

Q. Once you removed the blankets and the clothing that was covering Timmy, did you have an occasion to examine his body for his physical features and characteristics?

A. Yes, I did.

Q. Can you describe for us what you saw when you removed his clothing?

A. He was a small infant, male. He was very small. He weighed about two pounds. Was about thirteen inches long. He appeared to be normally developed, but just extremely prematurely developed.

{State's Exhibits 8 and 9 were marked for identification.} Q. I will show you what we have marked as State's Exhibit s Number 8 and 9 and I will ask if you recognize them? State's Exhibit Number 8, do you recognize that?

A. Yes.

Q. How do you recognize that ?

A, It's got the case number in it that is assigned to this case and this is the body of Timmy Kimbrough.

Q. And is that a fair and accurate representation of what Timmy looked like at the time you observed him?

Yes

*At this time the state admitted various photos of the body first wrapped in blankets then unclothed.*

Q. Upon examining these photographs did you notice any — or examining his body and taking the photographs, did you notice any evidence of physical injury to Timmy's body at that time?

A. No .

Q. Other than being small did he appear to be normally and physically developed?

A. Yes.

Q. Can you tell us what was Timmy's chest circumference when you examined him?

A. Nine and a half inches.

Q. Did his head and chest appear to be normally developed?

A. Yes.

Were there any physical abnormalities that you saw when you observed this portion of Timmy Kimbrough's body of his head and chest?

A. No, ma'am.

Q. Were Timmy's hands examined as a part of your autopsy?

A. Yes.

Q. Other than being small did they appear to be normally developed?

A. No.

Q. What abnormality did you observe?

A. The hands had an abnormality called a Simian crease. If you look at the palm of the hand, you see these lines that run across the palm. In a normal hand they don't go all the way across. But a Simian crease is a line that goes all the way across the palm.

Did you take a photograph of that?

A. Yes, I did.

This is the left hand of Timmy Kimbrough with the Simian crease visible right across the palm.

Q. Other than the Simian crease, does his hand appear to be normally developed?

A. Yes.

Q. And the Simian crease, can you explain to the ladies and the gentlemen of the jury what you are seeing in this photograph that you described as the Simian crease?

A. It's the straight line across the palm in the middle of the hand.

Q. Did you also examine his feet?

A. Yes.

Q. Did they appear to be normally developed?

A. They were normally developed, but they also had Simian creases.

What is that?

A. His foot, the sole of the foot with the Simian crease right across here.

Q. And can you tell the ladies and the gentlemen of the jury, where is the area in which you observed the Simian crease, can you describe that for us?

A. It is just a horizontal line across the upper part of the sole of the foot.

Q. Now after you had completed your external examination of Timmy's body, did you begin an internal examination?

A. Yes.

Q. And what did that consist of?

A. We look at the organs internally just to verify that they were normally developed and there was not any developmental abnormality or any disease process that contributed to death.

Q. Did you do that in Timmy's case, did you look at his internal organs?

A. Yes.

Q. Did you follow that normal protocol that you would follow in any case?

A. Yes.

Q. Based upon your internal examination of Timmy Kimbrough's body, did you see any evidence of any injury, disease or defect that resulted in his death?

A. No.

Can you tell us what is a histological examination?

A. We take little pieces of the tissue and look at it under the microscope to make sure there is not any disease that we cannot see with the just your regular eyes. We look at the tissue under the microscope to make sure there is not any infection anywhere.

Q. Did you perform an histological examination on the tissue of Timmy Kimbrough?

A. Yes.

Q. What did that histological examination reveal?

A. All his organs were normally developed.

Q. As a part of your autopsy protocol there at the Huntsville forensic science lab, did you collect samples of his blood and tissue for the purpose of sending them to the toxicology division?

A. Yes.

Q. Is that something that you normally do in a death investigation?

A. Yes.

Q. Is that toxicology report included in your final autopsy report?

A. Yes, it is.

Q. Did it show the presence of methamphetamine in Timmy Kimbrough's blood?

A. Yes.

Q. Was there also methamphetamine in his liver tissue?

A. Yes.

Q. Based on your training, your experience, your observations of Timmy Kimbrough during the course of your autopsy were you able to make a determination as to the cause of his death?

A. Yes, I was.

Q. What was that determination?

A. The cause of death was acute methamphetamine intoxication.

Q. Can you explain to us how acute methamphetamine intoxication caused Timmy's death?

A. The methamphetamine is present in his blood and liver so it circulates around his body, it is going to cause irregularity of the heart beat and therefore the blood pressure would not be held normal and eventually he would not get blood to his brain and he would have died that way.

Q. After determining the cause of Timmy Kimbrough's death, did you also determine the manner of his death?

A. I did.

Q. And what was the manner of death?

A, The manner of death was homicide.

MS. HULSEY: I think that is all I have right now.

CROSS EXAMINATION

BY MS. THOMASON:

Q. Doctor, you looked at this little baby's body, correct?

A. Yes, ma'am.

Q. And on the outside of his body everything was fine?

A. Yes.

Q. Except he had the creases in his hands and his feet?

A. Right.

Q. That was the only abnormality you noted?

A. Except for extreme prematurity of the infant.

Q. Because he was twenty-four, twenty-five weeks, something, depending on whose testimony we have heard?

A. Yes, ma'am.

Q. And then you looked inside his body and did not find anything abnormal?

A. That is right.

Q. There was nothing abnormal in his brain?

A. No .

Q. So, what did you base this diagnosis on?

A. From the results of the toxicology tests.

Q. When did you do your report?

A. I signed it on July 2nd, 2008. Did exam on May the 1st.

Q. Did your exam on May 1st. When did you get the toxicology report?

A. It was reported on June 17th. I am not sure exactly the date that I received it.

Q. I'm kind of confused. If you based — if you based your report and your findings on the toxicology report and you did your report before you got their report, I don't understand how that works?

A. I did not do my — I did not finalized my report until I got their report. I signed it on July the 2nd.

Q. But you said that you did everything on May 1st, right?

A. I did the autopsy examination on May 1st. I sent the tissue off and later looked at it under the microscope at a different time and then waited for the toxicology test to come back before I finalize my report.

Q. But you dictated your report on May 7th?

A. Yes.

Q. So, you dictated your report on May 7th and the toxicology report was not done until June 10?

A. 17th.

I'm sorry I thought they said June 10th. They sent it to you on the 17th. They did their test on June 10th?

A. Right.

Q. So, you dictated this report — how many weeks before you got the results?

A. I don't know. Seven or eight, something like that.

Q. Everything on this baby's body was normal except for the fact that he had those marks on his hands and feet?

A. Yes.

Q. Everything was normal except he was premature?

A. Yes.

Q. And can you — if nothing was abnormal, you could not say it was meth poisoning, could you?

A. Yes, based on the results of the toxicology tests .

Q. Yes, ma'am, and we go back to this. You dictated your report on May 7th. You might not have come back in and signed it until July, but you dictated this report about what caused his death and everything on May 7th. You had this all done way before you ever got a toxicology report that said there was any meth in this child's system, didn't you?

A. I did not finalize my report until July the 2nd.

Q. Yes, ma'am. Which means you did not sign off on it? You made up your mind May 7th?

A. **Actually, I made up my mind after reading the medical records from Helen Keller Hospital.**

Q. So, when you read the records from Helen Keller Hospital where this mama had meth in her system, then you put the cause of death for this child was meth poisoning?

A. Well, that was a factor in determining it, but also finding the methamphetamine in the baby's liver and blood certainly

Q. Yes, ma'am, but you did not find it in the baby's blood and liver —

MS. HULSEY: Your honor, I am just going to ask that you allow the witness to answer.

THE COURT: Don't interrupt her answer. Shelley can only take down one person at a time.

Q. I'm sorry. What date did Timmy die?

A. I think he died the 30th of — No. Passed away 4/29/08 at 1:47, according to the medical record.

Q. According to the medical record. According to your record when did he die? You have got it on the front of your autopsy report.

A. Yes. I have April 30th, 2008.

Q. So, you have him died April the 30th and not April — are you over worked down there?

A. Not currently, no, ma'am.

Q. During this period of time were you over worked?

A. No. There is a discrepancy there and it is probably just based on our information that our investigator received.

Q. Well, I am curious, what is the second diagnosis you put down? I'm having trouble understanding what that is.

A. The second diagnosis on the autopsy report is macerated fetus.

Q. What does that mean?

A. It just means that the skin of the baby was extremely thin so the appearance — he has got kind of a red color to him and it just it is a term that we use to describe a baby looked prematurely born.

Q. Well, the third one was extreme prematurity, does that mean the same thing?

A. Not exactly. It is just a semantical difference.

Q. I'm not a scientist and I'm not a doctor, I don't understand any of this stuff. The only thing available to me — you know, I don't have any kind of expert to deal with any of this, but I did look this up and — what is that term again for the fetus?

A. Macerated.

Q. Macerated. I thought that had something to do with staying in the womb after the baby was dead?

A. It is used for that, too.

Q. But Timmy did not stay in the womb after he was dead?

A. No, he did not.

Q. And if there was nothing abnormal about the baby's appearance and you did not note any abnormality, then how did you come up with that diagnosis?

A. The macerated fetus?

Q. No, the other.

A. Coloration of the skin and the thinness of it.

Q. The coloration of the skin would not be a cause of death? I mean, you have got that listed under cause of death?

A. No, I have it listed as a final diagnosis.

Q. As a final diagnosis.

A. Cause of death on my autopsy report is acute methamphetamine intoxication.

Q. Acute methamphetamine intoxication. You took these medical records and you looked through these medical records and you saw that this poor lady here in a moment of weakness took some meth and you took from that and you put on your report homicide —MS. HULSEY: Your honor, I am going to object again.

Q, correct?

THE COURT: I will allow that question.

Q. Correct?

A. Yes, ma'am.

Q. Not based on any blood work, not based on anything to do with that baby, but only with the mother's medical records, only where it showed that the mother had had meth in her system, correct?

A. No, ma'am. That is one factor, but, of course, the tests that we performed in our department also were an important part of my diagnosis.

Q. Yes, ma'am, but all your tests in your department were normal, that is what you just testified to, wasn't it?

A. No, ma'am, the toxicology test is not normal.

Q. We are in some sort of a computer loop here. We go back to that toxicology report, which you did not have, you did not have it when you dictated this report?

A. {No response.}

Q. So, you could not base what you put on this report on the toxicology not of the baby, you did it of the mama, not the baby, correct?

A. No, ma'am. I did it on both pieces of information.

Q. Even if that was a typographical error, even if it should have said May 17th, that is still before you got the report, isn't it?

A. Frequently we dictate the report at the time of the autopsy and have it transcribed, then put in the computer and then we sign it when all the test results are back.

Q. And you had it transcribed May 10th, which is still before you got the results of the toxicology report, correct?

A. That is correct.

Q. Have you ever practiced medicine on a live person?

A. Yes, ma'am.

MS. THOMASON: I don't have anymore

questions.