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Deposition of Bart Epstein

Barton Epstein

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THE STATE OF OHIO,)
) SS: RONALD SUSTER, J.
COUNTY OF CUYAHOGA.)

IN THE COURT OF COMMON PLEAS

ALAN DAVIS, EXECUTOR OF THE)
ESTATE OF DR. SAMUEL H.)
SHEPPARD, et al.,)
)
Plaintiffs,)
)
v.) Case No. 312322
)
STATE OF OHIO,)
)
Defendant.)

- - -

Deposition of BART EPSTEIN, taken by the
Defendant as if upon Cross-Examination before
Laura L. Lubahn, a Stenographic Reporter and
Notary Public within and for the State of Ohio,
at the offices of The Cuyahoga County Prosecutor's
Office, The Justice Center, 1200 Ontario, Ninth
Floor, Cleveland, Ohio, on Friday, the 14th day of
January, 2000, commencing at 9:22 a.m.

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1 APPEARANCES:

2 Friedman & Gilbert
3 Terry Gilbert, Esq.
4 1700 Standard Building
 Cleveland, Ohio 44113
 216-241-1430

5
6 On behalf of the Plaintiffs.

7
8 Dean Boland, Assistant County Prosecutor
9 Cuyahoga County Prosecutor's Office
 The Justice Center, Courts Tower
 1200 Ontario Street
10 Cleveland, Ohio 44113
 216-443-7800

11 and

12 A. Steven Dever, Chief Trial Counsel

13
14 On behalf of the Defendant.

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I N D E X

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Cross-Examination by Mr. Boland

4

OBJECTIONSPage

By Mr. Gilbert

19, 21, 28, 38,
45, 46, 49, 51,
57, 59, 64, 66,
85, 86, 91, 93EXHIBITSDefendant'sPage

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- - -

(Defendant's Deposition Exhibits 1-6
marked for identification.)

BART EPSTEIN,

called by the Defendant for the purpose of
cross-examination, as provided by the Ohio Rules of
Civil Procedure, being by me first duly sworn, as
hereinafter certified, deposes and says as follows:

CROSS-EXAMINATION

BY MR. BOLAND:

Q. Good morning, Mr. Epstein. If you would, could you
state your name for the record and spell your last
name.

A. Yes. It's Barten Paul Epstein, E-p-s-t-e-i-n.

Q. What's your current residence address?

A. 4520 Sedum Lane, S-e-d-u-m, Lane, Edina, Minnesota.

Q. And where are you employed right now?

A. I'm employed in two positions. One, I'm a
consultant doing forensic consulting, as well as I
am an adjunct professor at St. Cloud State
University teaching in the Criminal Justice
Department.

Q. Is the consulting self-employment?

A. Yes.

Q. It's not with a big consulting firm of some sort or
anything like that?

1 A. No. It's another partner and myself. Terry Labor
2 and myself have done forensic consulting since early
3 1980s.

4 Q. And how long have you been in this -- as far as the
5 consulting goes been self-employed?

6 A. Since about 1981.

7 Q. Okay. And before that, what were you doing before
8 that?

9 A. For 32 years I was with the State Crime Laboratory
10 from 1966 to 1998. A year and a half ago I retired
11 from the State Crime Lab.

12 Q. In Minnesota?

13 A. In Minnesota.

14 Q. What's the address of -- Do you have a laboratory
15 for your consulting that you do?

16 A. It's at the address that I gave you. I have a
17 laboratory in the basement of my home.

18 Q. So can you describe what kind of equipment you have
19 in your laboratory at your home?

20 A. Yes.

21 Q. Just generally.

22 A. Generally I -- main consulting that I have done is
23 forensic serology and some microscopy, using a
24 microscope. I have large bench areas and I have a
25 variety of microscopes, low-powered viewing

1 magnifiers. I have three stereo microscopes, which
2 are low-powered microscopes. And I have a
3 polarized light microscope for trace evidence
4 evaluation and identification.

5 Q. Do you have sufficient equipment and supplies to do
6 blood typing in your laboratory?

7 A. No.

8 Q. Is this laboratory you just described the one you
9 used for your work in the Sheppard case?

10 A. Yes.

11 Q. Okay. And have you testified in trials before as a
12 blood spatter expert?

13 A. Yes.

14 Q. And I assume the number would be quite large, the
15 trials you testified in over those 30 years?

16 A. Yes. I've testified -- I probably worked on about
17 -- in general cases about 1,500 cases, testified in
18 about 150 to 200, blood spatter cases maybe 150 and
19 probably testified in 30 or 40 cases.

20 Q. In those blood spatter cases, do you know just an
21 estimate of the percentage of those that were rape
22 trials or rape cases, if any?

23 A. I can't recall percentages. A lot -- a majority
24 are, of course, brutal events that are assaults or
25 homicides and many have involved rapes as well.

1 Percentage-wise, I don't -- 25 percent may have
2 included a rape, but that's just a general feeling.

3 Q. But would it be fair to say that primarily the blood
4 spatter testimony that you have given as an expert
5 would be in homicide? The majority of it.

6 A. The majority are, of course, those types where
7 there's a lot of bleeding involved. But like I
8 said, it could be people that don't die. There's
9 been aggravated assaults and actually some
10 burglaries as well, but you can have blood deposited
11 that needs interpretation and have blood found on
12 perpetrators or suspects.

13 Q. Have you ever been qualified as an expert to testify
14 in trial in blood typing?

15 A. Yes.

16 Q. And can you describe that -- the use of blood typing
17 in criminal cases that you've testified about, just
18 generally what are they used for?

19 A. Blood typing is used to, of course, distinguish
20 whose blood -- that's very important -- whose blood
21 is involved in a case. I can tell you now or later
22 there's a sort of series, a standard series, in
23 forensic science that any blood stain has to be
24 determined to be blood, what species, meaning human
25 or some other animal, and then an attempt to

1 determine whose blood it is. So blood grouping to
2 determine whose blood is involved, it's involved and
3 should be involved in almost any case that blood
4 spatter is involved.

5 Q. And you testified to the blood typing of samples in
6 your experience with the crime lab that you worked
7 in?

8 A. Yes. Initially when I was at the laboratory I did
9 blood grouping, ABO blood grouping, and other enzyme
10 groupings as well.

11 Q. In your opinion is that test, if done properly, a
12 reliable test to use and then testify about at
13 trial?

14 A. Yes, if it's a reliable --

15 Q. If it's done properly. I'm assuming it's done
16 properly.

17 A. Yes.

18 Q. And you were a student of Paul Leland Kirk at one
19 point, is that correct?

20 A. Yes.

21 Q. Can you tell me how long you were a student of his?

22 A. I was at Berkley from 1960 to 1965, graduated after
23 five years. I was a student of his the last two
24 years, 1964 and '65.

25 Q. Were you aware of his work on the Sheppard case at

1 that time?

2 A. Yes, is the answer.

3 Q. And were you involved in any of the work he did on
4 the Sheppard case materials back in that time?

5 A. No.

6 Q. Can you describe the procedure for blood typing that
7 was in place back at the time that the Sheppard
8 murder took place in 1954? What was the technology
9 like for blood typing back then?

10 A. I can describe what it was in the '60s, which is
11 very close to that time. At that time blood
12 grouping was being performed on dry blood stains for
13 forensic purposes, mainly in the ABO blood group
14 system and some of the other what we call Antigen
15 systems, MN and RH. And they were a number -- a
16 couple of techniques were used. One was called
17 absorption inhibition and the other absorption
18 allusion.

19 Q. Now, for either one of those two techniques, does
20 the size of the stain matter when you're attempting
21 to conduct those tests?

22 A. Well, whether it's now or then, an adequate amount
23 of sample is needed. How much --

24 Q. That's my next question. Is there an estimate of
25 the dimensions of a blood stain that's like a

1 minimum you need to be able to go through all three
2 of those steps and finally be able to type that
3 blood?

4 A. Well, yes. My working requirement would be if you
5 can see the blood stain -- If you can see it, I
6 would attempt to -- it's at least possible to
7 attempt to do the blood grouping.

8 Now, whether it would be successful or not at
9 that time in the '50s or '60s -- you need less now
10 in 2000 than you did then. We're always trying to
11 push down the sample size and the amount needed, but
12 the question is so important to determine, if
13 possible, to distinguish that blood from somebody
14 else's blood or if it's human blood, that I would
15 attempt to do it if you can see it and I can't tell
16 you the amount weight-wise.

17 Q. Or even the dimensions of the stain as sat on the
18 surface?

19 A. Well, I would say if it's two millimeters or larger,
20 I would attempt to do it. I'm not saying I would be
21 successful. But if you don't attempt to do it, you
22 surely I think could be criticized of at least not
23 knowing if you could get results or not.

24 Q. Handing you what's been marked Defendant's Exhibit
25 1, can you identify that for the record, Mr.

1 Epstein?

2 A. This appears to be a copy of the report that I
3 issued on June 18th.

4 Q. Are all the pages there, just to make sure I copied
5 it properly?

6 A. It appears, yes.

7 Q. Before we get started discussing that, have you
8 reviewed that report prior to coming here today?

9 A. Yes.

10 Q. Do you know of any errors or typographical errors or
11 omissions that you'd like to mention, in your report,
12 before we get started?

13 A. That's in this report?

14 Q. Yes.

15 A. No.

16 Q. If you know of any. Okay.

17 A. I don't know of any.

18 Q. In addition to what you've listed in Exhibit 1 on
19 the first page and a little bit going over to the
20 second page of items that you reviewed --

21 A. Yes.

22 Q. -- are there any other items other than those listed
23 that you reviewed to create this report?

24 A. Not to create this report.

25 Q. After this report was issued, have there been

1 additional items that you have reviewed?

2 A. Yes.

3 Q. Could you list those for me?

4 A. Yes.

5 MR. GILBERT: We may even have a list
6 for you so you don't have to go over it.

7 MR. BOLAND: That's fine.

8 MR. GILBERT: It's still a work-in-
9 progress I should say.

10 MR. BOLAND: Off the record.

11 (Discussion had off the record.)

12 (Defendant's Deposition Exhibit No. 7
13 marked for identification.)

14 Q. (BY MR. BOLAND) Now, what's been marked as
15 Defendant's Exhibit 7, is that the list of the
16 additional documents you've reviewed since the
17 issuing of your report?

18 A. Yes. And I must say there's one other I thing that
19 I did not list here. After I was -- On October 5th
20 I was here to attend the exhumation of Marilyn
21 Sheppard and I received a number of reports that are
22 listed here, but I also received from Terry
23 Gilbert's office a statement, that was Sam
24 Sheppard's statement, I think it was on July 10th,
25 and I did not list that here.

1 Q. Would that have been his statement to the Sheriff's
2 at that time? What kind of statement are you -- Is
3 it a statement to law enforcement, I guess --

4 A. It was an interview. It was an interview that he
5 was interviewed for four or five hours of what
6 happened that day.

7 Q. And you reviewed that?

8 MR. GILBERT: That would be the
9 complete statement, not the redacted one
10 from 1966?

11 THE WITNESS: Correct.

12 MR. GILBERT: Right. I don't even
13 have a copy of the redacted one, do you?

14 MR. DEVER: Yeah.

15 Q. (BY MR. BOLAND) And you reviewed all this
16 information prior to coming here today?

17 A. Yes.

18 Q. Okay. Were you able, through your review of the
19 photographs, to calculate the size of any of the
20 stains at this crime scene, the Sheppard crime
21 scene?

22 A. Visually I could get an estimation. I did not spend
23 time calculating exact sizes of stains.

24 Q. So are you able to tell me how many stains at that
25 crime scene in your opinion could have been typed

1 with 1954 technology?

2 A. How many?

3 Q. The number of.

4 A. A great number of them could have been grouped.

5 Q. More than ten?

6 A. That are in the crime scene?

7 Q. Yes. Anywhere, on the stairs, in the murder room,
8 anywhere within the Sheppard crime scene. How many
9 blood stains that you identified as large enough in
10 your opinion to have been typed in 1954?

11 A. Well, a great number of them in the murder room --
12 meaning --

13 Q. Over 100?

14 A. In the murder room?

15 Q. Yes.

16 A. Yes. I'd say over 100 in the murder room that I
17 could see on the doors and on the bedding. And
18 these other stains that were throughout the house, I
19 would say that an attempt could have been made,
20 whether they would have been successful or not -- I
21 counted in the reports of Mary Cowan, et cetera, are
22 60 or more stains, and photographs revealed a number
23 of stains that were there. I would say at least a
24 half of dozen could have been attempted.

25 Q. Well, just to clarify the number. I understand what

1 you're saying about could have been attempted, but
2 I'm asking for the number that in your opinion could
3 not only have been attempted, but actually could
4 have been typed given their size. So that number is
5 over 100 though at least, is that correct?

6 A. Yeah. And mainly in the bedroom.

7 Q. Okay.

8 A. The stains throughout the house, a number of them
9 appear smaller. I don't know if they would have
10 been successful, but at least I'd say in the bedroom
11 on the door -- on the doors and on the bedding, yes.

12 Q. Have you ever been qualified as an expert in the
13 forensic use of DNA?

14 A. No.

15 Q. Have you published articles on the science of blood
16 spatter analysis?

17 A. I have written a manual on blood stain pattern,
18 which I've brought and I can give you a copy.

19 Q. Who uses the manual? Is it for colleges or law
20 enforcement?

21 A. It is for workshops that I have conducted with Terry
22 Labor, as well as workshops performed around the
23 country and internationally.

24 Toby Wolfson uses this workshop book to
25 conduct his workshops and people in Canada have used

1 it as well. I'd be glad to give that to you.

2 Q. This is a copy that we can have?

3 A. You can keep that.

4 Q. Okay.

5 A. And I have since -- There's been about four or five
6 reprints, but it's mainly a working manual to
7 conduct workshops, a one-week intensive workshop,
8 and the experiments to be done and how to actually
9 learn and interpret blood stain patterns.

10 I have presented a number of papers at society
11 meetings, including The International Association of
12 Blood Stain Pattern Analysis and many regional
13 associations; the California Association of
14 Criminalists, the Midwest Association of Forensic
15 Scientists.

16 I have not, however, published many articles.
17 I've written one other -- co-authored with an
18 attorney at William Mitchell Law School, an opinion
19 of legal and forensic science approaches to
20 different topics in criminalistics.

21 Q. Would that be the only article that you published on
22 blood spatter, the science of blood spatter
23 analysis, the one you co-authored with that
24 attorney?

25 A. No. I'd say this manual, but as far as technical

1 articles --

2 Q. Right. Putting the manual aside for a second. In a
3 forensic journal of some sort, has there been an
4 article that you've published on forensic --

5 A. No.

6 Q. -- science -- I mean on forensic blood spatter?

7 A. No.

8 Q. Have you ever written anything, an article, a
9 journal, et cetera, or presented a paper on the
10 drying time of blood and how it can be calculated or
11 not?

12 A. Yes.

13 Q. Where have you done that before?

14 A. It's in the back of that --

15 Q. It's in that manual?

16 A. Yes.

17 Q. Did you do experiments to make those calculations --
18 or to come up with the conclusions in that
19 manual as to drying time?

20 A. Yes.

21 Q. Is it your opinion that blood drying time can be
22 estimated or can be calculated?

23 A. Yes. You can -- Yes.

24 Q. Can you name me a couple of the titles of the
25 authoritative journals that would be in your field,

1 the names of them?

2 A. In blood stain patterns in particular?

3 Q. Yes.

4 A. There have been articles in the Journal of Forensic
5 Sciences, which is the publication of the American
6 Academy of Forensic Science. There is a newsletter,
7 which I'm on the editorial board of the
8 International Association of Blood Stain Pattern
9 Analysis that receives articles and reviews articles
10 and publishes them on blood stain patterns. There's
11 been articles on blood stain pattern in other -- I
12 believe the British Society as well, their journal
13 has had an occasional article.

14 Q. Let's talk a little bit about your connection in
15 particular to this case. When did you first hear
16 about the current re-investigation of the Sheppard
17 case?

18 A. Approximately -- I mean, I received -- It was right
19 after I retired, about in June of '98 or so, maybe
20 July, June or July. I received a phone call from
21 Marion Marzinski, who contacted me from PBS Nova
22 Productions.

23 Q. And what did he want you to do at that point?

24 A. He wanted to know if I might be interested in --
25 They were doing a documentary on the Sheppard case,

1 and he wanted to know if I might be interested in
2 participating. And that was the first I had heard.

3 He said he had gotten my name -- at least the
4 first I had heard there had been some current
5 anything to do with the Sheppard case. I mean, I've
6 known about the Sheppard case forever, as most
7 people in this field. And in fact have used his
8 affidavit in our workshops as a teaching model, if
9 you will. But that was the first time I had heard
10 about anything currently being done at all.

11 Q. And what was your role -- Let me start that over.
12 And you accepted the job as a consultant for Nova
13 then?

14 A. Yeah. I asked --

15 MR. GILBERT: Objection to that --

16 Q. (BY MR. BOLAND) Did you accept the offer from Mr.
17 Marzinski to participate in the Nova show?

18 A. Yeah. The word consultant -- He asked if I might be
19 involved, he had gotten my name from another
20 colleague and knew that I had had some connection
21 with Berkley and Dr. Kirk and that I had done a lot
22 of work in blood spatter, and they were trying to
23 get people that would be interested in participating
24 in this project and I said I would.

25 I asked about expenses and he said there was --

1 really there was -- they would pay my -- could pay
2 expenses, but that would be all they could. I mean,
3 if there was any traveling involved or I had to buy
4 anything to have for their filming, et cetera.

5 Q. Were you paid any fee beyond that for your
6 participation in the show?

7 A. No, I was not.

8 Q. Did you meet Terry Gilbert prior to your
9 participation in the Nova show?

10 A. No. I met Terry Gilbert -- There was a couple
11 meetings. I have some general dates. I thought of
12 it last night actually.

13 The Nova people, Marion Marzinski came to St.
14 Paul in August of '98 and we did some filming. I
15 made some arrangements at the state crime lab to do
16 some filming there and then a day or two later there
17 was filming done here in Cleveland, and I came here
18 to do some filming here and it was at that time that
19 I met Terry Gilbert for the first time.

20 Q. You had not spoken to him on the phone prior to that
21 either?

22 A. No.

23 Q. What did he tell you about this case when you met
24 him?

25 A. He indicated -- I mean, there was a number of people

1 here, they were building a set and they -- he
2 indicated to me that they -- he was a -- potentially
3 he and Sam, Jr. were going to be proceeding down the
4 line with a possible civil action in this case.

5 Q. When did you first meet Cynthia Cooper?

6 MR. GILBERT: Objection. Improper
7 foundation. How do you know he --

8 Q. (BY MR. BOLAND) Did you ever meet Cynthia Cooper?

9 MR. GILBERT: That's the right
10 question.

11 A. Yes.

12 Q. (BY MR. BOLAND) When was that?

13 MR. GILBERT: You want to follow the
14 rules, you guys always keep saying follow
15 the rules, I'm going to make you stick to
16 that.

17 A. I don't believe it was at that time, but there was a
18 second time I came back, I think a month later
19 about, when all the different experts and people
20 involved in some of the filming were all here at one
21 time, and I believe it was then in September.

22 Q. (BY MR. BOLAND) September of '98 are you referring
23 to?

24 A. Yeah.

25 Q. And all the experts got together here in Cleveland,

1 are you saying?

2 A. Well, I don't know if it was all the experts, but
3 there was --

4 Q. A group of you?

5 A. A group. And you've seen the Nova Production, there
6 was a lot of people around a table and they wanted
7 to do some filming with a lot of different people
8 there.

9 Q. And you met her at that time?

10 A. Yes.

11 Q. What did she tell you about this case?

12 A. All the experts were telling things -- all sorts of
13 things, but what she said -- I wasn't focusing on
14 very much, but she -- I mean, that's the first time
15 I ever knew there was a person by the name of
16 Eberling, that there was a person that was in jail
17 for another homicide, and -- I can't remember
18 specifically -- she didn't tell me specifically
19 anything. I mean, there was different interviews
20 being filmed. I don't know specifically what you're
21 referring to.

22 Q. And you mentioned Sam Reese Sheppard, so I assume
23 you met him before?

24 A. Yes.

25 Q. When did you first meet him?

1 A. It was one of those times I came here to Cleveland
2 for the filming, either August or September of '98.

3 Q. Did he give you his opinion about the Sheppard case
4 when you met him?

5 A. Well, it was clear -- I mean, through casual
6 conversation that he believed that his father had
7 been wrongly accused in this case and he would like
8 to vindicate his father's name. I mean, I can't --
9 that's the general content of any conversation. I
10 can't remember any specific comments.

11 Q. For the work that you provided in this case, the
12 issuing of Defendant's Exhibit 1, the report, et
13 cetera, and your testifying here today and at the
14 trial, what was your fee arrangements for that work?

15 A. I'd say it was about in March of 1999 I had an
16 official conversation with Terry Gilbert, who said
17 now that we're going to go forward with this case,
18 would you be willing to participate in the legal
19 matter. I asked what fees are available. He said
20 the family has no money to pay fees and they'd be
21 willing to pay -- I said how about travel, and
22 they'd be willing to pay travel and stuff, they just
23 have no money. I said that will be fine. I will do
24 this work pro bono. I will not charge a fee. And
25 that is the working relationship right now. I will

1 not charge a fee in this case.

2 Q. And why did you decide not to charge a fee?

3 A. Well, for two reasons. One is that there was no
4 money available and second, is in this particular
5 high profile, historically important case, I felt on
6 a personal level that I could contribute. I was
7 willing and now had time to do that and I am willing
8 to do that for no fee. It also takes away any
9 contention that I'm doing it for money purposes.
10 I'm not at all.

11 Q. Have you worked on other cases pro bono prior to
12 this?

13 A. One other case.

14 Q. When was that?

15 A. It was about -- I can't tell you exactly, maybe 15
16 years ago. It was for a medical examiner from the
17 Minneapolis, St. Paul area were contacted by Amnesty
18 International to work on a case in Mexico City, and
19 they'd fly us down there to observe some material
20 and they couldn't pay any fee, and it was a few days
21 involved evaluating some materials. So that's the
22 only other case I've been involved with pro bono.

23 Q. Is it your expectation to be paid if the Plaintiffs
24 win a recovery in this case?

25 A. Not at all.

1 Q. And are you willing to accept money if they offer it
2 to you if they recover in this case?

3 A. I do not plan to accept any money in this case.

4 Q. Do you have any idea how many hours you spent
5 working on the case?

6 A. I was going to tally that up. A lot of hours. I'd
7 say 100 to 200 hours.

8 Q. Have you kept a log as you went along of the time
9 you spent?

10 A. No. I may have made some notes in certain -- but I
11 have not kept an accurate log.

12 Q. Have you kept a correspondence file of the letters
13 and faxes that have gone back and forth between you
14 and other people involved in this case?

15 A. I have some of those in my home. Yes.

16 Q. And have you kept a journal, aside from logging
17 times, just a journal of the different things that
18 you have done throughout your participation in this
19 case?

20 A. Yes.

21 Q. And you have a copy of that back at home as well?

22 A. Yes.

23 Q. Okay. Have you kept a news clipping file whenever
24 you come across articles of this current
25 re-investigation of the case?

1 A. No.

2 Q. This report, Defendant's Exhibit 1, is that the only
3 report you produced, or were there other drafts of
4 the report?

5 A. There was an initial draft that I made a few days
6 before this.

7 Q. Do you still have a copy of that draft?

8 A. I may at home. Yes.

9 Q. Did anyone review that draft?

10 A. Yes.

11 Q. Who did?

12 A. Terry Labor.

13 Q. Anyone else?

14 A. Terry Labor reviewed it and then I made some
15 modifications and sent it off to Terry Gilbert.

16 Q. So Mr. Labor is the only one who reviewed the first
17 draft?

18 A. Yes.

19 Q. And Defendant's Exhibit 1, is that the typical
20 report format that you use in your work?

21 A. Yes.

22 Q. Okay. Are you aware that there have been news
23 conferences and television programs other than Nova
24 about this case?

25 A. The only ones I was aware of is down here at the

1 exhumation, that news conference that day. I
2 presume because of this type of case, there's been
3 many, but I'm not aware of any specifically.

4 Q. So other than Nova, have you participated in any
5 television shows connected with this case or news
6 conferences?

7 A. No.

8 Q. When you participated in Nova, were you given a
9 script of what to say?

10 A. No.

11 Q. Did you discuss your participation in Nova prior to
12 the filming with anyone, Terry Gilbert, Sam Reese
13 Sheppard, Cynthia Cooper, those three people? Did
14 you discuss it with them before you actually got on
15 the camera?

16 A. No.

17 Q. Okay. Have you read articles about this
18 re-investigation since you've been involved in it?
19 I asked you before had you been saving them in a
20 file, but now I'm just asking have you even read
21 them?

22 A. I may have read something after the exhumation, the
23 day after the exhumation.

24 Q. But that's it?

25 A. Yeah. That was -- That's all that I've read.

1 Q. Have you made any public statements about this
2 current re-investigation phase of the case other
3 than Nova?

4 A. I have mentioned this in some lectures to first
5 students at St. Cloud State, and at the University
6 of Minnesota I gave a lecture on blood spatter and
7 concluded with, you know, Cleveland, 1954, revisited
8 and made some comments on my involvement in the
9 case. They were no more than probably what's in
10 this report.

11 Q. But those comments were not made to a newspaper
12 reporter or a television station?

13 A. No.

14 Q. Have you provided other people involved in this case
15 information about how to comment on the blood
16 spatter evidence?

17 A. I don't understand.

18 Q. Have you communicated with, for example, Terry
19 Gilbert and said, Okay, here's what you should say
20 about the blood spatter if you comment in the media?

21 MR. GILBERT: Objection.

22 Q. (BY MR. BOLAND) Or anyone else, have you given --

23 A. No. I mean, if I'm understanding your question,
24 have I given them words to say, no. I've answered
25 questions or tried to explain what this meant with

1 respect to interpreting it, but I've never said,
2 Say this, this, and this.

3 Q. Let's talk about the Nova broadcast. Did you see
4 the broadcast of that show?

5 A. Yes.

6 Q. Were you given a pre-broadcast copy of the show on
7 videotape prior to it being aired?

8 A. Of the one that was shown?

9 Q. No. Not the one that was shown, but were you given
10 a videotape from the Nova producers prior to it
11 going on the air, which was a pre-broadcast copy of
12 it I would say.

13 A. I was not given a pre-broadcast version of the one
14 that was observed. No.

15 Q. And can you -- You might have answered this one
16 already, but if you would indulge me one moment, can
17 you tell me again when your portions of that show
18 were filmed, the approximate month and year?

19 A. August of 1998 in St. Paul and Cleveland. September
20 of 1998 in Cleveland. January of 1999 in St. Paul.
21 And June of 1999 in Boston.

22 Q. Now, do you recall what portions of your
23 presentation on the Nova show were filmed at these
24 various times?

25 A. In general, yes.