

PART 2 OF 11

1 Q The mother is unmarried?

2 A Uh-huh.

3 Q I see. How old is the mother? Do we know?

4 A I don't have her age. She appears to be in
5 her late teens or early twenties possibly.

6 Q Did you by any chance then go to the scene
7 of death or the house?

8 A No, no.

9 Q Did you get a chance to observe the toy? Did
10 they show it to you?

11 A I did request that they reserve it for possible
12 further examination by our office.

13 Q Did we subsequently call up the family to give
14 us the toy?

15 MR. [REDACTED] I'll have to answer that.

16 I did call the grandfather, and he told me he
17 had already turned the toy over to their attorney
18 and that I could contact the attorney and get
19 the toy. Rather than do that, I went to several
20 department stores trying to locate the toy since
21 I had the title of the toy and description of it.
22 And I couldn't find it at any store. What I
23 wound up was I had to call the Fischer-Price
24 Company and request they ship a toy to us of such
25 that was in question, and they did. The next

1 morning we received the toy in shipment.

2 BY DE ~~XXXXXXXXXX~~

3 Q I see. ~~OO~~, do you know what happened in the
4 ER? Did they continue with the resuscitation or was the
5 child dead on arrival?

6 A The child was dead on arrival.

7 Q In your experience as a medical investigator,
8 how many cases have you seen which would fall into this
9 category where an object is stuck to the face and the
10 child suffocates to death?

11 A I have never made an investigation where some-
12 thing was stuck to the face. I have made possibly two or
13 three where something was lodged in the throat causing
14 death.

15 Q Do you think it's possible for a toy to be
16 stuck to a face and not leave any marks?

17 A No, I don't think it's possible.

18 Q Do you recall when you examined the child in the
19 ER whether there was an endotracheal tube placed?

20 A Yes, there was.

21 Q And was that tube strapped to the face?

22 A Yes, it was.

23 Q It was strapped to the face? Let me show you
24 a photograph. Do you recognize the child?

25 A That appears to be the same child that I saw at

1

[REDACTED]

2

Q And those markings on the face, do you think

3

they represent the strapping of the endotracheal tube?

4

A Yes.

5

Q Do you see any other markings?

6

A No.

7

Q Does this in your opinion represent truly as

8

to what you saw in the ER?

9

A Yes, yes it does.

10

DR. [REDACTED]: Very good. [REDACTED] do you

11

have any questions?

12

BY [REDACTED]

13

Q Just a few. [REDACTED], prior to being a medical

14

investigator, in what capacity did you work?

15

A I was a Fort Worth Police Officer.

16

Q And did you work as a detective during that time?

17

A Yes, I did.

18

Q And when you were taking your training courses

19

as police officer and as criminal investigator for the

20

Fort Worth Police Department, did those training courses

21

train you any time you made a death call that these things

22

were to be observed and looked at very, very closely?

23

A Yes, they did.

24

Q And in your training here at the medical examiner's

25

office, any time we have made a crib death, do we put more

1 effort and more observation to these calls than we do
2 normal routine calls in observing the deceases, looking
3 for bruises or ridges or markings or anything of that
4 nature?

5 A Yes, we do.

6 Q And in your experience in crib death, when a
7 baby has been found in a bed and been laying there, have
8 you on a number of occasions found markings from the
9 bedding or like a wrinkled sheet or wrinkled quilt? Have
10 you found markings on babies in your experience?

11 A Yes.

12 Q And on this child here, the [REDACTED] baby, you
13 saw no markings whatsoever other than the resuscitation
14 or tracheal tube?

15 A Yes.

16 MR. [REDACTED]: That's all I have.

17 DR. [REDACTED]: That's all we have, Bill.

18 Thank you very much.

19

20

21 the witness, hereinbefore named, being first duly cautioned
22 and sworn to testify the truth, the whole truth and nothing
23 but the truth, so help him God, testified as follows:

24

25

DR. [REDACTED]: I want to give you a Miranda

1 Warning. You have the right to remain silent
2 and anything that you may say may be held against
3 you in a Court. You have the right to have an
4 attorney present. If you cannot afford an
5 attorney, you have the right to have an attorney
6 appointed. You have the right to terminate this
7 inquest at any time that you desire. Do you
8 understand your rights?

9 MR. [REDACTED] Yes, sir.

10 BY [REDACTED]:

11 Q As the duly-appointed medical examiner for the
12 County of Tarrant, State of Texas, I am conducting an
13 inquest into the death of [REDACTED], Medical Examiners
14 Case No. 138-84. We would like to ask you a few questions
15 relating to this death. Did you know the deceased
16 [REDACTED]

17 A Well, not prior to the call, but yes, I did
18 know her.

19 Q When did you get the call?

20 A At approximately 12:54 on the 14th of January.

21 Q Where was the call made to?

22 A Harris Street in Haltom City.

23 Q Where were you employed at the time?

24 A Regional Ambulance as a paramedic.

25 Q Are you employed as a full-time paramedic at

1 Regional Ambulance?

2 A No, sir, only part time.

3 Q What is your normal responsibility?

4 A I'm a police officer for the Texas College of
5 Osteopathic Medicine where I'm supervisor.

6 Q How long have you been a paramedic?

7 A I've been a paramedic for three years.

8 Q Do you conduct any training schools or courses
9 in paramedics?

10 A Yes, sir, I do.

11 Q Where?

12 A At Texas College of Osteopathic Medicine.

13 Q Are you an instructor there?

14 A Yes, sir, I am.

15 Q Now, what time did you arrive at the scene?

16 A Approximately 12:58. We had a four-minute
17 response time.

18 Q What did you see?

19 A I found the baby laying on the couch with
20 Officer [REDACTED] of the Haltom City Police Department
21 and a man, an unknown man at that time who was later
22 identified as the grandfather with the infant. The
23 infant was laying horizontally on the couch and CPR was
24 being progressed by the grandfather. When I arrived I
25 went directly to the baby. I checked it for spontaneous

1 pulse and respiration of which I found none. I picked
2 the baby up and cradled it on my arms and went to the
3 truck and started doing CPR in progress.

4 Q When you picked the baby up, was the baby cold
5 to touch or warm?

6 A It was warm. It wasn't cold.

7 Q Was there any rigidity present?

8 A No, sir.

9 Q Did you observe any lividity?

10 A Not at that point until I got to the truck,
11 then I could hear the lividity in the lungs, but I did
12 not see any reddening on the back side.

13 Q Did you observe any bruises or contusions on
14 the face?

15 A No, sir, I did not.

16 Q If you saw them, would you have observed them?

17 A I don't know. As fast as things were going
18 whenever you work a full arrest, I'm not sure that I
19 would have unless it was real noticeable. If it had been
20 obvious, real noticeable bruise or contusion, yes, I'm
21 sure I would have.

22 Q Let me show you a picture. Is this the baby
23 that you saw?

24 A Yes, sir, I believe it is. The way the head
25 is positioned down it's hard to tell.

1 Q What do you see on the face?

2 A Well, I can't really tell from the picture.

3 The picture is so vague. I see some tape on the face and
4 reddening around the eyes and mouth itself, but something
5 just to the right side of the mouth. I'm not sure what
6 it is that is on there.

7 Q The indentation that you see, what do you think
8 they represent on the two sides of the mouth going
9 laterally?

10 A Probably from where the ET tube, endotracheal
11 tube was strapped down.

12 Q Where it was strapped down?

13 — A Yes, sir, and taped down.

14 Q Did you see any similar indentations on the
15 face when you first arrived at the scene?

16 A No, sir, I did not.

17 Q And the strapping marks, were they present when
18 you first arrived at the scene?

19 A No, sir, I did not see those.

20 Q Did you insert the endotracheal tube?

21 A Yes, sir, I did.

22 Q You did?

23 A Yes, sir.

24 Q And you taped it down?

25 A Yes, sir, I did the endotracheal tube myself and

1 also started the I.V. on the infant.

2 Q Was the I.V. running?

3 A No, sir, it blew out after it was inserted
4 so we cut it off.

5 Q Why?

6 A Because it was starting to infiltrate the arm.

7 Q You took the child to the ER?

8 A Yes, sir, to John Peter Smith.

9 Q "And I guess from there onwards the hospital
10 took over?

11 A Yes, sir, they did.

12 Q What did the grandparents tell you?

13 A When I arrived they didn't say much of anything.
14 The grandfather came out to the truck and I was told by
15 them that the baby had been in a crib asleep and that
16 when they went in to check it it had an object, a toy
17 over its face that they had to pry the toy off and found
18 the baby was not breathing and didn't have any pulse at
19 that point.

20 Q Did they specifically say that the toy had to
21 be pried off of the face?

22 A Yes, sir, to the best I remember.

23 Q In other words, the toy was stuck on the face?

24 A Yes, sir.

25 Q Did they tell you what toy it was?

1 A No, sir, they did not.

2 Q Did you see the toy?

3 A No, sir, I did not. I didn't even see the
4 baby's crib. Like I said, the baby was on the couch.

5 Q I see. Who gave you the information, the grand-
6 father or the grandmother?

7 A The grandfather. He had told -- actually, he
8 told the police and then Sergeant ██████████ of the
9 police department related it to me. It was not directly
10 from the grandfather himself.

11 Q I see. So this information that you have about
12 the toy being stuck on the face was really not given to
13 you?

14 A Not directly. It was hearsay. It had come
15 directly from ██████████ of the police department.

16 Q Did you speak to the grandfather at all?

17 A The only thing I said to the grandfather was
18 when he come to the door of the truck and asked me if
19 the baby -- he said something to the effect, is the baby
20 -- the baby is not going to make it or something like that,
21 and I said I don't know. That's the only comments or
22 remarks that I had with the grandfather or any of the
23 family itself.

24 Q Did he give you any medical history?

25 A No, sir, they did not.

- 1 Q Do you know how old the child was?
- 2 A They advised three months.
- 3 Q Three months?
- 4 A Yes, sir.
- 5 Q Do you know the real age of the child?
- 6 A Five months.
- 7 Q Did you know if the child lived there?
- 8 A Later I found out, yes, the child lived there
- 9 I was told.
- 10 Q Have you spoken to the mother of the child?
- 11 A No, sir, I have not.
- 12 Q How long have you been a police officer?
- 13 A Twelve years.
- 14 Q How many death calls have you made?
- 15 A Hundreds.
- 16 Q Would you recognize bruises and contusions if
- 17 you saw some?
- 18 A Yes, sir.
- 19 Q And you say that you didn't see any?
- 20 A No, sir, I did not.
- 21 DR. [REDACTED]: [REDACTED] do you have any
- 22 questions?
- 23 MR. [REDACTED] No, sir.
- 24 DR. [REDACTED]: Very good. Thank you, sir.
- 25

1 [REDACTED],
2 the witness hereinbefore named, being first duly cautioned
3 and sworn to testify the truth, the whole truth and nothing
4 but the truth, so help him God, testified as follows:

5
6 DR. [REDACTED]: Would you state your name,
7 please?

8 MR. [REDACTED]: [REDACTED]

9 DR. [REDACTED] Mr. [REDACTED] I'm going to
10 give you a Miranda Warning. You have the right
11 to remain silent. Anything that you say may be
12 used against you in a Court. You have the right
13 to have an attorney to counsel you. If you cannot
14 afford an attorney, you have the right to have one
15 appointed to assist you. You have the right to
16 terminate this inquest at any time that you desire.
17 Do you understand your rights?

18 MR. [REDACTED] Yes, sir.

19 DR. [REDACTED] Very good.

20 BY DR. [REDACTED]:

21 Q By the power vested in me as the duly-appointed
22 medical examiner for the County of Tarrant and State of
23 Texas, we are conducting an inquest in accordance with
24 Article 4925 of the Court of Criminal Procedure in the
25 State of Texas. The inquest concerns the deceased [REDACTED]

1 S. Hobbs, Medical Examiners Case No. 138-84. We want to
2 get some information from you under oath, and we want you
3 to reflect carefully before you give us any answers. When
4 did you first see the deceased, [REDACTED]?

5 A. It was when [REDACTED] was carrying her on his shoulder
6 out of the house about the living room I believe.

7 Q Who was that?

8 A [REDACTED], the paramedic. He was on the
9 truck with me with Regional.

10 Q When did you receive the call to go to the
11 house?

12 A Specific time I couldn't tell you. It was the
13 Saturday before this last one. It was in the morning,
14 but as a specific time I couldn't give it to you. And
15 that was all.

16 Q Now, you say that you saw the child for the first
17 time and [REDACTED] was carrying the child to the ambulance?

18 A Yes, sir.

19 Q Then were you with the child in the ambulance?

20 A Yes, sir.

21 Q What was your responsibility?

22 A Whenever we first got into the truck [REDACTED] asked
23 me to set up the suction unit because she had vomited,
24 and so I went over and set the suction up and got it ready
25 for her. He suctioned her and then he asked me to start

1 CPR on her. And by that time he had already innervated
2 her so I got down and started CPR on the child while he
3 started the rest of his duties, working an arrest.

4 Q Who inserted the I.V.?

5 A ~~He~~ did.

6 Q Was it successful?

7 A To the best of my knowledge it was. I was
8 somewhat busy and concerned with making sure I got my
9 CPR proper on the child. But I do remember seeing blood
10 return when he inserted the catheter and he only stuck
11 her once to the best of my knowledge. And once he got
12 the I.V. established, he said he was ready to go in route
13 to the hospital. So I stopped CPR and turned it over to
14 him and went to the front of the truck and proceeded to
15 drive code to John Peter Smith.

16 Q Did you have a chance to observe the child
17 during the time that you were giving CPR?

18 A Well, I wouldn't say I took, you know, a thorough
19 examination. You know, you're so caught up in these things
20 and you try to do the best that your possible of doing,
21 and in doing that a lot of times you are not as observant
22 as if you are just standing back.

23 Q Did you observe the face of the child?

24 A Not real closely, no. I mean I was down there
25 ventilating it, but I didn't note anything exceptionally

1 abnormal, in any way, shape or form.

2 Q Let me show you a picture. Would you recognize
3 this?

4 A I wouldn't in a Court of law be able to testify
5 for sure that that was her because I probably wasn't with
6 her ten minutes, fifteen minutes, you know. And at that
7 time it was, you know, making sure my counts were right
8 and my ventilation. You are down so close you are not
9 really getting real good visual of the facial features
10 and stuff like that.

11 Q So you couldn't be able to swear whether you
12 saw or did not see any contusions or bruises on the baby's
13 face?

14 A I don't remember anything that stuck out in my
15 mind, so no.

16 Q No indentations on the face, no bruises that
17 you can recall or abrasions?

18 A Nothing sticks out in my mind as being abnormal
19 with the child's face with what visual contact I had at
20 the time I had it.

21 Q How long have you been with the Regional
22 Ambulance?

23 A It was two years in February. So two years and
24 a few months.

25 Q How long have you been in this practice?

1 A As an ambulance driver or -- when I started
2 with Regional, I had done it some as a volunteer prior to
3 that with a volunteer service that works at Motocross
4 tracks and rodeos and things like that. I also worked
5 with the Watauga Volunteer Fire Department on their rescue
6 truck and I had been doing that about a little over two
7 years before that, before I started with Regional.

8 Q Now, you are trained to give CPR, aren't you?

9 A -Yes, sir.

10 Q How many resuscitations have you carried out
11 in your practice?

12 A Let's see, I did one in New Orleans. As far
13 as specific numbers, I really couldn't tell you, you know.
14 I would say at least over five or ten.

15 Q Would you recognize bruises or contusions if
16 you saw any?

17 A Yes, sir.

18 Q You would?

19 A Yes, sir.

20 Q Did you see anything unusual or was anything said
21 to you during that course?

22 A I'm having trouble trying to keep things straight
23 as far as what was said during that time period and said
24 after the fact. So I really can't specifically -- I believe
25 said while we were in the truck that they had told him

1 that the child was found with a toy over its face. And
2 I had trouble envisioning what kind of a toy would fit
3 on a child's face that would cause it to be suffocated.
4 That was the term I believe that was used in reference
5 with the toy. And it was within a day or two ago that I
6 heard what type of toy it really was.

7 Q You never saw the toy at the scene?

8 A No. Like I said, when I got out -- when we got
9 there, we both got out of the truck and went up to the
10 front yard, and one of the officers, I believe it was
11 [REDACTED], said we're going to need oxygen. I said, [REDACTED]
12 you go on in and start and I'll go get the oxygen. He
13 said okay. So I went back to the truck and got our
14 portable cylinder and got it up and I made it as far as
15 in the front door and just into the living room when I
16 met [REDACTED] coming out with the child on his shoulder. And so
17 I opened the door, they went past me and an elderly
18 gentleman was following them. I requested that he stay
19 in the house because he didn't need to be out there and
20 watching. And then I filed in behind [REDACTED], and we went to
21 the truck and started working on the child. So that's
22 why I didn't actually see any or very little of the
23 interior of the house.

24 Q Did you get a chance to speak to any of the
25 parents or grandparents of the child?

1 A. No, sir, because once we got in the back of
2 the truck and we started working it, then it wasn't
3 looking very promising, and [REDACTED] suggested we get on down
4 to Peter Smith as quickly as possible. So I just immediately
5 got out of the back of the truck and went straight around
6 to the cab and got in it and proceeded to Peter Smith as
7 quickly as I could safely get there.

8 DR. [REDACTED]: Very good. [REDACTED] do you
9 have any questions?

10 MR. [REDACTED]: No, sir.

11 DR. [REDACTED]: Well, we thank you for
12 coming here.

13 [The next statements were taken
14 on January 24th beginning at
15 3:00 p.m.]

16 DR. [REDACTED],
17 the witness hereinbefore named, being first duly cautioned
18 and sworn to testify the truth, the whole truth and nothing
19 but the truth, so help him God, testified as follows:

20 BY DR. [REDACTED]:

21 Q Doctor, will you state your full name?

22 A [REDACTED].

23 Q Dr. [REDACTED], I want to give you a Miranda
24 Warning if I may. You have the right to remain silent.
25 anything that you may say may be used against you in a

1 Court. You have the right to have an attorney present.
2 If you cannot afford an attorney, you have the right to
3 have an attorney appointed to help you. You have the right
4 to terminate at any time this interview that you desire.
5 Do you understand your rights?

6 A Yes, I understand my rights.

7 Q All right. The Medical Examiners Office is
8 conducting an inquest into the death of [REDACTED]
9 who died or was declared dead at John Peter Smith on
10 January 14, 1984. We talked to one of the physicians
11 yesterday from your hospital.

12 A Yes, Dr. [REDACTED].

13 Q Dr. [REDACTED], and he gave us testimony in the
14 case yesterday. We wanted to ask you a few questions
15 since you were the staff person responsible for the shift.

16 A Right.

17 Q Could you generally give us your background as
18 to what is your training and --

19 A Okay, I did six years of undergraduate and
20 graduate school at Southern Methodist University in
21 biomedical and electrical engineering and I have a master's
22 degree in electrical engineering with a joint degree from
23 Southwestern Medical School and Southern Methodist
24 University. I did four years of medical school at
25 Southwestern Medical School, three years of an internship

1 and residency at [REDACTED] the Family Practice
2 Program. I'm board certified in family practice and I've
3 been on the staff as staff doctor in the emergency room
4 for the past three and a half years with John Peter Smith.

5 Q For the past three and a half years?

6 A Three and a half years.

7 Q Now, during that time of your association with
8 [REDACTED] during the past three and a half years,

9 would you say that you have had an opportunity to see
10 many young children brought to the hospital to the ER?

11 A I've seen a very large number. We see sixty
12 thousand patients a year of which probably about a fourth
13 of that are pediatric patients and I'm the staff doctor
14 in the emergency room about a fourth of the time. It's
15 a very high volume pediatric patients and I have a fairly
16 significant degree of expertise in the evaluation of
17 pediatric patients.

18 Q What percentage of those patients would you say
19 are trauma related or unnatural deaths?

20 A We probably have an unnatural death in the
21 emergency room at least once a day.

22 Q At least once a day?

23 A Either gunshot, motor vehicle accident or
24 other trauma related deaths. We see these commonly.

25 Q Would you then state that you are fairly

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1 acquainted with different sorts of trauma that you might
2 see on the body surface such as contusions and abrasions,
3 and that you have the experience and the know-how to
4 interpret that trauma when you see that?

5 A Yes, if the person comes in alive it's usually
6 pretty easy to figure out what's wrong. I've got a
7 significant amount of experience.

8 Q All right. I would like to refer you to this
9 incident, [REDACTED], who died at your hospital on
10 January 14, 1984. Did you have a chance to examine the
11 child in the ER?

12 A I did not examine the child.

13 Q Did you look at the child at all?

14 A I just very briefly looked at the baby, and it
15 was obvious that the baby was dead. And I recommended
16 that the doctors who were doing resuscitation at that time
17 that they stop resuscitation. At the time that the baby
18 came into the emergency room, I was not present in the
19 emergency room. I had left for a couple of minutes. I
20 was working on a lecture and I was just around getting
21 some slides. Just happened to incidentally be in the
22 emergency room, and I came back in with the stats and
23 all going on and the baby had been in there for a few
24 minutes. It was being worked on by the pediatrics doctors
25 and [REDACTED], and there were about three or four doctors

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1 working on the baby at the time that I came in. The baby
2 fairly obviously had been dead for about thirty minutes
3 and maybe even an hour or longer. And I felt further
4 resuscitative measures after just a very brief look and
5 talking to the people and looking at the baby, I felt
6 further resuscitative measures were unnecessary.

7 Q Why did you decide the baby was dead for as
8 much as an hour?

9 A Well, several things. The baby first of all
10 had absolutely asystole, there was not any cardiac
11 activity at all, not even a bleep of dipolation or
12 anything. The baby was fixed and dilated and already
13 had some dependent lividity, and it was impossible to
14 start an I.V. The doctors had been unable to obtain
15 intravascular access. I felt that probably all -- there
16 was complete body collapse or probably the vessels had
17 clotted.

18 Q Now, you said that you had the opportunity to
19 evaluate the child quickly though?

20 A It was a very brief evaluation.

21 Q Did you get a chance to look at the baby's
22 face?

23 A I didn't look no more than superficially. I
24 didn't notice any kind of obvious external trauma. There
25 could have been subtle signs, but I wasn't looking for any

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1 kind of subtle signs like child abuse or anything like
2 that. I just evaluated the baby and found it had been
3 dead for a significant amount of time.

4 Q Did you see any circular abrasions or rings
5 of abrasion or indentation on the face of the child that
6 were quite obvious to you?

7 A No, I didn't see anything at all.

8 Q You know of an entity called Sudden Infant
9 Death Syndrome?

10 A Yes, I'm familiar with SIDS and I've seen it
11 a large number of times.

12 Q You have?

13 A Uh-huh.

14 Q The resident who was here yesterday testifying
15 in our inquest suggested to us that he had talked with you
16 as staff physician on duty and you had recommended to him
17 to add in the differential diagnosis as cause of death
18 Sudden Infant Death Syndrome. Could you tell us why you
19 did that?

20 A Well, actually there is several reasons. See,
21 on this chart I added in "versus Sudden Infant Death
22 Syndrome."

23 Q That is your handwriting?

24 A That is my handwriting, "Sudden Infant Death
25 Syndrome" and then my signature. There are several major

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1 reasons why it should be considered as a diagnosis.
2 First of all the peak age for Sudden Infant Death Syndrome
3 is this age. Second, often kids that come in with Sudden
4 Infant Death Syndrome, there will be implications that
5 they suffocated or something like that. Now, there's
6 obviously some difficulty in differentiating this in some
7 cases, but the baby looked like the SIDS deaths that I
8 have seen before. Now, that is without knowledge of the
9 autopsy or physical findings consistent with internal
10 trauma or other things. You know, this is what would be
11 a preliminary differential.

12 Q If I, as a pathologist, relate to you some of
13 the findings including number one, the child had some
14 degree of visceral congestion, pulmonary congestion, focal
15 petechiae vetergral hemorrhage, congestion of the primus
16 gland with full petechiae, some degree of sub arachnoidal
17 vascular congestion, very minimal brain edema, no traumatic
18 injuries, no congenital abnormalities, no in factive
19 processes; what would be your diagnosis?

20 A Probably Sudden Infant Death Syndrome. Those
21 are -- to the best I know those are the classic pathological
22 findings for Sudden Infant Death Syndrome.

23 Q Let me show you a picture. These are the
24 pictures which the officers yesterday from Haltom City
25 under oath told us they were taken by them at the scene.

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1 They are Polaroid pictures, and I want to draw your
2 attention to one of them. This is the toy that has been
3 implicated having been stuck to the face of the deceased
4 so much that, if I may paraphrase or maybe even quote,
5 the mother had to pry the toy off of her face to get it
6 free. Would you have that exact toy in the dimensions?
7 If I may interrupt and stop for a few minutes so that
8 Mr. [REDACTED] can bring the toy.

9 [A short recess is held
10 whereupon the toy is placed
11 on the conference table.]

11 BY DR. [REDACTED]

12 Q This is not the same piece of toy, but an
13 exact duplicate of the toy which was sent to us by
14 [REDACTED] Would you, based upon your
15 experience and your medical know-how and your biomedical
16 experience and training, would you consider it at all
17 possible for such a toy to get stuck to a baby's face
18 so much that a child would suffocate to death?

19 A I think that would be highly unlikely. About
20 the only way that I can think of that that would get
21 stuck on the face to the extent it would cause suffocation
22 is if somebody held it on. Five-month-old babies are
23 vigorous enough to push something like that off.

24 Q They have enough motor control to dislodge
25 an article?

1 A First of all, they don't have enough motor
2 control to put it on there, and second of all they don't
3 -- probably would have enough squirming ability that it
4 would fall off. I can't imagine that would get stuck on
5 its face and stay stuck on. I just can't imagine it.

6 Q If in a remote possibility such a toy would
7 get stuck, do you think from your experience that such
8 a situation would create some sort of markings on the face
9 that would be obvious?

10 A Not necessarily.

11 Q You don't think there would be any abrasions
12 or contusions on the facial surface if it was stuck on
13 the face?

14 A If it was stuck down there should be a little
15 ring in that distribution, but I don't see how it could
16 get stuck that hard to cause any kind of trauma.

17 Q I see. Now, during your training and your
18 full-time position, have you ever had a case of this nature
19 which you can compare with it and perhaps state that it
20 is possible?

21 A I don't have anything to compare with it. Would
22 you restate that? I'm not sure exactly what you're
23 implying.

24 Q Basically, Dr. [REDACTED] what we're trying to
25 determine, is there any remote possible way that such a toy

1 would in fact cause suffocation?

2 A The only way I can think of would be if it
3 was held on the baby's face, not that the baby got it on
4 there and then suffocated. And I would think that it would
5 take that much force to cause any kind of traumatic
6 findings if there were. It's very difficult for me to
7 think that a baby could pull that over its face well enough
8 to suffocate.

9 Q If that were the case in fact, then this would
10 be a possible homicide?

11 A (Witness nods, but no audible response.)

12 Q That's an interesting possibility. Well, I
13 really have nothing more to ask. Perhaps you want to add
14 something to your testimony here today.

15 A No.

16 DR. [REDACTED]: [REDACTED], do you have any
17 questions?

18 MR. [REDACTED]: No, sir.

19 DR. [REDACTED]: Dr. [REDACTED]

20 DR. [REDACTED]: No.

21 DR. [REDACTED]: We certainly appreciate
22 your coming here.

23 [REDACTED]S,

24 the witness, hereinbefore named, being first duly cautioned
25 and sworn to testify the truth, the whole truth and nothing

1 but the truth, so help her God, testified as follows:

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DR. [REDACTED]: If I may, although you are represented by an attorney, give you a Miranda Warning. I want to alert you that you have the right to remain silent and that anything you may say may be used against you in a Court. You have the right to have an attorney present to represent you during this entire proceedings. You have the right to have an attorney appointed if you so desire. Furthermore, you have the right to terminate this interview at any time that you feel necessary. Do you understand your rights?

MRS. [REDACTED]: Yes.

BY DR. [REDACTED]:

Q You still wish to speak to us during this inquest and tell us the details of the death relating to

[REDACTED]?

A Yes. Just start at the beginning?

Q No, I will guide you.

A Okay.

MR. [REDACTED]: He will ask you questions.

Q Now, [REDACTED], how old was she?

A She was five months and four days.

Q And you are the grandmother?

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1 A Yes.

2 Q Maternal or paternal side, mother's side or
3 father's side?

4 A Mother's side.

5 Q And T [REDACTED] lived with you since her
6 birth?

7 A Yes.

8 Q Where was she born?

9 A She was born at [REDACTED]

10 Q [REDACTED] in Fort Worth?

11 A Yes.

12 Q And did your daughter have any problems during
13 the pregnancy or any abnormalities whatsoever?

14 A No.

15 Q Does she live with you at your house?

16 A Yes.

17 Q That is in Fort Worth, Texas?

18 A Yes.

19 Q- Okay now, during the five-month period that
20 the child lived with you, was the child normal? Did she
21 have any problems of any sort, medical problems? -

22 A No, very healthy child. Dr. [REDACTED] told my
23 daughter she was one of the healthiest children he had
24 seen through there.

25 Q Dr. [REDACTED] is --

1 A Her doctor at [REDACTED], the one that
2 delivered her.

3 Q Was the child being treated by a pediatrician?

4 A No, Dr. [REDACTED], that was the only doctor she had.

5 Q I see. Did the child get normal care,
6 pediatric care such as shots, vaccinations and all?

7 A Yes, we took her to him, to Dr. [REDACTED] and he
8 was the one that saw to her shots.

9 Q Now, a few days prior to her death and on the
10 day she died, was [REDACTED] in generally good health?

11 A Yes, very good health.

12 Q Can you briefly, in your own words, tell us
13 what happened from the morning time, from the time that
14 the mother left for work?

15 A That Saturday, all right. I can't remember what
16 time she left for work but it was early. The stores open
17 at 10:00. I believe she got there at 10:00. I was
18 thinking to myself I will take her down to K-Mart and get
19 her picture made because my daughter wanted to take her to
20 Sears. I thought I'll run her down to K-Mart and get it
21 made right quick so I don't have to wait in line. She was
22 dressed. I had bathed her that morning and took her down
23 there. I didn't have to wait any at all, they took her
24 picture, and I brought her back home. I remember looking
25 at the clock about 11:30 and I thought, well, it's not time

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1 to feed her. She was eating vegetables by that time.
2 I knew she was sleepy, so I changed her diaper and I
3 thought, well, I'll rock her. I didn't always rock her.
4 She was a good baby. I never had any problems. I couldn't
5 ask for a better baby. So I rocked her in the rocking
6 chair, and she went right to sleep in a short time. I
7 went into the back. We have a room in the back of our
8 house fixed up for our daughter, two rooms, a smaller and
9 one larger. She was in that smaller room in her crib.
10 I laid her down on her stomach. This was the head of
11 the bed (indicating). This was the foot of the bed and
12 I had laid her down. I know that I could put a twelve-inch
13 ruler from the end of that bed to the end of her head. I
14 laid her on her stomach. She went to sleep right away.
15 The warm -- the room was warm and so I laid a blanket up
16 to her waist. She had quilted pants on so I didn't want
17 to put too much cover on her. She went to sleep. I went
18 back to my kitchen where I sat down to work at my desk,
19 and I worked on my bills. It was quiet. I had no radio
20 on or TV of any kind. I like a quiet house, and I did not
21 hear her, not any sound of any kind. And I was getting
22 tired working on my bills, and I thought I'll run check
23 on Tabitha. When I found her she had rolled over on her
24 back and this toy -- I'll never forget, the beak of this
25 toy was right here (indicating) and went down over her nose

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1 and around her little cheeks, and her arms were just out.
2 And I said, Oh, my God. I yanked it off and I remember
3 there was some suction there. And I yanked it off and I
4 don't even know where I threw it. I of course -- it was
5 a shocking thing, and I couldn't even think to put the
6 bed down, the side would come down, to administer
7 resuscitation to her. So I just scooped her up in my
8 arms and I remember as I was running, there was a red
9 mark on the side of her cheek. I didn't see the other
10 side but I did see this side. I ran to the den and laid
11 her down on the sofa and began to give her mouth-to-mouth
12 and push on her chest. I could not revive her, so I
13 ran to the telephone and called my husband. He just
14 dropped the phone. He knew something was wrong and ran
15 home and got there very fast. So he took her out of my
16 arms and immediately began to do the same thing I was doing
17 and he told me to go call an ambulance. I was so upset
18 I couldn't think to call an ambulance. So I ran and
19 called an ambulance and they got there I'd say in five
20 minutes time. The police came before they did, two police
21 cars came before they did. And they took her to the
22 ambulance, took her out to the ambulance and to the
23 hospital.

24 Q Did you go to the hospital yourself?

25 A No, not in the ambulance. I was waiting for my

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1 daughter. She was going to get off from work in one
2 hour, and my thoughts were on her. I knew how much she
3 loved that baby. Those were the thoughts in my mind as
4 I held that baby. I said, God, please don't take this
5 baby. I knew how much she loved her, and I knew it would
6 be hard for her to -- well, I didn't know how I might be
7 able to pull her together. I knew she would fall apart
8 and she was very hysterical. My sister-in-law went out
9 there to tell her and she said it took two security guards
10 to get her in my sister-in-law's car she was so hysterical.
11 I knew how she would react. As soon as she got home, of
12 course she was still hysterical, and I was able to calm
13 her down and we got in the car, Dad and I and Dee Dee,
14 and we went to the hospital just as quick as we could.

15 Q Did you speak to any physicians or nurses at
16 the hospital?

17 A Yes, when I got there of course I saw Dad,
18 and I said, Dad, is she okay. And he shook his head
19 and then a nurse came up. I don't remember her name or
20 anything, but she came up and I asked her if the baby was
21 all right, and I knew by her reaction that the baby was
22 gone. And of course, we went into a room there to try
23 to comfort our daughter. She was crying hysterically
24 again, and that's all right now.

25 Q Now, may I once again redirect your attention to

1 the time span, you said that you had put the baby to
2 bed at 11:30 in the morning?

3 A Yes.

4 Q What time did you discover her?

5 A I believe, I'm not quite sure, but I believe it
6 was between the time of 1:00 and 1:30 because I knew that
7 my daughter would be off at 2:00 so I would have said
8 closer to 1:00 that I checked on her. Because I was
9 thinking she would be off work in an hour and it would be
10 1:00 o'clock.

11 Q You had put the baby lying on her --

12 A Stomach.

13 Q On her stomach?

14 A Yes.

15 Q When you discovered her, how was the baby? Was
16 the baby on her stomach or on her back?

17 A On her back.

18 Q On her back, and you said that the top of the
19 toy was stuck firmly to the face?

20 A Yes, yes.

21 Q Was it easily dislodged or did you have to pry?

22 A Yes, I took it, I could feel the suction.

23 Q Did it take a lot of pressure or force to take
24 it off?

25 A Yes, I could feel the pressure. I remember that.

1 Q When you removed that, what did you see on
2 the face?

3 A I could see, I remember this red mark and a
4 mark across here on her face, and she was very -- she wasn't
5 real cold but she wasn't real warm either but her body was
6 still warm. She was pale, you know, pale in color, not
7 real pink, but not white either.

8 Q Now, so that we can have it in words for our
9 inquest report, let's say that you saw those markings
10 where exactly? Instead of pointing, can you tell us in
11 words?

12 A On her right cheek, I would say it was an
13 inch and a half to two inches of a red mark on her right
14 cheek.

15 Q Was it straight or sort of wrinkled?

16 A Curved, it was a curved line.

17 Q Where else did you see those markings?

18 A Across the bridge of her nose.. It was red,
19 very red.

20 Q I see.

21 A Of course, holding her in my arms that way,
22 I just did not notice the left cheek, but I do know it
23 was tight when I pulled it off, not extremely tight,
24 but tight that I could feel the pressure of that suction
25 when I jerked it off her face.

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1 Q Who had placed the toy in the crib; do you
2 recall?

3 A Well, I can't remember that. It was just left
4 in her crib. We never -- we kept it there the majority
5 of the time, and any time that I laid her down I would
6 just straighten up the toys that were around her. And
7 of course I could come out there and she would have them
8 disarrayed, moved, even a teddy bear. I went out and it
9 was toppled over one time.

10 Q How long have you had that toy?

11 A This toy? Since Christmas.

12 Q Since Christmas?

13 A My daughter bought it for her for Christmas.

14 Q Do you read safety precautions on toys for
15 age and what desirable age limit this toy is meant for?

16 A Yes, I do. I can't recall if I had read on
17 that box. I have four children and all my children were
18 home for Christmas, and it was a very busy time of year.
19 And I remember my daughter wrapping and bringing it to
20 the table and wrapping her two or three toys there. I
21 didn't even really notice the toy until Christmas of what
22 it looked like and everything because there were so many
23 presents around the tree.

24 DR. [REDACTED] do you have any
25 questions?

1 BY MR. ~~REDACTED~~

2 Q When the baby was in the bed with the toys,
3 how mobile was the baby?

4 A Movable? Very, she could turn, she could be
5 like in the middle of the bed and she could roll over
6 and be clear over in the corner. I mean, she could go
7 that far.

8 Q She was a very active little baby?

9 A Yes, just before she died I would say a few
10 days before she died, she was beginning to get on her
11 knees. We noticed her do that about three times and
12 that was all we ever noticed, her getting up on her knees,
13 but she could reach out for toys, and she would reach
14 out for them. She was fascinated, I guess, with the color
15 of it, and she was very fascinated by that toy. Of course,
16 when she reached for it the pieces would topple over and
17 fall apart. And I can remember one time where she had
18 one of the pieces kind of chewing on it in her mouth.

19 Q How was her grip?

20 A Very good.

21 Q A lot of times grandparents will take and let
22 a child hold onto their fingers. How was her grip? Could
23 you take her by her grip and pick her up?

24 A Yes, very good, very tight. She had a tight
25 grip. I was amazed at her grip to be so little.

1 MR. [REDACTED] That's all I have.

2 DR. [REDACTED] Dr. [REDACTED], do you have
3 any questions?

4 BY DR. [REDACTED]:

5 Q Have you ever experienced death of any other
6 young child in your family or someone close to you?

7 A No, this is the first tragedy we have ever had
8 in our family. My mother and father have a very long
9 life, they're still living.

10 Q How has the baby's death affected you emotionally
11 since this is the first experience? What has that been
12 like for you?

13 A I can't describe it. She was like my own.
14 My daughter went to school and she worked also, and so
15 I had the care of this baby quite a bit. And she was
16 like my own. She just brought joy in the house. If there
17 was any tension between us, it just went away when we
18 played with her and picked her up. Nothing can replace
19 her. She's precious.

20 Q Sometimes there's common response that people
21 will have when someone close to them dies. Some of those
22 responses could be feeling guilty or feeling responsible
23 for what has happened as we try to think through what has
24 happened. Have you had any of those feelings?

25 A No, I can't say that I have. We all just loved

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1 her. She just was loved by all of us.

2 Q Anger can sometimes be another experience.
3 Why did this happen to us? Have you felt anger?

4 A Well, I felt anger perhaps at the company,
5 but not that much. You know, not a great amount. I
6 felt like, you know, why would they let a toy be put on
7 the shelves that was not safe. It never occurred to me
8 that this toy might harm my baby. If I had a thought of
9 it that way, I would have had that toy out and kept it
10 out, but I thought if it's put on the shelf it's safe.

11 Q How soon after you found the baby did you have
12 that angry feeling against the company that you mentioned?

13 A Oh, I don't know, probably days later. Not at
14 first. We were -- I was really concerned with my daughter
15 because I knew how much she loved that baby, how much that
16 baby meant to her and I was concerned for her, you know,
17 hanging on. I didn't know -- I knew she would get
18 hysterical, but I really wasn't sure how she would react.

19 Q So you say that you haven't really experienced
20 any guilt or feeling of responsibility? You have
21 experienced some anger. Are there any other emotional
22 feelings that you have experienced so far?

23 A Just a deep emptiness, a loss. Just, you know,
24 you go home and the house feels empty. She's not there,
25 and it just feels empty and the loss and I just -- we just

1 loved her so much. Being good, she was a good baby, too,
2 which made it even sweeter for us because she wasn't any
3 trouble. You know, she cried when she wanted her bottle
4 or wanted to be turned over. We could play with her for
5 an hour or an hour and a half in our arms and play with
6 her and lay her down and she wouldn't even cry. Very
7 contented baby, that makes it harder for us.

8 Q How will you get through this time in your life?

9 A How will I?

10 Q Uh-huh.

11 A Only by God's grace. He's given me peace.

12 Of course you have to learn to accept it, and I know by
13 the grace of God that's the only way I can get through
14 is the peace that he gives me.

15 DR. [REDACTED]: Mrs. [REDACTED], we certainly
16 appreciate your coming here today. We are
17 sorry about the loss.

18 MRS. [REDACTED] Well, I appreciate that.

19 DR. [REDACTED] We want to assure you that
20 we will do the best we can to come up with some
21 sort of answer to all of this, and hopefully
22 we want to represent you and the family in every
23 way we can. We are neutral, unbiased observers
24 in this entire episode. And if there is anything
25 that you need to ask us directly, we'll be happy

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to help you in any way we can.

MRS. [REDACTED]: I don't have any questions that I can think of. Do you?

MR. [REDACTED]: Did you observe markings on the face when you did your autopsy?

DR. [REDACTED]: We did see a focal area where we saw a contusion that was a marking and present at the position where Mrs. [REDACTED] describes that she did see.

MR. [REDACTED]: It has shown up in some photographs that she has when she was in the casket.

DR. [REDACTED]: We have photographs, too.

MR. [REDACTED]: I don't have any questions.

MRS. [REDACTED]: The red marking on her face was gone when we buried her.

MR. [REDACTED]: On the cheek.

MRS. [REDACTED]: On the cheek, but across the bridge it was still there, very visible when we buried her.

DR. [REDACTED]: Thank you very much.

[REDACTED]

the witness hereinbefore named, being first duly cautioned and sworn to testify the truth, the whole truth and nothing but the truth, so help him God, testified as follows:

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1 DR. [REDACTED]: Mr. [REDACTED], I wish to give
2 you the Miranda Warning. Anything that you say
3 may be used against you in a Court. You have the
4 right to have legal counsel. You have the right
5 to remain silent. You have the right to terminate
6 this interview whenever you feel it is necessary.
7 Do you understand your rights?

8 MR. [REDACTED] Yes.

9 BY DR. [REDACTED]

10 Q Are you guided by your counsel during this
11 interview? Do you feel represented today?

12 A Yes.

13 Q Very good. We of the Medical Examiners Office
14 are investigating the death of Tabitha Hobbs, your
15 granddaughter. The inquest consists of an autopsy and
16 an inquiry into death as required by the Statute 1425
17 of the Court of Criminal Procedure. The Medical Examiners
18 Office will make all the findings public at the end of
19 the inquest. Basically what we are interested in today
20 is asking you a few questions related to [REDACTED] a. Now,
21 [REDACTED], that was your daughter's daughter?

22 A Right.

23 Q And she lived with you at your house in Fort
24 Worth?

25 A Yes.

- 1 Q Both the mother and the daughter, right?
- 2 A Yes.
- 3 Q How old was [REDACTED]?
- 4 A Five months, approximately four days, I believe.
- 5 Q Where was she born?
- 6 A Pardon me?
- 7 Q Where was [REDACTED] born?
- 8 A Peter Smith.
- 9 Q She was born at the end of a full-term pregnancy?
- 10 A Yes, best of my knowledge.
- 11 Q Was the delivery normal or by C-section?
- 12 A Normal.
- 13 -- Q During the pregnancy did your daughter, the
- 14 mother of [REDACTED], have any problems?
- 15 A Not to my knowledge.
- 16 Q No trauma?
- 17 A None that I know of.
- 18 Q Do you know who delivered your daughter?
- 19 A Dr. [REDACTED] I believe.
- 20 Q And he is at [REDACTED]?
- 21 A [REDACTED].
- 22 Q After her birth was [REDACTED] taken care of by
- 23 a physician?
- 24 A Dr. [REDACTED] with the exception of -- well, yes,
- 25 there was one more time that the doctor -- she had a shot

1 three or four weeks prior to her death for a cold. Other
2 than that, that's the only other doctor that she saw that
3 I know of other than Dr. ██████████

4 Q Now, a few days prior to her death and on the
5 day that ██████████ died, did she have any sort of medical
6 problem of any sort that you can recall?

7 A Medical problem, what do you mean by that?

8 Q Any fever or any symptoms?

9 A Only problem she ever had during her entire life
10 was that one cold which was two or three, four weeks prior
11 to her death. And she had gotten over that. Other than
12 that, she had never been sick.

13 Q How long would you say that was prior to her
14 death?

15 A Two weeks, three weeks. I'm not sure. It can
16 be verified by the records, the exact date.

17 Q Did you take her to a physician?

18 A No, my wife did and her mother.

19 Q What doctor was that?

20 A I don't know, the emergency clinic, I believe
21 on the Denton Highway. I could be wrong but I believe
22 that's where they went.

23 Q I see. What were her symptoms at that time?

24 A She was having -- she acted like she was congested,
25 not breathing, you know, like she had a good cold or strong

1 cold or whatever.

2 Q Did she have fever?

3 A I don't know. I imagine she did. I'm not a
4 doctor, and like I say that is Mom's department.

5 Q How long did this last, this episode?

6 A We were worried with her two or three days
7 as far as watching her. In fact, I think the first night
8 someone sat with her around the clock holding her. Other
9 than that probably the first twenty-four hours was
10 critical as far as being worried about her. Other than
11 that she got over it.

12 Q I see. On the day she died, January 14, 1984,
13 can you very briefly summarize the events that took place
14 perhaps from the time her mother left for work?

15 A I don't know when they went to work. I do know
16 this, I'd gone to work prior to that, so I'm not -- I
17 can't say. I had made -- this was on a Saturday. I went
18 to Weatherford to an auction and come back home, and I
19 had been back to my office less than five minutes when I
20 got the call. So other than that I can't give you any
21 details. I don't know any firsthand.

22 Q I see. So you were not really present when
23 your wife put  to bed?

24 A No, no, I was not there.

25 Q Were you there when she checked her?

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- 1 A No.
- 2 Q When exactly did you come in?
- 3 A When she called me and said that the baby is
4 dead, the baby has smothered. I think those were her
5 words. That is when I got in my car and got to the house.
- 6 Q She called you in fact?
- 7 A Yes.
- 8 Q You were at work in other words?
- 9 A Yes.
- 10 Q Where were you exactly?
- 11 A About two and a half miles approximately from
12 the house.
- 13 Q I see. How long did it take you to reach there
14 approximately?
- 15 A Three to five minutes, probably three.
- 16 Q Did you arrive before the police?
- 17 A Yes.
- 18 Q Before the paramedics?
- 19 A Yes.
- 20 Q When you first arrived, what did you observe?
- 21 A That the baby was lifeless, not breathing.
- 22 Q Was your wife giving CPR?
- 23 A She -- when I got in, she handed the baby to me,
24 and I don't remember what I said. I don't remember if I
25 said have you called the ambulance or what, I don't know.

1 but then I started giving her CPR to the best of my
2 ability.

3 Q Did you observe anything unusual on the face?

4 A The markings, we all saw that on the bridge of
5 the nose.

6 Q Any other markings that you saw?

7 A No, I wasn't really aware of anything other
8 than I noticed that mark.

9 Q You in particular did not see any markings on
10 the cheeks either left or right?

11 A Not really, I couldn't say. I mean I didn't
12 notice any, I'll put it that way.

13 Q Okay, what happened after that? Can you relate
14 to me what happened after the police came?

15 A Let's see, the police came in. One of them
16 had me hold her head back, the baby's head back, and then
17 shortly thereafter the paramedics came in. When they got
18 there, they took over and asked us to step back-out of
19 the way. Within a minute, give or take, a very short time,
20 they took the baby to the ambulance which was parked in
21 front and asked us to remain in the house, you know.

22 Q I see. You did not ride in the ambulance to
23 the hospital?

24 A No, I did not.

25 Q Did you subsequently go to the hospital?

1 A I left probably within two to five minutes
2 after the ambulance did.

3 Q Did you speak to any physicians at the hospital?

4 A I talked to two. I couldn't tell you their
5 names. They're the ones that told me that my baby,
6 my granddaughter was dead. And then I asked one of them
7 what caused the death, and he made the statement or said,
8 what we can tell now, preliminary or otherwise, that --
9 whatever they call it, crib death.

10 Q Sudden Infant Death Syndrome?

11 A Right. I told them you've got to be crazy.
12 I'm not sure if that's the word I used. She smothered
13 to death. There's still no doubt in my mind she did.

14 Q Why do you say there is no doubt in your mind?

15 A The mark on her nose. I mean, almost anyone
16 could tell. That's the only mark that baby ever had on
17 it in its life.

18 Q Do you at all think remotely that a child
19 five years (sic) of age would be in a position to throw
20 or push away a toy from the face?

21 A Rephrase that first part.

22 Q Do you think a child would have the motor
23 control or the power perhaps, muscle power, to displace
24 a toy stuck to the face?

25 MR. [REDACTED]: I think he was asking, you had

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1 said five years.

2 A That's what threw me.

3 Q Five months I mean.

4 A I don't believe -- then, I'm not an authority
5 on this, but I don't believe any baby five, nine, twelve
6 months old would have the ability to -- they might, I'm
7 not saying they would or wouldn't, I don't know. That's
8 strictly not my field. But I'd say chances are it
9 wouldn't have a good percent. It's -- it could by accident,
10 but not intentionally. It wouldn't know what they're
11 fighting. That's my belief.

12 Q So you feel that a toy as this could literally
13 get stuck to the face and cause suffocation?

14 A Very easily. There's no doubt in my mind,
15 not in mine.

16 Q Were you ever concerned about a toy which has
17 been specifically marked for an age group nine months
18 and above was being placed into the crib of this five-
19 month old baby?

20 A Was I aware of it? No. I wouldn't have
21 thought much about it if I had. I haven't even seen
22 the toy. I didn't even know it existed, but that's not
23 unusual because of the number of toys around the Christmas
24 tree during Christmas and shortly thereafter. How some
25 people can say a toy is good for five months or nine months

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1 is questionable, but it's not for me to say. How do
2 they judge? This I don't know.

3 Q What if I would tell you that the doctor in
4 charge of the ER at John Peter Smith Hospital stated
5 that in his opinion such a toy could only cause suffocation
6 if firmly held on the face of a child; what would you say
7 to that?

8 A Very possible. I can tell you how it happened
9 in my mind for what it is worth.

10 Q Would you like to share it with us?

11 A Okay, I'm going to step out and say what I
12 believe happened. The baby is five months old and if
13 you're familiar with babies, I've raised four or we have
14 had four of them. This baby played on her tummy, and
15 you know how they raise back. And she came down on this
16 toy and when she did she probably exhaled and that was it.
17 She had no reason to realize what she had gotten into,
18 nor ability to realize what she had gotten into. And I
19 believe she raised up several times trying to get away
20 from that thing and that is what caused this scar right
21 here or this damaged tissue, whatever you want to call it,
22 the bruise. And I firmly believe that is what happened,
23 and in her last struggle she flipped over on her back.
24 This is my firm belief of what actually happened.

25 Q Let me show you this particular piece, the top

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1 of the toy was sent to us by Fisher-Price Company. Would
2 you compare this, and keep it separate, and tell us if
3 they are exactly the same in size and dimensions? The
4 one in your right hand was sent to us by the company,
5 of course.

6 A Visually, visually, they're the same without
7 getting out to the thousandths which I am familiar with,
8 in essence they are the same toy. This is the one that
9 smothered my grandbaby.

10 Q This belongs to us?

11 A Right. There's no doubt in my mind.

12 DR. [REDACTED], do you have any
13 questions?

14 BY MR [REDACTED]:

15 Q You say you have raised four other children;
16 is that correct?

17 A My four, my own, right.

18 Q What sex were they?

19 A Pardon me?

20 Q What sex were they?

21 A Three girls and one boy.

22 Q I guess they were all strong, healthy children?

23 A Right.

24 Q And in recalling when these children were small
25 and at the age of five or six months of age, and in

1 comparison to this baby, would you consider this baby
2 to be as strong and as healthy as any other child?

3 A Personally I couldn't say there was any
4 difference.

5 Q And I know you played with her as your grand-
6 daughter. All grandfathers play with their grandbabies.

7 A That's right. In fact I probably spent as
8 much time or more with her because of my schedule than
9 I did mine. I worked when mine were growing up.

10 Q Yes, sir, and you do recognize she was a strong
11 child?

12 A Right.

13 Q And that she was able to handle herself very
14 well?

15 A Right, she had been turning over probably a
16 month. You know, flipping over on her back or tummy,
17 whichever the case was. As far as I was concerned there
18 was -- I could tell no difference in development or
19 anything of that nature.

20 Q And she had a good grip?

21 A Right.

22 MR. [REDACTED]: That's all I have.

23 BY DR. [REDACTED]

24 Q Have you ever experienced the death of a
25 young child or infant in your past or in your family before?

1 A No, I hope I never do again.

2 Q What has this death meant to you or felt like
3 to you emotionally? What have the feelings been like?

4 A Sudden shock. Other than that, I don't under-
5 stand what you're trying to -- in other words, it's a
6 shock to all of us.

7 Q There are some fairly common feelings that
8 people have soon after someone close to them dies in
9 trying to understand why the death happened, what was it
10 about, why now. Sometimes people will feel guilty or
11 sometimes they will feel responsible and sometimes they
12 will feel angry. Did you feel guilty for example at all?

13 A None whatsoever. Why should I?

14 Q Did you in any way feel responsible?

15 A No.

16 Q How about angry?

17 A No, the question that came to my mind is why
18 did this happen. This is what came to my mind. -- Angry,
19 no at any particular person or otherwise. Then when we
20 started examining the toy, supposedly this should have
21 passed some safety code previous to being put on the
22 market.

23 Q When you first asked why did this happen and
24 before you thought about the toy, what were some of the
25 things that you came up with as to why did this happen?

1 What were some of your thoughts?

2 A. Didn't have any. There was no animosity. Is
3 that what you're trying to say? I had no ill feelings
4 in any respect to certain person or persons or nobody.
5 I accepted it as unexplainable as far as death is
6 concerned.

7 Q How would you say the death has affected your
8 family?

9 A. The only real reason is the loss of her is
10 what we miss. I mean as far as affecting us, it's
11 probably pulled the immediate family closer together.
12 Other than that it is not affected us physically yet.
13 I'm sure there's going to be some strain on us.

14 DR. [REDACTED]: That's all.

15 DR. [REDACTED] Mr. [REDACTED], I want you to
16 know we feel very sorry for all of this. We
17 as the medical examiners office as conducting
18 an inquest which of course entails not only the
19 autopsy but finding facts and relating these to
20 the death. Sometimes historical facts can
21 support or contradict what you find at autopsy,
22 and this is perhaps one of the most important
23 responsibilities we have as neutral and unbiased
24 observers in this entire issue. I hope you will
25 bear with us for a few days or more until we come

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up with the results of the inquest. As soon as the inquest is over officially, all the findings we have will be public record at which time I will be happy to sit with you and answer any questions. All right?

MR. [REDACTED]: Okay.

DR. [REDACTED]: I want to thank you for coming here today.

[REDACTED]

the witness hereinbefore named, being first duly cautioned and sworn to testify the truth, the whole truth and nothing but the truth, so help her God, testified as follows:

DR. [REDACTED]: Mrs. [REDACTED], will you state your name?

MRS. [REDACTED]: [REDACTED].

DR. [REDACTED]: My name is Dr. [REDACTED]. I'm the medical examiner for this county, and we are investigating the death of your little girl, [REDACTED], who died on January 14, 1984. This you perhaps know is required by the law, and as duly-appointed medical examiners we have the responsibility of examining all the events, facts leading to the death and doing an autopsy.

1 I want to give you the Miranda Warning. I will
2 state that you have the right to remain silent.
3 You have the right to have an attorney to counsel
4 you. You have the right to have an attorney
5 appointed if you so desire. You also have the
6 right to terminate this interview at any time that
7 you feel necessary. Do you understand your rights?

8 MRS. [REDACTED]: Uh-huh.

9 BY DR. [REDACTED]:

10 Q Do you want to sit and speak to us and answer
11 some questions for this inquest?

12 A Uh-huh.

13 MR. [REDACTED]: [REDACTED], let me tell you that
14 when you answer, speak up so everybody can hear
15 you, and this lovely Court Reporter is taking
16 down everything, and it is hard for her to take
17 down a nod of the head.

18 MRS. [REDACTED]: Okay.

19 BY DR. [REDACTED]:

20 Q You are the real mother of [REDACTED]?

21 A Yes, sir.

22 Q Where do you live?

23 A [REDACTED]

24 Q How old are you?

25 A Seventeen.

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- 1 Q When was [REDACTED] born?
- 2 A August 10.
- 3 Q What year?
- 4 A '82 -- '83.
- 5 Q 1983?
- 6 A Uh-huh.
- 7 Q Where was [REDACTED] born?
- 8 A [REDACTED]
- 9 Q Did you receive care during your pregnancy?
- 10 A What?
- 11 Q Did you receive medical care during your
- 12 pregnancy?
- 13 A Uh-huh.
- 14 Q Who delivered that care?
- 15 A Dr. [REDACTED].
- 16 Q He's also at [REDACTED]
- 17 A Uh-huh, he was my doctor and her doctor.
- 18 Q I see. Was [REDACTED] born at full term?
- 19 A Nine months, uh-huh.
- 20 Q Was she delivered naturally or --
- 21 A Naturally.
- 22 Q Or C-section?
- 23 A Naturally.
- 24 Q Did you have any problems during your pregnancy?
- 25 A No, none whatsoever.

1 Q Were you sick at all?

2 A Huh-uh.

3 Q During the early part of your pregnancy did
4 you have what we call hyperemesis gravidarum? Did you
5 throw up?

6 A No, no problems.

7 Q Any history of trauma during your pregnancy?

8 A No, I've gone to SAM school for pregnant
9 mothers. All of my friends had so much problems and I
10 had not one. Towards the last, about the last three
11 weeks my back, lower back started hurting. That is all
12 I've had. I didn't have any headaches or high blood
13 pressure or nothing.

14 Q And [REDACTED] was born in a hospital?

15 A Uh-huh, yes.

16 Q During the five months that she lived, did she
17 have any major medical problems?

18 A What do you mean, operations?

19 Q Any sicknesses?

20 A She got sick one week. She was in there, she
21 had a touch of pneumonia.

22 Q Was she admitted to the hospital?

23 A No, huh-uh.

24 Q When was that?

25 A It was during Christmas, during Christmas holidays.

1 Q That's about two or three weeks prior to her
2 death?

3 A It was about -- I can't remember. She got sick.
4 It was before Christmas when she got sick, and we took her
5 I think the day after Christmas because we called John
6 Peter Smith and they were closed. We called Haltom General
7 and they were closed so we took her to the minor emergency
8 clinic.

9 Q Where was that?

10 A It's on Denton Highway.

11 Q Now, did you say she had a touch of pneumonia
12 or flu?

13 A They said she had a touch of pneumonia.

14 Q What sort of medication did he give her?

15 A Penicillin and some cough medicine.

16 Q Did he take any X-rays?

17 A No. He said she would either get better within
18 the next twenty-four hours to forty-eight hours or worse,
19 and she got better. He told us to take her back the next
20 day and we were going to take her to my doctor, but she
21 got so good, you know, we didn't see that we should take
22 her. We didn't give her the cough medicine, just the
23 penicillin. It said on there so many cc's and we didn't
24 know how much that was. She wasn't coughing that bad.
25 We didn't give it to her. So we just gave her the penicillin

- 1 Q Was that tablets, capsules, syrup or shots?
- 2 A He gave her a shot and he gave her the pink
3 medicine, penicillin.
- 4 Q I see. How long did [REDACTED] take to recover
5 from that; do you recall?
- 6 A No, she recovered real fast, within two days
7 I would say. Within a day she was getting better.
- 8 Q So say by the first of the new year of '84,
9 she was back to normal?
- 10 A Uh-huh, I'd say so.
- 11 Q On the day that she died, when did you last
12 see her?
- 13 A I saw her before I went to work.
- 14 Q What time was that?
- 15 A It was before 10:00 o'clock.
- 16 Q Before 10:00 o'clock?
- 17 A I had to be at work at 10:00.
- 18 Q Where do you work?
- 19 A Outlet Malls of America.
- 20 Q How long have you worked there?
- 21 A Since she was exactly a month old. It was the
22 first day I started.
- 23 Q Who took care of your baby while you were at
24 work?
- 25 A My mother.

1 Q Did you and [REDACTED] sleep in the same room?

2 A Uh-huh, yes.

3 Q The night before she died, did she have a
4 peaceful sleep?

5 A Did she what?

6 Q Sleep peacefully?

7 A Uh-huh.

8 Q She didn't wake you up?

9 A Huh-uh.

10 Q What was the normal routine? When would you
11 last feed her in the evening or at night or when would
12 she wake up for her feeding?

13 A She slept all night and she would eat about
14 6:00 or 7:00, that was her last meal, and she would have
15 a bottle about 9:00 and then she would go to sleep about
16 10:00.

17 Q You didn't breastfeed her? You did breastfeed
18 her?

19 A But I was through breastfeeding then and had
20 put her on the bottle. I breastfed about four and a
21 half months, but then it wasn't all nursing. It was
22 bottle and nursing. I was working at bottle and nursing,
23 but it started lightening up with the nursing, and I was
24 using the bottle more often.

25 Q What sort of formula did you use?

1 A Infamil.

2 Q Was she on any other diet? Fruits or
3 vegetables?

4 A She had fruits and cereal and baby food.

5 Q Now, you were at work when they called you
6 to give you the news about [REDACTED]

7 A My aunt came and told me.

8 Q Did you go to the hospital?

9 A We, my aunt finally got me to the car, and then
10 we went to my house, and from there we got in my mom's
11 car and went to the hospital from my house.

12 Q Did you get a chance to look at [REDACTED] while
13 you were at the hospital?

14 A (Witness nods.) They let me go in there and
15 see her.

16 Q Did you see any markings or bruises on her face?

17 A I saw this one here. These here I didn't see.

18 Q By here you mean the bridge of the nose?

19 A Uh-huh, right there.

20 Q So you only saw a marking or bruise at the
21 bridge of the nose but none on the cheeks?

22 A No, I didn't see that. They let me hold her.

23 Q Did you talk to a physician?

24 A No.

25 Q Did you ask anybody what she had died of at the

1 hospital?

2 A When my aunt came and got me she told me, and
3 when I first said -- I said it was crib death and she
4 said, no, it was that bird. And at the time I didn't
5 understand how the bird could do it. And when I got home
6 my mom told me how she had found her and everything.

7 Q Do you know what crib death is?

8 A It's when they start going to sleep and they
9 just drift on and they don't let back up. They just go
10 to sleep and just die in their sleep.

11 Q How much was your mom attached to [REDACTED]?

12 A We all loved her. My mom was real close to
13 her though. My whole family was.

14 Q Did [REDACTED] fall down the night before or
15 anything of that sort?

16 A Huh-uh, she didn't fall.

17 Q The marking on the nose that you described,
18 it wasn't there when you left for work, was it?

19 A Huh-uh, no.

20 Q Do you feel like your mother feels responsible
21 for the death?

22 A I think she did at first simply because she
23 was there with her all by herself.

24 Q Do you think she feels guilty about that?

25 A No, I don't think she does now.

1 Q She did at that time?

2 A Yes, she says she thought of me because she
3 was my life, and she was afraid I couldn't handle it.
4 It just don't seem fair. All them little kids out there
5 abused and hit on, and we loved her so much.

6 Q Have you informed the father of the death?

7 A Yes.

8 Q How does he take it?

9 A - He took it pretty hard because he's never seen
10 her until then.

11 Q He had never seen the baby?

12 A No, sir.

13 Q Did he know there was a baby?

14 A Yes, sir.

15 DR. [REDACTED]: [REDACTED], any questions?

16 BY MR. [REDACTED]

17 Q Maybe I didn't hear you, but did you give the
18 weight and length of the baby during the last exam?

19 A She was supposed to go to the doctor that following
20 Thursday for her third checkup, so I don't know.

21 Q I notice when he first asked you if you noticed
22 any markings, you said that you noticed a marking on the
23 nose but not the ones and you pointed to both cheeks.

24 A Uh-huh.

25 Q Did someone tell you there were markings on both

1 cheeks?

2 A They had just said that the bird, the bill of
3 the bird was here. When my mom had pulled it off, there
4 was a section there and there were two marks on her cheek,
5 but I didn't see that.

6 BY DR. [REDACTED]:

7 Q Did they tell you it was one marking or two
8 markings?

9 A They didn't really say. I just assumed there
10 was two.

11 Q You never discussed that with your mom?

12 A Huh-uh.

13 — DR. [REDACTED] Dr. [REDACTED], do you have
14 any questions?

15 BY DR. [REDACTED]:

16 Q How is your father doing? How is he handling
17 the death?

18 A I think he's doing pretty good. I've never
19 seen my father this upset. I've never seen ~~my~~ father
20 cry.

21 Q Would you say he's angry?

22 A He's more hurt I think than anything because
23 he loved her so much. He'd come in in the evenings and
24 he would go pick her up and play with her. He put her
25 nightgown on.

1 Q I take it that you weren't the first one to
2 think that the toy was related to her death. You said
3 that your aunt mentioned that to you?

4 A My uncle which is her husband had said something
5 on the phone to her, you know. First she wouldn't tell
6 me, first she told me she was dead and then she said
7 maybe they had revived her because I was --

8 Q How long would you say it took them to realize
9 they thought it was the toy that was the cause here?

10 A Mom knew it was that right off from when she
11 pulled it off. She said there was a suction there.
12 It had to have been that. It just hurts so bad.

13 BY MR. [REDACTED]

14 Q Do your parents have any other grandchildren?

15 A Yes, sir, she was the fourth one.

16 BY DR. [REDACTED]

17 Q Are you the youngest in the family?

18 A Yes, sir.

19 DR. [REDACTED]: Miss [REDACTED], I want to
20 reassure you that we'll do the best we can to
21 come to some sort of a conclusion. We want to
22 assure you that we neither represent the police
23 department, the district attorney's office or
24 [REDACTED] We are absolutely neutral
25 observers, and as the law requires we are in here

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to investigate a death. It usually entails an autopsy and evaluating the circumstances around the death. I hope you will bear with us and we will take a few more days and come to a conclusion. Once the inquest is over, I'll be very happy to answer any questions that you desire. I will sit with you personally and talk with you. All right?

MISS [REDACTED]: All right.

DR. [REDACTED] Thank-you for coming today.

[At this time the proceedings were closed. Mr. [REDACTED] tendered into custody of the Tarrant County Medical Examiners Office the toy in question and was given a receipt for same by David Carpenter.]

