE?

A I WAS FOLLOWED BY THE NEWS PEOPLE. WHEN I GOT TO 1ST AND LOS ANGELES STREET, I STOPPED AND I ASKED THEM NOT TO FOLLOW ME.

Q OKAY.
THEY WERE FOLLOWING YOU?
A YES.
Q DO YOU HAVE AN IDEA SO THE JURY CAN GET AN IDEA HOW
MANY VEHICLES --
A THERE WAS ONLY ONE VEHICLE. IT WAS A VAN.
Q ALL RIGHT.
AND DID THEY STOP YOU -- DID THEY FOLLOW YOU AT THAT
POINT OR DID THEY STOP?
A I STOPPED BECAUSE I GOT THE LIGHT, AND I GOT OUT OF
THE TRUCK, I WALKED OVER TO THEM, I SAYS, "WOULD YOU PLEASE NOT
FOLLOW ME."
Q ALL RIGHT.
A AND --
Q DID THEY ADHERE TO THAT? DID THEY STOP FOLLOWING
YOU?
MS. CLARK: OBJECTION.
Q BY MR. COCHRAN: DID THEY STOP FOLLOWING YOU AT THAT
POINT?
THE COURT: OVERRULED.
THE WITNESS: THEY FOLLOWED ME UP TO TEMPLE.
Q BY MR. COCHRAN: ALL RIGHT.
A AND FROM --
Q NOW, ONCE YOU GOT TO VIERTEL'S, TELL US WHAT YOU DID
AT THAT POINT.
A ALL THE EMPLOYEES AT VIERTEL'S WERE WAITING THERE FOR
ME.
Q AND WHEN YOU SAY "WAITING," WHAT -- WHY WAS THAT?
WHY WERE THEY WAITING FOR YOU?
A WELL, THEY -- I HAD RADIOED THAT I WAS IN TOW WITH
O.J. SIMPSON'S CAR.
Q AND WHEN YOU SAY ALL THE EMPLOYEES WERE WAITING FOR
YOU, HOW MANY EMPLOYEES WERE THERE WAITING FOR YOU AT THAT TIME?
A I COULDN'T GIVE YOU AN EXACT COUNT ON THAT. THERE'S
-- COULD HAVE BEEN 10 EMPLOYEES THERE AT THAT TIME.
Q 10?
A YES.
Q DID THEY HAVE SOME PARTICULAR INTEREST IN THIS
VEHICLE?
A YES.
Q OKAY.
WHEN YOU PULLED IN -- YOU PULLED INTO THE YARD AT
SOME POINT?
A YES, I DID.
Q AND WHAT DID YOU DO WHEN YOU PULLED INSIDE?
A I PULLED IN AND I BACKED UP INTO ONE OF THE STALLS
THAT WAS THERE.
Q AND WHICH STALL DID YOU BACK INTO, IF YOU KNOW?
A WELL, THE MAIN LOT.
Q AND --
OKAY.
AND WAS THERE A NUMBER TO THAT PARTICULAR STALL?
A WELL, THE MAIN LOT IS CALLED T3.
Q OKAY.
AND IS THAT A SECURED LOT AT ALL?
A NO, IT'S NOT A SECURED LOT. IT'S AN OPEN LOT.
Q SO YOU BACKED THE CAR UP AND PUT IT IN T3, AN OPEN
LOT?
A YES.
Q ALL RIGHT.
AT SOME POINT, DID YOU UNHOOK THIS PARTICULAR

VEHICLE?

A YES, I DID.

Q ALL RIGHT.

AND DID YOU HAVE OCCASION TO GET BACK INSIDE THAT

VEHICLE AGAIN?

A YES, I DID.

Q WHEN YOU GOT BACK INSIDE THAT VEHICLE, MR. MERAZ, DID YOU GET A CHANCE TO LOOK INSIDE SPECIFICALLY TO SEE IF THERE WAS ANY BLOOD INSIDE THAT VEHICLE?

A YES, I DID.

Q AND WHAT DID YOU NOTICE, IF ANYTHING, AT THAT POINT?

A I DIDN'T SEE ANY BLOOD.

Q NOW, YOU TOLD US THAT THAT VEHICLE WAS COMING FROM THE PRINT SHED.

DID YOU SEE ANY EVIDENCE AS THOUGH THE INSIDE OF THAT VEHICLE HAD BEEN PRINTED WITH ANY DARK PRINT POWDER AT ALL?

A THE CAR WAS NOT PRINTED.

Q AND HOW DO YOU KNOW IT WASN'T PRINTED?

A WELL, THROUGH THE YEARS, I'M FAMILIAR WITH THE PRINT THAT THEY PUT ON THESE VEHICLES. IT'S EITHER GRAY OR BLACK THAT'S PUT ON THESE VEHICLES, AND THERE WAS NONE OF THAT ON IT.

Q AND ARE YOU SAYING THERE WAS NONE OF THAT INSIDE THE VEHICLE?

A INSIDE OR AROUND THE CAR.

Q AND YOU LOOKED, DID YOU?

A YES, I DID.

Q NOW, THESE OTHER EMPLOYEES, THESE 10 OR SO EMPLOYEES OF VIERTEL'S WHO WERE INTERESTED IN THIS VEHICLE, DID THEY AT ANY POINT COME TOWARD THE VEHICLE ONCE YOU ARRIVED THERE?

A THEY WERE CURIOUS I THINK.

Q DID THEY COME OVER AND START LOOKING AT THE VEHICLE?

A YES.

MR. COCHRAN: YOUR HONOR, THIS MIGHT BE A GOOD POINT AT THIS POINT.

THE COURT: ALL RIGHT.

LADIES AND GENTLEMEN, AS FAR AS THE JURY IS CONCERNED, WE ARE GOING TO TAKE OUR RECESS FOR THE AFTERNOON. I HAVE A FEW MATTERS I NEED TO TAKE UP WITH THE LAWYERS. SO WE'RE GOING TO STOP NOW AT 5:00 O'CLOCK.

PLEASE REMEMBER ALL MY ADMONITIONS TO YOU; DON'T DISCUSS THE CASE AMONGST YOURSELVES, FORM ANY OPINIONS ABOUT THE CASE, CONDUCT ANY DELIBERATIONS UNTIL THE MATTER HAS BEEN SUBMITTED TO YOU OR ALLOW ANYBODY TO COMMUNICATE WITH YOU.

AS FAR AS THE JURY IS CONCERNED, WE'LL STAND IN RECESS UNTIL 9:00 O'CLOCK.

MR. MERAZ, YOU'RE ORDERED TO COME BACK TOMORROW MORNING AT 9:00 O'CLOCK.

ALL RIGHT.

LET'S CLEAR THE JURY, AND THEN WE'LL RESUME.

(RECESS.)

(THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN COURT, OUT OF THE PRESENCE OF THE JURY:)

THE COURT: BACK ON THE RECORD IN THE SIMPSON MATTER.

THE RECORD SHOULD REFLECT THE JURY HAS WITHDRAWN.

I HAVE BEFORE ME TWO P'S AND A'S FROM THE PEOPLE REGARDING APPARENT EXPERT WITNESS TO BE CALLED BY THE DEFENDANT, MR. MAC DONELL, AND THIS SPECIFICALLY HAS TO DO WITH SOME TYPE OF

TESTING, AND THERE IS A MOTION TO PRECLUDE TESTIMONY OF MR. MAC DONELL BASED UPON A FAILURE OF RECIPROCAL DISCOVERY I WILL HEAR >FROM THE PEOPLE.

ALL RIGHT. MR. GOLDBERG, THIS IS YOUR MATTER.

MR. GOLDBERG: PART OF IT IS, YOUR HONOR.

THE COURT: GOOD AFTERNOON.

MR. GOLDBERG: EXCUSE ME.

THE COURT: GOOD AFTERNOON, SIR.

MR. GOLDBERG: GOOD AFTERNOON, YOUR HONOR.

MISS CLARK WANTED TO ADDRESS THE ISSUE AS TO THE PRECLUSION OF MAC DONELL'S TESTIMONY ON THE GROUND THAT THE TESTING IS NOT SUBSTANTIALLY SIMILAR, IF SHE MAY.

WE FEEL THAT THE TWO ISSUES ARE CLOSELY CONNECTED AND PERHAPS SHOULD BE CONSIDERED TOGETHER BY THE COURT, THAT THE COURT MIGHT WANT TO CONSIDER BOTH POINTS AND AUTHORITIES IN ADVANCE AND THEN HEAR THIS MATTER AT SOME SUBSEQUENT TIME.

I DON'T KNOW IF YOUR HONOR HAS HAD AN OPPORTUNITY TO READ THE POINTS AND AUTHORITIES WE JUST FILED.

THE COURT: NO, I HAVE NOT.

YOU ARE REFERRING TO PEOPLE'S TRIAL BRIEF NO. 9?

MR. GOLDBERG: RIGHT.

THE COURT: I HAVE NOT.

MR. GOLDBERG: WOULD THE COURT BE AGREEABLE TO DOING THAT?

THE COURT: I WILL HEAR BOTH THE ARGUMENTS AT THIS POINT.

MR. GOLDBERG: OKAY.

WE WOULD RESPECTFULLY ASK THE COURT, THOUGH, TO TAKE A LOOK AT THE POINTS AND AUTHORITIES PERHAPS PRIOR TO ARGUMENT OR AFTER, BUT IN ANY CASE, PRIOR TO RULING, BECAUSE WE DID TRY TO LAY OUT THE ISSUES AS CAREFULLY AS WE DO, BUT MISS CLARK WILL ADDRESS THAT IN SOMEWHAT MORE DETAIL.

THE DISCOVERY ISSUE RELATES TO

MR. MAC DONELL'S TESTIMONY AND I WOULD LIKE TO MAKE A COUPLE GENERAL COMMENTS ABOUT DISCOVERY.

I DON'T THINK I NEED TO SPEND A LOT OF TIME BECAUSE YOUR HONOR HAS HEARD THESE ARGUMENTS IN VARIOUS CONTEXTS OVER AND OVER AGAIN AND HAS MADE A VARIETY OF RULINGS ALREADY.

AND THEN AFTER DOING THAT I WOULD LIKE TO GO INTO SOME OF THE SPECIFIC ITEMS WHERE WE CLAIM THAT THERE WERE VIOLATIONS, AND I THINK THAT THERE WERE VIOLATIONS AS A MATTER OF LAW AND I HAVE ABOUT FOUR ITEMS THAT I SPECIFICALLY LISTED.

FIRST OF ALL, GENERALLY SPEAKING, I THINK IT WAS THE COURT'S UNDERSTANDING AND THE PARTY'S UNDERSTANDING OF THE HINES CASE THAT THE NOTES THAT UNDERLIE AN EXAMINATION OR ANALYSIS OF EVIDENCE THEMSELVES ARE DISCOVERABLE.

I BELIEVE THAT THAT WAS THE COURT'S RULING, IN ADDITION TO ANY MORE FORMALIZED REPORT THAT IS MADE DURING THAT ANALYSIS, AND I BELIEVE ONE OF THE CASES THAT THE COURT IS FAMILIAR WITH ALSO DISCUSSED THE ISSUE OF WHETHER THE UNDERLYING TEST RESULTS, SUCH AS THE PERSONAL INVENTORY, WOULD BE DISCOVERABLE AND CONCLUDED THAT THAT KIND OF UNDERLYING DATA IS DISCOVERABLE UNDER PROPOSITION 115.

IT IS IN THIS AREA THAT WE SAY THAT THERE WERE A NUMBER OF VIOLATIONS BY THE DEFENSE, IN ADDITION TO FAILING TO DISCLOSE THE MORE FORMAL REPORTS OF THE ANALYSIS ON THE SOCKS.

JUST BY WAY OF BACKGROUND, AND MISS CLARK WILL DISCUSS THIS IN A LITTLE MORE DETAIL, MR. MAC DONELL IS A BLOOD SPATTER EXPERT AND HE TOOK A LOOK AT THE SOCKS IN THIS CASE THAT WERE LAPD ITEM NO. 13.

IF THE COURT CAN ENVISION THE SOCKS AS HAVING FOUR SIDES TO THEM, ONE EXTERIOR SIDE AND THEN A CORRESPONDING INTERIOR SIDE AND THEN ANOTHER INTERIOR SIDE AND THEN ANOTHER

EXTERIOR SIDE, IF THAT MAKES SENSE TO THE COURT --

THE COURT: I PUT SOCKS ON EVERYDAY.

MR. GOLDBERG: OKAY.

I JUST WANTED TO MAKE SURE, BECAUSE SOMETIMES WHEN TRYING TO VISUALIZE THAT KIND OF THING WHEN IT IS DESCRIBED ORALLY IT IS DIFFICULT FOR ME, SO I JUST WANTED TO MAKE SURE THE COURT WAS FOLLOWING ALONG.

WHAT THE GRAVAMEN OF HIS TESTIMONY WOULD BE, THAT HE DID EXPERIMENTS WITH SOCKS TO DETERMINE SOCKS -- SOCK DRYING TIME, THE DRYING TIME OF THE SOCKS, AND HE IS GOING TO TRY TO MAKE SOME CONCLUSIONS WITH RESPECT TO WHAT THE DRYING TIME WOULD BE ON THE SOCKS IN THIS CASE, AND MISS CLARK WILL BE DISCUSSING THIS IN A LITTLE MORE DETAIL, AND THAT HE THEN ALSO EXAMINED THE SOCKS IN THIS PARTICULAR CASE, AND CONCLUDED THAT WITH RESPECT TO THE NICOLE BROWN STAIN ON SOCK A THERE IS A STAIN ON THE EXTERIOR, THAT THAT BLED THROUGH TO THE INTERIOR OF THE SAME SIDE OF THE SOCK, AND THEN BLED THROUGH TO THE OTHER INTERIOR, IN OTHER WORDS, SIDE 3, BUT IS NOT ON SIDE 4.

THE CONCLUSION BEING PRESUMABLY, THAT NO ONE WAS WEARING THE SOCK AT THE TIME THAT THE STAIN WAS DEPOSITED OR THAT IS THE INFERENCE THE DEFENSE WILL BE ASKING TO DRAW FROM THAT EXPERIMENT, AND MISS CLARK WILL DISCUSS IT IN MORE DETAIL IN TERMS OF THE SUBSTANCE OF THAT TESTIMONY.

I'M JUST -- I JUST WANT TO DISCUSS THE DISCOVERY ISSUES RELATED TO THAT TESTIMONY.

NOW, THE OTHER PRINCIPLE OF DISCOVERY THAT THE COURT HAS RULED ON THAT WE HAVE ARGUED AND THAT MR. UELMEN ARGUED AND STATED VERY SUCCINCTLY, WAS HIS INTERPRETATION OF WHAT THE PHRASE "IMMEDIATELY" MEANS IN THE USAGE OF THAT TERM IN PROPOSITION 115 DEALING WITH IMMEDIATE DISCLOSURE AND HE SAID VERY SIMPLY IMMEDIATE MEANS IMMEDIATE, THAT IS THEIR INTERPRETATION.

YOU GET THE REPORT, YOU GET THE UNDERLYING NOTES, YOU TURN IT OVER TO THE OTHER SIDE.

YOU DON'T DO IT A DAY LATER, A MONTH LATER, A WEEK LATER. THEY TAKE THE PROPOSITION IT IS JUST WHAT IT SAYS, IMMEDIATE.

PERSONALLY I THINK THERE IS A LITTLE BIT MORE FLEXIBILITY THERE THAT MIGHT DEPEND ON THE EXACT CONTEXT OF WHAT YOU ARE TALKING ABOUT AND THE CIRCUMSTANCES, BUT HERE THE DELAYS THAT WE ARE TALKING ABOUT UNDER ANYONE'S DEFINITION OF THE TERM "IMMEDIATE," AND CLEARLY UNDER MR. UELMEN'S DEFINITION OF THE TERM "IMMEDIATE," ARE ABOUT SIX WEEKS LATE FROM THE TIME THAT THEY WERE ORIGINALLY GENERATED.

SO IT SEEMS TO ME THAT AS A MATTER OF LAW THAT WE ARE DEALING WITH A DISCOVERY VIOLATION.

I'M GOING TO GO INTO THE SPECIFICS A LITTLE BIT AND THEN TALK ABOUT THE ISSUE OF REMEDY, BECAUSE IT DOES APPEAR TO US THAT BECAUSE THIS WAS DONE FOR TACTICAL REASONS, I THINK WE'VE ALREADY DISCUSSED THIS AS WELL, THAT EXCLUSION OF THE EVIDENCE IS THE APPROPRIATE REMEDY, BECAUSE THAT IS WHAT THE CASES HAVE HELD AND THAT IS WHAT YOUR HONOR HAS HELD SPECIFICALLY IN THE CONTEXT OF EXPERT REPORTS WHERE I THINK THERE WERE A COUPLE OF ADMONISHMENTS TO THE DEFENSE ABOUT EXCLUSION BEING PROPER IF IT WAS FOUND THAT IT WAS DONE FOR TACTICAL REASONS, AND WE BELIEVE THAT THE CIRCUMSTANTIAL EVIDENCE CLEARLY INDICATES THAT IT WAS.

NOW, THE FIRST CATEGORY IS WITH RESPECT TO A JUNE 6TH, 1995, EXPERIMENT ON SOCK DRYING TIME WHICH I ALREADY EXPLAINED TO THE COURT A LITTLE BIT IN TERMS OF WHAT THAT WAS, AND MISS CLARK WILL DISCUSS IT IN A LITTLE MORE DETAIL.

IT WAS PERFORMED ON JUNE THE 6TH, 1995, AND ON JULY THE 11TH OF 1995 WE GET WHAT I WOULD TERM A FINAL REPORT, A

TYPEWRITTEN TYPE OF REPORT FROM
MAC DONELL, SO THAT IS ALMOST SIX WEEKS AFTER THE EXPERIMENT WAS
CONDUCTED.

AND THE REPORT BEGINS WITH THE PHRASE "AT YOUR
REQUEST I HAVE PREPARED THE FOLLOWING REPORT," WHICH IS
INTERESTING, BECAUSE IT WAS COUNSEL'S POSITION THAT THEY DID NOT
HAVE TO PREPARE REPORTS AND IT WAS SIMPLY UP TO THE EXPERT AND
THAT THEY WEREN'T GIVING ANY INPUT AT ALL ONE WAY OR THE OTHER,
SO ONE WONDERS WHY SUDDENLY THEY ASKED HIM TO PREPARE A REPORT,
UNLESS PERHAPS PREVIOUSLY THEY HAD ASKED HIM NOT TO AND THEY WERE
CONCERNED SOMEHOW ABOUT THEIR DISCOVERY POSITION.

THIS PARTICULAR REPORT MENTIONS THE EXPERIMENT THAT I
DISCUSSED IN TERMS OF SOCK DRYING TIME, BUT DID NOT STATE ANY OF
THE PARTICULARS IN TERMS OF WHAT KIND OF SOCK WAS USED, HOW MUCH
BLOOD WAS PUT ON, HOW LONG DID THEY WAIT TO SEE WHETHER IT DRIED,
HOW IT WAS IT CONDUCTED AND SO ON.

IT JUST SIMPLY SAID I CONDUCTED EXPERIMENTS AND BASED
ON THESE EXPERIMENTS I HAVE CONCLUDED THAT NO ONE WAS LIKELY TO
HAVE WORN THE SOCKS AT THE TIME THE BLOOD WAS DEPOSITED.

IT DIDN'T SAY ANYTHING SPECIFIC. SO WE HAVE WHAT I
WOULD TERM A SORT OF SANITIZED REPORT THAT GIVES US A CONCLUSION
BUT DOES NOT GIVE US ANY OF THE UNDERLYING DATA THAT WAS USED TO
REACH THAT CONCLUSION.

THEREFORE, THE PEOPLE FILED THIS DISCOVERY MOTION
SEEKING SANCTIONS IN RESPONSE TO WHAT WE HAD BEEN PROVIDED WITH,
A TYPEWRITTEN REPORT, AND THEN AFTER FILING THAT MOTION, THE
MOTION THAT YOUR HONOR NOW HAS BEFORE THE COURT, THE DEFENSE THEN
TURNED OVER TO US YESTERDAY ON JULY THE 15TH, THE UNDERLYING
NOTES RELATING TO THIS EXPERIMENT.

(DISCUSSION HELD OFF THE RECORD
BETWEEN THE DEPUTY DISTRICT
ATTORNEYS.)

MR. GOLDBERG: EXCUSE ME. THEY WERE -- THESE NOTES WERE
GENERATED ON THE 15TH AND I BELIEVE THAT THEY WERE TURNED OVER TO
US YESTERDAY.

THE COURT: BEING THE 17TH.

MR. GOLDBERG: YES.

THE COURT: THE 15TH HAVING BEEN A SATURDAY.

MS. CLARK: SATURDAY.

MR. GOLDBERG: AND THESE NOTES DO PROVIDE MORE DETAIL AND
OBVIOUSLY WERE MADE CONTEMPORANEOUSLY WITH THE EXPERIMENTS AND
PROVIDE SOME OF THE INFORMATION THAT I WAS ALLUDING TO THAT WAS
LACKING IN THE SANITIZED TYPEWRITTEN REPORT THAT WE RECEIVED.

SO NOT ONLY DO WE HAVE, AS A MATTER OF LAW -- THERE
IS A DISCOVERY VIOLATION. THERE MAY BE AN ISSUE AS TO WHAT THE
SOCKS IS, BUT AS A MATTER OF LAW, YES, THAT IS A DISCOVERY
VIOLATION UNDER MR. UELMEN'S INTERPRETATION, OURS AND THE
COURT'S, WHERE THESE EXPERIMENTS ARE DONE JUNE 6TH AND DON'T GET
THE UNDERLYING DATA UNTIL YESTERDAY.

THIS DEPRIVES US OF THE OPPORTUNITY OF FULLY BEING
ABLE TO ANALYZE THIS LEGALLY. WE QUICKLY AND HURRIEDLY PUT
TOGETHER THE BRIEF THAT IS NOW IN FRONT OF THE COURT AND MISS
CLARK HAS TRIED TO PREPARE TO ARGUE IT, BUT I THINK WE ARE
DISADVANTAGED IN TERMS OF BEING ABLE TO ANALYZE IT PROPERLY FROM
A LEGAL PERSPECTIVE TO BE ABLE TO FULLY ARGUE AND ANALYZE IT TO
THE COURT.

AND CLEARLY WE ARE DISADVANTAGED IN TERMS OF BEING
ABLE TO ANALYZE IT FROM A FACTUAL PERSPECTIVE TO FULLY UNDERSTAND
EVERYTHING THAT ARE IN THOSE NOTES FROM A LAWYER PERSPECTIVE AND

THEN TO SUBMIT TO YOUR OWN EXPERTS FOR THE PURPOSES OF HAVING THEM LOOK AT IT AND INFORM US ABOUT WHAT THEY SEE AND WHAT THEY BELIEVE THE NOTES RAISE.

SO WE ARE PREJUDICED BY THIS DISCOVERY VIOLATION.

WE WOULD ALSO LIKE TO SEE THE SOCK FROM THE SOCK DRYING EXPERIMENT AND I BELIEVE THAT WE ARE ENTITLED TO THAT SINCE WE ARE ENTITLED TO THE UNDERLYING DATA THAT THE DEFENSE HAS RELIED ON AND THAT WOULD BE PART OF THE UNDERLYING DATA.

THE COURT: ARE YOU SAYING -- SO DID YOU NOT FILE WITH THE COURT ANY OF THESE DOCUMENTS THAT YOU ARE REFERRING TO, EITHER THE TYPEWRITTEN REPORT THAT WAS PRODUCED ON JULY THE 11TH, NOR THE UNDERLYING NOTES?

MR. GOLDBERG: I THOUGHT THAT I FILED THE TYPEWRITTEN REPORT IN A DECLARATION THAT WAS APPENDED TO THE DISCOVERY SANCTION MOTION, YOUR HONOR.

IT IS NOT ON THERE?

THE COURT: I DON'T THINK IT IS.

MR. GOLDBERG: OKAY.

WELL, WE CAN FILE THOSE AND WE CAN ALSO FILE ANY OTHER DOCUMENT THAT THE COURT WANTS TO TAKE A LOOK AT BEFORE RULING, IF THE COURT WANTS TO TAKE A LOOK AT THE UNDERLYING --

THE COURT: I MEAN, IT WOULD HELP ME TO SEE HOW COMPLETE THE NOTES ARE AND HOW COMPLETE THE REPORT IS TO SEE WHETHER OR NOT WHAT YOU ARE COMPLAINING ABOUT MAKES ANY SENSE.

MR. GOLDBERG: IN OTHER WORDS, WHETHER -- WHETHER -- WHETHER WHEN I SAY THAT THE REPORT WAS SANITIZED, THAT IS IN FACT THE CASE?

YEAH, WE WILL PROVIDE THAT TO THE COURT, BUT I WOULD POINT OUT THAT, AT ANY RATE, EVEN THE TYPEWRITTEN REPORT WE DIDN'T GET UNTIL JULY THE 11TH.

THE COURT: OH, I UNDERSTAND THAT.

MR. GOLDBERG: YEAH. OKAY.

NOW, THE NEXT CATEGORY OF NOTE IS HANDWRITTEN NOTES RELATING TO THE APRIL THE 4TH SOCK EXAMINATION.

THIS WITNESS DID AN EXAMINATION OF THE SOCKS ON APRIL THE 4TH WHERE APPARENTLY HE RENDERED CERTAIN CONCLUSIONS RESPECTING THE BLEED THROUGH OF THE SOCKS THAT I DESCRIBED PREVIOUSLY, AND THESE HANDWRITTEN NOTES WERE NOT TURNED OVER TO US UNTIL YESTERDAY. THAT WAS PART OF THE MATERIALS THAT WE WERE GIVEN YESTERDAY.

AND THE CONCLUSIONS WERE NOT TURNED OVER AGAIN UNTIL JULY THE 11TH IN THE SAME REPORT THAT I ALREADY INDICATED TO THE COURT THAT ALSO BRIEFLY MENTIONED THE SOCK EXPERIMENTS WITHOUT REALLY DESCRIBING THEM IN DETAIL.

SO THIS AGAIN APPEARS, AS A MATTER OF LAW, TO BE A VIOLATION OF THE DISCOVERY AND CERTAINLY VIOLATION OF MR. UELMEN'S INTERPRETATION IMMEDIATELY MEANS IMMEDIATELY.

THIS APRIL THE 4TH, 1995, HANDWRITTEN MATERIAL THAT WE RECEIVED YESTERDAY, WHICH APPARENTLY IS THE UNDERLYING NOTES THAT WERE DONE CONTEMPORANEOUSLY WITH THE EXAM, SAYS THAT MICROPHOTOGRAPHS OR PHOTO MICROGRAPHS, HOWEVER YOU HAVE BEEN REFERRING TO THEM, WERE TAKEN CONCURRENTLY, AND CLEARLY THE PHOTOGRAPHS ARE DOCUMENTATION, THEY ARE NOTES.

THEY HAVE BEEN DESCRIBED BY A CRIMINALIST, PHOTOGRAPHS IN GENERAL, AS BEING PHOTO DOCUMENTATION. THE COURT IS FAMILIAR WITH THAT PHRASE.

AND CLEARLY IF THE WITNESS DRAWS A PICTURE OF THE SOCKS, WHICH THEY DID, AND SHOWS WHERE THE CUT-OUT WAS OF THE NICOLE BROWN STAIN AND DOCUMENTS WHERE THE OTHER STAINS WERE, THOSE ARE WITHOUT QUESTION DISCOVERABLE.

IF A WITNESS THEN PHOTOGRAPHS THAT, AN EXPERT

WITNESS, FOR THE PURPOSES OF DOCUMENTING THE SAME INFORMATION, THAT PHOTOGRAPH IS EQUALLY DISCOVERABLE AND THERE IS NO LEGAL BASIS TO DISTINGUISH BETWEEN A WRITTEN OR SKETCHED DEPICTION OF THE SOCK AND AN ACTUAL PHOTOGRAPH OF THE SOCK.

AND THE DEFENSE HAS PREVIOUSLY TAKEN THE POSITION, AS THE COURT KNOWS, THAT MICROPHOTOGRAPHS OF AN ITEM OF EVIDENCE THAT WERE TAKEN BY AN EXPERT ARE DISCOVERABLE, AND THE COURT HAS RULED THAT, SO I DON'T REALLY THINK THAT IS AN ISSUE THAT NECESSARILY NEEDS TO BE RELITIGATED.

WE DID NOT RECEIVE THESE, ACCORDING TO THE DEFENSE, UNTIL THE 12TH OF JULY. WE CAN'T VERIFY THAT BECAUSE APPARENTLY WE HAVE NOT LOCATED THOSE YET, BUT THAT WAS WHAT WAS REPRESENTED TO US BY MR. NEUFELD AND WE ARE STILL LOOKING FOR THAT.

HE HAS A DISCOVERY RECEIPT THAT IS DATED ON THE 12TH, BUT AT ANY RATE, BETWEEN JUNE THE 6TH AND JULY THE 12TH CLEARLY DOES NOT FALL WITHIN THE REQUIREMENT OF THE CODE REQUIRING IMMEDIATE DISCLOSURE.

THE FOURTH ITEM, YOUR HONOR, IS THE CURRICULA VITAE OF DOCTOR -- OF MR. MAC DONELL, WHICH WAS PROVIDED TO US YESTERDAY IN YESTERDAY'S DISCOVERY MATERIALS, AND ALTHOUGH THAT DOESN'T NECESSARILY QUALIFY UNDER THE LANGUAGE OF THE CODE, IT HAS BEEN THE PRACTICE OF BOTH SIDES THAT WE ARE REQUIRED TO PROVIDE THIS INFORMATION.

THE DEFENSE HAS DEMANDED THIS KIND OF INFORMATION BE PROVIDED TO THEM BY OUR EXPERTS AND WE HAVE DONE SO, SO I THINK THAT THE RECIPROCAL ASPECT OF THE DISCOVERY LAW SHOULD BE APPLIED EQUALLY TO THE DEFENSE IN THAT REGARD.

SO IN THESE FOUR AREAS, THE JUNE 6TH EXPERIMENT, THE APRIL THE 4TH EXAMINATION, THE MICROPHOTOGRAPHS AND THE CURRICULUM VITAE, AS WELL AS THE SOCKS THEMSELVES, THERE HAS BEEN A DISCOVERY VIOLATION.

IF THE COURT LOOKS AT THE SEQUENCE OF EVENTS, IT APPEARS THAT THIS IS FOR TACTICAL REASONS. IT HAS DEPRIVED US THE OPPORTUNITY OF MAKING THE BEST POSSIBLE LEGAL ARGUMENT, HAS DEPRIVED US OF THE OPPORTUNITY TO BE ABLE TO HAVE OUR EXPERTS ANALYZE THEIR NOTES, LOOK AT THE SOCKS THEMSELVES.

WE BEGAN TO DO THAT YESTERDAY, JUST YESTERDAY HAVING OUR EXPERTS LOOK AT THESE THINGS. THEY STILL HAVEN'T LOOKED AT THE MICROPHOTOGRAPHS, AND ALL OF THOSE THINGS NEED TO BE DONE BY THE PERSON WHO IS GOING TO CROSS-EXAMINE THIS WITNESS.

ALL OF THOSE THINGS NEED TO BE DONE REALLY IN ORDER, IN MY VIEW, TO BE ABLE TO FULLY LITIGATE THE ISSUE AS TO WHETHER OR NOT THE EXPERIMENTS ARE GOING TO COME IN AT ALL, WHICH IS THE ISSUE MISS CLARK WILL ADDRESS.

SO WE WOULD ASK THE COURT TO MAKE A FINDING THAT THIS HAS BEEN DONE FOR TACTICAL REASONS AND TO APPLY THE SANCTION OF PRECLUSION OF THIS TESTIMONY.

THANK YOU.

THE COURT: THANK YOU.

MR. UELMEN.

MR. UELMEN: YES, YOUR HONOR.

I WILL ADDRESS THE ISSUES WITH RESPECT TO DISCOVERY AND PRECLUSION AND MR. NEUFELD WILL ADDRESS THE ISSUES WITH RESPECT TO RELEVANCY RAISED IN TRIAL BRIEF NO. 9.

I WANT TO EMPHASIZE THAT OUR LACK OF A WRITTEN RESPONSE TO THESE MOTIONS IS NOT TO BE TAKEN AS ANY LACK OF ZEAL OR COMMITMENT TO OUR POSITION.

WE WANTED TO ALLOW THE COURT TO HEAR THIS ISSUE AND DECIDE IT AS QUICKLY AS POSSIBLE, AND I BELIEVE, WITH RESPECT TO THE DISCOVERY ISSUE, YOUR HONOR IS WELL FAMILIAR WITH THE CASE LAW THAT IS INVOLVED.

WE HAVE BEEN OVER THESE ISSUES A NUMBER OF TIMES, AND THE TRIAL BRIEF NO. 9 WAS JUST SERVED ON US AT FOUR O'CLOCK THIS AFTERNOON, SO OF COURSE WE HAVE NOT HAD AN OPPORTUNITY TO FILE A WRITTEN RESPONSE.

IN SHORT, WITH RESPECT TO DISCOVERY, OUR POSITION IS THAT THERE IS NOT A DISCOVERY VIOLATION, THAT THE DEFENSE IN GOOD FAITH HAS TURNED OVER MORE THAN IS REQUIRED BY THE DISCOVERY STATUTE.

WE HAVE TURNED IT OVER JUST AS SOON AS IT BECAME AVAILABLE TO US, AND IN FACT WE RESOLVED ANY DOUBTS AS TO WHAT IS DISCOVERABLE IN FAVOR OF MAKING A FULL DISCLOSURE TO THE PROSECUTION AS QUICKLY AS POSSIBLE.

BUT I THINK WE DO NEED TO BACK UP FOR A MOMENT, BECAUSE I THINK MR. GOLDBERG'S INTERPRETATION OF THE DISCOVERY STATUTE IS ESSENTIALLY INCORRECT IN TERMS OF WHAT NOTES HAVE TO BE TURNED OVER.

HE IS ASSUMING THAT THE DISCOVERY STATUTE REQUIRES THAT ALL NOTES RELATED TO THE EXPERT'S PREPARATION HAVE TO BE TURNED OVER PURSUANT TO THE DISCOVERY STATUTE, AND THAT IS CLEARLY WRONG.

THAT IS NOT WHAT THE DISCOVERY STATUTE SAYS. THAT IS NOT WHAT YOUR HONOR'S ORDER RESPECTING DISCOVERY IN THIS CASE SAYS AND IT IS NOT WHAT THE CASE LAW SAYS THAT INTERPRETS THE DISCOVERY STATUTE.

WE START WITH THE SANDEFFER CASE, 1993, WHICH OFFERED THE CONCLUSION, QUITE CLEARLY, THAT AN ORDER TO TURN OVER ALL NOTES OF AN EXPERT'S ANALYSIS IS OVERBROAD, THAT IT IS NOT PERMITTED UNDER THE STATUTE.

THE COURT SAID:

"WE ARE NEVERTHELESS MOTIVATED TO MAKE BRIEF COMMENT FOR THE LOWER COURT'S POSSIBLE GUIDANCE IN TERMS OF FUTURE ORDERS ON THE SUBJECT. THE COURT REQUIRED PRODUCTION NOT ONLY OF THE EXPERT'S REPORT, IF ANY, BUT ALSO HER NOTES. THE NEW PROVISIONS OF THE ACT ARE EXCLUSIVE IN THE SENSE THAT NO DISCOVERY SHALL OCCUR EXCEPT AS PROVIDED BY THIS CHAPTER, OTHER EXPRESSED STATUTORY PROVISIONS OR AS MANDATED BY THE CONSTITUTION.

"SECTION 1054.3 SUBDIVISION (A) PROVIDES THE DISCOVERY OF INFORMATION PERTAINING TO EXPERT WITNESSES, INCLUDE," QUOTE:

"ANY REPORTS OR STATEMENTS OF THE EXPERT MADE IN CONNECTION OF THE CASE AND INCLUDE THE RESULTS OF PHYSICAL OR MENTAL EXAMINATIONS, SCIENTIFIC TESTS, EXPERIMENTS OR COMPARISONS WHICH THE DEFENDANT INTENDS TO OFFER IN EVIDENCE AT TRIAL.

"WE ARE OF THE OPINION THAT AN ORDER REQUIRING THE EXPERT TO PRODUCE HIS NOTES IN MOST CIRCUMSTANCES WOULD GO BEYOND THE SPECIFICATION OF DISCOVERABLE ITEMS SET FORTH IN THE STATUTE."

SO SANDEFFER CLEARLY HOLDS THAT A BROAD ORDER TO DISGORGE ALL NOTES OF THE EXPERT WOULD NOT COME WITHIN THE DISCOVERY STATUTE.

NOW, THE FOLLOW-UP CASE, THE HINES CASE, 20 CAL.APP.4TH 1818, THE SAME COURT THAT DECIDED SANDEFFER THEN OFFERED AN EXPLANATION, A FURTHER EXPLICATION OF THE DICTUM CONTAINED IN SANDEFFER WITH RESPECT TO EXPERT'S NOTES.

THE HINES ORDER, THE DISCOVERY ORDER IN HINES, REQUIRED THE DEFENSE TO, IT SAID:

"REPORTS SHALL INCLUDE ALL WRITTEN DOCUMENTATION INCLUDING HANDWRITTEN NOTES OF THE FINDINGS OF SAID EXPERT UPON ANY EXAMINATION DONE BY SAID EXPERT INTENDED TO MEMORIALIZE THE FINDINGS OF SAID EXAMINATION."

AND THE DEFENSE OBJECTED AND SAID, WELL, THIS ORDER VIOLATES SANDEFFER BY REQUIRING THE PRODUCTION OF THE EXPERT'S NOTES, AND THE COURT LOOKED CAREFULLY AT THE LANGUAGE OF THAT ORDER AND CONCLUDED, AND NOW I'M QUOTING FROM THE HINES OPINION:

"THE ORDER DOES NOT REQUIRE PRODUCTION OF PRELIMINARY DRAFTS OF REPORTS OR OF AN EXPERT'S NOTES TO HIMSELF WHICH REFLECT HIS OWN OPINIONS OR INTERIM CONCLUSIONS. WE CONSTRUE FINDINGS IN THE ORDER TO MEAN FACTUAL DETERMINATIONS OF THE EXPERT FROM OBSERVATIONS MADE DURING AN EXAMINATION."

NOW, THE RATIONALE OF THAT DECISION IS READILY APPARENT. THE COURT WAS -- WAS HOLDING THAT YOU CANNOT, BY MEANS OF PUTTING THE REPORT TOGETHER, INSULATE NOTES THAT REFLECT FINDINGS OR CONCLUSIONS WITH RESPECT TO AN EXPERIMENT OR AN EXAMINATION, AND THOSE ARE THE KIND OF NOTES THAT ARE DISCOVERABLE AT THE SAME TIME THAT THE REPORT IS DISCOVERABLE.

AND HERE AGAIN I THINK THE PROSECUTION IS -- IS ESSENTIALLY WRONG IN SUGGESTING THAT SOMEHOW, EVEN IF A NOTE DOES REFLECT A FINDING OR CONCLUSION, THAT THE EXPERT IS THEN REQUIRED TO SHIP THE NOTE OFF AND MAKE DISCOVERY OF IT BEFORE THE REPORT HAS EVEN BEEN PREPARED.

THE WHOLE GIST OF HINES IS TO SAY YOU ARE NOT LIMITED TO WHAT IS IN THE REPORT. YOU HAVE A RIGHT TO SEE THE NOTES AS WELL THAT REFLECT THE SAME CONCLUSIONS THAT ARE REPORTED IN THE REPORT, BUT THOSE ARE THE ONLY NOTES.

THE COURT: WHY WOULD AN EXPERT WAIT FROM JUNE THE 6TH UNTIL MID-JULY TO PREPARE A REPORT ON EXPERTS AND EXAMINATIONS --

MR. UELMEN: I THINK I CAN READILY EXPLAIN, YOUR HONOR.

THE EXPERT THAT WE ARE CONCERNED WITH HERE, HERB MAC DONELL, IS A CRIMINALIST OF SOME REPUTE WITH A PRACTICE IN CORNING, NEW YORK.

AT ANY GIVEN TIME HE IS CONSULTING ON AS MANY AS FIFTEEN TO TWENTY DIFFERENT HOMICIDES ALL OVER THE COUNTRY. THIS CASE IS NOT THE ONLY CASE HE IS WORKING ON.

AND IF I COULD JUST GO THROUGH THE CHRONOLOGY OF WHAT HE DID IN RESPONSE TO WHAT THE DEFENSE ASKED HIM TO DO, LEADING UP TO THE INFORMATION THAT IS IN DISPUTE HERE, I THINK IT WILL ANSWER A LOT OF YOUR HONOR'S QUESTIONS.

THE FIRST TIME THAT MR. MAC DONELL EVER EVEN PERSONALLY EXAMINED ANY PHYSICAL EVIDENCE IN THIS CASE WAS ON APRIL 2ND, 1995, NOT APRIL 4TH, AS MR. GOLDBERG INDICATED, BUT APRIL 2ND, AND AT THAT TIME HE SIMPLY ACCOMPANIED DR. HENRY LEE TO A LABORATORY IN PASADENA, THE MARK TAYLOR LABORATORY, TO LOOK, PHYSICALLY LOOK AT THE SOCKS IN THIS CASE.

THOSE SOCKS WERE BROUGHT TO MR. TAYLOR'S LABORATORY BY MR. MATHESON WHO MAINTAINED PHYSICAL CUSTODY OF THE SOCKS THROUGHOUT THE EXAMINATION.

MR. MATHESON WAS PRESENT AND HIMSELF MADE NUMEROUS NOTES REFLECTING THE EXAMINATION MADE OF THE SOCKS BY DR. LEE AND BY MR. MAC DONELL.

MR. MAC DONELL DID NOT AT THAT TIME PREPARE ANY NOTES THAT STATED ANY FACTUAL CONCLUSIONS.

IN FACT, YOUR HONOR CAN NOW LOOK AT THE NOTES, BECAUSE EVEN THOUGH WE CONTEND THESE NOTES ARE NOT PRODUCEABLE, THEY WOULD BE PRODUCEABLE WHEN HE TESTIFIED, BUT THEY ARE NOT PRODUCEABLE UNDER THE RECIPROCAL DISCOVERY LAW.

NEVERTHELESS, WE HAVE TURNED THOSE NOTES OVER, BUT THOSE NOTES ARE NOT THE KIND OF NOTES THAT SANDEFFER AND HINES TALK ABOUT. THEY WERE SIMPLY NOTES TO THE EXPERT HIMSELF INDICATING WHAT HE LOOKED AT, THE SOCKS AND WHERE A HOLE HAD BEEN CUT OUT OF THE SOCKS AND WHERE THE STAINS WERE ON THE SOCKS AND SO ON.

THE FIRST TIME HE PRESENTED ANY CONCLUSIONS TO THE DEFENSE WAS ON JUNE 3RD AND AT THAT TIME HE WAS ASKED TO PREPARE A REPORT AND HE AGREED THAT HE WOULD PREPARE THAT -- PREPARE THAT REPORT AS EXPEDITIOUSLY AS POSSIBLE, BUT HE WAS ABOUT TO LEAVE ON A TRIP TO SWEDEN AND IN FACT HE LEFT FOR SWEDEN ON JUNE THE 7TH, 1995.

NOW, THE DAY BEFORE HE LEFT FOR SWEDEN HE CONDUCTED THE DRYING EXPERIMENT THAT HAS BEEN REFERRED TO TO TEST HOW LONG IT WOULD TAKE FOR BLOOD TO DRY ON SIMILAR SOCKS, AND THE NOTES THAT HE MADE AT THE TIME OF THAT EXPERIMENT WERE TURNED OVER JUST AS SOON AS WE LEARNED OF THEIR EXISTENCE AND OBTAINED THEM AND WERE ABLE TO TURN THEM OVER TO THE PROSECUTION.

HE RETURNED HOME FROM SWEDEN ON JUNE 25TH. ON JUNE 28TH OR 29TH MR. NEUFELD AGAIN CONTACTED HIM AND TOLD HIM WE WERE AWAITING THE REPORT AND NEEDED IT AS QUICKLY AS POSSIBLE.

AT THAT TIME HE ASKED TO SEE THE PHOTOGRAPHS THAT WERE TAKEN ON APRIL 2ND BY DR. HENRY LEE.

THOSE PHOTOGRAPHS WERE IMMEDIATELY FORWARDED TO HIM AND HE COMPLETED A REPORT AND GAVE IT TO THE DEFENSE ON JULY 11TH AND WE IMMEDIATELY TURNED IT OVER THE SAME DAY THAT WE RECEIVED IT.

WE TURNED OVER A COPY OF THE REPORT WHEN WE, IN READING THE REPORT, REALIZED THAT THERE WERE NOTES CONDUCTED OR PREPARED WITH RESPECT TO THE EXPERIMENT HE CONDUCTED ON JUNE 6TH, WE ASKED HIM TO IMMEDIATELY FORWARD THOSE NOTES, AND AS SOON AS WE RECEIVED THOSE NOTES ON JULY 17, THEY WERE ALSO TURNED OVER.

ALSO TURNED OVER WERE THE MICROPHOTOGRAPHS WHICH WE HAVE A RECEIPT DATED JULY 12TH INDICATING THE RECEIPT OF THOSE PHOTOGRAPHS.

MR. MAC DONELL CONDUCTED A SECOND EXPERIMENT ON JULY 15TH WITH RESPECT TO TESTING, HOW LONG IT WOULD TAKE BLOOD TO DRY ON GLOVES SIMILAR TO THE GLOVES INVOLVED IN THIS CASE.

HE WROTE A REPORT WITH RESPECT TO THAT EXPERIMENT WHICH WAS RECEIVED ON JULY 17TH AND TURNED OVER IMMEDIATELY TO THE PROSECUTION.

SO IN EVERY RESPECT, JUST AS QUICKLY AS WE HAVE OBTAINED THE REPORTS AND WE REQUESTED THE REPORTS TO RESOLVE ANY QUESTION ABOUT WHETHER ANYBODY IS PLAYING GAMES HERE, AND YOU KNOW, IT IS A DAMNED IF YOU DO, DAMNED IF YOU DON'T SITUATION.

NOW THEY ARE SAYING, WELL, BECAUSE THEY REQUESTED A REPORT, THAT MUST MEAN AT SOME PRIOR TIME THEY HAD TOLD HIM NOT TO PREPARE A REPORT.

MAC DONELL WILL TESTIFY THAT HIS PRACTICE IS NOT TO PREPARE A REPORT UNTIL IT IS REQUESTED, THAT HE DID RECEIVE A REQUEST FOR A REPORT FROM THE DEFENSE ON JUNE 3RD, AND THAT HE PREPARED THAT REPORT AS EXPEDITIOUSLY AS HE COULD, TURNED IT OVER TO US ON JULY 11TH AND IT WAS IMMEDIATELY DELIVERED TO THEM.

AND AS SOON AS WE BECAME AVAILABLE OF ANY NOTES THAT AT ALL COME WITHIN THE SANDEFFER/HINES REQUIREMENT THAT NOTES BE TURNED OVER, WE SECURED THOSE NOTES AND TURNED THEM OVER.

SO THERE HAS CERTAINLY BEEN NO DELIBERATE ATTEMPT TO DELAY DISCOVERY FOR ANY -- ANY TACTICAL REASON. THIS INFORMATION HAS BEEN MADE AVAILABLE TO THE PROSECUTION JUST AS QUICKLY AS IT HAS BEEN MADE AVAILABLE TO US.

THE COURT: ALL RIGHT.

THANK YOU, COUNSEL.

MR. GOLDBERG, WHEN DO YOU ANTICIPATE BEING ABLE TO MAKE AVAILABLE COPIES OF THESE DOCUMENTS TO THE COURT?

MR. GOLDBERG: WE CAN DO THAT RIGHT NOW, YOUR HONOR.

MS. CLARK: YOUR HONOR, IT OCCURS TO ME THAT BEFORE I CAN MAKE MY ARGUMENT TO THE COURT THE COURT HAS TO SEE THIS STUFF AND SO I HAD A PACKAGE PREPARED FOR THE COURT TO BE MADE.

THE COURT: ALL RIGHT. I NEED TO RELEASE MY COURT REPORTERS IN ABOUT FOUR MINUTES, SO WHAT I PROPOSE WE DO IS WOULD YOU SUBMIT THE DOCUMENTATION, I WILL READ IT OVER THE EVENING HOURS AND I WILL RULE FIRST THING IN THE MORNING.

MR. GOLDBERG: YOUR HONOR --

MS. CLARK: I WOULD LIKE A CHANCE TO BE HEARD -- YOU MEAN ON THE DISCOVERY ISSUE?

THE COURT: ON THE DISCOVERY ISSUE.

ALL RIGHT. MR. NEUFELD, I TAKE IT YOU ARE GOING TO ARGUE THE SCIENTIFIC ASPECT OF THE TEST, CORRECT?

MR. NEUFELD: YEAH. I WILL RESPOND TO MISS CLARK'S MOTION THAT WE RECEIVED AT FOUR O'CLOCK THIS AFTERNOON.

I THINK I CAN DO SO VERY EXPEDITIOUSLY, BUT IT PROBABLY MAKES MORE SENSE TO DO THAT AFTER YOU HAVE LOOKED AT THE DOCUMENT, AND THE REASON BEING THAT A LOT OF THESE POINTS WILL BE ANSWERED THEMSELVES BY YOUR HONOR ONCE YOU LOOK AT OUR DOCUMENT.

THE COURT: YES. ALL RIGHT.

MR. GOLDBERG: YOUR HONOR, MAY I RESPOND VERY BRIEFLY TO MR. UELMEN'S COMMENTS?

THE COURT: I DON'T THINK YOU NEED TO.

MR. NEUFELD: YOUR HONOR, CAN I JUST MAKE SURE THAT EVERY SINGLE ITEM THAT WE TURNED OVER IN DISCOVERY IS TURNED OVER IN THE PACKET?

THE COURT: CERTAINLY.

MR. NEUFELD: IT MAY JUST BY OVERSIGHT SIMPLY NOT BE THERE.

THE COURT: ALL RIGHT.

MS. CLARK: YOUR HONOR, PERHAPS MR. GOLDBERG COULD BE HEARD MORE BRIEFLY TOMORROW MORNING BEFORE THE COURT ISSUES ITS FINAL RULING?

THE COURT: MR. UELMEN, ARE YOU AVAILABLE?

MR. UELMEN: I HADN'T PLANNED TO BE HERE TOMORROW MORNING, YOUR HONOR.

THE COURT: HOW BRIEF?

MR. GOLDBERG: WELL, THE COURT SAID FOUR MINUTES. I WILL TRY TO MAKE IT FOUR MINUTES.

THE COURT: FOUR MINUTES. MAKE IT THREE.

MR. NEUFELD: YOUR HONOR, BY THE WAY, ONE OF THE DOCUMENTS YOU HAVE ALSO --

THE COURT: WE WILL TAKE THAT UP IN A SECOND.

MR. NEUFELD: OKAY.

MR. GOLDBERG: OKAY. I WOULD JUST LIKE TO DISCUSS A COUPLE FACTUAL THINGS AND THEN COUNSEL'S INTERPRETATION OF WOODS AND SANDEFFER, WHICH WE ARE ALL FAMILIAR WITH, AND HINES -- I KNOW THE COURT HAS READ THOSE THREE CASES ON A NUMBER OF DIFFERENT OCCASIONS, SO I DON'T HAVE TO DISCUSS THEM TOO MUCH.

FIRST OF ALL, MR. MATHESON WAS PRESENT DURING PART OF THE APRIL THE 2ND ANALYSIS, BUT HE WAS ASKED TO LEAVE THE ROOM DURING PART, SO IT IS NOT TRUE THAT HE WAS THERE ALL THE TIME.

I'M NOT SURE HOW RELEVANT THAT IS, BUT I JUST WANTED TO SET THAT STRAIGHT IN CASE THE COURT FELT IT WAS RELEVANT.

SECOND, FACTUALLY, THERE IS NO -- NOTHING IN THE RECORD, NOT A DECLARATION SUBMITTED BY COUNSEL, AS TO WHEN THEIR EXPERT WAS IN AND OUT OF THE COUNTRY, ALTHOUGH AGAIN I DON'T THINK THAT THAT IS PARTICULARLY SIGNIFICANT LEGALLY, BECAUSE THAT CLEARLY WOULD NOT BE AN EXCUSE THAT WE COULD USE.

I MEAN MATHESON IS OBVIOUSLY A VERY BUSY PERSON; ALL CRIMINALISTS ARE. WE ARE CLEARLY UNDERSTAFFED IN THIS COMMUNITY IN TERMS OF OUR LAW ENFORCEMENT AT THE LOCAL LEVEL AND WE CANNOT

USE THAT AS AN EXCUSE FOR NOT GENERATING REPORTS AND TURNING THEM OVER IN A TIMELY FASHION.

AS TO COUNSEL'S INTERPRETATION OF THE THREE CASES THAT WE ARE DEALING WITH, WE ARE ALL FAMILIAR WITH THE LANGUAGE THAT HE QUOTED FROM SANDEFFER AND WE ALSO KNOW --

THE COURT: LET'S ASSUME THAT WE ARE ALL FAMILIAR WITH THE CASE LAW.

MR. GOLDBERG: YES. I JUST DON'T KNOW WHY COUNSEL CITES THAT WHEN WE HAVE A CASE THAT SPECIFICALLY SAYS THAT IT IS DICTA AND THAT NOTES IN FACT ARE DISCOVERABLE AND DISCUSSES AT LENGTH THAT LANGUAGE THAT WE ALL KNOW IS DICTA.

AND ACCORDING TO THE WOOD'S COURT, NOTES ARE DISCOVERABLE, NOTWITHSTANDING THAT DICTA, BUT JUST TO PUT THIS IN SOME KIND OF A CONTEXT, BECAUSE WE DO HAVE A RECIPROCAL DISCOVERY LAW --

THE COURT: WELL, MR. GOLDBERG, THE DECISION I HAVE TO MAKE IS, IS THERE A VIOLATION? AND IF SO, WHAT ARE THE SANCTIONS?

YOU ARE ASKING FOR PRECLUSION AT THIS POINT, CORRECT, AND THAT IS THE ONLY REMEDY YOU ARE SEEKING?

MR. GOLDBERG: YOUR HONOR, IF -- IF A PARTY SEEKS ONE REMEDY, WHICH IS THE MAXIMUM REMEDY THAT THE COURT CAN GIVE UNDER THE LAW, OBVIOUSLY YOUR HONOR CAN GIVE ANY OTHER REMEDY.

IT IS KIND OF A LESSER INCLUDED OFFENSE. IT IS THE COURT'S PREROGATIVE TO DETERMINE WHAT THE APPROPRIATE SANCTION IS.

THE COURT: ALL RIGHT.

BUT SEE, YOUR COMMENT HASN'T GIVEN ME ANY GUIDANCE IN THAT FORM. I MEAN, LET'S SAY, FOR EXAMPLE, THAT I WAS NOT INCLINED TO PRECLUDE, BUT I WAS INCLINED TO GRANT A REASONABLE CONTINUANCE TO PREPARE TO MEET THIS INFORMATION, AND ONE OF THE REASONS I ASKED TO SEE THIS IS BECAUSE I WOULD LIKE TO SEE FOR MYSELF THE EXTENT OF WHAT WENT ON HERE AND GAUGE FOR MYSELF WHAT TYPE OF PREPARATION WILL BE NECESSARY TO MEET THIS.

MR. GOLDBERG: MAY I JUST HAVE ONE MOMENT, BECAUSE I'M NOT GOING TO BE HANDLING THIS WITNESS.

(DISCUSSION HELD OFF THE RECORD
BETWEEN THE DEPUTY DISTRICT
ATTORNEYS.)

MR. GOLDBERG: WELL, YOUR HONOR, THE COURT COULD SIMPLY APPLY, IF THE COURT WANTED TO DO A CONTINUANCE AS A REMEDY, THE SAME SANCTION THAT THE PROSECUTION INCURRED EARLIER IN THIS TRIAL WHERE WE HAD TO PUT CERTAIN EVIDENCE ON AT THE END OF OUR CASE AND THAT THE DEFENSE SHOULD SIMPLY HAVE TO PUT THIS AT THE VERY TAIL END OF THEIR CASE, BUT CLEARLY NOT THIS WEEK, BECAUSE AT A VERY MINIMUM IT WOULD TAKE US THE REST OF THIS WEEK AND PROBABLY PART OF NEXT WEEK TO BE ABLE TO GET ALL THESE MATERIALS TO OUR EXPERTS AND HAVE THEM THEN GENERATE A FINAL REPORT THAT COULD BE TURNED OVER AS TO THEIR ANALYSIS.

(DISCUSSION HELD OFF THE RECORD
BETWEEN THE DEPUTY DISTRICT
ATTORNEYS.)

THE COURT: ALL RIGHT.

MR. GOLDBERG: AND WE WOULD ALSO ASK THE COURT TO DEFER, IF THE COURT IS NOT GOING TO ENTIRELY PRECLUDE THIS TESTIMONY, TO DEFER RULING ON THE QUESTION OF WHETHER A CONTINUANCE WILL BE GRANTED UNTIL AFTER THE COURT HAS HAD AN OPPORTUNITY TO HEAR FROM MISS CLARK AS TO THE SUBSTANTIVE ISSUES, BECAUSE PERHAPS YOUR

HONOR WILL MORE FULLY UNDERSTAND ALL OF THE ISSUES THAT WE PERCEIVE TO BE INVOLVED IN THE ADMISSIBILITY OF THIS KIND OF EVIDENCE AND ALL OF THE ISSUES THAT WE FEEL THAT IT RAISES.

I THINK THE COURT WILL BE IN A BETTER POSITION TO DETERMINE HOW MUCH TIME IT WOULD TAKE THE PEOPLE REASONABLY TO BE ABLE TO CONFRONT THAT EVIDENCE IF YOUR HONOR WERE INCLINED TO ALLOW THAT EVIDENCE.

THE COURT: I DON'T KNOW. ALL RIGHT.

WE WILL CONTINUE THIS ARGUMENT THEN IN PHASE 2, I WAS GOING TO SUGGEST TOMORROW MORNING AT 8:30.

MR. UELMEN: ONE POINT?

THE COURT: YES.

MR. UELMEN: I JUST WANTED TO MAKE THE POINT, AND I THINK IT IS AN IMPORTANT ONE, THAT WE ARE DEALING WITH A RECIPROCAL DISCOVERY LAW AND CERTAINLY THE OBLIGATION ON THE DEFENSE IS NO GREATER THAN THE OBLIGATION ON THE PROSECUTION.

THE COURT: AND IF YOU RECOLLECT -- AND COUNSEL, IF YOU RECOLLECT, I PRECLUDED THE PROSECUTION FROM PRESENTING VERY SIGNIFICANT EVIDENCE FROM THE FBI BASED UPON A DISCOVERY VIOLATION, BASED UPON A DISCOVERY VIOLATION ON THE EVE OF CALLING THAT WITNESS.

MR. UELMEN: I REALIZE THAT, YOUR HONOR.

THE COURT: YOU SHOULD KEEP THAT IN MIND.

MR. UELMEN: THE POINT I WANT TO MAKE IS THAT AT NO TIME DID THE DEFENSE RECEIVE NOTES OF AN EXPERT PRIOR TO RECEIVING THE EXPERT'S REPORT OR AT NO TIME DID THE DEFENSE GET DISCOVERY OF NOTES OR REPORTS BEFORE THE PROSECUTION HAD EVEN RECEIVED THEM.

SO ALL WE ARE SAYING IS WE WANT TO BE TREATED THE SAME.

WE ARE TURNING STUFF OVER JUST AS QUICKLY AS WE GET IT AND WE ARE TURNING THE NOTES OVER AT THE TIME THE REPORTS ARE BEING PRODUCED.

THE COURT: ALL RIGHT.

MS. CLARK: YOUR HONOR --

MR. NEUFELD: YOUR HONOR --

THE COURT: 8:30.

MS. CLARK: YOUR HONOR, I --

(AT 5:50 P.M. AN ADJOURNMENT WAS TAKEN UNTIL, WEDNESDAY, JULY 19, 1995, 8:30 A.M.)

SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 103 HON. LANCE A. ITO, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,)
)
PLAINTIFF,)
)
)
VS.) NO. BA097211
)
ORENTHAL JAMES SIMPSON,)
)
)
DEFENDANT.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TUESDAY, JULY 18, 1995

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PAGES 37284 THROUGH 37414, INCLUSIVE

APPEARANCES: (SEE PAGE 2)

JANET M. MOXHAM, CSR #4588
CHRISTINE M. OLSON, CSR #2378

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LYDIA C. BODIN, HANK M. GOLDBERG,
ALAN YOCHELSON AND DARRELL S.
MAVIS, BRIAN R. KELBERG, AND
KENNETH E. LYNCH, DEPUTIES
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ROBERT KARDASHIAN, ESQUIRE
ALAN DERSHOWITZ, ESQUIRE
F. LEE BAILEY, ESQUIRE
BARRY SCHECK, ESQUIRE
PETER NEUFELD, ESQUIRE
ROBERT D. BLASIER, ESQUIRE
WILLIAM C. THOMPSON, ESQUIRE

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MS. CLARK - MC	MR. SHAPIRO - S
MR. HODGMAN - H	MR. COCHRAN - C MR. DARDEN D
MR. DOUGLAS - CD	
MS. LEWIS - L	MR. BAILEY - B
MS. KAHN - K	MS. CHAPMAN - SC MR. GOLDBERG -
GB	MR. BLASIER - BB
MR. CLARKE - GC	MR. UELMEN - U
MR. HARMON - RH	MR. SCHECK - BS
MR. GORDON - G	MR. NEUFELD - N
MR. KELBERG - BK	

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES
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