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Thereupon GERVASE CHARLES FLICK resumed
the stand and was examined and testified further,
as follows:

CROSS EXAMINATION (CONTINUED)

By Mr. Parrino:

Q Now, on the 6th, at the time the second film was taken of
Dr. Sam's neck, was that from a lying position or from a
standing position that that film was taken?

A Sitting, I think.

Q Does it so state in your report, Doctor?

A I think it is written on the films. I think it is written
on the films. Oh, the second time -- the one with the
white streak?

Q Yes.

A "Patient's neck cleaned with a " -- oh, no. Second 72-inch
film of the lateral neck. "Patient erect." That may have
been standing, I don't know.

Q So he was standing?

A Yeah.

Q As to the third film, was he lying, sitting or standing,
do you know?

A Well, as a matter of fact, the one I just read to you was
the third film.

Q Well, how about the second one?

A The second film, "Lateral neck, patient erect, coned down at 72-inch distance. There is evident a white streaking through the film which detracts from its value. This film does not show findings interpreted on the previous film as a chip fracture of the spinous process of C-2."

Q Well, Doctor, my question is: Was he standing, sitting or lying down?

A It says "Patient erect."

Q How was he? Don't your records show other than "Patient erect"? What does that mean?

A It means that his trunk was vertical.

Q And it doesn't say then if he is sitting or standing?

A No, it doesn't say.

Q As to the second X-ray of his neck, at what distance was that X-ray taken?

A That is after he was cleansed with alcohol?

Q The second picture was taken -- well, let's put it this way:

The first picture that was taken on the 6th.

A The first picture that was taken on the 6th?

Q Yes.

A Was 72 inches, patient erect.

Q As to the second picture taken on the 6th, what was the distance?

A Second, 72 inches. Film on the lateral neck. Patient erect.

Q Now, referring to the picture taken on the 4th, was the patient, according to your records, lying, sitting or standing when that was taken?

A He was supine.

Q Where does that say that on your report?

A No, it doesn't say.

Q It doesn't say, does it?

A No.

Q Does the report on the 4th as to the picture that was taken on the 4th, does that report tell you the distance at which that picture was taken of the neck?

A No, I don't think it does.

Q Do you know at what distance the picture of the neck was taken?

A Yes.

Q At what distance?

A 36 inches.

Q Now, you say that the pictures that were taken on the 6th were both taken at 72 inches, right?

A That's right, yes. That's right.

Q Now, is there any technical reason why you did not have the pictures on the 6th taken at 36 inches again, please?

A Yes. They ignored my -- Huge didn't take the second picture. Dr. Kerner -- or Mr. Kerner took the second picture and took it at 72 inches.

Q Now, we are referring now to the first X-ray or the first picture of the 6th, aren't we?

A Yes.

Q Did you give instructions that that picture was to be taken at any specific distance?

A Yes. I asked for it at 36 inches. I didn't write them. As a matter of fact, I thought until I measured them -- when Dr. Gerber came in and Dr. Elkins measured them and saw that they were smaller, and then I knew that they hadn't taken them the way I wanted them.

Q So then, as to the first pictures that were taken on the 6th, you gave instructions for those pictures to be taken at 36 inches, is that right?

A Yes.

Q And that wasn't done?

A That's right.

Q Now, then, after you found that there was some artifact or defect in those first pictures of the 6th, you wanted another set of pictures taken, right?

A Yes.

Q Of the neck?

A Yes.

Q And did you again give instructions that those pictures were to be taken at 36 inches?

A No. I assumed that the first one was taken at 36 inches.

Q So then we have -- you have no pictures in your possession that were taken at the same distance that the first pictures were taken, is that right?

A That's right. The first ones were taken at 36 inches.

Q Now, to summarize your findings as to those pictures, Doctor, would you state to me whether or not this is a correct summary of what you found --

MR. CORRIGAN: I object.

THE COURT: Oh, let him summarize it.

Q As to the pictures, or as to the picture of the neck that was taken on the 4th, there was what you thought might perhaps be a fracture of the spinous process in the second cervical vertebra; as to the first picture that was taken on the 6th, there was an artifact, so you could not accurately read that picture --

A Because --

Q Just a moment. As to the third picture that was taken on the 6th --

MR. MAHON: Second on the 6th.

Q As to the second picture that was taken on the 6th, you found no evidence of fracture any place on the neck, isn't that right?

A That's right.

MR. PARRINO: You may inquire.

REDIRECT EXAMINATION OF GERVASE CHARLES FLICK

By Mr. Corrigan:

Q Dr. Flick, in the first picture that was taken on the 4th of July, that was taken by a technician named Mrs. Huge?

A That's right.

Q The distance was 36 inches?

A That's right.

Q And Dr. Sam was lying down?

A He was supine.

Q And when you examined that film, after you pondered over it and examined it, you found a chip fracture, didn't you?

A That's what I -- that was my conclusion and that's the way I wrote it.

Q And that shows on the film?

A Yes.

Q You also found, did you not, between the fifth and sixth cervical vertebrae some evidence of bony deposits that showed on that film of July the 4th?

A Yes. What I call -- I think I called it bridging.

Q Bridging. Now, you tell the jury what that is, so they will understand what that was on the 5th and 6th cervical vertebrae.

A Well, the borders of the bodies start shooting out little bony spikes. The sixth shot its spike out and up. The

fifth shot its spike out and down, so that there was practically bridging. That's what we call bridging. They go out and up.

Q That was a building of bony deposits?

A That's what is called an osteophyte, and an osteo means bone and phyte means a plant, an excrescent.

Q And that takes some time to develop, doesn't it?

A Oh, yes.

Q Is that what causes arthritis?

A Well, it is a manifestation of the groundwork of an arthritis.

Q And you found that present in this film of July the 4th?

A That's right.

Q And you determined that that was the result of something that occurred a long time ago?

A Well, frankly, it isn't -- I thought he got it hurt playing football.

Q Now, then, when the second films were taken on the 6th of July, it was a different technician, wasn't it?

A Different technician and different technique.

Q On those particular films, the films were taken with the body erect --

A Trunk erect, at least.

Q And the distance was 72 inches?

A That's right.

Q Now, in examining those films of July the 6th, the two films that were taken on July the 6th, do you find any evidence on those films of the bony deposit that you found on the film of July the 4th?

A No, none at all.

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Q Now, then, does it occur in the taking of X-rays that you will get one result from one sort of technique and another result from another technique?

A It certainly does.

Q And can you explain that to the jury, and have you had experience in that occurrence, in occurrences of that kind?

A Yes, I have.

Q Will you tell the jury?

A Well, as I said this morning, you take your fractures where you find them because very often you have what you call hidden fractures. I have in mind the one I took the day before yesterday. I took a child's leg. On the first film it didn't show at all; on the second film it showed a fracture.

Q Yes. Now, although the film did not show a fracture in the first instance, the child still had a broken leg, didn't it?

A Yes.

Q Now, then, you were asked the question by Mr. Parrino in regard to the fracture that appeared on the spinous process, and he stated, "That that of itself is not serious, is it, Doctor?"

And your answer was, "No."

Do you have anything to add to that?

A Well, I did, I think, at that time. The thing of itself is just a piece of bone knocked off of there, but the position of that chip would mean that the blow had to hit it at right angles, and you don't know how much jar there might be to a nerve or to the spinal cord; and, of course, that's only speculation for me, but it had to be a pretty violent blow hit from a certain direction.

MR. PARRINO: If the Court please, let's not have the doctor speculate on these things.

THE COURT: Yes.

Q But you do know this, Doctor: That in order to chip a bone or a piece of bone off the spinal column, it requires force?

A Yes.

Q And what type of force?

A Well, mechanical force.

Q Of what type of -- how heavy a blow?

A Well, a pretty heavy blow, I would think.

MR. CORRIGAN: That is all.

RECROSS-EXAMINATION OF DR. GERVASE C. FLICK

By Mr. Parrino:

Q But, Doctor, after this third -- withdraw that.

After the second picture was taken on the 6th from

a distance of 72 inches, and you found that there was no evidence of any fracture on the neck, you did not order another picture of that neck taken from a distance of 36 inches, did you?

A No, I did not at that time, as I told you before.

Q Now, Doctor, referring to this hospital record, on Page 25, is this your report, sir?

A That's my writing.

Q Now, when was this report made? What is this date up here, please? What does that represent?

A 7-7.

Q And is that the date on which this report was made?

A The date 7-7 should read 7-6.

Q Well, on what date was this report made, then?

A Well, this is it, it was made on the 7th -- it was made on the -- it apparently was made on the 8th, but it should read up here 7-6. This means the films were taken on the 6th, which would be Tuesday.

Q Yes.

A But the report was made on the 8th, which was Wednesday. That is, that's when the girl put it down.

Q But on the 6th -- withdraw that.

It was on the 6th, was it not, that you knew that the second and third pictures were taken from a distance of 72 inches, isn't that correct?

MR. CORRIGAN: I object. That has been gone over about a dozen times.

MR. DANACEAU: Not that specific question hasn't been.

THE COURT: Let him clear it up. There is so much of it that it is rather confusing.

A Say that again.

Q What?

A Say that again.

Q It was on the 6th after the second and third pictures were taken that you knew that those pictures were taken at a distance of 72 inches, isn't that correct?

A Let's see. Let me see that.

Well, I don't know. I found it out when I was conferring with Dr. Gerber and Dr. Elkins, because I noticed that when we put them all up there together, the one was smaller, and I measured them in front of them and saw that this was --

Q Doesn't your report here of the 8th specifically state:

"Lateral neck: Patient erect, come-down at --"

A Cone.

Q Comb?

A Cone; put a small spot on it.

Q Well, there's a letter missing from that word, then?

A Oh, yes, that's an "m" instead of a "n".

Q It's "cone-down at 72 inches"?

A Yes.

Q Well, you knew at that time, did you not, that the pictures were taken at 72 inches on the date that this report was made, July 8th, 1954?

A Yes. I wrote it on the 8th.

Q Yes. On what date did you make this entry here, "the date 7-7-54 should read 7-6-54, G.C. Flick, D.O."? What date did you write that?

A I wrote that on the 8th.

Q All right. So that on the 8th you did read this report and determined that the date up here was wrong, so you corrected it?

A Yes.

Q And then in reading the report, you knew that those X-rays of the 6th were taken at a distance of 72 inches?

A Yes, and I knew it on the 8th.

Q Yes, that's right.

A I knew it on the 8th.

Q All right.

MR. PARRINO:

That is all.

MR. DANACEAU:

Wait a minute, Tom.

MR. PARRINO:

That is all,

Doctor.

MR. CORRIGAN:

That is all.

Thank you, Doctor.

THE COURT:

Thank you,

Doctor.

(Witness excused.)

MR. GARMONE:

Call Mr. Benjamin.

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