

AFTERNOON SESSION

(2:19 O'CLOCK P.M.)

THE COURT: ALL RIGHT. BRING THE JURY BACK.

(THE JURY REENTERED THE COURTROOM.)

THE COURT: MR. KLOCH, WHO IS YOUR NEXT WITNESS?

MR. KLOCH: I CALL DOCTOR CHAPMAN, PLEASE.

DONALD B. CHAPMAN, M.D.,

WAS CALLED AS A WITNESS BY AND ON BEHALF OF THE COMMONWEALTH
AND, AFTER HAVING BEEN FIRST DULY SWORN, WAS EXAMINED AND
TESTIFIED AS FOLLOWS:

MR. KLOCH: MADAM CLERK, I WILL NEED 3-A THROUGH D.

DIRECT EXAMINATION

BY MR. KLOCH:

Q DOCTOR CHAPMAN, WOULD YOU STATE YOUR FULL NAME AND
OCCUPATION, PLEASE?

A DONALD B. CHAPMAN. I AM AN EMERGENCY PHYSICIAN AT
ALEXANDRIA HOSPITAL.

Q YOU ARE A MEDICAL DOCTOR LICENSED TO PRACTICE IN THE
COMMONWEALTH OF VIRGINIA?

A YES.

Q AND, I CALL YOUR ATTENTION TO THE 28TH DAY OF
NOVEMBER 1986. WERE YOU ACTING IN THE CAPACITY OF A MEDICAL

1 DOCTOR AT THE ALEXANDRIA HOSPITAL ON THAT DAY?

2 A YES, I WAS.

3 Q AND, WHAT PART OF THE ALEXANDRIA HOSPITAL WERE YOU
4 WORKING, DOCTOR?

5 A I WAS WORKING IN THE EMERGENCY ROOM.

6 Q HOW LONG HAVE YOU BEEN EMPLOYED AS AN EMERGENCY
7 PHYSICIAN?

8 A FULL-TIME SINCE JULY OF 1982.

9 Q AND, ON THAT DATE, DID YOU HAVE OCCASION TO SEE A
10 LADY BY THE NAME OF ELLEN WALSH?

11 A YES, I DID.

12 Q AND, DOCTOR, WHEN YOU SAW HER, DID YOU HAVE OCCASION
13 TO TAKE A HISTORY FROM HER?

14 A YES, I DID.

15 Q AND, WHAT WAS THAT, DOCTOR?

16 A IT WAS, ESSENTIALLY, THAT SHE HAD BEEN ASSAULTED
17 AND RAPED AT HER APARTMENT.

18 Q ALL RIGHT.

19 DID YOU DO AN EXAMINATION IN CONNECTION WITH --

20 A (INTERPOSING) YES, I DID.

21 Q (CONTINUING) -- YOUR CONTACT WITH HER?

22 A YES, I DID.

1 Q WOULD YOU TELL THE LADIES AND GENTLEMEN OF THE JURY,
2 PLEASE, WHAT YOU FOUND, DOCTOR?

3 A ESSENTIALLY, THE MAJORITY OF HER INJURIES WERE
4 BRUISES AND ABRASIONS. SHE HAD CERTAIN FORENTIAL BRUISING
5 AROUND BOTH WRISTS. SHE HAD BRUISES ON THE RIGHT SIDE OF HER
6 THROAT. SHE HAD SOME THORASIC BRUISES AND SOME ABRASIONS OF
7 HER LEGS,

8 Q DOCTOR, I AM GOING TO SHOW YOU A SERIES OF
9 PHOTOGRAPHS MARKED COMMONWEALTH'S EXHIBITS NOS. 3-A, 3-B, 3-C
10 AND 3-D, AND ASK YOU IF YOU WILL LOOK AT THOSE AND STATE
11 WHETHER THOSE PHOTOGRAPHS SHOW AT LEAST SOME OF THE INJURIES
12 THAT YOU EXAMINED?

13 A YES, THESE ARE REPRESENTATIVE.

14 Q ALL RIGHT,

15 DOCTOR, DID YOU, ALSO, IN CONNECTION WITH YOUR
16 EXAMINATION AND TREATMENT, TAKE SOME ITEMS OF PHYSICAL EVIDENCE
17 FROM MS. WALSH?

18 A YES, I DID.

19 Q DOCTOR, I AM GOING TO SHOW YOU SOME ITEMS, AND ASK
20 IF YOU WILL IDENTIFY THOSE. I AM GOING TO REMOVE THEM FROM
21 AN ENVELOPE MARKED COMMONWEALTH'S EXHIBIT NO, 17-A. DOCTOR,
22 I AM GOING TO FIRST SHOW YOU AN ENVELOPE MARKED 17-B, AND

1 KINDLY POINT OUT THE INITIALS ON THE BACK, AND ASK IF YOU CAN
2 IDENTIFY THAT?

3 A THESE ARE MY INITIALS. M. C., RIGHT HERE.

4 Q ALL RIGHT.

5 LET ME OPEN IT AT THE TOP, AND, I AM GOING TO FIRST
6 SHOW YOU FOUR VIALS. I AM GOING TO SHOW YOU 17-C, THAT IS A
7 VIAL MARKED CERVICAL, VAGINAL SWABS, AND ASK YOU IF YOU CAN
8 IDENTIFY THAT AND TELL THE JURY ITS SIGNIFICANCE?

9 A YES. THESE ARE MY INITIALS ON THE VIAL. THE SWAB
10 WAS TAKEN, ESSENTIALLY, FROM THE CERVIX AND THE VAGINAL WALL.

11 Q I AM GOING TO SHOW YOU 17-D WHICH IS MARKED THIGH
12 SWAB, AND ASK YOU IF YOU CAN IDENTIFY THAT AND TELL US WHAT
13 IT IS?

14 A YES. THESE ARE MY INITIALS. A SWAB TAKEN FROM
15 AROUND THE VAGINAL AREA OF THE THIGHS.

16 Q OKAY.

17 LIKewise, 17-E MARKED SALIVA SWAB?

18 A THIS WAS, AGAIN, MY INITIALS, PROBABLY TAKEN BY
19 BONITA STANLEY, THE NURSE THAT WAS THERE.

20 Q IT WAS DONE IN YOUR PRESENCE?

21 A RIGHT.

22 Q OKAY.

1 AND, LASTLY, THE VIAL 17-F, WHICH IS MARKED CONTROL
2 SWAB?

3 A THOSE ARE MY INITIALS.

4 Q OKAY.

5 AND, WHAT, IF ANYTHING, DO YOU DO WITH THE CONTROL
6 SWAB?

7 A TO BE PERFECTLY HONEST WITH YOU, I DON'T KNOW.

8 Q YOU DIDN'T DO ANYTHING WITH IT?

9 A I DIDN'T DO ANYTHING.

10 Q OKAY.

11 FINE. WE WILL LET SOMEONE ELSE DEAL WITH IT. I AM
12 ALSO GOING TO SHOW YOU 17-G, WHICH IS MARKED BLOOD SAMPLE, AND
13 ASK IF YOU CAN IDENTIFY THAT?

14 A THESE ARE MY INITIALS.

15 Q ALL RIGHT.

16 17-H IS MARKED HEAD HAIR AND 17-I IS MARKED PUBIC
17 HAIR, WHETHER EITHER YOU OR NURSE STANLEY, IN YOUR PRESENCE,
18 OBTAINED THIS EVIDENCE FROM ELLEN WALSH?

19 A THAT IS MY INITIALS.

20 MR. KLOCH: OKAY.

21 YOUR HONOR, I HAVE NO FURTHER QUESTIONS OF DOCTOR
22 CHAPMAN.

1 THE COURT: ALL RIGHT. CROSS-EXAMINE.

2 CROSS EXAMINATION

3 BY MR. CLARK:

4 Q DOCTOR CHAPMAN, CONCERNING EXHIBIT 17-C THROUGH G,
5 THE VARIOUS VIALS WITH THE SWABS IN THEM, DID YOU OBTAIN THE
6 SWAB SAMPLES YOURSELF, OR, DID SOMEONE ELSE OBTAIN THEM?

7 A I OBTAINED THE CERVICAL AND VAGINAL SWABS. I DID NOT
8 OBTAIN THE OTHER ONES. THEY WERE OBTAINED BY BONITA STANLEY,
9 WHO IS THE NURSE.

10 Q DID YOU OBSERVE THE PROCESS BY WHICH SHE --

11 A (INTERPOSING) THEY WERE OBTAINED BEFORE I WAS
12 ACTUALLY IN THE ROOM, SO, THEY WERE NOT ACTUALLY OBSERVED BY
13 ME.

14 Q SO, OTHER THAN WHAT SOMEBODY MIGHT HAVE TOLD YOU,
15 YOU DON'T KNOW WHETHER THOSE SWABS CAME FROM MS. WALSH OR NOT,
16 IS THAT CORRECT?

17 A YES, THAT IS CORRECT.

18 Q NOW, CONCERNING THE SWABS THAT WERE USED TO RECOVER
19 PHYSICAL EVIDENCE, FROM WHERE WERE THOSE SWABS OBTAINED?

20 A THEY COME FROM OUR STANDARD RAPE KIT.

21 Q ARE THEY PACKAGED INDIVIDUALLY, OR COLLECTIVELY?

22 A I DON'T KNOW THAT. I THINK BONITA STANLEY CAN GIVE

1 YOU BETTER ANSWERS.

2 Q IS THE RAPE KIT IN A STERILE CONDITION BEFORE THE
3 SWABS ARE OPENED?

4 A I BELIEVE IT IS, BUT, AGAIN --

5 Q (INTERPOSING) YOU DON'T KNOW --

6 A (CONTINUING) -- YOU CAN GET A BETTER ANSWER FROM
7 BONITA STANLEY.

8 Q WOULD IT BE FAIR TO SAY THAT YOU DON'T KNOW WHETHER
9 THE SWABS WERE IN A STERILE CONDITION WHEN THEY WERE USED TO
10 OBTAIN THE PHYSICAL EVIDENCE?

11 A I WOULD ASSUME THEY ARE, BUT, AGAIN, NO, I DON'T DO
12 THESE EVERYDAY. I AM NOT REALLY THAT ACQUAINTED WITH THE KIT
13 ITSELF.

14 Q YOU OBSERVED VARIOUS PHOTOGRAPHS, I THINK IT IS
15 EXHIBITS 3-A THROUGH D, TAKEN OF MS. WALSH. WERE THESE PHOTOS
16 TAKEN BEFORE OR AFTER YOU TREATED HER INJURIES? WERE YOU THE
17 ONE THAT TREATED HER FOR HER INJURIES?

18 A YES.

19 Q WHAT TREATMENT DID YOU RENDER?

20 A ESSENTIALLY, IT WAS AN EXAMINATION, AND, I BELIEVE I
21 GAVE HER PROPHYLAXIS, CONTRACEPTIVE PROPHYLAXIS FOR VENEREAL
22 INFECTION.

1 Q WAS THAT A PREVENTIVE MEASURE, OR, WAS VENEREAL
2 INFECTION PRESENT?

3 A IT WAS PREVENTIVE.

4 Q DID YOU TREAT THE BRUISES OR THE ABRASIONS THAT YOU
5 DESCRIBED?

6 A NO. THEY WERE RESOLVED.

7 Q DID YOU RENDER ANY OTHER TREATMENT OTHER THAN WHAT
8 YOU HAVE DESCRIBED TO THE JURY?

9 A NO.

10 MR. CLARK: THANK YOU VERY MUCH, DOCTOR. I HAVE NO
11 FURTHER QUESTIONS.

12 MR. KLOCH: I HAVE NOTHING FURTHER.

13 THE COURT: MAY THE DOCTOR BE EXCUSED?

14 MR. KLOCH: YES, SIR.

15 THE COURT: THANK YOU, DOCTOR CHAPMAN. YOU ARE
16 EXCUSED.

17 (WITNESS EXCUSED.)

18 MR. KLOCH: I CALL BONITA STANLEY, PLEASE.

19 WHEREUPON,

20 BONITA STANLEY,

21 WAS CALLED AS A WITNESS BY AND ON BEHALF OF THE COMMONWEALTH
22 AND, AFTER HAVING BEEN FIRST DULY SWORN, WAS EXAMINED AND