

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF MENDOCINO

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

vs.

PETER RICHARD KEEGAN,
Defendant.

_____ /

INDICTMENT - VOLUME V
Pages 498 - 716

Reporter's Transcript of
Grand Jury Indictment Proceedings
Held on Tuesday, August 8, 2017.
Reported by Anne Ramirez, C.S.R. 6186.

APPEARANCES OF COUNSEL

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WITNESS INDEX
(Chronological)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

VOLUME V

PAGE

PETER RICHARD KEEGAN

Examination by Mr. Stoen

502

A. JAY CHAPMAN, M.D.

Examination by Mr. Stoen

641

ANDREW ALVARADO

Examination by Mr. Stoen

692

GRAND JURY EXHIBITS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

VOLUME V		IDENTIFICATION	RECEIVED
16	Susan Keegan e-mails and resume from October/November 2010	690	702
17	A. Jay Chapman, M.D., Case Review received 3/31/15	650	702
26	Peter Keegan letter to AVA dated 2/11/11	589	702
43	Peter Keegan's submission of Susan Keegan pre-2002 poem and diary entries	505	702
45	Peter Keegan's "Exculpatory" e-mail received 8/7/17	555	702
46	A. Jay Chapman's glossy photos	655	702

EXHIBITS MARKED FOR RECORD ONLY - NOT EVIDENCE

31	Grand juror written questions asked of witnesses		
32	Grand juror written questions not asked of witnesses		
44	Peter Keegan's submission of e-mail not found admissible - page 505		

1 (Proceedings held on Tuesday, August 8, 2017.)

2 - - -

3 MR. STOEN: Do you want to take the roll,
4 Madam Foreperson, at your convenience.

5 JURY FOREPERSON: Yes.

6 (Roll call taken; all jurors present.)

7 MR. STOEN: Can you please declare everybody
8 is present, if they are.

9 JURY FOREPERSON: Everybody is present.

10 MR. STOEN: Okay. Our first witness will be
11 Dr. Peter Keegan.

12 THE REPORTER: Will you raise your right hand.

13 - - -

14 PETER RICHARD KEEGAN

15 Called as a witness, having been sworn, testified as
16 follows:

17 - - -

18 MR. STOEN: Good morning, sir. Will that
19 chair be comfortable enough for you?

20 THE WITNESS: I'll give it a try.

21 MR. STOEN: If it's a problem, let me know.

22 THE WITNESS: I have extra cushions I brought.

23 THE REPORTER: Will you please state your name
24 and spell it.

25 THE WITNESS: Peter Richard Keegan.

1 P-e-t-e-r, R-i-c-h-a-r-d, K-e-e-g-a-n.

2 MR. STOEN: Dr. Keegan, could you speak so
3 that you can speak to the last row here or should we
4 move the chair forward?

5 THE WITNESS: I can reach the last row.

6 JURY FOREPERSON: Grand Jury proceedings and
7 investigations are secret. You are therefore admonished
8 on behalf of the Mendocino County Superior Court and the
9 criminal grand jury not to disclose your grand jury
10 subpoena or your grand jury appearance to anyone and not
11 to reveal to any person any questions asked or any
12 responses given in the grand jury or any other matters
13 concerning the nature or subject of the grand jury's
14 investigation which you learned about by your grand jury
15 subpoena or during your grand jury appearance, except to
16 your own legal counsel. This admonition continues until
17 such time as a transcript of the grand jury proceeding
18 is made public or until disclosure is otherwise
19 authorized by the Court or by operation of law.
20 Violation of this admonition is punishable as contempt
21 of court.

22 - - -

23 EXAMINATION

24 Q (BY MR. STOEN) Good morning, Dr. Keegan.

25 Dr. Keegan, you are appearing voluntarily in

1 this grand jury proceeding based on an invitation to
2 appear; is that correct?

3 A Yes.

4 Q And you are not appearing based on a subpoena;
5 is that correct?

6 A Yes.

7 Q And you realize that the accusation that's
8 being considered against you is second degree murder of
9 Susan Keegan on November 10 or 11, 2010? Do you realize
10 that that's the accusation that is being considered here
11 at this proceeding?

12 A I know that now.

13 Q Okay. And do you realize that what you say on
14 the witness stand today may turn out not to be in your
15 legal interest, but you are appearing on the witness
16 stand anyway?

17 A Yes. My attorney has clearly advised me not
18 to do this, but I want to.

19 Q Okay. Now, based on my invitation to submit
20 exculpatory evidence, you have arranged to have
21 submitted to me by e-mail 16 pages of documents that
22 were not numbered in sequence; is that true?

23 A I don't know the number of pages that were
24 sent to you.

25 In addition to sending you documentation, I

1 gave you lists or people who should be subpoenaed to
2 provide additional evidence about the situation, and I
3 specifically asked that exculpatory evidence include
4 Susan's e-mails, which I think go to her state of mind
5 before she died.

6 Q Okay. We'll go into some of that in a little
7 bit, but before I proceed -- and I want to do this step
8 by step.

9 The documents that I referred to that you
10 sent -- that I received by e-mail are in this set here,
11 and I'd ask you to just page through them and tell me if
12 those are the documents you wanted to have me look at.

13 A Yes. I would like you to look at these
14 documents and I'd like for all the members of the grand
15 jury to look at these documents.

16 Q We'll get to that, too.

17 Now, I would represent to you, by my own
18 count, there's 15 pages here. There was a sixteenth
19 document that you submitted which I have identified as
20 number 44, which I am not going to admit because it
21 doesn't meet the standards of the evidence code. So I'm
22 stating that on the record.

23 We will go into these 15 pages that I showed
24 you, but not a certain e-mail that you wrote to Norm
25 Rosen on October 28th. That will not be admitted. And

1 that's my decision, just so you know.

2 A Okay.

3 (Exhibit 44 was identified; not received.)

4 Q (BY MR. STOEN) Now, I'm going to have you
5 just hold onto these as I ask you things, and you can
6 take them apart, maybe keep them within paper clips, if
7 you so choose, as I ask you about them.

8 A Yes.

9 Q They are marked as People's Exhibit 43. And
10 for purposes of this hearing, Doctor, and if you wish me
11 to change it, I'll be happy to, I'm characterizing these
12 documents as diary entries, even though one is a poem.
13 And I'm hereby showing them to you and asking you if
14 these are documents you are asking the grand jury to
15 consider.

16 A Yes.

17 (Exhibit 43 was identified.)

18 Q (BY MR. STOEN) Now, if you look at the first
19 three exhibits which I've marked 43-A, 43-B, and 43-C at
20 the bottom, is it true that they are three typewritten
21 pages of an undated poem --

22 A Yes.

23 Q -- of someone appearing to talk to herself?

24 A Yes.

25 Q And did you reference this poem in an e-mail

1 to Karyn Feiden as a poem from Susan that was written in
2 2001? Would that be fair to say?

3 A I don't remember what date I said that it was
4 written by Susan.

5 Q Okay. I'm going to show you what's marked as
6 exhibit -- People's Exhibit Number 20, and in that is an
7 e-mail which allegedly is from you, Doctor.

8 So I'm going to show you a two-page e-mail,
9 which are pages 7 and 8 of that particular Exhibit
10 Number 20, ask you to take a look at it, and tell me if
11 this is an e-mail that you sent to Karyn Feigan (ph) on
12 the date in question.

13 A Her name is Karyn Feiden.

14 Q Pardon me?

15 A Her name is Karyn Feiden.

16 Q Did I -- okay, sorry.

17 A Yes, this is an e-mail that I sent to Karyn
18 Feiden.

19 Q Now, in that e-mail do you reference the poem
20 that is People's Exhibit Number 43-A, B, and C in that
21 e-mail?

22 A I do.

23 Q And did you state in that e-mail to Karyn
24 Feiden that the date of that poem is 2001?

25 A Yes.

1 Q And is that your understanding to this date as
2 what the date of that exhibit is, 2001?

3 A No. That was probably an estimation of when
4 in her life this -- this would have been written, but
5 there's no way I would know what particular date she
6 wrote that.

7 Q So why would you put in 2001 as an estimated
8 date?

9 A Just to provide context to her.

10 Q Okay. Thank you, sir.

11 Could it have been written before 2001?

12 A Yes. And it could also have been written
13 after 2001. I have --

14 Q But you have no -- I'm sorry, go ahead.

15 A And I -- I want to just reference that in --
16 in this poem, I call it a poem of self-loathing because
17 it's --

18 Q Now, before we --

19 A Well, let me just finish the point.

20 She references being a -- a drug addict, and
21 she became a drug addict in the two thousands. So I
22 wouldn't say that she wrote this in the 1990s because
23 she didn't have a drug addiction problem.

24 Q Okay.

25 A So -- so sometime in the -- in the 2000s, and

1 it could have been after 2001.

2 Q Okay. Now, I'm going to go over each of these
3 documents, Doctor. Then I'm going to ask you, do you
4 want to read them into the record or do you want me to
5 submit them to the grand jury to consider in their
6 deliberations. What do you prefer?

7 A For each document -- could I make a decision
8 on each document whether I read it or --

9 Q You certainly may.

10 A Yes.

11 Q Okay. Now, we'll cut now to the next 43-D.
12 Do you see a document --

13 A Excuse me, I wanted to ask a question. So the
14 document you just showed me that I reviewed, will the
15 grand jury review that document and see the information
16 that's in that or do I need to say out loud the context?

17 Q No, you have that choice. I'm giving you that
18 choice.

19 A Okay.

20 Q If you prefer not to read it aloud, you don't
21 have to. It will go into the grand jury as an official
22 exhibit for them to read, if you choose.

23 A Okay.

24 Q You have a choice.

25 A Okay. So -- so the document you just gave me

1 I would like to have entered into evidence because it
2 explains somewhat how I discovered the -- this -- the
3 information. And, with your permission, I'd like to
4 verbally say how it is I came across this information.

5 Q Well, we're going to get to that. Okay?

6 A All right.

7 Q Right now -- you don't have to make a decision
8 right now how you want to proceed on that. I'm telling
9 you that these are going to be accepted as official
10 pieces of evidence in this proceeding. Everyone --
11 everything in your hand is going to go into evidence and
12 has been marked as Exhibit 43.

13 A Correct.

14 Q Do you understand that?

15 A Yes.

16 Q Okay. Now, the next one, the fourth page
17 there, it's a one-page handwritten of an apparent diary
18 with a date at the top of December 30th, 1996; is that
19 correct?

20 A Yes.

21 Q And then the next exhibit is five handwritten
22 pages of an apparent diary with a date at the top of
23 December 31, 1996; is that correct?

24 A Yes.

25 Q And Exhibits 43-J through L, which are three

1 handwritten pages of an apparent diary, has a date at
2 the top of the first page of January 2, 1997; is that
3 correct?

4 A Three pages, yes.

5 Q And then the next page is 43-M, which is a
6 one-page handwritten listing of names and relationships;
7 is that correct?

8 A Yes.

9 Q And then the final two pages are two
10 typewritten undated pages of an apparent diary. Do you
11 see that?

12 A Yes.

13 Q Do you have any idea when those two pages may
14 have been prepared or authored?

15 A No. The only clue is a reference to "taught
16 my two classes," and she was teaching at the Mendocino
17 Community College in the 1990s and 2000s.

18 Q Okay. Now, Doctor, I'm going to show you an
19 e-mail that apparently you sent to Karyn Feiden on
20 December 23. I want you to take a look at it and tell
21 me if you did send that e-mail to her on that date.

22 A Yes.

23 Q Now, in that document it says -- Karyn Feiden
24 apparently asked you if she could read these e-mails and
25 these diary entries; is that correct?

1 The preceding request was to look at these
2 diaries; is that correct?

3 A I don't know if that was the previous request.

4 Q Okay. Well, what I'd like you to do is just
5 read the first sentence into the record and tell me if
6 that in fact was what your thinking was at the time.

7 A First sentence says, "Too late."

8 Q Then the next sentence, please.

9 A "Already had the cleansing burning that Linda
10 and I agreed was needed."

11 Q And is there a date in there that you
12 reference?

13 A The date on the e-mail is December 23rd, 2010.

14 Q Okay. Now, in that first -- the second
15 sentence there, could you just read the -- did you --
16 let me read it and see.

17 Did you say, "I saved only the complete entry
18 from April 1978, a few choice individual pages, and the
19 three-page poem of self-loathing"? Is that a statement
20 you made to Karyn Feiden on that date?

21 A That's what I wrote in her e-mail, yes.

22 Q Now, is that a true statement?

23 A No.

24 Q Why would you not make a true statement to
25 her?

1 A I didn't want to reveal the diaries to her, I
2 wanted to keep them private, and so I told her that I
3 burned them.

4 Q Okay. And why would you put in a date of
5 April 1978? Which document in that set that I showed
6 you was prepared in 1978?

7 A None. None of those documents.

8 Q Then why would you reference 1978?

9 A There was a -- a diary journal where Susan --
10 in April of 1978, which was two months after we were
11 married, where she was referencing Karen. And there
12 were several Karens in her life, so I had asked Karyn
13 Feiden if that was a period of time when she was in San
14 Francisco.

15 Susan and Karyn had a relationship throughout
16 their lives, extensively when they were children, but
17 there was a period of several months when Karyn worked
18 in San Francisco when Susan and I lived there, and they
19 bonded during that period of time. So I was asking if
20 she was in San Francisco in April of 1978 to see if she
21 could be the Karen that Susan was referring to, because
22 there were other Karens in Susan's life.

23 Q Maybe I didn't make my question clear. I'm
24 trying to understand why you say -- you said the
25 following: "I saved the" -- "I saved only the complete

1 entry from April 1978."

2 Is that true that you only saved one complete
3 entry, and that was from 1978?

4 A No, that is not true.

5 Q Did you submit in these documents, these 16
6 pages, that particular entry from April 1978?

7 A No.

8 I would -- I would -- I would like to add that
9 those diaries were completely reviewed by
10 representatives from the district attorney's office
11 at -- at my lawyer's, and I was told that nothing in
12 those diaries was relevant because they were too dated.
13 So you have or your associates have reviewed those
14 diaries and they're still sitting at my home.

15 Q And isn't it fair to say that none of the
16 diaries that the district attorney's representatives
17 were allowed to see were more recent than 2001?

18 A I -- yes, I think that's correct.

19 Q Okay. Thank you, sir.

20 Now, who do you attribute the author of these
21 15 pages in Exhibit 43 to be?

22 A Susan Keegan.

23 Q And who is -- and who is Susan Keegan?

24 A Susan Keegan is my first wife, who I was
25 married to for 34 years.

1 The documents, the handwritten documents,
2 those are clearly Susan's handwriting, and people can --
3 who know Susan can recognize that those are written by
4 Susan because they're hand -- handwritten documents.

5 Q Now, did Susan Keegan ever tell you about
6 these diary entries, these 15 pages?

7 A No.

8 Q Do these diary entries appear to you to be
9 entries that Susan Keegan intended to keep secret to
10 herself?

11 A Yes and no. And may I explain that answer?

12 Q Pardon me?

13 A I said yes and no.

14 Q Okay.

15 A May I explain that answer?

16 Q Did she ever discuss them with you?

17 A No.

18 I asked you a question. May I explain why I'm
19 saying that?

20 Q Yes, you certainly may.

21 A Okay. So in her diaries she at one point
22 says, "I hope this is read by future people, future
23 generations."

24 Q Do you recall where that diary entry is?

25 A It's in the two -- two volumes that are at my

1 home.

2 Q Are those still in existence?

3 A Yes.

4 Q Are they in your possession?

5 A Yes. And they've been reviewed by your -- by
6 your staff.

7 Q Okay.

8 A I want to say "no" because these documents
9 were well hidden.

10 And I'm going to explain a slightly
11 complicated story that's written down in -- in -- in the
12 evidence the grand jury can review, but I'd like to say
13 it verbally because it's a bit convoluted and I want to
14 make it clear.

15 Q Okay. Please proceed.

16 A Thank you.

17 So after Susan died, I received notification
18 from the social security department that I was entitled
19 to a death benefit and I needed to go to the social
20 security department. This was in the early part of
21 December, about a month after Susan had died. So I went
22 to the social security department and I was told, oh, to
23 get the death benefit of \$255 you have to produce your
24 marriage certificate. So -- which is not true as it
25 turns out. That information is absolutely incorrect.

1 So I went home to our file cabinets where I
2 thought the marriage certificate would be -- would be
3 found, and I proceeded to go through the file cabinets.
4 And I never found a death certificate (sic), but there
5 was one drawer that was clearly full of Susan's stuff.

6 Susan was a teacher at the Mendocino Community
7 College and taught several classes. And in one file
8 cabinet there was a large section devoted to her
9 curriculum for introduction to Shakespeare and there was
10 another large section of documents she used teaching
11 business accounting and then another large section
12 relating to introduction to English, which she also
13 taught. So while I'm going through my file cabinets,
14 I'm throwing things out. These cabinets haven't been
15 looked at in -- in years, and I'm looking for the -- the
16 marriage certificate.

17 I get to the very end of this cabinet full of
18 Susan's stuff and there's a thin file that's marked
19 "Susan". And when I pulled that out, that's where this
20 poem of self-loathing was found and other information
21 that was absolutely astounding to me because it -- it
22 revealed a side of Susan that I had zero awareness of.
23 I had -- I knew she was depressed and I knew she had
24 drug -- drug problems, but I had no -- no understanding
25 of the extent of what was going on inside -- inside of

1 her head.

2 Susan was a writer. She wrote for the
3 Grapevine when it was around here. She wrote stories, a
4 large part of a novel. Susan kind of prized herself on
5 writing and kept records of what her thought processes
6 and experiences were through -- through diary processes.

7 So when I found this section that included
8 stuff that was clearly written in her hand discussing,
9 you know, "I want to die," that startled me and kind of
10 made me angry that she had never shared, in 34 years of
11 the relationship, the extent of her depression. She
12 would say to me, "Nobody can help me." When I would say
13 and her doctor would say, "Wouldn't you like to work
14 with a counselor to try and get some help with your
15 depression," her standard answer was, "Nobody can help
16 me."

17 And when I read her -- her secret file --
18 which I call secret because -- it was hidden in the
19 open, but it was at the back of a drawer that I would
20 never in a million years look through because it was all
21 her academic stuff.

22 Q Do you believe that Susan would have wanted
23 you personally to review those secret diaries?

24 A No, I think that particular file was -- was
25 hidden, I would say, in plain sight, but I would say

1 that it was hidden.

2 Q Well, do you think, based on your knowledge of
3 Susan, that she would have wanted you to someday read
4 those particular diaries?

5 A I don't know why she was saving them.

6 Q Okay. But she never gave you permission to go
7 through her file marked "Susan," did she, or any -- any
8 private files of hers?

9 A I didn't find them until after she was dead.

10 Q But once you found those, did you conduct a --
11 did you go on a search for further diaries?

12 A Yes. I was advised by my counselor at the
13 time not to throw out, give away, offer for resale
14 anything of Susan's without looking carefully through
15 all the pockets for whatever she might have hidden.

16 Q Now, isn't it true that you told Karyn Feiden
17 in one of the e-mails that you had done a cleansing
18 burning; is that correct?

19 A That's talking about the -- the diaries.

20 Q Yes.

21 A Yes, and that's not true.

22 And I'd like to clarify, Karyn Feiden is a
23 cousin of Susan's who made it clear from the very start
24 that she was going to prove that I murdered Susan. And
25 she has, for more than six years, kept up a website,

1 written letters to the Anderson Valley Advertiser and
2 persistently, you know, pursued me with lots of
3 misinformation and absolute untruths. And she said to
4 me, "Everything I'm saying to you is confidential,"
5 which I knew was bullshit, and I had no problem
6 responding to her with stuff that was misleading.

7 Q Okay. So you were intentionally misleading to
8 Karyn Feiden?

9 A Some of the time, yes.

10 Q Okay. Now, if Susan Keegan had not died,
11 would there, in your opinion, be any reason that
12 anybody, besides Susan Keegan, would ever be looking at
13 those diaries?

14 A I don't know.

15 Q Okay. Now, who specifically have you
16 distributed Susan's diaries to?

17 A Nobody.

18 Q You haven't given any pages of any of those
19 diaries to anybody?

20 A I -- I -- I gave pages -- I gave -- so after
21 Susan died, it was not apparent to me that an
22 investigation was happening about her death until
23 several months later when the district -- when the
24 coroner's office would not release a death certificate.

25 I was entitled to have a death certificate, I

1 was told, at one month, and then I was told no, it's two
2 months, and then I was told by Officer Scott Poma, "Oh,
3 the doctor who needs to sign it is in the hospital," the
4 doctor who needs to sign it.

5 So, you know, I never got a death certificate.
6 And then so slowly I'm realizing, oh, this is a -- a
7 problem. My -- my -- so -- so in the middle of
8 February, Officer Poma calls me and says he wants to
9 meet with me. So I went down and met with him. And
10 that was really the first time it became apparent that,
11 oh, I am a suspect in the -- in the murder of Susan --
12 Susan Keegan. They are -- are out to get me.

13 At that point I consulted an -- an attorney,
14 Keith Faulder, who became a judge. I have a different
15 attorney, Chris Andrian, now. Keith Faulder said to me,
16 "The police are going to come and search your house. If
17 there's anything really relevant to this case that you
18 want protected, give it to me."

19 So the diaries and other documents that I
20 thought had relevance to Susan's state of mind I put in
21 a package and I gave to him. I don't think he read
22 them, but he had them. He could have read them. He
23 passed those diaries to Chris Andrian. I don't believe
24 that Chris Andrian -- I hope Chris Andrian, at \$450 an
25 hour, did not spend his time reading Susan's diaries,

1 but -- but -- so -- but he -- he could have.

2 Those diaries were sitting on a cabinet --
3 were sitting in my bedroom. They were not hidden away.
4 I do know that one son, Luke, said to me that he had
5 read his mom's diaries; that he had been in my room, he
6 saw them, that -- that -- that he read them. That's the
7 only person, Luke, that I know of that read those
8 diaries. My --

9 Q But --

10 A I'm going to finish.

11 My hope is that when this is all cleared up,
12 the person who does want the diaries is Susan's sister
13 Linda. The whole reason to say that the diaries were
14 burned was not to trick Karyn, it was to appease Susan's
15 sister because Susan's sister wanted to read her
16 sister's thoughts about her. And I couldn't say I have
17 the -- the diaries, but I'm not giving them to you. So
18 when this is all over, Linda Puls, Susan's sister, will
19 get the diaries.

20 Q Okay. My question was: Have you provided to
21 anybody any of these diaries of Susan's?

22 A Not that I know of besides --

23 Q Did you send one -- did you drop some pages
24 off to Oni LaGioia at some point when you gave her a
25 note from a newspaper?

1 A Okay, yes. So Oni LaGioia is another person
2 who is vigorously pursuing me and basically convicting
3 me in the community court because she knows my attorneys
4 have advised me to say nothing and do nothing. And at
5 one point in my anger against the stuff that they were
6 doing to me, I sent -- I gave to Oni and Mary Pierce, I
7 forget who else, an angry letter that included some of
8 the -- the pages where Susan says, you know, I wake up
9 every morning, you know, wishing someone had stabbed me
10 in my heart.

11 Q Without any date on those at all?

12 A No, those are definitely dated.

13 Q The ones from the 1990s?

14 A They're 1996.

15 Q Okay. I mean we're talking about 13 years
16 before Susan died; right?

17 A Yeah, yeah, yeah, yeah.

18 Q Okay.

19 A Right. And -- and she stopped writing diaries
20 that I know of, but she continued to -- to write on the
21 computer, which is why I really hope that people will
22 understand you must access Susan Keegan's e-mails --
23 her -- her e-mail address is susankeeg, k-e-e-g,
24 @gmail -- because that's where she spent all her time
25 writing in -- in later years. She wasn't handwriting.

1 She switched over to computers.

2 And I am speculating that a review of Susan's
3 e-mails will show her state of mind. And I -- I -- I --
4 it would not surprise me if the theme of suicide, which
5 started in 1978 diaries, were still evident in
6 nineteen -- dated 1996 diaries, which are very evident
7 in her poem of self-loathing that was sometime in the
8 year of 2000.

9 So I'm speculating that a review of her
10 e-mails will give you insight into her state of mind at
11 the time of the death, which is the point you're getting
12 at. You need fresh information. That's where you'll
13 find it.

14 Q But you're talking about computer entries of
15 her diaries.

16 A I'm talking about e-mail entries --

17 Q Okay.

18 A -- where she writes to friends and
19 communicates what's going on in her life, as well as in
20 diary entries.

21 Q Now after Susan's death, you had total
22 possession of all of the computers in your house until
23 the DAs came to search them in June of 2011; is that not
24 true?

25 A Yes.

1 Q So you had already discovered some of what you
2 consider "dark diaries" before that time; right?

3 A Yes. I discovered dark diaries in the middle
4 of December when the social security department put me
5 on a wild goose chase looking for a marriage
6 certificate.

7 Q So from the middle of December until the DA
8 came to search for the computers in June, you had access
9 to those computers that Susan had access to; correct?

10 A Yes. They were our computers.

11 Q Right. And you had access to them during
12 those months; right?

13 A Yes.

14 Q And have you to this day accessed any
15 particular diary after 2001 to present to this grand
16 jury from those computers that you had access to?

17 A No, I did not have access to her e-mail. So
18 Susan wrote many things, but she was a very private
19 person and made it clear that as her husband I was not
20 entitled to see what she was working on. If I walked
21 into a room and she was on her computer, she would, you
22 know, put the computer down and made it clear that she
23 was entitled to privacy in -- in her life.

24 So -- and I have no access to her -- her
25 e-mail. And she was a -- a very good communicator in

1 the sense that she liked to use words. And I -- I
2 bet -- I bet you would find at least a half dozen people
3 that Susan had a vigorous correspondence with over the
4 years that would tell you what she was -- if -- if not
5 accurately thinking, the image she was trying to
6 portray.

7 I'm a little bit afraid if you look at e-mails
8 you might see her telling untruthful things about me.
9 I'm a very private person. When we're getting divorced
10 I'm not going around talking to people about it. Susan
11 basically communicates, "I'm a woman, this is" -- "this
12 is woman jail."

13 And so when I say, "Gosh," you know, "who have
14 you talked to," she was literally able to list ten
15 people in the community that she had already told what
16 was -- what was going on to.

17 Q Now, you --

18 A Seems like a pretty normal thing from a
19 woman -- woman's point of view, I get that. From my --
20 my point of view, it's like, oh, okay, I guess I better,
21 you know, reach out to our friends and -- and give
22 them -- and offer a point of view.

23 Q Now, before Susan's death, isn't it true that
24 you did discuss with some feeling your -- your divorcing
25 Susan?

1 Isn't it true that you contacted Mary Pierce,
2 for example, in late October and told her on two
3 occasions that you were divorcing Susan and you put all
4 the blame on her? Isn't that true?

5 A I -- I recall meeting Mary Pierce; I have no
6 recall of the contents of the conversation.

7 Q Okay. And isn't it true that you also told
8 Oni, before Susan's death, that you -- that Susan had a
9 drug problem and that's the reason you were divorcing?

10 So you were talking about divorcing to other
11 people before Susan's death, were you not?

12 A Yes. Yeah, yeah.

13 Q All right.

14 A So before Susan died and before we were
15 divorced, I did start to talk to people after it was
16 apparent that Susan was talking -- talking to other
17 people.

18 And -- and I want to be very clear that both
19 Susan -- no, I'm sorry -- both Mary Pierce, her husband
20 Will Brady -- Baty, Will Baty, and Oni LaGioia knew
21 about Susan's serious drug and alcohol problem because
22 they were people who obtained drugs and gave them to --
23 to Susan. So Susan got drugs by having me write
24 prescriptions to her friends. And then in Oni's case,
25 she fully reimbursed Oni for the drugs that she

1 purchased at -- at Walmart. And in Will Baty's case he
2 paid for them, but they split the pills.

3 And I'd just like to clarify, we're talking
4 about controlled substances: Vicoprophen, which is an
5 ibuprofen/hydrocodone combination; hydrocodone is an
6 opiate. There is a registry that the Department of
7 Justice keeps that lists all drug transactions. If you
8 went back in time, you would see Will Baty getting
9 prescriptions from me and he was not a patient. You
10 would see Oni LaGioia getting prescriptions from me long
11 after I closed my practice. You would see many, many
12 prescriptions written to Susan Ettinger, which is my
13 wife's maiden name, and she was very clear that -- you
14 know, I'm saying I cannot write prescription to Susan
15 Keegan, sign it Peter Keegan, that will definitely be,
16 you know, reported and get me in trouble. And her
17 answer was: "Well, my driver's license says Susan
18 Ettinger Keegan, so I have identification that I can
19 use. Write it to me in my prescription (sic) name."

20 I did that many times. If you look up the
21 registry, which again is actually accessible through the
22 Department of Justice -- and you, as grand jurors, are
23 allowed to ask questions and do investigations, I
24 understand -- you'll see Susan Ettinger getting multiple
25 prescriptions for vicoprofen, which was her preferred

1 drug.

2 Q So basically what you're saying is there was
3 some deception going on based on prescriptions that you
4 wrote; correct?

5 A Yes.

6 Q Thank you.

7 Now, do you think it's fair to attribute a
8 person's state of mind based on diary entries and poems
9 written nine years before a person dies when there's no
10 further evidence of dark diary entries in the succeeding
11 nine years?

12 A Well, yes, I think it establishes a pattern
13 when it lists -- when it continues over a decade. When
14 you understand the issues that my wife was depressed
15 about, definitely -- definitely a yes.

16 She was -- her birth mother, Jeanne Russo, put
17 her up for adoption because the birth mother was busily
18 involved smuggling stuff from France into Algeria during
19 the Algerian Revolution in the 1950s. So Jeanne thought
20 this was very important, you know, freedom work that she
21 was doing. Susan was angry about that to her dying --
22 dying day.

23 Q Now, let me --

24 A Susan -- no, I want -- I want to finish this
25 here.

1 So I'm just telling you how her life started
2 out. You know, she was abandoned. She was put into,
3 you know, you know, an orphanage, and it's -- it's clear
4 from her -- her memories that it was a very unpleasant
5 experience. She then was adopted by a family, Stan and
6 Nancy. Deeply disturbed people. Her mom, Nancy, died
7 from a polydrug overdose. I've seen -- I've seen the
8 birth -- the death certificate. Her mom died from a
9 drug -- a drug overdose. She was very convincing to
10 doctors and got drugs easily. Her father was a raging
11 alcoholic. Her sister, who grew up in an abusive
12 family, managed to become an RN, but also fell into drug
13 problems, was in and out of rehab several times, lost
14 her -- her license because she got caught -- you know,
15 caught stealing drugs.

16 Growing up in a household with Stan and Nancy,
17 two people who -- that would be fair to say extreme
18 narcissists, that would screw up anybody. And Susan --
19 I -- I loved her. I loved her dearly. She was the
20 smartest person I knew without a doubt. I mean smarter
21 than anybody. Beautiful. I was -- I was lucky to have
22 her. I'm a nerdy guy. I grew up as a nerdy guy, you
23 know. That's just, you know, who I was. To get a
24 beautiful, smart woman, that was -- that was an amazing
25 catch for me.

1 But I think her life-long history for 55
2 years, these things are -- are bugging you. Or let's
3 say you have documentation that they're bugging you for
4 45 years and then, you know, can you speculate among the
5 last ten years? That's why I would say look at her
6 e-mails. She'll -- she'll -- you'll be able -- you'll
7 be able to tell.

8 Q I guess my point is people's moods can
9 drastically change, can they not? You're a doctor;
10 isn't that true?

11 A Yes, they can get better or they can get much
12 worse. And with drug addiction problems, believe me,
13 they get much worse, and you know that.

14 Q You were aware that during the two weeks
15 before Susan's death she was acting in the play Hamlet
16 as the queen; right?

17 A Yes.

18 Q And she was excited about being in that play,
19 wasn't she?

20 A Yes.

21 Q And you attended three performances, didn't
22 you?

23 A Yes.

24 Q And she even had a cast party at your house a
25 couple days before her death; right?

1 A Right.

2 Q And you were present there?

3 A No, I wasn't.

4 Q Okay. Why were you not present?

5 A Uh, I didn't know her friends. We were not
6 really on a friendly basis. I believe the divorce
7 proceeding stuff had already started. I didn't want to
8 interfere with her party.

9 Q Okay.

10 A She was celebrating a good time. The cast
11 party, you know, the celebration of the -- of the
12 players after -- after the play was happening at my
13 house. I didn't know the people and I didn't want to
14 drag her down. I wanted her to have a good -- good time
15 at the party and not look at me and be angry that this
16 is the guy who's divorcing her.

17 Q Was Susan sad when you told her you wanted a
18 divorce?

19 A Well, that was interesting to me, because the
20 first time I told her I wanted a divorce she really
21 didn't respond except with a verbal gesture like "so
22 what."

23 Q So you're shrugging your shoulders.

24 A I'm shrugging my shoulders, right.

25 Q Okay.

1 A The second time was at a marriage counselor,
2 Maria Bates. We were meeting --

3 Q Okay.

4 A I'm -- I'm -- so --

5 Q Wait a second, sir. I am in charge here.
6 Okay?

7 A Yes.

8 Q Don't forget it.

9 A I'm not forgetting it.

10 So the answer is --

11 Q Wait a second.

12 That was a psychotherapist/patient
13 relationship with Maria Bates, was it not?

14 A It was marriage counseling.

15 Q Pardon me?

16 A It was marriage counseling.

17 Q It was marriage counseling by a licensed
18 counselor by the state; right?

19 A Yes.

20 Q Okay. Are you aware, as a physician, that
21 there are certain privileges in the law that apply to
22 physicians, as well as to marriage counselors, whereby
23 statements made in that therapeutic setting cannot be
24 revealed? Are you aware of that as a medical doctor?

25 A No, I'm not aware of that.

1 Q Okay.

2 A I -- I assumed I could say to you what my
3 experiences were with my therapist, that I could
4 communicate what my experiences were when I met with
5 therapists and Susan was present and participating.

6 Q You can talk about what you said because you
7 can claim -- you can waive the privilege, but you cannot
8 claim for the therapist and you cannot claim for Susan.
9 Okay? So whatever Susan says is privileged.

10 A Well, then when you asked me, "What was your
11 wife's reaction when you told her that you were
12 divorced" and that process happened in a counseling
13 session the second time, am I supposed to not answer
14 your question?

15 Q Yes, you are not supposed to answer that
16 question.

17 Were there other times, besides the first
18 time, that she indicated sadness that you were divorcing
19 her, aside from this therapeutic session?

20 A Yes. There was another time that she
21 expressed sadness, but it occurred in the office of Norm
22 Rosen, who is an attorney. And I don't know if that is
23 privileged conversation, and I can't really communicate
24 that because I'm not -- I'm not familiar with the law.

25 Q Okay.

1 A So there were times that she expressed
2 sadness; there were times that she expressed gladness.

3 Q So you were married to her for 32 years, and
4 you chose --

5 A I was married to her for 34 years.

6 Q And you chose to divorce her; correct?

7 A Yes.

8 Q That was your choice, sir?

9 A That was my choice.

10 Q Thank you.

11 A Because my wife had a drug and alcohol problem
12 that she specifically refused to -- to deal with. Her
13 comment was, "I like the way hydrocodone makes me feel
14 and I'm going to continue to use it."

15 Q Let me ask you this -- well, first of all, on
16 these -- these 15 pages in Exhibit 43, have you made a
17 decision whether you want to read them to us all or
18 whether you want them to be submitted in writing for the
19 grand jury to review during their deliberations? What
20 is your decision?

21 A I'd like to -- to read -- read them.

22 Q You want to read them all?

23 A Selectively in the sense that there are some
24 parts that don't need to be read that are kind of
25 somewhat irrelevant.

1 Q Okay. Then go ahead and read the parts that
2 you think -- but before you do, recognize that this is
3 an exhibit. It's called Exhibit 43. It's going to be
4 an official exhibit in this proceeding. At the bottom
5 of the page on the right you will see A, B, C, D,
6 etcetera. So I'd like you, before you start reading, to
7 indicate which page number of Exhibit 43 you are reading
8 from.

9 A Yes. This is Exhibit 43-A.

10 Q Please proceed.

11 A Okay.

12 "Stupid. Need to die. Asshole. Cunt
13 bitch whore. Going to die. Want to die.
14 Useless.

15 "Fucked up. Jerk. Fool.

16 "Bad dresser" -- pardon me, excuse me --
17 "bad writer. Ill-dressed. Hunched.
18 Marijuana addict. Drug addict. Need to DOP
19 communication at AODP workshop.

20 "Didn't have to talk. Fine. Jerk.
21 Worried that I didn't do good enough. Should
22 have remembered communication. Tired of
23 feeling sorry for myself about my childhood.
24 Feel sorry for myself about my childhood.
25 Feel cast off. Unwanted. Picked up late.

1 "Should have killed myself. Susan Susan
2 should have killed herself. A double person.
3 Susan should kill herself. Susan is bad. I'm
4 okay, but Susan hates me.

5 "She keeps telling me to die. She won't
6 shut up.

7 "Easily distracted. Susan loves facts
8 and doing thinking stuff. I'm scared of logs
9 and high stuff. Can't find things. She can
10 do anything. I wouldn't walk till I was 18
11 months old. I can't. I can't dance."

12 I'm switching now to the page marked --

13 Q Before you go on, let me ask some questions
14 about that.

15 A No, I'd like to finish reading.

16 Q Wait a minute, sir. You are not in charge
17 here. Do you got that straight?

18 A You asked me to read the document.

19 Q I know, and I'm interrupting you.

20 A And you're interrupting me -- you're
21 interrupting me before I'm finished reading the
22 document. Can you reserve your question until I'm
23 finished reading the document? I'm sure you're smart
24 enough to remember the question.

25 Q I will -- I will -- to accommodate you, yes, I

1 will.

2 A Thank you. So this is page 43-B.

3 "I can't sing. I can almost write
4 because writing is thinking, but Susan does
5 most of that so I won't let her do it. I made
6 her stay home today. I don't feel too good.
7 My stomach hurts and I might have a headache.
8 Who is it that won't let me be strong, strong.
9 I am strong, I just won't do stuff that
10 makes" -- "that's what makes me strong. I can
11 eat good and roll around and feel the sun and
12 see stuff all without her. Why do you hate
13 her so much? She takes care of you. She's
14 mean. She hates me and calls me names and
15 tells me to die all the time. She never
16 stops. She's always been telling me that die,
17 die. I'm too strong to die, so I won't, but
18 she never stops saying it.

19 "Is it really Susan who says die or does
20 she just sound that same now? It's the mother
21 that says die. That's why I had to strangle
22 her that one time in the dream. You were
23 there and you just watched. You didn't help
24 me. You walked away. I guess that means you
25 didn't stop me. Linda's forgiven me, why

1 won't you? I did it for you, cause I could,
2 cause I'm smart, and being smart is fun. You
3 used to like it with me. You stopped letting
4 me come when you started liking boys, Susan.
5 And when you got breasts and your period. You
6 stopped letting me come along. And I got mad.
7 I'm your fool. And I can pee on stuff if I
8 want. Who is your mother? Jeanne, for
9 leaving me cast away, alone in the world
10 without any hope or anchor, casting me adrift,
11 like Moses I was sent into Egypt. Also, Nancy
12 and Stan, for raising me without generosity or
13 self-esteem, although maybe they tried to give
14 me both and I'm complaining that they failed.
15 They didn't touch me. Dad always hurt when he
16 touched because he couldn't be gentle, pulled
17 your hair with a hairbrush, your teeth with a
18 toothbrush. Mom never touched, just pat pat,
19 no hugs and cuddles, too dirty and big and
20 rough she said I was. But I could eat good.
21 Aunt Nini liked that I could eat. Smart as a
22 button she said. I tell my -- my stories like
23 the ones I the books (sic). I sing to myself,
24 but I pee and get wet and sing and they don't
25 come from me and I'm peeing. When they come

1 the diaper pin scrapes me on my side and it
2 smells like ammonia, bad, but I like it but
3 they don't."

4 I'm moving now to 43-C.

5 "It's dad and I got itchy and hot and
6 sore all over my skin.

7 "It wasn't any good, it wasn't any good.
8 Everyone hated me. I can't do it and I'm
9 Susan and I can't do it. And she's off
10 smuggling newspapers in France when I could
11 have been four years old, and why do I feel
12 mad at her when she tells me about that cause
13 I don't know anything about her, and cause she
14 was willing to risk her life for some stupid
15 newspapers but not for me, cause I was too
16 scary and big.

17 "But itchy or not, it wasn't such a bad
18 childhood that you have to complain about it.
19 Food, clothes, entertainment, shelter,
20 vacations, education, talking, reading books,
21 listening to music, reading books, having
22 grandma and Aunt Nini and Oddie.

23 "I hate myself, I hate myself, I hate
24 myself, I hate myself. I can't be. I don't
25 know. Nobody loves me. Everybody hates me.

1 I'm gonna be a fucked-up asshole."

2 That's the end.

3 Q Do you feel any sympathy for your former wife
4 reading that?

5 A Absolutely. I had no clue of the severity of
6 Susan's depression. She never said any of that out loud
7 to me. It was apparent to our entire family that she
8 was -- she was depressed, she took antidepressant
9 medicines, but she never gave a single clue of having
10 that level of dislike or -- for her -- for her life. So
11 I'm very sad to hear that.

12 And I'll tell you -- I'll tell you something
13 else, when I read this, when I came upon her file, I was
14 sad, but I was also angry. Who has a partner that keeps
15 that stuff secret? Who doesn't say I -- I love you, I
16 know you love me, can't -- can't we try to work this
17 out.

18 Q So you're blaming her?

19 A No, no, no, no. I'm not -- I'm not blaming --
20 blaming her. I know she had a very fucked-up life and
21 it's not her fault that -- that she -- she ended up this
22 way. I am angry that she chose not to deal with her
23 drug and alcohol problem. And, in fact, even as it got
24 worse and she wanted me to participate more and more,
25 you know, I knew that I had to just say no.

1 Nobody says "no" to Susan. Susan does what
2 she wants. She does not follow anyone else's
3 instructions.

4 And I'm sad that she died and I -- and I loved
5 her very much, but I read something like that and I felt
6 like she cheated me by never sharing her true self
7 through 34 years of marriage. She never once said,
8 "I'm" -- "I'm this kind of depressed." Because then I
9 would have put my foot down and said, "You really must
10 be seeing somebody for" -- "for assistance."

11 She always said, "Nobody can help me. I'm not
12 going to see a counselor. Nobody can help me." And
13 it's like nobody makes Susan do anything. It's just
14 like it does not happen.

15 Q Now, a couple things: First of all, didn't it
16 seem to you that Susan, when she was writing those
17 things, was portraying herself with an alter ego?

18 A Yes, I think there is another personality --

19 Q Okay.

20 A -- that she's talking about there.

21 Q Now, isn't it sometimes deemed reasonable
22 therapy for somebody to cast -- to talk to themselves as
23 an alter ego so that they can cleanse themselves of any
24 problems that they have? Isn't that true?

25 A Yes.

1 Q Okay. Now, you didn't discover these diaries
2 until after Susan passed away; is that correct?

3 A When you say "these diaries," you're referring
4 to many different -- many different documents.

5 Q These what you call "dark diaries," when did
6 you discover them?

7 A Middle of December two thousand -- middle of
8 December 2010.

9 Q Okay. One month after Susan passed away;
10 right?

11 A Approximately, yes.

12 Q So these diaries made you angry at Susan;
13 right?

14 A No, they made me angry and they made me sorry
15 that she didn't ask for help, that she couldn't figure
16 out that it's really okay to say to someone "please help
17 me."

18 Q Now, isn't it true that after Susan passed
19 away you did not show any sorrow or remorse?

20 A No, that is not true.

21 Q Isn't it true that at the memorial service you
22 didn't even sit with Susan's family?

23 A That is not true.

24 Q Isn't it true that you didn't even say
25 anything that was eulogistic about your former wife of

1 32 years or more?

2 A I did not speak at the Methodist ceremony, but
3 there were several people who spoke in a very loving
4 way, but I didn't.

5 And I want to be clear with you about sitting
6 with people. The Methodist Church, it has rows that go
7 all the way back. The first three rows were for family,
8 in the sense that there were family on both sides of the
9 row. I was sitting on one side; obviously there were
10 family members sitting on the other side.

11 My recollection is poor, but I know her
12 cousin, Karyn Feiden, was sitting with me. I think her
13 father was sitting with me. In fact, I was mostly
14 sitting with her family and it was my family that was on
15 the other side of the first -- first three rows I would
16 say. That's my -- that's my recollection.

17 Q In addition -- first of all, do you want to
18 read anything more in these 15 pages or not?

19 A Yes.

20 Q Okay. Please proceed.

21 A 12/30/96, this is document 43-D.

22 "I wake up each morning wishing someone
23 would stick in my chest" -- "stick a knife in
24 my chest and get it over with."

25 12/31/96, "Can't imagine much worry about

1 that, though. Rather worry about depression
2 setting in like a heavy fog. That's been my
3 experience."

4 The whole pages are here. You can read --
5 read the whole pages. I'm just kind of selecting out
6 stuff.

7 Q Didn't you regard it as an act of love that
8 she didn't want to burden you with those feelings?

9 A No, I do not consider that an act of love not
10 sharing what's really going on with you emotionally.

11 Q So you --

12 A I think it's an act of -- of --

13 Q So there was nothing about you that was making
14 her, in your opinion, feel uncomfortable disclosing
15 things to you?

16 A Are you saying I'm the reason that she was
17 uncomfortable?

18 Q I'm asking you if that might be the case, yes.

19 A Well, I'm not going to answer that question
20 in -- in the sense that I don't think she felt
21 comfortable discussing it with anybody.

22 Q Okay.

23 A So when she says, "I won't see a therapist,"
24 and, again, I would say look at her e-mails, did she
25 discuss any of this with her associates? She had

1 several close women friends, and they might have been
2 emotionally closer to her than me. So if she wasn't
3 comfortable telling me or a professional therapist, then
4 maybe she was comfortable telling her friends. So,
5 again, I'm requesting that her e-mails be considered
6 exculpatory evidence.

7 Q Now, in addition to these 16 pages that you
8 submitted, those 15 in 43 and then --

9 A I'm not finished reading them.

10 Q Okay. Please proceed.

11 A Okay. As you said, there are like 15 pages
12 here.

13 43-F, "I will work it out somehow. All
14 life feels empty. Time's wasting. Place
15 holding. Why? Cat loves me. Peter loves me.
16 Simon seems to have me right now."

17 Q Would you please repeat what she said about
18 you?

19 A "Peter loves me."

20 Q Thank you.

21 A It continues on to page 43-G. "Peter loves
22 me. Simon seems to have me right now."

23 I take it back. It doesn't continue on to
24 page 43-G.

25 Q What's the date on that again, please?

1 A There is no date on that page.

2 Q Okay. Do you -- are you able to surmise what
3 the date would be from the other pages?

4 A Well, I can't surmise the specific date.
5 These are photocopies. She wrote in different ways.

6 All of this is actually written on purple
7 paper, so I'm going to say all of these notes are within
8 the time span of one pad of purple paper because this
9 is --

10 Q But basically some of the documents of which
11 that is a part were '96/'97; right?

12 A Yes, yes. Yeah, these are all 1996/'97.

13 Q Thank you.

14 Please proceed.

15 A All right.

16 "All the anti-affirmations are death
17 oriented: I have to kill myself; I have to
18 die, the bad stuff starts with anybody,
19 everybody, nobody, somebody or Susan, I, or I
20 want. These are the clues. I do tell myself
21 some good stuff."

22 "These negative affirmations of mine
23 list: I have to die; nobody loves me; I am an
24 asshole, jerk, cunt, etcetera; I want to die;
25 please kill me."

1 "Dreary dreary, that's me and day. No
2 fun in my life. I seem not to be able to find
3 joy anymore, if I ever could. Where does it
4 hide? I complain that my friends are too busy
5 to play, but I don't want to play with Kris
6 because she's always sick. Mary feels more
7 and more a stranger and is that my fault?
8 Often feels so. They moved on. I haven't.
9 True or not, that's my claim. Leaves lots of
10 room for self-hatred."

11 "I wake up" -- this is -- this is dated
12 January 2nd, 1997: "I wake up each morning
13 wishing for that knife through the ribs.
14 First thing. What's that about?"

15 "Thinking about Barry Vogel."

16 And I want to clear up, this is not Barry
17 Vogel who's an attorney of repute in Ukiah, but Barry
18 Vogel who is a -- a high school teacher that Susan had
19 an affair with. It was her first sexual encounter. It
20 broke up the Vogel family. And this is -- this is --
21 I'm just going to read this. I'm not even sure what it
22 says, but I'm going to just read it.

23 Q Do you feel comfortable talking about
24 something like that, about a person that's not present
25 here?

1 A I feel comfortable talking about anything when
2 I know that the consequence is going to be that I'm --
3 I'm going to be indicted for -- for murder.

4 And really that -- I want to be clear, that's
5 of little consequence -- little consequence -- little
6 consequence, which is hard to say being indicted for
7 murder. But I'm dying of cancer. I have metastatic
8 bladder cancer. I have two doctors, including one of
9 the highest trained UCS oncologic specialists, who says
10 you're dead in -- in six months. I've -- I've looked at
11 my scan. Because I'm a doctor, they'll put the scan up.
12 I'll tell you my reaction when I look at my scan, "Wow,
13 he's a goner." "He" is me. I look at the scan and see
14 all the places that the cancer is. I'm -- I'm a goner.
15 I'm not going to be here in six months.

16 So the notion of being indicted or not
17 indicted is really of -- of little -- little consequence
18 to me. I don't think there's going to be a trial. I'll
19 wager that I'm going to be dead before the -- the trial.

20 The tumor, which started in my bladder, has
21 completely obstructed the lymphatic flow. If you looked
22 at my leg, you would see a leg that was twice normal
23 size and stretched out the skin. I have cancer growing
24 throughout my bladder. The lymph nodes, which are the
25 places where the cancers go, they all have the cancer;

1 up my abdomen, into my chest and lungs, all the way up
2 into my neck.

3 There are 12 bones in my body that have
4 metastatic cancer, meaning the cancer which started in
5 the bladder. Like a weed, it throws off seeds and grows
6 elsewhere. And the hip joint, the acetabulum, the
7 actual socket part where the hip plugs in, that has
8 cancer. That has cancer for me. There are vertebrae
9 going up and down my spine that have cancer. I'm a
10 goner.

11 So in terms of would I feel comfortable or not
12 comfortable, for six years my attorneys have said to me,
13 "Don't you say one thing no matter what anybody" --
14 "anybody says." I'm here to say these things because
15 this is finally the only opportunity I have to say my
16 story.

17 And my attorney has advised me -- me not to do
18 this, but those same attorneys have said, "Keep quiet,
19 don't say anything." And when I say, "Could we at least
20 look at her e-records? Could I get my computers back
21 from you" -- you guys," and what his response is, "No.
22 It's a game. They make the first move. Literally you
23 don't do anything except pay me a lot of money for
24 talking to you. But there's absolutely nothing I can do
25 for you until they start the game."

1 They get to -- they get to do whatever they do
2 for six months, including interviewing multiple
3 pathologists to try and finally find one they can pay
4 who will say, yeah, I think this could be a murder, this
5 could be a -- this could be a murder.

6 So I'm saying this to kind of protect my
7 legacy. I've been a doctor for 30 years. I love Susan.
8 Susan was a great woman. Susan was a great wife. Like
9 I said, I felt like outrageously ridiculously lucky to
10 be a nerdy studies -- student to get such a -- a -- a
11 beautiful woman. I hate, absolutely hate, that in the
12 community court I've been found guilty. That's kind of
13 the news that people say, that's what's printed in the
14 Anderson Valley Advertiser, which totally distorts and
15 makes -- and makes things untrue.

16 And you know what really -- what really
17 aggravates me the most? Karyn Feiden and Oni LaGioia,
18 they have a website. You can look up Justice4Susan and
19 you can see this website that they've actively
20 maintained for -- for six years. That's all completely
21 directed at me. But what they say is dut, dut, dut,
22 dut, dut, "and family thinks he's guilty." And when you
23 say "and family," that -- that makes you think like,
24 wow, you know, you know, everybody is against him. Then
25 my kids come back to town and they encounter, "Hey, I

1 heard" -- "I heard that you think your dad killed your
2 mom." My son said, "No."

3 Well, that's what they're saying, they say
4 family thinks this. Well, if two distant cousins think
5 something, they can say family thinks this, but that
6 doesn't mean the sons, the sisters, the uncles, you
7 know, the cousins, those other people think it. But
8 they will sure mislead in the printed word in a way that
9 thinks the whole family thinks I'm guilty, when reality
10 is my family is very supportive and very loving because
11 they know I did not kill Susan. They know this is
12 somewhat distorted energies coming out of Karyn Feiden
13 and Oni LaGioia. And I'm -- and I'm grateful for that
14 because I'm dying.

15 You know, it's like my son moved in with me in
16 January to help me, and it's great. I've got a
17 grandson. I have -- I have a two-year-old toddler. So
18 even as I die of cancer, and it may not look this way to
19 you, but I am not angry about what's happening to me.
20 I'm not really sad about what's happening to me.

21 I've had epiphany experiences in my life, so I
22 know that there is an energy force that's waiting for
23 me. I don't -- I don't have to have faith, and I think
24 it's sad for people who -- who never have direct
25 personal experiences and have to rely on faith because,

1 again, half the people never have a direct contact
2 with -- you know, and so they have rely on faith. But
3 I've had personal experiences, so I know there is a life
4 after death. And I welcome it because I've been devout
5 most of my life and feel many times blessed.

6 But the Lord works in strange and mysterious
7 ways and, you know, when I think about, oh, I'm a dying
8 man and I'm really going to be spending my day, you
9 know, voluntarily talking in court and my kids are
10 saying like, "you're an idiot, what guy" -- "what guy
11 does that?" It's a guy who wants to clear the record
12 for his legacy, so -- partly so that his -- the world
13 knows -- no, his kids don't think he killed his mom --
14 their mom.

15 MR. STOEN: Okay. I think, Doctor, we need to
16 take a break for the grand jury.

17 JURY FOREPERSON: Yes.

18 MR. STOEN: Thank you.

19 THE WITNESS: Thank you.

20 MR. STOEN: And I apologize if I offended you
21 with my statements. Okay?

22 THE WITNESS: No, you did not offend me. I
23 understand that this is a somewhat adversarial process.

24 MR. STOEN: Okay.

25 THE WITNESS: I wish I was calmer. And I

1 apologize if I've come across as hostile, because I'm --
2 if you're being accused of murder, you don't want to
3 really look hostile, but I'm trying to defend myself
4 against bull -- bullshit accusations that have been
5 going on for years, and this is my first and only
6 chance.

7 MR. STOEN: Thank you, sir.

8 THE WITNESS: So thank you for listening. I
9 can see you're listening. Thank you for listening.

10 MR. STOEN: We're not through yet.

11 JURY FOREPERSON: There will be questions.

12 MR. STOEN: And I'm not through asking
13 questions either.

14 JURY FOREPERSON: Right.

15 THE WITNESS: Can the grand jury ask
16 questions?

17 MR. STOEN: Yes.

18 THE WITNESS: Oh, great.

19 MR. STOEN: But we need to take a break for
20 the grand jury and yourself.

21 JURY FOREPERSON: We're going to take a break,
22 but before --

23 THE WITNESS: I'll take a break. I'm hooked
24 up to a bladder bag, so I don't have to pee. I have a
25 container that gets it all day. So ...

1 JURY FOREPERSON: One moment, please.

2 Should I read the secrecy?

3 MR. STOEN: Yes.

4 JURY FOREPERSON: I'm going to read the
5 secrecy admonition. The grand jurors are admonished
6 that they're not to form or express any opinions about
7 this case or discuss it among themselves until the grand
8 jury receives the case for deliberation. In addition,
9 no investigation or inspection of any evidence should be
10 conducted without the permission of the foreperson and
11 on advice of the deputy district attorney. Violation of
12 this could result in a charge of contempt against a
13 grand juror who investigates or views any matters with
14 regard to this case without the entire body of the grand
15 jury and in violation of this admonition.

16 So let's keep that in mind. We'll take a
17 break. It's five to 11:00. We'll come back at ten
18 after or five after?

19 MR. STOEN: Five after.

20 JURY FOREPERSON: Five after we'll be back.

21 (Recess taken.)

22 JURY FOREPERSON: I'm going to do roll call.

23 (Roll call taken; all jurors present.)

24 JURY FOREPERSON: We're all accounted for.

25 MR. STOEN: Thank you.

EXAMINATION (Cont'd)

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Q (BY MR. STOEN) Dr. Keegan, I want to show you a document that I'll represent to you was sent to me yesterday by e-mail, and I'm wondering if you would look at it and tell me if you recognize it.

A I haven't read it carefully. It's a two -- it's a two-page letter basically. It looks like a letter that I wrote to my attorney to give him more information about the situation. So it's an e-mail I sent my attorney.

MR. STOEN: I'm going to mark it 45.

(Exhibit 45 was identified.)

Q (BY MR. STOEN) First of all, I want to just ask you --

A Would you mark the document, please?

Q No. Please, I want to ask you questions about it.

A Okay.

Q First of all, did you want this to be submitted to us as exculpatory evidence; yes or no?

A Yes.

Q Okay. Now --

A May I elaborate on that or am I just saying yes or no?

Q You may elaborate. Yes, you may, but I'm

1 going to ask --

2 A Specifically --

3 Q Before you do, sir -- forgive me for being too
4 caustic here.

5 A Okay.

6 Q We've already talked about the second
7 paragraph being privileged, so I don't want you to
8 discuss that. But you can go ahead and comment about
9 anything else.

10 A All of the people that are named in bold
11 letters I want to be called as exculpatory witnesses
12 because they can either con -- so confirms the intensity
13 of Susan's drug trial -- drug trials and difficulties
14 and their participation in it, and they can confirm her
15 alcoholism. And, you know, so these -- well, and you
16 can't call Nancy and Stan Ettinger because they've both
17 died, but I would like to request that the people named
18 here be questioned or encouraged to reveal what they
19 knew about Susan's drug use.

20 Q The grand jury will be given the opportunity
21 to ask for any additional information they deem
22 appropriate, sir.

23 A Thank you.

24 Q I'm going to go over this with you, so if you
25 want to keep that in your hand, please.

1 Now, in your third paragraph you admit as a
2 doctor writing a prescription for hydrocodone for Susan
3 under her maiden name; is that true?

4 A Yes.

5 Q And you suggest that this can be verified by
6 going to a State of California website; right?

7 A Yes, there's a --

8 Q Now, is hydrocodone like a narcotic analgesic
9 commonly used for relief of pain and also commonly taken
10 as a cough suppressant?

11 A It's commonly used for relief of pain. It has
12 been commonly used as a cough suppressant in the past.

13 Q Now, did you know that -- well, let me ask you
14 this: Was Susan, to your knowledge, ever in an accident
15 that left her in pain, an automobile accident perhaps?

16 A Yes. She had an automobile accident where she
17 completely rolled the car over. She literally was able
18 to climb out through a broken window, walk up the hill,
19 and be assisted by people who saw her go off the --

20 Q Do you recall what the date of that was, sir?

21 A Oh, no, I do not.

22 Q That's okay if you don't. We can go on.

23 Now, you mentioned that you wrote
24 prescriptions for vicoprofen for Will Baty.

25 A Yes.

1 Q And who -- and who gave half the pills to
2 Susan for free after you wrote the prescription; is that
3 true?

4 A Yes.

5 Q And why do you think that would be exculpatory
6 on the charge of murder?

7 A Well, I -- I think it goes to Susan's state of
8 mind. That -- and as a drug-addicted person, that could
9 contribute to a fall or injury.

10 So I'm just going to say it bluntly, Susan
11 used hydrocodone throughout the day. She started every
12 day smoking marijuana and reloaded as the day went by.
13 In the evening time when she came home, she would start
14 on Jameson's whiskey. She would usually drink about
15 four ounces. I say that because the bottle -- you know,
16 she went through a -- you know, a bottle a week. So
17 this was a woman who could -- could be, you know,
18 impaired in terms of balance and coordination.

19 And as a cause of death, I would -- I would
20 offer it as an alter -- offer it as an alternate
21 explanation to me murdering her, which I did not do,
22 that she would have injured herself while she was in a
23 drunk and drugged state.

24 Q Let me ask you this: When you wrote that
25 prescription for vicoprofen for Will Baty, were you

1 aware that he was going to give half the pills to Susan?

2 A Yes, that was the deal.

3 Q Well, wasn't that deception on your part as a
4 medical doctor?

5 A Definitely.

6 Q In your next paragraph you accuse Oni LaGioia
7 of once making a single purchase of 100 vicoprofen and
8 then giving half the pills to Susan. Is that a true
9 statement?

10 A Yes.

11 Q And -- and then your next five paragraphs deal
12 with Oni's men in her life. And you start out by saying
13 that Oni has, quote, "a very dark history with men and
14 lots of residual anger."

15 A Right.

16 Q And why would you think five paragraphs in
17 this document should be deemed exculpatory on a charge
18 of murder?

19 A Well, I wouldn't consider it five paragraphs;
20 I would consider it one topic. Oni LaGioia was, for
21 want of a better word, the ringleader of the whole
22 keeping alive of Susan's death to find Peter the
23 murderer. She was the -- the single-handed leader of
24 this in Ukiah.

25 On Susan's first -- first birthday she had a

1 part -- oh, I'm sorry -- on the first birthday that
2 Susan had after she died, Oni had a party and sent out
3 invitations to large numbers of people, including my
4 friends. And I heard that the party was really about
5 investigating Susan's death, it wasn't about celebrating
6 her life.

7 Q Now, why would you talk about Roscoe, her
8 husband Roscoe, and then talk about her husband --
9 second husband Paul, and her third companion John?
10 What -- what is the purpose of putting this in an
11 exculpatory document?

12 A Well, it wasn't originally put into an
13 exculpatory document except to list her as the person
14 who should be subpoenaed to talk to because she's a key
15 person in the process. Oni is going to know a lot about
16 what's going on in the community, in the investigation.

17 And I'll be honest with you, the only reason
18 this investigation is happening is because Oni and
19 friends have literally called the district attorney's
20 office virtually every single day saying what's
21 happening with the Keegan case. And I don't know why it
22 took them six years to decide to do it and to do it not
23 in the usual way with a pretrial arraignment where
24 there's a judge -- I see there's no judge in this --
25 this room -- but not to do it in a pretrial arraignment

1 where both sides get to argue and question the witnesses
2 and decide whether there's, you know, evidence for
3 murder, but to do it in front of a secret grand jury.

4 Not to be offensive, but you folks aren't
5 really trained in the law. So I -- I wonder why the
6 vast majority of felonies go through a pretrial hearing,
7 but my case goes through a totally secret grand jury.

8 Could you answer that question? Is it
9 something more than fact that you have such a weak case,
10 this is the only way to do it?

11 Q That's an inadmissible question for you to
12 ask, sir.

13 A I'm not allowed to ask you questions; is that
14 what you're saying?

15 Q That's correct, sir.

16 A Okay.

17 Q And you also mentioned something about Lynne
18 Coen giving Susan vicoprofen for abdominal pain; is that
19 correct?

20 A It is correct. Let me elaborate, Lynne Coen
21 was her physician. She not only gave her vicoprofen for
22 alleged abdominal pain problems, she also treated her
23 for depression.

24 And doctors have what are called problem
25 lists, where you list any problems you're dealing with,

1 and you would -- I bet Lynne Coen could help you address
2 the condition of my wife's depression. The woman who
3 died was severely depressed, and Lynne Coen was her
4 medical physician.

5 Q Would you turn to the last paragraph beginning
6 "Susan's adoptive parents," and would you just read the
7 first sentence into the record?

8 A "Susan's adoptive parents, Nancy and Stan
9 Ettinger, were both passive-aggressive assholes."

10 Q Now, why is passive-aggressive assholes having
11 anything to do with exculpatory evidence in this case?

12 A That was really a note -- what -- what -- what
13 you've received here as exculpatory evidence as a way of
14 listing the people who I think are relevant to the case.

15 We sent you a photocopy of a document I sent
16 to my attorney. So this was originally a document that
17 I sent to my attorney. He said to list the names and
18 phone numbers and addresses and the content. "Can we
19 use that as your" -- "can I send this to the district
20 attorney?" And I said, "Yes, I don't think there's
21 anything in it that's going to work against me. It's
22 got the key players. And please communicate that I want
23 the grand jury to talk to the key players."

24 Q Thank you, sir.

25 I'm going to shift the subject just a little

1 bit here. Turning to November 11th, 2010, do you have
2 recall of discovering the body of Susan on that day?

3 A Yes.

4 Q And had you been -- when the deputy coroner
5 arrived in the morning to look at Susan's body, had you
6 been using drugs of any sort?

7 A No.

8 Q And --

9 A Wait. No, no, I completely take that back.
10 Yes, I had taken medicines in the evening time
11 to help me sleep.

12 Q What medicines were those?

13 A I think at the time I was using Restoril.

14 Q Pardon me?

15 A At the time -- it's a memory recollection. At
16 the time I think I was using Restoril, R-e-s-t-o-r-i-l,
17 also known as Temazepam, T-e-m-a-z-e-p-a-m.

18 Q Were you using narcotics on that day?

19 A No.

20 Q And had you been drinking alcohol beforehand?

21 A No.

22 Q As a medical doctor, are you familiar with how
23 people look when they are under the influence of drugs?

24 A There's a whole variety of ways. So there --
25 there isn't "a" way. So you could be under the

1 influence of drugs right now and be performing as an
2 alcoholic -- as a district attorney and be what we would
3 call a high-functioning alcoholic. I don't know that
4 you are, but there are people who are high-functioning
5 drug users.

6 Q Excuse me for getting in your way, sir.

7 I'm going to show you a photo that's been
8 marked as People's Exhibit Number 8 and ask you if
9 you -- first of all, take a look at it. Do you
10 recognize that photo?

11 A That appears to be me.

12 Q Okay. Now, if I told you that that photo was
13 taken on the morning that you discovered your wife's
14 body, would that be a true statement?

15 A I don't know when that photo was taken.

16 Q Okay. Well, if there was testimony in this
17 case that this was a photo taken of you on the morning
18 of November 11th, 2010 when the deputy coroner came to
19 look at your wife's body, would you dispute that?

20 A No, I would not.

21 Q Now, do you see anything about that face that
22 would indicate that the person depicted was under the
23 influence of alcohol or drugs?

24 A This looks like a picture of a guy with
25 squinty eyes, which are usually the way my pictures are,

1 I have to remember to open my eyes more when people are
2 looking at me -- who trims his nose hairs poorly and has
3 crooked teeth and a crooked smile.

4 Q I missed that last part.

5 A And has crooked teeth and a crooked smile.

6 Q Now, do you see anything unusual about that
7 person's mouth?

8 A Something -- yeah, there's an asymmetric
9 smile. Most smiles are symmetric bilaterally. This
10 smile upturns on the left but is flat on the right.
11 That's another kind of facial defect of mine. I have a
12 crooked smile.

13 Q Let's put that back up there.

14 Do you see anything about the mouth, such as
15 cottonmouth or anything like that?

16 A No. I see whiteness at the -- at the corners
17 of the mouth. Is that what you're referring to?

18 Q Does that come from drugs?

19 A Drugs? It comes from a dry mouth. It comes
20 from wiping -- wiping saliva on your mouth, on the
21 corner of your mouth, and then when it dries the water
22 evaporates and you leave behind whatever debris you
23 wiped -- you wiped on the corner of your mouth.

24 Q Were you --

25 A Or you've eaten something recently and did not

1 use a napkin well.

2 Q You don't see anything about that photo that
3 would make a person sense that you were under the
4 influence of drugs or alcohol at that time?

5 A No. There's nothing in that photo that makes
6 me think a person was under the influence of drugs.

7 Q And aside from the photo, were you under the
8 influence of any drug or alcohol when the deputy coroner
9 came?

10 A I was not under the influence of alcohol. I
11 told you that the previous evening I had used Temazepam.
12 If I had been drug tested at that point, it would --
13 which I don't recall that I was, it would show the
14 presence of Temazepam in my system. So it's a sleeping
15 pill tranquilizer that I use to help to sleep at night.

16 Q Now, you went -- on the night of November 10th
17 I believe you told the officer you went to bed around
18 10 o'clock. Is that accurate?

19 A To the best of my recollection, yes.

20 Q Okay. And -- and had Susan arrived home at
21 that point?

22 A No.

23 Q Now, if -- are you familiar with how long it
24 takes to drive from Mary Pierce's house to your house?

25 A I think she lived -- she lived in Petaluma.

1 An hour and 15 minutes.

2 Q An hour and fifteen minutes?

3 A I'm -- I'm guessing. She lived in Petaluma,
4 so I'm going to say about an hour and 15 minutes.

5 Q Have you ever been to Mary's house?

6 A Yes.

7 Q Doesn't she live in Santa Rosa on Quartz
8 Street?

9 A That's her newest house, yes.

10 Q But at the time of November 2010 she was not
11 living on Quartz Street?

12 A I don't know what her address was, but she was
13 living in her new house. And if her new house was in
14 Santa Rosa, --

15 Q Okay.

16 A -- which I think it was, then that's correct.

17 Q So didn't you go to her house, Mary Pierce's
18 house, late October to talk about the divorce with
19 Susan?

20 A And to deliver marijuana to them.

21 Q And deliver marijuana to them.

22 On this marijuana business, where did the
23 marijuana come from that Susan was taking?

24 A I cultivated it.

25 Q Pardon me?

1 A I cultivated it.

2 Q Okay. Were you within the law when you
3 cultivated it?

4 A Yes. I did not bring my Mendocino marijuana
5 card, but I collected one the very first year, I think
6 it was like 2001. There was a Mendocino medical
7 marijuana card with my photograph on it. It's not on my
8 possession now, but --

9 Q How much were you growing?

10 A I would grow six plants.

11 Q Let me ask you this: Do you recall telling
12 Linda Puls in a phone conversation in September of 2012
13 that the police were hostile to you because of cannabis
14 issues?

15 A Oh, I -- I've said that to Linda probably
16 several times. I've been a marijuana activist since I
17 moved to the community in the 1980s. I was very
18 outspoken 15 years before Prop. 215 medical marijuana
19 passed. This was very annoying to the police and I
20 received let's just call it unofficial police punishment
21 for being a medical marijuana advocate in the years
22 before people accepted medical marijuana.

23 Can I continue that story? I love -- I love
24 to talk about it because it's such a rich part of
25 Mendocino history.

1 Q Well, if we had more time, sir, I'd be happy
2 to.

3 A Time is infinite.

4 Q Pardon me?

5 A Time is infinite.

6 Q Okay.

7 A Even when you die, it's not really over.
8 Time, as Einstein proved, goes on forever.

9 Q I'd like to show you some photographs taken of
10 Susan Keegan the night that you discovered her body.

11 A I discovered her in the morning about 7:00
12 a.m.

13 Q About what time, sir?

14 A I would say about 7:00 a.m.

15 Q I'm going to show you what's marked People's
16 Exhibit 7-L and ask -- and I'll represent to you that
17 this was a photograph taken of lacerations to Susan's
18 head on November 11th, 2010 by the deputy coroner.

19 Do you see that laceration?

20 A Yes.

21 Q And is it your position that that laceration
22 was caused by a fall as distinguished from a swinging
23 object?

24 A I -- I have no position at all about how that
25 laceration was caused. I was there. I did not

1 participate in the process. I think when Susan died I
2 was sleeping in another part of the house. So there's
3 no way I can identify this as Susan's head and I have
4 absolutely no comment on how that was caused because I
5 don't have a clue.

6 Q Now, isn't it true as a medical doctor that
7 when you come across a body, that you're supposed to
8 follow a certain protocol?

9 A No. What is the protocol? I can't answer the
10 question. Could you -- please advise me of the
11 protocol.

12 Q The airway -- it has an acronym beginning with
13 "A", three digits.

14 A ABCs; airway, breathe, circulate.

15 Q Yes, that sort of thing.

16 A Yeah. That's not a death protocol, that's a
17 resuscitation protocol. That's what one does when one
18 attempts to bring a recently unconscious person back to
19 life. If a person has heart arrhythmia, which means
20 their heart suddenly stops beating in an arrhythmic
21 pattern, if someone does CPR and pumps on the chest,
22 that will circulate. If someone's bold enough to
23 actually blow fresh air in their mouth, you can keep
24 people alive for an extended period of time, meaning,
25 you know, five to ten minutes.

1 Q When you saw Susan's body there what did you
2 do?

3 A I touched her foot.

4 Q Is that all you did?

5 A Yes.

6 Q And you thought that was enough to determine
7 whether or not she was alive or not?

8 A Well, the foot was ice cold and the face was
9 gray. It had passed the color of normal. When the --
10 the blood loses oxygen, kind of the redness of the blood
11 disappears, and there's a bluish color that's recent
12 loss of oxygen and there's a grayish color that
13 indicates the blood loss of oxygen is much longer.

14 I don't know if the pictures show it, but her
15 face clearly had in real life the grayish discoloration
16 and the ice cold foot that allowed me, as a physician,
17 to say this was a person who died a while ago.

18 There was no way I was going to be trying to
19 do resuscitation. The first thought I had was Susan is
20 dead. The second thought I had was, oh, I'm in trouble.
21 So those two thoughts --

22 Q Why did you feel you were in trouble?

23 A Because I was divorcing a woman who died and
24 is -- and is -- I'll just state it, I'm not going to ask
25 it as a question -- it is standard police investigative

1 theory to the suspect spouse in a mysterious murder
2 first. So I knew I was going to be a suspect in a
3 mysterious murder.

4 Q And where did you learn that?

5 A I think it was on Bones, the TV show Bones.

6 Q Okay. Now, look at this 7-M photo and tell
7 me -- this is a laceration of Susan. Would you expect,
8 as a medical doctor, that a laceration of that size on
9 the person's head would result in considerable blood?

10 A A laceration that size would result in a loss
11 of considerable blood?

12 Q Pardon me?

13 A There's nothing to indicate -- when you say
14 the size of this laceration, there is nothing here that
15 indicates -- I mean what is the -- what is the -- tell
16 me the -- I don't want to ask you a question. Let me
17 give it as a direct instruction.

18 Tell me the sonometers of the wound or have
19 something in the picture that tells you about the actual
20 real size of the wound.

21 He's asking the question how much blood comes
22 out of a wound, but it's not clear how big the wound is.

23 Q Okay. I'll try to -- I'm sorry if I haven't
24 been clear. I apologize.

25 A Well, your photograph lacks the necessary

1 medical dimension of a measurement.

2 Q Okay.

3 A What you do is you put -- you put either a
4 measuring stick or something that's recognizable, a
5 dime -- as a physician, you put a dime next to it and
6 then you take the photograph. You can assess the size
7 of things because everyone knows that a dime is --

8 Q Okay.

9 A -- one sonometer in diameter.

10 Q This is 7-K, which has more of the rounded
11 head of Susan. Does that give you some -- a little bit
12 more understanding of my question?

13 A Yeah, so that's a small wound. I would not
14 expect a large amount of blood to be coming out of that
15 wound.

16 Q Isn't it true that there's a lot of
17 vascularity in the head?

18 A Yes. There is a lot of vascularity in every
19 part of the body; that's how we stay alive.

20 Q Okay. Now, you were the only one in the house
21 that night along with Susan; isn't that correct?

22 A Yes. That I know of. If there were other
23 people there, I was not aware of them.

24 Q But you've never stated to the police that
25 there was anybody else around, have you?

1 A There was nobody else that I know of, and I --
2 wait. I don't know if -- in terms of answering your
3 question, I do not know if the police asked me if there
4 were other people around. So I have no knowledge of
5 what my response to the police about that was.

6 Q Now, your bedroom -- when Susan came home she
7 parked her car in the driveway, is that correct, as far
8 as you know, that night?

9 A We -- we have several places to park our car.
10 She placed -- she parked in what I would call the
11 concrete driveway.

12 Q Okay. And your bedroom is right next to that;
13 right?

14 A You have to go through a fenced gate and then
15 there's an entry that goes into my -- my -- my bedroom.

16 Q Would you say your bedroom is the closest room
17 to where her car was parked?

18 A Yes.

19 Q Okay. So if she left Mary Pierce's house at
20 9 o'clock and it took an hour and 15 minutes and you
21 went to bed at 10:00, wouldn't it be fair to say that
22 you were still not quite asleep when she arrived?

23 A I'm -- I'm not going to agree to any of
24 those -- those hypotheses. You're asking me was I
25 asleep at 10:15. I don't know if I was asleep or not.

1 Who remembers what --

2 Q Did you --

3 A Who remembers what time they went to bed six
4 years -- six years ago.

5 Q Okay.

6 A So that's a ridiculous question.

7 Q This is based on what you told Deputy
8 Rainwater, that you went to bed around 10 o'clock. Did
9 she get it right or not?

10 A Well, I -- I bet I would have said I went to
11 bed about 10 o'clock. I -- I doubt that I went to bed
12 at 10 o'clock precisely, but she got it right that
13 10 o'clock was about the time I usually went to bed.

14 Q Okay. Did you tell people that Susan was mad
15 at you because you -- was falsely accusing you of having
16 kicked her out of the bedroom over room temperature?

17 A Would you restate the question?

18 Q Yeah. Did you ever tell anybody that Susan
19 was mad at you because you had kicked her out of the
20 room over differences of room temperature or words to
21 that effect?

22 A No. I did not kick Susan out of the bedroom.
23 That's one of the lies that has been kind of presented
24 to the community and assumed into -- to be true. Susan
25 chose to -- to leave and go into that particular --

1 particular bedroom.

2 Q She went to where? Oh, she chose to go to
3 that bedroom?

4 A Originally I left the bedroom.

5 Okay, so -- so there's -- there's two rooms.
6 There's a bedroom we were both sleeping in.

7 Q Okay. How long had you been sleeping
8 together?

9 A Decades.

10 Q Pardon me?

11 A We had been married 34 years. We had been
12 sleeping together.

13 Q When did you stop sleeping together in the
14 same bed?

15 A Oh, I'd say that was probably the middle of
16 September.

17 Q Before the divorce was initiated by you?

18 A Yes.

19 Q Okay. And what caused the separation at that
20 point?

21 A Great.

22 Q Pardon me?

23 A I'm -- I said "great" because you finally
24 asked the question that I wanted -- that I want to
25 answer.

1 So Susan came to bed much later than me. And
2 one of the things she liked to do was to open all of the
3 windows in the bedroom, including a window that was
4 about three feet way from what house -- I'm sorry, I
5 misspoke -- including a window that was three feet away
6 from my head. And I asked her not to do that because it
7 disturbed my sleeping. Then she'd pull the covers off
8 of me, so I would wake up in the morning very cold,
9 because it goes down to the fifties at night, with a lot
10 of -- of nasal congestion.

11 And at the time I worked as a physician --
12 after working 23 years as a -- as a private physician in
13 Ukiah, I was working part-time as a physician in Covelo,
14 which meant I stayed over two nights there. And I slept
15 in a room where I could completely close the windows and
16 keep the covers over me, and I noticed that it was
17 peculiar, I woke up in Covelo and I felt great every
18 day, even though I was having to go to work, and the
19 days that I was home I woke up crappy because, you know,
20 someone had, you know, froze -- frozen me.

21 So I asked Susan to close the window closest
22 to my head; you can open other windows, put please just
23 don't do that. She refused to do that, so I chose to
24 leave the marriage bed and go sleep in the guest room
25 for my protection. So no one ordered her out; I chose

1 to leave the room.

2 Shortly after that Susan said to me, "If we're
3 going to separate rooms, I want to switch the rooms. I
4 want you to go back to the old bedroom and I want to
5 take the guest room." And my attitude was, "Whatever
6 you like, dear." So we switched the rooms.

7 And now I realize, oh, that allowed her to say
8 Peter ordered her out of the marriage room.

9 Q And did you tell the deputy -- did you use the
10 word "blamed" when you told the deputy that the spouse
11 always gets blamed when a spouse is found deceased?

12 A No, I have no recall of saying that.

13 Q Okay. Do you think you could have used the
14 word "blamed" when you said that a spouse always gets
15 blamed?

16 A Well, I think I probably communicated to the
17 officer the same thing I just communicated to you, that
18 in a suspicious murder, the spouse is a suspect.

19 Q But why would you say -- use the word "blamed"
20 if you did --

21 A I'm not saying I used the word "blamed."

22 Q But you said words to that effect; right?

23 A I said words to the effect that I knew I was
24 going to be a suspect in this case.

25 Q Okay. But why would you say that when a death

1 might otherwise be just the natural result of a fall?

2 A Because I knew the reality of the situation
3 was this would be considered a suspicious -- a
4 suspicious murder. And I was just chatting with the
5 investigating officer, and I'm not willing to -- to
6 agree to say that I used the word blame me or blame
7 whomever without hearing the tape or transcript of -- of
8 that.

9 Q Okay.

10 A So I'm not agreeing that that was what I said.

11 Q Okay. Did you say to the deputies that you
12 would not sign for the cause of death as to Susan?

13 A I couldn't sign for the cause of death. I'm
14 not her doctor. The -- the cause of death is signed for
15 by the person's private -- private physician who knows
16 the cause of death. And if the cause -- if the
17 physician is unwilling to do it because they don't know
18 why the person died, they can release the body to the
19 coroner who -- who signs for the cause of death.

20 The husband physician would never be the
21 person to sign the death certificate except for his
22 patients, which Susan was not. So it -- so it's stupid
23 to think that the husband would sign the death
24 certificate.

25 Q Was Susan cremated?

1 A Yes.

2 Q And did you -- did you take any of her ashes
3 into your own possession?

4 A Yes. There were about eight pounds of ashes.
5 I believe they were split into eight portions and
6 distributed amongst family and friends, and there is one
7 portion that is -- I hope this isn't against the law --
8 under a fig tree in my property.

9 Q And did you use -- when -- did you ask Linda
10 Puls the next day after the memorial service if she
11 wanted a portion of Susan's ashes?

12 A Well, I don't recall doing that, but that
13 is -- that is a question I would have asked Linda, if
14 she would like some of the ashes.

15 Q And did you use a measuring cup to scoop out
16 Susan's ashes and put them in plastic baggies?

17 A Did I use a measuring cup to scoop them out?
18 Eight pounds is -- is a lot of ash. I think I actually
19 used a garden hand -- hand shovel. It's not a shovel;
20 trowel, a garden trowel. I think I used a garden trowel
21 to take them out of a bigger bag into Ziploc baggies,
22 one-gallon Ziploc baggies, eight of them.

23 Q Did you go out of your way to befriend Linda
24 Puls in ways different from before?

25 A No. Linda Puls was Susan's sister. I met her

1 when she was about 12 years old and recognized the
2 difficult -- difficulties she's was encountering in the
3 Ettinger family. And I've always been exceptionally
4 kind to her because of the hardships that her -- that
5 she experienced in her life. So I have always been kind
6 to her.

7 Q Did you send Linda Susan's last paycheck?

8 A Did I send Linda Susan's last paycheck? No.
9 I sent Linda Puls \$5,000, which -- and I now realize was
10 the amount of Susan's past -- the equivalent amount of
11 Susan's past paycheck, but the sending of the \$5,000 had
12 nothing to do with Susan's past paycheck. It was
13 helping Linda to meet a house payment.

14 Linda, because of her unfortunate drug
15 problems, has encountered financial difficulties as
16 well, and I have helped Linda out financially.

17 Q And did you do these things for Linda because
18 you felt you needed an ally within the family, because
19 you felt others might not be your allies?

20 A No, I did it for Linda because I love her and
21 she was Susan's sister.

22 Q Now, isn't it true that in August of 2012 that
23 you called Linda Puls after the reclassification of
24 Susan's death to a homicide?

25 A I have no recall of that.

1 Q Pardon me?

2 A I have no recall of that.

3 Q Okay. Did -- do you have any reason to
4 believe that Linda Puls might have changed her mind
5 about your involvement in Susan's death after the
6 reclassification of the death of Susan to homicide?

7 A I -- I really am not informed to answer
8 that question -- answer that question.

9 Q Okay.

10 A I've never -- I've never directly asked Linda
11 if she thinks I killed her sister. I don't think I
12 would do that.

13 Q Did you have any encounters with Oni LaGioia
14 personally after Susan's death?

15 A Yes.

16 Q Pardon me?

17 A Yes.

18 Q And what were those encounters?

19 A They were multiple encounters. Oni was
20 Susan's best friend. She took lots of Susan's stuff.
21 Oni was an artist; Linda was an artist. I'm not an
22 artist. There were a lot of nice art supplies that Oni
23 made clear she would like to have. She was inside of
24 my -- in and out of my house multiple times.

25 Q Let me ask you this: Before Susan's death and

1 after you filed the divorce in October 2010, did you
2 make two bicycle trips to Oni's house in Ukiah?

3 A I don't recall that, but I would say that that
4 was a time in my life I was bicycling a lot. And so if
5 I -- it -- I do use -- if the question is: Do I use a
6 bicycle for transportation? The answer is: In those
7 days, yes, I did.

8 Q And do you recall going to Oni's house in late
9 October 2010 to tell her that Susan was addicted to
10 narcotics?

11 A Yes. Oni knew that. I went in the context of
12 asking her to help me to persuade Susan to seek
13 treatment, which she had declined to do in therapy.

14 Q But --

15 A Oni, I was hoping, would be an ally for Susan
16 to get the help she needed.

17 Q But didn't you go there, to Oni's, to justify
18 your filing divorce against Susan?

19 A Oni already knew Susan was -- Susan and I were
20 being divorced because Oni and Susan were best friends.

21 Q But did you feel you had to press the issue
22 because she might have some reservations about why you
23 did the divorce?

24 A After I found out that Oni was notified of the
25 divorce, yes, I went over to tell Oni my side of the

1 story, including if she was willing to help Susan to --
2 to do a treatment to preserve -- preserve the marriage.

3 Q But didn't --

4 A I was more than committed to honor our vows.
5 I really did love this -- this woman. She absolutely
6 refused to get any sort of treatment. She said that in
7 the therapist's office.

8 Q Didn't you tell Oni that her addiction has --
9 had caused Susan to have a lower libido?

10 A I don't remember that.

11 Q Did you tell Oni, quote, "that I have a
12 fucking right to have sex with my wife"?

13 A I don't remember saying that.

14 Q Did Oni tell you that you should keep your
15 vows in sickness and in health?

16 A Yes.

17 Q And what was your response? Did that matter
18 to you?

19 A My -- my response was just what I said, that
20 assumes a person is -- is willing to make an attempt to
21 get healthy. And I explained that Susan had decided
22 that she was not going to deal with her drug addiction
23 or -- or treatment. So I would -- and that's what I
24 said to her, to Oni, was like, "yeah, she" -- "yeah, I
25 would be happy to stand by her if she made half an

1 effort on her own behalf."

2 Q Did you say to Oni regarding Susan that you,
3 quote, "had to get rid of her," close quote, before you
4 had a sexual relationship with anybody else?

5 A I did not tell her that. That's total crap.

6 Q When you talked to Oni on these bicycle trips
7 would --

8 A Wait a minute. Oni did not go on bicycle
9 trips with me.

10 Q No, I'm sorry, I misspoke. When you made
11 bicycle trips to Oni's house and you had these
12 conversations --

13 A When I went to Oni's house to visit her, yes,
14 yes.

15 Q -- were you highly agitated?

16 A I -- I would not describe myself as highly --

17 Q Pardon me?

18 A I would not describe myself as highly
19 agitated.

20 Q Were you angry?

21 A I would not describe myself as angry.

22 Q Were you manic?

23 A Manic? No.

24 Q Okay. Did you say to Oni, "The boys want to
25 have a memorial service, but I don't give a fuck"?

1 A No, I did not say that. We wanted to have a
2 memorial service and we worked hard to -- to have a
3 beautiful memorial service happen for Susan at the
4 Methodist Church. It was a beautiful service, well
5 done, that a lot of people helped with.

6 Q Did --

7 A So we did -- we did accomplish that on her
8 behalf. I don't know why Oni would say otherwise.

9 Q Did Oni indicate to you that she wanted
10 Susan's ashes?

11 A Yes.

12 Q And did you leave Susan's ashes in the evening
13 on her doorknob in a plastic grocery bag?

14 A I -- I do not specifically recall, but it
15 would -- it would make sense that the Ziploc baggy would
16 have been put into a plastic bag and hung on her
17 doorknob. If when I rang the doorbell she didn't
18 answer, I would have left them for her. So she would
19 have known -- known what it was -- or I don't know if
20 there was a notation, but I would believe -- if she said
21 that's what I did, I would believe that yes, I left them
22 in a plastic bag containing a Ziploc baggy of one pound
23 of Susan's ashes.

24 Q Did you leave a note or anything at that time
25 showing a sense of solemnity?

1 A I have no recall of that.

2 Q Pardon me?

3 A I have no recall of that.

4 Q Were you using Facebook after Susan's death?

5 A Yes. My children came to me and said, "You
6 have to learn to use Facebook." And my son Simon set me
7 up on Facebook while they were visiting.

8 Q And did you, within five days of Susan's
9 death, put on Facebook -- on your Facebook page that you
10 were single or widowed and you were seeking a
11 relationship?

12 A No, I did not put that on there. My son Simon
13 put that on there.

14 Q With your approval?

15 A He -- I -- he probably did -- he probably did,
16 you know, show me what he was doing and I did -- I did
17 say approval. I'm going to speculate that Simon, before
18 he put up the Facebook, would have reviewed it with me
19 and that I would have agreed that those were the
20 appropriate demographic choices to make for describing
21 me. But I would not have been on Facebook were it not
22 for my son -- my son Simon telling me, "you must."

23 Q I'm going to show you what is marked as
24 Exhibit Number 26, which appears to be a handwritten
25 letter, and ask you to take a look at it, it's two pages

1 long, tell me if you recognize it and, if so, please
2 identify it.

3 A May I read the whole thing through?

4 Q Pardon me?

5 A May I read the whole thing to myself quietly?

6 Q Yes, you may. Take all the time you want.

7 (Brief pause.)

8 A Yes, this looks like a photo of a letter that
9 I sent to Bruce Anderson, who is the editor of the
10 Anderson Valley Advertiser.

11 Q Could you read it into the record?

12 A Yes. February 11th, 19:11:

13 "Dear Bruce: Love your paper. Haven't
14 missed an issue in years. One of the best
15 entertainment values in Mendocino County.
16 Imagine my surprise yesterday evening when I
17 found I was one of the stars in, quote, 'off
18 the record,' unquote, regarding my wife's
19 death. You wrote, quote, 'we are more than
20 four months from Susan's death,' unquote, but
21 if she died on November 11th and you published
22 February 9th, that's actually less than three
23 months. Forgot your, quote, 'thinking cap,'
24 quote, again. Quote, 'Susan was always active
25 in the community and most recently with her

1 Ukiah Players,' unquote. No, that's not
2 correct either. She worked for UPT 15 years
3 ago and hasn't been in one of their
4 performances in more than a decade. Can't
5 wait to see what imaginative fun you have in
6 store for me next week. Things like the truth
7 and facts have always been the AVA's weak
8 point, but it's so much fun to watch you trash
9 people. Sincerely, Peter Keegan."

10 Q And you wrote that to Bruce Anderson?

11 A Yes. I didn't remember writing it, but thank
12 you for reminding me.

13 Q Okay. For the jury to see, that's your
14 handwriting; is that correct?

15 A Yes, that is my handwriting.

16 (Exhibit 26 was identified.)

17 Q (BY MR. STOEN) Now, did you -- on February
18 28th, or thereabouts, 2011, appear on Oni LaGioia's
19 porch one morning to drop off an article in the AVA
20 entitled, quote, "The improbable death of Susan Keegan"?

21 A I don't recall doing it, but that's the type
22 of thing I would have done.

23 Q And why would you have done that?

24 A Because perhaps she was not a subscriber to
25 the AVA, and since Oni was one of the main movers for --

1 for this, it was a way for her to have a printed copy.
2 She might have gotten her own, obviously she might have
3 just read it online, but --

4 Q Did you leave a note for Oni?

5 A I don't know if I left a note. I might have.

6 Q Okay. First of all, do you recall when the
7 officers came to your house in June of 2011 to seize the
8 computers? Do you recall that?

9 A I'm sorry, ask that question again, please.

10 Q Do you recall when the DA investigators came
11 to do a search warrant on your house in June of 2011?

12 A Yes.

13 Q Okay. And I'm going to show you a photo that
14 they took -- that they claim to have taken of something
15 in your house on that date, and this is Exhibit Number
16 27. And I've placed some yellow stickers on it and they
17 placed a number on it. I'm asking you if you recognize
18 this and, if so, please indicate what it is.

19 A That is a copy of the Anderson Valley
20 Advertiser, first page. It's called -- it's lead
21 article has a picture of me and Susan. It says, "The
22 Improbable Death of Susan Keegan."

23 I had given this to my therapist -- I'm
24 blocking on her name -- and I had written on it "save"
25 so that she did not throw it out. So that's a copy of

1 the AVA.

2 Q So who would not throw it out?

3 A Lorelei Hammond.

4 Q But why would it be in your house if you
5 wanted a third person not to throw it out?

6 A I -- I -- I gave it to her. She read it. So
7 at the time this went out I was meeting with a
8 therapist. I gave this to the therapist to read, marked
9 it "save," she gave it back to me, --

10 Q Okay.

11 A -- and I put it back in the drawer where I was
12 keeping the documents which were starting to accumulate
13 about Susan's death.

14 Honest to god, the police did not contact me
15 until February. They did search my house November 11th
16 and they did show up and, you know, they were there and
17 did their thing; but except for not giving me the death
18 certificate, they did not reach out until the middle of
19 February when I got my attorney. And, boy, I'd
20 like to -- I'd like to be given an opportunity to talk
21 about that February interaction with the police at some
22 point.

23 Q Let me ask you this.

24 A I hope you ask.

25 Q We're talking about your visit to Oni, okay?

1 You did make a visit to Oni. Did you drop off that
2 article or a copy of that article or parts of that
3 article on your visit to Oni around February 28th?

4 A I have no recall.

5 Q Okay. Here's People's Exhibit Number 28, and
6 it begins with the word "greetings" and it has the
7 initial "P" at the end. I'd like you to take a look at
8 that, tell me if you recognize that.

9 A Okay. Yes, I -- I -- I recognize the "P". I
10 haven't read the -- the text, but I will read it right
11 now.

12 (Brief pause.)

13 Yes, I recognize that.

14 Q And what's the -- what's the first line in
15 that note?

16 A "Wanted to be sure that you didn't miss the
17 scandalous AV article you contributed to" -- I'm going
18 to reread that. "Wanted to be sure that you didn't miss
19 the scandalous AVA article you contributed to."

20 Q Well, why did you feel you had to give that
21 note to Oni?

22 A Why did I feel I needed to?

23 Q Yes.

24 A There was no need to. I did it intentionally.

25 Q Were you angry?

1 A I would say I was angry at that point --

2 Q Okay.

3 A -- that this article had come out.

4 Q Were you trying to scare her?

5 A No, I was not trying to scare her.

6 I think I sent the same note to Mary Pierce.

7 Q Could you read the whole note into the record,
8 please.

9 A Yes.

10 "Greetings. Wanted to be sure you didn't
11 miss the scandalous AVA article you
12 contributed to. Bruce" -- Bruce Anderson,
13 AVA -- "got it wrong (not unusual). The
14 toxicology report is back and showed high
15 levels of opiates, alcohol, cannabis,
16 antidepressants, tranquilizers, and other very
17 weird stuff. Susan kept secret journals that
18 I found after her death. Very disturbing.
19 She had a hard time verbalizing the truth,
20 duped all her friends, and obviously thought
21 that writing about her weird psyche was
22 satisfactory, when really she needed
23 professional help. Initially I thought her
24 death was accidental overdose. Now it's
25 apparent it was suicide."

1 Q You were claiming at the time you wrote this
2 that Susan committed suicide; is that right?

3 A Yeah. Yeah, I had discovered her diaries and
4 the thought occurred to me that she had personally
5 overdosed.

6 Q So basically you changed your explanation of
7 death from fault to suicide at that point.

8 A I have no idea how she died. That's merely
9 the speculations of a disgruntled individual.

10 Q Okay. Now, did you also leave some of these
11 what you call "dark entries" with Oni in that -- when
12 you left that note?

13 A I have absolutely no -- no recall. I might
14 have. I might have. You know, it would be possible
15 that I read her that poem that I read to you guys --

16 Q Okay.

17 A -- so that Oni would see it.

18 Q So you were spreading some of this dark stuff
19 around the -- around the -- to other people; right?

20 A Oni, Mary, and Karyn.

21 Q And nobody else?

22 A Nobody else.

23 Q Okay. Now, I'd like to turn your attention to
24 October 2010, around the time you filed for divorce.
25 Did you take a computer to a private investigator in

1 Lake County by the name of Mike Hermann?

2 A Yes.

3 Q And did you ask him to hack into Susan's
4 private and/or personal accounts?

5 A No.

6 Q Did you tell him you thought your wife was
7 cheating on you?

8 A No.

9 Q So you didn't make repeated requests for him
10 to hack into Susan's private e-mails; is that correct?

11 A That's correct.

12 Q Did you --

13 A Would you like to know why I hired him?

14 Q Pardon me?

15 A Would you like to know why I hired him?

16 Q Yes, please tell us.

17 A Yeah. So I had received in the mail from my
18 insurer a -- a letter saying that I had been approved
19 for visits with a mental health person. I called them
20 up and said, you know, "I haven't asked for that. Who
21 asked for it?" And they said, "You did." I said, "No,
22 I didn't."

23 So I went to a private investigator to say,
24 could you help me find out who really called the
25 insurance company and said, you know, Dr. Keegan needs

1 mental health consultation.

2 Q But didn't you thereafter figure it out for
3 yourself and tell Mike Hermann that you had figured it
4 out for yourself?

5 A No, he -- he actually arranged for me to talk
6 with the high-level Blue Shield representatives who
7 said, oh, yeah, when we say we're recording this visit,
8 they're really not recording the visit.

9 I wanted to listen to the visit and hear --
10 and hear the voice. And I spoke to the high-level
11 executive, she answered all my questions, made it clear
12 to me that there was no recording that she could access.
13 So there was no way for me to know who -- who -- who
14 made that phone call.

15 Q Okay. What --

16 A And I have no -- no recollection of -- of more
17 than that, to be honest.

18 Q Okay. And what -- at some point your first
19 reason for coming resolved itself. Did you have
20 subsequent meetings, either by phone or in person, with
21 Mike Hermann after the Blue Shield problem was resolved?

22 A Not that I recall.

23 Q Did you ask Mike Hermann to install spyware on
24 the computer used by Susan?

25 A No.

1 Q Did you offer to pay him more than his
2 standard fee if he would do that?

3 A No.

4 Q Did you become enraged when Norm Rosen told
5 you that you would have to pay more than \$2,000 a month
6 in temporary spousal support to Susan?

7 A No. And you should talk to Norm Rosen about
8 that because that rumor was spread that Peter jumped up
9 and down, yelled, "it's all mine, it's all mine, it's
10 all mine."

11 It's pretty clear in California that if you're
12 married for ten years, the assets are being split. I
13 knew that. That's a rumor that's been circulated. Norm
14 Rosen was in the room. He can answer that question for
15 you.

16 Q Weren't you angry when you knew that you would
17 have to pay that amount of money to Susan?

18 A No.

19 Q Okay.

20 MR. STOEN: Well, Dr. Keegan, that's all the
21 questions I have. The grand jury may have some, unless
22 they decide to break for lunch.

23 JURY SECRETARY: Do you want to break and come
24 back with questions?

25 JURY FOREPERSON: I mean I see pads full of

1 questions and I think we'll be here for quite some time.

2 MR. STOEN: Okay. It's up to the foreperson.
3 You're in charge.

4 JURY SERGEANT OF ARMS: I was going to ask,
5 maybe we can take a vote of how many people would like
6 to finish this portion and then take a lunch break.
7 Dr. Keegan could go back home and we could be done with
8 the questioning.

9 THE WITNESS: I'm staying to be questioned
10 more by you guys; yes?

11 JURY FOREPERSON: Yes.

12 A JUROR: That's what I'm talking about.

13 THE WITNESS: Let's take a break and come
14 back.

15 JURY FOREPERSON: The time is 12:05. I think
16 we should probably take a lunch break and meet back at
17 1:15.

18 Let me remind you of the secrecy admonition to
19 not talk to anybody in the jury -- grand jury about this
20 case or --

21 MR. STOEN: Form an opinion.

22 JURY FOREPERSON: -- inspect any evidence or
23 form an opinion outside of this room and we will discuss
24 this when we deliberate.

25 MR. STOEN: Thank you.

1 JURY FOREPERSON: Thank you.

2 (Lunch recess taken.)

3 MR. STOEN: Do you want to take roll, Madam
4 Foreperson?

5 JURY FOREPERSON: Sure.

6 (Roll call taken; all jurors present.)

7 JURY FOREPERSON: We're all here.

8 MR. STOEN: Okay. Dr. Keegan, now is the time
9 that the grand jurors have a right to ask questions.
10 What they do is submit it on a piece of paper and I
11 review them to see if they're legally admissible. So if
12 you would be kind enough to answer them as you see fit.

13 JURY SECRETARY: Question number 94 from juror
14 616861.

15 Q (BY MR. STOEN) The question is: Dr. Keegan,
16 how long have you been using a cane?

17 A On and off for about six months.

18 Q Six months?

19 A Yes.

20 Q Thank you.

21 A On and off. I -- if I'm walking short
22 distances, less than a block or two, I don't use it. If
23 it's going to be longer, I do use it. It comes -- you
24 don't really need a cane until you need it and then,
25 boy, you're glad to have it.

1 Q All right. Did you ever grieve your wife's
2 death and, if so, how?

3 A I grieved my wife's death completely
4 privately -- I'm a prayerful and spiritual person -- and
5 with family, my children.

6 Q What do you feel was the catalyst for her to
7 become a drug addict by your standard?

8 A She hated working. It was very hard for her
9 to get through a workday. When the kids went off to
10 college in 1999, she agreed that rather than mortgaging
11 the house, she would take a full-time job with the
12 American Cancer Society. She hated stuff that was kind
13 of health related. It was very hard for her to work a
14 full-time day. Hydrocodone helped her get through the
15 day. The problem with opiates is you need more and
16 more.

17 So I think it was the stresses of having to
18 kind of stay five days a week in an office, that was a
19 factor, as well as undoubtedly some issues in
20 relationship or stuff that I have no awareness, as well
21 as perhaps her strong family history or -- so I think
22 the job -- me personally, I like to kind of blame the
23 job, that it was -- it was just easier to do if you're
24 high.

25 Q Next question: Do you miss Mrs. Keegan?

1 A I do miss Mrs. Keegan dearly. I -- I wish she
2 had been, you know, willing to go for treatment, not
3 just for the drug stuff, but also for her emotional
4 stuff.

5 We went to counseling once and -- and I don't
6 want to -- I don't know the name of the counselor -- and
7 this was in the middle -- middle 2000s. The counselor
8 has since passed away. We went six times. And I
9 thought counseling was kind of like you just sit and you
10 talk and the person listens. And after six times, the
11 counselor said, "Well, do you know what I think?" She's
12 like, "Yeah, sure," you know. And I thought -- I
13 thought we were already doing it. And basically she --
14 she looked at Susan and said, "You have really deep
15 pain. It's going to be very hard to get rid of. I can
16 help you with that pain. Come back" -- and then she
17 added -- she also added the line, "If you have any
18 feelings of affection at all for Peter, do him a favor
19 and divorce him," which -- which kind of stunned me to
20 hear from the counselor. And then she said, "But I" --
21 "I can help you with your pain. Come back" -- "come
22 back next week."

23 She turned over and looked at me and said,
24 "Peter, don't come back anymore."

25 And -- and Susan, of course, did not go back.

1 She -- she did not believe anybody could help her. I
2 wish she had gone back. That counselor was very -- very
3 insightful and I do believe she could have helped Susan
4 with some of the pain and suffering she was
5 experiencing.

6 Q Next question: Do you think Susan's writing
7 was a means of coping with her depression?

8 A Yes.

9 Q What time did you discover Mrs. Keegan's body?

10 A About 7 o'clock in the morning.

11 Q And why didn't you start CPR?

12 A Because she had obviously been dead for a
13 while. CPR is only appropriate if a person's been
14 unconscious for five or ten minutes.

15 When the foot has turned completely cold and
16 the skin is past blue to gray, there's no point in doing
17 CPR, the person is dead. CPR is only useful if you get
18 a person shortly after they're dying. So, you know, CPR
19 is only effective if you find somebody within a few
20 minutes, and then it can be -- be very effective. If a
21 person's been dead for an hour or more, then CPR is --
22 is -- is useless. It's a waste -- a waste of time and
23 energy. There's no point to do CPR on a dead person.

24 Q Next question: Have you ever witnessed a dead
25 body before?

1 A Yes, many times. I'm a -- I'm a family
2 practice physician. I've worked 30 years in medicine.
3 I've helped many people with the dying process.

4 It's not true anymore, fortunately, but it
5 used to be that doctors had to declare the person dead.
6 So if a patient dies at 3 o'clock in the morning, the
7 nurse can't say, "uh, the patient's dead."

8 Let's say the first half of my career they
9 would have to call the doctor and say "your patient
10 died," and I would go to see the patient, confirm that
11 they were dead, and then write a note, you know, patient
12 expired at 3:30 a.m., no pulse or respirations. So for
13 a large part of my career it was only doctors who could
14 declare people dead. Now that's changed.

15 An interesting anecdote -- I'll just kind of
16 share it to keeps things a little more light-hearted --
17 I once had a doctor friend declare a patient dead in the
18 middle of the night, thinking he was doing me a favor,
19 went and got on stereoscope, listened for a heartbeat
20 and breaths, wrote that the person was dead. The
21 following morning the person was alive. And it was kind
22 of embarrassing to have to call my colleague doctor and
23 say that his diagnosis of death was wrong.

24 But so -- but yes, I've seen many dead people
25 in my life.

1 Q Would you consider yourself to be empathetic?

2 A Yes, I'm -- I'm highly empathetic. And that
3 was one of my strong features as a physician in helping
4 people. I could listen to people, be empathetic, try to
5 help them without, you know, doing expensive and lots of
6 tests. I was trained that the secret of the care of the
7 patient is in caring for the patient. And I was trained
8 that if you listen carefully to what people say, they'll
9 often give you the answer to the question of the problem
10 in a -- in a parenthetical remark. So my style of
11 doctoring was to -- to really listen.

12 And for most of my career you could just
13 scribble notes. So you could keep eye contact with
14 people, listen to what they're doing, stay engaged, and
15 scribble notes. Then they switched over to electronic
16 health record. It's very hard to give the appearance of
17 being empathetic when your head is totally in the
18 computer and the patient is over here kind of upset that
19 you're not even kind of looking at them.

20 So I -- I -- I was trained in the era where
21 you're -- you're supposed to try to be kind with people,
22 take your -- your business is going to be often bad news
23 stuff, try to cut -- don't be untruthful, but try to
24 round off the harsh edges of -- of reality. And I think
25 people liked that I was able to relate and willing to

1 spend time.

2 Financially that's not longer possible.
3 Doctors have to see you on, you know, five-minute or
4 seven-minute schedules. But I started doctoring in
5 1981, I did my own business for 23 years, and I spent as
6 much time as I wanted.

7 You know, common things occur. Commonly -- I
8 have good understanding of a lot of problems, so I was
9 able to help people. I mean obviously you get things
10 wrong; you don't help everybody. A lot of times I could
11 help people just by sharing my knowledge or I think kind
12 of thought of myself as a translator in life's harsh
13 realities, matching a person up with medical stuff, I'm
14 trying to kind of translate what's going on and how the
15 medical community can help them.

16 But yes, I -- I do feel like I'm an empathetic
17 person.

18 Q Thank you, sir.

19 Did you ever try to change Susan's e-mail
20 password?

21 A No.

22 Q Why did you write the prescriptions if they
23 weren't your patients?

24 A I was supplying Susan with drugs, which I
25 knew -- I knew was wrong. But Susan was a very strong

1 woman and basically I was compliant and just helping her
2 get the drugs she needed in order to -- to function.

3 MR. STOEN: Did you want me to say okay on
4 these or just the ones that I --

5 JURY FOREPERSON: The ones that you don't ask.

6 MR. STOEN: The ones that I don't ask, okay.

7 Next question.

8 JURY SECRETARY: Question number 95 from juror
9 609424.

10 Q (BY MR. STOEN) Do you believe Susan committed
11 suicide?

12 A Not in a sense of banging her own -- banging
13 her own head; yes in the sense that she knew what she
14 was doing with drugs and alcohol had -- had lethal
15 possibilities.

16 Q Okay. This one is somewhat related, but you
17 may have answered it already: How does one kill one's
18 self by falling in a bathroom?

19 A You -- you -- you hit your head, you know,
20 hard enough that there's a brain injury or bleeding
21 happens, or that's just part of a more complicated
22 scenario where you lose consciousness, fail to protect
23 your airway. There are many different ways people die.
24 But head injury can be a cause of -- events that cause
25 you to die.

1 A head injury -- so when you have a head
2 injury, if you hit your head and you have internal
3 bleeding, the pressure builds up inside of the head and
4 the skull is complete. As pressure increases, it starts
5 to cause parts of the brain to not work, including the
6 part of the brain that tells your body to breathe.

7 So -- and I don't know if this was -- this was
8 found in autopsy. I don't have any information about
9 autopsy or any of that kind of stuff, but was there --
10 you know, I mean internal bleeding inside of your head
11 can cause people to die.

12 Q Next question: Do you consider yourself the
13 victim in this situation?

14 A No, no. Susan -- Susan is the unfortunate
15 victim. I'm not -- I'm not a victim at all. I do feel
16 like my children are victims because they're the ones
17 who are suffering. They had a really good mother who --
18 who loved them dearly. They've lost their mother.

19 The community, you know, reputation for the
20 Keegan name is -- is hard. My son recently moved here.
21 He's joining the faculty at the high school. It's very
22 hard on -- on -- on the family. I -- I -- I do --

23 I'm sorry, what was the question? Am I angry?
24 Do I consider myself a victim?

25 Q Yeah.

1 A No, I don't consider myself a victim, but I do
2 feel like I'm being punished. And I'm -- I'm -- I'm --
3 on some level I'm upset that the people who say that
4 they love Susan the most, Oni and Karyn, are -- have
5 pursued this so vigorously. So that if I am indicted, I
6 will continue to pay \$450 an hour to an -- an attorney
7 at a time when I'm dying. So, essentially, the people
8 who love Susan are transferring an estate that should go
9 to my children and grandchildren; instead, it's going to
10 go into the pockets of attorneys and -- and criminal
11 experts. So that kind of -- that kind of bums me out.

12 But, you know, the Lord works in strange and
13 mysterious ways. There's a reason this is happening. I
14 don't know what it is. I don't -- I don't presume to
15 ask questions of why God is doing it. I just accept
16 that it happens and try to be a full participant.

17 Q Thank you, sir.

18 MR. STOEN: Next question.

19 JURY SECRETARY: Question number 96 from juror
20 616861.

21 Q (BY MR. STOEN) Why didn't you say the kind
22 things about Mrs. Keegan at her funeral that you just
23 told us?

24 A I was too upset to get up in public and talk,
25 to actually stand up and talk in front of people and to

1 think that your words come out, you know, properly.

2 To be honest, just trying to make that whole
3 affair run, to have a service and get it coordinated and
4 get speakers and whatever, you know, I -- I -- I -- I
5 did end up in the position kind of project manager to
6 get the -- the funeral event to happen. And actually
7 standing up and talking -- my son Luke was an eloquent,
8 you know, family representative, so I -- I was in no
9 position to get up and talk about it.

10 Q Next question: Do you still use drugs for
11 sleeping?

12 A Yes, definitely.

13 Q And do you like the way they make you feel?

14 A I like that I can go to sleep instead of being
15 worried about this or dying or whatever. So with --
16 with sleeping medications, it's not how you feel, it's
17 like how fast you fall asleep.

18 And I use sleeping medication that, at the
19 right dose, I can fall asleep, you know, pretty
20 promptly, sleep well, and wake up in the morning feeling
21 refreshed without being, you know, drugged or hungover.

22 Q And what stage is your cancer, sir?

23 A My cancer is stage four metastatic cancer.

24 It's a terminal -- terminal cancer. So -- so there's --
25 there's -- when you talk about cancers, there's four --

1 there's four -- four stages, and stage four is where the
2 cancer has left where it started out and it's spread in
3 other places. And I think I said to you it's in 12
4 bones. It's majorly in my hip bones interfering with
5 walking. It's totally blocked my lymph system, so my
6 leg is double -- double the size. The lymph nodes have
7 spread up the abdomen, through the chest, into the neck.
8 The vertebrae -- interestingly, the highest vertebrae,
9 the first cervical one, has cancer in it. The cancer
10 spread from the bottom of my abdomen to the top.

11 In addition to staging, they -- they -- they
12 look at the tumor, and under the microscope doctors can
13 kind of say this a low grade tumor, this is a medium
14 grade tumor, this is a high grade; high grade meaning,
15 you know, really aggressive, fights hard, grows fast,
16 spreads stuff. They told me early on mine was a high
17 grade tumor. They could tell me that.

18 They did, through UC, two state-of-the-art
19 immunotherapies, very kind of high tech treatments, that
20 do have success for some people with bladder cancer, and
21 both failed. And you can see they failed because they
22 take -- what they do is they take pictures. They take
23 pictures and they see that your lymph nodes have gotten
24 bigger. They say: This is not working, we're not going
25 to continue to give you \$25,000 injections, you know,

1 you're kicked out of the program, let's try this
2 program.

3 And it's like the same thing, wow, this is
4 a -- you know, they will give you -- they gave you a
5 very good pep talking, really encouraging. I thought,
6 wow, they have something here that's really designed
7 specifically for my tumor in the sense that they can
8 look at the tumors and see the receptors and target.
9 Nowadays it's called immunotherapy. I mean they had an
10 excellent immunotherapy option. That again failed.

11 The same day that I got kicked out of my
12 second immunotherapy program I got a tape-recorded
13 message from the DA's office saying, you know, get in
14 touch with them about, you know, a grand jury.

15 So I'm stage four, highly aggressive tumor.

16 Would you like me to read two letters from
17 doctors? No? One doctor says six -- six months to a
18 year, probably less; another doctor says six months.

19 Q Are you undergoing therapy?

20 A Psychotherapy, chemotherapy, or what kind of
21 therapy?

22 Q I presume it's psychotherapy.

23 A No, I'm not undergoing psychotherapy.

24 MR. STOEN: Next question.

25 JURY SECRETARY: Question number 97 from juror

1 636055.

2 Q (BY MR. STOEN) Why were you concerned with
3 getting the autopsy results the very day of Susan's
4 death?

5 A I wasn't concerned with getting the autopsy
6 results the very day of Susan's death. I don't know
7 who -- who said that or where that information --
8 information came from. That's -- that's not a -- a true
9 situation.

10 I had no contact really -- so on the day of
11 Susan's death, the first people who come to the house
12 are the emergency staff. So when I saw that Susan was
13 dead, I dialed 9-1-1 and tried to very calmly
14 communicate this woman was dead, they did not need to be
15 coming with sirens and flashing lights and stuff, but
16 you know, they need -- they needed to come.

17 The emergency medical people come. They
18 confirm that. They leave a person there and call the
19 police coroner's office. The coroner's office come.
20 They interview me, take pictures, do -- do their thing,
21 search the house.

22 So -- so while one female officer was
23 interrogating me, so to speak, or getting my details or
24 asking me questions, there was another male officer
25 who's going through my house, finding -- you know,

1 finding stuff, you know, and -- and -- and searching the
2 house. I presumed that was all a regular part of any --
3 any death. It wasn't until February when I still had
4 been unable to get a copy of the death certificate and
5 the Anderson Valley Advertiser had run a front-page
6 article that I consulted an attorney. And the attorney
7 basically said, you know, just keep your mouth shut, you
8 know, don't do anything.

9 I was called by, I think he was a sergeant
10 then, Scott Poma who said, "We want to talk to you.
11 Come on down and talk to us." And -- actually, no, that
12 was before I hired the attorney. So -- so -- but in
13 February, before I hired an attorney, Scott Poma said,
14 "Come on down. We want to talk to you." And I said,
15 "I'm willing to talk to you, but I know I'm a spouse and
16 I'm entitled to a police report, autopsy report, you
17 know, toxicology" -- "toxicology report." And he said,
18 "Sure, I'll give them to you." So I said, "Great."

19 And so I went down and met with Officer Poma.
20 But it wasn't like sitting down with somebody in his
21 office, I was in an interrogation room and there was
22 another sheriff in there. And I don't know who he is,
23 but there was -- there was a witness in there, and
24 they -- they -- they started to ask me questions, which
25 I answered.

1 And then I said, "Well, I want" -- you know,
2 "You said this was the deal. Let me see some of the
3 information."

4 So he said, "Here's the toxicology report,"
5 and he handed me -- this is all Officer Poma -- he
6 handed me a three-page document. And I read the first
7 page and, sure enough, it had drug listings for drugs
8 that I would believe were in Susan's system. I turned
9 to the second page, it's a different font and there's a
10 list of -- of cardiac drugs, heart drugs in very high
11 amounts that would never in a million years be in
12 Susan's system. And this was in fact the toxicology
13 report from someone who had attempted to be resuscitated
14 at a hospital, so CPR was done. They do the airway,
15 breathe, circulate, but they used the drugs.

16 And so they gave me a toxicology report, and
17 page 2 has all of these, you know, cardiac drugs. And
18 it's like I said, this is -- this is -- this is not
19 real. And at that point I knew for sure I was not just
20 being interviewed for information purposes, but that I
21 was a suspect because they had just tried to do a trick
22 on me. So I got up and left and, you know, hired an --
23 an attorney who advised me that don't talk to anyone,
24 don't talk to -- don't answer anything in the press,
25 keep your mouth shut, and they're going to come search

1 your house, so if you have anything in your house you
2 don't want the police to find, I'm telling you they're
3 going to be searching your house, you better -- kind
4 of come and get it.

5 Sure enough, they came in June and searched my
6 house. I don't know if you've ever been a victim of a
7 police search, but basically they take everything that
8 was in one room and inspect it and pile it in the middle
9 of another room and they take the dirtiest, most
10 repugnant ugly blankets and nail them to your windows to
11 create darkness so they can look for blood or something.
12 I don't know what they're doing, but it was -- you know,
13 they left my house a mess.

14 My attorney said, "Don't touch anything.
15 We're going to take pictures of this. This -- this --
16 this is really unacceptable what the sheriff's office
17 did to your house."

18 Q For the next question you can dispute the
19 premises as you wish: You keep saying suspicious
20 murder, but didn't you say this was a fall due to
21 drinking and drugs? Why would you say you thought this
22 was a suspicious murder?

23 A Because that's what it's being investigated
24 as. I -- I -- I haven't -- I haven't seen a death
25 certificate that says homicide. I have seen death

1 certificates that say uncertain cause of death.

2 You're saying to me that it's been decided
3 that it's a homicide. I'd love to see that death -- the
4 death certificate that says that.

5 So I'm just staying in harmony with what other
6 people are saying, that this is a murder, you know.

7 Q Okay. I'll try to respond to your question.

8 A Sure.

9 Q I have before me Exhibit Number 23, which is a
10 three-page document, and the third page states -- I'll
11 show it to you, sir -- "Physician Coroner's Amendment"
12 and then it states on line 119, first of all, "statement
13 of corrections could not be determined" and then the
14 next column says "homicide."

15 A What was the date -- what was the date of
16 that? When was that correction made?

17 Q I believe it was in August of 2012.

18 A No, this was issued August 1st, 2017. This
19 was just -- just decided that it was a homicide. August
20 1st, 2017.

21 Q Okay. Would you take a look where it says
22 "date accepted for registration" when it was filed with
23 the state and see what date that is, please.

24 A 8/15/12.

25 Q Thank you.

1 A Could -- could I actually read the death
2 certificate?

3 Q You may, sir.

4 A I haven't seen this one.

5 (Brief pause.)

6 A Yeah, this is, again, date issued and
7 stamped -- I'd ask you guys to look at this. The stamp,
8 the color coded stamp, is date issued August 1st, 2017.
9 That's the first time that the cause of death is listed
10 as a homicide. It was literally, you know, earlier this
11 month.

12 Q I missed one of the questions in the last set
13 of questions: How long does it take for the sleeping
14 meds you take to take effect?

15 A Uh, five, ten minutes.

16 Q Five to ten minutes?

17 A Yeah.

18 Q And were these the same sleeping meds that you
19 were taking on November 10th, 2010?

20 A No, no.

21 Q No?

22 A In 2010 I was using Restoril, also known as
23 Temazepam. I do not use that medicine any longer. My
24 preferred sleep medicine, because it works really well
25 for me, is called Zolpidem, Z-o-l-p-i-d-e-m. A five- or

1 ten-milligram dose can help me to be asleep in, you
2 know, ten minutes. Zolpidem is better known to most
3 people as Ambien.

4 Q And how long would it take the sleeping pill
5 that you were taking in November of 2010 to take effect?

6 A So the question is how long would the Restoril
7 that I was taking in November of 2010?

8 Q Yes.

9 A This is a much slower drug to act and lasts
10 much longer. So that drug can have an effect anywhere
11 in 30 to 60 minutes I would say.

12 Q Thirty to sixty minutes?

13 A Yeah.

14 Q Okay.

15 MR. STOEN: Next question.

16 JURY SECRETARY: Question number 98, juror
17 number 619185.

18 Q (BY MR. STOEN) If you believed that Susan had
19 a drug problem or addictions and you were angry at her
20 for addictions, why did you provide prescriptions for
21 her and her friends to provide for opioids?

22 A I did until I stopped doing that, and I -- I
23 did it because Susan pretty much, you know, told me this
24 is what she wanted to be -- me to be doing, and if I
25 wanted -- wanted life to be good, then, you know, I

1 should -- I should be doing this. So it was kind of
2 like, you know, if the queen in the house is happy, then
3 everybody -- everybody's happy.

4 Susan was not a person that's easy to say no
5 to. When I told her that I was not going to do it
6 anymore, she was angry at me and basically said,
7 "Well, I can still get the drugs. I'll just be spending
8 your money" -- "more of your money to buy them on the
9 street."

10 I was, okay, so be it.

11 Q This is sort of related: If Susan's addiction
12 was the reason for you to file for divorce, why did you
13 provide prescriptions to her for opioids?

14 A Well, I provided prescriptions to her for
15 opioids because she pretty much demanded it and it was a
16 way to keep the marriage, you know, as harmonious as
17 I -- as I could keep it. At the point that I didn't
18 want to be doing it anymore and I said, "let's get you
19 off this stuff," when she said she wasn't willing to do
20 that, she liked using the drugs, that's when I made the
21 decision to -- to divorce her, when she really wasn't
22 willing to seek help with the problem.

23 And the problem was growing. What started out
24 as a small amount of drugs, her drug usage was
25 increasing and she was becoming much more kind of

1 private about it in the sense of when I say, "how much
2 are you using," she just said she wasn't going to tell
3 me. So ...

4 Q On the night of November 10, 2010 or early
5 morning of November 11, 2010, did you hear any noises in
6 your house such as Susan entering your house or Susan
7 falling?

8 A No. I have no recall of Susan coming home,
9 falling, calling out in any way. I was probably deeply
10 asleep by the time she got home from her party.

11 Q Did you clean up any blood in your house the
12 night of November 10th to the morning of November 11th,
13 2010?

14 A No. No.

15 Q Did you move Susan's body in any way before
16 the authorities arrived on November 11, 2010?

17 A No. I touched her foot without moving it.

18 Q Thank you.

19 JURY SECRETARY: Question number 99 from juror
20 616901.

21 Q (BY MR. STOEN) Are you married at this time?

22 A Yes, I am.

23 Q And, if so, how long after Susan's death were
24 you dating your current wife?

25 A I met my current wife three months after Susan

1 died.

2 Q You answered the third part of that question.
3 And how old are you now, sir?

4 A I'm 65 years old.

5 Can I elaborate on the marriage?

6 Q Sure.

7 A Comment?

8 So Elizabeth Crawford and I have been dating
9 for five or six years. She and I kind of early on made
10 some rules; and one of the rules was no marriage, we
11 keep separate homes, she has her own estate, you know,
12 she -- she has her own resources, I have a separate
13 estate. She has two kids; I have two kids. You know,
14 we just wanted to keep things -- keep things separate.

15 When it became apparent to me, just about one
16 year ago, that I had advanced cancer and was going to
17 die, it was upsetting that my social security benefit,
18 which is about \$2,000 a month, was going to basically
19 disappear. Only a spouse can collect a social security
20 benefit; it's not going to go to my children or
21 anything. At that point I -- I -- I said to Elizabeth,
22 "I know it breaks the rules, but I want to marry you and
23 I want" -- and we got married on October 24th.

24 And I wanted to live to July 24th, which I
25 did, because at nine months social security will honor a

1 marriage and your spouse can get your social security
2 benefit. You can't just marry a person and think the
3 next day the money's going to go to them. You have to
4 marry and live for -- for nine months. So I married her
5 and asked her to marry me, partly because I love her,
6 partly because she's incredibly devoted to me and has
7 been really helpful through a bunch of rough stuff.

8 Can you imagine being the girlfriend of a guy
9 in a community where the rumor is he killed his wife?
10 You know, what girlfriend sticks around and just doesn't
11 say, you know, "I'm out of here." She stuck around.
12 She's been helpful. I'm so glad that my social security
13 will not be wasted but will help Elizabeth, you know,
14 play her bills.

15 Q The third question has already been asked and
16 answered, so I wrote that here.

17 Fourth one: Do you take drugs, and which ones
18 do you take?

19 A I do take drugs. I take a -- a variety of
20 medications. I have a pill box, and I take six pills in
21 the morning and six pills in the evening.

22 I can list to you the names of the medications
23 that I use. You're asking -- the question is what drugs
24 does a dying man -- dying man take, and so I'm going to
25 answer the question that this dying man takes Metoprol,

1 M-e-t-o-p-r-o-l, 50 milligrams twice a day; I take iron,
2 325 milligrams once a day; I take Vitamin C, 500
3 milligrams once a day. It facilitates the absorption of
4 the iron. I'm losing blood all the time through my --
5 my kidneys.

6 I take -- can you read me the list of drugs I
7 said so far?

8 (Record read as follows:

9 "Metoprol, 50 milligrams twice a day; I
10 take iron, 325 milligrams once a day; I take
11 Vitamin C, 500 milligrams once a day.)"

12 THE WITNESS: Okay. I take the iron for
13 anemia. I'm taking Coenzyme-Q, 10 milli equivalence a
14 day; in the evening time I take Zocor, Z-o-c-o-r, 20
15 milligrams a day; I take Escitolapram,
16 E-s-c-i-t-o-l-a-p-r-a-m, 10 milligrams a day; I take
17 Ambien/Zolpidem, 5 or 10 milligrams at the bedtime; I
18 use cannabis tinctures and extracts as needed; I use an
19 active culture probiotic; I take Advil/Ibuprofen,
20 frequently. It's an over-the-counter medication, but it
21 works extremely well for hip relief. I have to say I'm
22 quite impressed that Ibuprofen gives me excellent
23 relief. I use Oxycodone for pain relief occasionally.
24 It's unfortunately very constipating and it's not very
25 effective for pain relief in 10 milligram dose.

1 Q (BY MR. STOEN) Thank you, sir.

2 A I think that's a complete list.

3 Q What were you doing the night of Susan's
4 death?

5 A In the evening time?

6 Q I guess we're talking about the evening time.

7 A To be honest, I have absolutely no recall of
8 what I was doing that evening. I was probably just
9 hanging out at my house.

10 Q Did Susan withdraw from life due to her drug
11 problem, meaning did she stay home all the time?

12 A No. She was very active, a high-participant
13 person. The drugs gave her energy. So cannabis was an
14 energizing drug; opiates, energizing drug.

15 So it depends when you -- what time of the day
16 you encountered Susan. All of Susan's friends knew
17 don't reach out to her in any way, shape, or form before
18 10 o'clock in the morning. She was not a morning
19 person. Once she had her coffee and she got up and got
20 going, then she was good to go way into late at night.
21 So she -- it was typical for Susan to stay up to
22 midnight, 1:00 a.m. on -- doing computer -- computer
23 stuff; writing e-mails to her friends, playing computer
24 games.

25 You have my computers. If you look at the

1 timelines of the use, you'll see that there's a lot of
2 computer use happening after midnight.

3 By the end of our relationship, we had kind of
4 shifted our timelines a little bit so that I would go to
5 bed at, you know, 10 o'clock, wake up at 7:00, go out
6 for a walk, eat my breakfast, go out and ride my bike.
7 Susan would go a to bed around midnight, 1 o'clock,
8 she'd wake up at 9 o'clock in the morning, she'd get up
9 and go. By the time I'm coming back from my bike ride,
10 she's not at the house anymore; she's moved on in the
11 daytime. So it allowed us to kind of miss each other in
12 terms of sharing the physical presence of the house
13 until, you know, later in the day. So we had kind of a
14 harmonic situation.

15 Q Next question: What were your assets at the
16 time of Susan's death?

17 A The total value of the assets?

18 Q Yes.

19 A I'd probably say \$800,000.

20 Q And how old were your kids -- I don't know if
21 this is what was intended -- in 1996?

22 A In 1996 Luke would have been 13 -- it depends
23 on what date in 1996, but I'm going to say 16 and 14.

24 Q Thank you.

25 Was Susan active with her kids?

1 A Yes.

2 Q Did she attend sporting events and plays with
3 them?

4 A Yes. Susan was an excellent mother.

5 Q Did you take any drugs or alcohol after
6 finding Susan's body?

7 A No.

8 Q Was there a life insurance policy on you or
9 Susan?

10 A No.

11 MR. STOEN: Thank you.

12 JURY SECRETARY: Question number 100 from
13 juror 620342.

14 Q (BY MR. STOEN) All the self-loathing words in
15 her diary about herself, were these words/descriptions
16 she heard from you during your marriage?

17 A No. I was kind to Susan. And it's not that
18 we didn't fight, but I would never try to break down her
19 personality because I knew how much hardship and
20 suffering she had in her life.

21 Remember, I knew what her birth trauma was. I
22 had seen how challenging her parents -- her parents
23 were. I knew that she needed to be nurtured and -- and
24 supported, and I did that really, you know, very well.
25 It didn't stop the self-loathing. I wish she had shared

1 with me how bad things were. She was too prideful a
2 person -- I'm speculating -- her pride or something
3 inside of her made it difficult to ask for help.

4 MR. STOEN: Next question.

5 JURY SECRETARY: Question number 101 from
6 juror number 610214.

7 MR. STOEN: The first question has been asked
8 and answered.

9 JURY SECRETARY: Okay.

10 Q (BY MR. STOEN) What are the effects, if any,
11 that might be identifiable by a doctor or trained law
12 enforcement professional of a person under the influence
13 of hydrocodone?

14 A I don't think there's any observable effect
15 that a trained law enforcement officer could find in a
16 person using regular doses of hydrocodone. If you took
17 large doses, the pupils get small, the respirations slow
18 down, so -- but basically you -- nobody can say if a
19 person's on hydrocodone or not.

20 There might be people in this room --
21 hydrocodone is a commonly used pain medicine. There
22 might be people in this room who are on hydrocodone and
23 you wouldn't know that -- know that at all, just the way
24 you wouldn't know if somebody was taking Prozac or any
25 other medication.

1 And people -- they -- they refer to people
2 with, you know, high-functioning drug problems, they --
3 they're lawyers, they're doctors, they're -- they're
4 highly successful people, but they're using drugs. It's
5 not making them in the face gutter -- you know, facedown
6 in the gutter, you know, necessarily.

7 Q Next question, it's a follow-up: What are the
8 debilitating effects, if any, of opioid addiction; for
9 example, job performance, money issues, social
10 appropriateness?

11 A Job issues. It just depends, you know. For
12 Susan I think it probably improved her -- her job
13 performance because at the American Cancer Society she
14 had to interact with people. The opiates lifted her up,
15 gave her good spirits. Rather than having a crappy
16 attitude as the afternoon drags on slowly, to be
17 cheerful and upbeat to people who are dealing with
18 cancer problems probably was good.

19 Other -- other people, opiates impair your
20 judgment. If you're chatting with someone about cancer
21 or other stuff, you know, impaired judgment is of little
22 consequence. If you're operating a piece of heavy
23 equipment, you know, you're a forklift operator or
24 driving a truck or whatever where you want all of your
25 facilities about you, that false sense of well-being

1 that goes with opiates makes you feel good, that that
2 false sense of well-being causes people to forget and
3 miss details that they really need to be paying
4 attention to.

5 So if you're just kicked back at home,
6 little -- little goes wrong if you don't screw up the
7 dosing. If you're working in a crucial position, you
8 could, you know, make mistakes that have consequence.

9 Q Have you ever, for recreational use, used
10 opiates or been addicted to opiates?

11 A No, I -- I have not been addicted to opiates.
12 I have used opiates recreationally in the sense that if
13 something's not feeling well and I have neck problems
14 and I want to go to a party, I can take an opiate and it
15 will help me to feel better and be in less pain.

16 Like I say, opiates don't work that well for
17 me. Unfortunately, they have a high constipation side
18 effect, which is unpleasant for me. But I have never
19 had, you know, opiate addictions. I have used opiates.
20 I'm using opiates, you know, episodically now because of
21 what's going on in my bones.

22 Q Are you aware that many people process their
23 feelings in pain by writing and -- and/or keeping
24 diaries?

25 A Yes.

1 Q Did you post Susan's bathroom photos on
2 Facebook?

3 A Yes, I did post bathroom photos on Facebook
4 about a year ago. That bathroom -- the bathroom where
5 Susan, I think, died had not been remodeled in -- in 30
6 years.

7 Q What were you thinking when you did that?

8 A I -- I'll tell you that. I had a cell phone.
9 I was going to show pictures of the bathroom to my son
10 because he was going to consult on a bathroom remodel
11 that's happening right now. I took pictures with my --
12 on my phone. I went down to CVS pharmacy to print
13 copies to send. CVS said, "The program on your phone is
14 too small. You can use the Facebook program."

15 I used the Facebook program. Apparently I
16 clicked the wrong button because it went up and was
17 posted on Facebook, which was not the intent. I just
18 wanted to use the Facebook system to get the picture
19 printed. That was my mistake. When it was called to my
20 opinion -- called to my awareness, I took the pictures
21 down.

22 Those pictures were taken to show the --
23 the -- if you look at it, you get all the aspects of the
24 bathroom, to my son because his sister-in-law is an
25 interior designer, and this was a way to get input on a

1 bathroom remodel.

2 Q Thank you.

3 MR. STOEN: Next question.

4 JURY SECRETARY: Question number 102 from
5 juror number 626897.

6 Q (BY MR. STOEN) Tell us about your February
7 2012 visit with the sheriff's department to the extent
8 you have not done so.

9 A I think I pretty much got to it. I didn't --
10 I didn't really -- it didn't last very long. I just
11 wanted to kind of communicate that they showed me --
12 they said they were showing me the document that was
13 obviously not -- a false document. It had drugs in it.
14 And that was when I realized I needed an attorney; don't
15 talk to the police, just shut up and go get an attorney.

16 And that's -- and the fact that they invited
17 me to come down, quote, "to have a conversation" but
18 then put me in a windowless, artless, you know,
19 interrogation room, tiny, with two guys in uniforms and
20 one of them wearing, you know, a gigantic hat -- the
21 sheriff's hats in a small room, they just seem huge, you
22 know, when you're sitting right next to them.

23 Q You have read dark statements from the written
24 documents. Were there positive entries too?

25 A Yes, yes, definitely. Positive entries?

1 Q Yes.

2 A Yes. Oh yeah, yeah, yeah. I think I read
3 entries where she said, you know, --

4 Q So you would agree that people write highs and
5 lows both; right?

6 A Yes.

7 Q Okay. Why did you prescribe drugs to friends
8 knowing that Susan had a drug problem?

9 A This was the way -- this was Susan's idea.
10 This was the way for her to get drugs without making it
11 obvious that Dr. Keegan is writing a lot of
12 prescriptions for Susan Keegan. She used her -- her
13 maiden name and she used her friends who were happy to
14 cooperate with her. So it was a drug-seeking maneuver.

15 MR. STOEN: Thank you.

16 JURY SECRETARY: Question number 103 from
17 juror number 624323.

18 Q (BY MR. STOEN) Dr. Keegan, do your kids
19 support you since Susan's passing?

20 A Yes.

21 Q Thank you.

22 JURY SECRETARY: Question number 104 from
23 juror 611538.

24 Q (BY MR. STOEN) Would you please explain the
25 compounding effect of alcohol and hydrocodone, Vicodin,

1 and perhaps marijuana brownies?

2 A So -- so when you put multiple drugs together,
3 you -- you -- you get multiple effects. Opiates and
4 alcohol are a particularly insidious combination because
5 alcohol -- basically, this seems strange to people, but
6 alcohol turns the brain off. It's a central nervous
7 system depressant. Most of us like that because we have
8 inhibitions. If we can turn off our inhibitions, we can
9 be funnier, we can be friendlier, maybe we can sing,
10 maybe we can dance.

11 But in the process of using alcohol to turn
12 the brain off, you know, it makes us kind of goofy and
13 confused. It really interferes with our balance. The
14 part of the brain that controls your balance and
15 coordination really gets affected, which is why, you
16 know, impaired driving is -- is so difficult. But --
17 and people, you know, stumble and fall on alcohol
18 because to -- to maintain uprightiness -- I'll talk about
19 it in first person.

20 For 190 pounds to maintain uprightiness in a
21 world with gravity that never gives up, that's a highly
22 sophisticated -- sophisticated system. The brain is
23 working very hard to take input from the eyes, to take
24 input from the balance mechanisms in the ears, and to
25 make input from feelers, the proprioceptors, and the

1 brain is -- is integrating that information to keep
2 us -- keep us upright.

3 It looks easy when you're standing there
4 still, but, believe me, your brain is working very hard
5 to factor in all -- all that information. And when you
6 start to shake your head, yeah, it makes it a little bit
7 harder because you're upsetting the nervous stimulating
8 apparatuses. And if someone made you put a blindfold on
9 and spun you around, we would see that you would
10 probably be, you know, falling down.

11 As -- as higher amounts of alcohol are in the
12 system, it also turns off a part of the brain that
13 causes people to breathe. We don't breathe
14 automatically. The brain tells the body to breathe.
15 The heart beats automatically. The heart does not need
16 anything from the brain in order to be -- you can take a
17 heart literally out of a chest and it will continue to
18 beat. Breathing comes from messages from the brain. If
19 you turn off the respiratory center, then you slow down
20 your breathing, you stop breathing, and you can die.

21 This is how people die. The two ways that
22 people die from alcohol stuff is sometimes they -- half
23 the time they just took too much and turned off their
24 breathing center; half the time they're clumsy and
25 uncoordinated, barf, they vomit, and the vomit blocks

1 their airway and they're too goofy and confused to kind
2 of -- kind of clear the airway. So when people die from
3 alcohol poisoning, it's usually either they block their
4 airway with vomit or they turn it off.

5 Opiates add to that. When you just say "and
6 I'm taking opiates," it's like okay, well, here is
7 another chemical that just, you know, works in -- not in
8 an identical fashion, but a -- a similar fashion to turn
9 off our sense of pain and suffering. It helps to turn
10 the brain -- opiates help to turn the brain off, but
11 then also activate a pleasure center. So when you take
12 opiates, you still have that same problem that if you
13 take too much, it turns off your breathing center, you
14 know.

15 So -- and so there is a -- a -- an epidemic of
16 overdose happening from opiates now and it's because the
17 drug on the market fentanyl is a thousand times --
18 people say a hundred, but it's really a thousand times
19 more potent than heroin. So people can't get the dosing
20 right. If you have something that is a thousand times
21 more potent, you don't know that you need to cut it into
22 micro portions. So people are dying because they are
23 taking heroin cut with fentanyl. They're taking their
24 usual dose of heroin, which is a way overdoes for
25 fentanyl. It turns off the breathing part of their

1 brain and then they die, you know, they're found without
2 respirations.

3 Q Thank you, sir.

4 MR. STOEN: Next question.

5 JURY SECRETARY: Question number 105 from
6 juror 616861.

7 MR. STOEN: First question has been asked and
8 answered.

9 Q (BY MR. STOEN) Now, why did it take 34 years
10 to be disturbed about Mrs. Keegan opening the window?

11 A I probably should have been disturbed about
12 it, you know, a decade sooner than I -- I got around --
13 around to it. I think it was because she was
14 simultaneously removing -- removing covers -- covers
15 from me, so -- and I was just waking up being super
16 chilled and with more sinus symptoms and more -- more
17 congestion symptoms.

18 A large part of those 34 years we lived in
19 different rooms in that house -- in that house or
20 different places where there wasn't a window that was a
21 few feet from my -- my house (sic).

22 Q Thank you.

23 A So it didn't take me -- it didn't take me 34
24 years to get upset about it.

25 JURY SECRETARY: Question 106 from juror

1 number 624323.

2 Q (BY MR. STOEN) Did Linda Puls, from your
3 knowledge, know that Susan used drugs?

4 A Well, she knew that she used marijuana. I
5 don't think she knew about the opiates. She knew that
6 she drank alcohol.

7 MR. STOEN: Thank you.

8 JURY SECRETARY: Question number 107 from
9 juror 610214.

10 Q (BY MR. STOEN) Were you or Mrs. Keegan using
11 or making marijuana brownies?

12 A Yes.

13 Q Did that include -- that included you, as well
14 as her?

15 A Yes.

16 Q Why do you think Mrs. Keegan had marijuana
17 brownies in her car on the day of her death?

18 A I -- I think those brownies were under her
19 front seat from a trip that we had taken before, where
20 we had just put the brownies under the seat and were
21 forgotten -- and were completely forgotten about.

22 So the brownies under her seat were found on
23 the day of her death, but they were probably put there
24 perhaps even months before as a place that we just
25 stashed the brownies while we were traveling and forgot

1 to take them out of the car.

2 MR. STOEN: Thank you, sir.

3 JURY SECRETARY: Question number 108 from
4 juror number 624323.

5 Q (BY MR. STOEN) Do you know how many
6 pathologists have looked at or had a part in Susan's
7 autopsy?

8 A No.

9 MR. STOEN: Next question.

10 JURY SECRETARY: Question number 109 from
11 juror 640779.

12 Q (BY MR. STOEN) When was the last time you saw
13 Susan alive?

14 A I don't have a specific memory, but I think --
15 I think I found her on the morning of a Thursday. I
16 probably would have seen her in some moving about the
17 house on Whitmore Lane on Wednesday, but I have no
18 specific memory of what my last contact with Susan was.

19 MR. STOEN: Thank you.

20 Okay. Well, Dr. Keegan, I know it's been a
21 stress for you to come here, but we thank you very much
22 for doing so.

23 THE WITNESS: Thank you.

24 Am I dismissed?

25 MR. STOEN: You're dismissed, sir.

1 THE WITNESS: Can I ask one question --

2 MR. STOEN: Sure.

3 THE WITNESS: -- about this secrecy of the
4 grand jury?

5 MR. STOEN: Yeah, you have to keep it
6 secret.

7 THE WITNESS: Keep it secret?

8 MR. STOEN: Yeah.

9 THE WITNESS: For how long?

10 MR. STOEN: If there's no indictment issued,
11 then everything becomes sealed, unless somebody makes a
12 motion. If an indictment issues, probably there will be
13 a transcript that's prepared maybe ten days or so later.

14 THE WITNESS: So once the transcript is
15 prepared, then it's okay for people to --

16 MR. STOEN: I can't answer that because I'm
17 too new at this business. I'm sorry, I can't answer
18 that.

19 THE WITNESS: Okay. And if no indictment is
20 made, is the secrecy preserved?

21 MR. STOEN: I think so. But, again, don't
22 take my word for it because I haven't studied that
23 question.

24 Thank you.

25 Are you ready for the next witness or do you

1 want to take a break?

2 THE REPORTER: I'd like a five-minute break.

3 JURY FOREPERSON: Okay. You're asked to
4 please not form any opinions, not discuss the case, and
5 be back in five minutes.

6 (Recess taken.)

7 (Roll call taken; all jurors present.)

8 JURY FOREPERSON: We're all present.

9 MR. STOEN: Thank you.

10 Next witness is Dr. Jay Chapman.

11 THE REPORTER: Please raise your right hand.

12 - - -

13 A. JAY CHAPMAN, M.D.

14 Called as a witness, having been sworn, testified as
15 follows:

16 - - -

17 THE REPORTER: Please state your name and
18 spell it for the record.

19 THE WITNESS: A. Jay Chapman, C-h-a-p-m-a-n.

20 THE REPORTER: Thank you.

21 JURY FOREPERSON: The grand jury proceedings
22 and investigations are secret. You are therefore
23 admonished on behalf of the Mendocino County Superior
24 Court and the criminal grand jury not to disclose your
25 grand jury subpoena or your grand jury appearance to

1 anyone and not to reveal to any person any questions
2 asked or any responses given in the grand jury or any
3 other matters concerning the nature or subject of the
4 grand jury's investigation which you learned about by
5 your grand jury subpoena or during your grand jury
6 appearance, except to your own legal counsel. This
7 admonition continues until such time as a transcript of
8 the grand jury proceeding is made public or until
9 disclosure is otherwise authorized by the Court or by
10 operation of law. Violation of this admonition is
11 punishable as contempt of court.

12 - - -

13 EXAMINATION

14 Q (BY MR. STOEN) Good afternoon, Dr. Chapman.

15 A Good afternoon.

16 Q How are you?

17 A Fine, thank you.

18 Q Dr. Chapman, what is your occupation?

19 A I'm a forensic pathologist.

20 Q And how long have you been a forensic
21 pathologist?

22 A I started to say too long, but since -- I was
23 boarded in 1970, so 47 years.

24 Q And what is your education, training, and
25 experience?

1 A After graduating from Carson Newman College in
2 Jefferson City, Tennessee, with a degree of Bachelor of
3 Science, I attended the Bowman Gray School of Medicine
4 of Wake Forest University in Winston-Salem, North
5 Carolina, and graduated with a Doctor of Medicine in
6 1964. From 1964 to 1965 I served an internship in
7 pathology at the North Carolina Baptist Hospital. From
8 1965 until 1968 I was a resident in pathology at Baylor
9 University Medical Center in Dallas, Texas. From 1968
10 to 1970 I was a fellow in legal medicine or in forensic
11 pathology at the Medical College of Virginia in
12 Richmond, and also there at the office of the chief
13 medical examiner of the Common Wealth of Virginia. In
14 1970 I was examined by the American Board of Pathology
15 and certified in anatomic and forensic pathology. Then
16 from 1971 until 1982 I served as chief medical examiner
17 for the State of Oklahoma. In 1982 I moved to Santa
18 Rosa and I went into private practice of forensic
19 pathology, which I am still doing. For 15 years, from
20 1982 until about 1997, I was the forensic pathologist
21 for Sonoma County. I also did cases, homicides and
22 suspicious deaths, from Lake County and Mendocino County
23 and other cases from Shasta County and also was involved
24 in Orange County, several different counties in
25 California. In 1997 I did not renew my contract with

1 the Sonoma County Coroner's Office and subsequently
2 moved to the country of Nepal. And for -- until 2008 I
3 was a Professor of Forensic Medicine at the National
4 University in Kathmandu teaching third-year medical
5 students forensic medicine. Then I came back here in
6 19 -- in 2008, and since then I have subsequently had
7 another contract with the coroner's office in Sonoma
8 County, which just ended at the last of June, and for
9 the previous two years, until July, actually, of last
10 year, for about a year and a half I was doing, again,
11 the bulk of cases in Sonoma County. And I still do
12 private practice. I cover for the pathologists here in
13 Mendocino County and Lake County when she wants time off
14 or needs a vacation, and I also do consultations on
15 various cases through -- with lawyers throughout
16 California.

17 Q And could you tell us, what is forensic
18 pathology?

19 A Forensic pathology is that branch of
20 medicine -- first of all, pathology itself, the term,
21 means study of disease. And forensic pathology is that
22 division of the field of pathology generally that deals
23 with cases of unnatural deaths primarily and
24 determines -- tries to determine the cause and manner of
25 death. Briefly stated, it's applying the principles of

1 medicine to legal situations or judicial matters.

2 Q How many autopsies have you conducted over the
3 years by your best estimate?

4 A I don't know for sure. I have never kept an
5 accounting. But because of the years involved and the
6 number of cases I averaged a year, something in excess
7 of 10,000.

8 Q I would like to call your attention to a
9 decedent named Susan Keegan who was found deceased on
10 November 11th, 2010, and ask you whether you have
11 reviewed the records in that case?

12 A I have.

13 Q And who brought you into that case?

14 A The District Attorney, Mr, Eyster, actually
15 officially brought me into the case.

16 Q And how did he do that and when did he do it?

17 A This was in 2011. Unfortunately, I've lost my
18 entire file that I had originally. I think I put it
19 inadvertently in a pile of things to be shredded, but I
20 reconstructed most of that file. But I remember that in
21 early -- sometime in 2011 Mr. Eyster asked me to review
22 this case in detail.

23 Q And what was your attention after beginning
24 review of the case, what was your -- what caught your
25 attention, if anything?

1 A Well, the injuries and the nature of them in
2 the case. And I reviewed the autopsy report of
3 Dr. Trent, I reviewed a consultative report of
4 Dr. Ferenc, I reviewed the -- I also had the
5 supplemental report of Dr. Trent and the investigative
6 reports, I went to the scene of death with a search
7 warrant that was served, and I have looked at all of the
8 photographs that were taken at the autopsy and at the
9 scene and of the clothing.

10 Q And on the basis of that review, did you come
11 to any conclusions as to the cause of Susan Keegan's
12 death?

13 A Yes, I did.

14 Q And what was your overall conclusion?

15 A Her ultimate cause of death was blunt force
16 injuries, in my opinion.

17 Q And what does that mean, blunt force injury?

18 A Well, blunt force injuries are injuries that
19 are sustained due to some assault with a blunt object.
20 Well, it doesn't have to be an assault. They are
21 injuries that are due to -- that are inflicted by a
22 blunt object as opposed to a sharp or cutting object.

23 A blunt object might be this tabletop here,
24 the flat portion. It might be a baseball bat. It might
25 be anything that has not sharp edges or protruding --

1 sometimes protruding things are present, but I think we
2 generally know what a blunt object is.

3 Q Is that the same thing as -- as a death by
4 natural causes or by unnatural causes?

5 A Well, it's obviously in this case, in my
6 opinion, due to homicidal means.

7 Q Okay. Now, after your looking at this case at
8 the district attorney's suggestion, did you write a
9 letter indicating what your understanding of cause of
10 death was?

11 And I show you People's Exhibit number 13 and
12 ask if you recognize it and, if so, let me know.

13 A Yes, this is a letter that I wrote on the 20th
14 of April, 2011.

15 Q Okay. Could you please read for us the first
16 sentence in the second paragraph as to your opinion.

17 A What I wrote here was:

18 "Based upon this review, it is my opinion
19 that the injuries observed on the body are
20 assaultive in nature and were not reasonably
21 produced by accidental means."

22 Q Is this an opinion that you stand by to this
23 day?

24 A Yes, sir.

25 Q I'll just put this on the screen so people can

1 see it. It's probably too hard to read.

2 Is this the letter you wrote to David Eyster
3 on or about the date indicated, which was April 20th,
4 2011? Is that correct?

5 A Yes, sir.

6 Q Now, in order to -- before I have you go into
7 your -- your findings and the process by which you made
8 them, I need to have you authenticate the fact that you
9 have reviewed a number of exhibits in this case.

10 So I'm going to show you what's marked as
11 People's Exhibit number 7, that has -- goes from 7-A
12 through 7-S, ask you to flip through that and tell me if
13 you have reviewed those documents as part of your
14 finding in this case.

15 A Yes, sir, I have seen these and reviewed them.

16 Q You've seen them?

17 A Yes.

18 Q So were these documents, Exhibit 7, part of
19 the basis for your conclusions as to the cause of death
20 for Susan Keegan?

21 A Not necessarily the cause of death, but it
22 played a role in it, yes.

23 Q Okay. They were part of your findings in this
24 case --

25 A They were a part of the findings.

1 Q -- that you took into account?

2 A Yes, I did.

3 Q And then I show you what are marked as
4 People's Exhibit Number 9, which are autopsy photos, and
5 ask you to review those, I think there's 58 photos in
6 there or so, and tell me whether or not you reviewed
7 those in the process of coming to a conclusion as to the
8 cause of death of Susan Keegan.

9 A Yes, sir, these are the autopsy photos that I
10 reviewed.

11 Q Thank you.

12 Now, I'm going to show you People's Exhibit
13 Number 10, which I'll represent to you is a necropsy
14 report, and ask you if you recognize this and, if so,
15 identify it and tell us whether or not you also reviewed
16 that document in coming to your conclusion in this case.

17 A Well, the autopsy report of these first few
18 pages here, I did review them, and they are the autopsy
19 report of Dr. Jason Trent. Then there is a physician
20 coroner's amendment, which I have seen, and the
21 certificate of death. I've seen that also. Then there
22 is a laboratory report from NMS Laboratories regarding
23 toxicology in this case, and I have reviewed all of
24 these documents.

25 Q Okay. You took all of that into account in

1 your conclusions, did you?

2 A Yes, I did.

3 Q I show you a document that has the return
4 address of Michael Ferenc in Portland, Maine, and ask
5 you to take a look at that and tell me if you recognize
6 that, and please identify it and tell us if you reviewed
7 that as a basis of your -- as part of the basis of your
8 conclusion.

9 A Yes. It's a three-page report by Dr. Ferenc,
10 and I did review it.

11 Q Thank you.

12 And then I show you People's Exhibit Number
13 14, which I'll represent to you is a supplemental report
14 on necropsy from Jason Trent that was dated April 27th,
15 2011, which was seven days after the letter to
16 Mr. Eyster, and ask you if you recognize that and, if
17 so, please identify it.

18 A Yes, sir. This is Dr. Trent's signature on a
19 supplemental report which essentially restates findings
20 and cause of death.

21 Q Thank you.

22 And did you review this as part of your
23 conclusion?

24 A I did.

25 Q Now, did you at some time also prepare a case

1 review of this case on or about March 30th, 2015?

2 And I show you this document and ask you if
3 you recognize it and, if so, please identify it.

4 A This is a document that I reviewed, along with
5 another report from the -- another copy of the report
6 from NMS Laboratories.

7 Q Okay. Did you prepare that document yourself?

8 A I did.

9 Q And what does it represent?

10 A It represents my opinions in the case and also
11 gives the other findings. I put in regular black font
12 the background, some of the history and things, the red
13 were things that I had questions about and I also
14 highlighted in red some of the things that were
15 mentioned in the autopsy protocol, and then I have a
16 lavender font that represents my opinions and my
17 findings in the case based upon the autopsy report and
18 the photographs that were taken.

19 Q Thank you, sir.

20 (Exhibit 17 was identified.)

21 Q (BY MR. STOEN) Now, I would like to ask you
22 to just go through the process by which you were
23 involved in this case after Mr. Eyster asked you to
24 first get involved. Could you just walk us through
25 that, please?

1 A Well, what I did was, I was given the autopsy
2 report, the photos, and at a later point I -- I met then
3 with the sheriff's office, the coroner's office, and
4 with Dr. Trent, and then subsequent to that at a point
5 when a search warrant was served, I went to the house
6 where Susan Keegan died and viewed the scene.

7 Q Now, did you, in the process of meeting
8 Dr. Trent, meet him after he wrote his first necropsy
9 report?

10 A Yes, I did.

11 Q And where did you meet him?

12 A On April 20th, 2011 -- I know that date
13 because it's reflected in this supplemental report that
14 is here -- I went -- I phoned Dr. Trent and told him I
15 wanted to meet with him. And so I went by his home
16 because --

17 Q Where was that? Where was his home?

18 A He's in Ukiah.

19 Q Okay.

20 A And so I went by his home before the meeting
21 that we had with the sheriff's office because I don't
22 believe in blindsighting people. I wanted to let him
23 know that I -- my opinion was different from his that he
24 had come to in the autopsy.

25 Q What was his opinion?

1 A It was the -- that there were blunt force
2 injuries to the head due to a fall. And I disagreed
3 with that opinion, but I wanted to let him know and I
4 wanted to let him know why.

5 So what we did, I took my computer that had
6 all the photos in it and I went photo by photo
7 through -- with Dr. Trent pointing out to him injuries
8 that I saw in the photos that were not mentioned in the
9 autopsy protocol and why my opinions about some of the
10 findings were different from the findings he had come
11 to. And then he accompanied me to the meeting at the
12 coroner's office and we discussed the whole case. And
13 subsequent to that Dr. Trent issued the supplemental
14 report that had -- in which reflected a change of his
15 opinion in the case.

16 Q And did the change -- did his change of
17 opinion reflect your opinion in your letter to
18 Mr. Eyster?

19 A Yes, with one exception. In his report he
20 lists that there is toxicity of alcohol and drug, but my
21 interpretation is that it is intoxication and not
22 toxicity.

23 Q What's the difference?

24 A Well, you can be intoxicated with alcohol; but
25 if you have alcohol poisoning, that's toxicity. If you

1 have too much, then you get poisoned by it. But prior
2 to that point, you are intoxicated by alcohol.

3 And the same thing happens with drugs. You
4 are intoxicated with a drug until you reach the point
5 where it is a fatal level, and then it is toxic.

6 Q Now, would you -- would you say then that
7 Dr. Trent, after your conversation with him at his home,
8 changed his opinion to agree with you basically?

9 A Essentially that's correct, yes.

10 Q Okay. Now, was there some discussion with the
11 sheriff's office for a review of Dr. Trent's necropsy
12 report that you had with Sergeant Poma?

13 A Yes.

14 Q And tell us about that.

15 A Well, that was prior to my involvement in the
16 case. And I was -- I think I was in Ukiah to do an
17 autopsy that day, and he asked me to come by the office.

18 Q Who did?

19 A Sergeant Poma.

20 Q Okay.

21 A And so he asked me would I review a case for
22 him. And I said, "Yes, I can review a case for you."
23 So he asked me then what would be the charge for doing
24 that, and I said I -- at that time I just charged a flat
25 fee. Sometimes it was good for me and sometimes -- more

1 often it was horrible because I wind up spending many,
2 many, many hours on a case. But I told him I have a
3 flat fee of \$750. And he thought that that was too
4 expensive, so I did not have any involvement then in the
5 case until Mr. Eyster then asked me to review the case
6 later.

7 Q So do you know what Scott Poma did when --
8 when he found -- when you found that his -- when he
9 found and told you that the \$750 fee was prohibitive?

10 A Well, he then apparently sent the case to Mike
11 Ferenc to review it, and Mike Ferenc then subsequently
12 issued the report that he had.

13 Q Okay.

14 A And those reports went to the district
15 attorney's office, and then Mr. Eyster got me involved
16 in the case.

17 Q Okay. Now, have you taken some of those
18 autopsy photos that you found particularly meaningful
19 and made either reproductions or made them more glossy
20 or made them enlarged so that you could assist this
21 grand jury in following the course of your reasoning in
22 coming to the conclusions that you did?

23 A Yes, I have.

24 Q And could you please tell me how many there
25 are? Is there a certain order you would like to present

1 them in?

2 A Yes, I have them in order.

3 Q Okay. I'll call the collective group, the
4 next exhibit, which would be Exhibit 46 for all of
5 these, we'll call these the Dr. Chapman selected photos,
6 autopsy photos.

7 A I believe there are 16, if I've counted them
8 correctly.

9 (Exhibit 46 was identified.)

10 Q (BY MR. STOEN) Okay. Now, would you be able
11 to -- this is a machine called an Elmo machine, and it
12 allows the jury --

13 A Right.

14 Q -- to see on the television screen what the
15 person is talking about.

16 A Yes.

17 Q Would you be willing to just take these photos
18 one by one and walk the grand jury through the process
19 by which you came to the conclusion of blunt force
20 trauma?

21 A Post-its don't release as easily as they say.

22 Well, when I first looked at this case,
23 because of the general findings, I felt that -- that
24 this was certainly not a case that was due to accidental
25 means because of the nature and distribution of the

1 injuries.

2 Now, I will be talking to you about different
3 kinds of injuries. Most -- and virtually all of these
4 injuries are blunt force.

5 I'll be talking about, first of all,
6 contusions, which there are many in this case.
7 Contusion is our medical name for bruise. And you've
8 all seen bruises on yourself, unless you've lived in a
9 bubble, somewhere and you know that they start out as
10 either reddish or purplish-red and then over a period of
11 days they change colors to greenish and brownish and
12 yellow, and finally they disappear. Depending on how
13 big they are, they can disappear fairly rapidly; but if
14 they are huge bruises, they can last for a long time.

15 So we can't accurately date bruises or
16 contusions even with a microscope; we can say they're
17 either fresh or they are older. But giving an exact
18 time, like to say four days or five days or two days or
19 a week, that's not possible to do. But we can say
20 they're either fresh, they were made very shortly before
21 death, or they're older.

22 The other -- one of the injuries I'll talk
23 about is an abrasion. Now, an abrasion, essentially,
24 most commonly is just a scrape of the skin. And you all
25 have had abrasions as well and you know that sometimes

1 they can bleed slightly if they're deep, but often --
2 most often they look reddish-brown and they heal up and
3 they leave without any scars. So that's an abrasion.

4 The other injury I will speak about is a
5 laceration. Now, a laceration distinguishes an opening
6 in the skin from a cut. A cut or an incision is made
7 with sharp force, but a laceration denotes tearing or
8 bursting of the skin. The skin is just literally torn
9 apart by some blunt force that's applied to it and the
10 margins are irregular and it has many other
11 characteristics. But that is a laceration. So when I
12 say laceration, it does not imply a knife injury at all
13 or a sharp force injury, it is a blunt force injury and
14 it's a tearing or a laceration of the skin or organs or
15 whatever is involved.

16 So those are the basic terms so we have them.

17 Now, what I will do is first begin with the
18 head. And if I can stand up.

19 Q I have a laser pointer here, if that would
20 help. You have to just press this little button here.

21 A Okay. This doesn't show up on here very well,
22 but if you look -- you will have a chance to look later.
23 This is photograph number 001.

24 Q Maybe could you hold it up at first and then
25 put it on there.

1 A You can see it's much brighter if you look at
2 it here.

3 The things of importance in this photograph
4 number 1 shows --

5 Q Could you describe what it is so that the
6 jury, if they need to, can find it, a particular
7 individual photo?

8 A Okay. I've labeled it right here 001.

9 Q Thank you.

10 A It's a photograph of the face. So this is at
11 the time of autopsy. And you'll see, if you look at
12 this, there's contusion represented by purplish
13 discoloration of the nose and there's also a clot of
14 blood here in the nose. So it appears to be slight
15 deformity of the nose. I can't be sure, but the
16 findings certainly would be consistent that there might
17 be a fracture under there, but I can't be sure about
18 that.

19 But another important thing is right here in
20 the forehead. And if you look at this photo itself,
21 you'll see a distinct area of contusion, and this area
22 is all purplish here, it's very deep purplish, and
23 confirming that that is contusion. When we see another
24 photograph where the scalp is peeled back, there's
25 hemorrhage under there.

1 So a contusion -- I really didn't tell you
2 what a contusion was, did I? A contusion is blunt force
3 injury that causes the escape of blood into the tissues,
4 and that's what causes the discoloration. And the
5 changes in the -- in the coloration of the contusion is
6 due to the breakdown of blood that occurs. Now, we'll
7 mention more about that in a minute.

8 In the forehead here, just beside this
9 contusion there is an abrasion, that's a little round
10 area that could be seen, and then over here is another
11 contusion, and then over here above the lateral aspect
12 of the left eye, above the eyebrow, is another contusion
13 in this area. None of these contusions were mentioned
14 at all in the original autopsy report. So these are
15 findings I've made from the photographs.

16 And there's also an abrasion which was
17 described as a contusion here on the lip, and it seems
18 minimally contused. But abrasions and blunt force
19 injuries occur together. You can have an abraded
20 contusion and so forth. And then there are some
21 apparent contusions here in the lower lip down just
22 above the chin.

23 So those are one of the first findings that I
24 made from that photograph.

25 Now, here is a closer photograph. This is

1 034, and it's labeled on here as 034. And here you can
2 see better this contusion. It's a very dark purple area
3 that you couldn't see as well in the other photograph.
4 And here is a -- the abrasion I mentioned and then on
5 over here is more contusion. You can see here the
6 purplish contusion of the nose. There's also contusion
7 here in the medial aspects of the eye. All of this is
8 part of the same injury. And then here at the lateral
9 aspect of the right eye there is abrasion. So she had
10 multiple injuries around the head.

11 This is 033, which is just another close-up.
12 So you can see better the abrasion that is on the lip
13 and some of the changes that are present just above the
14 chin, as well as you can see the contusion here on the
15 nose.

16 Now, that's about what we can see from the
17 photographs and from the report on the -- on that aspect
18 of the head.

19 This is 018, which I've labeled right here for
20 you, and this is the back of the head. And if we're
21 looking at it right, it's oriented in this way. But the
22 head -- the face is here, the back of the head is here.
23 We're looking at the upper back of the head. And you
24 can see that there is this tearing of the skin, which is
25 a laceration, and it's a rather large laceration, as you

1 can see.

2 And there is -- okay. That's the only one I
3 have of that. But there are other photographs in the
4 other file that show also this. But one can see here
5 that this aspect of the right aspect of this laceration
6 has undermining. It has been torn loose from the skull
7 underneath. What does that indicate to me? That
8 indicates that the force that was applied to this, to
9 produce this laceration, came from the left to the
10 right. It was not a straight-on blow that caused this,
11 but it was from the left to the right, which caused the
12 skin to tear and then tear loose on the right side.

13 Okay. The -- now, in relationship -- one of
14 the other things I had to take into consideration in
15 this, she is alleged to have fallen backwards on the
16 sharp edge of the counter. That would not be consistent
17 with this injury because this injury is vertical. And
18 if she had fallen straight back on the counter, I would
19 expect the injury to be horizontal with the force
20 indicated going upward.

21 Now, additionally what helps to refute the
22 idea of falling backwards on the counter is this
23 photograph, which is 026. In the front of the scalp
24 there's also this laceration. And, I'm sorry, that's
25 the only photograph that is decent of it or the most

1 decent, but to properly examine a head injury of this
2 type, the entire scalp hair should have been shaven so
3 that one could see all of the bruises that might be
4 present in the scalp and possibly hidden by the hair.
5 And, you know, sometimes we can even overlook
6 lacerations that may be present. But that was not done.
7 But these two lacerations were identified.

8 So if this woman had a single fall to the back
9 of her head onto this counter, it's no way possible that
10 she could have gotten this laceration as well. And the
11 laceration that we have is not consistent with her
12 falling backward onto the counter straight back. And
13 the bathroom in which she was is a very narrow little
14 L-shaped thing, and there would have to be an extreme
15 contortion of the body to get the body in such a way
16 that this laceration could have occurred. I don't think
17 it's possible.

18 Now, this is photograph number 052, and this
19 is taken from more toward the right side of the body.
20 And you can see that under the scalp, once it's
21 deflected -- this is the skull here that you can see,
22 but under the scalp there's all this massive hemorrhage.
23 One cannot get hemorrhage of this nature by a single
24 blow or two blows. This is the result of multiple blows
25 to the head. It just cannot occur otherwise. And

1 consistent with that are the separate blows that we see
2 over the forehead where I could see in the photographs
3 that contusions were there. So this hemorrhage had to
4 result from multiple blows.

5 And this is photograph 051 -- 57 -- 57 -- or
6 54, I'm sorry, 054. It's another view showing that the
7 major portion of the blood was present on the front and
8 on the right side more so than on the left and, of
9 course, in the back where the laceration was.

10 Okay. Now, at the scene it was noted the
11 laceration, of course, and so forth, but at the scene
12 also it was noted changes in the hands. She was slumped
13 back against the counter -- the cabinet and there was
14 blood on the edge of the counter and -- but on her
15 clothing that she has, one would have to notice that, in
16 spite of the nasal injury here, there was no dripping of
17 the blood on the front of the clothing. That's
18 number one.

19 And then we have these injuries to the hands.
20 Now, Dr. Ferenc in his report and the people maybe at
21 the scene and others have concluded that that might be
22 lividity. Now, I need to explain lividity to you.
23 Lividity occurs when the blood stops circulating through
24 the body. Once the heart ceases pumping and the person
25 is in cardiac arrest, then the blood does not any longer

1 circulate. But the red blood cells and the elements of
2 the blood settle out in the body in obedience to the
3 laws of gravity. So if the body's laying on the back,
4 there becomes a purplish discoloration in the body on
5 the back, and that is called lividity, and usually it is
6 purplish. So if the body's on the front, the lividity
7 occurs on the front. So it's in the dependent portions
8 of the body.

9 So she was -- her back was against the -- she
10 was in a semi-sitting position back against the cabinet.
11 So some of the people have interpreted these findings in
12 the hands to be lividity, but I suggest they are not
13 lividity at all, but they are contusions that are
14 contiguous and perhaps with more than one blow in an
15 area producing contusion.

16 And helping to confirm that is in this
17 photograph, which is number 011. This is the back of
18 the right hand, and you can see that there's not only
19 the contusion -- if this were lividity, the entire hand
20 would be involved with it, but this is not the entire
21 hand. You see there's spaces here that are not involved
22 at all, but yet here is bluish-purplish discoloration
23 and here is purplish discoloration and so forth. And In
24 addition to that, there is an abrasion -- there's a
25 small abrasion, but it's an abrasion nonetheless --

1 indicating that blunt force has been applied.

2 Now, to properly investigate lesions of this
3 kind, in order to be certain that it is not lividity but
4 is contusion, one should make an incision in it so that
5 you see hemorrhage in the tissue and that confirms
6 absolutely it is contusion. That was not done in this
7 case. But I think from the findings in this, it's
8 absolutely certain that these are contusions with this
9 abrasion. There was another abrasion or a little
10 punctate laceration here which -- actually, before the
11 body was cleaned up -- had blood on it, dried blood that
12 was present on it, on the thumb. And you can see it in
13 this photograph, which is number 013.

14 The last photograph was 029 that I showed you
15 a closer-up view of the contusion or the abrasion. But
16 this little lesion right here, when initially viewed at
17 the scene, in the photograph you can see that there is
18 blood on it dried up.

19 This is the palm of the right hand, and this
20 is photograph 025, and here you can see, again, the
21 whole area is not involved but here is contusion, here
22 is contusion, and different areas involved.

23 The findings also on the right, on the finger,
24 this is the index finger, 014 is the photograph number,
25 here is an abrasion. And this was out of focus

1 slightly, it's fuzzy, but there's no question that
2 that's an abrasion, which again confirms that blunt
3 force occurred.

4 Then this is the left hand, and the findings
5 are very similar. The dorsal of the hand is involved,
6 the fingers are irregularly involved with contusion, as
7 well as the palm. This is photograph 005 of the outer
8 aspect of the thumb of the left hand and this is the
9 inner aspect.

10 Now, there is another thing on this
11 photograph, however, which is 020, that is also
12 important. This contusion here is very markedly
13 different from these here. Now, I told you that we
14 could tell when contusions are fresh. They're purplish
15 like this or they're old. This is an older contusion
16 that looks reddish-brown. So it has been there for a
17 few days and it's a rather large one.

18 This is a photograph of the abdomen and lower
19 chest. This is photograph 004. And what we are seeing
20 here are abrasions. But now you remember, I told you
21 that abrasions that occur on your own body and when
22 you're alive, they're reddish-brown, and these are
23 yellowish and they look parchmentlike. If you look at
24 them in the original photograph, they look like a greasy
25 parchment. And those are postmortem. These are

1 injuries that occurred after this woman was dead.

2 However, in this same photograph we can see
3 that here is a contusion. And up over the breast there
4 is some irregular areas that are very faint-appearing
5 contusion with a slight abrasion right at this point.
6 And this is photograph 004. So you can see this
7 contusion here in this fold of skin over the upper
8 abdomen/lower chest and then in the left breast these
9 contusions that cover this area here and -- with the
10 abrasion.

11 Photograph 021 shows the same thing, but a
12 closer view of this contusion that is here. It's sort
13 of a straight edge type of contusion. This could have
14 something to do with the fold of the skin itself. So we
15 can't say what kind of an imprint that -- it may not be
16 an imprint at all, but it does appear certainly to be a
17 contusion.

18 And, finally, this is photograph 022, and this
19 is the left shoulder here. So this is the left breast
20 where I was just showing you these injuries that don't
21 show up so well on this photograph, but there are also
22 some faint what appear to be contusions over this area
23 going up toward the shoulder.

24 Now, the importance of those could indicate
25 very much that the body was moved postmortem. There's a

1 lack of blood dripping from the nose, there is no
2 massive bleeding from the head, and scalp wounds bleed
3 profusely, and we have these postmortem injuries that --
4 and the contusion in the breast area that could be --
5 could be consistent with the body having been move after
6 death.

7 Q Thank you, sir.

8 A The other indication -- the other question
9 that comes up is about when did death occur. The
10 stomach contents were examined, and there was a full
11 meal in the stomach. The gastric contents had been
12 regurgitated and then went down in the lungs. There
13 also appears to be -- in some of the slides appears to
14 be some blood mixed with it, but it's a -- it's an
15 aspiration of gastric or stomach contents into the
16 lungs.

17 That is the mechanism of death. This woman
18 suffered these injuries and she aspirated stomach
19 contents into her lungs and that's the immediate reason
20 why she died, but the underlying injuries are the cause
21 of her doing the aspiration.

22 Q And if you were -- based on your experience as
23 a pathologist over these years, what would be the most
24 reasonable scenario for these multiple contusions,
25 abrasions, and lacerations on the body of Susan Keegan?

1 A Well, this woman obviously, to me, was
2 assaulted. And she is -- she's under the influence of
3 drugs and alcohol. The -- if I may refer to my notes.
4 I can't keep all of this stuff in my head.

5 She had a level of .16, 0.16 percent alcohol,
6 beverage alcohol. That's twice the limit in the law
7 that is presumed for drunk driving. So she was twice
8 the legal limit for driving or to be DUI. She had some
9 Buspirone, which there has never been a fatality
10 reported from that drug, and it was 51 nanograms per
11 milliliter. She had been smoking tetrahydrocannabinol,
12 or marijuana, and that is reflected in her blood. She
13 had free hydrocodone.

14 And as you -- I'm sure you know from all the
15 stuff in the paper that's been going on, and especially
16 in living in Mendocino County, that opioid -- it is an
17 opioid drug and it is an abused drug, but it is a
18 narcotic analgesic. Her level was 67 nanograms per
19 milliliter. The levels found in toxic cases vary
20 widely, lie they are from 130 to 7,000, and usually
21 they're in the upper ranges of that, but certainly
22 usually above 130, and her level is 67.

23 Escitalopram was 100 -- excuse me -- 150, and
24 that is a bit above the therapeutic level, but there
25 is -- I don't know what the toxic levels are or the

1 fatal levels, overdose levels. And then there was a
2 drug called Zolpidem that was present at the level of 54
3 nanograms per milliliter. But, again, the blood
4 concentrations of 1120 nanograms per milliliter gives
5 headache, drowsiness, and so forth. So that certainly
6 is not a toxic level of drug.

7 Q Would the amount of alcohol and drugs that
8 you've just referenced be enough in and of themselves to
9 cause the death of Susan Keegan?

10 A Not my opinion. That's what I've been
11 explaining here, those levels are -- one of them is
12 slightly above therapeutic. Alcohol is also present,
13 which can cause synergism with the drugs. And alcohol,
14 together with a drug, can cause an effect that is
15 greater than the level of the drug or alcohol together,
16 but with these levels and the relatively low level of
17 alcohol, I don't believe that is the case.

18 Now, back to your question I didn't get to
19 answer, --

20 Q Please do.

21 A -- how did these injuries occur -- were
22 incurred.

23 Q Yeah.

24 A Now, I mentioned --

25 A JUROR: Excuse me, I'm sorry, I need to take

1 a break here.

2 MR. STOEN: Okay. That's fine. We can do it.
3 We're all human.

4 A JUROR: I'm actually feeling a little faint.
5 I need to go to the restroom.

6 JURY FOREPERSON: Please don't discuss the
7 case, form any opinions, talk about the case. Thank
8 you.

9 (Brief recess taken.)

10 JURY FOREPERSON: We're all accounted for now.

11 MR. STOEN: Thank you.

12 Q (BY MR. STOEN) Dr. Chapman, do you have an
13 opinion as to whether -- if there was this blunt force
14 trauma cause of death, whether -- if an implement had
15 been used of some sort?

16 A Well, yes, it's necessary for something to
17 have been used to cause these blows. The blows occur to
18 the hands, as well as the head, as obviously you see in
19 the photographs.

20 I mentioned -- just a moment ago I went
21 through the list of drugs and so forth that were
22 present, so she was obviously intoxicated. If she was
23 intoxicated on alcohol alone, if only alcohol had been
24 present, she would have still been intoxicated, but she
25 also had some drugs on board. So she's intoxicated.

1 And the injuries that I described to her hands
2 resulted from some object striking them, as well as
3 striking the head. So the most reasonable way that
4 these injuries incurred were by her trying to defend
5 herself from blows to the head. And I can see an
6 intoxicated person sort of halfway being able to do that
7 and receiving blows to the head and to the hands, but
8 some object was used, some blunt object. I suspect that
9 the object probably did not have a great deal of weight
10 to it like a wooden baseball bat, but something like a
11 metal, an aluminum baseball bat would be considered. It
12 would be very compatible with this. But any other
13 object that I suggest would be sort of rounded. And so
14 it didn't produce definitive lines or marks, but you see
15 slight abrasions occasionally, and what you're seeing
16 mainly is contusion. So my suggestion is that this is
17 consistent with a blunt object that is rounded to some
18 degree at least, that did not have sharp edges or
19 protrusions to it.

20 The suggestion that it is a fairly light
21 instrument is that there was no skull fracture
22 associated with this or was reported. There are
23 photographs of the skull, but there are no photographs
24 of the top of the skull after the skull -- the
25 cranial -- the skull cap was removed. So I can't

1 confirm that by photographs, but it was reported that
2 there were no skull fractures. And indeed there are no
3 injuries per se that you can see to the brain itself,
4 but one can have -- with this type of injuries to the
5 brain, one undoubtedly has some concussive injuries to
6 the brain itself, but those cannot be appreciated
7 grossly, or looking at the brain itself.

8 Q Looking at the lacerations on her head,
9 particularly the posterior one, or the one on the back
10 of head, were you able to detect whether or not an
11 implement was used in any way to create that laceration
12 and, if so, would there be a direction of travel that
13 you could estimate?

14 A That's what I explained a while ago, is that
15 the force came from the left to the right to produce the
16 undermining that I showed you on the right side of the
17 laceration. And so if this -- whatever object was used
18 had to have the force directed from the left side toward
19 the right side to produce that particular injury.

20 Q Based on your special experience and training,
21 Doctor, are you able to determine if a deceased person
22 committed suicide?

23 A Well, in many instances, yes.

24 Q Is there any indication whatsoever, in your
25 professional opinion, that Susan Keegan's death was a

1 result of suicide?

2 A There is zero chance of that being suicide.
3 These are not self-inflicted injuries.

4 MR. STOEN: Those are all the questions I
5 have. We'll get some from the grand jury now. They're
6 active.

7 A JUROR: Can we go off the record?

8 MR. STOEN: Off the record.

9 (Off the record briefly.)

10 MR. STOEN: Let's go back on the record.

11 Q (BY MR. STOEN) Are you able to estimate the
12 time of death in this case?

13 A Well, there's certain indications. As I
14 started to explain and then we went off on some other
15 tangent, the stomach contained a full meal. And usually
16 a full meal will stay around for four hours or so in the
17 stomach but will be reduced in volume, but this was
18 still pretty good volume.

19 The body at the scene appears not to have been
20 in rigor mortis. Now, rigor mortis is the stiffening of
21 the muscles that occurs after death and it develops over
22 a period of hours depending upon temperature. It's
23 temperature dependent, so the body will just simply
24 become stiffened in whatever position it is in. But the
25 body in this case could obviously be moved, the hands

1 and so forth, and so rigor mortis was not at least
2 completely developed.

3 The other thing about lividity, which I
4 mentioned before, is that it -- you remember what I told
5 you was that it is the discoloration that occurs in the
6 dependent portions of the body due to the fact that the
7 blood settles out. Okay, up till about -- at ordinary
8 room temperature, up till about nine hours to 12 hours
9 after death, if we put pressure on that lividity, it
10 will show blanching. But after a period of time --
11 again, dependent on temperature -- it will become fixed,
12 and so if we put pressure on it, it does not blanch out.

13 The other thing about lividity is that the
14 lividity will change position until the time that it
15 becomes fixed. In other words, you could have a body
16 that died facedown and has lividity in the front; but if
17 the body has not been dead very long, when it's placed
18 over on the back, after a few hours, the lividity
19 disappears from the front and then will reappear in the
20 back.

21 Now, in this case there is an indication that
22 the lividity is not yet fixed because, as we see at the
23 scene, in the photos she is down on the floor leaning
24 back against the cabinet. Okay, at that point one does
25 not expect lividity to be in the neck because it's not

1 dependent. So you expect the lividity to be in the
2 lower part of the body. But if one looks at one of the
3 autopsy photos, I think number 23, I'm not sure --

4 Q On your list or in the --

5 A In the regular file. If you would give me
6 that, I can look.

7 The body has been raised up and there is a
8 photograph where you can see the back of the neck and
9 the lividity is definitely in the back of the neck. So
10 she has been dead hours before she was found. How many
11 hours, there's no way that -- and despite all of the
12 detective stories and all the stuff you see on the TV
13 and all the CSI and all of that, no one can tell you
14 exactly the time of death unless they were there and had
15 an accurate watch. But -- so short of that, we can only
16 guess hours. But I would say she died within a few
17 hours or within -- within four or five hours of when she
18 had the meal, and all the findings with change of
19 lividity and the lack of complete rigor and so forth are
20 all consistent with that. But the exact time, no one
21 can tell you.

22 MR. STOEN: Thank you, Doctor.

23 We have some questions now, I think.

24 JURY SECRETARY: Question number 110 from
25 juror number 624323.

1 Q (BY MR. STOEN) Dr. Chapman, in your opinion,
2 did Susan have enough drugs and alcohol in her system to
3 be intoxicated?

4 A I think we've answered that.

5 Q Yes.

6 A Yes, she was intoxicated; but she did not have
7 enough, in my opinion, to be called an overdose of
8 drugs.

9 Q The second has been answered by the first.

10 Oh, excuse me, no, sorry.

11 If so, i.e., she was intoxicated, is it
12 possible that Susan could have fallen?

13 A She might have fallen, but she didn't fall 800
14 times to produce all these injuries.

15 MR. STOEN: Thank you.

16 JURY SECRETARY: Question number 111 from
17 juror 641677.

18 Q (BY MR. STOEN) Based on your vast experience,
19 did you find it surprising that the police did not do
20 more extensive investigation work at the scene of Susan
21 Keegan's death?

22 A Absolutely. The -- the initial investigation
23 was not complete. And there are various reasons that
24 have been given by the sheriff's department for that,
25 but that's all I care to say about it.

1 Q Okay. Your methodical description of the body
2 makes a conclusion of death due to fall a difficult
3 conclusion to reach. Dr. Trent is an experienced
4 forensic pathologist. Does it surprise you he could
5 have reached such a different conclusion?

6 A Well, I don't like criticizing another
7 pathologist, but yes, I was surprised at that
8 conclusion. And what surprised me most, I think, was
9 the fact that he did not document all of these injuries
10 and he did not shave the scalp. He did not make
11 incisions into the injuries of the hands to make sure
12 that they were contusions and not just lividity, which
13 they are obviously contusions, but that has to be
14 confirmed, should be. And so those things to me, yes,
15 are surprising.

16 Q The third question was: What did you conclude
17 was the time of death?

18 And I believe you said it would be within four
19 hours of her meal, approximately?

20 A Four to five hours. It depends on the nature
21 of the meal. Gastric emptying time is -- it's all over
22 the place. So it's just a guess.

23 MR. STOEN: Next question.

24 JURY SECRETARY: Question number 112 from
25 juror 610214.

1 THE WITNESS: You people have written volumes
2 here.

3 Q (BY MR. STOEN) Assuming that Mrs. Keegan --
4 I'm adding a word "assuming" to this question.

5 Assuming Mrs. Keegan, according to her close
6 friends, was not a heavy drinker and they -- and that
7 they had not seen her intoxicated, could she have been
8 forced or -- tortured and forced to inject the drugs and
9 alcohol?

10 A Ingest, not inject, I guess.

11 Q Ingest.

12 A Ingest.

13 Well, that's just a matter of speculation.
14 That's a matter of speculation, and I'm not going to go
15 there. I can't -- I can't speculate. The only thing I
16 can say is she had the drugs and alcohol in her blood.

17 Q When you describe Mrs. Keegan's wounds, I
18 picture her being severely beaten over time, like as if
19 tortured. Is that a possibility?

20 A Well, the same thought struck me, but it's
21 very difficult to call something torture. But certainly
22 there was a multiplicity of blows to the head and to the
23 hands. They appear not to have been intended as lethal
24 blows per se because there is no skull fracture, even
25 though there are lacerations to the scalp.

1 So I guess that listening to this description
2 and looking at the description, it could be that one
3 might infer that there was some degree of torture in
4 this. And if we define torture as the infliction of
5 nonlethal wounds to cause pain and suffering, that's --
6 that's consistent with it. I can only say that, but I
7 wouldn't per se be able to make the diagnosis of
8 torture.

9 Q I believe that question has been -- by an
10 arrow to be number one has already been answered.

11 Could the injury to the back of her head be by
12 her head striking a vertical surface in the house, like
13 a door or door frame edge, refrigerator edge, etcetera?

14 A It would have to be, I think, a fairly sharp
15 edge to do that. Although, blunt objects can -- the
16 scalp does not reflect -- let me start over.

17 The scalp -- when you have injuries to the
18 scalp, lacerations and such, the scalp does not reflect
19 well the nature of an object that has made the injury.
20 And so yes, it's possible she could have fallen and had
21 this injury.

22 I had a friend fall in my house against a
23 bookcase and she had a laceration to her scalp in that
24 very area. So yes, it's possible. But it wasn't that
25 big of a laceration, and she was a very big woman

1 falling. But that's an extensive laceration, so we have
2 to take that into account. But, again, that's
3 speculation.

4 But in the presence of all of these other
5 injuries, all of these injuries could not possibly have
6 been caused by falling, in my opinion. I mean there are
7 just too many of them. And how do you account for the
8 injuries on the hand? Those did not occur from falls.
9 So the multiplicity of injuries, I would tend to
10 discount that the injury to the head was -- to the scalp
11 was due to a fall.

12 MR. STOEN: Next question.

13 A JUROR: Is it possible to clarify that
14 question?

15 MR. STOEN: Why don't you ask me just off the
16 record.

17 (Off the record.)

18 Q (BY MR. STOEN) Could she have been slammed
19 against a door or refrigerator or door frame, in your
20 opinion?

21 A Certainly that would be possible.

22 MR. STOEN: Okay.

23 JURY SECRETARY: Question number 113 from
24 juror number 624323.

25 Q (BY MR. STOEN) Is it true that your

1 observation is only your professional opinion or theory?

2 A Well, I'm rendering my opinion based on my
3 training and experience, so some several years, and the
4 observations here are recorded. I mean the findings are
5 recorded.

6 MR. STOEN: Thank you.

7 JURY SECRETARY: Question number 114 from
8 juror 620342.

9 Q (BY MR. STOEN) Could the weapon be an empty
10 liquor bottle?

11 A Possible. It's a rounded blunt object, and if
12 it -- with the force that was used to inflict these
13 injuries, I wouldn't expect such a heavy bottle to be
14 broken.

15 Q When you say such a heavy, you mean full?

16 A No, no, I mean heavy glass.

17 Q Okay.

18 A Liquor bottles, from my experience with
19 them -- I have none, of course -- they tend to be rather
20 heavy glass. And so with the -- I think that a glass
21 bottle of that type could be used to inflict these
22 injuries without breaking is what I'm saying, because
23 there was no skull fracture and things like that.

24 JURY SECRETARY: Question 115 from juror
25 616861.

1 609424.

2 Q (BY MR. STOEN) I'm going to rephrase this a
3 little bit: If someone insisted that Mrs. Keegan was a
4 long-time and serious drug addict and since there was no
5 damage to her internal organs, could that be possible?

6 A Could what be possible?

7 Q I didn't -- someone insisted Mrs. Keegan was a
8 long-time and serious drug addict. Since there was no
9 damage to her internal organs, could that be possible?

10 If you can answer that if it's clear.

11 A Well, there was no evidence of long-term
12 ethanol abuse or things like that in the body. So
13 that's as far as I can go.

14 MR. STOEN: Thank you.

15 JURY SECRETARY: Question 117 from juror
16 624323.

17 Q (BY MR. STOEN) In your opinion, did Susan
18 expire from her choking on her vomit or from her head
19 injury?

20 A Well, I tried to explain that. Cause of
21 death -- let's see, how can I explain it the best.

22 Okay. Say someone dies, they have suffered a
23 gunshot wound and they had a gunshot wound to the back,
24 went through the spinal cord and, as a result, they were
25 paraplegic thereafter. Okay? This happened in 1920 --

1 or I'll say 1950. I'm too old. 1950 this patient had
2 this injury; they became paraplegic. As a result of the
3 paraplegia, they go to hospitals, they have various
4 hospitalizations, they have urinary tract infections,
5 they have all the problems that go with paraplegia over
6 the years, and ultimately they die from kidney failure,
7 okay, because of all these infections and everything.
8 So what in that is the cause of death? The cause of
9 death is the gunshot wound to the back. The -- that
10 initiated the whole series of things that went on with
11 that patient from there until the time of death. Absent
12 the gunshot wound, we would not have had the kidney
13 infections, the paralysis, and all of the other things
14 that went on with him. So the cause of death is what
15 initiates everything in a series that brings death
16 about.

17 The terminal event in this case, the mechanism
18 of death, is the physiologic event that makes life
19 impossible. And in this case she had aspirated gastric
20 content, or choked on it, as you said, down into her
21 lungs. So aspiration of gastric content was the final
22 event, but that's the mechanism of death.

23 What we have is a woman who is intoxicated
24 with alcohol and drugs, she has been beaten severely
25 about the head, she obviously has concussive injuries to

1 her head, she's tried to defend herself with her hands
2 and so forth, and as a result of her having the injuries
3 and her intoxicated state, she has aspirated the
4 vomitus. So the cause of death is blunt force head
5 injuries; the mechanism of death or the reason she
6 immediately died was the aspiration of the vomitus.

7 JURY SECRETARY: Question 118 from juror
8 620342.

9 Q (BY MR. STOEN) When you say the body possibly
10 was moved, do you think from a different room or the
11 body was moved into a different position in the
12 bathroom?

13 A Well, with the injuries on the front of the
14 body, it would be consistent with someone having lifted
15 her from the back with the band of her pants that she
16 had on, the pajama pants I guess they were, causing the
17 postmortem abrasion in this area. The shirt could have
18 been doubled up to produce these. So it would be
19 consistent if somebody moved her from the back.

20 There is not a great deal of blood in the
21 bathroom, but -- it would be speculation whether they
22 moved her to a different position, but I think the
23 indication is that she was moved because of these
24 injuries and the fact that there is no dripping of blood
25 on the front of the shirt that she has where it's

1 obviously -- she -- her head is bent over that area,
2 that it's consistent with having been moved. But from
3 where she was moved, how far she was moved, that's all
4 just speculation.

5 MR. STOEN: Thank you.

6 JURY SECRETARY: Question number 118 from
7 juror 616861.

8 Q (BY MR. STOEN) Absent the aspiration of food,
9 were the injuries enough -- severe enough to cause
10 death?

11 A I would say that the injuries that were
12 visible, it would depend on the amount of concussion
13 that she had associated with these injuries, which we
14 cannot appreciate by just gross examination of the brain
15 after death, that these injuries would have been
16 survivable, yes.

17 MR. STOEN: Thank you.

18 JURY SECRETARY: That's it.

19 MR. STOEN: That's it. Dr. Chapman, thank you
20 for coming to join us.

21 JURY FOREPERSON: One more.

22 MR. STOEN: Oh, we have one more.

23 THE WITNESS: I want to congratulate the jury.
24 You've asked me more questions than any jury I've ever
25 seen.

1 MR. STOEN: This is some jury.

2 Anybody else have a question? I guess we have
3 one more.

4 JURY SECRETARY: Question number 119 from
5 juror 611538.

6 Q (BY MR. STOEN) This question says: Perhaps
7 Susan fell a few times before she felt necessary to
8 vomit, rushing to the toilet, she fell head long into
9 the doorjamb, then bounced and spun into the wall and
10 vanity. Is that a possibility?

11 A I don't believe so.

12 MR. STOEN: Thank you.

13 Anything else?

14 Okay. Well, for a second goodbye, thank you.

15 THE WITNESS: Thank you.

16 MR. STOEN: I'm going to move all those
17 exhibits into evidence. Did you leave them here?

18 THE WITNESS: They have them.

19 MR. STOEN: Thank you, Doctor. Appreciate it.

20 I'm going to be the next witness in this case,
21 and I'm going to be just reading from Exhibit Number 16,
22 which is a set of e-mails that Susan Keegan wrote in
23 October and November 2010, to show her state of mind.
24 And I've kind of summarized key sentences, so I'm not
25 going to read all the e-mails. It's called "Listing of

1 Susan Keegan, e-mails from October/November 2010."

2 October 2 to Helen Dunn: "Peter is telling me
3 he wants a divorce."

4 October 3 to Helen Dunn: "I am relying on my
5 friends to get me through this."

6 October 10 to Karyn Feiden: "Fortunately, I
7 have lots of support of friends."

8 October 15 to Karyn Feiden: "Thanks for being
9 on my side, even though sides are not necessary. It
10 still feels good."

11 October 20 to Oni and a mass mailing: "Come
12 see me as the Player Queen in Hamlet at Mendocino
13 College. We have a wonderful production."

14 October 21 to Elaine Richard: "We are already
15 practicing our set, including, among others, Santa Baby
16 and Silent Night."

17 October 24 to Oni LaGioia: "The And Who
18 Sisters, more info on our Christmas party gig."

19 October 25 to Karyn Feiden: "Give me a few
20 days to get my resume re-polished."

21 October 28 to Karyn Feiden: "The play opens
22 tonight. My dad and Nancy sent me beautiful flowers for
23 opening night."

24 November 2 to Mary Pierce: "Hamlet is going
25 well. People like it. I'm looking forward to seeing

1 you next week. We'll eat before we talk business."

2 November 3 to Helen Dunn: "I can see that in
3 a few years things will be okay."

4 November 4 to Karyn Feiden: "This remains a
5 very attractive work opportunity." That's with
6 reference to Karyn Feiden trying to get her a job with a
7 foundation in New York.

8 November 4 to Mary Pierce: "Yes, my first
9 days as a blond, and it is truly fabulous. I sparkle.
10 I glow."

11 November 5 to Karyn Feiden: "Wonderful edits
12 in Susan's resume to a New York foundation. Thank you
13 so much, cuz."

14 And the edited resume is included in this
15 exhibit.

16 (Exhibit 16 was identified.)

17 MR. STOEN: Now, one question that has come up
18 from Peter Keegan has to do with a request that you, the
19 grand jury, request certain additional exculpatory
20 evidence. And as I read to you in my packet, you have
21 the right to request other evidence that will, quote,
22 "explain away the charge." That's the key, will the
23 evidence that somebody wants to be brought into this
24 case that I have not presented explain away the charge.

25 One of the issues had to do with getting

1 documents from the state as to the drug usage of certain
2 people, if I recall correctly. You can correct me if
3 I'm wrong. The other has to do with computer
4 information on the computers that were seized in June of
5 2011.

6 So with respect to the latter question, Andy
7 Alvarado, our supervising district attorney
8 investigator, has some knowledge on that, and I'm going
9 to have him come in here and explain what he knows. And
10 then the foreperson can take over and address -- ask you
11 guys, as the grand jury, if you want us to try to pursue
12 this additional evidence.

13 (Brief pause.)

14 MR. STOEN: You'll have to be sworn again.

15 THE REPORTER: Will you raise your right hand,
16 please.

17 - - -

18 ANDREW ALVARADO

19 Called as a witness, having been sworn, testified as
20 follows:

21 - - -

22 THE REPORTER: Please state your name.

23 THE WITNESS: Andrew Alvarado.

24 THE REPORTER: Thank you.

25 MR. STOEN: Just recite the fact does he

1 remember the charge that you gave him.

2 JURY FOREPERSON: The secrecy admonishment.

3 THE WITNESS: Yes, I do.

4 JURY FOREPERSON: So you remain under that.

5 THE WITNESS: No problem.

6 - - -

7 EXAMINATION

8 Q (BY MR. STOEN) Mr. Alvarado, the question has
9 come up as to what was done with the computers that were
10 seized from the home of Peter Keegan in June of 2011,
11 whether or not the contents of that -- of those
12 computers had been reviewed by the DA's office and
13 whether or not anything was found that was -- that would
14 explain away the charges in this case.

15 A So the computers that were seized from
16 Mr. Keegan's residence, a secondary search warrant was
17 prepared for them. They were given to a -- they were
18 given to the chief investigator of the Lake County DA's
19 office, who is a forensic computer examiner, or was at
20 the time. He has since retired. He was part of the
21 Northern California Computer Crimes Task Force in Napa.
22 He went through and made forensic copies of the
23 computers and then searched the computers for anything
24 of relevance related to this case at or about the time
25 the crime occurred in November of 2010.

1 Additionally, myself and Chief Investigator
2 Kevin Bailey went to the DA's office sometime after he
3 did his examination and did an additional examination.
4 We did key word searches for murder, crime scene
5 cleanup, blood, homicide, etcetera, we also just
6 generally looked at the contents of the computers, and
7 didn't find anything at all that we felt was relevant to
8 assist us in our investigation.

9 Did we go through every item or every file on
10 the computer? No. We did -- we gave him generally what
11 we were looking for, Investigator Woodworth, to look at.
12 He searched for those things. We felt we wanted to do
13 just an additional search on top of what he did. He sat
14 with us and did those additional searches, and we didn't
15 find anything that we felt was relevant to this case.

16 Q And where are those computers now?

17 A Those computers are in my possession. And we
18 have a forensic copy; unfortunately, the forensic copy
19 isn't viewable. It's put into a format that only
20 certain software can view, and so you have to be a
21 forensic computer analyst to -- well, you don't have to,
22 but to have the software is very expensive. So we have
23 a forensic copy of the computers and we also have the
24 computers themselves.

25 Q Now, if there was going to be a total thorough

1 search of those computers, would these computers have to
2 be shipped out to any more specialized people?

3 A Yes. They would have to be returned -- now
4 that Chief Woodworth has retired, the closest location
5 is the group that he used to work with, which is the
6 Computer Crimes Task Force in Napa. They would then
7 take those forensic copies, put them into a format that
8 was viewable by me, and they could also do any searches
9 at my request. Normally, because of their workload and
10 the amount of resources they have available, it takes
11 anywhere from four to six weeks, if we're on a fast
12 pace, to get returns on what we're searching for.

13 Q So what you're saying is if the grand jury
14 wanted to obtain that information, there would be, as a
15 matter of average, a delay of four to six weeks from
16 today?

17 A Correct.

18 MR. STOEN: That's all the questions I have.

19 Anybody from the grand jury?

20 JURY SECRETARY: Number 120 from juror 616861.

21 Q (BY MR. STOEN) If Dr. Keegan was browsing or
22 searching in private mode, would your search yield
23 anything?

24 A I believe there would still be some evidence.
25 Based off my training and experience in dealing with

1 computers, often cases, say, of sexual abuse or child
2 pornography, etcetera, we can recover data that's
3 been deleted or data that's been viewed in private
4 mode. I honestly don't know, though, in 2010 if the
5 browsers were set up to have private viewing modes or
6 not. I know they do today, but I don't know if they did
7 then.

8 MR. STOEN: Next question.

9 JURY SECRETARY: Question number 121 from
10 juror 609424.

11 Q (BY MR. STOEN) Were you able to see or read
12 Susan Keegan's e-mails?

13 A No. We did not -- we did not look at them,
14 nor did we view them.

15 JURY SECRETARY: Question number 122 from
16 juror 620342.

17 Q (BY MR. STOEN) Dr. Keegan seemed adamant to
18 read Susan's e-mails, as they were possibly her new
19 journals and diaries. Do you have any comment on that,
20 whether or not there would be, I guess, new journals and
21 diaries on those computers?

22 A Anything's possible at this point. If she was
23 sending e-mails to people or anything along those lines,
24 anything's possible. I would just say that's -- that's
25 too broad to answer with any accuracy.

1 MR. STOEN: Next question.

2 JURY SECRETARY: Number 123 from juror 610214.

3 Q (BY MR. STOEN) Are the computer and forensic
4 files available to the defense should an indictment
5 proceed?

6 A Yes, absolutely. Those are things that we
7 must turn over as part of discovery.

8 Q In your opinion, are you satisfied that a
9 thorough search has been done on the computers for this
10 purpose?

11 A Yes.

12 A JUROR: I'm sorry, could you repeat that?

13 THE WITNESS: Yes, I do feel a thorough search
14 has been done of the computers for what we thought was
15 relevant to this case.

16 JURY SECRETARY: Question number 124 from
17 juror 636055.

18 Q (BY MR. STOEN) Did you find any general
19 entries of diaries authored by Mrs. Keegan?

20 A No.

21 MR. STOEN: Anything else?

22 Thank you, Mr. Alvarado.

23 THE WITNESS: Thank you.

24 MR. STOEN: Ladies and gentlemen, it's time
25 for me to make a little brief closing statement because

1 the case is about to be submitted to you for
2 deliberation.

3 The evidence is now closed. All the evidence
4 that has been collected is available for you to look at.
5 I did prepare a -- well, I labeled prematurely as a
6 revised and final list of exhibits, but there's about
7 four additional ones that have come in. You'll get
8 everything except for maybe the last four items. Each
9 of you will have that to -- if you need to look at
10 something, you'll at least have a number.

11 I'm going to go over the legal instructions
12 once more with you, the key ones particularly.

13 A JUROR: Is it possible to cite the page
14 you're on so we can follow along?

15 MR. STOEN: I'll do my best because I don't
16 have it by memory myself.

17 JURY SECRETARY: Are you talking about the
18 jury packet?

19 MR. STOEN: I'm talking about the jury packet
20 now. I've had some supplemental ones prepared that are
21 usually used in a jury trial, but I thought they would
22 be good just to have to be a little more complete even
23 in this proceeding.

24 JURY FOREPERSON: Excuse me, we have a couple
25 jurors that would like to take a break while you're

1 getting that together.

2 MR. STOEN: That's fine.

3 JURY FOREPERSON: We'll take a five-minute
4 break again, ten-minute break. It's five to 4:00 and
5 we'll re-gather at five after 4:00. Thank you for not
6 discussing the case and forming any opinions.

7 (Recess taken.)

8 JURY FOREPERSON: Would you like me to do roll
9 call again?

10 MR. STOEN: Yes, please.

11 (Roll call taken; all jurors present.)

12 JURY FOREPERSON: We're all here.

13 MR. STOEN: Thank you.

14 Ladies and gentlemen, I want to thank you for
15 the wonderful way you've paid attention to this case.
16 It was a compliment to you that Dr. Chapman said he's
17 never seen so many jury questions come in, and I feel
18 the same way.

19 We're here to do justice, and it's going to be
20 in your hands. Only you are going to be able to make
21 this decision. I have prepared a summary of the
22 criminal grand jury procedures just simply for the
23 foreperson, to assist her in the process, and I'm giving
24 her the original form of the indictment, which you have
25 a copy of in your grand jury packet. I'm briefly going

1 to go over some of the instructions because that's
2 what -- those are the rules. "Instructions" simply mean
3 the rules by which you make your decision. And so if
4 you want to refer to your packet.

5 Now, as I told you in my opening grand jury
6 instruction number 1, which is a key one, there was
7 a typo in the last paragraph which I've amended in a
8 handout that you have. So let me just read it to
9 you.

10 The grand jury shall find an indictment when
11 all the evidence before it, taken together, if
12 unexplained or contradicted, would, in its judgment,
13 warrant a conviction by a trial jury.

14 The California Supreme Court has explained
15 that the standard of proof for returning an indictment
16 is probable cause. And there's a quote from the Supreme
17 Court:

18 "It is the grand jury's function to determine
19 whether probable cause exists to accuse a defendant of a
20 particular crime. In other words, the grand jury serves
21 as part of the charging process of criminal procedure,
22 not the adjudicative process that is the province of the
23 courts or trial jury."

24 "'Probable cause' means a state of facts as
25 would lead a man of ordinary caution or prudence to

1 believe, and conscientiously entertain, a strong
2 suspicion of the guilt of the accused. 'Reasonable and
3 probable' cause may exist although there may be some
4 room for doubt."

5 The Johnson Rule I just briefly mention, it's
6 where you have the right to ask for additional
7 exculpatory evidence that you believe will explain away
8 the charge.

9 Yes, sir.

10 A JUROR: Would you be willing to clarify the
11 difference between probable cause and compare that to
12 beyond a -- what --

13 MR. STOEN: If you return an indictment in
14 this case, you are basically charging -- you are making
15 an accusation that sends this case to a regular trial
16 jury. You are not deciding guilt or innocence in this
17 case. You are deciding probable cause of guilt, but you
18 are not finding -- you are not being asked to find
19 beyond a reasonable doubt.

20 A JUROR: Thank you.

21 MR. STOEN: So there's a different standard of
22 certainty at a trial level than is in a grand jury
23 proceeding.

24 Does that clarify?

25 A JUROR: Yes, it does. Thank you very much.

1 MR. STOEN: So then you have the Johnson Rule,
2 again, evidence that will explain away the charge.

3 Witness credibility. You have to evaluate the
4 credibility and believability of these witnesses using
5 your common sense and experience. You have to judge
6 every witness by the same standard, whether they are an
7 expert or a lay person. And you may believe all, part,
8 or none of any witness' testimony.

9 And then there are things that you have to
10 look for, behavior and remembrance, understanding of the
11 question, attitude about the case, etcetera.

12 Then you have the definition of evidence. As
13 I mentioned before, evidence is what came from the
14 mouths of the witnesses. I can not emphasize this
15 strong enough: That grand jury packet you have is not
16 evidence. If anything came in that's inconsistent with
17 it, you look at the evidence. And particularly that
18 applies to my letter to the foreperson, which was to lay
19 out a map. So if there's something stated in that
20 letter that didn't come forward in evidence, then you
21 have to disregard it totally.

22 So the evidence are the witness statements
23 under oath and the exhibits that have been identified by
24 a witness and brought into evidence.

25 And I am hereby receiving all identified items

1 of evidence into evidence.

2 (All exhibits identified were received.)

3 MR. STOEN: You have direct and circumstantial
4 evidence. They're both -- direct is eyewitness;
5 circumstantial is based on inference. In the law they
6 each have the same value.

7 Note-taking. Keep in mind that it's good to
8 take notes to refresh your recollection, but the point
9 was to listen to what the witness said. Use the notes
10 only as a secondary means to remember what was said in
11 court.

12 No independent investigation is allowed.

13 Anything that I said in this case is not
14 evidence.

15 So the two most important instructions are
16 instruction number 1 and instruction number 10. Now,
17 instruction number 10 --

18 JURY SECRETARY: About number 9, did we talk
19 about that?

20 MR. STOEN: Number 9, I did skim over that.
21 That's -- what I tried to say is that the evidence is
22 witnesses produced who were sworn and they were
23 furnished by writings, presented to the senses,
24 etcetera.

25 JURY SECRETARY: Okay.

1 MR. STOEN: So what are you looking for.
2 You're detectives and trying to find what the facts are
3 in this case. You basically find out what the facts are
4 based on what the witnesses say. And when you find the
5 facts, you have to find out what the standards are --
6 the standard in the law is for the particular crime
7 involved.

8 And so that's where you come to instruction
9 number 10. It talks about the elements of second degree
10 murder. That's the only charge before you. So the
11 subject person in this case is charged with second
12 degree murder with malice aforethought. And to prove by
13 probable cause that this person committed this crime,
14 the People must prove that:

15 (1) This person committed an act that caused
16 the death of another person; and

17 (2) When this person acted, he had a state of
18 mind called malice aforethought.

19 This can be of two kinds: Express if there
20 was an unlawful intent to kill, or implied if the person
21 committed the act, and the natural and probable
22 consequences of the act were dangerous to human life,
23 and at the time that person acted he knew his act was
24 dangerous to human life, and he deliberately acted with
25 conscious disregard for human life.

1 It does not require hatred or ill will towards
2 the victim. It is a mental state that must be formed
3 before the act that causes death is committed. It does
4 not require deliberation -- which is what first degree
5 murder would be, it would be premeditation -- or the
6 passage of any particular period of time.

7 An act causes death if the death is the
8 direct, natural, and probable consequence of the act and
9 the death would not have happened without the act. A
10 natural and probable consequence is one that a
11 reasonable person would know is likely to happen if
12 nothing unusual intervenes. In deciding whether a
13 consequence is natural and probable, consider all of the
14 circumstances established by the evidence.

15 There may be more than one cause of death. An
16 act causes death only if it is a substantial factor in
17 causing the death. A substantial factor is more than a
18 trivial or remote factor. However, it does not need to
19 be the only factor that causes the death.

20 If you find by probable cause that the subject
21 committed murder, it is murder of the second degree.

22 Now, you will find that in your jury packet I
23 listed at the outset our anticipated witnesses. And
24 those anticipated witnesses, I think, all did appear,
25 but there's two additional ones. One is Gary Hudson,

1 who was the -- who was in the play with Susan Keegan,
2 and the other was Dr. Peter Keegan himself. All of
3 these witnesses must be taken into account in your
4 deliberations.

5 When it comes now to exhibits, we started out
6 with not as many as we have, and right now I think we
7 have -- we're at 46. Your initial list was only 32. So
8 what I prepared this morning for you was up through what
9 I thought would be the end, which was 44, but then we've
10 added two more, which is that e-mail that Peter Keegan
11 sent, two and-a-half pages, called 'exculpatory' which
12 he sent to me, and we made it into evidence as People's
13 Exhibit 45, and then 46 is A. Jay Chapman's glossy
14 autopsy photos. Those are not listed, but I think you
15 can remember them.

16 Now, keep in mind that some of these exhibits
17 are not evidence. Like, for example, the grand juror
18 written questions are not evidence, nor are the grand
19 juror written questions that were not asked by me.
20 They're not evidence either. They're part of the record
21 so that anybody reviewing this case would know what
22 questions, for example, I asked, what questions I didn't
23 ask.

24 And you will find on item 44 that Peter Keegan
25 submitted an e-mail which I found not admissible.

1 Again, I had to put it into the record so anybody
2 reviewing this case would know what it is that I
3 declared was inadmissible. But that's not evidence and
4 it's not to be reviewed by you in your deliberations.

5 JURY SECRETARY: What was 45?

6 MR. STOEN: Forty-five was Peter Keegan's,
7 quote, "exculpatory," close quote, e-mail received
8 August 7, 2017, yesterday. He testified about two
9 and-a-half pages. Do you remember that? That's what
10 I'm talking about.

11 The 15 pages of the poetry and the diary
12 entries of Susan, that is part of your evidence. It's
13 been accepted into evidence. You can review it, you can
14 consider it, and that is number 43. It includes that
15 poem that he read and the diary entries that I allowed
16 in.

17 JURY FOREPERSON: Clarification.

18 JURY SECRETARY: I asked about 45.

19 MR. STOEN: Pardon me?

20 JURY SECRETARY: I asked about 45.

21 MR. STOEN: Forty-five is Peter Keegan's
22 exculpatory e-mail received August 7th.

23 JURY FOREPERSON: It's him asking -- he
24 submitted additional --

25 JURY SECRETARY: Oh, asking for more.

1 MR. STOEN: Yes.

2 JURY SECRETARY: Okay. Got it. Thank you.

3 MR. STOEN: Then 46 is Dr. Chapman's glossy
4 autopsy photos. I didn't know how else to describe
5 them, so I just called them glossy. And they're the
6 last set of exhibits, the ones he showed on the screen.

7 We're going to go now over the additional
8 instructions. So these are supplemental grand jury
9 instructions, and I've labeled them 11 through 19.

10 I put in Grand Jury Instruction Number 11 for
11 you to deal with conflicting evidence because
12 conflicting evidence did come in in this case. And then
13 if you decide there's a conflict, you must decide what
14 evidence to believe. And you don't count the number of
15 witnesses, but you do not disregard the testimony of any
16 witness without a reason or because of prejudice or a
17 desire to favor one side or the other. What is
18 important is whether the testimony or any other evidence
19 convinces you, not just the number of witnesses who
20 testify about a certain point.

21 Grand Jury Instruction Number 12, Limited
22 Purpose: During the hearing certain evidence was
23 submitted for a limited purpose. You may consider that
24 evidence only for that purpose and for no other.

25 For example, I believe that Kevin Bailey

1 testified that when he reviewed Susan's diaries, that
2 some third person was accused of -- of infidelity or
3 something like that. You cannot take that into account
4 in your considerations. It only goes to the mindset of
5 the witness.

6 Expert witness testimony: You have experts
7 who have been allowed to give opinions. You are not
8 required to accept them as true and correct. You are to
9 evaluate their believability like anybody else and you
10 are to consider the knowledge, the skill, the
11 experience, the training and education and the reasons
12 that the expert gives for his or her opinion, and the
13 facts or information that were relied by that expert in
14 reaching that opinion.

15 Number 14 is the opinion testimony of a lay
16 person. Witnesses who are not testifying as experts did
17 give their opinions during this hearing. You are not
18 required to accept those opinions as true and correct.
19 You give them the weight you think is appropriate. You
20 have to consider the extent of their ability to perceive
21 and the reasons the witness gave for their opinion and
22 the facts or information on which that witness relied in
23 forming that opinion.

24 Motive: The People are not required to prove
25 that the defendant had a motive to commit the crime

1 charged. In reaching your decision on probable cause,
2 you may, however, consider whether the defendant had a
3 motive.

4 Having a motive may be a factor tending to
5 show that the defendant is guilty. Not having a motive
6 may be a factor tending to show the defendant is not
7 guilty.

8 The Grand Jury Instruction Number 16, Evidence
9 of Defendant's Statement: You have heard evidence that
10 the defendant made oral or written statements before the
11 hearing. You must decide whether the defendant made any
12 of these statements in whole or in part. And if you
13 decide that the defendant did make such statements,
14 consider the statements, along with all the other
15 evidence, in reaching your decision. It is up to you to
16 consider how much importance to give to the statement.

17 Consider with caution any statements made by
18 the defendant tending to show his guilt unless the
19 statement was written or otherwise recorded.

20 Consciousness of Guilt, False Statements: If
21 the defendant made a false or misleading statement
22 before this hearing relating to the charged crime,
23 knowing the statement was false or intending to mislead,
24 that conduct may show he was aware of his guilt of the
25 crime and you may consider it in determining probable

1 cause of guilt.

2 It is up to you, if you conclude that the
3 defendant made the statement, to decide its meaning and
4 importance. Evidence that the defendant made such a
5 statement cannot prove probable cause of guilt by
6 itself.

7 Consciousness of Guilt, Suppression of
8 Evidence: If the defendant tried to hide evidence or
9 discourage someone from testifying against him -- which
10 we're not saying -- which I am not making any position
11 of -- that conduct may show that he was aware of his
12 guilt. If you conclude that the defendant made such an
13 attempt, it is up to you to decide its meaning and
14 importance. However, evidence of such an attempt cannot
15 prove probable cause of guilt by itself.

16 The final one is the one to help you making
17 your decision in this case because you've heard a lot of
18 evidence in this case, 47 pieces of exhibits, many of
19 them with multiple pages in it. So this is the
20 concluding instruction on submission to the grand jury.

21 It's your duty to talk with one another and to
22 deliberate in the jury room. You should try to agree on
23 a verdict, if you can.

24 When I use the word "verdict," it's verdict
25 meaning a verdict of probable cause, not of guilt.

1 Each of you must decide the case for yourself,
2 but only after you have discussed the evidence with the
3 other jurors. Do not hesitate to change your mind if
4 you become convinced that you are wrong, but do not
5 change your mind just because other jurors disagree with
6 you.

7 Keep an open mind and openly exchange your
8 thoughts and ideas about this case. Stating your
9 opinion too strongly at the beginning or immediately
10 announcing how you plan to vote may interfere with an
11 open discussion. Please treat one another courteously.
12 Your role is to be an impartial judge of the facts, not
13 to act as an advocate for one side or the other.

14 To return an indictment -- there are different
15 words for it, returning an indictment, finding a
16 indictment, whatever -- to vote -- if you vote in favor
17 of an indictment, it requires 12 people who have heard
18 all of the evidence to agree. And there's one -- and
19 then afterwards each person will be asked by the Court
20 or the foreperson would be asked by the Court if
21 everybody who voted -- if the 12 people or more who
22 voted for an indictment heard all the evidence. Because
23 if any person votes for an indictment that did not hear
24 all the evidence, then that's an infirm indictment. So
25 I presume everybody here, present right now, did hear

1 all the evidence. So that may not be an issue. We hope
2 not.

3 The 9-1-1 call I previously numbered as
4 Exhibit 36, but I had -- I overlooked an exhibit, so
5 it's really Exhibit 37. Keep in mind that the
6 transcript that you have is not evidence. It's the
7 phone call itself that's evidence. The same thing with
8 respect to the phone call to Linda Puls, it's the phone
9 call itself, the CD, that's evidence. The transcript is
10 not evidence. It's only to guide you in remembering
11 what the real evidence was.

12 So I'm going to conclude by saying it's going
13 to be in your hands now. The foreperson will be running
14 the show starting tomorrow. I will be available if
15 there's any legal questions along the way. I've given
16 her a summary of the grand jury procedure. Our
17 reporter, who has been so gracious with us, will be here
18 in case you need any read-back of the testimony. The
19 main thing is that you just have to go home and relax
20 tonight, assuming you're not going to start
21 deliberations tonight. But you're going to have to make
22 that initial decision as to whether or not you want us
23 to pursue the evidence because you believe it will
24 undermine the basic charge in this case.

25 Yes.

1 A JUROR: Let's just take that one topic.
2 Would we just vote and go the way the majority votes?

3 MR. STOEN: Yes, there has to be a consensus.
4 I mean obviously you can't just say one person votes one
5 way and that chooses the whole issue. But the main
6 thing is it has to be a collective decision by the grand
7 jury. It's never come up in my experience, but I'm just
8 using my common sense. It should a collective vote by
9 majority of those who are here, the 19 people, as to
10 what you want to do about that issue. We will do
11 whatever you ask us to do. Keep in mind what the
12 standard is. Okay?

13 A JUROR: No, about going home tonight.

14 MR. STOEN: The standard is -- and I'll read
15 it again. The standard is, if the grand jury has reason
16 to believe that other evidence within the DA's reach or
17 by service of process, like a subpoena, will explain
18 away the charge. That's the key set of words, will the
19 evidence explain away the charge based on all the
20 evidence you heard in this case.

21 A JUROR: My question was just do we go home
22 tonight or stay?

23 MR. STOEN: Well, that's up to the foreperson.

24 A JUROR: I mean do we vote about that?

25 MR. STOEN: She can do whatever she wants.

1 I'm simply saying that if you vote for us to get it,
2 then we'll try to get it. But that's up to you guys.

3 JURY FOREPERSON: I see what you're saying.
4 So he's talking about -- he's talking about the request
5 that Peter Keegan suggested to us, as the grand jury, to
6 request additional exculpatory evidence.

7 MR. STOEN: You got it.

8 JURY FOREPERSON: And you're asking about if
9 we're going to start deliberating tonight or not.

10 A JUROR: That's right.

11 MR. STOEN: It seems to be you shouldn't
12 deliberate if you're going to ask for more evidence. It
13 wouldn't make sense.

14 JURY FOREPERSON: Right. Yes.

15 A JUROR: No, I meant -- you know what I'm
16 asking -- do we stay or go, and then how do we decide
17 that. It's okay if you decide or do we vote?

18 JURY FOREPERSON: I understand what you're
19 saying.

20 A JUROR: Two different things.

21 JURY FOREPERSON: Yes.

22 A JUROR: He misunderstood what I asked.

23 JURY FOREPERSON: Yes, he did. But if we're
24 going to ask for additional evidence, what you're saying
25 doesn't matter because we're going to meet again to

1 discuss that.

2 A JUROR: So in the future, okay. I see what
3 you're saying.

4 MR. STOEN: Because you wouldn't have all the
5 evidence before you.

6 A JUROR: That's right. So we have a lot of
7 things to decide.

8 MR. STOEN: So the point is that's your vote,
9 that's your decision. I have nothing to do with it.
10 I'm just your servant here.

11 Thank you again.

12 MR. STOEN: We're off the record.

13 (Proceedings adjourned.)

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REPORTER'S CERTIFICATE

I hereby certify that the above transcript of proceedings was taken down, as stated in the caption, and that the foregoing pages 498 through 715 represent a complete, true and correct transcript of the proceedings had thereon.

Dated: August 17, 2017

Anne Ramirez, C.S.R. 6186
Court Reporter