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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 II
Pages 179 - 288

Reporter's Transcript of
Grand Jury Indictment Proceedings
Held on Wednesday, August 2, 2017.
Reported by Anne Ramirez, C.S.R. 6186.

APPEARANCES OF COUNSEL

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(Chronological)

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1 (Proceedings held on Wednesday, August 2, 2017.)

2 - -

3 JURY FOREPERSON: So we're going to call the
4 session to order.

5 And what do I need to say this morning? Is
6 there anything else? Just do roll call?

7 MR. STOEN: Yes, take the roll call, please.

8 JURY FOREPERSON: Okay.

9 (Roll call taken; all jurors present.)

10 JURY FOREPERSON: We're all here.

11 MR. STOEN: Thank you.

12 And we're going to call my first witness, who
13 is Dr. Jason K.T. Trent.

14 Madam Foreperson, do you have the admonition
15 for the witness to be secrete? It's in your transcript.

16 JURY FOREPERSON: I do, but Anne has been
17 swearing them in.

18 MR. STOEN: There's also a secrecy one.

19 JURY FOREPERSON: Grand Jury proceedings and
20 investigations are secret. You are therefore admonished
21 on behalf of the Mendocino County Superior Court and the
22 criminal grand jury not to disclose your grand jury
23 subpoena or your grand jury appearance to anyone and not
24 to reveal to any person any questions asked or any
25 responses given to the grand jury or any other matters

1 concerning the nature or subject of the grand jury's
2 investigation which you learned about by your grand jury
3 subpoena or during your grand jury appearance, except to
4 your own legal counsel. This admonition continues until
5 such time as the transcript of the grand jury proceeding
6 is made public or until disclosure is otherwise
7 authorized by the Court or by operations of law.
8 Violation of this admonition is punishable as contempt
9 of court.

10 MR. STOEN: Thank you, Madam Foreperson.

11 THE REPORTER: Will you raise your right hand,
12 please.

13 - - -

14 JASON K.T. TRENT, M.D.

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

17 - - -

18 THE REPORTER: Will you state and spell your
19 name, please.

20 THE WITNESS: My name is Jason Trent;
21 J-a-s-o-n, T-r-e-n-t.

22 THE REPORTER: Thank you.

23 - - -

24 EXAMINATION

25 Q (BY MR. STOEN) Good morning, Doctor.

1 A Good morning.

2 Q What is your occupation, sir?

3 A I'm a forensic pathologist.

4 Q What is a forensic pathologist?

5 A Forensic pathologist is a medical doctor who
6 is trained in pathology and subspecialty of forensic
7 medicine and forensic pathology.

8 Q And what is pathology?

9 MR. STOEN: Can you hear okay, sir?

10 A JUROR: Can you speak a little louder?

11 MR. STOEN: Could you speak louder. We can
12 maybe move the chair a little closer, too. Try to speak
13 up because everybody is having a hard time with the lack
14 of a microphone.

15 THE WITNESS: Would you ask your question
16 again, sir?

17 MR. STOEN: I'll ask it again.

18 Q (BY MR. STOEN) Could you just tell us what
19 pathology is.

20 A Pathology is -- a pathologist is a medical
21 doctor who is trained in anatomic and clinical
22 pathology.

23 Anatomic pathology is the examination of
24 surgical pathology, which is when people have biopsies
25 or are required to have surgery for removal of organs

1 that are diseased, and we, pathologists, then render an
2 opinion about the diagnosis of it. Like polyps in
3 colonoscopies are taken out and we say whether they're
4 benign or malignant and what type of malignancy or what
5 type it could be. Another thing -- and those are
6 whether -- and the law in California is that anything
7 that is taken out of a person in a hospital, in a
8 surgical setting, must go to a pathologist.

9 Q Thank you, Doctor.

10 A Now, that's anatomic.

11 Clinical pathology is all the clinical work,
12 which is hematology, which is the examination of blood,
13 which is for blood -- white blood cell count, the
14 hemoglobin, hematocrit, all of those branches of
15 components of blood. Then urine analysis is the -- both
16 the microscopic and chemical analysis of urine to see
17 what's in that. Then there's cytology, which is the
18 examination of cells. Then there's microbiology, which
19 is bacteria, viruses, and that sort of material.

20 Q Thank you, Doctor. That will be all I need on
21 that answer.

22 How many years have you been a forensic
23 pathologist?

24 A Let's see, probably close to 30.

25 Q And what is your educational background from

1 college through medical training?

2 A Well, I went straight out of high school into
3 medical school because it was possible then. I only
4 have one degree, which is an M.D. I decided to be a
5 doctor when I was 12 years old, and I never changed my
6 mind, so my prerequisites were all acquired. And when I
7 applied to medical school, I was accepted to three
8 different medical schools, went to medical school, and
9 became -- and I was going to be an obstetrician when I
10 did my internship.

11 Q Where did you get your degree, your medical
12 degree?

13 A My degree was from the University of --
14 University of Toronto Medical School, which is the
15 oldest medical school in Canada.

16 Q And what has been your professional experience
17 as a forensic pathologist? How many years as a forensic
18 pathologist?

19 A Well, exclusively in doing-- I did forensics,
20 actually, when I was still a resident in Hawaii, but
21 exclusively forensics and nothing but forensics since
22 1990 until today.

23 Q And how many autopsies have you conducted over
24 the years, in your best estimate?

25 A Well, I can tell you exactly. I've done about

1 10,000 autopsies in my entire career.

2 Q And I want to call your attention, Doctor, to
3 November 12th, 2010. Did you have occasion to conduct
4 an autopsy in Ukiah of a Susan Keegan?

5 A I did, sir, yes.

6 Q And what was your official position at that
7 time?

8 A I was a forensic pathologist employed by the
9 sheriff's office -- sheriff's department of Mendocino
10 County.

11 Q And are you still with that position?

12 A No, sir. I retired.

13 Q How long did you have that position?

14 A I retired a year and-a-half ago --

15 Q Okay.

16 A -- from that position. I still work, but not
17 for the coroner's office, the Mendocino County Sheriff's
18 Department, Coroner's Division.

19 Q I'm going to show you, Doctor, what is marked
20 as Exhibit Number 10. It's a necropsy report.

21 Did I pronounce that correctly?

22 A Yes, sir, you did. Necropsy and autopsy is
23 one in the same thing.

24 Q Okay. Why don't you take a look at this
25 report, page through it, and tell me if you recognize it

1 and, if so, please identify it for us.

2 A I'm flipping through this very quickly because
3 I recognize it as -- I have a copy of this exact
4 material.

5 Q Okay. And does that --

6 A This is an autopsy report which I produced
7 after doing the autopsy on Susan Keegan on the 12th of
8 November of the year 2010.

9 Q Okay. You might want to just hold onto that
10 when I ask you some questions.

11 (Exhibit 10 was identified.)

12 Q (BY MR. STOEN) Could you just give us an
13 overview of the general protocol you follow when you
14 conduct an autopsy?

15 A Prior to beginning the prosection, which is
16 the actual cutting of the body, I receive some written
17 material from the investigating officers, which are
18 usually deputy sheriffs in this case, about how and
19 where this person was found dead. And I received such
20 information about Susan Keegan, but I haven't seen that
21 information for the past six and-a-half years. So I
22 don't know what it said to me then. But based on that
23 and where the body was found and what the suspicion of
24 the deputies is, what the mode -- and the mode is either
25 that the person died as a result of an assault or a

1 trauma or it's actually a homicide. There are four
2 primary modes: Accident, natural, homicide, and
3 accident.

4 What did I say, accident? I'm sorry.

5 Q Okay.

6 A I'm a little nervous.

7 Q That's okay. Everybody gets nervous, sir.

8 A Anyway, there are four manners of death. This
9 was told -- this was -- the autopsy was performed
10 because the body was found in the jurisdiction of Ukiah.
11 Then the autopsy is performed at the mortuary in Ukiah.
12 At that time the mortuary was Eversole's Mortuary.

13 Q Let me ask you this: Do you recall the --
14 whether or not there were law enforcement personnel with
15 you when you conducted the autopsy?

16 A Absolutely there were.

17 Q Do you recall who those persons were?

18 A I do only because I remember that I placed
19 their names in the autopsy report and they are
20 identified.

21 Q Would you read them into the record for us,
22 please.

23 A Certainly.

24 At the conclusion of the autopsy report it
25 says deputy sheriffs present is Deputy Jacquelyn

1 Rainwater, Badge Number 2377; Detective Eric Riboli,
2 Badge Number 2412; and Detective Andy Porter, Badge
3 Number 2403. They were present while I performed the
4 autopsy.

5 Q Thank you.

6 Do you recall which of those three law
7 enforcement personnel had the most to say to you about
8 how the body was found?

9 A No, sir, I don't.

10 Q Okay. Now, do you recall any of the three
11 personnel telling you what their suspicions were
12 regarding the body that you were doing the autopsy on?

13 A I'm afraid I don't, sir.

14 Q Okay.

15 A That was six and-a-half years ago, and since
16 then I've done over 900 autopsies.

17 Q Did you look at the photos --

18 A I did, yes.

19 Q -- that the law enforcement people took of the
20 body as it was found?

21 A Yes, sir.

22 Q I'm going to show you what's marked as
23 People's Number 7, and it has 7-A through 7-S. I'd like
24 you to look through that and tell me if you recognize
25 that set of photos and, if so, please identify them and

1 tell us if those were reviewed by you.

2 Do you recognize those?

3 A I -- I see them. I'm not sure that I've ever
4 seen them before, sir. I quite frankly don't remember.

5 Q Okay. Would it be -- would ordinarily --
6 would your report indicate whether or not you saw them?
7 To refresh your recollection, would that report tell you
8 that?

9 A You mean my report, my autopsy report?

10 Q Yeah.

11 A No, sir, it does not.

12 Q Okay. Is it -- do you know whether it was
13 possible that they were shown to you or do you recall
14 that they were definitely not shown to you?

15 A I don't recall either one, sir.

16 Q Okay. Now, do you recall any of the law
17 enforcement personnel telling you suspicions with
18 respect to the swelling or bruising of the arms and
19 hands?

20 A I don't remember their telling me, but I can
21 see from the photographs that there are on both hands
22 and on my autopsy report it's mentioned.

23 Q Okay. And do you recall any law enforcement
24 personnel talking to you about suspicions as to the
25 position of the hands on the body when they were found?

1 A I don't remember, sir.

2 Q Okay. And did any law enforcement personnel
3 call to your attention a suspicion as to concerns about
4 the lack of blood on the floor given the lacerations to
5 the head?

6 A No, sir, I don't.

7 Q Okay. Now, were you aware at the time of the
8 autopsy where the body was in fact found?

9 A I don't remember that, sir.

10 Q Okay. Does your report refresh your
11 recollection as to where the body was found?

12 A No, sir.

13 Q Okay. Were you aware at the time of the
14 autopsy as to whether -- who was present in the place of
15 residence where the body was found, whether or not a
16 person who lived in that house was present?

17 A I don't remember, sir.

18 Q Okay. Did any of the law enforcement
19 personnel discuss with you the husband of the decedent,
20 Susan Keegan?

21 A I don't remember, sir. I'm sorry.

22 Q Do you know who the husband of Susan Keegan
23 was?

24 A Yes, sir.

25 Q Who was that?

1 A He's a surgeon -- he's a physician/surgeon,
2 and he and his wife lived in a home in the City of
3 Ukiah.

4 Q Okay. Now, did you have -- ever have any
5 prior contacts with Dr. Peter Keegan?

6 A I don't think so.

7 Q Were you part of any sort of fellowship or
8 social group that included Dr. Peter Keegan?

9 A I don't know that, sir. But, you know, every
10 Thursday morning, for example, I go to the hospital --
11 I'm not a member of the hospital staff, but on a lot of
12 Thursday mornings when I didn't have to be somewhere
13 performing my examinations as a forensic pathologist,
14 I'd go to the medical -- the clinical conference which
15 is held by the radiology department. There are
16 physicians present there, and Dr. Keegan may have been
17 there, but I never knew him specifically. I've never
18 been introduced to him at these meetings, so I really
19 don't know if he was present or not.

20 Q Would the fact that the person that found the
21 body was Dr. Peter Keegan, would that have any effect
22 whatsoever in your conclusion in this case?

23 A Why, because he's a physician?

24 Q Because he's a fellow physician.

25 A No.

1 Q Okay. Now, were pictures taken at the
2 autopsy?

3 A I believe so, yes.

4 Q And was that by you or was that by a law
5 enforcement person?

6 A I don't remember. I usually -- usually it's
7 done by the law enforcement people --

8 Q Okay.

9 A -- at my direction.

10 Q Okay. So I'm going to show you what's marked
11 People's Exhibit Number 9, and I'm going to ask you, if
12 you would be so kind enough, just to flip through those
13 and tell me if you recognize those photos and, if so,
14 please identify them for us.

15 Do you recognize those, sir?

16 A Yes, sir, I do. They were the autopsy -- they
17 were the photographs taken by one of the deputies while
18 I was performing the prosection on Susan Keegan.

19 Q Thank you.

20 Now, before I proceed, I'm going to ask you to
21 take a look at 7-A through 7-S again and ask you if
22 there's anything about those photos that seem suspicious
23 to you?

24 A Which letters again, sir, please?

25 Q Pardon me?

1 A Seven what?

2 Q Just page through them all and just tell me --
3 let's just assume that those are photos of Susan Keegan
4 when she was found in the bathroom. And with respect to
5 her hands, in respect to the laceration of her head, for
6 example, is there anything that you see that's
7 suspicious?

8 A Well, the hands are edematous, they're swollen
9 with fluid, which is probably secondary to blunt trauma
10 or -- that's the most likely.

11 Q What is blunt trauma? What does that mean?

12 A When it's hit and there's extra vascular fluid
13 that enlarges and creates edema.

14 Q How would that happen in a situation like that
15 where that body was found?

16 A I have no idea.

17 Q Okay.

18 A Unless she hit her hand against something or
19 somebody hit her hand for some reason.

20 Q Okay. Just keep paging through and see if
21 there's anything that strikes you, please.

22 A Well, what strikes me, quite frankly, is
23 having seen these pictures and seen those pictures --

24 Q You're referring to the autopsy pictures?

25 A The autopsy pictures, correct.

1 Q Yes.

2 A -- there's an absence of blood at the scene
3 where there's a heck of a lot of blood present,
4 especially in the head or under the scalp, which isn't
5 present here at the scene.

6 Q So what does that indicate to you?

7 A That the body may not have died there, it may
8 have been brought there and the scene is staged.

9 Q Okay.

10 A But the reason that I'm saying all that is
11 because I have the -- you know, I've seen the autopsy
12 and performed the autopsy, and I had reason to discuss
13 it with two other pathologists.

14 Q Okay.

15 A The other thing is this: You look at those
16 autopsy pictures and you look at the amount of
17 laceration, the discontinuance of the scalp and the
18 amount of blood that's under the scalp, and there's
19 absence of blood at the scene. The two are incongruous.

20 Q Okay. Anything else?

21 A Well, the scalp is very vascular, and so --

22 Q What does vascular mean?

23 A Very bloody.

24 Q Okay.

25 A There's a lot of blood vessels in it. And

1 when it's cut, when the scalp is lacerated or cut, it
2 bleeds a lot. Even though it may be a small cut, it
3 bleeds a lot because there are many blood vessels there.
4 And seeing those autopsy pictures and seeing the
5 photographs from the scene, it doesn't make sense to me;
6 that there should be more blood at the scene because of
7 the vascularity of the scalp and the degree -- the
8 amount of blood that's there at the autopsy time.

9 You know, I don't think I was the one --
10 because I didn't see the body at the scene, I never went
11 to the scene with the body present there, there's a
12 gloved hand here and there's a laceration in the scalp,
13 but that's not me that's holding the hair separate to
14 take the photograph.

15 Q Is there anything inconsistent with the photos
16 in Exhibit 7 with your autopsy photos?

17 A I'm sorry, I don't understand.

18 Q Is there anything inconsistent with your
19 autopsy photos? Assuming there may have been
20 manipulation of the body and those kind of things, but
21 does it look like the same person to you that you did
22 the autopsy on, those photos?

23 A I believe it is, sir. I --

24 Q Okay. I'll try to move on.

25 Do you recall any conversation with Sergeant

1 Poma regarding the hands while you were conducting the
2 autopsy?

3 A Quite frankly, no.

4 Q Pardon me?

5 A I do not, sir.

6 Q Okay. Now, did -- at any time after you wrote
7 a report -- well, let's go over your report.

8 Your report -- what is the conclusion of your
9 report, of the necropsy report, as to the cause of
10 death?

11 A May I put these down, sir?

12 Q Yes, I'm happy to. Just call on me anytime.

13 A My conclusion, is that what you're asking for?

14 Q Yes, what's your conclusion.

15 A Okay. After the autopsy was performed and the
16 toxicology tissue -- fluids were sent to a toxicology
17 laboratory and were received back, my -- the diagnoses
18 at the end of the autopsy showed that there was a large
19 amount of blood under the scalp, which is identified
20 here, there are two large lacerations of the scalp,
21 there is subarachnoid, the arachnoid is a membrane that
22 covers the brain, and this is blood under the membrane,
23 aspiration of gastric contents, she had aspirated the
24 contents of her stomach into her lungs and went out into
25 the periphery of the lungs, there's only moderate

1 congestion of the liver, spleen, and kidneys, there's
2 very mild pulmonary edema, which is fluid -- third
3 spacing of fluid in the lungs, and something that's
4 incidental and not in any way contributory to any
5 pathology is diverticulosis of the distal colon.

6 When the toxicology came back, cause of death
7 was determined -- initial cause of death was determined
8 by me which said acute craniocerebral trauma, which says
9 that there's acute head injury, due to a fall. And
10 other significant findings were that there were ethanol
11 and hydrocodone toxicity present. And other significant
12 findings is that she had marijuana on board.
13 Delta-9-tetrahydrocannabinol is the active form of
14 marijuana or pot.

15 Q That's all I have to probably ask you on that.

16 A Yes, sir.

17 Q Did you -- did anybody ask you if you knew
18 anybody that could do a review of your analysis?

19 A Quite frankly, I don't remember that, sir.

20 Q Okay. Do you know whether or not your report,
21 your necropsy report, was sent off to another
22 pathologist to review?

23 A I don't remember that, but I do know that that
24 was done. And it may have been done by me; I really
25 don't know.

1 Q Okay. Who was this other pathologist that was
2 involved?

3 A There were actually two different people: One
4 was Michael Ferenc, who is a forensic pathologist who
5 was at that time working in Maine, today he's in
6 Oakland, and Dr. Jay Chapman, who is a forensic
7 pathologist in Santa Rosa. And I know both of them.

8 Q And do you recall talking with Dr. Ferenc
9 about his review of your report?

10 A Yes.

11 Q Do you recall how many conversations you had
12 with him?

13 A I know I had one. I don't remember if I had
14 more than one.

15 Q Have you ever seen his report on your report?

16 A Yes. As a matter of fact, I have.

17 Q Okay. And I'd like to -- and how many -- had
18 you worked together with doctor -- is it pronounced
19 Ferenc? Is that how it's pronounced?

20 A Yes, sir.

21 Q Sort of French, Ferenc.

22 A Yes.

23 Q F-e-r-e-n-c, Ferenc.

24 A Yes, that's correct.

25 Q And had you worked together a lot, you and

1 Dr. Ferenc?

2 A Yes. Dr. Ferenc and I were -- I pronounce it
3 Ferenc. I don't know if --

4 Q Okay. You probably know better than I.

5 A Whatever, it doesn't matter. I call him Mike.

6 Q Okay.

7 A Mike and I worked together in San Francisco.
8 I was a medical examiner there for seven and-a-half
9 years, and Mike and I had offices next to one another
10 and we had autopsy tables next to one another. So I've
11 known Michael for a number of years, and I still do.

12 Q Do you socialize with him?

13 A Not recently, no, sir.

14 Q Would you consider him a friend?

15 A Yes.

16 Q Okay. And you've seen the report that he
17 submitted; right?

18 A Yes, sir.

19 Q Okay. Now, you included a lab -- a toxicology
20 report from NMS Labs in your necropsy report; right?

21 A Yes, sir.

22 Q And is that standard to wait for blood to be
23 taken from a victim and then sent to a lab and then
24 before you write your report you get the results back;
25 is that true?

1 A Well, I may write the report, but I will not
2 come to any final conclusions as far as the diagnosis of
3 cause and manner until I get the toxicology back.

4 Q Have you found NMS Lab toxicology reports to
5 be accurate in your experience?

6 A Yes, sir.

7 Q And in this particular case you noted as part
8 of your findings that there was hydrocodone and alcohol
9 in Susan Keegan's system; right?

10 A Yes, sir.

11 Q And her blood alcohol was .16; is that
12 correct, --

13 A Yes.

14 Q -- as best you recall?

15 Now, what is hydrocodone?

16 A It's one of the narcotic painkillers.

17 Q Okay. And is there sort of a brand name
18 that's commonly used for that?

19 A Quite frankly, I don't know.

20 Q Okay. Now, when you do an analysis of a body
21 by autopsy and other means as to the cause of death, do
22 you look for such things as symptoms of suicide or signs
23 of suicide?

24 A I don't know how to answer that question, sir.

25 Q Okay.

1 A Do I look for signs of suicide?

2 Q Well, was there anything in your autopsy of
3 Susan Keegan that indicated to you any suspicion of
4 suicide?

5 A Quite frankly, no.

6 Q So -- and if you had noted such, you would
7 have put that in your report. Is that fair to say?

8 A It depends on how the suicide would have been
9 performed. If it's a strangulation by hanging, then
10 they would have brought the body to the mortuary with a
11 rope around the neck.

12 Q Okay.

13 A If they had stabbed themselves or shot
14 themselves, that would have been determined at the scene
15 and it would have been told to me that this person
16 committed -- they think that this person committed
17 suicide by stabbing or killing themselves.

18 Q Having reviewed Exhibit 7 with the pictures of
19 Susan Keegan at the scene, is there anything to you that
20 would indicate to you suicide?

21 A No, sir.

22 Q Would the alcohol and the hydrocodone and any
23 other drugs in Susan's system have been enough in and of
24 itself to cause death?

25 A Putting that -- what you're saying now about

1 the ethanol and the hydrocodone and the marijuana, in
2 the absence of pulmonary edema, which wasn't -- as I
3 said, the absence of it, that's inconsistent. There's
4 not enough there to cause her to die just because she's
5 got an intoxicating amount of ethanol and hydrocodone
6 and marijuana.

7 Q Did you look for any injection marks on
8 Susan's body?

9 A I always do and then I note that, yes. And
10 one of the commonest places where I look for it, not
11 only in the arms, but in the thighs, in the abdomen, and
12 between the toes.

13 Q Did you notice any injection marks on Susan's
14 body?

15 A No, sir.

16 Q But you did take a look for them; is that
17 correct?

18 A Oh yes.

19 Q Okay. Now, did you change your conclusion as
20 to the cause of death?

21 A After several months, yes.

22 Q Yes. And did that come about because of
23 reflection or new information or how did that come
24 about?

25 A Primarily through all of those, including

1 discussion with Dr. Chapman, of all people. And there
2 was -- we actually went to the scene. And I never
3 created a report of that, but we went to the scene of
4 the -- of the decedent's death.

5 Q So would the fact that you went to the
6 scene --

7 A After the autopsy.

8 Q -- after the autopsy and you had interaction
9 with Dr. Chapman have been the two main reasons why you
10 changed your opinion as to the cause of death?

11 A The wording of it, yes, sir.

12 Q Now, did you ever see -- I'm going to show you
13 People's Exhibit 13, and I'll represent to you that it's
14 on the letterhead of A. Jay Chapman, M.D., dated 20
15 April 2011, and addressed to Mr. David Eyster. I'm just
16 wondering if you ever saw that.

17 A Yes, sir, I did. I have a copy of it, which
18 Deputy Alvarado gave me a few days ago.

19 (Exhibit 13 was identified.)

20 Q (BY MR. STOEN) And did you see that prior to
21 changing your conclusion as to the cause of death?

22 A I'm sorry, say that again.

23 Q Did you see that before you changed your
24 conclusion as to the cause of death?

25 A This letter?

1 Q Yeah, had you seen that letter.

2 A I don't think so.

3 Q Okay. Did you around that time, April 20th,
4 2011, meet with Dr. Chapman?

5 A I don't remember. I may have socially. We
6 had lunch together or something.

7 Q Okay. Do you recall having a meeting with
8 some of the deputies in the DA's office or some of the
9 investigators in the DA's office present with
10 Dr. Chapman and yourself around the 20th of April,
11 2011?

12 A I'm sorry, I don't remember that, sir.

13 Q Okay. Now, did you -- after talking with
14 Dr. Chapman and after visiting the scene of Susan's body
15 being found, did you write a new report?

16 A I wrote -- yes, sir, I did.

17 Q Okay. And I believe that would be -- do you
18 need to take a break, sir?

19 A No, sir. I need to get my briefcase.

20 Q And do you have a copy of that?

21 A It's a supplemental report.

22 Q Okay. I'm going to ask that that be marked as
23 People's --

24 A But I'd like to have it to use it, please.

25 Q Oh, sure. I'm going to ask you about it.

1 A Sure.

2 Q What is the date of your new report and what
3 is the title of it?

4 A It's -- the date is 4/27 two thousand -- I'm
5 sorry. It's a Supplemental Report of Necropsy, Case
6 Number 278-2010. The name of Susan Keegan appears on it
7 as the -- as the individual. The date -- I presume the
8 date -- yeah, it's April 27th, 2011.

9 Q Okay. Is that when you recall writing it,
10 approximately?

11 A Correct.

12 And then it says Susan Keegan's name and then
13 underneath that her birth date.

14 Q And what does it say after that?

15 A It says:

16 "Based on further examination of recent
17 and old historical fact, photographs,
18 documents, district attorney's investigators
19 and consultation with other forensic
20 pathologists, new conclusions are made. The
21 pattern of injuries in this case are not
22 consistent with originating by accidental
23 means. They are most consistent with those of
24 an assault."

25 And then below that it says: (1) "Blunt force

1 trauma to the head."

2 And underneath that they are itemized:

3 "Multiple contusions of the head and face
4 resulting in massive multifocal hemorrhages;
5 (2) Multifocal acute subgaleal hemorrhages,
6 most compatible with originating from multiple
7 blows; (3) Acute lacerations of scalp; (4)
8 Acute left epistaxis," which is bleeding from
9 the nose, "Contusions and abrasions of
10 forearms, hands, and fingers consistent with
11 defense wounds."

12 The new cause of death is: "Aspiration of
13 vomitus due to blunt force trauma to head."

14 Other significant findings: "Ethanol and
15 hydrocodone toxicity."

16 And it's signed by Jason K.T. Trent, M.D.,
17 which is me.

18 Q So your conclusion was that the injuries of
19 Susan Keegan were most consistent with those of an
20 assault as distinguished from accidental means; is that
21 correct?

22 A Yes, sir.

23 Q Is that your conclusion today?

24 A Yes, sir.

25 Q I'm going to call that Exhibit Number 14 next

1 in order. I'll have you look at it to make sure it's
2 the same one you have, sir.

3 A Yes, sir, it is.

4 Q Okay. Thank you.

5 (Exhibit 14 was identified.)

6 Q (BY MR. STOEN) Now, I am going to shift focus
7 a little bit to ask you: Do you recall a criminal case
8 of People versus Elliott that went to jury trial in
9 August 2010?

10 A No, sir.

11 Q Okay. I'm going to show you a necropsy report
12 that is marked as Exhibit 15-C and ask you if you
13 recognize it and, if so, please identify it.

14 A Yes, sir. It's an autopsy report from 2008 on
15 a 27-year-old Native-American man.

16 Q Did you write that report?

17 A Yes, sir, I did.

18 Q Okay. Does that refresh your recollection a
19 little more about the case?

20 A No, sir. I'd have to read the whole case --

21 Q Okay.

22 A -- in detail.

23 Q I'm going to show you what are Exhibits 15-A
24 and 15-B, which are entitled "Declaration of Jason
25 Trent, M.D." I'd ask you to look at those, please, and

1 tell me if you recognize those.

2 A Yes, sir.

3 Q And what are they?

4 A They are reports -- they were declarations
5 made by me on two separate dates: One is April 7th,
6 2012, and the other is September 8th, 2012.

7 Q Does that concern -- what's the name of the
8 case that concerns? Does it indicate?

9 A Yes, sir, it does. It says People versus
10 Timothy W. Elliott, Mendocino County Superior Court, and
11 it gives your case number.

12 Q Okay.

13 A Court number.

14 Q Okay.

15 A Both of them.

16 Q Thank you, sir.

17 I'm going to show you what are marked People's
18 15-G and 15-D, and these are transcripts of the jury
19 trial, and they're basically transcripts which appear to
20 be testimony that you made, and I want you to just take
21 a look at them and tell me whether or not you
22 recall this is testimony that you made.

23 That's -- that's on page 45 of -- let me just
24 see what the exhibit number is, I'm sorry.

25 That's Exhibit 15-G, starting at page 45.

1 Could you just look over that and tell me whether or not
2 you recognize that testimony?

3 A How far do you want me to read?

4 Q Just skim through it and tell me whether it
5 looks like you talking.

6 A Yes.

7 Q And could you tell us what the date on that --
8 on the cover sheet says?

9 A It says received November 18th, 2010. It's a
10 stamp.

11 Q Does it say what the date of the partial --
12 it's basically from August 18th --

13 A August 18th, 2010.

14 Q -- through August 26th, 2010?

15 A Correct.

16 Q So do you recall -- does that refresh your
17 recollection that you testified in the trial?

18 A No, sir.

19 Q It does not.

20 Now, I'm going to show you 15-D, which is
21 entitled "People versus Timothy Elliott," and it appears
22 to be the same testimony, but with different page --
23 pagination. Could you just take a look at that and tell
24 me whether that's your trial testimony.

25 A Yes, sir, I recognize this as being me.

1 Q That's the same case of People versus Elliott?

2 A I believe so, yes, sir.

3 Q Do you recall what the nature of the issue
4 was? Did it involve the length of a knife and the cause
5 of death, whether it was a knife or not?

6 A Yes.

7 Q Okay. And then I show you one more testimony,
8 and this is dated Friday, June 21, 2013, reported in
9 Ukiah, People versus Timothy Elliott, and it has
10 testimony that is different from before. And it starts
11 out on page 23 where it says "Jason Trent." And I'd
12 like you to just take a look at that and tell me if that
13 refreshes your recollection as to whether you provided
14 that testimony on that occasion.

15 This is Exhibit 15-F, as in Frank.

16 A May I ask a question?

17 Q Yes.

18 A Why is this case being presented in a grand
19 jury hearing on Mrs. Keegan?

20 Q That's being presented -- I can't -- I can't
21 answer that question, I'm sorry. It's just part of my
22 responsibility to provide inculpatory and exculpatory
23 evidence. That's all.

24 A All right, sir.

25 And your question is do I recognize this?

1 Q Yeah. Is that your testimony?

2 A Yes, it is.

3 Q Okay, thank you.

4 And I'm going to read into the record a
5 statement by the Honorable Ann Moorman in the case of
6 People versus Timothy Elliott, Case Number 13-24451,
7 with a title "Felony Plea," held at the Mendocino County
8 Courthouse, Ukiah, California, on August 15, 2013,
9 before the Honorable Ann Moorman, Judge. Reported by
10 Elaine E. Shore. This is certified by Elaine E. Shore
11 as part of the Reporter's Certificate. And the portion
12 that I wish to read to ask you whether or not you
13 dispute it or not is -- this is from page 3, line 17
14 through page 6, line 21:

15 "I think" -- this is the Judge speaking,
16 or the Court speaking -- "I think after
17 hearing the testimony from Dr. Trent at the
18 evidentiary hearing on June 21 as well as
19 reviewing his trial testimony in the
20 underlying proceeding, the original trial, a
21 number of things have become clear.

22 "One is at the trial he testified as the
23 coroner for the county, and gave expert
24 opinion as did Dr. Haddox. The expert opinion
25 he gave with respect to the murder weapon, the

1 knife was in part based upon an erroneous
2 factual basis and that erroneous factual basis
3 was that the knife had a blade of 3.5 or 3.6
4 inches long.

5 "At different times upon
6 cross-examination he reiterated that was a
7 part of the factual basis that supported his
8 opinion that the knife prosecution contends
9 then and now, I believe, was the murder
10 weapon, was capable of causing a wound that
11 was much longer; approximately 6.7 inches
12 long. And that was a bone of contention in
13 the case.

14 "Dr. Haddox testified as an expert that a
15 factual basis in her opinion was the knife
16 having a blade of only 1.5 or 1.6 inches long.
17 She testified that it was without question it
18 could not have caused the injury in this case.
19 And she demonstrated with demonstrative
20 evidence available to her at the moment.

21 "Subsequent to trial and the conviction
22 and the case going up to the Court of Appeals,
23 Dr. Trent filed two separate declarations
24 where not only did he change his ultimate
25 opinion with respect to could the murder

1 weapon, that being a knife, have caused the
2 wound, he changed his opinion whether it could
3 be the murder weapon but then he also changed
4 the underlying factual basis upon which his
5 new opinion was premised.

6 "And that was, according to the
7 declarations of April and September 2012, he
8 corrected a factual basis with respect to the
9 murder weapon and said that based on the blade
10 of the knife only being 1.5 or 1.6 inches
11 long, I agree with Dr. Haddox the knife in
12 question could not have caused the wound that
13 led to the death of the victim.

14 "Then -- and those declarations were not
15 only filed -- signed by Dr. Trent but his
16 testimony was that he prepared the
17 declarations. And they were not verbatim
18 identical, but substantively identical, and
19 there were two of them signed under penalty of
20 perjury.

21 "Subsequent to the filing of those
22 declarations, the Court of Appeal remanded the
23 case to this Court and we had the hearing in
24 question in June. At the hearing in June
25 Dr. Trent again changed his opinion. This

1 time in contradiction to the declarations he
2 previously filed he stated under oath here in
3 court personally that he was wrong in what he
4 had stated -- set forth in his two
5 declarations filed with the Court of Appeal.

6 "He was mistaken, and that in fact in the
7 moment as of June of this year he opined that
8 in fact the blade that had a length of about
9 1.6 inches long could have caused the wound
10 that led to the death of the victim.

11 "His reasoning for this new opinion
12 was -- he said it a couple of different
13 times -- quote, 'I was just wrong, I was
14 mistaken in referencing the declarations filed
15 with the Court of Appeals,' unquote.

16 "But no other fact reasoning was supplied
17 to now give a different opinion based on a
18 corrected factual basis and importantly a
19 different factual basis than the one upon
20 which he based his opinion at trial. For
21 example, he didn't provide any testimony that
22 the physical dimensions of the victim would
23 support the conclusion he had now was stating
24 in June of 2013.

25 "So I concluded that because Dr. Trent's

1 original opinion at the trial was based on a
2 factual basis that was wrong, that being the
3 blade of the knife was 3.5 inches long, the
4 opinion can't stand and the conviction can't
5 be supported.

6 "And because I believe that Dr. Trent's
7 subsequent declarations filed with the Court
8 of Appeals stating that that knife could not
9 have been the murder weapon contradicted the
10 testimony he gave on June 21 in this court, I
11 believe Dr. Trent's credibility is in doubt
12 and that I find his testimony at trial to be
13 implausible and unbelievable, and I find that
14 that opinion lacking a factual basis, coupled
15 with two separate recantations of subsequent
16 opinions, has rendered the underlying trial
17 for Mr. Elliott to be fundamentally unfair
18 within the meaning of the due process of the
19 5th, 6th and 14th amendments."

20 Do you dispute what doctor -- what Judge
21 Moorman said in that transcript?

22 A No, sir.

23 Q Thank you.

24 (Exhibit 15 was identified.)

25 MR. STOEN: I have no further questions. But

1 we could take questions from the grand jurors, please.

2 A JUROR: Could we take a short break?

3 MR. STOEN: It's up to the foreperson. She's
4 the boss here, not me.

5 JURY FOREPERSON: Yeah, let's take a break.
6 And, remember, I've been asked to remind everybody to
7 not discuss the case once we leave the jury room.

8 MR. STOEN: And do not form any opinions.

9 JURY FOREPERSON: And do not form any
10 opinions. We'll recess until 10:50. It's now 10:40.

11 (Recess taken.)

12 MR. STOEN: Take the roll call, please.

13 JURY FOREPERSON: We'll take the roll call
14 again.

15 (Roll call taken; all jurors present.)

16 MR. STOEN: Before I take the next question, I
17 have to make an instruction from yesterday's testimony,
18 and that is the grand jury is instructed that the answer
19 of witness Linda Puls to the question if she had a
20 quote, "theory" as to why Susan Keegan would have
21 alcohol and/or drugs in her system at her death if she
22 were not a drug abuser, etcetera, is being admitted
23 solely for the purpose of aiding in determination of the
24 witness' state of mind and may not be considered for any
25 other purpose.

1 Thank you.

2 JURY FOREPERSON: And I also wanted to mention
3 that you are reminded that you are still under oath in
4 this matter.

5 MR. STOEN: Now we're going to have questions,
6 please.

7 JURY SECRETARY: Question number 34 from juror
8 616861.

9 MR. STOEN: Somebody was working here.

10 Q (BY MR. STOEN) Doctor, is it standard
11 practice to have law enforcement present at an
12 autopsy?

13 A Depends on the autopsy.

14 Q Would you say -- what percentage would you
15 say?

16 A The reason I say -- I can't give you a number.
17 The reason for that is that if it's a suspicious death
18 or the investigation is being extended or hasn't been
19 completed, then deputies or detectives are present;
20 otherwise, no.

21 So I can't tell you the percentage because it
22 depends on how many homicides and those suspicious
23 deaths you have in your jurisdiction. And if it's more
24 than 50 percent, than it's more than 50 percent. But if
25 you're not -- if you are a very peaceful community, it

1 could be 10 percent. So there's no specific number.

2 Q Next question you can answer if you know: Did
3 you have a difficult time ascertaining how Mrs. Keegan
4 hit the front of her head, as well as the back?

5 A I don't understand that question because --

6 Q If you don't understand it, then we can go on.

7 A Okay.

8 Q Was any sexual assault trauma observed?

9 A None was observed.

10 Q If you noticed a body on the floor, what would
11 your first instinct be? Would you verify ABC? Would
12 you initiate CPR?

13 A Find out whether they're dead or not.

14 Q Yeah. And how would you do that as a medical
15 person?

16 A Well, you can palpate for a pulse in the neck
17 or in the -- in the wrists or -- I don't run around with
18 a chest -- with a stethoscope, so ...

19 Q Do you know what ABC means in medical
20 terminology? Would you verify by ABC?

21 Do you know what that means?

22 A Yeah, it's airway, blood pressure, and
23 circulation.

24 Q If you saw a body on the floor, would your
25 first instinct be to use that? I think that's the

1 essence of the question.

2 A Well, if they were dead, I wouldn't. But if
3 you -- if I was satisfied that they were not dead, yes,
4 I would try and resuscitate them.

5 One thing that isn't being done anymore in CPR
6 is mouth-to-mouth resuscitation.

7 Q Next question is inadmissible legally.

8 Does anything particularly stand out in your
9 memory about Mrs. Keegan's autopsy?

10 A Not really.

11 Q Would binding of the hands cause the edema?

12 A Not to the degree that it was present in her
13 hands. Because if it was bound, there would be
14 compression around the wrists, and the edema seems to
15 go -- I presume that that's what the questioner is
16 asking about binding of the hands.

17 Q Okay.

18 A And so I don't think that -- you would see the
19 imprints of something like a cord or a rope or something
20 like that, and there wasn't.

21 Q The next question has to do with the alcohol
22 that was found to the extent of .16 in her blood. Could
23 that be a causative factor of more blood flow than
24 otherwise?

25 A No. And it has absolutely -- that's a

1 chemical test. It's got nothing to do with the flow of
2 blood.

3 MR. STOEN: Next question, please.

4 Part of these have been answered.

5 JURY SECRETARY: Number 35, juror 616861.

6 Q (BY MR. STOEN) What condition was -- were the
7 organs of Susan Keegan in? For example, did she -- did
8 her liver show cirrhosis or show signs of damage?

9 A I don't think so because that's all
10 represented in the -- in the autopsy report. The liver
11 is examined -- looked at, examined, taken out, weighed,
12 sectioned, and cirrhosis is very easily determined just
13 by even looking at it.

14 I presume you're talking about alcoholic
15 cirrhosis. Cirrhosis is fibrosis of the liver.

16 Q So you didn't detect any of that?

17 A No, sir.

18 Q Are you voice recording as you are conducting
19 your autopsy?

20 A Yes and no. At the beginning of the autopsy I
21 actually dictate the external examination, and that's
22 with a dictating instrument in my hand. If I have to
23 use both hands, then I put that dictating instrument
24 down, perform what I'm supposed to perform, then I
25 dictate and continue.

1 Q And --

2 A Excuse me, let me finish.

3 After the prosecution is complete, then I
4 dictate all my findings. What I do at the time of the
5 autopsy, while I am performing the autopsy, I have a
6 piece of paper -- a pad of paper where I put just brief
7 notes to myself about the findings as I am continuing
8 through the autopsy. And then at the end of the autopsy
9 I dictate using -- part of it is my memory because I've
10 been doing this for so often, I know the sequence the
11 organs go or are dictated, and then I have these notes
12 that I've written.

13 Q Okay. Try to speak up, if you could, Doctor.

14 A I'm sorry. I apologize.

15 Q Thank you.

16 A I'm answering the question to the questioner,
17 so I should be answering to you. I apologize.

18 Q If Susan Keegan was injected after being down,
19 would the drugs circulate or get dispersed?

20 A What does the questioner mean by "down"? Is
21 she alive or dead?

22 If she's dead, no, it doesn't get circulated.
23 If it's -- where is it injected, is it intravenously?
24 If it's intravenous, then I would presume to have seen
25 some areas of injection. And usually the common places

1 are in the arms or in the neck. And so there's no
2 evidence that she was injected.

3 Q What is -- the next question is legally
4 inadmissible.

5 MR. STOEN: Next question.

6 JURY SECRETARY: Number 36 from juror 611538.

7 Q (BY MR. STOEN) Is it plausible that Linda --
8 that Susan Keegan, running for the toilet, had a heart
9 attack, fell into the vanity, and aspirated her vomit?

10 A There's no evidence that there was a heart
11 attack. Presumably you're talking about a myocardial
12 infraction. The coronary arteries are not occluded.
13 There's no evidence in the heart itself, which is
14 taken -- which is looked at before it's taken out, then
15 it's removed, then it's cleaned by running water, then
16 the coronary arteries are actually sectioned, and then
17 the muscle is sectioned. And I've been doing so many
18 autopsies, I can tell you whether there's a fresh
19 infarct present.

20 Q Thank you, sir.

21 MR. STOEN: Next question.

22 JURY SECRETARY: Number 37, juror
23 number 626897.

24 Q (BY MR. STOEN) I'm going to ask: Could you
25 show Dr. Trent the picture of Susan's top of her hand

1 and ask Dr. Trent if that puncture, I guess, could be
2 indicative of a wound that could be an injection site.

3 I presume it has to do with the -- I don't
4 want to presume.

5 A Yeah, I remember the picture.

6 Q Oh, good. You have a better memory than I do,
7 sir.

8 A I mean I just saw it this morning. It's not
9 that I remember it from six years ago. You know, I've
10 done hundreds of autopsies since then.

11 Q Okay. This is 7-N. Is that the one --
12 that's, I believe, the picture the juror is referring
13 to.

14 A Yeah. There is -- there's another one which
15 has --

16 Q Yeah, I'll let --

17 A There is another picture. It might be -- it
18 might be in that pile.

19 Okay. This one is not because you can
20 actually see --

21 Q Would you refer to the number?

22 A I'm sorry, on 7-N --

23 Q Yes.

24 A -- there's a picture of the proximal portion
25 of the right thumb, and there is a small laceration

1 which is approximately -- looks like an 8th of an inch
2 in length. That's definitely not an injection site.

3 That's the only picture of a hand.

4 JURY FOREPERSON: It might have been in that,
5 but I could have sworn it was in that. Can I look at
6 that, please?

7 MR. STOEN: Would that help you?

8 JURY FOREPERSON: Maybe he can be looking
9 through those and I can look at that pile.

10 THE WITNESS: All right. There is one here of
11 the left hand. It has no blood on it, but these are not
12 injection sites.

13 Q (BY MR. STOEN) I'll put it on the screen here
14 and everybody can see it better.

15 A That's one.

16 Q Okay. Here.

17 A Oh, thank you.

18 Yeah, this -- this -- this is definitely --
19 well, you can show it.

20 Q Do you want to look behind you and see? Is
21 that the same one you now have?

22 We'll have -- this is --

23 A No, no, it's completely different.

24 Q This is number 5 within the autopsy set,
25 Exhibit 9.

1 A Yeah. That's 7-G and that is not an
2 injection.

3 Q Okay.

4 A And this is also not an injection.

5 Q And that's 7-G?

6 A 7-G.

7 Q 7-G of Exhibit 7, you're saying that is not an
8 injection site. Is that what you had in mind?

9 A Yes, that is not an injection site. It's too
10 large.

11 Q Thank you, Doctor.

12 MR. STOEN: Next question, please.

13 THE WITNESS: And the other thing is, there
14 is -- there is no single vessel that's large
15 enough to -- underneath the hand like that. You know, I
16 have very big veins on my hand, the dorsal surfaces of
17 my hand, but still that is not -- on Susan's Keegan's
18 hand is not an injection site.

19 MR. STOEN: Next question.

20 JURY SECRETARY: Question number 38 from juror
21 number 610214.

22 Q (BY MR. STOEN) I don't understand this
23 question: Was there a recording in this case?

24 I believe you mentioned that you recorded --

25 A I dictate as I perform the autopsy, yes.

1 Q Did you save that recording, by any chance?

2 A I'm sorry, no, no.

3 Q Okay. You use it mainly for note-taking?

4 A Yeah, and then I erase it as soon as I'm
5 finished.

6 Q Is that the common practice within the --

7 A Well, it is with me. I don't know about other
8 pathologists. You don't have the space and time to
9 store all this stuff. That's why the -- that's why
10 there is the dictated material -- I mean typed material.

11 Q Okay.

12 JURY SECRETARY: Question 39 from juror
13 616861.

14 Q (BY MR. STOEN) The first question is one
15 that's already been repeated.

16 The second one is -- the question is: But
17 your memory has been found flawed, so how can you say
18 with a high degree of accuracy your findings?

19 A I can answer only the questions that are asked
20 and that are -- that I can remember by reading my notes
21 or somebody else's reports, and that's it. And if I
22 don't know the answer, I'll tell you I don't know or I
23 don't remember.

24 Q Thank you, sir.

25 JURY SECRETARY: Question number 40 from juror

1 640779.

2 Q (BY MR. STOEN) Did you observe any signs of
3 any form of drug addiction?

4 A I can't say that I have because you don't see
5 that by looking at a body or cutting a body, performing
6 an autopsy.

7 Q Thank you, sir.

8 JURY SECRETARY: Question 41 from juror
9 number 611538.

10 Q (BY MR. STOEN) The question is: Were Susan
11 Keegan's legs also swollen similarly to her face and
12 arms?

13 A I don't think so because if they were, I would
14 have reported that on the autopsy report.

15 Q Thank you.

16 JURY SECRETARY: Question number 42 from juror
17 610214.

18 Q (BY MR. STOEN) I think we may have answered
19 this, but I'll ask it again: There is what appears to
20 be a dark spot on the back of Susan's hand. Can you
21 identify it?

22 I guess it's with respect to what we've
23 already shown.

24 A Yeah, it's a contusion or perhaps -- what is
25 the dark spot? Is it -- on the hands bilaterally from

1 the photographs, if you look at them, you can see they
2 are swollen because there's puffiness and there is
3 diffused purple -- pale purplish discoloration.

4 Is that the spot or spots that is being
5 referred to?

6 Q I think we're talking about the two dark spots
7 that were shown on the Elmo that you just testified to
8 about five minutes ago.

9 A Oh, yeah. Well, that's a matter of blood.
10 Disruption of -- it's full thickness through the
11 epidermis and the dermis. That's where the blood vessel
12 are, so that's where some -- some of the blood that came
13 out of there, and it's still present there.

14 JURY SECRETARY: Question 43 from juror six --
15 I think we're missing a number. It's not the right jury
16 number, 62689. I don't know, that's not right.

17 Okay. So we'll go to the next question, juror
18 number 609424.

19 MR. STOEN: What's the number on it?

20 JURY SECRETARY: Okay, we'll go back to the
21 other one. Sorry. Number 43, 626897.

22 Q (BY MR. STOEN) Question: Can you please have
23 Dr. Trent re-explain the correlation of the drugs found
24 in her system and the condition of the heart at the time
25 of the autopsy, the inconsistency, if any?

1 A I'm sorry, I don't understand. What kind of
2 inconsistency?

3 Q Well, I can only tell you what this question
4 reads.

5 A I understand, sir. That's what I'm saying.

6 All right. This is a lady who's 55 years old,
7 she weighs 195 pounds, and she's 5'8". I described her
8 as overweight. I really don't know what her BMI is, so
9 whether she's classified as obese --

10 Q What is BMI, sir? What is a BMI?

11 A I'm sorry?

12 Q You said BMI.

13 A Oh, her basal -- what is it -- metabolic
14 index.

15 Q Okay.

16 A By -- by definition today, I'm defined as
17 being obese because my BMI is 31, and I don't consider
18 myself to be obese. I'm overweight, but I'm not obese.

19 All right. This is a lady who weighs 195
20 pounds, she's 5'8", and her heart weighs 335 grams. The
21 left ventricle is 1.3 centimeters and the right
22 ventricle is 0.4 centimeters. It says the chambers are
23 mildly dilated. The endocardium, chordae, and papillary
24 muscles show no anatomic abnormalities. The muscles are
25 perfectly normal in appearance. The myocardium, which

1 is blood -- the heart muscle, is a uniform tan-brown in
2 color and show no lesions.

3 So there is nothing in her heart that -- I
4 don't understand what the relationship would be between
5 the heart and whether she's intoxicated with a drug.

6 Q Thank you, sir.

7 JURY SECRETARY: Question number 44 from juror
8 609424.

9 Q (BY MR. STOEN) How would you explain the
10 lividity in the top of the hands given the position of
11 the body?

12 A I'm sorry, I don't understand the question,
13 quite frankly.

14 MR. STOEN: Okay. Next question.

15 JURY SECRETARY: Question number 45 from juror
16 616861.

17 Q (BY MR. STOEN) Mrs. Keegan -- if Mrs. Keegan
18 was alleged to be an addict of alcohol and drugs, did
19 you see anything to suspect that?

20 A You don't see anything. The only thing I can
21 say is from the toxicology information that she was
22 intoxicated.

23 Q Okay. Thank you.

24 A But it says nothing about her habits as far as
25 drinking or using drugs.

1 Q Thank you.

2 MR. STOEN: Anything else?

3 JURY SECRETARY: That's it.

4 MR. STOEN: Dr. Trent, it's a pleasure to meet
5 you. And thank you for showing up.

6 THE WITNESS: Thank you.

7 MR. STOEN: We'll call our next witness. I'll
8 go out and get him.

9 - - -

10 MICHAEL JOSEPH FERENC, M.D.

11 Called as a witness, having been first duly sworn,
12 testified as follows:

13 - - -

14 THE REPORTER: Will you please state and spell
15 your name.

16 THE WITNESS: My name is Michael Joseph
17 Ferenc. The last name is "F", as in Frank, e-r-e-n-c.

18 - - -

19 EXAMINATION

20 Q (BY MR. STOEN) What is your occupation, sir?

21 A I'm a forensic pathologist.

22 Q And how many years have you been a forensic
23 pathologist?

24 A Since about 1986.

25 Q And what are the general duties of a forensic

1 pathologist?

2 A Forensic pathologist is a person who's trained
3 to examine deaths that occur that come under various
4 state laws and typically deaths that are unusual and
5 deaths related to trauma.

6 Q If you would be kind enough to raise your
7 voice. We're not sophisticated here. We don't have any
8 electricity that we can use for that.

9 JURY FOREPERSON: Excuse me.

10 MR. STOEN: Yes.

11 JURY FOREPERSON: I'd like to stop for just a
12 moment because I am supposed to be reading before each
13 witness the secrecy admonition.

14 MR. STOEN: Please do that, yes.

15 JURY FOREPERSON: Grand Jury proceedings and
16 investigations are secret. You are therefore admonished
17 on behalf of the Mendocino County Superior Court and the
18 criminal grand jury not to disclose your grand jury
19 subpoena or your grand jury appearance to anyone and not
20 to reveal to any person any questions asked or any
21 responses given in the grand jury or any other matters
22 concerning the nature or subject of the grand jury's
23 investigation which you learned about by your grand jury
24 subpoena or during your grand jury appearance, except to
25 your own legal counsel. This admonition continues until

1 such time as a transcript of the grand jury proceeding
2 is made public or until disclosure is otherwise
3 authorized by the Court or by operation of the law.
4 Violation of this admonition is punishable as contempt
5 of court.

6 THE WITNESS: Yes, ma'am. I understand that.
7 I've been before a grand jury before.

8 Q (BY MR. STOEN) Could you just give us a
9 summary of your educational background from college to
10 medical training?

11 A From medical school or --

12 Q Yeah, from medical school.

13 A Medical school. I graduated from the
14 University of Texas, Southwestern Medical Center, in
15 Dallas in 1981 with an M.D. degree. I then did a family
16 practice internship in Dallas, Texas, from '82 to '85.
17 I did a residency in anatomic pathology at the New York
18 Hospital, Cornell University Medical Center in
19 Manhattan. From '85 -- or '85 to '86 I did a year of
20 basic research at Cornell University Medical Center, New
21 York Hospital. And most of '86 to '91 I worked in the
22 office of the Chief Medical Examiner in New York City.
23 From '91 to '98 I was an assistant medical
24 examiner/coroner in the San Francisco Medical Examiner's
25 Office. And then I went to Maine where I was the deputy

1 chief medical examiner for the state. And since then
2 I've worked in places such as Kern County, Marin,
3 Arizona, in Tucson and in Phoenix, and even occasionally
4 when I was on holiday for Dr. Trent here in Mendocino
5 and Lake County.

6 Q Okay. You knew where to come.

7 And what is your current position?

8 A I'm the Chief Forensic Pathologist for the
9 Alameda County Sheriff's Office Coroner's Bureau.

10 Q And how long have you been there, sir?

11 A This is actually the second time I've been
12 there. I've been there for a little better than two
13 years.

14 Q Okay. And can you make an estimate as to how
15 many autopsies you've conducted over the years?

16 A No, sir, I actually can't, but thousands.

17 Q Okay.

18 A Several hundred a year each one of those
19 years.

20 Q Have you ever worked with Dr. Jason Trent?

21 A Yes, back in San Francisco, but that was many,
22 many years ago, in the mid nineties, I think.

23 Q And were you asked to review the findings of
24 Dr. Trent based on his autopsy of Susan Keegan on
25 November 12th, 2010?

1 A Yes, sir.

2 Q And how did that come about?

3 A I actually don't remember other than, in
4 reviewing the report, I believe either via Dr. Trent or
5 the sergeant at the coroner's bureau, they wanted to
6 refer it to me and I looked at it.

7 Q Do you recall what was asked of you?

8 A Just to review what I thought of the pictures
9 and reports that they gave me.

10 Q Okay. I'm going to show you what's been
11 marked as Exhibit Number 10, which appears to be the
12 report of Jason K.T. Trent for the autopsy of 11/12/2010
13 and ask you if you recognize that.

14 A At this point in time I don't recognize it in
15 a sense of remember it in any detail, but I recognize
16 that this is a report related to the same lady that I
17 reviewed.

18 Q Okay. Thank you.

19 Did you also look at photographs, like the
20 autopsy photographs that he referred to in his report?

21 A I reviewed some photographs. But I did not
22 keep any of these papers, so I don't know which
23 photographs I received.

24 Q Did you receive -- did you receive any autopsy
25 photographs that you believe came from Dr. Trent's

1 autopsy?

2 A Yes, sir, I did.

3 Q This is People's Exhibit Number 9. I just
4 want you to kind of just flip through and tell me if any
5 of those photos look like you reviewed them.

6 A The only picture here that rings a bell in my
7 memory -- again, because I don't remember the pictures
8 and I don't have copies of them -- is, for example, one
9 of the ones with the purple discoloration on the back of
10 the hand.

11 Q Okay. That's in this set?

12 A Yes, sir.

13 And I know I must have seen the ones including
14 lacerations on the head just because I commented about
15 them.

16 Q Okay.

17 A But do I remember from seeing those pictures?
18 No, I don't.

19 Q So we can say you saw one or more of the
20 photos in this exhibit; is that correct?

21 A Yes, sir. Although, I'm not sure I saw all of
22 them. But yes, sir.

23 Q I'm going to show you what's marked as
24 People's Exhibit Number 7, which are individual pages
25 going 7-A through 7-S, and I'll represent to you these

1 are photos taken of the decedent, Susan Keegan, at the
2 scene and ask you if you've ever seen those photos.

3 A My answer is basically the same. I know I've
4 seen some of these, including ones with her head bent
5 oddly against the cabinet, but I can't tell you if I've
6 seen all of them.

7 Q Okay. Thank you, sir.

8 Do you recall talking with Dr. Trent after you
9 were asked to review his necropsy report?

10 A No, I don't. But I note in my report that I
11 did, so I must have.

12 Q We recognize this was some years ago.

13 A Yes, sir. And my memory is not getting
14 better.

15 Q Before writing up your review of Dr. Trent's
16 report, do you recall having a phone conversation with
17 Sergeant Poma in late February of 2011?

18 A No, sir, I don't, but that wouldn't surprise
19 me either.

20 Q Okay.

21 A I probably would have tried to.

22 Q I'm going to show you what's marked People's
23 Number 12, ask you if you would take a look at it, tell
24 us if you recognize it and, if so, please identify it.

25 A Yes, sir. It's a copy of the report I

1 generated -- oh, excuse me, is this my report? Yeah,
2 but also a page of Dr. Trent's on the back here.

3 The first three pages are my report and then
4 there's a page on the back that's Dr. Trent's.

5 (Exhibit 12 was identified.)

6 JURY FOREPERSON: I think that was his copy
7 that he put underneath the two exhibits. I can get that
8 back to him.

9 MR. STOEN: Okay. Thank you.

10 Q (BY MR. STOEN) You might want to refer to
11 this. I'm going to ask you a couple of questions about
12 it.

13 A Thank you.

14 Q Do you recall, if you do, talking to Sergeant
15 Poma or anybody in the law enforcement about how quickly
16 Susan Keegan might have died?

17 A That depends on where she died. But if she
18 dies at the -- yes, I do remember talking about that.

19 Q Okay. And do you recall what was -- how that
20 discussion went, who said what?

21 A No, sir. I -- I know from reviewing my report
22 what I probably said to the person, but I can't -- I
23 don't remember the conversation beyond that.

24 Q Remembering -- on the basis of what you do
25 remember, do you have an opinion as to whether she died

1 quickly or not?

2 A If the lady died in the bathroom, then she
3 died quickly. And I base that on features related to
4 blood that I would expect to see there more than any
5 particular injury, and also mechanistically how, if the
6 injury occurs with her neck bent that way, it could
7 involve damage to her cervical neck. That's a quick
8 death usually.

9 Q Okay. And did you notice anything about -- in
10 any of those photographs that struck you as significant
11 as to the relationship of the laceration to her head and
12 the amount of blood on the floor?

13 A There was a lack of blood on the floor, which
14 I would have expected to be more.

15 Q Why was that?

16 A Because when -- when somebody has a scalp
17 laceration, I mean I'm sure -- again, I'm talking as an
18 expert, but to give some point of reference to the
19 people, anybody who has had a scalp laceration, a tear,
20 just a fancy word for tear, they bleed quite a bit, very
21 extensively. It's a very vascular part of the body. So
22 scalp lacerations tend to make a lot of blood all over
23 the place and make a mess. Okay? The lack of the blood
24 there concerns me that either she died very quickly or
25 that's not where she died.

1 Q Okay. In this conversation, to the extent you
2 recall it, do you recall the topic of bruising and
3 discoloration of hands and arms being brought up?

4 A No, I don't. But that is evident in the
5 pictures that there's discoloration of the hands. The
6 question is how much of it is real and how much is
7 settling of blood and, even if it's real, what caused
8 it.

9 Q Would you have an opinion as to whether or not
10 blunt force was used in the bruising on those hands?

11 A It could have been. It could have been at
12 least part of it. That's the question, how much is
13 settling of blood, which is lividity, how much is blunt
14 force trauma, and of course implicit in that is what
15 caused the blunt force trauma.

16 Q I'd like you to return to your report using
17 that to refresh your recollection. Does your report
18 say: "Based upon the reports and my conversations with
19 Dr. Trent, I do not find it convincing that this lady
20 was the victim of an assault"?

21 A Yes, it's in here somewhere. I haven't found
22 it yet, but in reviewing it this morning, I saw that
23 somewhere. Yes, sir.

24 Q And so was that -- that was your report at
25 that time; is that correct?

1 A Yes, sir.

2 Q Okay. Now, you also say, quote, correct me if
3 I'm wrong, "Although I may not be able to definitively
4 explain the findings in the hands and wrists, I should
5 add that their overall appearance is not, in my
6 experience, particularly suggestive as defense injuries
7 or restraint injuries."

8 Is that what you wrote in your report?

9 A Yes, sir.

10 Q Was there any word that -- was there a
11 particular reason why you used the phrase "not be able
12 to definitively explain"?

13 A Yes, sir. Because the question is, are the --
14 or in my mind the question was how much is injury, how
15 much is lividity. Then if you find injuries, how
16 much -- and I don't want to cast aspersions on the lady,
17 but she was drunk. There were other things affecting
18 her that cause people to fall, and I've seen this all
19 the time. How much could be the result of somebody
20 assaulting her versus how much could be the result of
21 people falling.

22 Q So that was an open question?

23 A That's the way I wrote it that way, yes, sir.

24 Q Right. Now, you also state that you noted
25 inconsistent lividity in her left hand; is that correct?

1 A Yes, I wrote it somewhere, but it would be
2 based on some of the pictures, which I can't remember.

3 Q Okay. Would you look at your report and see
4 if I'm being fair to you in quoting you?

5 A I think you're correct in quoting me, yes,
6 sir.

7 Q Okay. And you give two possible explanations:
8 "That someone lifted her hand from the floor to check a
9 pulse and dropped it back into her lap and,
10 alternatively, the inconsistent lividity could represent
11 the body had been moved from another location."

12 Have I quoted you accurately?

13 A Yes, sir. Those are two possibilities.

14 Q Okay. Does that mean that if there was
15 evidence that nobody moved her hand, the only reasonable
16 explanation is that the body had been moved?

17 A As long as we've reasonably excluded injuries
18 as being a component or part of a component of it, it
19 might suggest the body has been moved, yes, sir.

20 Q Okay.

21 A I would never claim to say that those are the
22 only possibilities, but those are the ones that come to
23 mind, yes, sir.

24 Q Most -- would you say those are the most --
25 two most reasonable possibilities?

1 A Those are two reasonable possibilities. Not
2 "most," but reasonable possibilities, yes, sir.

3 Q Okay. Now, speaking as an expert, let's just
4 assume that the husband stated that all he did was touch
5 his wife's foot and the first responder from the fire
6 department says in his official report, quote, "We did
7 not move the victim," close quote, would the most
8 reasonable explanation be that the body had been moved?

9 A Again, I will refuse to use the word "most,"
10 but I would say it would be a reasonable explanation.

11 Q Thank you.

12 In summation, would you agree there's some
13 ambiguities as to the cause of death?

14 A Absolutely. And that's what I tried to
15 reflect in my report.

16 Q Okay. Have you ever in all your years of
17 experience written an necropsy report and then, after
18 further reflection or new information, changed your
19 report as to the cause of death?

20 A Absolutely.

21 Q And so would you consider that to be both
22 reasonable and ethical to do as a pathologist?

23 A Reasonable, ethical, and absolutely necessary.

24 Q Thank you, sir.

25 Now, are you aware of any change by Dr. Trent

1 as to his conclusion as to the cause of death of Susan
2 Keegan?

3 A Just recently the investigator sent me a copy
4 of his, I think, one page. It was the thing that was
5 attached there, the one page.

6 JURY FOREPERSON: This is actually -- I mean I
7 think it's in the exhibit.

8 MR. STOEN: I have it marked as People's 14.

9 Q (BY MR. STOEN) I show you People's 14 and ask
10 you to take a look at it. Do you recall seeing that
11 from our investigator or from anybody else?

12 A Yes, sir, just recently. Recently meaning
13 days.

14 Q Okay. And do you note that he's changed the
15 cause of death of Susan Keegan to, quote, "blunt force
16 trauma to the head"?

17 A I actually don't remember what was on his
18 original autopsy report, but I agree with this.

19 Q And then he says that the pattern of injuries,
20 quote, "are most consistent with those of an assault."

21 Do you see that in that report?

22 A Most consistent -- wait, pattern of injuries
23 in the case is not consistent with originating by
24 accidental means, they are most consistent with those of
25 an assault. Yes, sir.

1 Q So I'm fairly reciting what's in that report;
2 is that correct?

3 A You are, sir.

4 Q Do you have any reason to dispute Dr. Trent's
5 new conclusion?

6 A I would -- first of all, I can't tell you what
7 pictures I actually saw or didn't see then. I know they
8 were less extensive than what's there. I would always
9 defer to the pathologist that actually saw things with
10 his own eyes unless I had strong reason to disagree with
11 it, and I don't have any reason to doubt Dr. Trent.

12 Q Okay. So you don't have any reason to hold it
13 against him that he changed his report?

14 A Absolutely not. If he has new information or
15 in reviewing it he realizes something's different, I
16 would agree that he should change it.

17 MR. STOEN: I move that particular exhibit
18 into evidence.

19 (Exhibit 14 was received.)

20 MR. STOEN: And now we can take some
21 questions. That's all the questions I have, Doctor.

22 JURY SECRETARY: Question number 46 from juror
23 61681.

24 Q (BY MR. STOEN) Is it standard procedure to
25 have other pathologists' work reviewed?

1 A Yes. In some places it is actually required.
2 For example, in New York City you're supposed to have
3 two pathologists see every case and sign the cases, San
4 Francisco used to have the chiefs review it, and in
5 Alameda I review other people's cases routinely.

6 Q And why are some things not accounted for,
7 such as voice calls, pictures, etcetera?

8 A I don't understand.

9 Q I don't either. So we'll call that legally
10 inadmissible.

11 If you came across a body, as a doctor, how
12 would you determine life or death? What would your
13 procedure be?

14 A Well, at some point it -- I don't want to
15 sound ridiculous, but it becomes absurd if I see -- in
16 fact, I used to use it in the pictures like this in the
17 lectures for the law enforcement academies. If you see
18 lividity, settling of blood, if you can feel rigor
19 mortis, then that person has been dead for hours.

20 If we're talking about an acute death, you
21 would check for a pulse, you would check to see if the
22 pupils are reacting, you would listen for a breath, you
23 would do something as simple as press on a finger and
24 look for capillary refilling, which is two to three
25 seconds in a healthy person.

1 There are multiple things you would do. It
2 would depend upon how long the interval was what you
3 were looking for.

4 Q What do you see as being the most ambiguous
5 factor as to the cause of death of Susan Keegan?

6 A The fact that -- I've seen people bruised
7 beyond belief with all sorts of injuries simply as a
8 result of multiple falls and being drunk and having
9 lacerations and even managing to get home before they
10 die. It's amazing what can happen. And the biggest
11 concern -- I'm not sure I'm answering it correctly,
12 hopefully I am -- is, okay, you have injuries. Injuries
13 are one thing; can you carefully and absolutely
14 accurately go backwards and say, well they have to be
15 because of this versus because of this, because of
16 something else, are you sure that they're just one thing
17 and not the possibility of other factors in it.

18 MR. STOEN: Next question.

19 JURY SECRETARY: Question number 47 from juror
20 619185.

21 Q (BY MR. STOEN) Was there any evidence of
22 cervical slash neck injury as far as you know?

23 A Nothing that was proved. You can see in the
24 pictures that her neck is amazingly bent, and the
25 question would be whether or not a further neck

1 dissection might have shown things.

2 When I started years ago, I wouldn't have even
3 thought about doing it. But I've had a number of car
4 whiplash injuries, which is the kind of thing you do
5 to -- this neck thing, where the actual damage in the
6 spine of the upper neck is so subtle that you'll miss it
7 without going specifically in there.

8 So I don't think that was done here based upon
9 my memory. It would be a question for Dr. Trent, not
10 me. But that's the kind of subtlety you'd have to look
11 for to say is this the kind of neck-snapping injury
12 that, even though she doesn't have a skull fracture,
13 actually did damage here.

14 Those are the kind of injuries you see in like
15 car accidents where people are whiplashing or another
16 classic one is the football player that gets his head
17 popped back suddenly and then goes over to the bench and
18 drops dead all of a sudden.

19 I'm not sure I answered your question, but I
20 think I did.

21 Q Well, it's not my question. So you did the
22 best you could.

23 A Okay.

24 MR. STOEN: Next question.

25 JURY SECRETARY: Question 47, I believe.

1 MR. STOEN: That was 47.

2 JURY SECRETARY: Oh, okay. Do I have question
3 46?

4 MR. STOEN: It's right here.

5 JURY SECRETARY: Okay. So question 48 then is
6 from juror 626897.

7 Q (BY MR. STOEN) Can you please have Dr. Ferenc
8 look at pictures of the hand, specifically the lividity,
9 and ask if the presence of blood slash lividity on the
10 top of the hand is inconsistent with the -- with the
11 location/position of the hands.

12 Did you understand that question, sir?

13 A Sort of. It was part of the issue of what's
14 in my report, which is some of this -- is this lividity,
15 are there injuries here.

16 Looking at this very first picture, which I'll
17 put my glasses on, is --

18 Q And that's 7-A, I believe.

19 A 7-A is on the top.

20 For example, if the purple -- purple is a
21 color. What is it due to, is it a bruise, is it
22 lividity, which is it, what's going on. If this is due
23 to lividity, it didn't happen in this position. It
24 didn't happen in this position. That's the issue of
25 whether things had been moved.

1 Q Ah.

2 A Okay?

3 Q Thank you, sir.

4 MR. STOEN: Next question.

5 JURY SECRETARY: Question number 49 from juror
6 641677.

7 MR. STOEN: Sounds like we have a city here
8 with all these numbers.

9 THE WITNESS: Zip codes.

10 Q (BY MR. STOEN) I believe you just answered
11 this. Well, I'll ask it again in case you didn't: If
12 Mrs. Keegan died quickly from falling into the position
13 she was found, would you have expected to find different
14 things from the autopsy?

15 A Please repeat it.

16 Q If Mrs. Keegan died quickly from falling into
17 the position she was found, would you have expected to
18 find different things from the autopsy?

19 A From the autopsy itself, not necessarily,
20 because she aspirated a lot of material into her lungs,
21 which can happen with cervical neck injuries, for
22 example.

23 Cervical neck injuries, the thing I'm
24 concerned about, that I keep coming back to, that's
25 often associated, at least in my experience, with a

1 little bit of subarachnoid hemorrhage, like Dr. Trent
2 observed. It can be associated with lacerations or
3 impact sites where they had hits. So the autopsy
4 itself, no. It would be more the issue of the external
5 findings, again, and what they represent.

6 Q Thank you.

7 MR. STOEN: Next question.

8 JURY SECRETARY: Question number 50 from juror
9 609424.

10 Q (BY MR. STOEN) Question: Why did you decide
11 the cause of death was not assault after examining the
12 evidence?

13 A That's not a cause of death. That's a mistake
14 that everybody makes. The cause of death is the
15 complications that happened from her blunt head injury.
16 The assault can be supported or detracted from from the
17 autopsy, the autopsy and findings, which are physical
18 findings. They're like laboratory tests. But the
19 assault is something you prove by investigation and
20 other features, not from an autopsy.

21 I mean obviously if somebody was shot ten
22 times in the back, you know somebody shot them. But I'm
23 saying as a general rule the autopsy is a laboratory
24 test to show you findings that may be consistent or
25 inconsistent with scenarios that are elaborated by

1 investigation. Autopsies don't prove assaults.

2 Q Okay. Thank you.

3 MR. STOEN: Anything else?

4 JURY SECRETARY: I don't think so.

5 MR. STOEN: Doctor, thank you for taking time
6 from your pleasure. We appreciate it. I hope you have
7 a safe trip back. And you're through with this case as
8 far as we know, for the present time anyway.

9 THE WITNESS: Thank you.

10 MR. STOEN: Thank you.

11 I guess it's almost time, Madam Foreperson, to
12 break. We don't have a witness ready to go until 12:45
13 or 1 o'clock.

14 JURY FOREPERSON: Okay, great. So should we
15 break until 1:00 then?

16 MR. STOEN: It's up to you.

17 JURY FOREPERSON: 11:45 to 1:00? Yes?

18 A lot of head nods.

19 Please make sure you do not discuss the case,
20 keep it private, and don't form opinions.

21 Thank you.

22 (Lunch recess taken.)

23 MR. STOEN: Let's go on the record.

24 What's your number?

25 A JUROR: 611538.

1 It's confusing -- now today you were really
2 clear when you deleted yesterday's testimony from our
3 minds, but yesterday, because perhaps the witness was on
4 the stand, it was confusing as to what was being deleted
5 because she was talking about multiple medications and
6 perhaps was beyond her expertise. I'm not sure what --
7 why it was deleted. But if you could be clear, like you
8 were today, where this particular information is not
9 relevant or is inadmissible evidence, I would appreciate
10 it.

11 MR. STOEN: If I wasn't clear, I apologize.

12 A JUROR: [Juror 611583] I just wanted to make
13 sure. You know, we're trying to pay attention, and
14 there's a lot of information and we're trying to
15 classify it and give it weight.

16 MR. STOEN: What I tried to state in my
17 opening is that I have a tremendous obligation in this
18 case to be fair to both sides, and that may -- maybe
19 somebody's offended by the fact that I had to be hard on
20 one of my own witnesses, but that's part of my
21 obligation.

22 And I also have an obligation, if there's a
23 tape recording and the transcript that goes with it, if
24 it has anything in it that's legally inadmissible, I
25 have to ask my secretary to redact it. So when I get

1 these, it may be at the very last minute, okay, so I
2 don't have the exact page numbers. And so I have to
3 say, well, there may be a few pages before or a few
4 pages after, because I just get this thing like five
5 minutes before I show up here. There's a lot of
6 preparation that goes into this kind of case.

7 A JUROR: [Juror 611538] You have an
8 incredible responsibility, and I really feel for you.
9 And I cannot understand how come we do not have a
10 defense lawyer in a murder case. It defies my
11 understanding of the constitution and legality.

12 MR. STOEN: I can't respond to that. You know
13 from my opening introduction what -- that is all I can
14 say. I can't make any further comment about that.

15 A JUROR: [Juror 611538] Okay. But, for
16 instance, the whole telephone conversation that we spent
17 an hour and a half on was inadmissible evidence. The
18 whole conversation was put in through trumped-up lies by
19 Susan.

20 MR. STOEN: Well, I'd rather that you don't
21 make any comments on the record. I'd ask the jury to
22 disregard what was stated. I better close off our
23 encounter right now. Thanks.

24 A JUROR: [Juror 611538] But thank you for
25 listening.

1 MR. STOEN: So I ask the jury to disregard
2 anything that was stated in that interaction, please.

3 I'd rather you have the foreperson address
4 these issues.

5 I think she had a question.

6 JURY FOREPERSON: Okay. Should I take roll
7 call beforehand?

8 MR. STOEN: Yeah.

9 JURY FOREPERSON: Okay. I'm going to start
10 with roll call. We're now in session.

11 (Roll call taken; all jurors present.)

12 MR. STOEN: Do you want to declare that
13 everybody's here?

14 JURY FOREPERSON: Everybody is here, yes.

15 MR. STOEN: I've just been informed that the
16 witness is on the downgrade coming in from Ukiah, so it
17 should just be a matter of five minutes.

18 THE REPORTER: Are we off the record now?

19 MR. STOEN: Yes, we're off the record.

20 (Off the record.)

21 MR. STOEN: Okay. We're ready. Come on in.

22 - - -

23 ONI ANNETTE LaGIOIA

24 Called as a witness, having been sworn, testified as
25 follows:

1 THE REPORTER: Will you please state your name
2 and spell it.

3 THE WITNESS: Oni, O-n-i, Annette,
4 A-n-n-e-t-t-e, LaGioia, L-a capital G-i-o-i-a.

5 THE REPORTER: Thank you.

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 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 in 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 afternoon, Oni.

25 A Good afternoon.

1 Q And where do you live?

2 A I live in Ukiah at 412 Jones Street.

3 Q Try to speak up so people can hear.

4 What is your name again, please?

5 A Oni LaGioia.

6 Q And, Oni, where were you living in October and
7 November 2010?

8 A The same place.

9 Q And what is your occupation or what is your
10 former occupation?

11 A Right now I volunteer at the senior center,
12 but --

13 Q Speak as if you're talking to the last row.

14 A To them, okay.

15 I was a Waldorf teacher before I retired.

16 Q And when did you retire?

17 A 1999.

18 Q Okay. And what relationship, if any, did you
19 have with Susan Keegan?

20 A We were best friends for 30 years.

21 Q And what kind of contacts did you have with
22 Susan over the years?

23 A Over the years we had -- we sang together in a
24 trio for 20 years and saw each other frequently during
25 the week.

1 Q Okay.

2 A She lived in the neighborhood at first; they
3 did.

4 Q Did you know her husband, Peter Keegan?

5 A Yes, Peter was my doctor for a while.

6 Q Okay.

7 A Until about '98.

8 Q I'm going to show you just a photo of him.
9 It's marked People's Number 8.

10 Do you recognize this person?

11 A Yes, Peter Keegan.

12 Q And what kind of a relationship did you have
13 with Peter Keegan over the years?

14 A JUROR: Mr. Stoen, she's right in front of
15 that light, and so when I try to look at her, I can't
16 see her face. The light on the projector in the back.

17 MR. STOEN: Let me just turn that off.

18 A JUROR: I could move, but --

19 THE WITNESS: I can move.

20 MR. STOEN: That's okay.

21 A JUROR: Thank you very much.

22 MR. STOEN: Is that better?

23 A JUROR: That's much better.

24 MR. STOEN: I'm surprised I found the right
25 button.

1 A JUROR: Well, I'm glad you did.

2 Q (BY MR. STOEN) And so I'll just say, what
3 kind of a relationship -- oh, he was your doctor. And
4 did you see him very often?

5 A I saw him as a doctor and when I visited with
6 Susan at their home.

7 Q Okay. What was the nature of the relationship
8 between Susan and Peter as you understood it over the
9 years?

10 A Over the years he ran hot and cold towards
11 Susan and toward her friends.

12 Q And do you recall any changes in Peter
13 Keegan's demeanor towards Susan that you witnessed,
14 dramatic?

15 A Dramatic changes?

16 Q Yeah.

17 A Yes. He asked for a divorce in --

18 Q Do you know when that was, approximately?

19 Now how do you know this information?

20 A I know it because Susan told me at art class.

21 MR. STOEN: Okay. Well, I ask the jury to
22 strike what Susan told you and just ask you to look at
23 the general demeanor between the two.

24 Q (BY MR. STOEN) Did you see a change in his
25 behavior?

1 A Yes, after -- after he asked for the divorce.

2 Q Okay.

3 MR. STOEN: I'm going to place into the record
4 at this time People's Exhibit Number 3, which I will
5 represent is a certified copy of a petition for a
6 divorce that was between Peter Keegan as the petitioner
7 and Susan Keegan as the respondent for dissolution of
8 marriage filed on October 21, 2010.

9 (Exhibit 3 was identified.)

10 Q (BY MR. STOEN) And I will ask you, Oni, if
11 that date -- if that date is related to the change in
12 demeanor in Peter Keegan as you witnessed it?

13 A I saw him before that. His demeanor changed
14 in early --

15 Q Okay. But how soon before that date did you
16 notice a dramatic change?

17 A He came to visit me in early October.

18 Q Okay. And what did you notice that was a
19 change in his demeanor?

20 A He was angry, in a rage, and complaining about
21 Susan.

22 Q Did you see him in his relationship to Susan
23 with this new change in demeanor?

24 A I visited the house I think once in October,
25 and he was slamming doors and moving around. He wasn't

1 talking.

2 Q Okay. Now, did -- what did he say around the
3 time of the divorce or maybe a few weeks before the
4 divorce about Susan that was new to you hearing from
5 him?

6 A He came to visit me two times -- and to other
7 neighbors also -- twice on a Saturday, came on his
8 bicycle.

9 Q What month was that?

10 A October.

11 Q Of 2010?

12 A Early October 2010.

13 Q Okay. So let's talk about the first trip he
14 made to you. What day of the week was it did you say?

15 A I believe it was a Saturday.

16 Q And where did -- and where did he come?

17 A He drove up the driveway on his bicycle and
18 came into --

19 Q Okay. Tell us exactly what he said.

20 A -- the backyard.

21 He said that Susan was addicted to Vicodin,
22 Irish Whiskey, and marijuana and that she had a -- it
23 lowered her libido.

24 Q Now, had he ever mentioned any of those things
25 to you before, say, October 1st of 2010?

1 A Never.

2 Q Did he -- what did he say with respect to the
3 effect on him of Susan's libido being lower?

4 A He said he had a fucking right to sex with his
5 wife whenever he wanted.

6 Q Were those his exact words?

7 A Yes.

8 Q And what was your response to that?

9 A I said to Peter that in marriage you take --
10 take someone for sickness and in health and that she was
11 going through menopause, that might be a reason why her
12 libido might be lowered.

13 Q Okay.

14 A But that I didn't believe any of the other
15 stuff that he had said.

16 Q And what did -- and what did he say in
17 response to what you said about marriage? Do you recall
18 what he said next?

19 A In the first meeting?

20 Q Okay. Is there anything else said in the
21 first meeting that you recall?

22 A That he wanted -- wanted this divorce to
23 happen before the end of the year, he hated her, and he
24 couldn't have sex with anyone else until he got rid of
25 her.

1 Q Are those his exact words, --

2 A Yes.

3 Q -- "get rid of her"?

4 Okay. Now, did you -- what was his demeanor
5 when he was talking to you about these subjects?

6 A He -- the first time he was angry. The second
7 time he was even more manic.

8 Q Okay.

9 A I thought he was going to, you know, punch the
10 walls. We were in a gazebo, but I thought he was going
11 to punch something; like me, you know.

12 Q Okay. Where was this conversation that you
13 had?

14 A In my backyard in a gazebo.

15 Q Okay. And what did you say in response to his
16 statements about her having an addiction?

17 A An addiction, I said there's no way.

18 She's a pillar of the community. She always
19 does her homework. We had art class twice a week and
20 rehearsal and lunch and usually -- and then she did a
21 contract for Bread or Breathers, and she always did
22 every task, you know, with integrity.

23 Q Okay. Were you aware of any drugs that she
24 used?

25 A She used marijuana lightly.

1 Q And what else?

2 A I did ask her about the Vicodin, and she said
3 that she used it for pain once in awhile.

4 Q Okay. Were you aware whether or not she used
5 Vicodin?

6 A I was not aware before.

7 Q Did you become aware later that she did?

8 A After Peter's conversation with me, I asked
9 her about it.

10 Q Okay. I can't ask you what she said.

11 A Yeah.

12 Q Did you -- have you ever seen Susan
13 intoxicated?

14 A I have never seen Susan intoxicated. In fact,
15 if we went out to dinner, she would leave more than half
16 a glass of wine, if she ordered wine at all.

17 Q Now, were you aware of any specific activity
18 that Susan was involved in in the days before her death?

19 A She was in Hamlet, a production of Hamlet, and
20 she had rehearsal every night and then the production
21 weeks. And then on Sunday she made a turkey and threw a
22 cast party.

23 Q Do you know what Sunday that was?

24 A The Sunday before she died.

25 Q Okay. Now, when did you last see Susan?

1 A I saw her on the 10th of November, the day
2 before her -- it says she died.

3 Q And what did you do that day with her, if
4 anything?

5 A Okay. She picked me up for art class and we
6 went to the college. Then she said she wanted to come
7 home with me because --

8 Q You don't have to say what the reasons were.

9 A I don't have to say?

10 Q She came home with you?

11 A She came home with me for lunch instead of
12 going to her own house.

13 Q Okay.

14 A And stayed with me until 2 o'clock or so.

15 Q That's fine. And what was her demeanor on
16 that day, the last day?

17 A She was centered, active. She was going to
18 Santa Rosa to be proactive about the divorce that was
19 inevitable, looking for housing or stuff.

20 Q Okay. This was your understanding of her
21 total behavior; is that correct?

22 A She was totally up.

23 MR. STOEN: So to the extent that this is
24 based on statements from her, I instruct the jury to
25 disregard the statements.

1 Q (BY MR. STOEN) We can talk about demeanor and
2 behavior, but we can't talk about statements of somebody
3 that's not on the witness stand.

4 A Okay.

5 Q And how did you recall -- how did you learn of
6 the news of Susan's death?

7 A A neighbor came by knocking on my door in the
8 evening and told me that she didn't show up for a book
9 club that she ran and that the book club people called
10 her home and Peter said she wasn't there.

11 Q Okay. What did you do -- and that was in the
12 evening, November 11th; is that correct?

13 A Yes, in the evening of November 11th.

14 Q And then what did you do after that
15 conversation was --

16 A I called the house. I called Susan's house.

17 Q And who answered, if anybody?

18 A And Peter answered. And I said, "I want to
19 talk to Susan."

20 Q And what did Peter say?

21 A He said, "She's not here."

22 Q And what was said next in that conversation?

23 A Then there was a long pause. I said, "I need
24 to talk to her right now," because I had heard that
25 information that she was dead. "I need to talk to her

1 right now. Where can I reach her?"

2 And then there was a long pause and he said,
3 "She's dead."

4 Q What was your response to that?

5 A I was stunned because that kind of confirmed
6 what I had heard from my neighbor.

7 Q Did he say anything else specific in that
8 conversation that you recall?

9 A That specific conversation? In subsequent
10 conversations.

11 Q Okay. Did you have another conversation with
12 him in another call or another personal visit with him?

13 A Yes, I had both. I'm trying to recall what
14 came -- what order it came in. Another call. I believe
15 he called -- I called because I wanted and other people
16 wanted to see her body.

17 Q Okay. Do you recall when you made that call?

18 A Day before the autopsy.

19 Q Okay. Assuming the autopsy was --

20 A I don't have the date.

21 Q -- was on November 12th, would that have been
22 the same day you heard the news late?

23 A No, there was another day in between, I think.

24 Q Okay. So it was after November 11th that --

25 A No, it was after the autopsy, before the

1 cremation. Sorry.

2 Q Okay. And so how -- do you have any idea how
3 long after you got the news of Susan's death that this
4 next conversation with Peter took place?

5 A With Peter? It was only a day or two.

6 Q Okay. And what was said by Peter in the
7 second -- well, tell me how the call came about and what
8 was said between the two of you.

9 A I called him to ask for the visitation, that
10 we wanted to say goodbye. And he said he would check
11 that out with Eversole Mortuary, see if that was
12 possible. And he called me back a few minutes later and
13 said, yeah, all I have to do is bring clothes over
14 there, bring her some clothes.

15 And he said, "By the way, the boys are here
16 and they want to have a memorial service. I don't give
17 a fuck, but they want to have a memorial service and
18 they want you to sing," because we were singing in a --
19 together for all those years, "and would you also
20 prepare a slide show."

21 Q Okay. What was your response to all those
22 statements?

23 A I said I would -- I would do that.

24 Q Okay. And did you attend the memorial
25 service?

1 A I did attend the memorial service.

2 Q Did you sing?

3 A I sang with the other person in our trio.

4 Q Who was that other person?

5 A Karen Gowan.

6 Q Okay.

7 A And Dolores Carrick played the piano.

8 Q Did you notice -- did Peter Keegan make any
9 appearance or any statements in that memorial service?

10 A No, he made no statements. He sat alone. His
11 two sons sat on the other side of the church with me, in
12 front of me.

13 Q Did you have any conversation with Peter about
14 ashes?

15 A Yes. The day before the memorial service her
16 family had come to town for the service and with lots of
17 questions. But they had come to town, and he invited us
18 all to a breakfast kind of thing, brunch at his house.

19 Q Okay.

20 A Okay. And so I was there and Susan's birth
21 mother from New York came, and we went into the bathroom
22 where Susan's body was found. And Peter came in right
23 away, followed us in, and started to describe how she
24 died.

25 Q What did he say?

1 A He said she must have fallen back -- backwards
2 on the sink and hit her head and then she must have
3 fallen on the floor and hit her head again.

4 Q Okay. So did he say any other further
5 comments in how he thought she may have died?

6 A I'm sorry?

7 Q Did he say anything else about how he thought
8 Susan might have died besides what you just --

9 A In that conversation?

10 Q Yeah.

11 A No. I don't remember.

12 Q Okay. Then I asked you originally was
13 anything brought up about ashes.

14 A Yes.

15 Q Okay.

16 A Okay. Then we saw the box of ashes in the
17 bedroom, outside of the bathroom. And her mother and I
18 both wanted to have her ashes and other people in the
19 house did too, so we asked Peter if we could have ashes.

20 Q What was his response?

21 A He said, "Sure" --

22 Q Okay.

23 A -- "I don't need them."

24 Q Now, were you familiar with Peter's -- with
25 whether or not Peter had a Facebook page?

1 A Yes, he had a Facebook page.

2 Q Did you ever access that Facebook page with
3 regard to Peter before the news of the death of Susan?

4 A No.

5 Q Okay. Did you see a Facebook page attributed
6 to Peter as the author after Susan's death?

7 A Yes.

8 Q How many days?

9 A Within seven days.

10 Q And what was said in that Facebook page, as
11 you recall?

12 A He changed his profile to say single or
13 widowed, looking for a companionship, female
14 companionship, or something to that effect.

15 Q Okay. Now, has Peter ever indicated to you
16 any sorrow or remorse over Susan's death?

17 A Absolutely not.

18 Q I'd like to turn your attention now to
19 February 28, 2011, which is some three and-a-half months
20 after Susan's death. Did you have an encounter with
21 Peter?

22 A I believe that's when he showed up on my
23 porch --

24 Q Okay.

25 A -- with --

1 Q And tell us what you saw or witnessed.

2 A I heard noise on my porch. I was in the
3 kitchen.

4 Q What time of the day?

5 A It was afternoon.

6 Q Okay.

7 A And I had heard he just had hired his criminal
8 lawyer.

9 MR. STOEN: Oh, I ask that the jury to
10 disregard any statement with respect to a lawyer.

11 THE WITNESS: Oh, okay.

12 MR. STOEN: Totally disregard that statement.

13 THE WITNESS: Sorry.

14 Q (BY MR. STOEN) Go ahead.

15 A He stuffed a manila envelope in my mailbox.
16 That's what the noise was and --

17 Q Okay.

18 A -- his footsteps too. And I saw him walking
19 away across the street to where his car was parked.

20 Q Okay. And what's the next thing you noticed?

21 A After he drove away?

22 Q Yes.

23 A I inspected the envelope.

24 Q Okay. And what was in the envelope?

25 A In the envelope was a letter, a note to me

1 typed that said --

2 Q I'll try to show you what you may have in
3 mind. I'm going to show you what's marked People's
4 Number 28. I want you to take a look at this note and
5 tell me if you recognize it and, if so, please identify
6 it.

7 A This is a copy of the letter that I received
8 from Peter.

9 (Exhibit 28 was identified.)

10 Q (BY MR. STOEN) Okay. Would you please read
11 that note slowly, loudly.

12 A Okay.

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

1 her death was accidental overdose. Now it's
2 apparent it was suicide."

3 Signed with a "P".

4 Q Okay. I'm going to put that on the screen.
5 I'll ask you to take a look at the screen, and it's
6 probably going to be hard for anybody to read it in
7 detail, but does that look like the same letter you just
8 read?

9 A Yes.

10 Q And you see a "P". Is that the "P" that you
11 were --

12 A "P" for Peter.

13 Q -- just referencing?

14 Okay. Now, what was the effect of that letter
15 on you?

16 A On me. Well, the first sentence that I had
17 contributed to the AVA thing was true, but also a veiled
18 threat I felt.

19 Q Okay. So what did you do --

20 A So I was -- I called --

21 Q -- in response to that feeling of a veiled
22 threat?

23 A I called the sheriff.

24 Q Okay.

25 A And then the rest --

1 Q Was there anything else that was left with
2 that?

3 A That I -- that appealed to me? I don't know
4 how you commit suicide by falling backwards --

5 Q Okay.

6 A -- and hoping you'll kill yourself.

7 Q I can't have you speculate, I'm sorry.

8 MR. STOEN: I'll ask the jury to strike that.

9 Q (BY MR. STOEN) Let me ask you this: Did you
10 ever see anything that was related to anything suicidal
11 regarding Susan?

12 A Never.

13 Q Isn't it true, Oni, that you have, from the
14 beginning, pressed for law enforcement to do a thorough
15 investigation of Susan Keegan's death?

16 A Yes.

17 Q And you have strong feelings about this case,
18 don't you; is that correct?

19 A I do.

20 MR. STOEN: Okay. That's all the questions I
21 have of this witness. We can take some questions.

22 JURY SECRETARY: Question number 51 from juror
23 number 616861.

24 MR. STOEN: Thank you.

25 Q (BY MR. STOEN) Did Mr. Keegan ever make you

1 uncomfortable throughout the relationship with
2 Mrs. Keegan?

3 A I was never -- would you read it again?

4 Q Yes. Did -- this is the way it reads, I'm
5 just reading it: Did Mr. Keegan ever make you
6 uncomfortable throughout the relationship with
7 Mrs. Keegan?

8 A My relationship with her?

9 Q I don't know what that means.

10 A Or his relationship?

11 Q Put it this way -- there's a second follow-up:
12 Was Mr. Keegan abusive -- was he abusive -- I'm going to
13 find that question inadmissible.

14 The next question is: What was the tone of
15 his voice when he told you she was dead?

16 A It was cold. I can't really describe it. It
17 was hard and cold.

18 MR. STOEN: Okay. Next question.

19 JURY SECRETARY: Question number 52 from juror
20 number 610214.

21 Q (BY MR. STOEN) Mrs. LaGioia, were you able to
22 view Susan's body at the mortuary?

23 A Yes.

24 Q What is in your memory of that viewing?

25 A In that viewing I saw bruises on her temples.

1 Her hands were covered. They were underneath a sheet.

2 Q Okay.

3 A So I didn't see anything more.

4 Q Thank you.

5 JURY SECRETARY: Question number 53 from juror
6 number 624323.

7 MR. STOEN: Thank you.

8 Q (BY MR. STOEN) The first part I can ask: How
9 was Susan's attitude towards Peter?

10 A Susan loved Peter, and because he was up and
11 down, hot and cold their whole marriage, 32 years, she
12 always expected him to calm down again.

13 Q Okay.

14 A So ...

15 Q That's good enough. Thank you.

16 A She protected him.

17 Q Thank you.

18 JURY SECRETARY: Did you not answer a part of
19 this?

20 MR. STOEN: Let me see it again to make sure.

21 JURY SECRETARY: I crossed off the wrong one,
22 I think.

23 MR. STOEN: Yeah, it's inadmissible.

24 JURY SECRETARY: The first or the second one?

25 MR. STOEN: The second part is inadmissible.

1 JURY SECRETARY: Okay. Question 54, juror
2 number 620342.

3 MR. STOEN: Thank you.

4 Q (BY MR. STOEN) Did you and Susan share
5 personal conversations with each other?

6 A Yes.

7 MR. STOEN: Next question.

8 JURY SECRETARY: Number 55 from juror 609424.

9 Q (BY MR. STOEN) What was Susan's attitude
10 about the coming divorce?

11 A At first --

12 Q Not using her words.

13 A Not using her words. That's kind of hard.

14 First she was surprised because she didn't
15 expect it to happen at this time in her life. The kids
16 were grown up. And then after a couple of times with a
17 therapist and a couple times with a lawyer, she
18 realized --

19 Q With a lawyer --

20 A -- it's really going to happen.

21 Q Okay. So, basically, that was your general
22 impression from her behavior as distinguished from any
23 specific words that she stated to you?

24 A Yes.

25 So then after that she was proactive about it.

1 Q Were you aware of any extramarital
2 relationships that Susan had while married to Peter?

3 A She never had one.

4 JURY SECRETARY: Question number 56 from juror
5 616861.

6 Q (BY MR. STOEN) In response to your statement
7 of being uncomfortable, were you ever put in a position
8 while being friends with Mrs. Keegan that made you
9 uncomfortable with Mr. Keegan?

10 A At various times when I'd visit their house,
11 if he was in his slamming-door mood, he wouldn't talk
12 and I was uncomfortable there.

13 Q Okay. That's fine.

14 JURY SECRETARY: Question number 57 from juror
15 640779.

16 THE WITNESS: And there was another time I was
17 uncomfortable with that one.

18 Q (BY MR. STOEN) Okay. Go ahead and elaborate.

19 A When we would have rehearsals there,
20 he would -- after he closed his practice, he went to
21 Covelo to work, and he worked two days a week in Covelo.

22 Q How do you know that?

23 A He told me.

24 Q Okay, fine.

25 A But he would come home on Thursday night. And

1 he also had told me in one of our conversations that he
2 expected, you know, his papers -- newspapers to be in a
3 row, expected the rehearsal to be over, and expected his
4 wife to have dinner for him.

5 Q Okay.

6 A And that made us uncomfortable.

7 Q What was Mr. Keegan's relationship with his
8 sons, as far as you know?

9 A When they were young Susan established that he
10 should be a father to their children instead of just
11 being a doctor, you know, and she doing all the
12 parenting, and I think he took that seriously and he did
13 that.

14 Q Thank you.

15 A So I think they all had a fairly good
16 relationship.

17 Q Was he ever, to your knowledge, angry or
18 violent with respect to his sons?

19 A I don't think so. I don't know.

20 Q Okay.

21 A I don't know.

22 JURY SECRETARY: Question number 58 from juror
23 626897.

24 Q (BY MR. STOEN) Did Susan ever give any
25 indication of physical or verbal abuse?

1 A Susan?

2 Q Yes.

3 A Or Peter?

4 Q No, did Susan ever gave you any indication --
5 I should -- I should interpret this as physical abuse.

6 Did Susan ever give you an indication of
7 physical abuse?

8 A Yes. When they moved 20 years ago from my
9 neighborhood to their house on Whitmore --

10 Q Okay. I better -- I better stop you there
11 because I think we'll get into uncharted territory.

12 Did she ever act scared the afternoon before
13 her death while at your house?

14 A Yes, she was scared to go home for lunch.

15 Q Thank you. That's enough.

16 JURY SECRETARY: Number 59, juror
17 number 616861.

18 Q (BY MR. STOEN) Did you ever suspect
19 Mr. Keegan of having an affair?

20 A Yes.

21 MR. STOEN: Any other questions?

22 JURY SECRETARY: No.

23 MR. STOEN: Well, Ms. LaGioia, thank you so
24 much for coming all the way up here. You're going to be
25 excused now. And you've heard the admonition that this

1 is secret and it's not to be discussed with anybody.

2 THE WITNESS: Yes, I understand.

3 MR. STOEN: Okay. So I'll escort you out.

4 THE WITNESS: Thank you for all your
5 questions.

6 (Brief pause.)

7 MR. STOEN: At this point we're going to be
8 distributing some transcripts of some 911 calls. And
9 it's going to be -- is it four sets of transcripts?

10 MR. ALVARADO: Yeah.

11 MR. STOEN: There's going to be one disc
12 that's being played with four calls on it, but you're to
13 get a separate transcript for each of the four calls.
14 All these calls are rolled together.

15 So do you want to give them to the foreperson
16 to distribute?

17 MR. ALVARADO: Yes. I've sectioned them off.

18 MR. STOEN: Maybe if could you get the disc
19 in.

20 Let me introduce it first. I have here disc
21 number -- this is Exhibit Number 36, and I'll represent
22 that this is a disc of the 9-1-1 calls placed on
23 November 11th, 2010.

24 JURY FOREPERSON: These are the originals.

25 MR. STOEN: Thank you.

1 The transcripts are marked 36-A, 36-B, 36-C,
2 36-D.

3 (Exhibit 36 was identified.)

4 MR. STOEN: You have to leave the room as soon
5 as the first sound comes out of there.

6 The point is it may be a little jumpy. It may
7 be going quick. We can play it as many times as the
8 grand jury needs to.

9 The first 9-1-1 call to MCSO, that will be the
10 first one you hear; the next one is called a 9-1-1 call
11 to medical, that's number 2; the next one is 9-1-1 call
12 to MCSO; and the fourth one is second call from Peter
13 Keegan to MCSO. Is that clear with everybody?

14 Let's go off the record.

15 (Recess taken.)

16 JURY FOREPERSON: We're all here, so I'm going
17 to do a quick roll call.

18 (Roll call taken; all jurors present.)

19 MR. STOEN: I have to make one further
20 admonition to the jury. When Ms. LaGioia made the
21 statement in answer to the question did she believe that
22 Mr. Keegan had an affair, you're instructed to disregard
23 that statement except to the extent it shows Oni
24 LaGioia's state of mind. Otherwise, it's to be totally
25 disregarded.

1 Okay. Does everybody have their transcripts
2 in order? Do you want me to read it again as to what
3 the order is? It's Keegan first 9-1-1 to MCSO, Keegan
4 9-1-1 call to medical, Keegan 9-1-1 call to MCSO, Keegan
5 second call from Peter Keegan to MCSO.

6 Just show me what button to push and then you
7 have to leave. Thank you, sir.

8 (Playing of the 9-1-1 audio calls.)

9 MR. STOEN: We can play it again, if you wish.

10 (Playing of the 9-1-1 audio calls.)

11 MR. STOEN: Does anybody want to hear it
12 again?

13 Okay. Well, Madam Foreperson, I think that's
14 going to conclude the witnesses for today. Tomorrow is
15 what's called a dark day, there will be no grand jury
16 proceeding tomorrow, and whatever time the foreperson
17 wants you here on Friday.

18 So we anticipate a full day of witnesses on
19 Friday and on Monday. We don't know if it will go into
20 Tuesday, but we think that this probably will go to you
21 for deliberation Tuesday or Wednesday. That's our best
22 estimate.

23 So if you'd give the final admonition about
24 not discussing and not investigating, keeping secret the
25 proceedings, Madam Foreperson.

1 JURY FOREPERSON: The secrecy or this one?

2 MR. STOEN: Yes, that's the one.

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

14 MR. STOEN: Thank you all.

15 JURY FOREPERSON: So Friday morning, 9:30.

16 (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 179 through 287 represent a complete, true and correct transcript of the proceedings had thereon.

Dated: August 17, 2017

Anne Ramirez, C.S.R. 6186
Court Reporter