

1 IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
2 IN AND FOR PALM BEACH COUNTY, FLORIDA  
3 CRIMINAL DIVISION  
4 CASE No.0012745CFA02

5 STATE OF FLORIDA,

6 -vs-

7 EDMUND ADAMO,  
8 Defendant.

9 DEPOSITION OF RICK SWOPE

10 Wednesday, October 2, 2002  
11 1:20 - 4:30 p.m.  
12 State Attorney's Office  
13 401 North Dixie Highway  
14 West Palm Beach, Florida 33401

15 Reported By:  
16 Rosalind F. Zuehlk, CSR,  
17 Notary Public, State of Florida  
18 Esquire Deposition Services  
19 West Palm Beach Office  
20 Phone - 800.330.6952  
21 561.659.4155  
22  
23  
24  
25

1 PROCEEDINGS

2 ---  
3 Deposition taken before Rosalind F. Zuehlk,  
4 Certified Shorthand Reporter and Notary Public in and  
5 for the State of Florida at Large, in the above cause.  
6 ---

7 Thereupon,  
8 (RICK SWOPE)  
9 having been first duly sworn or affirmed, was examined  
10 and testified as follows:

11 DIRECT EXAMINATION

12 BY MS. ROBERTS:

13 Q. Would you state your name for the record,  
14 please.

15 A. Rick Swope, S-w-o-p-e.

16 Q. Rick, tell me a little bit about your  
17 qualifications as an expert in reconstructing crashes.

18 And if you can't hear me or need me to  
19 clarify it, let me know because I'm having a hard time  
20 talking.

21 A. I have a copy of the CV.

22 Q. Okay.

23 A. Which is pretty much up-to-date. There's a  
24 couple of additions on the new one which will be out  
25 next week. Basically just seminars, but --

1 APPEARANCES:

2 On behalf of the State:  
3 ELLEN ROBERTS, ESQUIRE  
4 ELIZABETH PARKER, ESQUIRE  
5 OFFICE OF THE STATE ATTORNEY  
6 401 North Dixie Highway  
7 West Palm Beach, Florida 33401

8 On behalf of the Defendant:  
9 KENNETH J. RONAN, ESQUIRE  
10 LAVALLE, BROWN, RONAN & SOFF  
11 750 South Dixie Highway  
12 Boca Raton, Florida 33432

13 ALSO PRESENT:  
14 Chris Somers, Police Officer

15 EXHIBITS

16 NUMBER	PAGE
17 State's Exb. No. 27	54
18 State's Exb. No. 28	57
19 State's Exb. No. 29	72
20 State's Exb. No. 30	112

1 Q. Okay.  
2 A. -- if you all need to elaborate on what's on  
3 there, I can do that.

4 Q. No, we're going to go through that probably  
5 later on in the deposition.

6 To be honest with you, I got five different  
7 CVs, I need to clarify with you which one is the  
8 latest.

9 A. Okay.

10 Q. Because I think the one that Ken sent me was  
11 not the latest.

12 A. Okay.

13 Q. Okay. When were you first contacted about  
14 being an expert in this case?

15 A. I was contacted in March of 2001 by Robert  
16 Tucker.

17 Q. Okay. So Tucker was the one that contacted  
18 you?

19 A. Well, his office did first. I don't recall  
20 the secretary that contacted me, but she indicated that  
21 Mr. Tucker was going to work the case.

22 Q. All right. Had you been contacted or hired  
23 by Ken by then?

24 A. Not at that time, no.

25 Q. Okay. And were you sent materials to review

1 by Mr. Tucker?  
 2 A. Yes.  
 3 Q. What did he send you?  
 4 A. I have a list of materials that I received.  
 5 I can't tell you as to what dates I received them.  
 6 Q. That's okay.  
 7 A. But I have a page, if you want to look at it,  
 8 of everything I received. I can read it to you,  
 9 whatever you want.  
 10 Q. All right. We'll just kind of read it into  
 11 the record. The homicide report, you better read it  
 12 into the record, I can't read your handwriting.  
 13 A. Received the traffic homicide report.  
 14 Deposition of Chris Somers dated 8-7 of '01.  
 15 I've received supplemental list of witnesses  
 16 dated August 20th of 2001.  
 17 I received expert auto stats of the vehicles.  
 18 Crush measurements information from the police  
 19 department and I also received some information from  
 20 Rudolph Limpert. Crush information from Neptune  
 21 Engineering, which give the crush values of the  
 22 vehicles.  
 23 I received supplemental discovery on 8-10 of  
 24 '01. I received additional deposition of Officer  
 25 Somers dated 2-27 of '02. Received a depo of George

1 understood it was that Mr. Tucker told me in March that  
 2 he was being represented by a criminal defense attorney  
 3 that I might know and he gave me the name of Ken Ronan.  
 4 And, of course, I told him I knew him.  
 5 So I think Mr. Ronan called me probably  
 6 sometime in March and said that he would like to look  
 7 at my work and probably retain me for the criminal  
 8 case, if, in fact, that case didn't settle or vice  
 9 versa with the civil case.  
 10 I told him I'd have to contact Mr. Tucker to  
 11 get approval for that because I couldn't send out  
 12 documents to Mr. Ronan unless I had proof. I know,  
 13 it's a long story.  
 14 But basically then Mr. Tucker gave me  
 15 approval to deal with Mr. Ronan direct and it was my  
 16 understanding that Ford Credit would be paying all of  
 17 my bills up until the time that the case was eventually  
 18 resolved.  
 19 Q. The civil part of it?  
 20 A. The civil part. And then Mr. Ronan indicated  
 21 that anything from that point on his office would be  
 22 responsible for.  
 23 Q. Okay. You indicated that you reviewed a  
 24 deposition of George Buckman.  
 25 Is he the civil engineer out of Tallahassee?

1 Buckner.  
 2 Received all the police information, which  
 3 encompassed the diagrams, those kinds of things.  
 4 Received another depo of Chris Somers dated 5-29 of  
 5 '01.  
 6 A deposition of Edmund Adamo. A depo of  
 7 Carolyn Kurlander. A depo of Adrianna Lynn.  
 8 Statements of A. Lynn, Carol McClain, Tania, this will  
 9 kill me, M-e-d-i-a-v-i-l-l-a, statement of Jennifer  
 10 Clausen, statement of Daniel Gourley, G-o-u-r-l-e-y,  
 11 statement of Melissa Weiss, depo of Carol McClain, depo  
 12 of Daniel Gourley.  
 13 I received various medical records, driving  
 14 information history, charging sheets, etc. I believe  
 15 from Mr. Ronan's office.  
 16 Statement of Eric David. Statement of Aaron  
 17 Oatley. Statement of A. Lynn. Police photographs.  
 18 Information, again criminal information I  
 19 received through Mr. Ronan.  
 20 And I received recently State supplemental  
 21 discovery dated 6-20 of '02. That's pretty much what I  
 22 have to date.  
 23 Q. Okay. When were you hired by Mr. Ronan on  
 24 the case?  
 25 A. Well, I really wasn't. I guess the way I

1 A. Yes.  
 2 Q. Okay.  
 3 A. I have his documents that were attached to  
 4 the deposition with me, if you want those.  
 5 Q. We might look at those later on from an  
 6 interesting standpoint.  
 7 A. Okay. I have them all if you want.  
 8 Q. Okay. So you got most of these materials,  
 9 other than the supplements, the additional supplements,  
 10 you received most of the materials in March of 2001?  
 11 A. Right, with the exception of, as the depositions  
 12 came in as they were taken.  
 13 Q. Okay.  
 14 A. But everything else I received. And I would  
 15 receive information directly from Mr. Ronan on the  
 16 criminal issues, although I really didn't have much  
 17 contact with Mr. Ronan at that point.  
 18 Basically most of it was civil at that point.  
 19 Q. Okay. And you reviewed the defendant's  
 20 statements that he gave?  
 21 A. Yes.  
 22 Q. Kurlander's statement?  
 23 A. Yes.  
 24 Q. And that Adrianna Lynn statement?  
 25 A. Yes.

1 Q. And did you go to the scene?  
 2 A. Yes.  
 3 Q. When did you first go to the scene?  
 4 A. Went to the scene sometime in April of 2001,  
 5 I don't know the exact date. But I know that I  
 6 completed my diagram on May 4th of 2001.  
 7 So that was the site survey, so it had to be  
 8 probably about 35, 40 days after that I completed the  
 9 diagram.  
 10 Q. Okay. And who went with you?  
 11 A. Bruce Buffa, B-u-f-f-a, and there was another  
 12 gentleman he uses to assist him. I don't recall his  
 13 name. I pay Bruce and then Bruce pays him so I'm not  
 14 sure of the guy's name.  
 15 Q. Okay. How many times have you been to the  
 16 scene?  
 17 A. I've been to the scene on this matter  
 18 probably about eight or nine times. At the time of my  
 19 deposition I had been there approximately six or seven.  
 20 I've been to the scene with Mr. Ronan since  
 21 that time. I've been there one other time since.  
 22 Q. Okay. What's the most recent time you went  
 23 to the scene?  
 24 A. I believe the most recent time, if I recall  
 25 right, was February 27th of 2002. I think that was the

1 day of Somers' deposition I think.  
 2 Q. Okay.  
 3 A. I believe Mr. Ronan and I stopped there that  
 4 day.  
 5 Q. And how come you went to the scene so many  
 6 times?  
 7 A. Well, initially the scene was what I call an  
 8 awkward scene to measure because there was all kinds of  
 9 different tangents and offsets and radials and all  
 10 kinds of different information.  
 11 I went there one time for, basically for the  
 12 viewing of the area. Because I know there was some  
 13 discussions about what could Kurlander see and what  
 14 could Adamo see, so I went out to the scene for that.  
 15 I went out to the scene another time after I  
 16 received the police photographs and I received  
 17 probably, I'm just guessing, but two or 300  
 18 photographs. I don't know how many there was but it  
 19 took me forever to go through them, so and I went out  
 20 for that.  
 21 I went out there another time to do a scale  
 22 diagram of the scene I believe, measured the entire  
 23 intersection.  
 24 After completing the scale diagram I then  
 25 went back out to the scene to make sure that the

1 diagram was – all our measurements were correct and we  
 2 didn't miss anything, that kind of stuff.  
 3 Then I went out to the scene on another  
 4 occasion after I had the photographs and I took out  
 5 Officer Somers' measurements, the speed estimations, I  
 6 looked at vision obstructions and those kinds of  
 7 things. And I went out there with Mr. Tucker on that  
 8 occasion.  
 9 Then I went out again with the animator. The  
 10 animator wanted to see the scene so he knew exactly  
 11 what I was looking at on my perspective.  
 12 And I guess then another time I went out with  
 13 Mr. Ronan to show him what I thought I had seen or  
 14 didn't see or whatever.  
 15 Q. Okay. You indicated that you took  
 16 measurements you think on the third time you went out  
 17 there?  
 18 A. I believe so, yes.  
 19 Q. What measurements did you take?  
 20 A. Those measurements would all be indicated on  
 21 the scale diagrams that I have.  
 22 I have never produced the printout. If you  
 23 want those, I can produce it, but it's probably about  
 24 70 or 80 pages.  
 25 Q. But by measurements you mean the actual lane

1 widths and sidewalk widths and placement of trees and  
 2 things like that?  
 3 A. Right. It goes into a Total station.  
 4 Q. Okay.  
 5 A. And Chris could probably tell you what it is.  
 6 But basically to the Total station. A tree could be a  
 7 set of 20 numbers to verify which tree.  
 8 Q. Yeah.  
 9 A. Okay. But everything on the diagram you can  
 10 measure off of the diagram –  
 11 Q. Yeah.  
 12 A. – the original diagram and that will give  
 13 you the distances and the inches.  
 14 And if you need the printout from the Total  
 15 station, I can give that to you.  
 16 Q. No, I know all about the Total station.  
 17 A. Okay.  
 18 Q. I don't want to look at those numbers. But  
 19 that's what I wanted to know.  
 20 So, in other words, when you went out the  
 21 third time you did a lot of the scene measurements?  
 22 A. Right.  
 23 Q. Did you measure any of the evidence?  
 24 A. Well, there really wasn't much evidence.  
 25 There was a couple of, what I could see, a couple of

1 little gouges in the roadway and some light markings.  
2 But, first of all, I went by the photographs,  
3 number one, and, number two is I didn't think it was  
4 worth killing myself to go out on Federal Highway to  
5 try and look at something that may or may not be there.

6 I went by the measurements from Officer  
7 Somers and also the photographs. I thought that was  
8 enough.

9 Q. Did you take any photos any time when you  
10 went out there?

11 A. I don't think I took photos, with the  
12 exception of having an aerial photograph that was done.  
13 I don't think I took any ground photos.

14 Q. Okay. Now, there were no marks or evidence  
15 remaining at the scene other than you think perhaps  
16 some gouges?

17 A. I believe there was some, looked like there  
18 was some scrape marks in the roadway where the impact  
19 point was and it looked like there was also some what I  
20 call real light tire markings, which kind of looked  
21 like they matched the photographs.

22 But, again, I wasn't really concerned with  
23 that. I had no qualms with the point of impact and  
24 most of the measurements I had no qualm with, so I just  
25 went with that information.

1 Q. Okay. And was that the only time you did the  
2 measurements was like the third time you went out  
3 there?

4 A. No.

5 Q. Okay. What other measurements did you take?

6 A. Well, when I went out again, as I indicated  
7 to you, I verified the diagram. And what I do by that  
8 is that I take just various points in the diagram,  
9 such as a lane or a stop sign or whatever, and I  
10 measure that by hand with a rolling wheel to see if  
11 that matches what's in the diagram.

12 The reason I do that is because if I do that  
13 on several different points, if I'm off on one point,  
14 obviously it'll affect everything. But if I'm right on  
15 the points, chances of the diagram being accurate are  
16 more correct.

17 So that's what I did on that time out there.  
18 And then just did some additional measurements like  
19 from the stop bar to the impact point to verify the  
20 diagram and those kind of things.

21 Q. Okay. And the diagrams we're speaking of,  
22 did you bring copies for me or do you want me to --

23 A. Well, I brought all the originals. I didn't  
24 know what you wanted. But you're certainly welcome to  
25 have whatever we have.

1 Q. I think we can probably use the ones from the  
2 civil depo.

3 A. Well, this is all the originals there. The  
4 blown-ups are over there in the corner, but each one --  
5 I don't know if they marked the back of those.  
6 Because, as you see, some of them are all marked on the  
7 back.

8 Q. They did and we could never figure half the  
9 numbers out.

10 A. Okay.

11 Q. All right. We can just use this one as an  
12 example and I think this supposedly was marked on  
13 number 13 in the civil depo.

14 Does that look about right?

15 A. That's one of the diagrams definitely, yes.

16 Q. Okay.

17 A. I don't know if they marked on the front of  
18 these.

19 Q. I don't know because now I put -- this number  
20 was already on there.

21 A. Okay. Let me just see if I can find it. No,  
22 this is 14.

23 THE WITNESS: You might want to mark on the  
24 back of these, Ken, too so we can see them.

25 MR. RONAN: Okay.

1 THE WITNESS: That one's 14. I just want to  
2 make sure we have the right ones.

3 This is 13. Was yours 13?

4 BY MS. ROBERTS:

5 Q. Yeah.

6 A. Okay. I have it. This is the original 13.

7 Q. Okay. Then we'll look at that one.

8 A. Okay.

9 Q. Now, who works the Total station, do you?  
10 Are you certified in that or is it Bruce?

11 A. Well, Bruce is certified in it. I pretty  
12 much help.

13 I didn't know that there was a specific  
14 certification for it. You can get one from the company  
15 if you want. He's certified from the company.

16 Q. I know, so am I.

17 A. Okay. I don't have a certificate from the  
18 company.

19 Q. Okay.

20 A. I know how to work it.

21 Q. Okay. So you're the one that helped him do  
22 the Total station?

23 A. I did some, but the person who assists him  
24 basically punches the numbers in and Bruce is the one  
25 that holds the stick.

1 Q. Okay. So the two of you together created  
2 this diagram which is -- it's from the civil deposition  
3 that's marked number 13?

4 A. Yes.

5 Q. Which I have so we don't have to worry with  
6 that.

7 How long did it take him to do the whole  
8 scene?

9 A. I think it was about three and a half hours  
10 if I'm not mistaken, something like that and then  
11 probably another two and a half for computer time or  
12 three, something like that.

13 Q. Okay. And he's the one that is responsible  
14 for creating this diagram, not you?

15 A. He's responsible for creating the diagram, so  
16 all the markings on the diagram is I either directed  
17 him to do or I did it myself with the station.

18 In other words --

19 Q. With the Total station?

20 A. Right. -- he sends me the disk, I download  
21 it and then I put the marks on it.

22 Q. Okay. That's all I needed to know then. All  
23 right. Let's just leave that out there for a second  
24 and we'll get back to that.

25 A. Okay.

1 A. Yes.

2 Q. Okay. And what did you do in reference to  
3 the measurements that Officer Somers took?

4 A. Well, there was a couple things I did. The  
5 first thing, and I believe that's the correct, Exhibit  
6 13 was, I wanted to extrapolate the reference point  
7 that the officer used, because that's basically where  
8 the measurements come from.

9 In looking at the deposition -- well, there  
10 was two factors to that. One is I believe, and I don't  
11 recall which depo it was, but I believe that Chris  
12 indicated that he used a line or used a measuring tape  
13 or something like that to find a reference point.  
14 Which he could be a little bit off, I believe he  
15 indicated that.

16 When I scaled it in the computer, the  
17 reference point you see on that diagram was basically  
18 what I consider to be the reference point as he  
19 described on page 37 of his homicide report. That's  
20 what I took that to be.

21 So placing that in the spot it appears on  
22 number 13, there's a difference of about 10 to 15 feet  
23 on the marks, depending on his positioning.

24 Q. What do you mean 10, 15 feet and what marks  
25 are you talking about?

1 Q. So Bruce does the actual Total station stuff  
2 and you help him, but you download the actual physical  
3 evidence onto the scale diagram?

4 A. Yes.

5 Q. Okay.

6 MR. RONAN: Ellen, what might be a good idea  
7 too, let me just throw this out and you can decide  
8 later, but I'm going to go see what I can as far  
9 as what Chris has at the station as you know, but  
10 all the things like this that you have or maybe  
11 you're still putting together, we might want to  
12 get together and decide what people object to and  
13 what they don't object to.

14 MS. ROBERTS: Okay. I don't have anything  
15 yet.

16 MR. RONAN: Okay. But you understand what  
17 I'm saying. So we can get agreement on things.

18 MS. ROBERTS: On the exhibits?

19 MR. RONAN: On all exhibits.

20 MS. ROBERTS: Yeah, we'll do that.

21 MR. RONAN: Okay.

22 BY MS. ROBERTS:

23 Q. Now, you said that you went out the next time  
24 with measurements and you just checked with a roller  
25 wheel to see that the diagram was accurate?

1 A. If you look at red marks, I guess we'll  
2 indicate red if that's what you want, but the longest  
3 one would be obviously --

4 Q. Which is the scuff mark?

5 A. Right, Adamo's vehicle.

6 Q. All right. The right rear?

7 A. Right.

8 Q. Okay.

9 A. So if you look at that you'll see that taking  
10 the point of reference where I have indicated I'm  
11 pointing to you all here, this mark would start back  
12 about 15 feet further than Officer Somers had indicated  
13 in his diagram.

14 And if you look, and again I don't know if  
15 Chris drew this or what but it was in the homicide  
16 report, so if you look at where this is plotted  
17 roughly, if you look at my diagram you'll see that  
18 these marks are back a little bit further.

19 MR. RONAN: Sir, just for the record,  
20 identify what it is you're using now.

21 THE WITNESS: I'm using page 38 out of the  
22 homicide report.

23 And if you also look at the photographs --

24 BY MS. ROBERTS:

25 Q. Okay. Let me see if I understand you.

1 You're saying based on what Chris's information is he  
2 should have really placed the evidence back here as  
3 opposed to here where he had it?

4 A. Yes. If that's where the reference point is.  
5 So I scaled mine off of this diagram.

6 And I believe he indicated, Chris indicated  
7 that, I guess I can say Chris, Officer Somers, I think  
8 he indicated that he used, like he laid a tape out,  
9 which is a normal thing to do. But because of the  
10 offset of the intersection, that may have caused it a  
11 little bit being off.

12 And the farther it extrapolated is it  
13 extrapolated off into distance. I'm not saying it was  
14 an intentional thing, just that's the way it turned  
15 out.

16 So if this point is correct and if the  
17 diagram is correct as to his length and marks which I  
18 used, then it would actually be back a little bit  
19 further.

20 Q. Okay. And you agree though with the length  
21 of the skid marks?

22 A. Yeah, basically I'm agreeing with that. I'm  
23 not saying anything else is wrong, with the exception  
24 of where my reference point came out.

25 And I think, like I indicated, if you look at

1 You see that mark kind of comes out here.

2 Q. Uh-huh.

3 A. There's another picture. This mark, if you  
4 follow number 38 which is the police report, this  
5 marking starts about right up here.

6 Q. Which is the end of this?

7 A. Right. The end of that starts about right up  
8 there. It actually is back about 15 feet further where  
9 this mark actually begins,

10 Q. And how did you figure that out, how'd you  
11 come up with that?

12 A. Well, I figured it out by the reference  
13 point, where the reference point was.

14 Q. Your reference point --

15 A. No, no, his.

16 Q. -- or Chris's reference point?

17 A. Well, two. I used Chris's reference point,  
18 what I believe that he used. If I lay a tape out there  
19 on the roadway and I just did it by hand, I came off  
20 about 10 to 12 feet, because the way the roadway comes  
21 out, the way it curves around, it's easy to get off.

22 I couldn't see anything in the roadway where  
23 he put a reference point, where Chris put a reference  
24 point. And he indicated in his depo that he may be off  
25 a little bit because he used tapes and not as I did on

1 the photographs, I'm trying to find a good picture for  
2 you, this probably would be the best, this one's marked  
3 as number 11 in the civil depo. Whatever you want to  
4 mark it you can mark it.

5 Q. Okay.

6 A. If you look at that photograph you'll see  
7 that -- well, it's kind of hard for me to show, but  
8 you'll see back how far these marks go.

9 In other words, if you take number -- page 38  
10 you'll see that they start right here. If you look  
11 back on the photographs they actually go back some  
12 further distance, and that amounts to be about 15 feet,  
13 10 or 15 feet.

14 Q. All right. Now, run that by me again. You  
15 lost me there.

16 A. If you look at the photograph which is marked  
17 as number 11.

18 Q. Civil 11?

19 A. Right.

20 Q. Okay.

21 A. This is the scuffs and you'll see that in  
22 this photograph, this is not marked but I don't want to  
23 mark that photo, but if you look at that photograph  
24 you'll see this is where the markings occurred where  
25 the cars actually made contact with the roadway.

1 that diagram.

2 In using that particular diagram that I used,  
3 number whatever it is, 13, number 13 and backing that  
4 up and looking at the photographs, then I believe  
5 that's where the marks started, about 10 to 15 feet  
6 before that.

7 Q. So you're saying that the marks that Chris  
8 has here really should be 10 to 15 feet further back  
9 here?

10 A. Well, right. But it's not really that far  
11 back to where your pen is. I mean this is very small  
12 scale.

13 Q. Yeah.

14 A. So, in other words, you're only talking 10 to  
15 15 feet, it's only back a short distance.

16 Q. Okay.

17 A. But that makes a little bit of difference as  
18 to the angles that the vehicles were at.

19 Q. Wouldn't it also increase the length of the  
20 skid marks 10 or 15 feet?

21 A. I don't know what you mean by "increase."

22 Q. I mean they'd be longer? Wouldn't they be 10  
23 or 15 feet longer from this point to this point?

24 A. No, because if you -- that was the other  
25 thing. If you plot them out as to where I have the

1 impact point, my marks come out just as Officer Somers  
2 indicated in his report.

3 Q. Okay. And how much is your point of impact  
4 off from his point of impact? Let me back this up.

5 This is the diagram where you say that Chris  
6 moved the evidence back too far, is that --

7 A. No, I'm saying that the physical evidence  
8 should be moved back about 10 to 15 feet, which really  
9 is not that far, the length of this table.

10 Q. But on this Exhibit Number 13 from the civil  
11 depo --

12 A. Right.

13 Q. -- these red marks that you have labeled  
14 right rear scuffs B-1 I think it is --

15 A. Right.

16 Q. -- are you saying that's where they should  
17 be?

18 A. That's where they should be, correct. That's  
19 where they should be.

20 Q. Okay. Now, this is where I get confused,  
21 because in the civil depo I couldn't understand either.

22 You're saying that this is where the actual  
23 marks begin?

24 A. Right.

25 Q. Okay. And you base that from this photograph

1 to reach the point of reference where the two would  
2 cross. And that's what the computer did.

3 And obviously it's more accurate then by  
4 hand, although I've probably done a million scenes by  
5 hand, but just because of the configuration of the  
6 intersection I did that.

7 Q. Okay. And you didn't see the little metal  
8 tack thing or whatever that's called that they put in  
9 the ground?

10 A. I didn't see it. If it was there I missed  
11 it, but I didn't see it when I was out there and I  
12 didn't look for it every time.

13 I think I looked for it one time and whether  
14 it was there or not I couldn't tell you. I didn't see  
15 it.

16 Q. So you're saying the crash actually occurred  
17 here?

18 A. Well, the crash actually occurred into the  
19 marks. In other words, this diagram will indicate  
20 where the crash occurred.

21 This is number 16 in the civil depo.

22 Q. Okay.

23 A. And this is the point of impact right here.  
24 So you'll see that this will be where the marks would  
25 be technically. Where the car would be right here,

1 here?

2 A. Right, correct, the photograph.

3 Q. But you're saying that Chris put the marks  
4 further into the intersection?

5 A. Yes.

6 Q. And he should have gone back the 10 or  
7 15 feet?

8 A. Right. Because if you place the vehicles,  
9 and there's another diagram that I can show you that's  
10 the vehicles at impact, if you place the front of the  
11 Ford where it hit the side of the Kurlander vehicle,  
12 that's about where this vehicle would sit, where its  
13 markings occur, so it actually sits -- and I have an  
14 impact diagram also.

15 Q. But you agree with the length of his skid  
16 marks?

17 A. Yes.

18 Q. Now, how did you come up with your, we'll get  
19 to that in a second, how'd you come up with your  
20 reference point?

21 A. I did it through the Total station.

22 Q. And how did you do it through the Total  
23 station?

24 A. I had the Total station draw out for me the  
25 exact angles that you would need, the 90 degree angles

1 this would be the marks. And this is what I used.  
2 This is basically the same thing with the cars on.

3 And number 15 as to where the vehicles would  
4 be, their position at impact --

5 Q. Okay.

6 A. -- that was based off of this photograph.

7 Q. Okay. This is the one Chris took, civil  
8 Exhibit Number 17?

9 A. I believe that's his photo. And I just kind  
10 of drew lines off of it. I think that's his photo.

11 Q. All right. So you're saying this is the  
12 actual point of impact?

13 A. Yes.

14 Q. According to your calculations?

15 A. Yes.

16 Q. All right. Why are there scuff marks north  
17 of this vehicle?

18 A. Because if you extrapolate the marks out  
19 totally as to where he measured from and you add on the  
20 10, 15 feet, this is where the markings would be.

21 So it would be like a shadow marking or  
22 something like that.

23 Q. So you're saying these are brakes?

24 A. Possibly they could be brakes. I don't know.  
25 They could be movement of the car.

1 There's no skid marks that I'm aware of at  
2 the scene because there's anti-lock brakes. And I know  
3 that there's very little what I believe reduction in  
4 speed from the time he makes impact with the car.

5 Whether there's some shadow markings there or  
6 not I don't know, but that would be the direct path of  
7 travel lined up with the skid marks. Or, I'm sorry.  
8 With the marks after.

9 Q. The post-impact marks?

10 A. Post-impact marks, correct.

11 Q. And you never saw these or whatever they  
12 were?

13 A. No. I didn't see those, no.

14 Q. Okay. And you're just looking at the  
15 photographs to determine that that's what was there?

16 A. Right. Well, there's a bunch of photos  
17 obviously, but I'm looking at the photos. The main  
18 thing I'm looking at is where the point of impact is.

19 That's kind of really the main thing I'm  
20 looking for. Because that gives me the angle -- using  
21 number 17 that was marked in the civil depo, that gives  
22 me the angles. I believe that's correct. I'm using  
23 the angles as they were at the point of impact.

24 So if this is correct the way that Chris has  
25 the cars lined up, which I think it is, you then place

1 early afternoon.

2 Q. Okay. Who was with you?

3 A. I think Jeff Brown came, I think, from Mr.  
4 Ronan's office and Radena S-e-i-d-e-n-t-o-p-f.

5 Q. Okay. And who is she?

6 A. She's an investigator that I use for  
7 investigative stuff.

8 Q. She has her own private agency?

9 A. Right.

10 Q. Where were the vehicles located?

11 A. I know they were in Boca. Chris had control  
12 of them, I don't recall what tow yard it was at.

13 Q. They were at a tow yard though?

14 A. They were inside, I believe they were under  
15 some kind of covering inside of a storage area. Both  
16 vehicles were about roughly side-by-side.

17 Q. Okay. And what did you do during this  
18 inspection?

19 A. I just took some various measurements of the  
20 vehicles, wrote some notes down, took some photographs.

21 Q. What measurements did you take?

22 A. I took measurements of the Lincoln. Let me  
23 tell you what I took here. I took six measurements of  
24 the crush of the Lincoln, 33 inches, 35 inches,  
25 38 inches, 34 inches, 30 inches and 25 inches.

1 them on this diagram and that will tell you what their  
2 angles were at the point of impact. Which you can see  
3 where Kurlander was going.

4 Q. But you're saying because Chris is off 10 or  
5 15 feet, that's why these marks extend behind or north  
6 of the vehicle number 1?

7 A. Yes. This kind of gives me a path of travel.  
8 In other words, that is I'm not saying that these are  
9 deceleration marks, but it gives me the path of travel  
10 that the vehicle is coming in.

11 Q. All right. Just leave those out there for a  
12 second and we'll probably get back to them.

13 Did you inspect the vehicles involved in  
14 this?

15 A. Yes. Well, I did a cursory inspection, yes.

16 Q. When did you do your inspection? Anything  
17 that we've used so far, if you'll just kind of leave it  
18 out there so we can get copies of it or something.

19 A. Oh, sure. Well, you can have the whole file,  
20 whatever you want.

21 Q. Okay.

22 A. I'm getting close.

23 Q. Okay.

24 A. I just want to make sure I get the date  
25 right. Be on May 9th of 2001. I believe it was in the

1 Q. Thirty-three, 35, 38?

2 A. Right. Thirty-eight would be maximum  
3 intrusion into the car at right roughly at the B pillar  
4 and then 34 and 30 and 25.

5 And I believe that I ran, I looked at Officer  
6 Somers' measurements and I think we were off about two  
7 and a half to 3 inches through to the whole six  
8 measurements I believe, something like that.

9 Q. Okay. Each measurement or --

10 A. No, total. Like, in other words, the crush  
11 value measurement using Officer Somers' values was --  
12 actually we were closer than that. I'm wrong.

13 Using the values of my measurement I came out  
14 with an impact speed of 46.96. Using Chris's speed I  
15 came out with 46.84. So pretty close.

16 Q. Okay. How did you measure the vehicles?

17 A. I believe I just measured it with -- I think  
18 I just used a measuring tape from the right front of  
19 the car to the right rear of the car and measured in  
20 from there.

21 Q. Did you measure it uniform height?

22 A. I use it at the same height all the way at  
23 maximum engagement, which I believe was about 16 inches  
24 from ground level.

25 Q. Sixteen?



1 A. Sixteen to 18 inches from ground level I  
2 believe. Might have been 24, but I'm not sure.  
3 Q. And did you do the old-fashioned linear  
4 corral or anything like that?  
5 A. No. And, again, you know, the reason for  
6 that was, was that normally if there would be no crush  
7 measurements on the vehicle, in other words, had Chris  
8 not taken the measurements, then I would have laid out  
9 a complete line and boxed the vehicle in and done it.  
10 But because he already took the measurements  
11 I just basically took cursory ones to see if he's in  
12 the ballpark. And he was, so I had no reason to  
13 dispute them, I used those numbers and went on. That  
14 was pretty much it.  
15 Q. Okay. And the photographs that you took, do  
16 you have those with you by any chance?  
17 A. Sure, somewhere in this pile. These are one  
18 packet of photos. This is another packet of photos. I  
19 think they're marked already, but whatever you want to  
20 mark them.  
21 Q. And did you actually take these, the photos?  
22 A. I took the photos, yes. And, again, just so  
23 you know, Miss Roberts, I was not taking them for  
24 basically litigation use, because there already was a  
25 million photographs, and I just kind of took them as

1 a -- just to give me some kind of idea about. I'm  
2 using both the photos, because there's \$5,000 in film  
3 here.  
4 Can I put this back in my book? Are you done  
5 with that page?  
6 Q. Sure.  
7 A. That's the only thing I'll put back.  
8 Q. Yeah, that's fine. All right. So these were  
9 just photographs that you took of the vehicles in the  
10 impound lot?  
11 A. Right. If you want those you can have the  
12 colors and I'll take the negatives and make them later  
13 if you want.  
14 Q. That's fine.  
15 A. Well, if it's okay with Mr. Ronan. They're  
16 his photos too. If you want to take those, that's  
17 fine.  
18 Q. I don't know that we need all of them but  
19 let's just look through them.  
20 MR. RONAN: There is literally millions of  
21 photos and I was kind of curious too. Do you  
22 always take that many?  
23 THE WITNESS: I just wanted to make sure the  
24 roll's finished.  
25 BY MS. ROBERTS:

1 Q. All right. We'll get into it in a minute  
2 what you did with the measurements, but let me go on  
3 here for a minute.  
4 Have you met with the defendant at all?  
5 A. No.  
6 Q. Not at all?  
7 A. No.  
8 Q. Never talked with him?  
9 A. No, ma'am.  
10 Q. Never asked him what happened?  
11 A. No, ma'am.  
12 Q. Have you or any member of your consulting  
13 business spoken to or contacted any other witnesses in  
14 this case?  
15 A. No, ma'am.  
16 Q. What exhibits do you plan on using at trial?  
17 A. Probably the blow-up exhibits that I have  
18 over to my left. I really haven't gone over trial  
19 exhibits with Mr. Ronan, but it would be my  
20 recommendation to use those exhibits there as well as  
21 probably a couple of photographs from the police  
22 officers blown up. But Mr. Ronan has not indicated to  
23 me any exhibits at this time.  
24 But I did ask the civil people, Mr. Tucker,  
25 to give us those exhibits, which he did. I think

1 there's some aerial photographs maybe that Mr. Tucker  
2 still has.  
3 There might be another exhibit or two, I  
4 haven't gone through it with Mr. Ronan, but I probably  
5 would want to use an aerial photograph. I think they  
6 might have another exhibit of the diagram or something  
7 like that.  
8 Q. Show me the big diagram that you brought.  
9 MR. RONAN: And the animation.  
10 MS. ROBERTS: Yeah, we'll get to that.  
11 THE WITNESS: I'm sorry. I forgot that part,  
12 right.  
13 BY MS. ROBERTS:  
14 Q. Are these two different exhibits?  
15 A. I think so. Let me just check. I'll just  
16 open these up and then I'll go through them.  
17 Q. Okay.  
18 A. The first one is just a blank of the scene.  
19 Q. Okay.  
20 A. And normally what I use that for is I have  
21 moveable cars that fit on here and they stick and you  
22 can move them, so I normally use that in my  
23 presentation for Mr. Ronan or you as to where the  
24 vehicles were at certain points in time.  
25 And you can see the distance on there, you

1 can obviously measure off to the scale in the corner.

2 Q. And this is an accurate scale?

3 A. Yes. Yeah, it better be. So you can measure  
4 off of that. And I normally use this first one for an  
5 exhibit that I can move things around and draw and  
6 things like that in court.

7 Q. Okay.

8 A. If you use a water-colored pen you can erase  
9 it and whatever. That's normally what I use that for.

10 Q. Okay.

11 A. Although I haven't asked Mr. Ronan to use it,  
12 but that would be my intention.

13 The second one, again I don't know, I did not  
14 ask that this be blown up, for some reason Mr. Tucker  
15 wanted that for the civil case of Kurlander's vehicle  
16 from the mark it left until it went to final rest.

17 Q. Okay. So that's just Kurlander's vehicle?

18 A. Right. I don't know what the use of it is at  
19 this point. I would not use that unless Mr. Ronan  
20 wanted to or you asked me for some reason.

21 But the civil attorney wanted that lined up  
22 and that's what I did.

23 Q. Okay.

24 A. The third exhibit again would be just the  
25 markings of the Adamo vehicle as to where I had plotted

1 Q. Okay. So that's actually --

2 A. It's this one with the exception of the  
3 reference point.

4 Q. Okay. That just makes it easier for me now,  
5 I can just look at this one and don't have to have  
6 these big giant ones.

7 A. Well, we like charts, you know.

8 Q. Well, it's easier for the jury to see I can  
9 tell you.

10 Okay. So far as you know it would be those  
11 exhibits for trial and the animation?

12 A. Yes. Well, 13 I indicated to you I'd  
13 probably blow up.

14 Q. Okay. With the reference point on it?

15 A. Right.

16 Q. Okay. Do you plan on doing any further work  
17 in this case?

18 A. I don't really plan on it. I don't know if  
19 Mr. Ronan has additional. I've reviewed everything  
20 that he sent me as far as the criminal case goes.

21 I obviously did this with a civil intention  
22 really is what I worked on. If there's other  
23 depositions I don't have on that list I gave you or if  
24 there's other matters with the civil case, Mr. Ronan  
25 really hasn't told me at this point exactly on what he

1 on that Exhibit 13 I believe.

2 Q. All right. Let me get 13 just for a second  
3 here so I can use this one. Okay. So this is the same  
4 as number 13?

5 A. I think it is with the exception of it  
6 doesn't have the reference point drawn on this one.

7 Q. Okay.

8 A. So I would probably -- my thought to Mr.  
9 Ronan would be to blow up that one you have in your  
10 hand and use the reference point, because I don't think  
11 we blew up the reference point. So I probably would  
12 recommend that one be blown up.

13 Q. Okay. That one be blown up?

14 A. Right. And this again, these basically were  
15 done at the request of Mr. Tucker, I didn't request  
16 these be done.

17 But you wanted all exhibits so we brought you  
18 everything that was done.

19 Q. So you just took this and blew it up into  
20 this?

21 A. Exactly, right.

22 Q. Okay. Let me just see the other one.

23 A. The other one I think is just a compilation  
24 again without the reference point but it has both  
25 vehicles with the markings on the roadways.

1 wants me to testify about.

2 I assume it's the reconstruction. So absent  
3 that, I'm not going to do anything different.

4 Q. Okay. How many hours criminal and civil have  
5 you dedicated to this case? Ballpark.

6 A. Criminal probably no more than 10 or 12.  
7 Very little. Civil probably 75 hours probably.

8 I think I billed quite a bit on the case, I'm  
9 not sure though, somewhere around 30,000, something  
10 like that.

11 Q. Okay. Now, back in March of 2002 when they  
12 took your deposition in the civil case, at that point  
13 you said you'd spent about 40 hours on the case.

14 A. Yes.

15 Q. And then since you've spent an additional 35  
16 hours on the case?

17 A. Well, additionally there's probably about 20  
18 of those hours spent in finishing the civil case that  
19 was going to come up for trial and Mr. Tucker was  
20 putting the push on that to get that finished.

21 So I started working on the case to complete  
22 it for things he wanted and then all of a sudden I  
23 guess the case decided to settle, so everything was  
24 dropped until Mr. Ronan contacted me.

25 Q. Okay.

1 A. In other words, I haven't billed Mr. Ronan  
2 anything yet. I will but I haven't billed him yet.  
3 Q. Okay. And at the time of your civil depo I  
4 don't think you had done the animation. Have you  
5 finished that now?  
6 A. The animation is done but it wasn't done at  
7 the time of my civil depo. But it has been completed,  
8 yes.  
9 Q. Okay. So it has been. That was part of the  
10 hours then that you've spent?  
11 A. Yes.  
12 Q. Do you have the animation with you today?  
13 A. No. I thought I gave it to Mr. Ronan and he  
14 said that he didn't have it.  
15 But, you know, I can ship you a copy, Fed Ex  
16 it, whatever you want, but I thought for sure he had a  
17 copy.  
18 Maybe it's my misunderstanding I provided his  
19 office one.  
20 MS. ROBERTS: Did you loose that too, Ken?  
21 MR. RONAN: These days it wouldn't surprise  
22 me. I have a 23-month-old and a six-month-old.  
23 I'm glad I got here.  
24 THE WITNESS: If Mr. Ronan wants, I can Fed  
25 Ex you one yourself.

1 BY MS. ROBERTS:  
2 Q. If you can do that I'd appreciate it.  
3 A. I can do that.  
4 Q. You said from the civil end of it you made  
5 approximately \$30,000?  
6 A. I billed somewhere around that, yes.  
7 Q. Okay. And the criminal end of it, have you  
8 been paid anything as of yet?  
9 A. Not as of yet, no. I have not rendered a  
10 bill but I probably will render a bill in the next week  
11 or so, and I would assume that will be around maybe 15,  
12 18 hours, somewhere around there.  
13 Q. Fifteen to 18 hours?  
14 A. Yes.  
15 Q. Do you work on a retainer basis with Mr.  
16 Ronan's firm or any member of his firm?  
17 A. No.  
18 Q. And how many times last year did you testify  
19 for Mr. Ronan or any member of his firm, either civil,  
20 criminal, misdemeanor?  
21 A. I would say last year it would only be Mr.  
22 Ronan and I don't think I testified for anybody -- I'm  
23 sorry.  
24 There's a gentleman in his firm, I don't know  
25 his name, he's a short guy, Ken, whatever his name is,

1 I testified for him once and Ken probably, I'm just  
2 guessing, probably about three times.  
3 Q. Okay. So a total of four times. Was that  
4 county court cases?  
5 A. I think they were all county, yes, if I  
6 recall. I have a list of the cases but I'd have to  
7 look at that.  
8 Q. How many times this year have you testified  
9 for Mr. Ronan or any member of his firm?  
10 A. I would say I've testified for Mr. Ronan at  
11 least twice. I can think right now off the top of my  
12 head twice.  
13 Q. Okay.  
14 A. I have a couple matters pending with Mr.  
15 Ronan. I know at least twice I did.  
16 I'd have to look at my list to see if I -- I  
17 know I had two trials in the last week with Mr. Ronan.  
18 I think that was the only times I've testified for him  
19 this year.  
20 Q. Misdemeanors?  
21 A. Yes.  
22 Q. Anybody else in his firm that you recall  
23 testifying for?  
24 A. No. You mean in the past year, 2002?  
25 Q. Yeah.

1 A. No.  
2 Q. Do you recall how much you earned from Mr.  
3 Ronan's firm last year when you testified for him  
4 approximately four times?  
5 A. No. I can tell you what I bill per hour, but  
6 as to what I made I don't know. I know that I review  
7 cases for him and his firm.  
8 Q. On a regular basis?  
9 A. I would say on a regular basis. I probably  
10 only keep about 5 percent of the cases that I look at,  
11 that I actually testify in or keep because of either  
12 conflicts or the guy should be in jail, I shouldn't say  
13 that, whatever the case is, but I look at those and I  
14 usually review the file and give it back to him.  
15 Q. Now, are you on some type of retainer basis  
16 for that?  
17 A. No.  
18 Q. So you just charge per time you look at a  
19 case?  
20 A. I charge a minimum \$500 to look at a  
21 misdemeanor case. If I take the case or if I could be  
22 used on the case, then I charge an additional 125 per  
23 hour.  
24 Q. Okay. And you said you only kept or you only  
25 ended up on working approximately five percent of

1 those?  
 2 A. Yes. I didn't have many I know that went to  
 3 trial. I'd have to look, but certainly was a low  
 4 percentage.  
 5 Q. How much did you earn from testifying as an  
 6 expert last year?  
 7 MR. RONAN: Well, I'll object. It's up to  
 8 you. You can answer or not obviously.  
 9 THE WITNESS: Am I supposed to answer the  
 10 question?  
 11 BY MS. ROBERTS:  
 12 Q. Well, I mean I'm aware of the case law, you  
 13 know, which I think you're aware of it too, and  
 14 obviously I can't, you know, overburden you with  
 15 requesting your tax forms.  
 16 I just wanted to know how much you earned  
 17 last year from testifying as an expert -- or from  
 18 working as an expert on the cases.  
 19 A. I earned probably over 700,000.  
 20 Q. Okay. Is that primarily here in Florida?  
 21 A. No, it's all over the country.  
 22 Q. All right. But does that include your  
 23 lectures and seminars or is that just reviewing cases  
 24 and testifying and reconstructing?  
 25 A. That's just reviewing cases or

1 reconstructing. I do not get paid for seminars. I  
 2 don't get paid for seminars, with the exception of  
 3 travel.  
 4 Q. What opinions have you been asked to render  
 5 in this particular case?  
 6 A. I wasn't asked to render any opinions. I did  
 7 arrive at opinions, but I really wasn't asked to render  
 8 any.  
 9 Q. Okay. And do your opinions involve speed and  
 10 causation?  
 11 A. Yes and no. I'm very careful when I answer.  
 12 When you say about causation, I generally indicate what  
 13 I think caused the accident.  
 14 And that's more of a legal issue as to  
 15 determination, but I call what started the chain of  
 16 events.  
 17 Q. And what about impairment?  
 18 A. I'm not making an opinion on impairment in  
 19 this case as to alcohol or any drugs or substances that  
 20 Mr. Adamo may or may not have been under.  
 21 Q. All right. Would you agree that the  
 22 consumption of alcohol does have an effect on a  
 23 person's ability to perceive and react and to operate a  
 24 motor vehicle?  
 25 A. Yes.

1 Q. And do you know Rudolph Limpert?  
 2 A. Yes.  
 3 Q. Personally?  
 4 A. Yes.  
 5 Q. How do you know him?  
 6 A. I've worked cases with him, I did a radio  
 7 show with him, I've done classes with him, I've taken  
 8 classes by him. That's how I know him.  
 9 Q. Okay. When'd you first meet him?  
 10 A. Gees, probably 1987. I don't know for sure  
 11 but somewhere around that time.  
 12 Q. How did you meet him?  
 13 A. I initially met him -- I had a case with the  
 14 State Attorney's Office where a couple people had been  
 15 killed and the brakes did not work on the suspect's or  
 16 defendant's vehicle.  
 17 So I checked around and nobody really could  
 18 explain what happened, so I asked the State if they'd  
 19 give me permission to call Limpert up, since I had  
 20 never met him, and they gave me permission and we  
 21 actually hired him and that's how I first got involved  
 22 with him.  
 23 Q. Okay. And it dealt with the brakes on a  
 24 vehicle?  
 25 A. Yes.

1 Q. Did he write a book on that?  
 2 A. He's written several books on brakes. Matter  
 3 of fact, he's a brake designer, that's his field.  
 4 Q. So you're familiar with his work and his  
 5 expertise?  
 6 A. Yes.  
 7 Q. Do you consider him an authority on accident  
 8 reconstruction?  
 9 A. I always hate to answer that question because  
 10 -- certainly he's very well versed in it and he's very  
 11 knowledgeable.  
 12 Do I agree with every opinion of his? No.  
 13 But I think he knows what he's doing.  
 14 Q. Are you familiar with his book entitled Motor  
 15 Vehicle Accident Reconstruction and Cause Analysis, 5th  
 16 Edition?  
 17 A. Yes.  
 18 Q. And do you recognize and acknowledge the  
 19 authoritativeness of this publication?  
 20 A. Well, again with the same disclaimer I gave  
 21 before. I use the book for a lot of things. I used it  
 22 in this case. I used one of his programs in this case.  
 23 As to every sentence I can't tell you it's  
 24 authoritative, but certainly he knows what he's doing.  
 25 Q. What did you use, that LARM 2?

1 A. Yes.

2 Q. Is that still in production, that particular

3 program?

4 A. I couldn't tell you at all if it is or not.

5 It basically matches his books.

6 Q. I mean I went on-line and tried to find it

7 and every source I got said it's no longer in

8 production.

9 A. I know he had three different programs that

10 he used. He had the Triple A program and the LARM

11 program 1 and 2.

12 It wasn't a best marketing thing, he decided

13 to come up with the program to help me and he

14 distributed mostly free copies that I'm aware of and

15 the guy that helped him went into another business, but

16 I think he did it pro software.

17 Q. Yes.

18 A. Normally his software is very limited on the

19 market. He really doesn't push the software, his books

20 go with the software.

21 Q. But you used his particular software, you

22 used LARM 2?

23 A. Yes. Not in all cases but I did use it.

24 Q. Any particular reason why you would use that

25 program sometimes and not other times?

1 A. Well, yes, it depends on the case.

2 Q. And what do you mean "it depends on the

3 case?"

4 A. Well, it depends on how involved the case is.

5 Sometimes his programs get more in depth.

6 In other words, his programs do things,

7 things others can't. His program works on sideswipe,

8 he has a program on rear collision analysis, head-on

9 collision analysis.

10 I don't use his program for diagrams. Like

11 if you look at his programs, he has dotted lines with

12 vehicles rather than an actual vehicle and you have to

13 kind of place it and it takes you a long time to place

14 it on the diagram sheet, so I don't use it for that

15 kind of thing.

16 Something I think is straightforward

17 normally, this is a pretty straightforward accident as

18 far as I'm concerned, I use ARW, it's quicker.

19 Q. Than LARM?

20 A. Well, you know how to operate both. They're

21 easy but I think it's just a little easier in this type

22 of case, it gives you more information than Limpert's

23 program.

24 MR. RONAN: Can I clear something up?

25 MS. ROBERTS: Sure.

1 MR. RONAN: Just so you know, I will be

2 asking him to give an opinion on causation, so to

3 the extent that you want to go into that, you

4 know, do it.

5 MS. ROBERTS: We will.

6 MR. RONAN: And all the other obvious issues

7 in the case.

8 MS. ROBERTS: Okay. We will get into that.

9 (Thereupon, a recess was taken.)

10 - - -

11 MS. ROBERTS: Okay. Where were we.

12 BY MS. ROBERTS:

13 Q. Rick, would you agree with Mr. Limpert when

14 he says that a person with a BAC of .11 milligrams per

15 liter is 10 times more likely to be involved in a motor

16 vehicle crash?

17 A. Not necessarily, and there's a reason for

18 that.

19 Q. All right. Tell me about it.

20 A. Actually I spoke to him because I used to use

21 his chart when, say, I'm talking about accident work.

22 He has a chart in his book as you're aware of, I think

23 it's Chapter 28, and he basically indicated to me that

24 he just kind of got that by compilation of things, it

25 was no national standard, he just kind of put that

1 together based on information that he researched, but

2 there was no articles he could back on that particular

3 issue.

4 I don't know where he got the chart itself,

5 but I don't think it goes -- if you look at the NHTSA

6 chart, I think they have a little bit of difference as

7 to the percentage of accidents.

8 Q. And what is that difference? Because I

9 looked at that this morning.

10 A. I don't know what it is. I think it's

11 different and it goes up by BAC. I think it talks

12 about an 08, and a 10 and a 15 and a 20.

13 Q. All right. I've got one which says they are

14 11 times more likely between an 05 and an 09.

15 So you don't agree then that a person with

16 that BAC is 10 times more likely?

17 A. I'm not going to say that I disagree that a

18 person is not more likely to get into an accident. I

19 agree with you that they're more likely to with a BAC

20 level.

21 As to is it 10 times or two times or, you

22 know, I can't tell you what that number is. But I

23 agree with you that if someone is impaired by alcohol,

24 they have a greater chance of getting in an accident.

25 Q. Okay. And do you know how Mr. Limpert came