

1 A That I was not there for a reward. I was
2 not concerned, you know, for money. I was just
3 concerned for telling what I knew.

4 Q After that, was the subject of reward ever
5 brought up by anybody?

6 A No, sir.

7 Q When you called and you told the lawyers for
8 Dr. MacDonald about the breaking in at your house, who
9 offered to help you move?

10 A Mr.--that Mr. Malley.

11 Q Mr. Malley?

12 A Yes, sir.

13 Q Did you ask for anything or tell them that
14 they were going to give you some money or something?

15 A I just told them I had to get out of there;
16 that I did not feel like I was safe.

17 Q That was all as a result of your testifying
18 at the Article 32 proceeding?

19 A Yes, sir.

20 MR. SEGAL: I have nothing further of
21 this witness, Your Honor.

22 MR. BLACKBURN: I have just one last
23 question, if I might.

24 R E C R O S S - E X A M I N A T I O N 4:39 p.m.
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BY MR. BLACKBURN:

Q Mr. Posey, do you recall telling Mr. Brisentine that your wife might have kept on occasion that knife in the bedroom?

A No, sir. I owned a pistol.

Q But you don't recall telling Mr. Brisentine that?

A No, sir; I do not.

MR. BLACKBURN: No further questions.

MR. SEGAL: Thank you, Mr. Posey. You may step down.

(Witness excused.)

THE COURT: Call your next witness.

MR. SEGAL: Yes, Your Honor. The Defense calls Ms. Carmen Welch.

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(Whereupon,

CARMINE TAYLOR WELCH

was called as a witness, duly sworn, and testified as follows:)

DIRECT EXAMINATION 4:41 p.m.

BY MR. SEGAL:

Q Ms. Welch, would you be good enough to tell us your full name, please, and your present address?

A Carmine Taylor Welch; 512 Temple Avenue; Long Beach, California.

Q If you would, would you use that microphone a little bit because you have a very soft voice. Ms. Welch, have you been connected with the St. Mary's Hospital in Long Beach, California?

A Yes; since 19--well, since 1967.

Q Are you still currently connected with St. Mary's Hospital?

A No; I retired in April of this year.

Q During the period of time that you were at St. Mary's Hospital, what sort of work did you do?

A I was Admitting Clerk.

Q Will you just tell us briefly what an Admitting Clerk did--what your responsibilities were?

A Admitting Clerk is taking the biostatistics



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of patients coming into our hospital either for general admission or for Emergency Room care.

Q Prior to going to work at St. Mary's Hospital, what had you done for a living? What sort of occupation did you have?

A I was a school teacher--primary school teacher.

Q Primary school teacher--and where did you teach?

A I taught at St. Matthew's Parochial School in Long Beach

Q How long were you at St. Matthews'?

A Twenty-two years.

Q As a primary school teacher?

A Yes, second grade.

Q During the time that you were working at St. Mary's Hospital, did you come to know Dr. Jeffrey MacDonald, the Defendant in this case?

A Yes, I did, when he came there in 1971.

Q That was the first time you came in contact with him?

A Yes.

Q Were you working--well, what department did he start to work in when he came to the hospital?

A I remember him in the Emergency Department.

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Q Were you attached to that department at that time?

A Not at that time. I was with the General Admissions.

Q Did you come to work with him later on in the Emergency Department?

A Yes, I did, about 1973.

Q Did you stay in the Emergency Department until the time you retired at the hospital?

A Yes, I did.

Q When Dr. MacDonald first came to St. Mary's Hospital, did you hear anybody talk about the fact that he had been charged in 1970 with the murders of his family?

A No; I truthfully never did hear that until I read it in the newspaper later.

Q When did you read it in the newspapers-- in '75, you mean?

A Approximately around that time; yes.

Q Did you work frequently with Dr. MacDonald from the time that you went to the Emergency Department where he was?

A Yes, or generally, if something traumatic came in, the Clerk would have to go back to obtain a name or some type of identification of a patient. At

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that time, I would be in the room with the doctor and the patient.

Q How often would you say you would see Dr. MacDonald in the course of a week or so? I don't mean to just look at him but actually be with him and work with him?

A Work with him, you mean?

Q Yes.

A It would depend on what the doctor's shift was and my shift, so I would say approximately once a week.

Q Did this continue throughout the entire time you were at the hospital?

A Yes.

Q Did you ever have occasion to see how Dr. MacDonald treated patients when they were brought in in the Emergency Department?

A Of course, my impression of Dr. MacDonald has been that he is very dedicated and has great compassion for the person and to administer as quickly as he could first aid.

Q You say that your impression is that he has great compassion for the person. Can you tell us, perhaps, what do you base that opinion on? What experiences have you had with him that led you to the

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conclusion that he is a compassionate man?

A Well, I think his quick action, and, of course, personally, my own husband was quite ill one morning at 2:30 in the morning and was taken in by paramedics. The doctor did not know it was my husband, and he treated him for septicemia, and according to our family doctor, it was Dr. MacDonald's quick action that saved his life.

Q Did you see him dealing with patients who were rowdy or unruly, people who were drunk or under the influence of alcohol or drugs when they came to the Emergency Room?

A Yes.

Q Did that happen very often when you had patients like that at the St. Mary's Hospital?

A Unfortunately, we do.



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BY MR. SEGAL:

Q Tell us a little bit--you know--Saint Mary's is that a suburban area or what kind of area--for those of us who are not familiar with Long Beach?

A Well, it's more or less like an inner city area.

Q Inner city area?

A Yeah; and even as to how some of the people that would come in--how the clerks were treated--if Dr. MacDonald was on duty, he always stepped out to ask them to quiet down and not talk to the ladies in that manner.

Q What about--did you ever have occasion to see a patient become rude or speak profanity toward Dr. MacDonald or other members of the medical staff to see how he handled those situations?

MR. BLACKBURN: Your Honor, we would like to approach the Bench.

THE COURT: Well, is this an objection? I'll SUSTAIN an objection to that question.

BY MR. SEGAL:

Q Did you ever have occasion to see Dr. MacDonald in dealing with children who were patients or otherwise brought into the emergency ward?

A Yes; I have.



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Q Could you tell us about how he dealt with

and handled children?

MR. BLACKBURN: OBJECTION.

THE COURT: OVERRULED.

BY MR. SEGAL:

Q Yes, you may answer, Ms. Welch.

A Well, I think the same care of any patient with great interest is to care for the patient.

Q When you say "care," are we talking about just--you know--doing the thing a doctor is supposed to do or are we talking about some other qualities involved in his treatment and handling of children?

A Well, I found him to be very kind and fatherly with children and to ease youngsters because most youngsters are more or less shy and frightened of hospitals and doctors.

Q And how would he deal with those persons? How did he overcome that kind of attitude if you ever saw any such experiences?

A Well, of course, mine would have been more or less when I first went in like for a translation where the family could not speak English. I would translate it for children, and there would have to be quick action between my trying to translate to the doctor what was wrong with the child, et cetera.



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1 Q Was he a man that shows he was quick to
2 become irritated, quick to lose his temper in these
3 kinds of situations you describe?

4 MR. ANDERSON: OBJECT to leading.

5 THE WITNESS: No, I don't think so. No,
6 I really don't.

7 BY MR. SEGAL:

8 Q Did Dr. MacDonald have occasion during the
9 time that you worked with him in the emergency ward to
10 deal with battered children?

11 A I know of cases that have come in. I've
12 seen two myself where cigarette burns or malnutrition
13 and the interest the doctor has taken to see that things
14 are taken care of and the child is admitted to the
15 hospital for observation.

16 Q Go ahead. I'm sorry. I did not mean to
17 interrupt you. I was going to ask you about, Ms. Welch,
18 would you say the interest and concern he expressed
19 about battered children was the same as other doctors
20 or different than other doctors expressed?

21 A I believe it is a policy that Dr. MacDonald
22 has in our hospital emergency room to be on the lookout
23 for something like this.

24 Q When you say "be on the lookout," does that
25 mean to take special care and attention to the situation?

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1 A To take care of children coming in, yes.

2 Q Did you ever have occasion to see Dr.
3 MacDonald dealing with people who were apparently
4 under the influence of drugs or narcotics when they were
5 brought into the hospital?

6 A Yes; an overdose.

7 Q And what was his attitude toward them? I
8 mean, how did he handle those patients and how did he
9 express himself toward those people?

10 A Well, the same as any other patient--with
11 interest and care.

12 Q I'm sorry.

13 A With interest and care--like any other
14 patient.

15 Q What is your opinion of Dr. MacDonald as far
16 as being a peaceful man--a man not given to outbursts
17 of violence or rage? What is your opinion of him in
18 that regard?

19 A I have the highest opinion of Dr. MacDonald.
20 I have never seen him in any form of anger of any sort.

21 Q What is your opinion of Dr. MacDonald as
22 far as being a truthful man?

23 A Well, as far as honesty is concerned, I
24 trust everyone until they are proven otherwise, and I
25 have never found him to be untruthful.

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BY MR. SEGAL:

Q And how long is that that you have known him and worked for him?

A Since 1971, that I have known the doctor and worked steadily in his department for the last six years.

MR. SEGAL: Thank you, Ms. Welch. The Government may want to ask you some questions in cross-examination.

MR. BLACKBURN: Just a very few questions.

C R O S S E X A M I N A T I O N 4:50 p.m.

BY MR. BLACKBURN:

Q Ms. Welch, when did you first meet Dr. MacDonald?

A In 1971.

Q In 1971?

A Yes.

Q You started to work in general admissions in 1973?

A 1967.

Q In 1973, you started working for Dr. MacDonald, is that correct?

A In the emergency department. I transferred over to that area.



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Q You never knew him, then, prior to his

coming to California, is that correct?

A No; I never did.

Q You never knew his prior family, I take it?

A No.

Q You do not have any personal, firsthand knowledge of what occurred at Fort Bragg on the evening of the 17th of February, 1970, do you?

A No.

MR. BLACKBURN: No further questions.

MR. SEGAL: Thank you very much, Ms. Welch. You may step down, please.

THE COURT: Call your next witness.

(Witness excused.)

MR. SEGAL: Your Honor, indulge us for a moment, please.

(Pause.)

MR. SEGAL: May we see Your Honor about scheduling just a second?

THE COURT: Yes, sir.

B E N C H C O N F E R E N C E

MR. SEGAL: Your Honor, we have another witness--character witness who is here from Long Beach; but even with a few questions of cross, it

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would probably take about 15 minutes.

THE COURT: Well, you can get more than half of it in this afternoon.

MR. SEGAL: My hope is we might have been able to finish, perhaps, that witness before we adjourned for the day. I don't mean to short out the Government.

THE COURT: You mean you want to call her now and get rid of her?

MR. SEGAL: I would like to finish with her, yes.

THE COURT: I don't see any reason in the world for asking 15 minutes of examination of a character witness. There ain't going to be any cross-examination to amount to anything.

Come on. I will accommodate you. If we can accommodate the witness I will do it, but I think 10 minutes is enough.

(Bench conference terminated.)

(Whereupon,

MARY D. BUTLER

was called as a witness, duly sworn, and testified as follows:)

D I R E C T E X A M I N A T I O N

4:53 p.m.



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BY MR. SEGAL:

Q Ms. Butler, will you tell us please where you reside?

A I reside in Long Beach, California.

Q And are you connected with Saint Mary's Hospital in Long Beach?

A I am an employee at Saint Mary's Hospital-- for 15 years.

Q And what sort of work do you do at Saint Mary's, if you can describe it somewhat briefly?

A I am a unit secretary in the emergency room. I take orders from the doctors, transcribe them to the lab for services to be rendered in the emergency room for the patients' care.

Q How long have you worked in the emergency department at Saint Mary's Hospital?

A Since 1970--latter part of 1971.

Q When did you first meet Dr. MacDonald, the Defendant in this case?

A Oh, just shortly after that. He was a, you know, he was an employee there, too; and when I went to the emergency room I met him shortly after that.

Q When you went to the emergency room, had you heard or did you hear shortly thereafter about the fact that Dr. MacDonald had been charged in 1970 with



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the murders of his family?

A Yes, I did.

Q How did that come up, and what was your reaction, if anything, to that?

A Well, a couple of the employees knew I was a kind of an outspoken person, so they thought they better call me to the side and tell me who he was and so they did.

And they said, did I see it in the Look magazine, and I said, "No; I hadn't heard it before," until I got that information from two of the employees.

Q When you learned about this, what did it cause you to do besides look at that magazine article about the man?

A Well, I think humanly it would be, you know, a little suspicious--just sort of watch the person--you know, just watched him every day to see if I could see any signs that, you know, maybe that was the kind of person--you know, that he could be.

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BY MR. SEGAL:

Q And how long did you continue to work with Dr. MacDonald from that time after you started to look him over?

A Well, I have continued until present. I am still employed there.

Q Did you ever have occasion to see Dr. MacDonald--how did he deal with his patients at the hospital and what was the way he treated them as human beings--not so much as talking about the medical care, although, that is part of it, but really, what was his attitude in the way that he related to people and whether or not he cared about people?

A Very well. Dr. MacDonald, to me, is just an outstanding person when it comes to the people because we see all kinds of people, the down and out, the rich and the poor. It is a tough place to work. If you haven't ever worked in an Emergency Room, you really may not understand what I am talking about, but it is a tough place, but Dr. MacDonald has always been, to me, an outstanding person. He cared about the patients. He cared about staff.

Q You say he cared about patients. What did that mean as far as the way he dealt with people?

A Well, may I make one illustration?

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Q Surely.

A On occasions, we do have drunks, you know, derelicts that they pick up, you know, the paramedics pick up from the street. They have to be cared for. The one thing Dr. MacDonald said to me when I first went into the Emergency Room after four days or maybe a week--he said to me, "Mary, you are going to be good. I want you to stay." Keeping in mind that I worked upstairs already seven years with other patients, he said, "One thing you have to remember and I want you to always remember that first, the patients are sick." He said, "After we find out whether they are sick, then we will deal with the rest," and I was really impressed.

Q Did you see him live up to his own code thereafter?

A Every day.

Q Were there times in the Emergency Room when patients became unruly or disorderly in some fashion?

A Right.

Q How did Dr. MacDonald respond to that? Did he become irritated, angry, lose his temper at people?

A Not really lose his temper, but I would say took care of the matter. On one occasion, I don't know whether Dr. MacDonald remembers or not, but we did have a patient--a big burly guy--excuse me--very

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irate, very arrogant--he just took a swing at the doctor and broke his glasses.

Q Broke Dr. MacDonald's glasses?

A Right.

Q What was his response? How did he handle it?

A He just swung at him and put him in his place. He was settled after that and that was all there was to it.

Q Did he beat on the man or sit on him?

A No.

Q Did he seem outraged and in an uncontrolled anger after that?

A No.

Q How would you characterize the response? Was it reasonable or unreasonable?

A I was glad because I was there, so I was glad he was not swinging at me because sometimes these patients swing at us.

Q What is Dr. MacDonald's attitude towards children over the period of time you have observed him, Ms. Butler?

A I would say excellent because I have seen many, many children come through the Emergency Room. He is very concerned about child beaters. I remember one two-year old coming in--I don't know whether the doctor



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1 remembers it or not--but who gave the mouth to
2 mouth resuscitation--Dr. MacDonald did--before any of
3 us could get to that kid. We found out later--we were
4 not able to save the kid, but the mother stated that
5 she had taken her child to the doctor that afternoon
6 and had been diagnosed as pneumonia and given an
7 antibiotic for treatment. She, that night, went home
8 instead of taking her to the hospital, so the doctor
9 immediately tried his best, and he ended up having to
10 take Ampicillin because mouth to mouth is serious
11 business.

12 Q Was this just ordinary medical care or
13 something out of the ordinary?

14 A Oh, no. That is the most out of the
15 ordinary for most people. When I say "most people," I
16 mean for the average citizen on the street. Where we
17 are, we are trained to do it so any one of us could do
18 it.

19 Q Has Dr. MacDonald, to your knowledge, been
20 involved in trying to help youngsters of any ages of
21 any groups?

22 A Well, sir, because you see, I am involved
23 in my community and Dr. MacDonald has been very good
24 with our effort at the programs in giving free physicals
25 for, you know, the handicapped and underprivileged



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1 people that can't afford it, so we usually ask some
2 of the doctors or somebody in the community asks
3 people to come in that are doctors from the community
4 and give free physicals, and Dr. Jeff has always given
5 his time.

6 Q Is that easy or hard to get doctors to
7 give their free time to that kind of program?

8 A It is kind of hard because, see, we are
9 now talking about malpractice. We just don't get a
10 lot of doctors who just really do it like in the old
11 days when we first started out.

12 Q What is your opinion of Dr. MacDonald as
13 far as being a truthful person?

14 A Well, I have never caught him in a lie yet.
15 He has always been very truthful with me because we have
16 worked very close. I worked on the floor beside him
17 as an assistant to the doctors and the nurses and two
18 years ago, I was able to obtain the unit secretary's job,
19 so now, I am just right behind where sometimes that
20 gets to be a shouting match, you know, screaming because
21 you have to really be fast. You have to think fast,
22 and where Dr. MacDonald has always been there, I have
23 always been right there with him.

24 Q Would you say that you find him truthful
25 as to matters about his own personal life and in matters

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1 of importance?

2 A What do you mean when you say "importance"?

3 Q Personal life--I mean, do you think in
4 your opinion that you consider him to be a truthful
5 person about personal matters about his life?

6 MR. BLACKBURN: OBJECTION, Your Honor.

7 THE COURT: Do you have any such
8 opinion?

9 THE WITNESS: I would say that he is
10 truthful.

11 THE COURT: Do you know anything about
12 his reputation for truthfulness in his personal life?

13 THE WITNESS: In Long Beach?

14 THE COURT: Uh-huh.

15 THE WITNESS: Yes, I do.

16 THE COURT: Tell us.

17 BY MR. SEGAL:

18 Q What is your opinion?

19 A My opinion is good because we also have a
20 chance when we have been what we think overworked--the
21 doctors always sort of rewarded us with a dinner or a
22 dessert or something. He has always kept his word. He
23 says, "I thank you guys. You really worked tonight,"
24 and, you know, it has about killed us, and we say, "We
25 don't know how we are going to make it." He says, "Well,



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if everybody continues this, we are going to have
fudge cake tonight," so we usually get that.

MR. SEGAL: Thank you very much,
Ms. Butler. The Government may have some questions of
you. Cross-examine.

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MR. BLACKBURN: Just a very few, Your

Honor.

CROSS - EXAMINATION 5:02 p.m.

BY MR. BLACKBURN:

Q Ms. Butler, you first met the Defendant Dr. MacDonald in 1971?

A I think 1971, like November--the latter part of the year, I believe.

Q You did not know him prior to his coming to California?

A No.

Q You did not know his family, then, I take it?

A No; I did not.

Q And you don't have any personal firsthand knowledge as to what happened on the night of the 17th of February, 1970?

A Personally, no.

Q Did you ever talk with the Defendant about it?

A We talked like, we hoped it will hurry up and be over for you, you know, when I finally learned and when I saw the court thing, and trying to convict him, and so forth.

We talked about, you know, we hoped it

1
2 would hurry up and be over, and, "How can you stand all
3 this," because then I began to read a little bit in the
4 newspaper.

5 And so we would chat together and say, "We
6 are really praying for you," and that kind of stuff.

7 Q You haven't been in the courtroom during
8 any of the evidence, I take it, then, have you?

9 A No; I have not.

10 Q Now, in working at the hospital, did you
11 work for Dr. MacDonald, or alongside of him, or what?

12 A Let's see; how can we put that?
13 Dr. MacDonald is the boss--is the director of the
14 emergency room. I work in the emergency room, and from
15 day to day I work with him, because he is on duty
16 himself many times.

17 Q At Saint Mary's Hospital, are the emergency
18 services contracted for with the hospital, or is that
19 correct?

20 A You know what: I'm not real sure. I would
21 prefer--I am not real sure how it is done. You know
22 what I am saying, I'm not real sure who pays who. I'm
23 not sure about that.

24 Q Who pays you, Ms. Butler?

25 A The hospital.



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MR. BLACKBURN: No further questions.

MR. SEGAL: Thank you very much,
Ms. Butler. You may step down.

THE COURT: All right, may this
witness be excused?

THE BLACKBURN: Yes, sir.

(Witness excused.)

THE COURT: That brings to about
three minutes over our regular recess time, members of
the jury; but just occasionally, as I told you, we have
one that needs to go back home and we try to accommodate
them, and I appreciate your indulgence to this extent.

We will take our recess now until our
regular Tuesday morning convening time, which is 9:30.
Don't talk about the case. Remember all those things
I told you now. Have a good night, a safe trip home and
back. See you in the morning at 9:30.

Let this jury go out, please, before the
rest of you do.

(The jury exits at 5:04 p.m.)

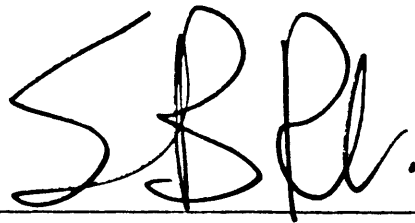
THE COURT: Take a recess until 9:30.

(The proceeding was adjourned at 5:05 p.m.,
to reconvene at 9:30 a.m. on Tuesday,
August 21, 1979.)

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C E R T I F I C A T E

I, Ervin B. Bush, Jr., do hereby
certify that the preceding 255 pages
represent a true and accurate transcript
of the proceedings held in Raleigh,
North Carolina, on Monday, August
20, 1979.



ERVIN B. BUSH, JR., CVR-CM
OFFICIAL REPORTER
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA