

1 what's been marked as Defendant's Exhibit 31 and just
 2 ask you to sort of glance through these, if you would.
 3 A. Correct, I recognize these.
 4 Q. What are those?
 5 A. This is information from Sadler Clinic and Lab
 6 Corp.
 7 Q. And are those pretty much the records that you
 8 submitted to Dr. Carter for her examination on January
 9 the 3rd of 1999?
 10 A. That's one of them, yes.
 11 MS. TURNER: Pass the witness.
 12 MR. TIFFIN: I have no further questions,
 13 Your Honor.
 14 THE COURT: Have a seat.
 15 Call your next witness.
 16 MR. TIFFIN: Dr. Joye Carter.
 17 (AT THE BENCH, ON THE RECORD)
 18 MR. TIFFIN: Judge, the Trotters
 19 initially did not want to stay in for this. They have
 20 changed their mind. You might want to take the jury
 21 out, and I don't want you to be - I don't know what's
 22 going to happen.
 23 MS. TURNER: I don't think it's a good
 24 idea.
 25 THE COURT: It's going to get rough?

1 no point to it. And I would prefer that you leave.
 2 Now, if you so choose and you desire to be here, I
 3 cannot tolerate an emotional outburst. I'm not going
 4 to go through that again. That was the key point of
 5 error in the Crawford case, the only vote to overturn
 6 that case, and it was an eight to one case. That one
 7 vote was based upon an emotional outburst of a family
 8 member during the trial. I do not think this is a
 9 wise decision. I've been told you family members want
 10 to stay. It's your option. It's your child. I fully
 11 understand your decision either way, but I wish, Nan,
 12 that you would confer with them for a moment and
 13 express what my desire is. All right. I'll take just
 14 a moment to let you talk to them.
 15 (PAUSE)
 16 THE COURT: All right. Anybody else?
 17 Leave now.
 18 Bring the jury back in.
 19 (OPEN COURT, JURY PRESENT.
 20 DEFENDANT PRESENT).
 21 THE COURT: Let's proceed.
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1 MS. TURNER: Yesterday was nothing.
 2 THE COURT: How rough?
 3 MR. CROW: The organs are removed from
 4 her body and split.
 5 THE COURT: These are photographs?
 6 MS. TURNER: Autopsy shots, possibly the
 7 rib cage exposed.
 8 THE COURT: There's Pam. Where is
 9 Nancy?
 10 MR. TIFFIN: Nan's there.
 11 MR. CROW: They're afraid of a
 12 breakdown.
 13 MS. TURNER: The ligature around the
 14 neck.
 15 (BENCH CONFERENCE ENDS)
 16 THE COURT: Take the jury out.
 17 (OPEN COURT, JURY NOT PRESENT,
 18 DEFENDANT PRESENT)
 19 THE COURT: All right. Let's be
 20 seated.
 21 Now, Dr. Carter is the Medical Examiner
 22 who did the autopsy on Ms. Trotter. My experience is
 23 this is going to be fairly vivid testimony, and you
 24 family members who have elected to stay in the
 25 courtroom, really, I'm advising you not to. There's

1 DR. JOYE CARTER,
 2 having been first duly sworn, testified as follows:
 3 DIRECT EXAMINATION
 4 BY MR. TIFFIN:
 5 Q. Would you state your full name, please?
 6 A. My name is Joye Maureen Carter.
 7 Q. What position do you hold, please, ma'am?
 8 A. I'm the Chief Medical Examiner for Harris
 9 County, Texas.
 10 MR. TIFFIN: Can I have this marked,
 11 Irene?
 12 (STATE'S EXHIBIT NO. 265 WAS
 13 MARKED FOR IDENTIFICATION)
 14 Q. (BY MR. TIFFIN) Dr. Carter, I show you what's
 15 been marked as State's Exhibit 265 and ask you if you
 16 recognize that document?
 17 A. Yes, I do.
 18 Q. What is it?
 19 A. It's a copy of my Curriculum Vitae.
 20 MR. TIFFIN: Your Honor, I'm going to
 21 submit and offer State's Exhibit 265 and tender to
 22 counsel for inspection and offer Dr. Carter as an expert
 23 witness in the field of forensic pathology.
 24 MS. TURNER: No objections to 265.
 25 THE COURT: Admitted. The Court so

1 designates the Doctor as an expert in the field of
2 pathology.

3 Q. (BY MR. TIFFIN) Dr. Carter, tell the Jury
4 what educational and professional training you have
5 that qualifies you in the field of medical pathology.

6 A. I obtained my undergraduate degree in Biology
7 and Chemistry from Wittenberg University, Springfield,
8 Ohio. I obtained my medical degree from Howard
9 University College of Medicine in Washington D.C. I
10 performed an Internship in internal medicine in New York
11 City. I performed a residency program in pathology,
12 both anatomical and clinical pathology, at Howard
13 University Hospital. Anatomical is the examination of
14 the body to determine what diseases or injuries of the
15 individual. Clinical pathology is used in the
16 laboratory to make a diagnosis of drugs or disease
17 through the body fluids. I then performed a forensic
18 pathology fellowship in Miami, Florida. And after
19 medical school, I was an officer in the United States
20 Air Force. I was a Major in the Air Force. I obtained
21 a Board Certification in the areas of anatomical
22 pathology, clinical pathology and forensic pathology.

23 Q. Dr. Carter, do you likewise have expertise in
24 the field of serology?

25 A. Yes, I've had training in serology as a

1 pathologist.

2 Q. What is forensic pathology, please?

3 A. Forensic pathology is a specialization of
4 pathology. Pathology, itself, is a study of the
5 disease, the basis of medicine. You add on forensic
6 pathology, it is the medical, legal investigation of
7 death where you look at injuries and diseases that
8 leads to an individual's death.

9 Q. And could you also explain the field, what is
10 serology, to the ladies and gentlemen of the Jury?

11 A. Serology is another specialized area where
12 you examine the body fluids to determine whether or
13 not you have human fluids and also in the areas of
14 DNA.

15 Q. Does that also have to do with blood?

16 A. Yes, it does.

17 Q. So the jury is clear, a curriculum vitae, is
18 that a resume?

19 A. It is a resume involving all of your
20 education, background, lectures, training that you had.

21 Q. In your capacity as Medical Examiner, do you
22 perform autopsies?

23 A. Yes, I do occasional autopsies.

24 Q. Do you perform autopsies for Montgomery
25 County?

1 A. Yes, I do.

2 Q. How does that work exactly, since you are
3 with the Harris County M.E.'s Office? How does that
4 work?

5 A. There is a contract through the County
6 Commissioners of Harris County to perform autopsies,
7 perform examinations on persons who have died in
8 Montgomery County.

9 Q. Could you please explain what an autopsy is?

10 A. An autopsy is a complete examination of the
11 deceased body. Since pathologists are physicians and
12 we do deal with the dead, we cannot obtain a history
13 from those individuals. We must do a very careful
14 examination of the body. That's what autopsy is. It
15 involves both external examination of the outside of
16 the body, as well as looking at the inside of the
17 body, all the organs, documenting whether or not
18 there's injury there and collecting body fluids,
19 toxicology for that examination.

20 Q. Dr. Carter, during your career, approximately
21 how many autopsies have you performed?

22 A. I performed over 2,000 autopsies during my
23 career.

24 Q. Have you ever testified before as an expert in
25 the area of forensic pathology?

1 A. Many times.

2 Q. I want to direct your attention back to
3 January 3rd of 1999 and ask you if you conducted an
4 autopsy on a person who was purportedly identified as
5 Melissa Trotter?

6 A. Yes, I did.

7 Q. Does your office have any unique numbering
8 system that ya'll assign to the particular bodies that
9 come in there?

10 A. Yes, we do.

11 Q. Did you assign a number to the body that came
12 in that purported to be Melissa Trotter's?

13 A. Yes, we did.

14 Q. What was that number, please?

15 A. That number was CC99-2.

16 Q. Now, during your, when you do an autopsy,
17 after you do that, do you put your findings in some type
18 of report?

19 A. Yes, the findings are dictated while the
20 autopsy is being performed and then typed into a report.

21 Q. Are you the custodian of records for autopsy
22 reports performed in the M.E.'s Office?

23 A. Yes, I am.

24 Q. I want to show you what - I'll get this
25 marked, please.

17

1 (STATE'S EXHIBIT NO. 266 WAS
2 MARKED FOR IDENTIFICATION.
3 Q. (BY MR. TIFFIN) I will show you what's been
4 marked as State's Exhibit No. 266 and ask you to look at
5 that, if you recognize it?
6 A. Yes, I do.
7 Q. Is that record kept in the regular course of
8 business at the Harris County Medical Examiner's Office?
9 A. Yes, it is.
10 Q. Did an employee or representative of the
11 Harris Medical Examiner's Office make that record or
12 transmit the information regarding acts and events,
13 conditions, opinions or diagnoses in that record?
14 A. Yes, they did.
15 Q. Was it done at or near the time or reasonably
16 soon after the event?
17 A. Yes, it was.
18 Q. And did the employee or representative who
19 made the entries have actual knowledge of the event?
20 A. Yes.
21 Q. And this is a copy of the original; is that
22 not true?
23 A. Yes, it is.
24 Q. Where is the original?
25 A. The original report is actually with the

1 break down, change color and become very soft and
2 lumpy.
3 Q. Did you do an external examination of the
4 body?
5 A. Yes, I did.
6 Q. And did you have any particular findings at
7 that time?
8 A. Yes. The body was presented clothed and
9 there was an apparent injury to the neck, as well as a
10 ligature tied around the neck.
11 Q. I want to show you what's been marked as
12 State's Exhibit Nos. 132 through 161, I believe,
13 inclusive, and ask you if you would take a look at
14 those and see if you recognize those.
15 A. Yes, I do.
16 Q. Do these fairly and accurately depict the
17 events as recorded in each photo?
18 A. Yes.
19 MR. TIFFIN: Your Honor, at this time
20 I'm going to offer State's Exhibits 132 through 161,
21 inclusive, and tender those to counsel for inspection.
22 (STATE'S EXHIBIT NOS. 267 THROUGH 271
23 WERE MARKED FOR IDENTIFICATION)
24 MS. TURNER: No objection.
25 THE COURT: Admitted.

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1 County, with the J.P. from Montgomery County.
2 MR. TIFFIN: Your Honor, at this time,
3 I'm going to offer State's Exhibit 266 and tender to
4 counsel for inspection.
5 MS. TURNER: We would object to 266 as
6 it's improper bolstering. Dr. Joye Carter has not
7 testified yet, and I believe, if it is ever going to be
8 admitted, it is untimely being offered at this time and
9 I object to it on that basis.
10 THE COURT: Overruled. Admitted.
11 Q. (BY MR. TIFFIN) Dr. Carter, take a look at
12 what's been admitted as 266. Is there a number on that
13 particular document, a Harris County Medical Examiner's
14 number?
15 A. Yes, sir, there is.
16 Q. What is that?
17 A. OC99-2.
18 Q. When you conducted your autopsy on the person
19 purportedly identified to you as Melissa Trotter, can
20 you describe the general condition of the body when you
21 began your autopsy?
22 A. Yes, I can.
23 Q. Would you please do that for us?
24 A. The body was received in a state of moderate
25 decomposition, that means the body tissue had begun to

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1 Q. (BY MR. TIFFIN) In addition, Dr. Carter, I
2 show you also what's been marked State's Exhibits 267,
3 268, 269, 270, 271 and ask you to take a look at
4 those, please, see if you recognize those.
5 A. Yes, I recognize them all.
6 Q. Do they fairly and accurately depict what they
7 purport to show on those photographs?
8 A. Yes, sir, they do.
9 MR. TIFFIN: Your Honor, at this time,
10 we offer State's Exhibits 267 through 271, inclusive,
11 and tender to counsel for inspection.
12 MS. TURNER: No objections to 267
13 through 271.
14 THE COURT: Be admitted.
15 Q. (BY MR. TIFFIN) Dr. Carter, I'm going to
16 place on the monitor here State's Exhibit No. 132 and
17 ask you if you could, please, could you describe what
18 that is.
19 A. Yes. This is the body of the female that was
20 later identified as Ms. Trotter. This is prior to the
21 internal examination where I'm doing the external
22 examination of the body. The body is still clad with a
23 dark sweater here. There's decomposition of the face,
24 and the body is laying in a position for photographs.
25 Q. I want to show you what's been previously