VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF STAFFORD

COMMONWEALTH OF VIRGINIA :

vs. : CR05000809-02

JOHN JOSEPH ROGERS : CR05001101-00,01,02,03

Complete TRANSCRIPT of all the evidence and other incidents of the eighth day of trial in the above styled case, when heard on August 25, 2006, at 9:03 a.m., before Honorable J. Martin Bass, Judge, with a jury.

APPEARANCES:

Ms. Sarah L. Deneke, Attorney at Law
P.O. Box 66, Stafford, Virginia 22554-0066
Deputy Commonwealth's Attorney;

Ms. Teresa A. Polinske, Attorney at Law
P.O. Box 66, Stafford, Virginia 22554-0066
Assistant Commonwealth's Attorney;

Mr. Joseph T. Flood, Capital Defender
7900 Sudley Road, Suite 208
Manassas, Virginia 20109
Counsel for the Defendant;

Reported by: Lola Gail Serrett

I N D E X

	DIRECT	CROSS	REDIRECT	RECROSS
Daniel Pittman	6	15		
Benjamin Dueno, Jr.	20			
Steven Corbally	29	38	46	
Jack Daniel, M.D.	49	106	131	
Neal Haskell, Ph.D.	144	176		
Gene Giles	182			
Donald Lenhart	188	199	205,209	208
Jonathan David Reeves	212	247	261	
JJ Nicholson	265	273	274	
Adrian Thomas	276	299	303	
Sam Dworkin	311	326	331	
Che Joplin	332	347	354	
Richard J. Leonard	363	368		

it. Thank you.

NEAL HASKELL, Ph.D., a witness, being called for examination by counsel for the defendant, first being duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. FLOOD:

Q Good morning, Doctor Haskell.

A Good morning.

Q Could you state your name for the record, please?

A Neal Haskell. It's N-E-A-L H-A-S-K-E-L-L.

Q I notice you have your collar up in the bock.

A Oh, okay. Well, let's fix that.

Q Ordinarily, we tell our witnesses that they have to speak up, but I think you're not going to have any problems communicating to the jury. What's your occupation, Doctor Haskell?

A I'm an international forensic entomology consultant. I'm also a college professor.

Q And where do you -- where are you employed as a college professor?

A A little Catholic School in northwest Indiana, Saint Joseph's of Indiana in Rensselaer, Indiana.

Q Okay. What is forensic entomology?

A In the general terms, forensic entomology is the study of insect or entomology associated with courts of law.

Q Now, starting with your bachelor's degree, would you please give the jury an overview of your education from your bachelor's degree to present.

Q I received a bachelor of science degree from Purdue University in entomology in 1969. Later on, I went back to graduate school and completed a master of science degree in forensic entomology from Purdue University in 1989. And then, in 1993, also, from Purdue University, I finished my Ph.D., that was also in forensic entomology, specifically, in forensic entomology, studying that specific field.

Q And pursuant to your Ph.D. studies, did you complete a dissertation?

A Absolutely. Master's, I did a thesis for my master's and a dissertation for my Ph.D.

Q When you get a degree in forensic entomology, do you just take courses on bugs?

A Absolutely not. What we try to do is associate -- put the -- draw the association between the insects that are going to be colonizing the decomposing humans and other animals and then, also couple that with the understanding of the human body and some pathology and human anatomy and physiology, so that we can relate to the forensic pathologist when they do their reports in determining the autopsies and cause and manner of death. Also, importantly, with that is the study of the climatological aspects because it's the temperatures and the climate that -- that affect the behavior of the insects and drive their growth and development because they're cool blooded creatures.

Q Now, with respect to your education and training, Doctor Haskell, did you take courses and studies outside entomology, specifically?

A Absolutely.

Q And what areas did you study as part of your course work?

A Primarily, as I said, climatology. Also, medical school courses. As I said, I wanted to learn about how the interaction between the insects and the human body would take place when you have decomposition. I studied decomposition. And then, also, a little bit of forensic anthropology.

Q Now, you just word -- used the word, decomposition, which has been discussed in various parts of this trial. Can you tell the jury, from your perspective, what decomposition is?

A Decomposition starts immediately after death and, in rare cases, it can start before death, but it starts immediately after death and goes through a progression of many bio -- biochemical changes over time and decomposition is primarily affected in how fast or how slow it progresses with regards to temperature and with regards to geographic location, season of the year and things like.

Q In your training and education, did you

receive or complete course work in studying decomposition and time of death issues?

A Primarily in the study -- when I studied pathology and, specifically, forensic pathology at the Indiana University School of Medicine, -- we definitely studied those issues, in particular, because it's going to be insects that really help determine the time of death.

Q So, is it fair to say that forensic entomology includes decomposition and time of death issues and stuff?

A Absolutely.

Q And that's a significant part of your course work in completing your Ph.D., is that correct?

A Absolutely.

Q Now, since receiving your Ph.D., have you received specialized training in decomposition and time of death issues?

A Well, with regards to -- with regards to research, of course, a good scientist will try to continue to do research long after they've had their degrees and, of course, many of the research studies that we've done in the

past generate additional questions for further research studies that need to be done. So, I've been active in the last twenty-five years doing all sorts of research with regard to decomposition and the insects associated with that.

Q Can you give the jury some -- some sense of the type of research that you've done?

A Well, I've looked at -- looked at hundreds of -- thousands of dead animals. Pigs, primarily, but we -- you know, we look at and study rotting deer carcasses and dead dogs and dead possums and racoons and whatever else we can find along the roads and so forth. A lot of my survey techniques will be driving across the country or driving across the state, whatever, we'll find road kills. We meaning my family, my kids and other colleagues. We get a lot of information about where we find different flies at different times of the year by stopping at these road kills and getting the insect net out and collecting the adult specimens that are associated with them.

Q Have you done similar studies involving human beings?

A Yes, I have. I've had one of the unique

-- unique opportunities to study human, actual human -- a number of timed and designed human decomposition studies at the Anthropological Research Facility at Knoxville, Tennessee, better known as the Body Farm.

Q Okay. Can you describe, briefly, for the jury what -- what the body farm is and what is the purpose of the body farm and, when you go there, what are you doing?

A Well, originally, the Body Farm, the Anthropological Research Facility at the University of Tennessee, Knoxville was designed by the anthropology department, the physical anthropology department, the anthropologists, of course, are those folks that study the bones. And most of the bone collections were in three major collections across the country and were not representative of our modern day population, so Doctor William Bass and others across the country decided they would try to have donated bodies of known sizes and race and sex and so forth from which to start from and then, take them down to the skeletal remains. We'd have a freshly dead human that was donated to University of Tennessee, Knoxville. They would take that body to skeletal remains and then they would -- they had the information about

the -- the pre-death -- post -- antemortem factors of this individual and then they would -- then they could determine, based on the bones, measurements of the bones and lengths and girth and so forth of different bones, how that -- how those predeath characteristics resulted in a postmortem bone human skeletal computations. So, Doctor Bass designed this unique facility where he was allowed to place out humans and -- freshly dead humans that had been donated to the facility and then watch the progression of decomposition. Well, what Doctor Bass realized, after doing this for a few years --

MS. POLINSKE: (interjecting) Judge, I'm going to object to him telling what Doctor Bass -- he hasn't been qualified as an expert yet and I don't know what his participation in this particular study was. I object to this line of testimony.

THE COURT: And I think the question was what was the Body Farm in Knoxville, so -- let's go on to something else. Sustained.

Q Now, that the jury, sort of, has a basic understanding of what the Body Farm is, I'd ask you, have you done significant research and spent significant amount of

time at the Body Farm researching decomposition?

A Absolutely.

Q Okay. In your training and education, have you had opportunity to be involved in autopsies?

A Absolutely.

Q Were you, at one point, employed or worked as a diener?

A I was not employed. I worked -- worked in my forensic pathology study as one who assisted in the -- in the autopsies with the forensic pathologist and the diener would be a term that would be used for what, basically, I did, was the -- the initial dissections of the remains.

Q Now, based on your research and training, have you published in the area of forensic entomology, decomposition and time of death issues?

A Yes, I have.

Q And have you published in peer review journals?

A Yes, I have.

Q And just so the jury understands, what's a peer review journal?

A A peer review journal would be -- or a peer review publication would be a publication where scientists of -- of my qualifications and discipline would have an opportunity to look over what I've written and then, make suggestions on how maybe improve -- improve the publication and make it a better publication. So, it's reviewed, usually, by two folks, maybe -- in some of the book chapters I've done, I know we've had reviews of maybe three or four.

Q Okay. You mentioned book chapters. You've also published chapters in books?

A Yes, I have.

Q And what kind of books have you published chapters in, Doctor Haskell?

A Books that -- that are, more or less, textbooks for medical doctors and lawyers trying to get a grasp and understand forensic entomology and forensic science as a whole. I published, with Doctor Werner Spitz, the -- his major work in forensic pathology, I did the main chapter for him. I worked with Doctor Syril Wecht and -- on a number publications. *Forensic Science*, a big volume that he does on the different forensic science disciplines. And then, I

think he did a chapter called *Forensic Science and the Law* and another book chapter in a textbook called *Legal Medicine* and then, of course, my -- my first claim to fame with regards to getting a procedural guide out for police officers and coroners and medical examiners is that I was -- I was associated with the publication of a book called *Entomology and Death*, back in 1990.

Q Is that this book right here?

A Yes, it is.

Q And is that a standard guide in the field of forensic entomology?

A It absolutely is and it's been -- I work with a lot of foreign countries with forensic pathologists and forensic entomologists in these foreign countries around the world and that book has been established, basically, as the -- in part or in total, some of the procedures that are done when we investigate a decomposing body at a site anywhere in the world.

Q Now, you mentioned a chapter in Doctor Werner Spitz's book. What's the title of that book?

A *Medicolegal Death Investigation*, I think,

I'm not a hundred percent sure on the title.

Q And, as you know, is that a standard text in the field of forensic pathology?

A It certainly is.

Q And did you publish or did you -- the chapter on forensic entomology that your wrote appeared in that book, is that correct?

A That's correct.

Q Prior to your testimony here today, have you previously been qualified as an expert in the areas of forensic entomology, decomposition and time of death?

A Absolutely.

Q And, in that capacity, have you testified in courts of law in the United States on those issues as an expert?

A Yes, I have.

Q And can you give the jury some -- some sense of how many times you've testified as an expert witness on forensic entomology, decomposition and time of death?

A Approximately, under oath, about a hundred times.

Q Have you testified in capital cases, Doctor?

A Many.

Q Have you testified in federal court?

A Yes.

Q And have you given opinions, based on your experience and training, in the areas of forensic entomology, decomposition and time of death?

A Absolutely.

Q Are you currently retained in Virginia on other cases involving your experience and training as an expert witness?

A That's right. I've got -- I've got a subpoena for Virginia Beach right now. I think we go in September for the prosecution.

MR. FLOOD: May I approach, Your Honor?

THE COURT: Yes, sir.

Q Showing what's been marked as defendant's exhibit twelve, I'd ask if you could identify that for the jury.

A That's my curriculum vitae.

MR. FLOOD: At this point, Your Honor, I would offer Doctor Haskell's curriculum vitae as defense exhibit twelve and him as a qualified expert in the field of forensic entomology, decomposition and time of death issues.

THE COURT: Ms. Polinske, do you wish to ask questions of the witness on his qualifications? And do you have any objection, at this point, to Defendant's Twelve?

MS. POLINSKE: No. Your Honor, no objection to either defense twelve or his acceptance as an expert.

THE COURT: Then Doctor Haskell is accepted as an expert witness in the field of forensic entomology, decomposition and time of death issues, and defendant's twelve is received without objection.

NOTE: The above referred to curriculum vitae is now being marked and filed by the Court as Defendant's Exhibit Twelve.

Q Now, Doctor Haskell you became engaged in this case last week, is that correct?

A That's correct.

Q And you were provided materials to review in anticipation of your involvement in the case, is that correct?

A Yes.

Q And could you tell the jury the materials that you reviewed in anticipation of your testimony here today?

A The material that I reviewed and looked at included the finial autopsy report from Doctor Gormley, 7/1/05; the amended autopsy report, Doctor Gormley, 8/12/05; report of the medical examiner, Doctor Phillips, 4/10/05; testimony of Harvey Carey; stipulation regarding times related to body recovery, transport and cooling; approximately, a hundred photos or so regarding the scene and autopsy; two forensic toxicology reports reporting ethanol content in blood and urine; weather conditions from Quantico and Manassess for April 6th thru 10, 2005; and then, a few miscellaneous police reports.

Q Have you -- I may have missed it. Did you review the testimony of the first person to observe --

A (interjecting) Yeah. That was -- that was Mr. Carey, I believe.

Q Now, when you become engaged in a case like this, Doctor Haskell, what are the factors that you consider or look at when you evaluate the time of death of a particular person that's found? In this case, Ms. Madaris?

A Well, with forensic entomology, we're looking at the presence or the lack thereof of the insects that would come in and colonize and we take in consideration season or time of year. We take in consideration, of course, temperatures for the period in question. We take in consideration environmental factors that might affect, positively or negatively, temperatures and the behavior of those insects. And then, of course, if there are insects present, we would take those into consideration, too.

Q And in this case, did you take those factors into account?

A Absolutely.

Q Now, with respect to the insects, are you

familiar, based on your experience and training and familiarity with the literature, the types of insects that are indigenous to Virginia?

A Yes. I -- I've studied. I've had probably maybe eight, nine, maybe even up to a dozen death cases from Virginia directly, so I've have an opportunity to see those specimens at different times of the year, too.

Q And in this case, in particular, did you take into account the weather -- the prevailing weather conditions at the crime scene or near the crime scene?

A I certainly did.

Q Okay. Based on your experience and training, Doctor, and the materials that you have reviewed in anticipation of your testimony here today, do you have an opinion, within a reasonable degree of scientific certainty, as to the time of death of Ms. Madaris?

A I certainly do.

Q And what is that opinion?

A I believe that at least eighteen hours would need to have transpired for a minimum time and it could be out to thirty-six or thereabouts, maybe even more.

Thirty-six hours.

Q Now, what is that opinion based on?

A It's based on a number of factors, including the time of the year. It's based on the observations of Mr. Carey and the bugs that he saw on the remains. It's based on the temperature for the prevailing days. I assessed four days, from the 6th thru the 10th, looked at those. And then the descriptions of flies and so forth present at the scene on recovery. And then photographs of the remains while at the site before recovered and brought to autopsy.

Q Now, going in reverse order, what is significant about photographs that you reviewed in this case that informed your opinion?

A Well, in the photographs at the scene, I see -- I see putrefaction occurring up in the face area where we had tremendous amounts of trauma to that area, and darkening and blackening of the tissues, consistent with putrefaction. Putrefaction being the process by which external organisms outside, bacteria, molds and so forth, will start to break down the tissues, the individual cells of those tissues and render them into a -- into a fluidly mass of

goop, eventually.

Q Based on your training and experience, Doctor, can you give an opinion, to a reasonable degree of scientific certainty, if the state of decomposition that you observed in those photographs is consistent with Ms. Madaris' body being at the crime scene for twelve hours or less?

A It is not consistent.

Q Now, you've used a word here, and although I think the jury's heard this a few times, could you just tell me what you mean by putrefaction? What -- when you use the term, putrefaction, what are you saying?

A Putrefaction is the external breakdown -- in other words, from outside -- of the cells based on bacteria and other microorganisms that will generate and secrete chemicals that break down the cell membranes. Now, animal cells also have substances in each cell which will rupture upon death and then dissolve the cell membranes from the inside, so -- but putrefaction is the external effect of, primarily, microorganisms exerting their biochemicals to breakdown the cell tissues and the cellular material of an organism.

Q Is it fair to say that putrefaction is a biochemical process?

A Absolutely.

Q Is -- are biochemical processes, like putrefaction, affected by temperature?

A Yes. There's -- all of these chemical reactions are affected by temperature.

Q In the scientific community, is there a theorem or an understanding about the ratio of temperature to the -- to a biochemical process?

A Certain biochemical processes are -- and kind of a rule of thumb with regards to materials passing through cell membranes and the cell's membranes reaction to certain things is about, for every ten degrees centigrade, every ten degree centigrade higher or lower -- if it's lower, then it'll double the time it takes for that reaction to take place. If it raises by ten degrees, the rule of thumb it will speed up that process by about half -- or twice. It'll be twice as fast.

Q Okay. It's my understanding that your opinion here as to the time of death is informed by primarily

three factors; decomposition, the prevailing weather conditions and the presence or lack of insect activity, is that correct?

A That's correct.

Q Now, moving to temperatures, Doctor, did you review material related to the temperatures here?

A Yes, I did.

Q And you're familiar with the prevailing temperatures at or near the crime scene, is that correct?

A That's correct.

Q And, in your opinion, are those temperatures particularly cool when it comes to bug activity?

A Particularly cool and even cold.

Q Okay. Could you give the jury some understanding about when flies and other types of insects that are attracted to human or -- human or animal remains become active?

A Through our studies and through the literature and through other studies, we've found that, kind of, around fifty degrees is a start place above which the critters kind of think about starting to get flying and warm-

ing up and so forth. When we move into the upper fifties and into the lower sixties, we have -- we have a situation going where, well, yeah, they might, or they might not. It can be -- there can be delays. When we get into temperatures seventy-five -- seventy-five to ninety, for instance, that's hot and, with regard to some of my forensic fly friends, they can be -- they can be active within a matter of seconds or a matter of minutes of a person dying if they're out and available in the environmental conditions and under temperature regimes that are hot.

Q Based on your training and experience, including your research at the Body Farm, I want to ask you a question about fly activity and, specifically, fly laying activity. Based on your experience, can you testify to a reasonable scientific certainty whether flies lay eggs at fifty-five degrees or below?

A Yes, I certainly can, because I did a two year study at -- in Indiana regarding that very -- that very subject and --

MS. POLINSKE: (interjecting) Judge, objection, non-responsive. The question is what's

his opinion, yes or no.

THE COURT: Well, he was -- he said, yes, he can, based on -- why don't we get to what he's going to tell us.

Q And what's your opinion, Doctor?

A Fifty and below, no.

Q How about fifty-five?

A Maybe. They might be active and maybe -- may be laying eggs, but really taking a long time to get it done.

Q And very unlikely?

A Oh, very unlikely. Yes.

Q And what is that opinion based on, Doctor?

A Again, as I was going to say, research, a two year -- two year study regarding my dissertation on when the flies become active, when they lay eggs and when they quit. It's basically over a day like -- a day period called the diurnal activity of the blowflies.

Q Now, you used the word, blowflies. Could you explain to the jury what a blowfly is?

A Yes, I sure can. A blowfly is not just

one kind of fly. A blowfly is a family or a grouping of flies. You'd recognize these. I'm sure, most of you, if not all of you, have seen these. They're brightly metallic green and big blue metallic colored flies that we see around the dead animal out along the road or we see, possibly, around our garbage can because they're coming in for the meats that are there or, in the cooler times of the year, particularly in the fall, you'll be sitting in by your reading lamp and darkness is closing down and you hear this big loud buzzing fly and it'll being banging into, bang, bang, bang in the lampshade. Those are our blowfly friends. And those are the ones that are, specifically, the primary indicator species or group that we use and, as I said, there are -- they're not just one kind of a fly. There are about ninety different species or kinds of blowflies in North America, of which about -- about forty-five to fifty-five of them are used across North America in forensic work.

Q As a general matter, when we were talking about fly laying activity by blowflies, are these the species of blowflies that you're talking about?

A Yes.

Q And to reach a particular conclusion, you actually have to know the species of a fly, isn't that correct?

A Well, we would like -- I mean, that would be the best. Can we -- can we make estimates based on not knowing a species, yes, we can, but we have to widen the confidence interval that we make. We -- instead of being able to say, plus or minus twenty-four hours, we may have to go out to plus or minus seventy-two hours because we have to encompass all the potential species that are available at the particular time and season.

Q And you're familiar with the blowflies that are indigenous to Virginia, is that correct?

A I certainly am.

Q Can you explain to the jury, to a reasonable degree of scientific certainty, why there are no flies eggs in -- in the open wound in Ms. Madaris' face?

A Because, in my opinion, I think it was too cool to allow the flies the opportunity to be attracted and give mother fly the opportunity to check things out, is this where I want to put my kids for the next generation. Mother

blowfly has a responsibility, sole responsibility of carrying on the genetic material for the next generation, so mother fly has to get out and check things out and if the temperature is -- even the temperatures the day before, temperatures in the low to mid sixties, that is not very conducive for mother fly getting to it very quickly. As I said, if we have hot temperatures, eighties and nineties, for instance, mother flies will be on there, they'll be checking it out and they'll be laying eggs within the first forty-five minutes to hour, hour and-a-half, two hours.

Q How do bugs, like flies, know that there's a decomposing body?

A Most of the insects that come into decomposing bodies are attracted by odors and some of the odors can occur immediately after death and do, because the blowflies, when it's warm enough again, the blowflies will be there within seconds to minutes and they'll be -- they'll be bodies you and I can't even smell yet that these blowflies can be attracted in from over a mile, a mile and-a-half away. And so, it's chemical cues, odors are being emitted, the blowflies have very, very keen chemical sensors on their --

their appendages and so, they will home in on the odors, get there, check it out, make sure that it's for real, make sure that the source is available and then, once mother fly decides it's time to start laying eggs and it's adequate food source, she'll start laying eggs. And then as she lays eggs, then other -- chemicals are given off from her egg laying, other flies -- other flies of her kind, other blowflies are attracted in and we get what is known as oviposition or egg laying frenzy. That's when there are literally tens, if not hundreds of flies, in and about and they're all laying eggs.

Q Now, in this case, there is decomposition to the face, is that right?

A Yes.

Q And your testimony is that that's consistent with the body being exposed to the elements for at least eighteen hours?

A Yes.

Q Based on your training and experience, Doctor, was there sufficient decomposition, based on the photographs that you saw and the material that you reviewed, in Ms. Madaris' face that would have attracted blowflies?

A Yes. The decomposition was adequate. What was not adequate were the temperatures.

Q Now, there was testimony that the jury heard about bugs being observed on the victim's face, as well?

A Yes.

Q There is also testimony from the medical examiner that, when he looked at the body or examined the body, there was no evidence of insect activity, including bugs or beetles or flies. Can you explain that seeming contradiction?

A To me, it's no contradiction at all. What we have, with regards to the blowflies and not being -- not having eggs present makes certain since that, again, it was too cool for the blowflies to be in and doing this, what's called oviposition or egg laying frenzy at the temperatures we had and given the situation where we had the body recovery taking place. With regards to these -- the many bugs that Mr. Carey had observed upon finding the remains, that is easily answered by the fact that, early on, early on in decomposition and when we have cool temperatures, beetles,

rather than flies will come into the body and can be in great numbers early on. The thing about the beetles are that they can be easily disturbed. They scurry off. You've got to be quick. If you're catching beetles, you got to be quick because they're fast crawlers and they scurry off into the grass and the soil and you can lose them very, very quickly. And so, you know, I'm not surprised at all that there was observations of bugs, the beetles, and no fly eggs, because the flies hadn't gotten there -- gotten there in quantities yet to start laying the eggs.

Q Okay. I think what you're talking about is human activity?

A Yes.

Q What is the impact of human activity on beetles or bugs that are observed on a corpse like this?

MS. POLINSKE: Judge, I'm going to object. There was absolutely no testimony before this Court that beetles were present on this body. The testimony was, by way of defense exhibit D-3, that there were two flies found on Ms. Madaris' body at the crime scene and then, the observations of Mr.

Carey concerning what he saw when he first got to the body. There is no evidence before this Court of beetles, so this is not relevant.

THE COURT: I'm not aware of any testimony regarding specific species of beetles. I don't think that --

MR. FLOOD: I'll --

THE COURT: But you can ask the question about the impact of human activity to insects.

Q What is the -- now, assume -- I'm going to ask you a hypothetical, Doctor. Assume that the first person who comes to the crime scene sees the bugs in -- in the injured area of Ms. Madaris' face, but there's no evidence, at that time, that there are flies flying around. Are you with me so far?

A Sure.

Q What would be the impact, after that point, of human activity on those bugs that were observed on the victim's face?

A The bugs would be disturbed and they would

scurry off into the soil and grass and leaf litter and cover.

Q So, it's not surprising to you that they would not be recovered or they would not be present a day or two later during the autopsy?

A Absolutely not.

Q Is it your testimony here today that -- well, how about human activity on flies? Are flies as sensitive to human activity as other types of bugs?

A In my experience, not the -- flies are pretty persistent, particularly when you get a lot of the decomposition odors cranking on at the higher temperatures. Again, at temperatures of what we have here, decomposition odors would be somewhat suppressed to a degree and the flies can be a little timid, too, but, you know, they'll be around and that's -- I actually found one in one of the scene photographs and I wasn't surprised to see that. That would be what I would expect.

Q Now, you're testifying right now as a scientist, based on your research and your training and experience, is that true?

A Absolutely.

Q But that's sort of commonsense, too? Everyone has had flies in a garbage can that come back after being disturbed, is that right?

A That's correct.

Q Are other bugs more sensitive than flies in that regard?

A Well, the beetles -- beetles are -- again, would be the most logical critter to be -- have been observed as a bug and they are definitely -- and the ground crawlers, specifically, are fast, but they can't -- they can fly, but in escape mode, they're running away. And they're fast, fast runners, fast ground crawlers. When they -- they go scooting very, very quickly and they go for cover.

Q And it's fair to say that when a bug is closer to the ground and is a ground crawler, its access to escape is more readily available then a fly?

A Yes.

Q Is that part of the basis for your opinion here today, Doctor?

A It certainly is.

MR. FLOOD: If I could have a moment,

Your Honor?

THE COURT: Certainly.

MR. FLOOD: Doctor Haskell, I don't have any more questions for you at this time. The Commonwealth might. Thank you.

THE COURT: Cross examine?

CROSS EXAMINATION

BY MS. POLINSKE:

Q Doctor Haskell, just a very, very few questions that I'd like to ask you. You testified that --

A (interjecting) Very, very what? I'm sorry.

Q Very few questions.

A Oh, all right.

Q You've testified that you reviewed Quantico weather data?

A That's correct.

Q Okay. And so, you would agree that, on April 8th of 2005, the high temperature for the day was about sixty-three degrees?

A That's correct.

Q Okay. And you would agree that, on April 9th of 2005, the high temperature was sixty-four degrees?

A I would agree to that.

Q Okay. And you would agree that, on Sunday, April 10th, at the time Lisa Madaris' body was found, the temperature at that time was fourteen degrees Celsius, which is about fifty-seven point two degrees, isn't that correct?

A That's correct.

Q Okay. And your temperature -- or your testimony today was that, at fifty to sixty degrees, low sixties, is too cool for flies to lay eggs, is that correct?

A No, no. I didn't say -- no, that's not quite correct. If -- if -- their oviposition behavior would be retarded or restricted at that. It's not too cold to lay eggs. It would be restricted and -- and have I seen bodies that have been out for a couple of days at sixty degrees and no oviposition taken place, yes, I have.

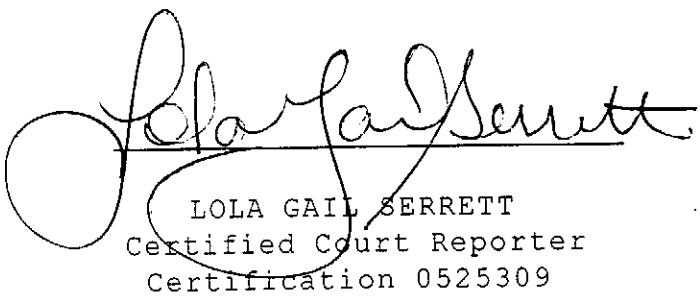
Q And you've also seen bodies that have been out for a couple hours in those same temperatures that don't

CERTIFICATE OF COURT REPORTER

I, LOLA GAIL SERRETT, hereby certify that I, first being duly sworn, was the Court Reporter in the Circuit Court of the County of Stafford, Virginia, on August 25, 2006, at the time of the hearing herein.

I further certify that the foregoing TRANSCRIPT is a true and accurate record of the hearing herein.

Given under my hand this 12th day of December, 2006.



LOLA GAIL SERRETT
Certified Court Reporter
Certification 0525309

FILE: ROGERS082506L.J8