Grant Smith Ellis Court Log

USA v. Matthew Farwell — November 2, 2026

Reporting by Grant Smith Ellis (@GrantSmithEllis) · YouTube

About this report: This document reconstructs Grant Smith Ellis's contemporaneous courtroom reporting from his November 2, 2026 posts on X and is reproduced here in support of public access to the proceedings. Every reasonable effort is made to ensure accuracy and completeness; however, this document should be understood as neither an official court transcript nor a perfect reproduction of Grant's original reporting.

Proceedings at a glance

Morning procedural matters and jury-instruction issues; defense witnesses William Rawlston and Dr. Heather Garvin; further expert testimony and examination; jury dismissal; afternoon charge conference. This report retains the original posts in chronological order and separates unrelated commentary and reposts into an appendix.

Pre-jury proceedings

8:06:21 AM ET | Status 2117241905285075144

Two words;

Let's go.

Two more words;

Calm down.

Get back.

The people.

Got this. https://t.co/4PVnZfYOJl

Open original post on X

8:43:26 AM ET | Status 2117251240136450176

Good morning from inside Boston's Moakley Federal Courthouse in Boston, where this will be today's live-thread cover of today's Sandra Birchmore and Matthew Farwell trial testimony.

There are few media folks here today due to the Lindsay Clancy motion hearing today.

Open original post on X

8:47:48 AM ET | Status 2117252337454526535

"Good morning counsel," says Judge.

"Just a few things before we get jurors. Ms. Cook handed you a draft of the jury charge and the verdict form. We'll talk about that later today. At the charge conference I'll hear from you on whatever issues

you want to address. There are three things I want to discuss with you; 1) whether a missing witness instruction is warranted as the defense is seeking, whether a spoilation instruction is warranted as the defense is seeking, and then whether I should give a statement of mind instruction about opinion as to surprise at Ms. Birchmore's death being reported as self harm. I did not include those in the draft but I want to hear from you at the end of today on that."

Open original post on X

8:48:57 AM ET | Status 2117252628681773553

Damn you Brian Tully and John Fanning. Farwell better now win these;

"There are three things I want to discuss with you; whether a missing witness instruction is warranted as the defense is seeking, whether a spoilation instruction is warranted as the defense is seeking, and then whether I should give a statement of mind instruction about opinion as to surprise at Ms. Birchmore's death being reported as self harm. I did not include those in the draft but I want to hear from you at the end of today on that."

Open original post on X

8:52:28 AM ET | Status 2117253512409071635

"Your honor," says the DOJ, "we want to confirm that Dr. Rawlson has not been subject to any information during trial as he is a fact witness and was not exempt from sequestration."

"Your honor, I did speak to Dr. Rawlson last night just about Dr. Smock."

"Your honor, if the defense talked to Dr. Rawlson about Dr. Smock we think that is a violation of the sequestration order."

"Counsel, I'll listen to the testimony from both parties and pay close attention."

"As to Dr. Garvin, counsel, I received the identification of exhibits and the illustrative aide, if I read this correctly I don't think there's any objections to 455, 456 or 457. Also, 310, 313, 370 and 371 are in regardless. Also, exhibits 23 and 81 which are in in the context of heir illustrative aide. Exhibit 321 is not in, but it appears to be a photo of the removed hyoid bone. There is no objection there. The only one being offered by the defense with a government objection is 579. It looks like a lab report. Are you seeking to admit?"

"The lab report contains CT scans of the hyoid bone," says the defense, "but it's not the report we intent to introduce, just the CT scans as a illustrative aide."

"Those scans are in evidence, your honor, just for the record. No objection from the government."

Open original post on X

8:53:13 AM ET | Status 2117253701681189057

"Then it's Dr. McCarthy?"

"Yes, your honor."

"Any exhibits in that regard?"

"Just a powerpoint as an illustrative aide. It's very short. We sent it this morning."

"The one I saw was longer, 45 pages, was that Dr. Garvin?"

"Yes."

Open original post on X

8:54:43 AM ET | Status 2117254077079801870

"Does the government need to be heard on this?"

"No objection, your honor, to it's use as a demonstrative."

"Counsel, just a few other things, over the weekend the defense sent to Ms. Cook the, a 302, about Mr. Killroy. I was assuming, counsel, that was preserving an objection?"

"Yes, your honor. I high-lighted the portion and I sent it to the court I said I would on Friday. It's just what would have been testified to if the objection had not been sustained."

Open original post on X

8:56:40 AM ET | Status 2117254570606776804

"Counsel, just let me know the paragraph number and also maybe do that alongside a letter. I also got defense motion docket 386 to exclude any opinion offered by Dr. Sundell. Is the government planning to do so?"

"Yes, your honor, I can give the court a brief synopsis now?"

"Yes."

"Your honor, we will not be calling Dr. Zoey Sundell."

WOW!

Open original post on X

8:57:48 AM ET | Status 2117254852203938262

BREAKING NEWS;

Matthew Farwell WILL NOT be calling Dr. Zoey Sundell whatsoever during the Sandra Birchmore trial.

The DOJ moved to elicit expert testimony from Dr. Sundell on cross and, within seconds, the Farwell defense lawyers announced they will not call Sundell!

Wild.

Open original post on X

9:03:24 AM ET | Status 2117256262500880615

Judge says we will just start working on the charge conference now while we wait for jurors.

"Counsel, I have reviewed all the docket entries on verdict forms and juror instructions. I also have considered the state of the evidence up to this point, and the final pre-trial conference, I imagine as to

part 1, which echo a lot of the preliminary instructions that I have to the jury, I imagine there is no great controversy. I did repeat a number of the contemporaneous instructions that I gave during trial. I think the witness and the jurors are here? Okay, you can get them. I think both sides asked me to give me a seperate law enfoprcemernt credability instruction, it is not my practice to do that. I don't believe a particular gtroup should be elevated one way or anopther so it's not my practice top do that. I give a specific instruction applying to credability of all witness. I'll also repeat the immunity instruction and the 404 b instruction. I don't think the government's proposed identification instruction is needed here. The government in their supplmental added a p[hrase about credability even where a witness has certain statuory obligations, I did include that phrase. As the defense asked me to, and I would have otherwise given, I repeat the stipulation instruction. I gave a prior inconciwstent statement instruction and I think it applies generally to all witnesses. I also includedthe instruction about statements attritubed to Mr. farwell. I repeated the imnuized witness and 404 b instruction and hybrid fact and expert instruction. As I noted before I want to hear from you later today on spoilation and missing witness, I need to understand from the defense who we are talking about in regards to the missing witness. How that individual was or wasn't equally available to each side and what relevant non culminative evidence you thought could have been offered by that witness. Same with spoilation. I want to know what we're speaking about. The case law required as a bad faith spoilation. I understand in some circumstances there is an argument that negligent spoilation can also give rise to the instruction but I need to understand what is being alleged here. As to the verdict form, I did consider the special proposed form, but I am going with the form I created."

Open original post on X

Defense testimony and examinations

Defense witness — Dr. William Rawlston

9:03:56 AM ET | Status 2117256395871404363

"All rise for the jury!"

"Jurors we'll get started, I will turn to the defense for their next witness."

"Yes, your honor, the defense calls William Rawston."

Open original post on X

9:04:42 AM ET | Status 2117256589669535975

'Good morning sir," it is Joanne Daley.

"Good morning."

"Name for the record?"

"William Rawlston."

"Employment?"

"Chief medical examiner for the state of Kentucky."

Open original post on X

9:05:13 AM ET | Status 2117256719617155223

"Brief educational history?"

"Xavier for undergrad, Lousivlle school of medicine with an MD. Then I entered into the fields of anatomic and forensic pathology."

Open original post on X

9:06:30 AM ET | Status 2117257041194422752

"Your professional experience?"

"I was a medical examiner for many decades, and I am now the chief medical examiner in Kentucky, where I am licensed to practice."

"Did you do a residency?"

"Yes, and a fellowship. A residence in pathology and a fellowship in forensic pathology."

Open original post on X

9:07:07 AM ET | Status 2117257196689928429

"Requirements for the fellowship?"

"You have to have graduated or have been enrolled in a residency."

"Do you still have that fellowship?"

"Yes."

"When did it start?"

"Decades. Since before 1990."

Open original post on X

9:08:10 AM ET | Status 2117257460662648962

"Is your fellowship accredited?"

"Yes. For decades."

"How long have you been chief medical examiner?"

"Since 2016."

"When did you start working there?"

"1999 part time, full time 2002."

"Do you Dr. William Smock?"

"I do, he has been around the Kentucky Medical Examiner his entire career."

"Has he ever been employed there?"

"Yes, he was assistant medical examiner."

Open original post on X

9:09:06 AM ET | Status 2117257695627509778

"Have you ever been an assistant medical examiner?"

"Yes, I had a similar title. It's called medical examiner 1 and 2 now."

"When you were holding that title, what were your duties?"

"Objection, relevance."

"Counsel establish a timeframe."

"When were you an assistant medical examiner?"

"1999-2008."

Open original post on X

9:10:07 AM ET | Status 2117257954957160829

"You said you know Dr. Smock?"

"Yes. We crossed over at the medical examiner when I volunteered at the medical examiner starting in 1992. It crossed over when I was there and continues today."

"Do you know if Dr. Smock ever had the title of assistant medical examiner?"

"He did."

"What were his duties?"

"I don't know but it was not performing..."

"Objection."

"Sustained as to the last part."

Open original post on X

9:12:47 AM ET | Status 2117258624393228770

"You worked at the office of the ME at the same time as Dr. Smock?"

"Yes."

"Were you aware of the work he was doing?"

"Yes."

"What did it include?"

"Objection, foundation."

"Overruled given the prior answer."

"You can answer."

"So we had the clinical forensic medicine program in which we performed examinations on living individuals. The vast majority of those individuals uhh were rule in or rule out child abuse and in addition to that we would see individuals who were alleged victims of domestic violence alleged victims of police brutality, elder abuse, etc, Dr. Smock would see the adult patients within that clinical forensic

medicine program."

"What work if any did he do with deceased patients?"

"Objection."

"I'm assuming foundation.?"

"yes.'

"Counsel you can lay it, if you can."

"What roles did Dr. Smock have?"

"He was an autopsy tech when he first started. He would make the initial incision on the body and then deliver it to the medical examiner."

Open original post on X

9:13:16 AM ET | Status 2117258745809895876

"during the time that Dr. Smock and you worked together, was he ever authorized to..."

"Objection."

"Sustained."

Open original post on X

9:13:28 AM ET | Status 2117258795001028943

Sidebah!

Open original post on X

9:17:09 AM ET | Status 2117259723036668198

Long sidebah!

Open original post on X

9:18:49 AM ET | Status 2117260142911635854

"Counsel, go ahead."

"Dr. Rawlston what are the requirements to work as an autopsy tech in your office?"

"They have changed over the years, currently they have to..."

"Objection, relevance as to the time frame."

"Yes, counsel, stick to the time period.:

"What were the requirements when Dr. Smock worked there?"

"Objection, foundation."

"Sustained, you can back up counsel."

"Were you aware of those requirements at the time Dr. Smock there?"

"Yes, for that role it was a high school diploma."

Open original post on X

9:19:30 AM ET | Status 2117260315561754912

"When did the fellowship in your office start?"

"Decades ago."

"Who was the first fellow?"

"Dr. Smock."

"When did that fellowship stop running?"

"It has been a while. Probably early 2000's I don't recall exactly."

Open original post on X

9:20:18 AM ET | Status 2117260514623439089

"What about the other fellowship that exists now?"

"That one is ongoing."

"What are the requirements?"

"Being a resident in the field."

"You are board certified?"

"Yes."

"What does that mean?"

"I have passed my boards, which is a form of national testing."

Open original post on X

9:21:31 AM ET | Status 2117260820753097093

"Is Dr. Smock board certified?"

"I don't know which fields he is certified in, but I don't think he is a forensic pathologist."

"Has Dr. Smock worked as a consultant for your office in any form in recent years?"

"Yes, he provides prophylactic post exposure drugs for our office. He was a consultant or a treating physician."

Open original post on X

9:22:07 AM ET | Status 2117260971404099697

"Does he offer cause and manner of death opinion?"

"Not for the medical examiner's office."

"Nothing further."

"Cross?"

"Yes, thank you."

It is Brian A. Fogerty

Open original post on X

9:23:06 AM ET | Status 2117261219039936928

"You've known Dr. Smock for many years?"

"Yes."

"Did he testify in this case?"

"Yes."

"How did you learn about that?"

"Defense counsel told me."

"Did you discuss his testimony?"

"No."

"You're not here to testify about the death of Sandra Birchmore or cause and manner of death?"

"Yes."

"So you flew here from Kentucky to talk about your relationship with Dr. Smock?"

"Objection!"

"Sustained as this question."

Open original post on X

9:25:14 AM ET | Status 2117261757391552549

"You work with law enforcement officers in your role?"

"Yes."

"You work with a lot of prosecutors and police officers?"

"Objection."

"Goes to bias, I'll get there, with your Honor's permission."

"You were involved in a case called Idiana Vs Gower, and Dr. Smock was as well?"

"Objection, can we be heard your honor?"

Sidebah!

Here's the case! - https://t.co/pNNqayH080

Open original post on X

9:27:58 AM ET | Status 2117262445433778635

Proof. https://t.co/vKGiXVa6Fz

Open original post on X

9:30:18 AM ET | Status 2117263032090853672

"You and Dr. Smock have, at times, been at odds in your determination of cases?"

"Certainly."

"And you started with the Kentucky ME's office as a volunteer?"

"Yes, in 1992, I was a senior in college!"

"And Dr. Smock was, at the time, an assistant medical examiner at the Kentucky ME's office?"

"I don't recall exactly."

"And in 1992, Dr. Smock had more than a high school education?"

"Yes."

"Dr. Rawlston, you're aware that during the time you were at the ME's office you talked with Dr. Smock about offering opportunities to people who work at your office to go to crime scenes with him?"

"I'm unaware of that."

"How about before you became the chief?"

"Objection."

"Sustained."

"Are you aware that Dr. Smock did that before you became chief?"

"I don't have any knowledge of that."

Open original post on X

9:34:35 AM ET | Status 2117264109204799914

"In 2024, you held your current title correct?"

"Yes."

"And you're responsible for your office's activites?"

"Yes."

"And you have several different locations?"

"Yes, we have one office, but we have regional offices as well."

"One is the Frankfurt office?"

"Yes."

"And you're aware that in 2024 that office for a recommendation from the state police to consult with Dr. Smock on a homicide investigation?"

"I don't know that happened."

"So you're unaware of that?"

"I don't know if it did or didn't happen."

"One moment your honor?"

"You may."

"Dr. Rawlston, one final question?"

"Yes."

"Who was the chief medical examiner in Kentucky before you?"

"Dr. George Nicholas and then Dr. Traci Corey>"

"And you know Dr. Traci Corey recognized Dr. Smock as a consultant when she was chief?"

"Objection, foundation."

"Sustained."

"Do you know that?"

"I don't know that."

"Did he send you an email saying that on Jan 27, 2021? As to Dr. Smock serving as a consultant for the Kentucky ME under Dr. Tracey Corey?"

"Objection, asked and answered."

"Sustained."

"Do you remember receiving an email from Dr. Smock that day?"

"Objection."

"He can answer, counsel."

"I don't remember that email."

"Would showing you the email help you remember?"

"Yes."

"Your honor may I approach?"

"You may."

Open original post on X

9:35:03 AM ET | Status 2117264229304860934

Mr. Fogerty makes his very proud walk to the witness stand with the email.

Epic law nerd moment for those who love impeachment on cross.

Open original post on X

9:36:57 AM ET | Status 2117264704418578568

"So, Dr. Rawlston, having looked at that email does that refresh your recollection?"

"Yes."

"And, so I'll ask you again, at some point did you know that Tracey Cori had recognized Dr. Smock as a consultant for the Kentucky ME?"

"Objection, hearsay!"

"Sustained."

"Was Dr. Smock recognized as a consultant by former Medical examiner?"

"He was allowed to hold the title of unpaid consultant, as I said he provided post exposure medications to the office."

"Thank your honor, no further questions."

Open original post on X

9:37:44 AM ET | Status 2117264902318395772

"Re direct?"

"Yes your honor."

"Is it the policy or practice of your office to engage with Dr. Smock when going to death scenes?"

"No."

"When Dr. Smock held the title of assistant medical examiner in 1922 was he..."

"Objection."

"I think this has been asked and answered, so sustained."

Open original post on X

9:38:15 AM ET | Status 2117265032274649099

"The prosecutor just asked you if you were aware of Dr. Smock working for the ME in Kentucky in 1992?"

"Yes."

"And he had the title of assistant medical examiner?"

"Yes."

Open original post on X

9:39:05 AM ET | Status 2117265242191237501

"What was he allowed to do with that title?"

"Objection."

"Sustained, asked and answered."

"You previously interacted with Dr. Smock, including quite recently?"

"Yes."

"Did he ask you to identify himself as an employee of your office while you were the chief?"

"Objection."

"Sustained as to form."

Open original post on X

9:41:24 AM ET | Status 2117265824620712021

"Did Dr. Smock work as a forensic consultant from 1997 until 2024?"

"I don't know about 1997 to 2016...but after that no."

"So 2016 to 2024, was Dr. Smock a consultant for your office?"

"No."

"Did you authorize him to use that title?"

"Well, he provided post exposure drugs, and by virtue of having medicine on the premises, he would have to have an office and a title."

"Does the title forensic consultant apply to that kind of work?"

"Yes."

"Thank you nothing further."

"Recross?"

"Yes."

"Dr. Rawlston, you said you were unaware of things occurring at the Frankfurt office?"

"Well, I was aware of some things but I didn't know about them asking to reach out to Dr. Smock."

"Thank you nothing further."

"Just two short questions, your honor," says Daley?"

"No, two rounds, counsel."

Witness steps down.

Open original post on X

Defense witness — Dr. Heather Garvin

9:41:46 AM ET | Status 2117265918179135558

"The defense calls Dr. Heather Garvin."

It is Kim C. Stevens on direct.

Open original post on X

9:42:55 AM ET | Status 2117266208235958559

"Your honor, at this time the defense moves to admit and show to the jury for illustrative purposes, Q-14."

"Counsel any objection?"

"Objection to admission, it's not an exhibit, but no objection to it's use as an aide."

"I'm sorry, was q-14 sent to me this morning?"

"Yes, the 40-something page illustrative aide."

"Okay, it can be published. It is not being admitted as evidence, jurors, the evidence is the witness testimony."

Open original post on X

9:44:20 AM ET | Status 2117266563497652558

"Your educational background?"

"A bachelor of arts, a bachelor of science in zoology, a masters of science in biological anthropology, a Ph.D in forensic anthropology."

Open original post on X

9:44:57 AM ET | Status 2117266720297771149

"What is the topic of your master's thesis?"

"The ossification of the laryngeal structures, the hyoid and thyroid cartilage."

Open original post on X

9:45:58 AM ET | Status 2117266973524418656

"Are you doing any research?"

"Yes, I am doing research looking at hyoid bones and fractures in New Mexico. I have a student working with me. It's a research project."

"What is anatomy?"

"The functions and s6tructures of the human body. I teach medical students, physical therapy, podiatry and other students gross anatomy."

Open original post on X

9:46:34 AM ET | Status 2117267127724069282

Towel bathroom break! The powerpoint is being brought up! It is an overview of the human neck. The skeleton man has big eyes.

Open original post on X

9:50:00 AM ET | Status 2117267988789506454

I didn't make it to the bathroom.

The witness stood up and we can't see her anymore.

She is standing next to the powerpoint display screen.

We are basically getting a lecture about human bones, in general.

Open original post on X

9:50:18 AM ET | Status 2117268065859616835

Okay, now towel bathroom break. It's hard to hear the witness so she goes back to her chair.

Towel break!

Open original post on X

9:58:42 AM ET | Status 2117270177775526053

I am searching for a towel coffee.

Thank you for your understanding.

Open original post on X

10:04:17 AM ET | Status 2117271586961047922

Towel coffee obtained and consumed. I am on the way back. The lecture continues about bones.

Open original post on X

10:08:29 AM ET | Status 2117272642952802612

Witness now begins her overview of the case materials.

She says the initial report from the Mass OCME had no noted hyoid bone fracture, only a fracture near the left sternothyroid muscle.

Open original post on X

10:09:21 AM ET | Status 2117272859878056086

Witness shows study examples and concludes;

"Hyoid fracture rates are highly variable per study, with several indicating relatively high frequency rates, including incomplete suspensions."

Open original post on X

10:09:39 AM ET | Status 2117272937254322373

"What is an incomplete suspension?"

"A partial hanging where some body part is in contact with the ground."

Open original post on X

10:10:32 AM ET | Status 2117273159804026900

Witness explains how the Wilson study she reviewed is a meta analysis.

Open original post on X

10:11:31 AM ET | Status 2117273406991118794

"What was the sample size of the meta analysis?"

"20 articles and over 300 cases."

"What did they find?"

"They found 35.4% of the hangings with only a hyoid fracture and an additional 15.8% had fractures of the hyoid bone and the thyroid cartilage. That is your adam's apple right below your hyoid bone."

Open original post on X

10:13:04 AM ET | Status 2117273793416548527

"Is it important that literature be peer reviewed?"

"Yes, that involves the article or publication being sent out to at least 2 peers who then review the article and provide feedback. They are usually experts in the field."

"Are you part of a peer review process?"

"Yes, since 2015 I have been on the editorial board of the Journal of Forensic Sciences."

"How many articles have you had published after peer review?"

"Yes, 60 publications and 6 book chapters. I have edited 2 book volumes."

Open original post on X

10:13:41 AM ET | Status 2117273949138452488

Now we look at the Zatopkova, et al study from 2018.

The study can be found here - https://t.co/wmpXvj4pbY

Open original post on X

10:15:20 AM ET | Status 2117274364022558796

We are looking at a very complicated chart where all of the studies reviewed by Zatopkova, et al, are collated and broken down by unlabeled columns. One says "n", one says "iH%", one says "HH&T%" and one says "Total H%."

None of them are defined on the slide. I am confused.

Open original post on X

10:15:47 AM ET | Status 2117274478371844586

Kim Stevens is making us do math!

I object!

Open original post on X

10:16:34 AM ET | Status 2117274676179386532

"I would have to count," says the witness, as Kim Stevens has her do math.

"16 studies show above 0%."

"I had to count because this is illustrative and won't go into evidence, for the record," says Ms. Stevens.

Open original post on X

10:17:37 AM ET | Status 2117274939657199719

"Are seated hangings documented in the literature?"

"Yes."

"And this a slide from a study you reviewed?"

"Yes, it is from Dr. Smock's report."

Here is the study we are looking at - https://t.co/1icm2FMDw1

Open original post on X

10:18:38 AM ET | Status 2117275196910338272

"What is significant above the red arrow?"

"There is one hanging in this study where a hyoid and sternothyroid fracture was observed."

This is a 42 year old woman that is noted in that column. I believe Dr. Smock talked about this example during his testimony on cross.

Open original post on X

10:19:56 AM ET | Status 2117275524984639602

"Did the study discuss the issue of where the ligature knot is placed with respect to the findings?"

"yes, with the side of the neck, 22% had right and left side fractures, 14% on the same side as the knot and then 15% had fractures on the opposite side of the knot."

"So the fractures can occur on either side of the knot?"

"That is correct."

Open original post on X

10:21:35 AM ET | Status 2117275939360972892

"Next slide please...actually before we leave that slide can we go back to the previous slide. What does that study describe with regards to age?"

"It found that with less than 40 it was 28% fracture with over 40 years old it was 58%."

"So under 40 still had 20% hyoid fractures?"

"I believe this is combined hyoid and sternothyroid. They didn't separate it out."

"Okay, next slide. What is the 2025 Adams study?"

Here is a link to that study - https://t.co/UqUWHkuHbR

Open original post on X

10:22:09 AM ET | Status 2117276081728217368

Findings =

"Hanging is the most common method of suicide in most countries worldwide. It is characterized by high lethality, technical simplicity, and typical autopsy findings. Autopsy plays a crucial role in determining the cause and mechanism of death. While external injuries are relatively consistent, internal findings show considerable variability in the literature. The aim of this prospective study was to analyze 660 cases of suicidal hanging over a ten-year period, focusing on the occurrence of forensically relevant internal autopsy findings. Methods: The study was conducted at the Department of Forensic Medicine in Bratislava between 2015 and 2024. All cases underwent standardized complete autopsy, including histology, toxicology, and analysis of death circumstances. Recently reported thoracic aortic adventitial hemorrhages described in 2024 were evaluated only in a targeted subset of cases examined between July and December 2024. Statistical evaluation was performed using the chi-square test to identify associations between internal findings and suspension type, knot location, age, sex, and body weight. Results: The argent line was present in 61.1% of cases, most frequently with posterior knot placement and complete suspension. Neck muscle hemorrhages occurred in 53.8%, predominantly at the periosteal-clavicular attachment of the sternocleidomastoid muscle, with higher incidence in complete and anterior suspension. Amussat's sign was observed in 10.2% of cases, and Etienne-Martin's sign in 1.1%. Fractures of the laryngo-hyoid complex were present in 49.7%, mainly in cases with complete suspension and posterior knot location. Cervical spine injuries were detected in 2.6%, predominantly in older males and with anterior knot placement. Simon's hemorrhages occurred in 35.2%, mainly in younger individuals and complete suspension. Hemorrhages in the intestinal wall were detected in 7.4%, and rectal hemorrhages in 1.1% of cases. In the targeted 2024 subset, no thoracic aortic adventitial hemorrhages were identified. Conclusions: The findings suggest the forensic relevance of several internal findings associated with hanging, while emphasizing that the results were obtained using a uniform and consistently applied autopsy protocol. They also indicate the need for further research, particularly regarding recently reported adventitial hemorrhages of the thoracic aorta, which were assessed only in a limited subset of cases during the final months of the study and were not identified in our material."

Open original post on X

10:23:12 AM ET | Status 2117276346720407555

"What about the Charoonate, et al (2010) study?"

Here is the link to that study - https://t.co/aRQIOQrzgQ

Open original post on X

10:23:27 AM ET | Status 2117276406279287201

Findings =

"To analyze the frequency of hyoid bone and thyroid cartilage fractures caused by suicidal hanging in Thai people and compare the different methods of visualizing the those fractures. Results could be used for forensic purposes. A prospective study of hyoid bone and thyroid cartilage fractures in Thai people who died from suicidal hanging between November 2008 and August 2009. The authors confirmed suicides, based on history, crime scene investigation, autopsy reports, and other police information, visual and palpatory examination, and stereomicroscopy with or without 1% Toluidine. Neck dissection was performed following the protocol of Prinsloo and Gordon. Results and data analysis were performed via SPSS version 16. Twenty male cases of suicidal hanging were reviewed. Fractures of the hyoid bone and/or thyroid cartilage were found in five cases (25%). Two cases ofthe hyoid bone fracture, two cases of thyroid cartilage fracture, and one case was both bone fractures. Mean age of all cases, non-fracture, and fracture cases were 42.40, 35.93, and 61.80 years, respectively The knot was at the back of the neck in most cases (12 cases, 60%) and at the left, front, and right in four, two, and two cases, respectively. However there was no relation between location ofthe knot at the neck and fractures of hyoid bone and thyroid cartilage (p=1). Incomplete and complete hanging were found in 11 and nine cases. Five cases with fractures of the hyoid bone and/or thyroid cartilage were incomplete hanging. The visual and palpatory examination did not detect the fracture of hyoid bone in all 20 cases but stereomicroscopy and stereomicroscopy with Toluidine blue stain detected fracture in three cases. For detecting thyroid cartilage fractures, all three methods had the same result. Fractures of the hyoid bone and thyroid cartilage in 25% of Thais who died of suicidal hanging were related with older ages and incomplete hanging but not related with location of the knot. The stereomicroscopic method is fast and effective in detecting fractures of the hyoid bone and thyroid cartilage."

Open original post on X

10:24:28 AM ET | Status 2117276665072267450

"Are convulsions part of the biomechanical forces you look for in the literature?"

"I can't speak specifically to convulsions but any external force would put pressure on thew hyoid bone."

Open original post on X

10:25:15 AM ET | Status 2117276863424770392

"What does the Khokhlov study tell you?"

Here is that study (link below).

They are going at warp speed right now. I can barely keep up.

https://t.co/npit280NP8

Open original post on X

10:26:34 AM ET | Status 2117277194032386504

"Are there positions noted where someone is lying down but they are recorded as a partially suspended hanging?"

"Yes."

"What about the Wilson meta analysis, what was significant in your review there?"

"Overall, across 20 studies, they found 38% of the suicidal hangings had neck fracture and looking at the hyoid bone 36% had them, they also look at the effect of variables on that fracture frequency."

Open original post on X

10:26:56 AM ET | Status 2117277284654616598

"What about the difference in genders in that study?"

"I would call it biological sex but, no, no difference."

Open original post on X

10:27:54 AM ET | Status 2117277529362854283

"With regards to age, what did the study find with the percentage of people over 40 who would be likely to have a fracture?"

"Those who are over 40 have a 2.3x more likely chance of fracture compared to people who are under."

"But, nonetheless, did some people under 40 see a break?"

"Yes, 26%."

Open original post on X

10:28:50 AM ET | Status 2117277764483162329

"What are the findings of Wilson?"

"Neck fracture is inconsistent and cannot be predicted by the chosen variable. Subsequently beck fractures in isolation should not be given weight in medico-legal interpretations of a hanging death as suicidal."

Open original post on X

10:30:50 AM ET | Status 2117278267082436807

"Let's talk about the factor of age...are fractures more common with age?"

"Yes, it is high frequency for higher ages. But it can happen with younger people. Verz, P and Eisenmeger (1996) broke this down."

Here is that study - https://t.co/IAVBTgaTHY

Open original post on X

10:31:45 AM ET | Status 2117278496460247528

The witness explains how hyoid bones float before a certain age and, in turn, how that makes the hyoid bone more difficult to break at younger ages, but it can still happen in some cases.

Open original post on X

10:32:39 AM ET | Status 2117278724492304412

"Now, the next slide, the Nikolic study, what was significant to you about this study?

Here is a link to that study - https://t.co/ehbWzpKJtt

Open original post on X

10:32:55 AM ET | Status 2117278791005360399

Findings =

"Hanging is one of the most common suicide methods worldwide. Neck injuries that occur upon such neck compression - fractures of the thyrohyoid complex and cervical spine, occupy forensic pathologists for a long time. However, research failed to identify particular patterns of these injuries corresponding to the force distribution a ligature applies to the neck: the issue of reconstructing the knot in a noose position persists. So far, machine learning (ML) models were not utilized to classify knot positions and reconstruct this event. We conducted a single-institutional, retrospective study on 1235 autopsy cases of suicidal hanging, developed several ML models, and assessed their classification performance in a stepwise manner to discriminate between: 1. typical ('posterior) and atypical ('anterior' and 'lateral') hangings, 2. anterior and lateral hangings, and 3. left and right lateral hangings. The variable coding was based on the presence/absence of fractures of greater hyoid bone horns (GHH), superior thyroid cartilage horns (STH), and cervical spine. Subject age was considered. The models' parameters were optimized by the Genetic Algorithm. The accuracy of ML models in the first step was very modest (c. 60%) but increased subsequently: Multilayer Perceptron - Artificial Neural Network and k-Nearest Neighbors performed excellently discriminating between left and right lateral hangings (accuracy 91.8% and 90.6%, respectively). The latter is of great importance for clarifying probable hanging fracture biomechanics. Alongside the conventional inferential statistical analysis we performed, our results further indicate the association of the knot position with ipsilateral GHH and contralateral STH fractures in lateral hangings. Moreover, odds for unilateral GHH fracture, simultaneous GHH and STH fractures, and cervical spine fracture were significantly higher in atypical ('anterior' and 'lateral') hangings, compared to typical ('posterior') hangings."

Open original post on X

10:33:15 AM ET | Status 2117278873033351660

The witness explains these findings to the jury with charts.

Open original post on X

10:34:25 AM ET | Status 2117279169310855570

A slide titled "amount of force" is displayed.

"Let's talk about the amount of force it takes to fracture a hyoid bone. What is significant to you about the Lebreton-Chakour study (2013)?"

Here is a link to that study - https://t.co/EAGzRLLlgJ

Open original post on X

10:35:06 AM ET | Status 2117279340714922086

"How many pounds of force did it take in those studies?"

"6.8 pounds of force."

"How much does the average human head weigh?"

"About 10-12 pounds."

"What is a Newton?"

"A way to express pounds of force."

Open original post on X

10:35:24 AM ET | Status 2117279417412075953

Study findings =

"Discovery of a fracture of the hyoid bone during forensic autopsy is a feature that raises suspicions of constriction of the neck. Studies have shown the influence of gender and build of the individual on the morphology of this bone. Our aims were to confirm these findings and to develop an experimental protocol for simulating manual strangulation in order to determine the force required to fracture the hyoid bone and the influence of anthropometric parameters on this force. A total of 77 intact hyoid bones were obtained, scanned, modeled, measured and embedded in resin. Using a hydraulic press, we applied force to the distal extremity of the greater horn. The relationships between the parameters of sex, weight and height of the subject, anteroposterior length of the hyoid, width between the greater horns, angle, fusion of the greater horns and force applied were analyzed. Our study confirmed sexual dimorphism, shown by greater length in males (>37.8 mm) than in females, and a larger angle in females (a shorter bone with a width>43.7 mm and an angle>31°01). The study confirmed the positive correlation between the length of the hyoid and the weight and height of the subject ($p<0.05$). Sixty-seven of the 77 hyoid bones fractured during the experiment (87% fracture rate). Of the fractures, 48% occurred at the junction between the body and the greater horns, 49% in the greater horns (mean distance from the distal extremity of the horn 17.33±4.37 mm), and 3% in the median part of the body. No significant association was found between gender and type of fracture, or between fusion or non-fusion of the horn ($p>0.05$). Fused bones were not more susceptible to fracture than non-fused bones. Fracture occurred at a mean force of 30.55 N (±18.189). Multiple linear regression showed a significant negative correlation between force required for fracture and age, weight and height of the subject, anteroposterior length and angle. The younger the individual, the slighter their build, the longer the bone and the smaller the angle, the greater the force required to fracture the hyoid bone."

Open original post on X

10:36:01 AM ET | Status 2117279570562879792

The witness explains these findings to the jury with charts.

Open original post on X

10:38:07 AM ET | Status 2117280099007643709

"Hyoid fracture direction" now shows on the screen.

"How much did Ms. Birchmore weigh at autopsy?"

"161 pounds."

Open original post on X

10:39:30 AM ET | Status 2117280445742428324

We now review the Weintraub study from 1961.

Link - https://t.co/GhmOz9JNhH

Open original post on X

10:40:36 AM ET | Status 2117280724772594100

"This is an anecdotal only study...he says he can't draw firm conclusions."

Okay then.

Link - https://t.co/YwLsG8Sq4N https://t.co/rbLDi0osyH

Open original post on X

10:41:45 AM ET | Status 2117281013097168959

"Can you tell us what Zatopkova says about the direction of fractures?"

"Yes, well, they look at the three types that Weintraub looked at in 1961..."

Link - https://t.co/wmpXvj4pbY

Open original post on X

10:42:22 AM ET | Status 2117281169029161124

"What did the Lekovic study tell you?"

Link - https://t.co/sWTS7CaDvn

Open original post on X

10:42:34 AM ET | Status 2117281217716347098

Findings =

"Hanging is one of the most common suicide methods worldwide. Neck injuries that occur upon such neck compression – fractures of the thyrohyoid complex and cervical spine, occupy forensic pathologists for a long time. However, research failed to identify particular patterns of these injuries corresponding to the force distribution a ligature applies to the neck: the issue of reconstructing the knot in a noose position persists. So far, machine learning (ML) models were not utilized to classify knot positions and reconstruct this event. We conducted a single-institutional, retrospective study on 1235 autopsy cases of suicidal hanging, developed several ML models, and assessed their classification performance in a stepwise manner to discriminate between: 1. typical (‘posterior) and atypical (‘anterior’ and ‘lateral’) hangings, 2. anterior and lateral hangings, and 3. left and right lateral hangings. The variable coding was based on the presence/absence of fractures of greater hyoid bone horns (GHH), superior thyroid cartilage horns (STH), and cervical spine. Subject age was considered. The models’ parameters were optimized by the Genetic Algorithm. The accuracy of ML models in the first step was very modest (c. 60%) but increased subsequently: Multilayer Perceptron – Artificial Neural Network and k-Nearest Neighbors performed excellently discriminating between left and right lateral hangings (accuracy 91.8% and 90.6%, respectively). The latter is of great importance for clarifying probable hanging fracture biomechanics. Alongside the conventional inferential statistical analysis we performed, our results further indicate the association of the knot position with ipsilateral GHH and contralateral STH fractures in lateral hangings. Moreover, odds for unilateral GHH fracture, simultaneous GHH and STH fractures, and cervical spine fracture were significantly higher in atypical (‘anterior’ and ‘lateral’) hangings, compared to typical (‘posterior’) hangings."

Open original post on X

10:42:51 AM ET | Status 2117281292224012412

The witness explains this study to the jury with a PowerPoint slide.

Open original post on X

10:44:37 AM ET | Status 2117281733401788439

"Turning to the next page...."

This is a slide of a skeleton man. He has no eyes this time.

"I wanted to show how traction forces create hyoid bone fractures."

"Was the animation removed?"

"Yes."

"Can you stand at the screen and illustrate what you tried to animate."

"Sure!"

Open original post on X

10:45:05 AM ET | Status 2117281851962495206

The witness stands next to the screen and uses her arms and hands to pretend to move Mr. Skeleton

Man around.

Open original post on X

10:45:45 AM ET | Status 2117282020082536757

"Let's talk about your New Mexico study?"

"Okay, although I do not believe that is the next slide."

"Oh, well, maybe I am getting ahead of myself! Oh, I am getting ahead of myself!"

Open original post on X

10:46:29 AM ET | Status 2117282205013594373

"What is the slide?"

"It is from the Lyness study in 2022."

Link - https://t.co/mdNW3bJ8nS

Open original post on X

10:46:46 AM ET | Status 2117282274223718658

Findings =

"Suicidal hanging is a common case type referred to death investigation services throughout the world. It is associated with a large number of autopsy findings, but the presentation can vary significantly between cases, based on a multitude of factors related to the decedent, ligature and degree of suspension. There is also considerable variation in the reported incidence of autopsy findings within the published literature, some of which may be explained by different anthropometric characteristics of the included cases. However, study design and the thoroughness of the autopsy examination undertaken also undoubtedly influence results. This study therefore aimed to retrospectively review a series of autopsy reports from cases of suicidal hanging to assess not only the incidence of common findings identified during Coronial autopsies recently undertaken within a single region of the United Kingdom (UK), but also how the quality or thoroughness of the examination influenced their rate of detection. The results demonstrated considerable variation in the detection rates of common autopsy findings between individual consultant forensic pathologists and that the detection of neck muscle bruising (p = < 0.001), hyoid bone fractures (p = < 0.001) and thyroid cartilage fractures (p = 0.009) was greater when a layered neck dissection was undertaken. As a secondary objective, the range, incidence and impact of any natural disease and trauma additional to the ligature mark identified during the autopsy were assessed. Despite the array of natural disease and trauma recorded, none was considered critical to providing the underlying primary medical cause of death to the Coroner."

Open original post on X

10:47:09 AM ET | Status 2117282371510702140

The witness explains the Lyness study to the jury with a PowerPoint slide.

Open original post on X

10:47:43 AM ET | Status 2117282516147356133

"What is this slide?"

"This is the Yen study from 2005."

Link - https://t.co/NNZR2Aw895

Open original post on X

10:47:56 AM ET | Status 2117282569246945621

Findings =

"In forensic medicine, hanging is a frequent cause of non-natural death which may pose diagnostic problems on the investigator due to the manifold and sometimes ambiguous autopsy findings. The great variability of appearances potentially impedes the classification as to the manner of death (suicide, accident, homicide). The significance of some signs formerly considered to prove vital suspension could not always be confirmed in more recent studies. Therefore, traditional conception passed on from generation to generation must be critically questioned and, if necessary, replaced by evidence-based knowledge derived from systematic evaluations of relevant case material and laboratory tests, where appropriate. Bearing in mind the numerous possible misinterpretations, a dogmatic view must be avoided in favour of a cautious and holistic assessment. The review presented here provides an overview of problem areas based on the pertinent literature, photographic material of real cases and the authors' professional experience."

Open original post on X

10:48:40 AM ET | Status 2117282755406864816

We now review the Garetier study from 2017.

Link - https://t.co/as5gCjK5Rw

Open original post on X

10:48:50 AM ET | Status 2117282795777085876

Findings =

"Suicide is the eighth cause of mortality in France and the leading cause in people aged between 25 and 34 years. The most common methods of suicide are hanging, self-poisoning with medicines and firearms. Postmortem computed tomography (CT) is a useful adjunct to autopsy to confirm suicide and exclude other causes of death. At autopsy, fractures of the hyoid bone or thyroid cartilage, or both, are found in more than 50% of suicidal hangings. Cervical vertebra fractures are rare and only seen in suicide victims jumping from a great height. Three-dimensional reconstructions from CT data are useful to visualize the ligature mark on the neck. In suicides by firearm, postmortem CT shows entry and exit wounds, parenchymal lesions along the bullet path, as well as projectiles in case of penetrating trauma. However, in the chest and abdomen it is more difficult to identify the path of the projectile. Postmortem

CT also shows specific features of suicide by drowning or stabbing, but its use is limited in cases of self-poisoning. The use of postmortem CT is also limited by decomposition and change of body position. This article presents the imaging features seen on postmortem CT according to the method of suicide."

Open original post on X

10:49:08 AM ET | Status 2117282873850151369

This is more studies than I have ever seen.

How is the jury supposed to keep up with this?

Open original post on X

10:49:31 AM ET | Status 2117282966804328589

Hassan, et al from 2015;

Link - https://t.co/ZDePUnrCAK

Open original post on X

10:49:47 AM ET | Status 2117283033887703311

Findings =

"Background: Suicidal hanging is the most prevalent means of suicide worldwide, particularly among young people, and reveals the state of mental health in certain indigenous populations. According to the National Crime Records Bureau, hanging was the most frequent cause of suicide in India in 2019 and 2020, accounting for 53.6% and 57.8% of total suicidal deaths.

Aim: The current study examines the seasonal distribution of suicide-hanging fatalities in Rishikesh, Uttarakhand, as well as the male and female incidence.

Methods: A four-year retrospective examination of autopsy data at the All India Institute of Medical Sciences (AIIMS), Rishikesh, from October 2018 to July 2022. A total of 1720 autopsies were performed during this period with 130 (7.56%) suicidal hangings.

Results: Males were disproportionately impacted (n=100, 76.92%). The ratio of men to women is 3.33:1. The mean ages of the males and females were 33.09 ± 12.59 and 24.9 ± 7.84 years, respectively. The majority of deaths occur in the third decade of life. The summer months saw the highest number of deaths (April-June).

Conclusion: This data may be used to identify persons with a higher chance of committing suicide by hanging and can be utilized to help people through a nationwide suicidal prevention program that employs a multi-disciplinary team approach. Epidemiological studies should evaluate the psychosocial characteristics of men and women separately to identify the population at risk and develop preventative approaches.

Limitations: This is a single-center, retrospective study."

Open original post on X

10:50:20 AM ET | Status 2117283172580819298

"What is your current research?"

"We are looking at fractures during hangings, including in younger individuals."

"Is this image from a 26 year old male who died by suicide?"

"Yes."

Open original post on X

10:51:28 AM ET | Status 2117283459655774684

"What do you see here?"

"Both horns of the hyoid are fractured inward."

"What about this slide?"

"A 27 year old with unfused hyoids and both of the horns are pushed inwards are downward."

"What about this image?"

"It's a 15 year old male, unfused hyoid, where there is a break to the greater horns of the hyoid."

"Were these incomplete or complete suspensions?"

"The database does not provide that information here."

Open original post on X

10:52:14 AM ET | Status 2117283651645837647

"What is the next slide?"

"Two more examples, The left is a 19 year old male with fractures to both greater horns and on the right an 11 year old female with unfused hyoid and fracture to the greater horns."

Open original post on X

10:52:45 AM ET | Status 2117283780847128809

"What can you say about suicides and hyoid bone fractures?"

"It is too non specific upon which to base a full conclusion. There are too many variables."

Open original post on X

10:53:19 AM ET | Status 2117283923327615313

"Does anything indicate to you that Ms. Birchmore's case was not a suicidal hanging?":

"Objection, foundation."

"Sustained."

Open original post on X

10:54:22 AM ET | Status 2117284187925315790

"Based on your review of the evidence in this case, is there anything about the hyoid bone fracture which tells you whether or not it was a suicidal hanging?"

"Objection basis of knowledge, foundation./"

"Well, overruled, you can answer this question."

"Looking at the hyoid bone fracture or the anatomy there is nothing to indicate either way, you can't say."

"Thank you, your honor, nothing further."

Open original post on X

10:54:54 AM ET | Status 2117284323326120354

"Would you like a break, counsel, or would you like to use the five minutes to start cross?"

"I will start now, thank you your honor."

Open original post on X

10:56:08 AM ET | Status 2117284632349536630

"Good morning, Dr Garvin, you have extensive experience in forensic anthropology?"

"Yes."

"And at times you have been called to examine bones, determine if they are human or animal, and those include bones buried for a long time?"

"Yes."

"And the best way to evaluate a bone is for you to see it for yourself?"

"Yes."

"And in this case you did not examine Ms. Birchmore's hyoid bone?"

"I did not."

"Nothing was stopping you from doing so, right?

"Well, I don't know."

Open original post on X

10:57:16 AM ET | Status 2117284917830656440

"You did not have the role, in this case, of looking at the hyoid bone?"

"I did not look at the hyoid bone, no."

"You looked at other people's work?"

"Yes."

"Sometimes you are asked to examine bones though, aren't you?"

"Yes."

"You routinely assist medical examiners?"

"Yes."

"And in those cases you do an actual analysis?"

"Yes."

"But in this case, it's more of a case review?"

"Yes."

Open original post on X

10:59:02 AM ET | Status 2117285364654104756

"Medical examiners depend on people like you to read speciali9zed studies?"

"Yes."

"And that is valuable to general practitioners like medical examiners?"

"Objection."

"Overruled."

"I don't know what you mean by general practitioners. To me that means physicians. So I am working in the medico-legal framework. They are coroners."

"But you have a very niche specialty that they may lack?"

"Yes."

"And you're not a medical doctor?"

"No."

Open original post on X

10:59:33 AM ET | Status 2117285491288444985

"You don't determine cause and manner of death?"

"No."

"You don't treat patients?"

"No."

"Counsel, let's pause here. Jurors, we'll take our 20 minute break!"

Open original post on X

11:23:38 AM ET | Status 2117291556042346674

Pardon the delay, please, I am just setting up lunch for the towel friends.

5 or 10 minutes and I shall be back!

God bless you all.

Open original post on X

11:33:08 AM ET | Status 2117293946577535139

We are back.

"Based on your review of the FBI materials, there is a fracture of the hyoid bone that is perimortem, and that is inward?"

"Yes."

"And Ms. Birchmore was not harmed while she was being moved after death?"

"No."

"And you feel this is evidence of blunt force trauma?"

"Yes."

"And that's the mechanism of injury here to the hyoid bone?"

"Yes."

"And you can't tell us that this is anything more than blunt forced trauma?"

"Objection, they objected to that question your honor!"

"Sustained as to form."

Open original post on X

11:35:07 AM ET | Status 2117294443061489983

"Hyoid bone fractures are most commonly found in strangulations correct?"

"There is some documentation, there is not a lot of research on that."

"The research focuses on that, but your study that you cited, two of them actually, says that strangulations, particularly homicidal strangulations, are the most common reason for hyoid bone fractures?"

"Yes."

"Is there a reason those parts of the studies didn't make into your powerpoint?"

"Objection!"

"Sustained."

"You made this powerpoint, correct?"

"Yes."

Open original post on X

11:36:40 AM ET | Status 2117294832179609790

"Now, the cases you cited of broken hyoid bones, they were fused, isn't that right?"

"Yes."

"And Ms. Birchmore's hyoid bone was not fused?"

"Correct."

"And hyoid bones are more difficult to break in younger persons?"

"Yes."

"And, if a hyoid bone is going to fuse, at all, it does so around age 40?"

"Yes."

"And a fused hyoid bone makes the area less flexible?"

"Yes, at the joint."

"And that makes it easier to break?"

"That is not what the studies show."

"Did you testify in Ohio Vs. Moore that a hyoid bone is more flexible in younger people?"

"Perhaps."

Open original post on X

11:37:38 AM ET | Status 2117295078456668170

"Let's turn to the study you cited, which says there is a significant association between age and frequency of fractures in the hyoid bone, right?"

"Yes."

"And those studies say that hyoid bones are harder to break in young people with unfused hyoid bones?"

"Potentially."

"And Ms. Birchmore had an unfused hyoid bone?"

"Correct."

Open original post on X

11:38:48 AM ET | Status 2117295371424612503

"Have you ever responded to any hangings?"

"No."

"And have you processed crime scenes?"

"I have done so during recovery efforts."

"What about live scenes, have you responded to those?"

"No."

"What about training in staged or altered crime scenes?"

"No."

"And you haven't treated any patients who have survived hangings?"

"Correct."

"And you've never participated in autopsies, because you're not a forensic pathologist?"

"Correct."

Open original post on X

11:39:21 AM ET | Status 2117295510826647800

"One of the studies you cited talks about staged crime scenes, after someone is dead, being staged to simulate hangings?"

"Yes."

Open original post on X

11:40:58 AM ET | Status 2117295917438996892

"And this study, and others, say hangings should be closely examiner because of this?"

"Yes."

"Your case review is only good as the studies themselves?"

"I'm not sure I understand."

"You take the literature at face value?"

"Yes."

"And if there are flaws in those studies you are bound to take them at face value?"

"Yes."

"And the literature you looked at is cases only where someone was classified as hangings?"

"Yes."

"And doctors classify those people?"

"Yes."

"So those studies are only as good as the doctor making that call?"

"Yes."

"And the doctor, when doing so, is relying on the work of other people."

"Objection."

"Sustained."

Open original post on X

11:42:25 AM ET | Status 2117296281639162239

"And those doctors can depend on how through of an investigation occurs?"

"Yes."

"So you talked about incomplete versus complete hangings, and complete hangings are where someone is fully suspended?"

"Yes."

"Are they sometimes referred to as judicial hangings?"

"I am not sure how the term is used across the board."

"Objection."

"Overruled, the question and answer may stand."

"In fact, a lot of the studies you talk about find that someone is most likely to fracture a hyoid bone when they are standing?"

"I can't say most."

"Several have said that."

"I can't recall off the top of my head."

Open original post on X

11:43:48 AM ET | Status 2117296630814683149

"And what about kneeling hangings?"

"Yes."

"And seated hangings?"

"Yes."

"And reclined hangings?"

"Yes."

"And injuries different based on the type of hanging, which is the point of the studies you look at?"

"Yes."

"And what if a study doesn't separate out hangings by type, is that a flaw?"

"Well, that's just part of their study design, I don't know if it's a flaw."

"Would someone with all of their body weight on a ligature have different injuries than someone who is seated and mover her head to the left."

"yes, there would be more force in the former."

Open original post on X

11:44:31 AM ET | Status 2117296810737680476

"Most of the studies you cite are based on examples of fully suspended hangings, isn't that true?"

"Can you point me to a specific example?"

"We'll get to your PowerPoint in a minute, doctor, don't worry."

Epic.

Open original post on X

11:45:04 AM ET | Status 2117296949548433736

"Ms. Birchmore was 23 years old right?"

"Yes."

"And someone who is under 40 that presen5ts with a hyoid bone fracture, it is more likely that they were strangled than hung?"

"I don't know."

Open original post on X

11:47:13 AM ET | Status 2117297490135331312

"The studies you reviewed showed hyoid bones are more easily fractured in people over 40?"

"Yes."

"But it is possible in people under 40?"

"Yes."

"I want to focus your attention on unfused hyoid bones, hyoid bones in young people, in seated hangings, okay, sound fair?"

"Okay."

"And you are aware are you not that in the 10 years Dr. Capo-Martinez has been an ME she has never seen an example of that?"

"Objection."

"Sustained as to this question counsel."

"Did you read the autopsy report?"

"Yes."

"Did you review the testimony of Dr. Capo-Martinez?"

"Objection!"

"She can answer."

"Yes."

"And you are aware are you not that in the 10 years Dr. Capo-Martinez has been an ME she has never seen an example of that?"

"I don't recall that part of the testimony."

Yikes.

Open original post on X

11:48:40 AM ET | Status 2117297854020538483

"And the medical examiner's office, itself, has never seen a broken hyoid bone in a person under 30 from a seated hanging, that's what Dr. Capo-Martinez testified to?"

"Objection!"

"Well, counsel, this was part of the material review. Overruled."

"I don't recall."

"Did you review Dr. Smock's testimony?"

"Yes."

"And Dr. Smock has never seen a broken hyoid bone in a person under 30 from a seated hanging?"

"I don't recall the details [of his testimony.}"

Open original post on X

11:50:46 AM ET | Status 2117298381840097364

"In all of the literature you have reviewed, there is not a single study that found a person under the age of 40 with a fractured hyoid bone from a seated hanging, correct?

"There is not a study that breaks it down to that level."

"We just spent a lot of time going through those studies, right doctor?"

"Yes."

"And those studies show some places where someone under 40 has a broken hyoid bone?"

"Yes."

"And some show someone who has a broken hyoid bone from a seated hanging?"

"Yes."

"But none of them show any examples of someone under 40 with a broken hyoid bone from a seated hanging?"

"That is correct, none of them analyze that."

Open original post on X

11:52:08 AM ET | Status 2117298724774756772

"You said there was no hemorrhage at the fracture site?"

"That's what the autopsy said about the hyoid bone."

"And that autopsy report also said there were no scratches to the neck?"

"Yes."

"And you saw where Dr. Capo-Martinez testified to the fact that there were scratches on Ms. Birchmore's neck?"

"Objection."

"Overruled."

"I only review the transcript briefly. I don't know."

Open original post on X

11:53:00 AM ET | Status 2117298942459195400

"But you relied on Dr. Capo-Martinez's autopsy report?"

"Yes."

"And are you aware that Dr. Capo-Martinez testified that there was more that she considered?"

"Objection."

"Sustained on this counsel."

Open original post on X

11:56:30 AM ET | Status 2117299824496099644

"There was not a reported incident of anyone in the Adams study having a broken hyoid bone from a seated hanging under 40 years of age, is that correct?"

Long pause.

"What I'm seeing is there a table that looks at different types of hangings. Then I see one with age and hangings. I don't see any chart with both."

"That's because there is none right?"

"They may not have analyzed it."

"There was not a reported incident of anyone in the Adams study having a broken hyoid bone from a seated hanging under 40 years of age, is that correct?"

"I don't know that."

"There is only one person under 35 with a hyoid bone and that was not a seated hangings?"

"No, there were three."

"Two of them have both broken hyoid and thyroid fractures?"

"Yes."

"And that is seen is fully suspended hangings?"

"Yes."

Open original post on X

11:57:03 AM ET | Status 2117299964237754546

"In fact no studies have ever examined or found someone under 35 who had a broken hyoid bone from a seated hanging?"

"I could not find any, no."

Long pause.

"May I have a moment your honor?"

"You may."

Open original post on X

12:00:42 PM ET | Status 2117300884157727083

"In their study they had 5 people in seated hangings with broken hyoid bones. All were aged over 47 years."

"Okay. If we go to slide 18, no cases of a fractured hyoid bone in a person under 40 from a seated hanging, right?"

"Correct."

"And signs of strangulation are injuries to the hyoid bone, that study says that?"

"It may."

"And slide 19, no cases of a fractured hyoid bone in a person under 40 from a seated hanging, right?"

"Correct, they don't look at those combined variables."

Here's that study - https://t.co/lt6tCx6KTk

Open original post on X

12:01:39 PM ET | Status 2117301119261028439

"Slide 21 please, there were all suspended hangings, so nothing in here suggests a fracture of a hyoid bone in a person under 40 from a seated hanging?"

"Correct."

Open original post on X

12:02:39 PM ET | Status 2117301374547276214

We now see an autopsy photo of Sandra. She is laying down. We see her back and her shoulder tattoo. Her hair falls over the ligature used to take her life, and the hair is also wrapped in and around the ligature tightly.

"What is surrounding the buckle on Sandra's neck?"

"Hair."

Open original post on X

12:04:28 PM ET | Status 2117301828912062639

"On this slide, everyone in this study was full or suspended hangings?"

"That is correct."

"Slide 27 please, you were asked about these images and you said 17.5 pounds?"

"Percent of the body weight."

"So you did some math for Ms. Birchmore, can you remind us of that?"

"About 28 pounds."

"So, in a seated hanging with the human head weighing 12 pounds and it only takes a fracture of the amount of weight to fracture a hyoid bone, you still found no examples in the literature of someone with a fractured hyoid bone under 40 where that bone is unfused?"

"Correct."

Long, long pause.

"One moment please, your honor?"

"You may."

Open original post on X

12:05:01 PM ET | Status 2117301968578203941

Farwell stares ahead blankly. One finger over his mouth, one touching his left ear.

Open original post on X

12:06:39 PM ET | Status 2117302378244280410

"Slides 41, 42 and 43, you highlighted the age of the patients here?"

"Yes, some are younger, some are unfused..."

"And none of those are from seated hangings, correct?"

"I don't have that information."

"And there is nothing in your review of the materials from this case or in any of the studies to suggest the fracture of Ms. Birchmore's hyoid bone was inconsistent with homicide correct?"

"Objection, your honor...that's

"Counsel, no speaking objections, I am pausing top think. Sustained as to the form."

Sidebah!

Open original post on X

12:12:17 PM ET | Status 2117303796082815362

"So, you can't tell what caused the injury to the hyoid bone beyond blunt force trauma?"

"Yes."

"And your slide said it is important to make use of all of the information available?"

"That's what the study says, yes."

"And Ms. Birchmore's hyoid bone was unfused, fractured inward and downward?"

"Yes."

"And the most common cause of hyoid fracture is strangulation?"

"Yes."

"And there's no cases of a hyoid bone fracture from a seated hanging?"

"Objection, asked and answered."

"Sustained."

"Nothing further."

"Redirect."

Open original post on X

12:13:40 PM ET | Status 2117304143500963926

Dr. Heather Garvin.

By Don Drake.

Sandra Birchmore and Matthew Farwell trial testimony, 11/2/2026.

Yes, he's so good I got this while she is still on the stand. https://t.co/lWlQvAG7L9

Open original post on X

12:14:26 PM ET | Status 2117304338640949287

Dr. Heather Garvin.

By Don Drake.

Sandra Birchmore and Matthew Farwell trial testimony, 11/2/2026.

Yes, he's so good I got this while she is still on the stand. https://t.co/3XvujPWaLb

Open original post on X

12:16:35 PM ET | Status 2117304879064744161

"Can seated hangings cause fractures to the hyoid bone in unfused hyoid bones?"

"None of the articles pout those two things together. There are articles that show hyoid bones broken in seated hangings. There are articles that show broken hyoid bones in unfused hyoid bones."

Open original post on X

12:18:25 PM ET | Status 2117305340983206190

"Is Dr. Smock a medical examiner?"

"Objection."

"Well, sustained as to this counsel."

"That's all I have your honor."

"Recross?"

"Yes, from here your honor, if I may?"

"You may."

"Slide q-14 please, this slide, even in this study, there's no case of a fractured hyoid bone in a person under 40 with a fused hyoid bone?"

"They don't have the ages indicated."

"There are no seated hangings with fractured hyoid bones in people with unfused hyoid bones?"

"That is not documented."

"And that is what we're talking about here, Dr. Garvin, is that correct?"

"That is correct."

Open original post on X

12:18:57 PM ET | Status 2117305476362993914

"In the 8000 Wilson study cases, there is not one person who was found under 40 with a broken hyoid bone that was unfused?"

"They don't present that data, no."

"Nothing further."

"Thank you doctor you are excused."

Open original post on X

12:19:49 PM ET | Status 2117305693409862016

Dr. Bill Ralston.

Chief Medical Examiner for the Commonwealth of Kentucky

By Don Drake. Sandra Birchmore and Matthew Farwell trial testimony, 11/2/2026. https://t.co/BvoTCD1QjN

Open original post on X

Defense witness — Dr. Alicia McCarthy

12:20:09 PM ET | Status 2117305775580389393

"The defense calls Dr. Alicia McCarthy!"

Open original post on X

12:20:36 PM ET | Status 2117305889111875982

"Good afternoon."

It is Joanne Daley.

Open original post on X

12:20:50 PM ET | Status 2117305949505703971

She has a heavy Irish acccent.

Open original post on X

12:21:38 PM ET | Status 2117306150538653898

She works at a college in Maine and consults on the side.

She is from Ireland and has a bachelor degree in chemistry. She has three masters. She also has a Ph.D.

"May I call you Dr. McCarthy?"

"Yes."

Open original post on X

12:22:02 PM ET | Status 2117306250668937249

She worked as a drug chemist in Ireland.

I believe that is a pharmacist.

Open original post on X

12:22:27 PM ET | Status 2117306356331872280

She worked at the Maine State Police crime lab for 10 years from 2001.

Then she was at colleges and unis in Maine teaching from 2011 until now.

Open original post on X

12:25:37 PM ET | Status 2117307154315063601

The witness overviews her time working on a master's thesis and at various internships.

She explains what a drug chemist does.

It turns out this is not a pharmacist, however they do call pharmacists chemists in some areas of Europe!

Open original post on X

12:26:11 PM ET | Status 2117307295847858313

She was someone who looked for fingerprints, tyre marks, fracture matching (matching broken and torn things back together like torn garbage bags and that kind of thing).

Open original post on X

12:26:34 PM ET | Status 2117307393444917460

She's from Ireland so I get to spell it tyre.

I will accept no objections.

Open original post on X

12:27:35 PM ET | Status 2117307648513110339

"Does this job have a new title?"

"Feature comparative sciences. That includes looking at toolmarks, fingerprints, patterns...comparing one pattern to another."

"Are you certified?"

"I have a footwear certification."

Okay.

Open original post on X

12:30:34 PM ET | Status 2117308398567936343

"Do you have a position within that?"

"Yes, I am the 4th Vice President!"

"What about other bodies?"

"We have a lot of acronyms in forensic science! One of the positions I hold is with OSAC! They are under NIST! You may have heard of them! That's where my role in OSAC I am part of a group of people who develop and as a group publish forensic science standards and best practices. We publish to the OSAC registry. That is public, anyone can look at them. Then it goes to the pattern organize, the ASB...a document comes from OSAC and goes to ASB and then becomes an accredited standard. I work on both of those, ASB, I work on the footwear and tyre documents. At OSAC I am on the patter-SAC, and I work both for documents, fire arms, tyres, I'm the human representative for pattern sciences."

"What does that mean, human representative for pattern sciences?"

lol

Open original post on X

12:31:15 PM ET | Status 2117308568810434686

The witness explains how to reduce errors in crime scene processing and vicarious trauma.

Open original post on X

12:31:45 PM ET | Status 2117308695147110831

I wonder if Ms. Havisham had vicarious trauma!

(That is how I learned the word vicarious, because of Pip and Estella!)

Open original post on X

12:32:44 PM ET | Status 2117308944775262557

I am running low on energy.

I object to Joanne Daley's speaking style!

Open original post on X

12:35:28 PM ET | Status 2117309630422409551

The witness is talking about how labs become accredited. She speaks a lot of words when she answers simple questions.

Open original post on X

12:36:18 PM ET | Status 2117309839642956133

"I didn't fail that one, it just lapsed!"

Okay, thanks, Doctor!

Open original post on X

12:37:29 PM ET | Status 2117310140131233962

The witness now talks about how she teaches classes.

We are going very, very slowly. The witness talks for about 60 seconds each time Joanne Daley asks a question.

At this rate we'll be done with the witnesses' background sometime around Christmas.

Open original post on X

12:38:32 PM ET | Status 2117310403005091937

"How long have you worked at NIST?"

"Well, I'm not really a part of NIST. I just volunteer at OSAC."

lol

Open original post on X

12:40:21 PM ET | Status 2117310861618663494

"Now, to this case, what did you do?"

"I was asked to look at a questioned impression on a decedent's skin and compare it to an item I was informed might be a ligature."

Open original post on X

12:40:55 PM ET | Status 2117311003545276821

So, she'll be talking about the clay imprint that Dr. Smock did to compare the injury on Sandra's chest to the lobster clasp on the strap used to hang Sandra.

Open original post on X

12:43:27 PM ET | Status 2117311639946928284

"What does linear sequential unmaking mean?"

This is a "forensic science procedure that controls the order in which an analyst receives case information to minimize cognitive bias and subjective errors in judgment," then the names are unmasked.

"Did you use that in this case?"

"Yes, I asked for documents from you, then I reviewed them, then I asked for the name of the author later."

"And what is the name of the person whose documents you reviewed in this case?"

"Dr. Smock."

"Did you make a PowerPoint?"

"Yes."

"Is this your PowerPoint?"

"yes."

"How do you know?"

"Because I made it. That's my name!"

Open original post on X

12:43:44 PM ET | Status 2117311711665590519

We see a photo of the injury to Sandra's chest.

Open original post on X

12:45:13 PM ET | Status 2117312083524026596

"A lot of the photos at the autopsy were not taken correctly, but this one was done correctly. It was flush with the skin, the ruler."

"Why is that important?"

"Because comparisons are done digitally, and I need to be able to make the pattern injury life size or actual size. I will go into Photoshop and tell the program that dimeson, and then I can save the items as life size. Then I can overlay other life size items on top of them."

"What is the ruler in this photo made of?"

"I don't know."

Open original post on X

12:46:38 PM ET | Status 2117312443613646892

"Is there a measuring tool that can be used on a skin?"

"Well, for curved objects, the best kind of ruler is one that is also curved. Like a bendy-type scale from a sewing kit. You can also get them as adhesive rolls. You'll want the scale to go around the curve of the impression."

"Is that a measuring tape?"

"Objection as to form."

"Sustained."

"What is the challenge with rigid vs flexible scales?"

"If the scale is rigid and can't bend, it can't be used to size the wound."

Open original post on X

12:49:08 PM ET | Status 2117313069974253738

"What is this slide?"

"I looked at the metadata of the camera used to capture the photo of the wound on Sandra's chest. This tells you it is an Olympus TG5 model camera. Then below, it tells you information about settings on the camera. 4.5mm focal length. That's just the distance between the lens and the back sensor. Then it says things about the exposure, shutter speed as 1/80th of a second, the -stop, which it he aperture, the little hole letting light into the camera, was at 2.8 which is a large aperture meaning a large hole, the ISO is the sensitivity of the detector in the camera of 100, so it is extreme unmmm excuse me so it is not extremely sensitive to light and then patterned metering tells us how the camera looks out at the scene or the thing it is photographing and determines is the scene really light, dark or some combination. It's a good setting for general photography. Then it says no flash. The flash didn't fire."

Open original post on X

12:51:10 PM ET | Status 2117313580936970288

"What is the next page?"

"This is the buckle you asked me to compare with the impression on the decedent."

Open original post on X

12:51:32 PM ET | Status 2117313672821481489

"What is this next page?"

"This is the metadata from the photograph of the buckle. It's a Nikon camera."

Open original post on X

12:52:35 PM ET | Status 2117313939100901662

"The lens was a variable focal length lens, it goes from 24, which would be a wide angle, up to 85mm which is telephoto. The normal lens for that camera would be about 50 to 55mm, and I know that because it's a full format. One of the things as a comparative examiner, the Olympus camera was different from this one, so what was normal as a lens for one may not be normal for the other, but when I saw a focal length of 855 mm which is a zoom not a normal lens, I was concerned."

Huh?

Open original post on X

12:52:56 PM ET | Status 2117314027940454655

"So, for those not paying attention, two different cameras took these two different images?"

"Correct."

lol

Open original post on X

12:53:24 PM ET | Status 2117314144374247543

"Would you mind if I get a glass of water?"

"Oh, sure."

"Ms. Cook?"

"Thank you!"

Open original post on X

12:53:40 PM ET | Status 2117314211210817889

Whereupon the witness took a sip of water.

Open original post on X

12:55:03 PM ET | Status 2117314559195185339

"So this was a wide angle Olympus?"

"Yes."

"Now moving on to the buckle, is this a zoom lens?"

"Yes."

"How does a zoom lens distort, if at all, an image?"

"It can stretch an image and the buckle out of its shape and size."

"And what lens should be used?"

"50-55mm, again between the lens and the back of the camera."

I'm not sure the jury needs to know this.

Open original post on X

12:56:44 PM ET | Status 2117314985445523730

Now we see the lobster clasp that is actually the focus of the witnesses' testimony.

"Is there an issue with this photo?"

"Yes, a zoom lens was used, like the other picture."

"Why is it important for you to include two slides of metadata if they are identical?"

"Just to show the jury that I looked at each photo individually and I did not make assumptions."

"Is it important not to make assumptions in science?"

"Absolutely!"

"Next slide please."

"I think that's the end!"

"Oh, that is the end!"

Open original post on X

12:57:12 PM ET | Status 2117315102886027332

"Who took the pictures of the buckle?"

"The FBI."

"Who took the picture of the decedent's skin?"

"I don't know."

"You reviewed Dr. Smock's report?"

"I did."

Open original post on X

12:57:52 PM ET | Status 2117315268762296367

"Did you review Dr. Smock's disclosure?"

"I'm not sure what that means, disclosure?"

"His notice of testimony."

"Oh, yes."

"Do you know Dr. Smock?"

"No."

Open original post on X

12:59:07 PM ET | Status 2117315584287285685

"Uh, did you look at what process Dr. Smock used to make a, uhh, comparison, umm of the, uhh abrasion on page 2 of your slide compared to the buckle and clasp on the subsequent pages thereof?"

"I'm not sure I'm aware of how he did his comparison."

"Are you aware of a clay impression?"

"Yes, I remember, now, I was told..."

"Objection, hearsay!"

"Ms. Daley, is this a basis of what's being offered?"

"Yes, your honor."

"Restate your question."

Open original post on X

1:00:42 PM ET | Status 2117315981940863193

"You said you read something about the use of clay by Dr. Smock?"

"Yes."

"And in your field, what utility does clay have?"

"I'm not sure of the utility. It's not something I've done."

"Have you seen it taught?"

"We do impress things into different mediums. For example, a shoe print, we may cast it using dental stone, then we may push the shoe we compare it to into a cast. We like to compare like with like, so sometimes molds are made of things."

"Counsel, do you have more questions?"

"About 10 minutes more."

"Okay, Doctor, you can step down, we'll resume at 2PM, jurors, we'll see you then, as always, remember my cautionary instructions."

Open original post on X

1:04:22 PM ET | Status 2117316903173787837

Jurors exiting!

Judge says everyone can be seated for a moment."

"Counsel, anything before the break?"

"Your honor, I think we will be ending early today, as I don't foresee a two hour cross, and we are ready for the charge conference."

"Okay, counsel, all I would say is other than a stretch break I will expect the jury charge conference

after we finish. We'll just the jury go when we finish. Is the lineup for tomorrow the same?"

"It's been shortened by one witness. So we'll have a shorter day tomorrow."

"Okay, who is on Wednesday?"

"Mr. Loper and Dr. Answer."

"Okay, so, counsel in terms of tomorrow should I be telling this jury just until 1PM?"

"The DNA could go longer, but that seems a fair guess. It could go past two depending on cross but that's fair. Dr. Christensen will be short, so I think so."

"10 minutes of cross for Dr. Christensen and 30 minutes for Dr. Nouradine."

"Okay, and I see the defense says no other civilian witnesses, setting aside the other matter, and you still intend to rest on Wednesday?"

"Yes, we do."

"Okay, I'll check back in with you before I tell the jury anything about tomorrow. Just one final thing, on the jury charge, it's also not my practice as counsel may know to send the indictment back to the jury, all that they hear about the charges is what I'm telling them, okay? With that, we'll take our break!"

Open original post on X

1:05:01 PM ET | Status 2117317068513239077

NEW:

The Matthew Farwell defense will rest on Wednesday.

Closings Friday.

Half day tomorrow, half day today (plus charge conference), half to full day Wednesday, no court Thursday, closings Friday morning.

Open original post on X

1:40:40 PM ET | Status 2117326038984229301

This doesn't pass the smell test.

I'm going to be all over this case.

Open original post on X

2:03:54 PM ET | Status 2117331885579747364

We are back.

10 more minutes of direct.

The witness explains various types of molding used to make pattern impressions, including brand names.

Open original post on X

2:04:39 PM ET | Status 2117332074466295999

"Is there competency testing in your field?"

"Yes, in the early stages of your career."

"If you know, does, like, modeling clay replicate human skin?"

"I don't know."

"Have you ever been trained in that field?"

"I've never been trained in modeling clay, no."

Open original post on X

2:04:58 PM ET | Status 2117332156150071786

"Are you aware of modeling clay being used by other experts in the field of pattern impression?"

"In my field, no."

Open original post on X

2:05:50 PM ET | Status 2117332373717029241

"You said earlier about linear...sorry I'm going to say it wrong, linear sequential unmasking and that's what you do to, like, like, keep potential bias out of the equation?"

"It doesn't keep bias out, but it does minimize it."

"What's confirmation bias?"

"The human tendency to confirm what we already know."

Open original post on X

2:06:58 PM ET | Status 2117332657411444739

"How would confirmation bias play a role in making an assessment of that photograph?"

"Could you rephrase the question please?"

"If one were to, umm, look at a mark and make a preliminary assumption about what they see would an example of confirmation bias mean you look fotrevidence that supports your preliminary conclusion."

"Objection, form."

"Sustained."

Open original post on X

2:09:49 PM ET | Status 2117333375488757995

"Why is it important to come it at from that angle, if it all?"

Long pause.

"I come at from a neutral angle, and to analyze the impression first...to work that up in photoshop, we

follow ACAVE methodology. The a is for analysis, which means I look at both items and compare them."

"And what is your conclusion in this case?"

"Inconclusive."

"Why is it inconclusive?"

"There were similarities with the clasp and the buckle, and with the photos not taken appropriate, I didn't know how much weight to put on the images. I say inconclusive that one of them could make the mark, and the proposition that it didn't make the mark, is the same. It's kind of like I'm on the fence."

Open original post on X

2:11:39 PM ET | Status 2117333835926950265

ACEV analysis.

"I mentioned ACEV, the v stands for verification."

"Objection, move to strike."

"On what, counsel, hearsay?"

"Yes."

"Okay, counsel, I think we've heard the end of the answer as to process, you can ask the next question."

"Is ACVE the basis of all of forensic science?"

"Objection."

"Basis?"

"Notice."

"Ms. Daley, point me to something?"

"August 4th, examination report, 247-6."

"Okay, you can put the question."

Open original post on X

2:12:53 PM ET | Status 2117334146330873966

"What did you do to verify your report?"

"I sent the report to my technical verified."

"Objection, calls for hearsay, notice as to someone else."

"I think it's a yes or no question, counsel, so you can ask it that way."

"Were your conclusions verified by another examiner?"

"Yes, they were."

"May I have one moment your honor?"

"You may."

"No more questions, your honor."

"Cross?"

"Yes."

Open original post on X

2:14:42 PM ET | Status 2117334603543269471

"Good afternoon, Doctor, pattern comparison is about matching injuries to an implement?"

"Matching sounds like confirmation, matching or non matching."

"So with respect to injuries, so you try to figure out what object caused an injury, correct?>

"That's not what I did here in this case, I looked at the two potential sources the buckle and the clasp to see if the had similar size and dimension to the injury."

"Generally, do you try to match objects to the injury that may have caused?"

"Yes, matches or not matches."

"Because when an object is pressed into the skin it can cause a mirror image injury?"

"I'd call it like a stamp!"

"And force needs to be applied?"

"I did not consider force in this case."

Open original post on X

2:15:39 PM ET | Status 2117334845483540527

"When someone presses into the skin, the skin gives a little bit?"

"Yes."

"And the resulting injury, because the skin is depressed, will not always be exact?"

"Yes."

"And if the item is pressed into the skin via clothing, it would make it even harder to detect?"

"That is outside the scope of my expertise, but something between the object and the skin could make a difference."

Open original post on X

2:19:02 PM ET | Status 2117335696331415715

"You mentioned sometimes it is helpful to press an object into mold?"

"Yes."

"And you've used dental stone?"

"To take a cast, but biofoam for impressions of a shoe. They are not the same. They are opposites."

"And forensic scientist aren't the only ones who look at pattern comparisons right?

"No."

"ER Doctors look at these kind of things all the time?"

"I don't know, it is outside the scope of my expertise."

"Forensic pathologists look at these kind of things?"

"They do."

"Medical examiners look at these kind of things?"

"They do."

"Sometimes you can just use common sense and see a pattern imprint?"

"Objection."

"Say a ford vehicle is in a car accident, and a person comes into an ER with mirror images of FORD and the steering wheel spells FORD, that would be a common sense imprint wouldn't you agree?"

"We can get really technical here but there's a delineation between a common sense approach and expertise...do letter in a forehead come under expertise in the scope of federal law, I'm not sure, my understanding of the law, and you know better than I do, certain things we do require specialized training, such as the training that I would have."

"Ms. Massie, could we pull up exhibit 79?"

Open original post on X

2:21:47 PM ET | Status 2117336388148383894

"You said the ruler was flush to the skin here?"

"I cropped out the image I looked at."

"The pattern injury is similar here?"

"Yes."

"And there is a ruler here present in the photo?"
"Yes."

"And you were only able to obtain photos someone else took?"

"Yes."

"You didn't take your own photos?"

"No."

"Did you have an opportunity to examine this (holds up exhibit 83) ligature?"

"No."

"What about an exemplar ligature?"

"No."

"And you could have used biofoam or dental stone to make imprints of the buckle on that ligature?"

"If the ligature was supplied to me, sometimes that happens, I would not have taken a cast or mold I would have taken a propa' photogrpah."

"And you didn't do that in this case?"

"No I was not supplied this strap."

"You didn't ask to see the ligature did you?"

"I didn't know I had the opportunity. Normally the attorneys I work with will say they have access and mail it to me, or fly me in. I think if that was an opportunity they would have offered it to me, but it wasn't discussed."

"They didn't offer that opportunity to you?"

"No."

Open original post on X

2:22:36 PM ET | Status 2117336593765904425

"Exhibit 79 please. Does this injury have a darker shade of red at the bottom?"

"Yes."

"Exhibit 315 please. Could you display that along with exhibit 79, Ms. Massie, please?"

Whereupon exhibits 79 and 315 were shown side-by-side.

Open original post on X

2:26:03 PM ET | Status 2117337459860369473

"Doctor, exhibit 315 on the right hand of your screen, you see this lobster claw clasp?"

"Yes."

"And you would agree with me that there is a circular rivet on the bottom..."

"Objection."

"Basis in a word, counsel?"

"Scope."

"Overruled."

"Doctor, you would agree there is a circular rivet at the bottom of the lobster claw clasp?"

"Yes, I'm not sure that term rivet, but there's a circular shape to the bottom of the clasp."

"Please draw a red circle around the rounded ribbon. Thank you. That ribbon is elevated a little bit, isin't it?"

"Well, I haven't seen the strap, and I'm cautious to stay within the scope of my expertise but it appears it could be at a different dimension than the other parts of the clasp."

"Let's assume for a minute it were, would that elevated rivet produce a darker red spot?"

"Objection."

"Sustained as to this."

"Can I have a moment your honor?"

"Yes."

"Doctor, the pattern injury to the chest, you agree it is possible it could be caused by the lobster claw

clasp."

"My conclusion is that it is equally possible and not."

"So it is possible it did make the mark?>

"Yes."

"Nothing further."

"Redirect?"

"Yes."

Open original post on X

2:27:50 PM ET | Status 2117337910940668218

"You said it's equally possible it didn't because it?":

"Well, not equally possible, but yes."

"You only had photos from the autopsy?"

"The only ones I had were the ones you gave me."

"And in reviewing Dr. Smock's analysis he used the same photos?"

"They appeared to be the same correct."

"And Dr. Smock didn't obtain the original strap, he used a facsimile?"

"Yes, he used a copy."

"And he made an imprint in clay?"

"Yes."

"And was that proper scientific method to use in this case?"

"Objection, asked and answered."

"Sustained."

Open original post on X

2:28:41 PM ET | Status 2117338121532571807

"You were asked on cross why you didn't use biofoam or dental stone to make an exemplar?"

"Yes."

"And the method you used in comparing photos, did you determine that to be the best scientific method for you to use?"

"That is the scientific method I use for comparing questioned imprints to known."

Open original post on X

2:30:40 PM ET | Status 2117338623636873445

"The photos in this case were taken, in the case of Ms. Birchmore, by someone at the OCME's office?"

"Objection, asked and answered."

"Overruled, to close the loop."

"The origin of the photos is unknown to me. The defense gave them to me."

"Did you ever get the impression the defense took them?"

"No."

"Nothing further."

"Recross."

"Are you aware Dr. Smock personally traveled to Boston to measure this ligature?"

"Objection."

"Overruled."

"I am not aware of that."

"Nothing further."

"M<ay I have one more question your honor?" - Defense

"No, counsel, I'm keeping track it has been two rounds."

"You are excused, thank you."

Open original post on X

After jury dismissal / charge conference

2:31:51 PM ET | Status 2117338919016542522

"Jurors, we are all set to let you go early. I will talk with counsel later today. Please keep my cautionary instructions in mind, don't talk to anyone including each other about any aspects of this case, even innocous details, don't do any outside research, don't watch any coverage, and keep an open mind. We'll see you tomorrow at 9. We may end early tomorrow at a similar time as well. I'll update you in the morning."

"All rise for the jury!"

Charge conference incoming!

Open original post on X

2:32:26 PM ET | Status 2117339068715372601

"Everyone can be seated for the moment, although, counsel, why don't we take 15 minutes and we'll come back for charge conference!"

"Thank you, your honor!"

Open original post on X

2:39:27 PM ET | Status 2117340833464934829

Dr. Heather Garvin testifies after leaving court following Sandra Birchmore and Matthew Farwell trial testimony.

I didn't have any questions.

I did say God bless you, though. https://t.co/eQkO1pZXUY

Open original post on X

2:47:11 PM ET | Status 2117342778334048519

Okay I am back in the courthouse and ready for the charge conference to begin.

Judge has not yet taken the bench.

Wait, judge takes the bench.

Here we go.

Open original post on X

2:48:28 PM ET | Status 2117343103405416484

"Counsel, I think I've given you the summary of my thinking generally about the charge, since you've looked at the draft, let's start with the government. Part 1 first, then the defense, then part 2."

"As to part 1, the government has no edits or suggestions. It looks fine."

"Counsel, on the defense side, I'll put aside missing witness and spoilation and lay witness state of mind for the moment, but any other comments."

"No other comments on part 1."

"Let's move to part 2 and I'll come back to those 3 issues."

Open original post on X

2:52:48 PM ET | Status 2117344193303527553

"Part 2, counsel?"

"Yes, the government your honor, wants to discuss page 22, the Fowler language, we have a slight proposed tweak. Fowler is a situation where the defendant has a general intent, but not specifically with regards to federal law enforcement, so to ensure we're in that realm we would propose the final paragraph to, after the lead in clause, say, "while the government must prove that the defendant intended to prevent a communication to law enforcement generally the government need not prove that Mr. Farwell nor Ms. Birchmore had federal law2 enforcement in mind. Then the reasonable likelihood section, then additional language from Fowler about the reasonable likelihood need not be a reasonable doubt standard or finding by the jury. We propose, on this point the government is not required to prove a federal communication beyond a reasonable doubt, or even that it was more likely than not. That is language from Fowler.

"Okay, counsel, give me a second. I have Fowler in front of me. I'm on 678 of Fowler."

Fowler says;

"We begin with two basic propositions. First, in our view, the Government need not show beyond a reasonable doubt (or even that it is more likely than not) that the hypothetical communication would have been to a federal officer. No Circuit has adopted this interpretation, and no party argues for it here. But see post, at 1–2 (Scalia, J., concurring in judgment). And for good reason: The relevant question concerns the defendant's intent. The Government will already have shown beyond a reasonable doubt that the defendant possessed the relevant broad indefinite intent, namely, the intent to prevent the victim from communicating with (unspecified) law enforcement officers. And one can possess an intent (i.e., one can act in order to bring about a certain state of affairs) even if there is considerable doubt whether the event that the intent contemplates will in fact occur. One can, for example, put up shutters with the intent of protecting the furniture from hurricane damage even if there is considerable doubt that any hurricane will actually occur. One can drive to Fenway Park with the intent of seeing the Red Sox play that afternoon even if a mistake about the date means the stadium is empty. One can blow up a bridge with the intent of stopping an advancing army, even if the army advances regardless, along a different route. And, similarly, a defendant can kill a victim with an intent to prevent the victim from communicating with federal law enforcement officers even if there is some considerable doubt that any such communication would otherwise have taken place."

Here is Fowler;

https://t.co/C1FB57zSvi

Open original post on X

2:54:09 PM ET | Status 2117344531503042953

"Counsel, just give me a moment."

"Okay, your honor. And just to give you the pin cite, it's at Fowler, 563 US at 674. That is the fact that statute prohibits killing to prevent the victim from communicating with unspecific law enforcement officers."

Judge carefully reads Fowler.

Open original post on X

2:55:06 PM ET | Status 2117344771932844051

"Defense counsel, response?"

"Yes, your honor, we would ask the court to leave the language as proposed by your honor as it does reflect Fowler. We would say the government's language distorts Fowler. On page 668 the court writes,

"We focus on instances where a defendant killed a person with an intent to prevent that person from communicating with law enforcement officers in general but where the defendant did not have federal law enforcement officers (or any specific individuals) particularly in mind. The question before us concerns what, if anything, the Government must show beyond this broad in-definite intent in order to show that the defendant more particularly intended to prevent communication with federal officers as well. We hold that, in such circumstances, the Government must show that there was a reasonable likelihood that a relevant communication would have been made to a federal officer."

Open original post on X

2:56:06 PM ET | Status 2117345024090202468

"Your honor, I'm sorry I forgot where I left off. Oh..."

'The question before us concerns what, if anything, the Government must show beyond this broad indefinite intent in order to show that the defendant more particularly intended to prevent communication with federal officers as well. We hold that, in such circumstances, the Government must show that there was a reasonable likelihood that a relevant communication would have been made to a federal officer.'

Open original post on X

2:57:12 PM ET | Status 2117345298758406532

"We would submit that the government's proposed amendment to this instruction in keeping with Fowler or 1512. The language is already there in the second paragraph. The government need not prove Ms. Birchmore or Mr. Farwell had federal law enforcement in mind. That is enough. Going beyond that runs afoul of Fowler."

"No pun intended." - Judge

Laughs.

Open original post on X

2:58:24 PM ET | Status 2117345600857424219

"I'm not sure if both proposals from the government are necessary, but I'll go back and look at Fowler and the other cases again."

"Your honor, just one typo on page 23, there is an extra t in the word 'that.'"

"I see that, thank you!"

"Nothing more from us."

"Your honor, I found a small type," says Kim Stevens. Page 2, 7 lines down, first paragraph. The word need should be needed."

"Okay, I see that, thank you!"

Open original post on X

2:58:37 PM ET | Status 2117345656855478585

"Any comments or edits to part 3 counsel?"

"No your honor."

"No your honor."

Open original post on X

3:00:17 PM ET | Status 2117346073677336687

"Counsel, a housekeeping matter, my general practice is when I get to the second to last page, here 31, that is when I would hear you at sidebah, WhisperTech, on any objections you need to preserve or if you think I need to correct something or if I misspoke. I'll do that at the end of page 31. The other thing I do at the end of my instructions is just mention to the jury use of the juris system and that they will have the exhibits both in hard copy and electronically. It's also my practice to upload the jury form and jury charge in case they want to look at it together. I'll mention that at the end."

Open original post on X

3:07:19 PM ET | Status 2117347846701912199

"Counsel, on this missing witness instruction, I looked at pattern instruction 212, along with a number of the cases in the notes and comments to pattern instruction, namely Perez, Ramos Vs Gonzalez, Pagan-Santini, let me turn to the defense first, I wasn't sure who you were talking about here?"

"Well your honor, we make the case for several missing witnesses. It came to a head on Friday when it was put to Dr. PIesecki that she hadn't spoke to certain witnesses who spoke to her on the last day of her life, specifically on cross she was asked about Darlene Smith. The cross names Carley Williams, Jason Pickard, Adrianna Ortiz, Jimmy Newell, Vanessa McCoy, Andrew Barret, we don't want the instruction for them all, but Darlene Smith stands out as a missing witness in this case. She is the representative for the estate on the wrongful death complaint, she is her closest living relative, she has been mention..."

"But counsel how is she not equally available to the defense?"

"Your honor, her lawyer filed a motion for injunction barring us from talking to her or anyone in her orbit and she wouldn't likely give favorable testimony to the defense."

"Counsel?"

"With respect to Ms. Smith, it appears they could contact her lawyer. He can be served and she can be brought to testify. On the other point, they don't identify relevant and non culminative evidence she would provide. There must be a specific proffer. They just put her in a broad category of people who knew Ms. Birchmore. There must be more. The larger list of people, Ms. Daley lists Carley Williams who did testify. The rest of those people there is no showing they couldn't serve them, and there's no showing of what they would say if they did."

"Counsel, I considered the pattern instruction. It's not clear to me that these folks fall in to the category of having a special relationship with the government gviven status or relationshbip, and I understand the point about Ms. Smith's counsel, but there are other witnesses, not just in this case, who are sometimes represented, which is not a bar in and of itself, to compel them to appear for testimony. Also I think there is a fair amount of testimony about communcations with Sm. Smith before this jury in the form of various statements by Ms. Birchmore so I can't say as the caselaw requires that I find, that there is relevant non culminative evidence offered by her. As to the other witnesses, putting aside the folks who were called by the government, I think the gury has also heard a fair amount about her communications with people on the day of her death and in the lead up to that. So I can't say it is relevant, non-culminative evidence, such that the missing witness instruction is warranted or that the jury should be given an instruction about a permissive inference to the witness being called. But your objection is noted and preserved.

Open original post on X

3:10:04 PM ET | Status 2117348536522064057

"Counsel, on spoilation, I had a similar question. I looked at the US Vs Lorent case. I didn't want to guess. What are you referring to?"

"Your honor, we'd ask the court to reserve until after hearing from Dan Loper because his testimony will be relevant to the initial destruction of the laptop extraction and what spoilation resulted."

"And Mr. Loper is on Wednesday?"

"Okay, counsel, so I heard some testimony on this matter, whether or not the initial extraction effects what is able to be reviewed?"

"Yes, over written hash values, data potentially lost, the difference between the first and subsequent extractions because of that destruction."

"But what about where Lorent says it is more often warranted in the scenario only where the evidence permits a finding of bad faith destruction."

Cite - https://t.co/z6xQ45MVFe

Open original post on X

3:16:43 PM ET | Status 2117350212620448008

"We would say," says the defense, "normally it is intentional or bad faith acts, and I think the notes make clear that there is an avenue for the instruction where there is negligence, in this case gross negligence, the interaction with the device, we heard form Mr. Beckstrom about how the device3 was handled was not in line with best practices. how it was obtained, accessed, searched while connected to a network, synched to the iPhone, then an extraction is made, then that extraction is lost due to what was "reportedly" a server crash. And we would argue that constitutes gross negligence and a loss of evidence that the court should weigh when thinking about the spoilation charge."

"Counsel for the government?"

"First, we agree with the court that bad faith is required. Here is there is not bad faith. Really, the crux of what they are claiming was subject to spoilation due to the original aquaistion of the laptoip./; That56 was lost by the Norfolk County DA's office and the troopers involved in that operation when a hard drive failed. And Former Trooper Guarino said the hard drive failed, and it's gone. The court doesn't get to bad faith on that. As to the second issue Ms. Daley talked about, there was a sequence of events that the data on the laptoip went thgouh, and that doesn't show bad faith either. It was taken from Ms. Birchmore's apartment in Feb of 2021, then an initial aqusition was taken of that (that is what was lost when the hard drive failed), and at the time that extraction was acquired the extraction and the laptop went with the trooper and then deputy chief holmes, after they concluded the case was not a homicide and it was investigated by the IA department, during that time Deputy Holmes accessed his own extraction by creating a full image of the laptop which was done subsequently. That full image reveaLls the things that went on within the laptop from when the laptop was seized to when that full image was made. So that reflects no bad faith, and there is no destruction of evidence as a result. Either way they don
't get to a spoilation instruction."

"Counsel, I'll reserve on this pending Mr. Loper's testimony. I would just say for planning purposes on both sides I don't see a basis for giving this instruction at this moment in time but I'll reserve on it. part of it the lack of any bad faith here. I don't know if it raises to negligence based on what I've heard so far.

I remember the government's forensic expert and I recall the testimony of Deputy Chief Holmes and whether the laptop was connected to police networks or wifi when he did his extraction, and whether the full file system extraction includes the data that was changed when it was accessed. But I'll reserve for now. until I hear Mr. Loper's testimony."

Wild series of events. So much to unpack there!

Open original post on X

3:20:43 PM ET | Status 2117351217798234450

"Regarding the opinion evidence about state of mind regarding reaction to hearing Ms. Birchmore's death was a suicide...I ruled that could come in on docket 268. Why should I give this instruction?"

"Well your honor, the case your honor cited in her ruling includes the potential of using this instruction. otherwise it risks confusing the jury. If the court allows in this testimony to explain what the witnesses did, that would be in keeping with the court's holding in the cited cases, but it can't be used as evidence that Ms. Birchmore did not take her own life, and without that instruction, they will take it that way."

"Counsel, I'll hear from the government on this."

"Your honor, I think the court has previously instructed the jury on this, and I think the instruction about how this does not weigh on how Ms. Birchmore died is fine, but your honor has already reminded them of this."

"Counsel, I considered the defense's proposal, and I think I will use different language that conveys a similar idea. I will add this on page 10 where I instruct them about 404b limited purpose evidence. I will add another instance relates to witnesses who were permitted to testify about their own state of mind upon hearing that Ms. Birchmore allegedly...committed suicide. That testimony was allowed to provide context for the actions that these witnesses took thereafter. You may not consider this state of mind testimony as evidence of the cause and manner of Ms. Birchmore's death."

Open original post on X

3:26:27 PM ET | Status 2117352661695791580

"So, counsel, I think I understand the parties positions. I am inclined to include some version of what I proposed here. I get the point about these witnesses testifying about percipient witness observations that the jury can consider as to the government's burden, I understand the point, and I think I said to this jury at some point, and I sustained objections to cause and manner of death as to these witnesses, if I recall, so I'll work on the wording, but I understand your arguments."

Open original post on X

3:29:06 PM ET | Status 2117353329650995224

"Counsel, unless there's anything else about the jury charge...and just give me one minute...counsel I should note for the record what you, or at least the government observed, there was part of the government's proposed instruction about the first element of the first count, about the killing and in the further discussion of that element there is a section about self defense, I don't think that is warrented here on the evidence."

"Yes, your honor."

"Counsel, unless there's something else on the charge, on the verdict form..."

"Your honor, before we leave the charge, we note the continuing to object communication of a necesasary element of the offense and we note the failure under Jones."

"Okay, for the reasons stated in my ruling on the motion to dismiss, which I also reviewed in preparing this, noted."

Open original post on X

3:31:10 PM ET | Status 2117353845806313942

"The defense also objects on the immunized witness instruction, as to the court removing language from the pattern instruction 2.08. The court removed, 'S0ome people in this position are entirely truthful when testifying. Still, you should consider the testimony of [name of witness] with particular caution. [He/She] may have had reason to make up stories or exaggerate what others did because [he/she] wanted to help [him/her]self.'

"Does the government have any position on that?"

"No, your honor, if it tracks the pattern language, that's fine."

It does indeed.

Source (page 34 of 351) - https://t.co/aExcC5QMC5

Open original post on X

3:33:51 PM ET | Status 2117354521211088900

Defense now asks for modification to the section about Matthew Farwell's statement.

"Counsel, I'll think about it. The pattern instruction makes clear it is what the government claims, and then it says it is for the jury to decide if these statements have been made."

"Thank you, your honor."

Open original post on X

3:38:22 PM ET | Status 2117355657925996757

"Counsel, I'll think about the various proposed changes and I'll give you my further thoughts on that probably tomorrow. I'll reserve on the spoilation instruction at least until I hear from Mr. Loper, but, as I said I don't think it's warranted at this point in the evidence given what I've heard and I'll let you know about any changes I make."

"Does the court want to hear us on our request for a special verdict form?"

"Yes, I reviewed 385. Counsel do you want to add anything?"

"Your honor, we ask for this special form because the charge itself requires the jury to first start with killing a witness, and if they say no there, then there is no need to go further. They don't have to do that. They can go in any order they want, but to reduce the risk of them combining evidence from different subject matters, separating out the predicates and the main charge, allows the court to satisfy itself that

there was no comingling. This is also more expedient for the jurors."

"Thank you, counsel for the government?"

"Yes, your honor, special verdict forms and interrogatories are disfavored in criminal cases. This is particularly because it is disfavored for the court to micromanage the jury's deliberations which seems like what defense counsel is asking for here; to structure the jury's deliberations in a specific manner, and I would urge the court to not do that."

Open original post on X

3:39:33 PM ET | Status 2117355956749365687

"So, counsel, and I think the jury was coming in as I said this before, but I was considering it before I got the proposed form, then I reviewed 385, I understand the arguments, I do think here I don't think it's warranted. I think the jury charge will be very clear that there are two elements the government must prove beyond a reasonable doubt as to count 1 and count 2, but your objection is noted to what I'm referring to as my plain vanilla form."

"Anything else counsel?"

"No your honor."

"No your honor."

Open original post on X

3:41:05 PM ET | Status 2117356341480018121

"I would like both sides to certify on the record to Ms. Cook, perhaps Wednesday or Friday, all of the admitted exhibits are in order, both in hard copy and the form they will be provided to Ms. Cook to uploading in the juror system. Hopefully you've been doing that all along. Please do that right away on Wednesday or Friday. In terms of closing, I considered the requests for 90 minutes. Maybe against my better judgement, I will allow the same amount of time on each side. How much time does the government foresee for rebuttal?"

"We don't know that yet, can we have until tomorrow?"

"Yes, I'll give you each a 2 and 5 minute warning."

Open original post on X

3:41:23 PM ET | Status 2117356419540459875

One hour and 30 minute closings in the Sandra Birchmore and Matthew Farwell case, for each side.

Wild.

Open original post on X

3:43:13 PM ET | Status 2117356881639248352

"We'll start with the jury at 10AM ET on Friday. I'll start with counsel at 9:45AM. We'll tell the jury about this on Wednesday and I think starting later the closings will happen together and then I'll give them

my final part of the charge. So, counsel, that is my proposal. maybe we'll do a stretch break somewhere in there for them but that's my thinking. Counsel, I think we're all set for tomorrow in terms of who is up for testimony, the two doctors, and any further thoughts? 1PM finish?"

"Yes, I think so, your honor, and we have one illustrative exhibit we're finishing tonight on DNA and we'll get that over to the government tonight."

"Do you think 1pm, on the government's side?"

"Yes, your honor."

"Okay, thank you, it impacts Ms. Cook's planning. With that, we will stand in recess."

"All rise!"

Open original post on X

4:17:19 PM ET | Status 2117365462753317044

Dr. Alicia McCarthy.

Sandra Birchmore And Matthew Farwell trial testimony.

November 2, 2026.

By; Don Drake. https://t.co/yTZOF5qr7d

Open original post on X

Appendix — Reposts, commentary, and support notices

| Status 2117212044609069481

Preserved for completeness, but not treated as courtroom testimony.

6:07:41 AM ET RT @thisislebnews: جرافات إسرائيلية تقوم بهدم المنازل في بلدة زوطر الشرقية https://t.co/J7Fk1tVUXM

Open original post on X

6:18:59 AM ET | Status 2117214886719635691

RT @dolfiniran: ۱۱ آبان ۱۴:۴۲/
فرماندهی نیروی دریایی سپاه اعلام کرده است: ‘تنها از ۲۵ اکتبر (۳ آبان، تاریخ بازدید نمایشی برد کوپر فرمانده س…

Open original post on X

6:37:20 AM ET | Status 2117219505831399437

RT @BearGrylls: My granddad always used to cross himself when he flew.

I do not think it was because he was scared. I think it was a littl…

Open original post on X

9:27:36 AM ET | Status 2117262353670582361

I am watching Clancy and this at the same time!

I am a towel!

Sidebah ends.

Open original post on X

9:58:16 AM ET | Status 2117270069356957795

@HarryTadudor DOJ moved to elicit on cross, defense moved to deny that, when DOJ pressed the defense withdrew the witness entirely from their list and judge then denied the motion as moot.

Open original post on X

10:18:56 AM ET | Status 2117275273292894560

@pinkfloydjunkie Nailed it.

Open original post on X

11:00:30 AM ET | Status 2117285732368687492

Morning break!

God bless you all!

Thank you for your support of my work!

Donation information below!

Venmo: https://t.co/aS1seZF8GX

Paypal = https://t.co/T02firtvgK https://t.co/6HfsO2MUnU

Open original post on X

11:05:44 AM ET | Status 2117287049002639584

@barrymiller128 It matters a lot when the bone is not fused. Harder to break.

Open original post on X

11:29:18 AM ET | Status 2117292980264439835

I am in the elevator. I am a towel.

Open original post on X

11:53:51 AM ET | Status 2117299160026411074

"Slide 11 please. The Adams study. In that case there was only one person under 40 with a broken hyoid bone?"

"I would need the article!"

Oh, okay, well I have it here, I am a towel!

https://t.co/Khesgd5a3o

Open original post on X

11:58:56 AM ET | Status 2117300438240313405

"And so none of the studies that you cited on slide 12 identify a person under the age of 40 suffering a fractured hyoid bone from a seated hanging, correct?"

"They do not break it down to those variables, correct?"

"Slide 14 does not cite one, correct?"

"Correct."

"Slide 15 does not?"

"Correct."

"Slide 16, this doesn't cite one correct?"

"Correct."

"Slide 17, this doesn't cite one correct?"

"Correct."

"And in this one, only two people have hyoid bone fractures and they are both over 60?"
"I'd have to refer back to the literature."

"Feel free."

Okay, here is the article! I am a towel!

https://t.co/Q7l88HUoXX

Open original post on X

12:19:54 PM ET | Status 2117305711877149033

RT @GrantSmithEllis: Dr. Bill Ralston.

Chief Medical Examiner for the Commonwealth of Kentucky

By Don Drake. Sandra Birchmore and Matthe…

Open original post on X

12:22:58 PM ET | Status 2117306486661517472

RT @HowieCarrShow: BREAKING:

Another embarrassing State Police scandal on Halloween night in Boston, a trooper charged with B&E after alle…

Open original post on X

12:23:52 PM ET | Status 2117306711920738482

RT @j3nnyb00m: Kevin Reddington doing Kevin Reddington things.. THIS MAN GIVES ZERO FUCKS!! 😆

my fav lines include but are not limited to:...

Open original post on X

12:24:12 PM ET | Status 2117306795333132288

RT @conlin_lauren: 🚨🚨🚨I asked Ed Paltzik, the holdout juror's attorney in the Lindsay Clancy case, about defense attorney Kevin Reddington'...

Open original post on X

12:39:30 PM ET | Status 2117310644525711688

RT @j3nnyb00m: BOOOM! turning defense witnesses into prosecution witnesses... one by one!!

🤝🩵⚖️

#SandraBirchmore

Open original post on X

12:39:41 PM ET | Status 2117310693871636746

RT @TheLinzerShow: 🚨AND THERE IT IS. Kevin Reddington is now submitting the podcasts, interviews, and YouTube videos involving the lone hol...

Open original post on X

12:50:37 PM ET | Status 2117313444936315382

RT @conlin_lauren: Kevin Reddington has security now! I tried to squeeze into the media scrum, but it was nearly impossible. Between the cr...

Open original post on X

1:05:59 PM ET | Status 2117317312080752934

We are into the home stretch. Lunch time until 2PM!

God bless you all. What a whirlwind.

Thank you for your support of my work.

Help feed the towel, if you are so inclined <3

Donation information below;

Venmo: https://t.co/aS1seZFGwv

Paypal = https://t.co/T02firu36i https://t.co/otg990KGaC

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1:40:16 PM ET | Status 2117325940380344352

RT @blankspaceerin: ‼BREAKING: Remember the infamous “Reelhouse Trooper Brawl” over the summer, when MSP Trooper Chris Regan was caught on…

Open original post on X

1:41:40 PM ET | Status 2117326293062558063

@blankspaceerin That's the kind of thing that gets the original charge dismissed.

Something is very wrong.

@DMAnews1

Open original post on X

1:42:43 PM ET | Status 2117326557333123482

@AnEagleEyedGirl Thanks!

Open original post on X

2:33:09 PM ET | Status 2117339246923059659

15 minute break!

I am going in search of caffeine so I can type the whole charge conference.

God bless you all.

Towel donation information below.

Venmo: https://t.co/aS1seZF8GX

Paypal = https://t.co/T02firtvgK https://t.co/iRpIM8enCO

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2:34:24 PM ET | Status 2117339560392990924

@DonutsBaga Are you saying towel news doesn't count!

I object!

Open original post on X

3:23:20 PM ET | Status 2117351877163553120

@MCCossyG No one who is close to KP, Fanning or Tully knows anything about what is coming for those who covered up Sandra Birchmore's murder.

Open original post on X

3:25:11 PM ET | Status 2117352343335231527

RT @hey_itsmyturn: IRGC also claims intercepting, grounding, and ceasing 2 American MQM-170s over southern Qeshm
Hormozgan Province, #Iran

Open original post on X

3:31:52 PM ET | Status 2117354022369652813

RT @FarsNews_Agency: 🔴 انهدام پنجاه و پنجمین پهپاد MQ9 ارتش تروریست آمریکا در شرق تنگهٔ هرمز
روابط عمومی سپاه پاسداران انقلاب اسلامی: لحظات...

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3:34:17 PM ET | Status 2117354632703848649

RT @defense_diaries: The Sandra Birchmore case -USA v Matthew Farwell Trial- Trial Day 16 Recap https://t.co/SWkqsKXQru

Open original post on X

3:34:22 PM ET | Status 2117354654342275375

RT @defense_diaries: @GrantSmithEllis's glorious Monday morning Farwell trial thread!

Open original post on X

3:44:11 PM ET | Status 2117357122618839178

And, with that, we are done!

Truly heading into the home stretch now!

God bless you all, thank you for your support!

Towel donation information below;

Venmo = https://t.co/aS1seZF8GX

Paypal = https://t.co/T02firtvgK https://t.co/8oDgF5NQY2

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3:55:17 PM ET | Status 2117359918403498423

RT @KYMaverickreal: Based on reporting of @GrantSmithEllis in Matthew Farwell the following jury instruction currently stand as follows:

•...

Open original post on X

4:20:51 PM ET | Status 2117366351513665581

RT @hey_itsmyturn: Numerous explosions on Qeshm Island
Hormozgan Province, Iran

[Delayed Post via FromIran · 120-second delay]
https://t.c…

Open original post on X

4:21:00 PM ET | Status 2117366390197801464

RT @hey_itsmyturn: IRGC-owned Fars News confirms the explosion sounds in Qeshm, gives no further details. https://t.co/XBPsMFpNa5

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4:21:05 PM ET | Status 2117366409759949102

RT @hey_itsmyturn: Air defense activity at the air base in Omidiyeh, Khuzestan
Iran

[Delayed Post via FromIran · 120-second delay]
https:/…

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Source: This reconstruction is based on contemporaneous posts authored by @GrantSmithEllis. Other users' posts are not used as factual courtroom narrative except where preserved in the separately labeled appendix.

Retrieval and preservation: The November 2 corpus used for this publication contains 261 unique source-post IDs. Internal source-to-report validation found no missing, extra, or repeated IDs within that corpus.

Editorial organization: Posts are arranged chronologically by proceeding or witness. Headings and brief notes are added where needed to identify supported transitions; the appendix preserves reposts, commentary, and support notices separately from courtroom testimony.

This reconstruction supports public access but is not an official court transcript and is not represented as an independently complete account beyond the validated source corpus used for this publication.

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