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IN THE CIRCUIT COURT OF THE
17TH JUDICIAL CIRCUIT IN AND
FOR BROWARD COUNTY, FLORIDA

STATE OF FLORIDA,

Plaintiff,

vs.

No. 97-23333 CF10A

MICHAEL BROWN,

Defendant.

DEPOSITION OF RICK SWOPE
TAKEN ON BEHALF OF THE PLAINTIFF

DATE: March 9th, 1999
TIME: 2:00 p.m. - 3:00 p.m.

CERTIFIED
COPY

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1 The deposition of Rick Swope, a witness
2 in the above entitled and numbered case, was taken
3 before me, Robert Dale Floyd, Notary Public for the
4 State of Florida at Large, at Office of the State
5 Attorney, 201 Southeast 6th Street, 6th Floor, in
6 the City of Fort Lauderdale, County of Broward,
7 State of Florida, on Tuesday, the 9th of March,
8 1999.

9 APPEARING ON BEHALF OF THE PLAINTIFF:

10 Dennis Bailey, Esquire
11 Assistant State Attorney
12 State of Florida
13 Office of the State Attorney
14 201 Southeast 6th Street
15 6th Floor
16 Fort Lauderdale, Florida 33301

17 APPEARING ON BEHALF OF THE DEFENDANT:

18 RALPH S. BEHR, ESQUIRE
19 101 Southeast 10th Street
20 Fort Lauderdale, Florida 33301
21
22
23
24
25

1 THEREUPON,

2 RICK SWOPE,

3 having been first duly sworn by me, was examined and
4 testified as follows:

5 DIRECT EXAMINATION

6 BY MR. BAILEY:

7 Q. Good afternoon. Please give us your
8 full name and spell your last name.

9 A. My name is Rick Swope, S-W-O-P-E.

10 Q. Mr. Swope, as always in depositions, if
11 at any time I ask a question you don't understand
12 please have me rephrase it.

13 If you don't recall the answer, tell me
14 or if you don't know the answer, tell me.

15 A. Yes, sir.

16 Q. It's my understanding that you've been
17 retained in the case of Michael Lee Brown; is that
18 correct?

19 A. That's correct, yes, sir.

20 Q. When did you become involved in the
21 case?

22 A. I received some documentation from Mr.
23 Behr's office on April 14th of '98. I'm assuming
24 that probably we had some kind of discussion before
25 that, although I'm not exactly certain, but I

1 believe it was somewhere in there.

2 Q. At the point of your initial
3 involvement what was your understanding of the type
4 of opinions that were being sought from you?

5 A. Initially we just spoke about doing an
6 accident reconstruction. Mr. Behr wanted know to
7 know basically what happened at the time of impact.
8 I think we may have discussed an issue of
9 right-of-way and speed, and that was about it.

10 Q. So since the time of initially becoming
11 involved has the nature of your role changed at all?

12 A. No.

13 Q. Have you been able to do an accident
14 reconstruction in this case?

15 A. I did what I believed to a
16 reconstruction as far as speed, right-of-way issues,
17 and I also did some issues pertaining to the vehicle
18 itself.

19 Q. Which vehicle?

20 A. The officer's vehicle.

21 Q. Have you created any graphics?

22 A. Yes. Well, diagram, yes.

23 Q. Do you have it with you today?

24 A. Sure.

25 Q. May I see that?

1 A. This is a work copy, what you see. And
2 probably for trial what you see would just be -- I
3 have movable cars I can move on the big chart. And
4 it wouldn't be quite as cluttered as it is here, but
5 roughly that's where I have impact points.

6 Q. And other than this diagram have you
7 created any other diagrams?

8 A. I have some computer print-outs if you
9 want to see that as far as speed goes.

10 Q. The numerical values?

11 A. Yes.

12 Q. I don't need to see those.

13 Any other diagrams or illustrations?

14 A. No, not at this time. I haven't been
15 asked to do anything else.

16 Q. Have you done any computer animation in
17 your work?

18 A. Yes, but not for this case.

19 Q. Do you anticipate doing them for this
20 case?

21 A. No.

22 Q. Did you speak to any witnesses, any
23 factual witness in reference to this crash?

24 A. The only one I spoke to, I don't know
25 if I would term them as a witness, would be Deputy

1 Laef(phonetic).

2 Q. I'm talking about fact witnesses there
3 at the scene at the time of the crash?

4 A. No.

5 Q. What were the sources of information
6 that you used to arrive at your opinions in this
7 case?

8 A. Basically everything I received in
9 discovery from Mr. Behr's office which probably came
10 from you. There was also a set of, I guess what's
11 called interrogatory answers, which I reviewed. I
12 inspected the officer's car and took photographs of
13 it. I went to the scene, and had this site diagram
14 completed.

15 I also looked at -- I don't think these
16 documents were part of the homicide report, I think
17 they were requested from you later, was the
18 maintenance on the vehicle.

19 Q. On the deputy's vehicle?

20 A. The deputy's vehicle. I think that's
21 about it. And I did review a depo of Gary Stevens
22 although that didn't play any part in my opinions.

23 Q. Did you have an opportunity to inspect
24 both vehicles?

25 A. No, the Sable was supposed to be there

1 for our inspection and I think they lost it. That
2 was the term that they used. That's probably a
3 wrong term, but they said they lost it.

4 Q. Any other sources of information?

5 A. I don't know how to answer that.

6 Q. Factual information, not textbooks in
7 reference to calculations, but fact information on
8 the case?

9 A. No, no.

10 Q. Do you have a working relationship with
11 Kelly Hancock on other cases?

12 A. Yes.

13 Q. Did you get involved in discussions
14 with Kelly Hancock about this case?

15 A. No.

16 Q. Ever?

17 A. Well, he initially called me to work
18 the case and I told him that I was already hired by
19 Mr. Behr. Initially we might have talked maybe
20 about two or three minutes on the case until I
21 realized that that was the case I had.

22 And I think he identified -- he didn't
23 identify Officer Matroca(phonetic) originally as
24 being a deputy, he just identified a vehicle that
25 had flipped at an intersection and we spoke very

1 briefly on it.

2 And I told him that I had been retained
3 by Mr. Behr on the file. And that really was the
4 end of it at that point.

5 Q. At no time did the Law Offices of Kelly
6 Hancock provide you with any material to review?

7 A. No.

8 Q. Okay.

9 A. No. Again, just to make sure on that,
10 they could have been sent to my office and they
11 would have been sent back, but I never saw them.

12 I mean, normally Mr. Hancock's
13 procedure is just to send me the case, so if my
14 offices got it they would have just sent it back.

15 Q. Is it your understanding that Mr.
16 Hancock represents the widow of the deceased deputy?

17 A. That's my understanding, yes.

18 Q. And a --

19 A. I thought the family, but I guess the
20 widow would be the same thing.

21 Q. And would your prior relationship with
22 Mr. Hancock have any bearing on your opinions in
23 this case?

24 A. No.

25 Q. Did you arrive at an opinion as to the

1 speed of the Broward Sheriff's officer's vehicle
2 pre-impact?

3 A. Yes.

4 Q. What is your opinion?

5 A. It was 53.9 miles per hour.

6 Q. And how did you arrive at that opinion?

7 A. I arrived at that by several different
8 ways. Number one, is I looked at the Conservation
9 of Momentum which is the same thing as Mr. Stevens
10 used, which is your expert. And I had some problems
11 using that formula, although it came out to a range
12 of 52 to 55.

13 The problem I have with it is that you
14 have two vehicles in what's called separate
15 quadrants. You have the deputy vehicle which is on
16 one side of the road, so to speak, and then you have
17 the defendant vehicle on the complete opposite side
18 of the road. When you're doing momentum that
19 sometimes creates problems. So I wasn't comfortable,
20 some of the answers I got were negative, so -- that
21 was by hand and computer.

22 So then I went to the next formula
23 which is the Minimum Speed Formula.

24 Q. Let's go back to the first formula.

25 Tell me the values you attached to the formula to

1 arrive at your final opinion.

2 A. Well, the values I attached were -- I
3 could give you some of them, I can't give every one
4 of them because I don't have that.

5 The values I attached were the weight
6 of the vehicles which were the same as I think Mr.
7 Stevens used. I think he used 5,000 for the
8 deputy's cars and I might have used 5,010. I mean,
9 we were within a few pounds.

10 Q. Where did you arrive at the 5,000 or
11 5,010?

12 A. I ran a report which I have somewhere
13 from Expert Auto Stats or from a statistical report
14 what's called Vehicle Specification Reports. And
15 that lists the weight of the vehicle at
16 approximately 3,700 pounds.

17 Because it was a canine vehicle I
18 looked at the vehicle as well. I'm aware that -- I
19 used to add roughly 1,000 pounds to a patrol car
20 because of the radio, the equipment, the cages and
21 those types of things in the car.

22 Q. For equipment, you're talking about all
23 the equipment?

24 A. Basically all the equipment in the car,
25 light bars, usually deputies have equipment in their

1 trunk, although I don't know exactly what he had,
2 but when I looked at it and I looked at Stevens'
3 deposition we were within like 10 pounds, so I guess
4 we both were on the same track.

5 I did on the Mercury Sable which was
6 driven by the defendant, I added just a few hundred
7 pounds.

8 Q. Let me back up to the deputy's car.

9 In addition to the canine cage and
10 other Broward Sheriff's equipment, what else did you
11 consider?

12 A. I considered the weight of the occupant
13 of the car, Mr. Matroca.

14 Q. Gathered from?

15 A. I don't recall where I got that. I
16 might have got it from the medical examiner's report
17 or something.

18 Q. Did you have the autopsy report?

19 A. I did look at the autopsy report, yes,
20 sir.

21 Q. Anything else?

22 A. Whatever weight I come up with I
23 usually then add just another 100 or 200 pounds for
24 fuel or things like that in the car.

25 Q. Were you aware of whether the dog was

1 with him at the time in the car?

2 A. I don't recall whether the dog was or
3 not, I think it was, but I don't recall.

4 Q. Would that have played a factor in your
5 weight?

6 A. No.

7 Q. Why not?

8 A. Well, because a dog in my opinion is
9 probably only 50 to 80 pounds and I always added
10 couple of hundred extra pounds unless I had known
11 the weights of that, but I didn't have that.

12 Q. And the Sable?

13 A. And the Sable again, same situation. I
14 just ran the stats on the vehicle and I think --
15 actually I think we used the same weight. I used
16 3,500 pounds and I think he used 3,500 pounds, so it
17 was minuscule I didn't really look at them.

18 Q. So once you established a workable
19 weight of the vehicles what else did you do in the
20 formula?

21 A. What I did is I just established, I
22 plotted the measurements that the police officer had
23 -- Officer Laef -- on the what's called the legend
24 sheet where he had the point of rest of both
25 vehicles. I looked at the photographs to verify the

1 point of rest of both vehicles.

2 I then looked at the police officer's
3 diagram where he had listed the directions of travel
4 of the vehicles that seem to match the impact and
5 physical evidence points.

6 There also was one, I believe it was
7 the left front skid mark of the deputy's vehicle
8 which assisted in plotting the point of impact
9 because the officer had measured the start and end
10 of the skid mark. And although he didn't list an
11 exact point of the point of impact, by using the end
12 of the skid mark, that's where I came up with the
13 point of impact.

14 So I came up with an approach and
15 departure angle of both vehicles. The deputy's
16 vehicle I believe I used at zero. You always use
17 one vehicle at zero. I used that.

18 And I don't remember the exact angles,
19 but I used approach and departure angles for both.
20 And I used the linear momentum formula, and that was
21 it.

22 Q. How does the circumstance of the
23 vehicle flipping affect the formula?

24 A. It doesn't.

25 Q. How so?

1 A. Because the Conservation of Momentum
2 formula only deals with the speed at impact, that's
3 all it deals with.

4 You can use Vector Sum Analysis and
5 things like that to do further information and
6 further study on the vehicle as to declining speeds
7 from impact on, but the Conservation Momentum
8 Formula is looking at initially the point of impact
9 between the two vehicles. That's what it's looking
10 at.

11 Q. The damage to the vehicles themselves?

12 A. No, not the damage, just the point of
13 impact.

14 Q. To arrive at a speed?

15 A. That's correct. There are other
16 factors involved obviously, but as far as the
17 rolling of the vehicle that had nothing do with me
18 plotting the speeds of the vehicle and I don't think
19 Stevens used it either.

20 Q. It's not my purpose to argue with you
21 in a deposition, I don't mean to. I'm not concerned
22 about Stevens' opinions at this point.

23 A. Okay.

24 Q. And a lot of time you refer to whether
25 your opinions are consistent or inconsistent with

1 his.

2 A. Okay.

3 Q. I'm just trying to understand the
4 methods by which you arrive at your final
5 conclusions.

6 A. Okay.

7 Q. What factors or values do you then plug
8 into the formula to arrive at the speed if the
9 roll-over is not a factor?

10 A. Well, all I did was use distance from
11 impact to rest. And I think -- and again, I don't
12 remember exactly, it's been sometime ago since I did
13 it and I didn't use the formula. So I'm probably
14 talking about it when I shouldn't because I don't
15 have those numbers with me, I didn't use it.

16 Q. What did you use?

17 A. I used what I have on the print-outs
18 here, which is the Minimum Speed Formula which is
19 based on --

20 Q. Why don't you walk me through the
21 Minimum Speed Formula?

22 A. Okay.

23 Q. Whatever system you're satisfied gives
24 you the most accurate answer.

25 A. Okay. The speed formula I used is

1 what's known as the Minimum Speed Formula. I have
2 computer print-outs of the formula and each step I
3 used.

4 In this particular case we have 28 feet
5 of pre-impact skids from the deputy's left side. I
6 went out to the scene and obtained a drag factor
7 myself using a drag sled and I came up with a factor
8 a .76. I did it at the time of evening roughly that
9 the accident occurred, I don't remember exactly, but
10 early morning hours I think, whatever time that was.
11 I went out and did that. I think it was around
12 twelve o'clock a.m.

13 And what I did was the -- first of all
14 I broke that down -- I broke that down and I also,
15 because only one wheel showed skids or showed some
16 skid mark from the officer. And there was some
17 movement to the left -- I'm sorry -- to the right of
18 the deputy's car from the lane of travel.

19 I did what's known as adjusting the
20 percentage of the braking, since all four wheels are
21 not leaving skids and since there is some movement
22 as far as the friction goes, etcetera. Because the
23 scar is not rolling in a straight line, I adjusted
24 the percentage of braking to a .5 giving him half
25 his percentage of braking at that point.

1 Q. Let me ask a you couple of questions on
2 those matters.

3 Did you see any evidence of skid on any
4 of the wheels other than front left?

5 A. I couldn't see anything as far as the
6 photographs go, no, and I had no physical evidence.

7 Q. All right. Have you had the
8 opportunity to view whatever photographs you need to
9 view?

10 A. Yes.

11 Q. The turn to the right, did that appear
12 to you to be a voluntary action of the driver or was
13 that a natural consequence of the skid?

14 A. That's a good question. Normally I
15 would say it's probably voluntary, it was avoidance,
16 but because of the history of the car I'm not sure.

17 Q. Did you gather from the maintenance
18 records provided to you the history of the car that
19 played a factor in your opinions?

20 A. Yes and no.

21 Q. Did it appear that the brakes were not
22 working properly at the time of the crash?

23 A. I can only answer that since I couldn't
24 inspect the brakes as it's possible.

25 Q. What prevented you from inspecting the

1 brakes?

2 A. BSO prevented us from inspecting the
3 brakes.

4 MR. BAILEY: I was unaware of that.

5 MR. BEHR: I was unaware of that, too.

6 Q. Does the inability to inspect the
7 brakes in any way prevent you from accurately doing
8 your job?

9 A. I don't think so, no.

10 Q. Okay. Do I understand it correctly the
11 left front tire left the skid mark you've been
12 talking about?

13 A. That's what the deputy had indicated,
14 correct.

15 Q. Is that consistent with the other
16 evidence you've seen in the case or do you think
17 that that's deputy's mistaken in that determination?

18 A. I think he's probably correct.

19 Q. If that is in fact correct that the
20 left front tire left a skid mark, does that indicate
21 by itself there's a brake malfunction?

22 A. Not by itself, no.

23 Q. How would the left front, if the brake
24 is not malfunctioning, how would the left front tire
25 leave a skid mark, but not the other three?

1 A. Well, because number one is, I think
2 the skid mark was only 28 feet, so it was a very
3 short distance, the other wheels may not have locked
4 up at that particular time. And also since the
5 vehicle was moving to the right the weight tends to
6 shift to the left, so you may have more weight on
7 the left side of the car which causes that vehicle
8 to show its skid marks first.

9 And 28 feet, you're only talking about
10 a little bit of a length of the vehicle, so you're
11 not talking much distance.

12 Q. All right. Proceed from the last point
13 I stopped you.

14 A. So I took that information. And what
15 you do is -- the information I gave you to date on
16 that skid mark -- and I obtained, because we're
17 using the minimum speed we're actually using three
18 different formulas, the same formulas, but we're
19 going to combine them at the end because you have
20 the initial skid, you have impact and you have final
21 rest of the car.

22 So I broke this down and I came up with
23 a speed of 17.86 miles per hour at that point.

24 Q. At the point of impact?

25 A. Well, no, you have to combine them all,

1 but just for that skid mark all I have at that point
2 is that, then I have two more steps to do.

3 Q. Okay.

4 A. The next step is I took the police,
5 again measurements, from the point of impact to the
6 point of final rest. That again, was indicated in
7 the police report and was indicated by photographs
8 and also by measurements. I took that distance and
9 measured it from the diagram and also from the
10 police diagram, and I came up with a distance of
11 approximately 50 feet.

12 Actually I think I came up with like 49
13 on the police diagram and a 52 with mine, so I
14 rounded it to 50.

15 I then took, knowing that the vehicle
16 then left the point of impact to the final point of
17 rest, actually where it struck the curb and then I
18 believe it flipped and then ended up upright again.
19 I just took the center mass of the vehicle to where
20 it struck the curb, not encompassing any force that
21 it would take to flip the vehicle over, that's why
22 it's called Minimal Speed.

23 I used that same formula and I came out
24 with the 23.87 miles per hour. That's two speeds I
25 have now.

1 Q. In that distance from the point of
2 impact to the curb is the roll-over?

3 A. Yes.

4 Q. Does the fact of the roll-over inhibit
5 your ability to work these formulas?

6 A. No. What it means is is that the speed
7 that I come out with is going to be under what the
8 actual speed is. That's what that means.

9 Q. Why?

10 A. Because I'm giving you a minimum speed.
11 A Minimum Speed Formula is always less than what's
12 known as an Exact Speed Formula because all the
13 values I'm using in this case -- in other words, I'm
14 not accounting for the vehicle roll-over which
15 you're aware takes a certain amount of force to do
16 that.

17 I don't know exactly where the vehicle
18 rolled over, I don't know exactly why it rolled
19 over. I don't know how much energy it took when it
20 hit the curb to flip, so I'm not able to do that, so
21 if I don't use those forces the speed I give you is
22 always going to be under what the actual speed is.

23 In other words, I'm not telling you
24 he's going 60 when maybe he's going 50.

25 In other words, if I'm telling you he's

1 going 50, he may be going 60.

2 Q. What is the formula telling me from the
3 point of impact to the curb?

4 A. It's telling you that at this
5 particular point from the impact point to the curb
6 of the vehicle goes, it is going at least 23.87
7 miles per hour.

8 Q. Do you understand the logic of the
9 formula?

10 A. Right.

11 Q. What is the logic of that formula based
12 upon?

13 A. It's based on the vehicle's movement
14 from point A to point B, how much energy and how
15 much force does it take to that get that vehicle
16 over there.

17 Q. And it does not take into consideration
18 whether the vehicle is on rubber tires that are
19 locked and skidding versus on a metal roof sliding
20 across the pavement?

21 A. You can do that by doing a drag factor
22 on metal or you can use a average range of drag
23 factors, but the vehicle is not on the roof the
24 whole time.

25 Q. And you don't know how long it's on the

1 roof?

2 A. That's correct.

3 Q. Or how long it's on the side?

4 A. That's correct, without being out there
5 that night I can't tell you that because those
6 measurements weren't in the report as far as how
7 long the vehicle was on the roof and where that
8 initial situation occurred.

9 Q. Is it fair to say then there's a fair
10 amount of data between impact and final rest that is
11 unknown?

12 A. I would say, yes.

13 Q. That would affect the accuracy of your
14 opinions?

15 A. Well, yes, but only to the extent that
16 it would add speed. There's no way it's going to be
17 under the speed I give you, it's impossible.

18 Q. Why?

19 A. - Because it would be like a vehicle
20 going 60 miles per hour on pavement and sliding
21 across ice and then going back onto the pavement.
22 The vehicle is not going to lose much energy at all
23 as it slides across the ice, very little, if any.

24 And the same thing when this vehicle
25 falls on its roof or travels on its roof. Metal is

1 like ice. Metal has a drag factor generally of .2.
2 In this case we're using .76, so the difference is
3 always going to be added on.

4 So in other words, the speed I give you
5 will always be higher always, because we're not
6 accounting for all that information because we
7 can't.

8 Q. Where did you get the .76?

9 A. By doing the drag factor myself on the
10 street.

11 Q. Dealing with rubber on the road?

12 A. That's correct.

13 Q. And metal on the road would be a .2?

14 A. Well, that's an average.

15 Q. An average?

16 A. Yes.

17 Q. From the point of impact to the final
18 resting did you see any indication that there was
19 rubber on the road?

20 A. No. I didn't see any indication of
21 metal either.

22 Q. In any of the photographs?

23 A. On some of the photographs, yes.

24 Q. That's what I'm asking you.

25 A. But I didn't see any indication of the

1 metal going the entire distance. In other words, I
2 didn't see any indication of the vehicle sliding a
3 fair amount of distance.

4 Q. Once you got those values attached,
5 what happens?

6 A. Well, once those values are attached
7 you then look at the damage to both vehicles as far
8 as how far -- I already gave you how far the vehicle
9 traveled after impact, how far it skidded before
10 impact. I looked at the damage to the vehicles. I
11 looked at all the information contained in the
12 police report.

13 What you do then is you then add what's
14 called a probable or possible impact speed. In
15 other words, when these vehicles came together you
16 know that it takes a certain speed to get the
17 vehicle from point A to point B and you look at
18 the damage of the cars. This is one case that we do
19 look at the damage to the vehicles.

20 And I came up --

21 Q. How do you look at the damage of the
22 cars in this case? How did you accomplish your
23 work?

24 A. Well, number one, is I went out and
25 looked at the deputy's car in this case.

1 Q. Right.

2 A. I photographed that. I also looked at
3 the photographs that the police department made
4 available.

5 Q. Did you take any measurements of that
6 car?

7 A. No, not physically off the car. I took
8 some off the photographs, if I recall.

9 Yeah, I think I took some off the
10 photographs, but not personally off the car. That's
11 why I took the photographs.

12 Q. What are you looking for in looking at
13 the cars themselves?

14 A. Well, I'm looking for damage, not only
15 on the outside of the car, but possibly any buckling
16 to the frame of the car, any buckling to the body,
17 the induced damage which transfers energy from say,
18 the front of the car to the back.

19 I'm looking at the interior and things,
20 for broken steering wheels, broken seatbelts, any
21 unusual transfer of force. I'm trying to look under
22 the hood and see how far the metal has intruded in
23 the car, and those kinds of things.

24 Q. Amount of crush involved in the impact?

25 A. Correct. And then I'm also looking for

1 -- there's either a web site or a list of statistics
2 that I get from the National Association of
3 Reconstruction Journal that deals with amount of
4 crush and amount of impact damage to vehicles as far
5 as crash testing goes. And I usually use that
6 analysis to assist in providing a speed.

7 Q. Was there anything that you personally
8 observed in your inspection of the deputy's vehicle
9 that better enhanced your ability to come to
10 accurate opinions that you couldn't get from diagrams
11 or photographs?

12 A. Yes, it is always better to look at the
13 vehicle.

14 Q. Do you recall anything specific you
15 noticed in your personal inspection that you did not
16 gather from the other materials provided to you?

17 A. Yes.

18 Q. What would that be?

19 A. Well, I noticed -- I got a look at the
20 cage inside of the vehicle, how that was mounted. I
21 wasn't quite sure from looking at the photographs,
22 there were very few interior shots.

23 I also noticed it had the both the A
24 and C pillars on the car had been cut off, probably
25 there to extract the officer from the car. I

1 couldn't tell from the photographs if they were
2 cut off or removed or that the accident did it. I
3 checked that out.

4 It appeared to me that when I looked at
5 the car that the vehicle did not do a complete
6 roll-over. I thought at first by looking at the
7 report initially, my thoughts were that the vehicle
8 did a complete roll-over. And it looked to me like
9 it did not roll-over completely, like it rolled on
10 one side and then flipped back up.

11 That's probably what I gleaned from
12 that inspection.

13 Q. Did the manner in which the cage is
14 mounted in any way affect your opinions?

15 A. No, I don't think so.

16 Q. Did the manner in which the roof was
17 cut or the fact that the roof was cut affect any of
18 your opinions?

19 A. No, sir.

20 Q. And did the absence of a complete
21 roll-over affect any of your opinions?

22 A. No, not necessarily. If I would have
23 had a complete roll-over I probably would have done
24 something different with the formula.

25 Q. Was there anything about the other car,