

1 MR. KNIGHT: Not finally, but for tonight certainly.

2 THE COURT: All right. Would ask you to step down.
3 You are subject to being recalled, but you're free to leave
4 this evening.

5 THE WITNESS: Thank you.

6 THE COURT: Would ask you not to discuss your
7 testimony with any other witness who's yet to be called. But
8 you may step down and be excused.

9 THE WITNESS: Okay. Thank you.

10 THE COURT: State may call its next witness.

11 MR. CRANE: Dr. Eddie Adelstein.

12 THE COURT: Would you raise your right hand, sir.

13

14

EDWARD ADELSTEIN,

15 being first duly sworn by the Court, testified as follows:

16 THE COURT: Would you take the witness stand,
17 please.

18

19

DIRECT EXAMINATION

20

BY MR. CRANE:

21

Q. Good evening. Give us your name, sir.

22

A. Edward Adelstein.

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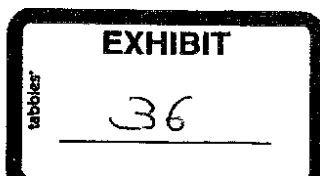
Q. And what's your occupation?

24

A. I'm a pathologist and physician.

25

Q. Specifically, what's your -- one of the positions



1 They didn't run together. They were separate strikes.

2 Q. So you believe that there were seven separate blows
3 struck.

4 MR. ROGERS: Excuse me. 11.

5 Q. I'm sorry. 11 separate blows struck. And you're
6 taking out the scrapes.

7 A. I'm taking out the scrapes, yes, which probably are
8 just an abrasion, maybe; not blows. But I'm counting the
9 other ones.

10 Q. Now, during the autopsy, did you also conduct a
11 subscapular examination? And tell us what that means.

12 A. One of the things we do when we -- after we make
13 these observations, we then make an incision and we peel back
14 the skin. We look underneath the skin. And what we saw was
15 diffuse subscapular hemorrhage. Just like if you would have
16 bumped your head many, many times. Only there was diffuse
17 hemorrhage. Because every one of those strikes would cause
18 some bleeding under the skin.

19 Q. Yeah. That's what I was going to say. Hemorrhage
20 means what?

21 A. Hemorrhage means blood.

22 Q. Okay. So there was bleeding under the skin.

23 A. Yes.

24 Q. Okay. Now, what about the skull, though?

25 A. There were no fractures of the skull.

1 Q. All right. So Mr. Heitholt, between his skin and
2 his skull, there was hemorrhaging, subscapular, under the
3 skin.

4 A. That's correct.

5 Q. However, his skull was not fractured.

6 A. That is correct.

7 Q. In your opinion, Doctor, were the injuries inflicted
8 by the blunt trauma fatal to the victim?

9 A. That is not actually an easy question to answer.
10 More than likely they were not fatal at the time to cause
11 immediate death. As I said before, a single injury to the
12 head can produce unconsciousness, and sometimes later on the
13 brain can swell up and produce death. But at this time when
14 I examined him, there was no evidence of injury to his brain.
15 So, it may have been that later, if he -- if this was the
16 extent of his injuries, the total extent of his injuries, it
17 would have been difficult to determine if he would have lived
18 or died.

19 Q. Okay. And also, probably another difficult
20 question: What is your opinion as to the effect these
21 injuries being inflicted on him -- and I'm just talking about
22 the head injuries at this point.

23 A. Right.

24 Q. -- would have had to Mr. Heitholt from the time they
25 started, through their duration.

1 THE WITNESS: The strap would not make close
2 contact.

3 THE COURT: Our court reporter has laryngitis now --

4 THE WITNESS: And I will start --

5 THE COURT: -- so you need to speak just a little
6 bit louder, if you don't mind.

7 Q. Looking at 95, have you depicted the injuries there
8 for the jury to consider?

9 A. Right. You can see the abrasions that went around
10 the neck here. There was an outline here of a fairly solid
11 object here, which is depicted I think in this picture, which
12 matches identically to a fragment of a belt that was found at
13 the scene.

14 Q. What did you note underneath the skin of the
15 victim's neck?

16 A. In this area, there is a profuse hemorrhage under
17 this area. That is, blood cells that leak out.

18 Q. What about any fractures at the neck?

19 A. We actually, to examine this, and we actually remove
20 the entire air box or the larynx, so we're able to look at
21 the larynx itself, which is what we would call like our
22 throat box. And we noted there was some broken cartilages
23 that extend out from this larynx, which make contact with the
24 hyoid bone, which allows us to eat and breathe and separate
25 the air from the fluid. And we noted that the hyoid bone was

1 broken. And that the arytenoid cartilages, which are fairly
2 delicate extensions that make contact with the hyoid bone,
3 were also broken.

4 Q. What's all that mean? You've got the abrasions to
5 the neck. Oh. Let me real quick, before you answer that,
6 let me show you State's Exhibit 47 and ask if this was the
7 item --

8 A. That is.

9 Q. -- that you compared to the victim's injury on the
10 neck.

11 A. That's correct.

12 Q. Okay. And did you find that item to be consistent
13 with that horseshoe-shaped injury?

14 A. I did.

15 MR. CRANE: And I'm showing the jury and
16 Dr. Adelstein State's Exhibit 47.

17 Q. Okay. Now, what -- let me ask you now, what are the
18 neck injuries consistent with?

19 A. The neck injuries are consistent with the kind of
20 pressure that will cause someone to die from asphyxiation.
21 That is, these kind of pressure around the neck does a couple
22 of things. It compresses the artery and vein that goes up to
23 the head, which is life giving. And when you compress --
24 initially when you put a ligature around someone's neck, when
25 you first put it around, it compresses the veins, the large

1 Q. Doctor, based on your observations at autopsy, the
2 injuries that you observed, the presence of petechiae, what
3 is your opinion to a reasonable degree of medical certainty
4 as to the cause of Kent Heitholt's death?

5 A. Basically -- and I'll read from my opinion. The
6 cause of death of Kent Heitholt is asphyxia, due to
7 compression of his neck by strangulation.

8 Q. Okay. And is the belt, that we don't have, the
9 strap, and you've already indicated the belt buckle is a
10 consistent cause of the injury to the right side of the neck.
11 Specifically the ligature.

12 A. Consistent with that ligature.

13 Q. And you specifically stated in the autopsy report
14 you just read that it was asphyxia due to compression of the
15 neck by strangulation?

16 A. Right.

17 Q. Mr. Heitholt then, in your opinion, did not die as a
18 result of the blunt trauma to his head.

19 A. No. Not -- not -- no. The thing that actually took
20 his life away was actually strangulation.

21 Q. And you ruled that as the cause of death. What did
22 you rule as the manner of Kent Heitholt's death?

23 A. I ruled the manner of death was a homicide.

24 MR. CRANE: I don't think I have any other questions
25 of this witness.