

1 then to the medical personnel at the hospital?

2 A. Yes. They asked for a full report because they're  
3 trying to determine the mechanism of the injury.

4 Q. And you discussed -- and if I'm understanding you  
5 correctly, you had discussed with them some of the things we're  
6 talking about today; is that right?

7 A. Yes.

8 MR. WALSH: I have no additional questions at this  
9 time.

10 THE COURT: Thank you, Mr. Walsh.

11 Mr. Brown?

12 MR. BROWN: Thank you, your Honor.

13 CROSS-EXAMINATION

14 BY MR. BROWN:

15 Q. Good morning, Mr. Rimmer.

16 A. Good morning, sir.

17 Q. You and I just met, correct?

18 A. Yes, sir.

19 Q. And you and I have never talked prior to today, have  
20 we?

21 A. No, sir; other than you introducing me by name. No  
22 sir.

23 Q. I appreciate that. It's nice meeting you.

24 I wanted to talk with you about a couple things here  
25 that came to mind while you were going through. This patient  
26 care report, Exhibit 12, did you write this report?

27 A. The one that was here before me; yes, sir. It was in  
28 my handwriting; yes, sir.

1 MR. BROWN: May I have that, please?

2 MR. WALSH: Yes. (Complies.)

3 MR. BROWN: Thank you.

4 Q. (By Mr. Brown:) I'm going to give this back to you  
5 because I had a couple questions I wanted to ask you about.

6 A. Yes.

7 Q. All right. And I wanted to direct your attention to a  
8 particular point in time. You had said that -- do you remember  
9 Mr. Walsh asking you about you asked Mr. Mickey what had  
10 happened. He couldn't respond, or -- do you remember that  
11 general line of questioning?

12 A. Yes.

13 Q. Okay. Now, I just got a report from you last night  
14 where you had been interviewed by a Detective Hussey on  
15 January 26th, 2007. Do you recall that?

16 A. I do.

17 Q. And you wrote this report, Exhibit 12, that you wrote,  
18 I would think, probably contemporaneous to the incident itself;  
19 is that correct?

20 A. Correct.

21 Q. So I would imagine that your recollection of the events  
22 might be a little bit fresher back on February 4, 2006, than  
23 they were on January 26 of 2007. Could I be safe in assuming  
24 that?

25 A. Yes.

26 Q. All right. So would you take a look with me on  
27 Exhibit 12, correct? Please.

28 Now, you have a comments and details portion of this

1 report, don't you?

2 A. That's correct.

3 Q. All right. And then I'm reading through, on the first  
4 line here, and I don't know what the first entry is. Something  
5 83?

6 A. Medic Engine 83. ME is those letters that stand for  
7 Medic Engine 83.

8 Q. Is that you all? You're Engine 83?

9 A. Yes.

10 Q. All right. And you find a 16-month old female,  
11 pulseless, apneic, and then bystander rescue breathing. Did I  
12 read that correctly?

13 A. Yes.

14 Q. What is bystander rescue breathing?

15 A. That is someone trying to breathe for the child.

16 Q. All right. And when you were there at the scene, did  
17 you ask if Mr. Mickey had performed any C.P.R. on this child?

18 A. No, sir.

19 Q. Did you ask him if he attempted to perform C.P.R.?

20 A. I don't recall asking him that, no.

21 Q. Now, you go on and you write a history here, okay. And  
22 that's what "HX" stands for, correct?

23 A. Correct.

24 Q. And the history, you write -- the next word is  
25 "unclear," correct?

26 A. Correct.

27 Q. And then you write "Possible head injury earlier"?

28 A. Correct.

1 Q. "Possible asthma attack"?

2 A. Correct.

3 Q. And you wrote that contemporaneous with the event as it  
4 occurred on February the 4th of 2006, correct?

5 A. Correct.

6 Q. All right. Then, when you talked with Mr. Hussey, you  
7 told him that you vaguely remembered something about a car,  
8 correct?

9 MR. WALSH: Can I get a page number?

10 MR. BROWN: Page 9.

11 MR. WALSH: Thank you.

12 MR. BROWN: You're welcome.

13 THE WITNESS: About a car?

14 Q. (By Mr. Brown:) Yes, sir.

15 A. Yes.

16 Q. All right. And one of the problems I'm having is I'm  
17 looking at somebody else's report. But you remember the car,  
18 correct?

19 A. Do I remember what?

20 Q. The car, correct?

21 A. I remember -- no, I don't remember specifically saying  
22 car, sir. I do remember something about a door, a car door, or  
23 automobile door.

24 Q. Car door; okay. All right. And that's not referenced  
25 in your report, is it?

26 A. In this particular report, no, sir. Typically that  
27 would not be done.

28 Q. Now, when Detective Hussey was asking you a question,



1 and I'm referring to page 9 of your interview on January 22,  
2 2007, Hussey asked you -- "so he's telling you that he -- he  
3 told you he gave her a bath."

4           And your response on that date, sir, was, "He had given  
5 her a bath and she stopped breathing. That was -- that was  
6 initial thing that we had heard, and that was it." Correct?

7           A. I seem to recall that being correct; yes, sir.

8           Q. All right. So he's told you that he had given her a  
9 bath, he told you that she had stopped breathing. And you knew  
10 that she had stopped breathing, correct?

11          A. Correct.

12          Q. Because you were there when the child wasn't breathing?

13          A. Correct.

14          Q. And you wrote in the report about a possible prior head  
15 injury, and you told us about the car door, correct?

16          A. Correct.

17           MR. WALSH: Object; misstates testimony, assumes facts  
18 not in evidence.

19           THE COURT: Overruled.

20           You can clarify the answer.

21           THE WITNESS: For --

22           THE COURT: Regarding what you said.

23           Go ahead, Mr. Rimmer.

24           THE WITNESS: As far as the car door?

25          Q. (By Mr. Brown:) You heard about the car door?

26          A. If you recall in my previous testimony I had attempted  
27 to say something that there was -- there was fragments of  
28 information coming in.

1 Q. That's where I'm heading with this. Thanks. That's  
2 where I'm headed with this.

3 But you also, in the report, talked about possible  
4 asthma attack, correct?

5 A. Correct. That was -- I did not mention that  
6 previously.

7 Q. Now, let's talk -- you brought up an interesting point  
8 here, okay. How many people were there at the scene?

9 A. No fewer than six, because there was a -- there was a  
10 crew of three from the Murrieta Fire engine that responded  
11 behind us as well. And that was after -- they got there after  
12 or soon after our engine and American Medical Response.

13 Q. Give me a ballpark time-wise so we can kind of figure  
14 it out. You were there first, and who was with you?

15 A. Right. Almost simultaneously with us was American  
16 Medical Response. They actually entered with us.

17 Q. Who was with you, though?

18 A. Myself?

19 Q. Yes.

20 A. Right behind me was the paramedic from American Medical  
21 Response.

22 Q. Didn't you have more than one person in your crew?

23 A. Yes.

24 Q. I know I asked this question --

25 A. Yes, but keep in mind we all have --

26 THE COURT: Hold on one second, gentlemen.

27 THE WITNESS: Yes, sir.

28 THE COURT: Mr. Brown, could you let him finish the

1 answer?

2 MR. BROWN: Absolutely.

3 THE COURT: And then also, Mr. Rimmer, when you're  
4 answering, sometimes you'll cut off Mr. Brown. You did the same  
5 thing with Mr. Walsh. Because I know you want to jump in there.

6 The only problem is my reporter is going to have a  
7 difficult time taking it down when you're kind of talking over  
8 one another.

9 So, Mr. Brown, go ahead, ask your question. And then,  
10 Mr. Rimmer, make sure he's finished, and go ahead and answer.

11 And then, Mr. Brown, if you could wait until he's  
12 finished. And that way my reporter's not going to kill me at  
13 the end of the day.

14 THE WITNESS: Sorry, sir.

15 THE COURT: Okay.

16 MR. BROWN: Thank you, your Honor. My apologies.

17 All right. Let me start this over a little bit.

18 Q. (By Mr. Brown:) You have a crew, correct?

19 A. Correct.

20 Q. Made up of whom?

21 A. That day it was myself, an engineer, and I don't recall  
22 if there was another fireman -- there was another fireman with  
23 me. So the engineer who was driving, also the officer in  
24 charge, our fire officer, myself as the paramedic, and then this  
25 individual, Brown. That would be J.D. Brown, who was a fireman  
26 that was there as well.

27 Q. And who is Piccini?

28 A. He is the engineer who was driving the fire engine.

1 Q. And was he there with you?

2 A. Correct. He is also a paramedic.

3 Q. And did he help do anything for this child?

4 A. Yes, he did.

5 Q. All right. I'm going to get to that in just a minute.

6 So you've got three guys in your crew, correct?

7 A. Correct.

8 Q. Now, the AMR shows up. Did they show up first, or the

9 Murrieta Fire Department?

10 A. We showed up first.

11 Q. Now here I go again. I'm sorry. You showed up first.

12 So let me ask it easier. Who was next in line?

13 A. Next in line was American Medical Response.

14 Q. And how many folks were with the AMR?

15 A. Two.

16 Q. Do you know their names?

17 A. Yes. Ryan Ellis, and I don't recall the EMT's name,

18 Ryan Ellis was the paramedic.

19 Q. So you have five?

20 A. Correct.

21 Q. Plus Mr. Mickey?

22 A. Correct.

23 Q. Plus the child?

24 A. Correct.

25 Q. So seven folks there now?

26 A. Yes.

27 Q. Who shows up next?

28 A. Um, I don't know whether Riverside Sheriff's or

1 Murrieta Fire, because at that point I was already involved in  
2 patient care.

3 Q. Now, when you're involved in patient care, I suspect  
4 with your background you're probably trying to pay attention to  
5 what you're doing, correct?

6 A. Correct. Unfortunately, you have to try to take in  
7 everything.

8 Q. Well, you're doing your best you can because I suspect  
9 that's your training, correct?

10 A. Yes, sir.

11 Q. All right. So you've got to kind of be aware of your  
12 surroundings?

13 A. Correct.

14 Q. Now, you did specifically what for this child at the  
15 scene?

16 A. Control the airway and in-line stabilization of the  
17 spine.

18 Q. You're doing that at the same time trying to listen?

19 A. Correct.

20 Q. And other people are speaking?

21 A. Correct.

22 Q. And those other people are talking?

23 A. Correct.

24 Q. Other people are asking questions?

25 A. Correct.

26 Q. And other people are giving answers?

27 A. Correct.

28 Q. So we've got seven, eight, nine, 10, maybe 11 people in



1 this area talking, asking questions, and giving responses?

2 A. No. Seven, eight or nine people asking questions, no.  
3 The priority is my asking the questions and receiving the  
4 answers.

5 Q. Okay.

6 A. If I cannot get those questions, and I become grossly  
7 involved in what I'm doing, then one of my crew will take over  
8 that task of asking those questions, or another paramedic  
9 trained, and occasionally information does come in, someone  
10 says, "Hey, did you hear this, did you hear this," and they come  
11 together, give me a basic report to reiterate everything that's  
12 occurred, just so that we can try to keep everything in line.

13 Q. Thank you for clarifying that. I appreciate it.

14 Did Mr. Piccini ask any questions while he was --

15 A. I do not recall.

16 Q. Now, he was right there next to you, wasn't he?

17 A. He was at the -- at the lower feet or legs of the  
18 child, trying to help to start an I.V.

19 Q. This is a 15-month-old child, correct?

20 A. Correct.

21 Q. Can you give us kind of a distance between you and --

22 A. Okay. Three feet.

23 Q. All right. So Mr. Piccini is three feet away from you,  
24 and you just got done telling us that you don't recall him  
25 saying anything or questioning him?

26 A. Correct.

27 Q. Now, when you did this, what do you call it when you  
28 put that in the throat?

1 A. Endotracheal intubation.

2 Q. All right. How did you do that?

3 A. Well, first we assess the airway.

4 Q. And how do you do that?

5 A. By doing a gentle head tilt and chin lift to see if the  
6 airway opens spontaneously.

7 Q. When you say chin lift, what do you mean?

8 A. You gently touch the bony prominence of the chin, and  
9 you lightly tilt the head back, just into what's called a  
10 neutral position.

11 Q. So you actually have to move the head up and back?

12 A. Very slightly.

13 Q. Okay. Regardless, I'm not trying to over-demonstrate  
14 or anything, I just want to try to see --

15 A. Well, that looked pretty severe. It's very gentle.

16 Q. All right. But you're touching the bottom of the chin  
17 and moving it back?

18 A. Correct.

19 Q. Okay. That's all I wanted to know.

20 Now, why are you putting that endotracheal tube into  
21 this child?

22 A. It's important to secure the airway of the child so  
23 that you can get good oxygenation into the lungs and hence into  
24 the bloodstream.

25 Q. Is there any other reason, sir?

26 A. Yes. We secure the airway to prevent aspiration of any  
27 contents into the lungs of the child.

28 Q. And because that's important as well, correct?

1 A. Absolutely.

2 Q. Okay. And why is that important?

3 A. If the child is aspirating bodily fluids from the  
4 stomach, for instance, once that acid or contents from the  
5 stomach gets into the lungs, it causes aspiration pneumonia,  
6 which is a very, very dangerous thing for virtually any patient.

7 Q. Now, I want to go with you just for a second here, and  
8 I'm a little jumbled because, like I said, I just got your  
9 statement last night. You gave us a little bit of a background  
10 knowledge about your training in C.P.R., correct?

11 A. Correct.

12 Q. I kind of got the feeling when you were talking about  
13 this, you have to do special -- some kind of special or more  
14 intense training when you're talking about child C.P.R.?

15 A. Yes.

16 Q. Okay. Can you talk to the jury for a little bit about  
17 what it is you actually have to learn differently with a child  
18 with C.P.R. versus an adult?

19 A. Yes.

20 In pediatrics, children are actually treated as a  
21 different species almost, in a certain respect. And that  
22 respect being everything we do has to be geared down slightly  
23 compared to an adult.

24 Obviously we have a very large vessel, or a large body,  
25 and a very small one. So it's very important that we modify our  
26 techniques, we modify the tasks that we do to benefit the small  
27 child or the infant as much as possible.

28 The training that's received by -- any EMT can take,

1 any emergency medical technician can take, but it is mandatory  
2 for paramedics to take, it's called pediatric advanced life  
3 support.

4           And while that particular line of training is through  
5 the American Heart Association, there are other lines of  
6 training that are very, very similar to help paramedics  
7 specialize in taking care of infants and children.

8           Q.    Now -- and I thank you for sharing that with us.

9           Now, is one of reasons why you have to be so careful  
10 with understanding how to perform C.P.R. on a child is if you  
11 don't do it properly you can potentially injure that child?

12          A.    That is correct.

13          Q.    And you want to prevent that, as a professional.  
14 Correct?

15          A.    I'm sorry?

16          Q.    You want to prevent any kind of additional --

17          A.    Further injury.

18          Q.    Yes; okay. Now, go with me real quick to Exhibit 12,  
19 if you don't mind.

20          A.    Yes.

21          Q.    Okay. Now, look up on the very -- there's -- you've  
22 got the name of the child, and you go down a little bit, and  
23 then there's a history of illness, care prior to arrival. You  
24 see that little box there?

25          A.    Yes.

26          Q.    Okay. And then it says, "Position found." Are you  
27 with me?

28          A.    I am.



1 Q. All right. And then it says, "One: 9-1-1, not  
2 breathing," correct?

3 A. Correct.

4 Q. And what does 9-1-1 mean?

5 A. Well, that number one stands for pertinent history of  
6 illness. Obviously this was not an illness, so we try to put  
7 something in there to show what the pertinent history of,  
8 perhaps the chief complaint or whatever we encounter has been.  
9 And in this case it was a 9-1-1 call for a patient not  
10 breathing.

11 Q. Thank you.

12 Now, No. 2 is, "Care prior to arrival," correct?

13 A. Correct.

14 Q. And No. 2, in that category you wrote, "Bystander  
15 C.P.R. via phone," bracket, "CDF," closed bracket?

16 A. Correct. That's actually -- those are parentheses, not  
17 brackets, sir.

18 Q. I'm glad somebody told me, because I've been dictating  
19 that way for years. Thanks.

20 Is that information that you received on the way?

21 A. Bystander C.P.R. via phone meaning, in parentheses  
22 having CDF, that is information received from our dispatch  
23 saying that there was C.P.R. in-progress.

24 Q. All right. And who was doing that C.P.R. in-progress  
25 while you were over there?

26 A. I do not know.

27 Q. Okay. And, as I asked you earlier, you don't know if  
28 this bystander C.P.R. was being performed by Mr. Mickey; isn't



1 that true?

2 A. He was attempting to rescue breathe when we encountered  
3 him and the child.

4 Q. Okay. And I thank you for clarifying that as well.  
5 But you didn't go into a full extent of the C.P.R. that he was  
6 trying to perform, did you?

7 A. I did not see him attempt to do a chest compression on  
8 the child.

9 Q. I didn't ask you that. I asked you, did ask him. And  
10 you told me earlier you did not. Is that still your testimony?

11 A. Yes.

12 Q. All right. So you didn't ask him, even though you knew  
13 that there had been attempts, bystander C.P.R. via phone, that  
14 he was the one that was doing some kind of resuscitative effort  
15 to this child, correct?

16 MR. WALSH: Objection; asked and answered,  
17 argumentative.

18 THE COURT: Sustained. Argumentative.

19 Q. (By Mr. Brown:) Did you know, based on the information  
20 in No. 2, that someone at that scene, you didn't know who yet,  
21 was trying to perform some kind of C.P.R. on this child?

22 A. This simply states that we were told that there was  
23 C.P.R. in-progress.

24 Q. And you didn't know who was doing the C.P.R., correct?

25 A. Correct.

26 Q. And you didn't know how they were doing it, correct?

27 A. No way of knowing.

28 Q. And when you got there, the only person that you know

1 that was there other than the child was Ryan Mickey, correct?

2 A. Correct.

3 Q. And is your testimony still the same when you walked  
4 into that room with this information that there was bystander  
5 C.P.R., you did not ask him what kind of C.P.R. he tried to  
6 perform on that child?

7 MR. WALSH: Objection; asked and answered.

8 THE COURT: Overruled.

9 You can answer that.

10 THE WITNESS: I did not ask him what kind of C.P.R. he  
11 was doing. He was doing one component of what we would call  
12 C.P.R.

13 Q. (By Mr. Brown:) That you saw?

14 A. Correct.

15 Q. All right. Now, I want to clarify that.

16 Now we've got where you saw him performing some kind of  
17 C.P.R. on the child. Did you ask him if he attempted to perform  
18 any C.P.R. different than what you saw?

19 A. What I saw was him attempting to rescue breathe.

20 Q. That's fine; I appreciate that. I want you to go back  
21 in time a little bit further, prior to what you saw.

22 Did you ask him what he was doing to the child to try  
23 to resuscitate it by way of C.P.R. before you arrived at the  
24 scene?

25 A. Before I arrived at the scene, absolutely not.

26 Q. And when you were at the scene, you didn't ask him what  
27 kind of C.P.R. he was trying to perform on the child, did you?

28 A. Can you clarify what kind of C.P.R. are you inferring?

1 Q. Let me just make it real simple, okay. You did not  
2 inquire -- you saw him trying to perform some kind of  
3 resuscitative effort on the child, correct?

4 A. Yes.

5 Q. All right. Now, did you ask him at the scene at that  
6 time, "Did you -- Mr. Mickey, did you attempt any other form of  
7 C.P.R. on this child before I got here"?

8 A. No, I did not ask that.

9 Q. All right. That's what I wanted to know. Thank you.  
10 Now, you were shown quite a few photographs here. I  
11 think they're marked 7 through -- or 3 through 7. Do you recall  
12 those?

13 A. I recall being shown photographs, yeah. I couldn't  
14 tell you the numbers of them.

15 Q. I'm just saying that for the record because I think  
16 that's -- you did not take these photographs, correct?

17 A. No, sir.

18 Q. You don't know who took the photographs?

19 A. I do not.

20 Q. And you don't know what time the photographs were  
21 taken, do you?

22 A. I do not.

23 Q. All right. Do you recall seeing any kind of substance  
24 in the photographs in the child's nose?

25 A. Yes.

26 Q. Okay. And what was that?

27 A. That was very likely emesis.

28 Q. What?

1 A. Emesis, vomit.

2 Q. And, in a child, vomit can take the path of least  
3 resistance, I suspect. In other words, if the airway is  
4 clogged, it will come out the nose?

5 A. If the airway's -- no. The airway -- the airway and  
6 the path of least resistance for emesis are completely separate.

7 Q. All right; okay. But you're willing to tell us that  
8 what's coming out of the child's nose was vomit, correct?

9 A. Yes.

10 Q. Bile, or something along those lines?

11 A. Yes.

12 Q. Let's see here. Now, Mr. Piccini, do you know him?

13 A. I do.

14 Q. All right. Have you worked with him in the past?

15 A. Yes, sir; I have.

16 Q. And do you have a comfort level with his ability to see  
17 and observe?

18 A. Absolutely.

19 Q. And I suspect that that would be based in part that you  
20 are co-workers and so forth? Co-workers who have been on jobs  
21 on scene?

22 A. He is my superior, yes.

23 Q. All right. Now, do you know that Mr. Piccini was also  
24 interviewed around January 26th of 2007 by Detective Hussey?

25 A. I do not know that, no.

26 Q. And did anyone tell you that Mr. Piccini told --

27 MR. WALSH: Object as improper impeachment at this  
28 point. If we have to, I'll ask for a sidebar.

1 MR. BROWN: I'm willing to discuss it.

2 THE COURT: Well, I don't think you finished the  
3 question yet.

4 MR. BROWN: May I finish, then, please?

5 THE COURT: Yes.

6 MR. BROWN: Thank you.

7 Q. (By Mr. Brown:) Did you know Mr. Piccini -- now, we've  
8 got -- let me just reset the scene a bit. You're at the head of  
9 the child, correct?

10 A. Correct.

11 Q. All right. And when you're putting the endotracheal  
12 tube in, you're behind the child? Or in front of the child?

13 A. I am at the head of the child, so I would be looking at  
14 the top of the patient's head.

15 Q. You're behind the child?

16 A. Correct.

17 Q. Okay. And then you're reaching, you're grabbing and  
18 you're moving it up wherever you moved it up, okay. And  
19 Mr. Piccini is right there in front of you. You're actually  
20 facing each other?

21 A. Correct, he is slightly to my left.

22 Q. And he's putting the I-O line into the leg, correct?

23 A. Correct.

24 Q. All right. Now, did you know that Mr. Piccini -- you  
25 told us earlier about you thought Mr. Mickey wasn't panicked,  
26 correct? Do you recall that?

27 A. Yeah, that's how I perceived it. And on my initial  
28 encounter with him, yes.



1 Q. All right. And did you know that Mr. Piccini described  
2 him as being frantic?

3 MR. WALSH: Objection; hearsay, improper impeachment.

4 THE COURT: Well, I'm going to sustain the objection at  
5 this point. It assumes facts -- there's no evidence of that,  
6 and it's also -- it's argumentative.

7 And it's improper impeachment as well. That's going to  
8 be a question of fact for the jury at some point.

9 MR. BROWN: Thank you, your Honor.

10 May I ask --

11 THE COURT: So the jury is actually to disregard that  
12 last question in its entirety.

13 Go ahead.

14 MR. BROWN: Thank you, your Honor.

15 Q. (By Mr. Brown:) May I ask you this, sir: You seem  
16 like a pretty intelligent man. Are you of a mind to understand  
17 that different people can visualize the same scene and describe  
18 it differently?

19 A. Absolutely.

20 MR. WALSH: Objection; relevance.

21 THE COURT: Sustained. Jury is to disregard the  
22 answer.

23 Q. (By Mr. Brown:) Do you know if Mr. Piccini has  
24 described Mr. Mickey's reaction differently than you?

25 MR. WALSH: Objection; relevance.

26 THE COURT: Sustained.

27 MR. BROWN: Thank you, your Honor.

28 Q. (By Mr. Brown:) Now, you were also shown a photograph

1 a minute ago about -- I don't recall the number. Perhaps  
2 counsel can help me, the red marks underneath the chin.

3 No. 7. Red marks under the chin and on the chest.

4 A. Yes.

5 Q. Do you see that? Someone else was asking a question  
6 and I didn't know if I got this right. You're saying that the  
7 child had been placed -- had a collar placed on it?

8 A. Correct.

9 Q. And you're saying, if I understood you correctly -- if  
10 I didn't, please correct me -- that the redness underneath the  
11 chin and on the chest area you're saying was caused by that  
12 collar?

13 A. Well, I did not observe those. That's something that  
14 the photograph obviously picked up here. I did not observe  
15 those initially. And I believe that my testimony reflects that.

16 Those marks would be consistent -- the upper marks,  
17 right at the crease of the fold of the neck, the lower fold of  
18 the neck --

19 MR. BROWN: You know, he [referring to Mr. Simowitz]  
20 just told me what an idiot I am for taking the picture down  
21 while you're pointing at it. I'll stipulate to that.

22 Q. (By Mr. Brown:) Sorry about that.

23 A. So you could see the lower crease in the neck. There's  
24 two creases, kind of a white band across.

25 Q. I do.

26 A. That lower crease in the neck, that particular red  
27 blotch looks like about two inches or so.

28 Q. Yes, sir.

1 A. And then the -- what looks like redness around the jaw  
2 line itself.

3 Q. Now, you're talking about right in here?

4 A. The jaw line; yes, that.

5 Q. That area?

6 A. And then down below your -- the pen.

7 Q. And right in this area here, sir?

8 A. Right there. Well, I would say the highest point,  
9 yeah, right there.

10 Q. Up in here?

11 A. Yeah, I think that would be consistent with possibly  
12 irritation from a cervical collar.

13 Q. Okay. Now, did you put the collar on?

14 A. I don't recall who actually placed the collar on the  
15 child, no.

16 Q. That's not something you would put on this child real  
17 tightly, is it?

18 A. It needs to be just snug. But we actually mold it to  
19 fit the child as best we can.

20 Q. Now, if I understood you correctly, you immobilize the  
21 head so the child couldn't move, correct?

22 A. Or we wouldn't move the child, yes.

23 Q. So neither event would occur, correct?

24 A. Correct.

25 Q. All right. I've been asked to ask you where you placed  
26 your hand when you did the intubation.

27 A. My hands don't touch the child when I'm doing the  
28 actual intubation. I'm holding -- in my left hand would be the

1 laryngoscope. In my right hand would be the endotracheal tube  
2 which is ready to be inserted into the lungs of the child.

3 Q. Is anyone holding the child's head for you?

4 A. Normally that would be taken over by whoever would be  
5 immediately to my left. I would -- while I cannot immediately  
6 recall who I instructed to do that, yeah, they would simply --  
7 they would be reaching underneath me and still holding in-line  
8 stabilization on the child.

9 Q. And their hands would then be around the forehead of  
10 the child?

11 A. No, not the forehead, sir. More to the base -- their  
12 arms would have to be resting on the ground. If -- I don't know  
13 if I can help you visualize how it would be.

14 If I am at the head of the child, and initially when I  
15 got down to the child I would check the airway. And I instruct  
16 someone to initiate in line stabilization, or momentarily do it  
17 myself, and then have someone take it over so I could continue  
18 on with the airway control. And that individual would come in  
19 from the side.

20 Q. And you don't recall that individual today?

21 A. No, sir.

22 Q. All right.

23 MR. BROWN: If I could just have one minute, your  
24 Honor, to check my notes?

25 THE COURT: Of course. Take your time.

26 (BRIEF PAUSE IN PROCEEDINGS.)

27 Q. (By Mr. Brown:) Well, you know, I had one other  
28 question. Could you look at Exhibit 12 again, please?



1 A. Yes.

2 Q. You also have a -- on the top, about an inch down,  
3 you've got some times that are set out. Do you see those?

4 A. Yes, sir.

5 Q. And in the middle column it's got "AMB air." I'm  
6 not -- I don't want to talk about that right now. It just says  
7 "AMC number 432." Underneath that, it says "departed"?

8 A. That would be the approximate transport time.

9 Q. Well, departed, what does departed mean?

10 A. Depart the scene.

11 Q. All right. So you left this Broken Arrow scene at  
12 1430?

13 A. That would be approximate, yeah. These times are  
14 approximate.

15 Q. But at 1430, that's military time, isn't it?

16 A. Correct. We're required to use military time.

17 Q. And that's 2:30?

18 A. That would be correct.

19 Q. And then you say that you arrived, correct?

20 A. Uh-huh.

21 Q. Yes?

22 A. Yes.

23 Q. And the time that you wrote then was 1504, correct?

24 A. Correct.

25 Q. And 1504 would be 3:04 in the afternoon?

26 A. Correct.

27 Q. And when you say you arrived, where did you arrive?

28 A. That would be at the hospital.



1 Q. And how far is it from Broken Arrow to the hospital?

2 A. Distance? Or time? I mean --

3 Q. Distance.

4 A. Distance I believe was somewhere around five to  
5 seven miles. I'm not positive.

6 Q. And when you went -- you transported the child, did you  
7 have the emergency lights and so forth?

8 A. Yes.

9 Q. I have one other photograph I wanted to share with you  
10 that has not been marked, I don't believe.

11 I'm going to show you what's been marked as Exhibit 8.  
12 Actually, let me show you what's been marked Exhibit 4, all  
13 right. You've identified these bruises, correct?

14 A. I'm sorry?

15 Q. You've identified these bruises that you see on this  
16 child, correct?

17 A. Yeah; yes, sir.

18 Q. All right. And you don't know when this photograph was  
19 taken?

20 A. No, sir.

21 Q. You don't know when in time it was taken?

22 A. No, sir.

23 Q. And you don't know the sequence in time in which it was  
24 taken, correct?

25 A. Correct.

26 Q. In other words, let me show you this photograph which  
27 has been marked as Exhibit 8. And, actually, does it come up --

28 MR. BROWN: May I approach, your Honor?

1 THE COURT: Of course.

2 MR. BROWN: Thank you.

3 Q. (By Mr. Brown:) Let me show you these, Exhibit 4 and  
4 then Exhibit 8. Excuse me. Do you see any coloring differences  
5 in the bruises themselves?

6 A. Well, this is a much brighter, more vivid photograph.

7 Q. Well, I asked you a question. Did you see any  
8 differences in the color --

9 A. Yes. These appear more red because it is brighter, and  
10 these appear more dull because it's not as bright a photograph.

11 Q. And this is Exhibit 4 you're saying is brighter, and  
12 you're saying Exhibit 8 is duller, correct?

13 A. This is less bright.

14 Q. And you don't know the circumstances under which these  
15 photographs were taken, do you?

16 A. Correct. I --

17 Q. And you don't know who took them?

18 A. Correct.

19 Q. And you don't know when they were taken; isn't that  
20 true?

21 A. That is true.

22 Q. So as far as we know right now, Exhibit 8 could have  
23 been taken upon arrival -- upon arrival at the hospital, and  
24 Exhibit 4, for all you know, could have been taken at Children's  
25 Hospital?

26 MR. WALSH: Objection; speculation.

27 THE COURT: Sustained.

28 MR. BROWN: Thank you, your Honor.

1 Q. (By Mr. Brown:) The laryngoscope?

2 A. Yes.

3 Q. How do you hold the head at the time of intubation  
4 immediately before and during the insertion of that  
5 laryngoscope?

6 A. In-line stabilization would be taken over by another  
7 individual. They would hold the head steady while I insert the  
8 laryngoscope into the mouth, and then the pharynx, and then the  
9 trachea of the individual.

10 Q. And how would they be holding the head?

11 A. They would be holding the head by the sides, low,  
12 touching the ground and stabilizing as I described earlier, up  
13 against the shoulders of the child, working underneath me,  
14 basically underneath --

15 Q. You've got to be on top?

16 A. I'm on top. They're under me, holding on.

17 Q. So you have the child, the head here. You're behind  
18 the child, correct? Because you're working on the child this  
19 direction, correct?

20 A. Correct.

21 Q. Right. And you have somebody else, whether to the  
22 right or to the left, correct? They're reaching underneath your  
23 arms?

24 A. Well, it is possible for them to reach over and  
25 stabilize from the side. It's a little less common, I would  
26 say.

27 Q. Well, you don't recall just sitting here today --

28 A. No.

1 THE COURT: Overruled.

2 You can continue.

3 THE WITNESS: Was that he was giving the child a bath.  
4 That's -- that sticks out in my mind.

5 Q. (By Mr. Walsh:) Okay. And then you also mentioned  
6 earlier during this group of questions I've been asking you  
7 that at some point -- did you direct law enforcement's attention  
8 to some of these injuries that you saw?

9 A. As soon as I was on my knees at the head of the child  
10 preparing to intubate, I looked to my left. There was an  
11 officer pretty close at hand. I couldn't quite see his face. I  
12 said, "Officer, you need to take a look at this."

13 Q. Okay. Was that about the extent of your conversation  
14 at that time with that officer?

15 A. Yes.

16 MR. WALSH: No other questions at this time, your  
17 Honor. Thank you.

18 THE COURT: Thank you, Mr. Walsh.

19 Mr. Brown?

20 MR. BROWN: Very quickly, your Honor. Thank you.

21 RE-CROSS EXAMINATION

22 BY MR. BROWN:

23 Q. Just two areas: Did I misread your quote that you gave  
24 to Detective Hussey that he had -- he had given her a bath and  
25 she stopped breathing? That was -- that was the initial thing  
26 that we had heard, and that was it? Did I read that correctly?

27 A. Had heard. He told me.

28 Q. Did I read that correctly, though?

1 A. He told me that he had given her a bath, yes.

2 Q. Thank you.

3 And the C.P.R. issue that I was talking about earlier,  
4 you didn't ask him about those particular areas of what he had  
5 done prior to your arrival?

6 A. When it comes to C.P.R., correct; I did not.

7 Q. Yes, sir. So you don't know how he was holding the  
8 child, then, do you?

9 A. No. All I witnessed was him attempting -- kneeling at  
10 the child's side, trying to give a breath to the child.

11 Q. I'm not asking you that, because I know that's  
12 absolutely real clear. I'm talking about before you arrived at  
13 the scene. And just to refresh your recollection, you told us  
14 you didn't ask him what he did, correct?

15 A. Correct.

16 Q. So you wouldn't know how he held the child, did you?

17 A. No.

18 Q. All right. And you wouldn't know how he was turning  
19 the child over and around and so forth?

20 A. No. The only question I would ask him was what had  
21 happened.

22 Q. Again, I'm asking you to listen to my question, sir.

23 A. Yes, sir.

24 Q. Before you arrived there, you wouldn't have known what  
25 kind of C.P.R. he tried to administer, correct?

26 A. Correct.

27 Q. You would not have known how he held the child,  
28 correct?



1 A. Correct.

2 Q. You wouldn't have known how or if he even gripped the  
3 child's head, would you?

4 A. Not at all.

5 Q. And you wouldn't know if he had to turn the child over  
6 or attempted to turn the child over at all, would you?

7 A. No.

8 Q. You wouldn't know if he tried to -- had to hit the  
9 child on the back, administering C.P.R. on the back, would you?

10 A. No.

11 MR. WALSH: Going to object as to 352 and speculation  
12 at this point.

13 THE COURT: Overruled.

14 Q. (By Mr. Brown:) You don't know any of those things, do  
15 you?

16 A. Prior to my arrival, absolutely not.

17 Q. And you didn't inquire about any of it, correct?

18 MR. WALSH: Objection; asked and answered.

19 THE COURT: No; overruled.

20 You can answer.

21 THE WITNESS: I asked what happened.

22 Q. (By Mr. Brown:) That's not what I just asked you, sir.

23 MR. WALSH: Objection; argumentative.

24 THE COURT: Overruled.

25 Mr. Rimmer, the question was: You didn't inquire about  
26 any of it; is that correct?

27 That was your question?

28 MR. BROWN: Yes, sir.

1 THE WITNESS: It's vague.  
2 THE COURT: Well, any of what Mr. Brown had just gone  
3 over.  
4 THE WITNESS: Correct.  
5 THE COURT: Mr. Brown, any other questions?  
6 MR. BROWN: No. If that's the answer.  
7 Q. (By Mr. Brown:) Correct?  
8 A. Correct.  
9 Q. Correct.  
10 MR. BROWN: Thank you. That's all. Thank you, your  
11 Honor.  
12 THE COURT: Thank you, Mr. Brown.  
13 Mr. Walsh, any follow-up?  
14 MR. WALSH: No additional questions. Thank you.  
15 THE COURT: Mr. Rimmer?  
16 THE WITNESS: Yes, sir.  
17 THE COURT: Have a good rest of the day.  
18 THE WITNESS: Thank you.  
19 THE COURT: Thank you, sir.  
20 MR. WALSH: You can hand it to me, sir.  
21 THE COURT: Mr. Walsh, you can call your next witness.  
22 MR. WALSH: Yes, your Honor. May I just have one  
23 moment to figure out their scheduling real quick?  
24 THE COURT: Of course.  
25 MR. WALSH: Thank you.  
26 (BRIEF PAUSE IN PROCEEDINGS.)  
27 MR. WALSH: Your Honor, at this time the People call  
28 Ryan Ellis.