

TABLE OF CONTENTS SUBJECT MATTER OF STATEMENTS

1. WEARING PAJAMA TOP WHEN ATTACKED IN LIVING ROOM	
(a) APRIL 6, 1970	p. 1
(b) AUGUST 13, 1970	p. 2
(c) AUGUST 15, 1974	p. 3
(d) JANUARY 21, 1975	p. 4
(e) JANUARY 21, 1975	p. 5
2. ACTIONS UPON REGAINING CONSCIOUSNESS	p. 6
(a) AUGUST 13, 1970	p. 7
(b) AUGUST 15, 1970	p. 7
(c) JANUARY 21, 1975	p. 7
3. ACTIONS UPON FIRST ENTERING MASTER BEDROOM	p. 8
(a) APRIL 6, 1970	p. 9
(b) AUGUST 13, 1970	p. 10
(c) AUGUST 15, 1974	p. 11
(d) JANUARY 21, 1975	p. 12
(e) JANUARY 21, 1975	p. 13
4. CONCERNING A PIECE OF WOOD, AN ICE PICK, AND TWO KNIVES	p. 14
(a) APRIL 6, 1970 (MORNING)	p. 15
(b) APRIL 6, 1970 (AFTERNOON)	p. 16
(c) AUGUST 15, 1970	p. 17
(d) JANUARY 21, 1975	p. 18
5. CONCERNING BLOODY FOOTPRINTS AND A BLOODY SHEET IN KRISTEN'S ROOM	p. 19
(a) JANUARY 21, 1975	p. 20
6. CONCERNING THE SHEET ON THE FLOOR OF THE MASTER BEDROOM	p. 21
(a) JANUARY 21, 1975	p. 22
(b) JANUARY 21, 1975	p. 23
(c) JANUARY 21, 1975	p. 24
7. CONCERNING INJURIES SUSTAINED	p. 25
(a) APRIL 6, 1970	p. 26
(b) AUGUST 15, 1970	p. 27
(c) MARCH 20, 1971	p. 28-30
(d) JANUARY 21, 1975	
(1) LOWER ABDOMEN	p. 31
(2) PNEUMOTHORAX	p. 32
(3) LEFT BICEP AND LEFT HAND	p. 33
(4) FOREHEAD AND BACK OF HEAD	p. 34
(5) BACK	p. 35
(6) SURGICAL SCARS	p. 36
(7) RIGHT SHOULDER	p. 37
(8) LEFT UPPER CHEST	p. 38

**1. WEARING PAJAMA TOP WHEN ATTACKED
IN LIVING ROOM**

NO. 1

(a) APRIL 6, 1970

CID Agent Shaw:

Captain MacDonald, you told one of the other investigators earlier that you were wearing a pajama top that was pulled over your head, or something like that.

MacDonald:

Right. Well, all I know is that—well, when I was struggling now—after I had been hit the first time, I was struggling with these guys; and my—somehow, my pajama top—I don't know if it was ripped forward or pulled over my head. I don't think it was pulled over my head. I don't remember actually— like backing my head through it. But all of a sudden, it was all around my hands and it was in my way. And I remember that I was holding this thing in my hand—the guy's hand—that—that I couldn't maneuver very well. My hands were kind of wrapped up in the thing. And as they were punching me, I was kind of using that a little bit, you know, holding it—right, exactly—'cause this guy, I thought, was really punching me in the chest, you know, and in the stomach 'cause I—I was getting hit across here (pointing to the mid-section of his body). So, in effect, I was blunting everything by, you know, holding this up; and I couldn't get my hands free out of this thing. And I remember I ended up, when I was laying on the floor—I forgot to say that—when I woke up on—it was still around my hands and everything, and I took it off as I was going in the bedroom. And after I took this knife out of my wife's chest, I—you know, keeping her warm. You know, to treat shock, that would be (inaudible) and keep them warm.

(Transcript of April 6, 1970, morning tape, at 4, Exhibit G-101, Art. 32 Rpt. Vol 1, pp 12 & 13).

(b) AUGUST 13, 1970

Q: BERNARD L. SEGAL

A: MAC DONALD

Q: Okay, Captain MacDonald, would you describe what else took place between you and this guy, if anything?

A: Right, so I started struggling with these people. Now sometime during this my hands were sort of bound up in my pajama top and I honestly don't know if it was ripped off or if it had been pulled over my head.

Q: I'm not sure the process involved is clear when you say my hands were bound in the pajama top.

A: I let go of the club and I was struggling with these two people and I realized that, you know, I couldn't really punch back and my hands were like bound up in my own pajama top. I couldn't get them out of the sleeves or something. It was just—and I had the impression that it had been ripped from around me or pulled over my head. I don't distinctly remember either.

Q: You don't recall doing that to yourself though?

A: No.

Q: Pulling the pajama top over your head?

A: No.

Q: Then what was the next happening, or what did you next become aware of?

A: Well, as I was struggling, I received another what seem like fairly impressive blow on the side of my arm, and saying to myself, what do I do now, really I was just struggling trying to get my hands free, and my hands themselves were still free. The pajama top was around my wrists and between my wrists and just around the part of my hands, really, and in the struggle I had a hold of one these, I don't know which one, hands, and in the hand I saw a blade.

(Transcript, Art. 32 Rpt., Vol. XIII, at M-31-32).

NO. 1

(c) AUGUST 15, 1974

Mac Donald: "... and I couldn't breathe for a second, and I thought Jesus, he really punched me. And really the next clear thing, despite all the testimony and—you know—the way you have to take it in order—the next clear thing I remember is my hands were in front of me, and I was pushing at these guys.

And I couldn't use my hands well, because my pajama top was all around my hands. And I've been asked 50 million times, how did the pajama top get around your hands? I don't remember that. It could have been pulled over my head as I was struggling and let go of the guy's arm. It could have been ripped around my back. I don't know that. I just had—it was around my arms all of a sudden, and then now I'm trying to get my arms out, and these guys are punching me. I don't know, but what I really remember—you know—was the one—one—one sharp pain, you know, as I recollect, but at the time I didn't think pain. I thought, Jesus, I can't breathe for a second. That kind of a feeling.

and the next—the—I was hit—I remember I kept thinking, Jes—you know—I'm—you know—sort of like, what's happening? or I can't do anything.

And I was trying to punch and I couldn't get my arms out of my jacket. Like when you see in a hockey fight, when a guy pulls a shirt over the other hockey player—you know—I couldn't do anything.

(Transcript Grand Jury Testimony, Vol. II, at 62-63, August 15, 1974).

(d) JANUARY 21, 1975

Victor C. Woerheide: Where were you, Dr. MacDonald when you received all of these wounds?

MacDonald: You mean physically in the house?

Woerheide: Yeah.

MacDonald: In the living room.

Woerheide: Yeah, and were you wearing your pajamas at the time?

MacDonald: Right.

Woerheide: Now, somewhere in the fight the pajamas were ripped over the. I think you used the term ripped over your head. I was reading something this morning, I thought it was this particular one. But—how would you describe what happened so far as your pajamas tops were concerned during the course of the struggle?

MacDonald: I don't know how they got around my hands sir, you keep telling me I said they were ripped. I never said that I know of.

Woerheide: Well, I saw it in something that I was just read—

MacDonald: (Interposing) They were either pulled over my—over my head or was ripped from around my back. I don't know which. I have no idea.

Woerheide: Well, during what phase of the struggle was this. Right at the very end, sort of before you went down and hit the floor?

MacDonald: No, it seemed earlier than that because I remember my hands were bound up.

Woerheide: Oh, did you hear a ripping sound or tearing sound at that time?

MacDonald: No.

Woerheide: Well, do you know in what manner they were torn or—

MacDonald: I have no idea.

Woerheide: All that you knew was they got around your hands and wrists and they hampered you in your struggle?

MacDonald: That's right.

Woerheide: Then you fell unconscious?

MacDonald: Right.

(Transcript Grand Jury Testimony, Vol. III, at 19-20, January 21, 1975).

(e) JANUARY 21, 1975

MR. WOERHEIDE: This is Stombaugh Exhibit 15. It already has a number.

Q: (Mr. Woerheide) Dr. MacDonald, here is a photograph made in the F.B.I. lab of the back of the pajama top that you were wearing that night. And starting down here are a number of ice pick holes. One, two, three, four, five and it goes up through sixteen and seventeen, in the back now. You weren't stabbed in the back. You weren't injured in the back. Can you tell me how those ice pick holes got in there?

A: I presume when they were around my arms.

Q: I see. While they were around your arms, they were stabbing at your arms. Is that it, and they got in there then?

A: Yeah, we've talked about it at length, Mr. Woerheide.

(Transcript Grand Jury, Vol. III at pp. 43-44).

2. ACTIONS UPON REGAINING CONSCIOUSNESS

NO. 2

(a) AUGUST 13, 1970

Segal: What did you do when you began to gather your consciousness at that point?

MacDonald: Well the first thing I remember was my hands were squenched up sort of across my abdomen, still with the pajama top wrapped around them, and I was lying there and the first thing I remember was that my teeth were chattering, literally knocking together, and I said to myself. I was going into shock. So that—I don't want to—I don't want to try to mislead the investigating officer. I'm not saying that I was going into shock or that I was in shock. This was my impression at that time, simply because chattering teeth is one of the classic symptoms of shock.

(Transcript Art. 32 Rpt., Vol. XIII, at M-34).

(b) AUGUST 15, 1974

MacDonald: So, the next thing, I was lying on the floor. And I absolutely, distinctly remember I was lying there, and my teeth were chattering, and there was absolute silence, and I was laying on my—sort of my stomach with my arms under me, wrapped up in this pajama top.

(Transcript Grand Jury Testimony, Vol. II at 64).

(c) JANUARY 21, 1975

Woerheide: Then you came to and they were still around your wrists?

MacDonald: Right.

(Transcript Grand Jury Testimony, Vol. III at 20).

**3. ACTIONS UPON FIRST ENTERING
MASTER BEDROOM**

NO. 3

(a) APRIL 6, 1970

CID Agent Shaw:

All right, moving along a little bit further with this thing. How does it happen that the pocket from this pajama top has a little bit of your wife's blood on it, very, very minute thing; but it's laying in the bedroom. The rest of it—of the jacket is soaked with her blood—

MacDonald:

I laid it—I laid it over her.

CID Agent Shaw:

These are—

MacDonald:

I'm sure I took the thing off.

CID Agent Shaw:

—(Inaudible), you know.

MacDonald:

I'm sure I took this thing off the first time. I don't—I didn't make a circuit with this jacket on, I don't think. I came down the hallway—I know that—and I went in, and I took it off to get my hands free—

CID Agent Shaw:

Yeah.

MacDonald:

—Basically—

CID Agent Shaw:

Okay.

MacDonald:

--And sometime while I was in there the first time, I—you know, I put it over my wife.

(Transcript April 6, 1970, Interview, at 25, Exhibit G-101, Art. 32 Rpt., Vol. 1, pp 69& 74)

(b) AUGUST 13, 1970

Q: SEGAL

A: MAC DONALD

Q: Now what did you do when you started to get your foothold?

A: Well, my first impression was to see what Collete had been screaming about, and so I got up and walked towards the master bedroom.

Q: Did you see anything unusual in the hall at that point?

A: Not in the hallway, no. I wasn't paying any attention. I just was walking.

Q And describe what happened when you got to the master bedroom. Did you actually go in?

A: Yes.

Q: And what did you see?

A: My wife.

Q: Where was your wife?

A: She was lying on the floor.

Q: In what position?

A: Her right shoulder was a little bit against the green easy chair and her feet were facing somewhat towards the entrance that I was coming in from the hallway, but halfway between the entrance and the rear exit out the utility room.

Q: What did you do when you saw your wife there?

A: I took a knife out of her chest.

Q: Now can you indicate what portion of the chest the knife was?

A: It was the upper part of her chest towards the neck.

Q: Was any of the blade exposed when you first saw it?

A: I—I don't remember seeing any part of the blade, no.

Q: What did you do with the knife?

A: I just threw it away.

Q: What did you do next after you pulled the knife out of your wife's chest?

A: As I was walking towards my wife in the bedroom—I don't know whether or not—I must have. You just walk in the door, the light switch is on the right hand side of the door. Probably as I walked in—I put it on, and I was—and as I was looking at her I was taking off the pajama top that was around my hands, and I dropped it.

Q: Now did you take any other steps after you tried the mouth to mouth resuscitation?

A: I just tried to cover her up.

Q: What do you mean to cover her up?

A: I looked for something to cover her up, and I covered her up with my pajama top.

Q: Do you know where they were before you picked them up to cover your wife?

A: No, I remember I just tried to cover her with something and I must have grabbed it because I know I was putting it across her chest.

Q: Why did you do that?

A: Well, it doesn't make any sense in view of the injuries, but it is to treat shock.

Q: Now what portion of your wife's body did you cover?

A: Her chest.

(Transcript, Art. 32 Rpt., Vol. XIII, at M36-37).

(c) AUGUST 15, 1974

MacDonald: And I remember laying there and then I remember thinking—Jesus, I heard all these screams and it's silent, and I got up and walked down the hall to the bedroom so, I walked in the bedroom, and I—I don't know if I turned the light on or not, but my wife was visible. I could see her clear as day. She was laying on the floor with her feet towards me.

She was—she was—she was all covered with blood. There was—there was—a knife in her chest—which I took out and threw away.

At sometime I checked her pulse. I don't know if it was now or later, but I was checking her pulse...

So I checked Colette again—sometime in there I had covered her with my pajama top that I think was still on my arms as I was coming in the room—coming in—and first—you know—as I was coming in the room the first time, I took it off and Colonel Rock was very interested in whether I dropped it or threw it.

Shit, I don't know if I dropped it or threw it. I think I threw it away. And then, I had picked it up again and I covered Colette with it, covered her chest.

So sometime in here I picked it up and looked at the wound again—I guess to see if it really—if I'd really seen what I'd seen. And I put it back on her, and I remember trying to cover her.

(Transcript Grand Jury Testimony, Vol. II, at 65-67, August 15, 1974).

(d) JANUARY 21, 1975

Q: WOERHEIDE

A: MAC DONALD

Q: Then you came to and they were still around you (sic) wrists?

A: Right.

Q: And you went back to the bedroom and you removed them from your wrists?

A: That's right.

Q: And do you recall how you did that?

A: No, I do not.

Q: Did you use any force?

A: Mr. Woerhelde, I don't know.

Q: Well, did you—

A: (Interposing) Hear a ripping sound? No, I didn't hear a ripping sound.

Q: Well, how did you remove them?

A: I just pulled them over my hands. You know, it seemed like I was struggling to get my hands out of them.

Q: And then you say you dropped them on the floor?

A: Right.

Q: Went to your wife?

(no answer)

Took the knife out of her chest?

A: (nods affirmatively)

Q: And then reached out and picked up the pajamas and covered her?

A: Yeah, that's right.

(Transcript Grand Jury Testimony, Vol. III, at 21).

(e) JANUARY 21, 1975

Q: (Mr. Woerheide) Dr. MacDonald, you say you came to in the hall, you went down to the master bedroom, you took the pajama tops off from around your wrists, you threw them on the floor, and then you put them on Colette's body. And, obviously, Colette's body was bloody. And blood could have been transferred at that time to the pajama top. Now, until the time that you laid them on her body, was there anyway (sic) you can explain how blood would have gotten on them?

A: How blood would have gotten on them?

Q: Your pajama top, her blood.

A: Not unless there was blood from the assailants originally.

Q: In other words, they picked up blood from Colette and transferred them to your pajama top?

A: I'm just hypothesizing.

Q: Well, I want to make clear to you the information that's available to this Grand Jury in this matter. Now, one item of information is that Colette's blood was on your pajama top in a certain area that became torn. And it was there before it was torn, not after it was torn.

A: I have no idea what that means.

Q: Do you have any explanation for that?

A: Do I?

Q: Right.

A: I'm not a criminologist.

(Transcript Grand Jury, Vol.III, at pp. 51-52).

**4. CONCERNING A PIECE OF WOOD, AN ICE PICK,
AND TWO KNIVES**

(a) APRIL 6, 1970 (Morning)

Shaw: We think that—that this club that you originally thought was a baseball bat or something might have come from around the house or something like that. In fact, I'll show it to you. I don't know if pieces of wood will mean anything to you from a photograph, but there is—well, there's paint on it. In fact, we had the idea that you might have used this around the house.

A. I never saw it.

Q. People use pieces of wood to pry open doors—

A. Right.

Q. —and windows—

A. Right.

Q. —for one thing and another.

A. I don't you know, recognize this. Now, I had—I always had some extra lumber laying around in the little well outside the back of my house, but I don't—how long is this? One—it's about three feet?

Q. Yeah, uh-huh (yes), about three feet.

A. Not specifically, no, I don't recognize this.

Q. Well, think about the stock you used to make this—this shelving from. There was a—

A. What size lumber is this?

Q. It's about one by—one and five-eighths by one and a half.

A. A two by two.

Q. right.

A. I didn't have any two by two's. I used four—two by four's that I took out of the old Third Med Supply area. When we broke it up, we—they were going to burn it all and send it—you know, send it to the trash, and I just used my two by four's and cut them down.

Q. Did you use the—did you make the shelving in Kimmie's closet?

A. Right.

Q. Down below there?

A. Right.

Q. There's a piece of wood there very similar to this, very similar.

A. Maybe it was around. I—I, you know, don't specifically recognize it from this—you know, from the photograph.

Q. Did you have an ice pick?

A. I don't think I had any two by two's, and this is a two by two. I—I know I didn't have any two by two's specifically cut that way. There was four by four's, I think, in scraps. Two by four's and just scraps of lumber.

Q. Did you have an ice pick around the house? Is that your ice pick (shows photograph)?

A. No, I didn't have an ice pick.

Q. You did not have an ice pick around the house?

A. Not that I know of, no.

(Transcript, Vol 1., pp 45,46&47)

(b) APRIL 6, 1970 (Afternoon)

Inv: At one time you told I think it was Mr. Hodges that there was an ice pick in the house.

MacDonald: No, I never said that. That's absolutely incorrect. I was asked—

Inv: Mr. Caverly and Mr. Hodges. Those two men. One was an F.B.I. man and the other one was my man.

MacDonald: I never said there was an ice pick in the house. We had no ice pick. I'm lazy and I buy cubes. That's—That's incorrect, sir, and—(inaudible).

Inv: Well, most of us have ice picks. We don't use them as ice picks quite often. We use them for opening canned milk.

That club, you said you had never seen that before. Do you know that the paint on that is the same as paint that's on the sidewalk out in back of the house?

MacDonald: Look—

Inv: It is the same as the paint on scraps of wood that you have in your locked storage room.

MacDonald: Uh-huh (yes).

Inv: It is the same as the paint on a pair of surgical rubber gloves that was in the locked storage room. That piece of wood came from the house.

MacDonald: It might have been. I haven't seen the piece of wood. You said it was a two by two and I—I know of no two by two's.

Inv: It was cut off of probably a four by— two by six, or something like that.

MacDonald: Well, I didn't recognize it from the picture, and you said it was a two by two before, and I know of no two by two's that I have, and I didn't recognize it from the picture.

Jesus Christ, This is getting—what's this called? Circumstantial evidence that—yeah. Well, go ahead. What else do you have?

(Transcript, Vol II pp 11 & 12)

(c) AUGUST 15, 1970

Q: Now you—I show you Government Exhibit 83 and ask you to examine it. Except in the hands of an investigator or in this hearing room, have you ever seen that ice pick before?

A: No, sir.

Q: Could it have come from your house?

A: No.

Q: And you feel certain about that?

A: Yes.

(Transcript, Article 32, at M-139).

(d) JANUARY 21, 1975

Well, for your information—well, let me say something else. As I recall, you said you didn't have an ice pick.

A: That I know of, right.

Q: Yeah, and you didn't recall either one of those knives?

A: That's right.

Q: As being in your house?

A: (No answer)

Q: Witnesses have testified before the Grand Jury that they have observed items that appeared to be the same in your house before February 17?

A: Unh-hunh(yes). Witnesses now, four years later. That's good. That's good police work. How much did you pay them? More than you paid for the grave robbers, fifty bucks a person they got.

(Transcript Grand Jury, Vol. III, at 40-41).

**5. CONCERNING BLOODY FOOTPRINTS AND A
BLOODY SHEET IN KRISTEN'S ROOM**

JANUARY 21, 1975

Q: WOERHEIDE

A: MAC DONALD

Q: Dr. MacDonald, getting back to his diagram I'm told on the top sheet of the bed in Kris's bedroom they found a large amount of Colette's blood which indicated massive direct bleeding by Colette at that area. Do you have any idea how Colette's blood got in that location?

A: 'Nope, unless it was from my hands.

Q: You mean you may have put your hand over there and leaned against that point when you were administering aid to Kris, is that correct?

A: It's possible.

Q: I am also told that the footprints going out of the room were in Colette's blood?

A: I'm sure I had bloody feet.

Q: How did they get bloody?

A: From blood on the floor.

Q: Well, I'm told there was none of Colette's blood on the floor here. That blood was Kristy's blood?

A: Well, I had been in the master bedroom first, Mr. Woerheide.

Q: So, you think you picked up Colette's blood in the master bedroom? And you tracked those two footprints on the floor going out of Kris's bedroom? As a result of having blood from the master bedroom on your feet, is that correct?

A: I don't know. You're asking me for explanations that I can't give. I don't know.

Q: All right, now, if you picked the blood up in the master bedroom, where would you have gotten it? Was there a pool right around Colette there?

A: Seemed to me there was a lot of blood.

Q: So, your explanation would be that you had picked it up in the vicinity of Colette, you had it on your feet?

A: Either that or it's a lab error. I have no idea, Mr. Woerheide.

Q: Either that or it's a what?

A: A laboratory error. They mistyped the blood with their record I wouldn't see that as an unlikely possibility.

(Transcript Grand Jury, Vol. III, at pp. 34-36).

**6. CONCERNING THE SHEET ON THE FLOOR OF
THE MASTER BEDROOM**

(a) JANUARY 21, 1975

Q: But I am going to ask you again, did you handle that sheet that night? Did you touch it? Did you have anything to do with it?

A: Not that I remember.

(Transcript Grand Jury, Vol. III, at p. 45).

(b) JANAURY 21, 1975

Q: Dr. MacDonald, did you take Colette off the bed in Kris's room, lay her on top of the bedspread on the floor in Kris's room, cover her with this sheet, then pick her up and carry her out of Kris's room?

A: No, I did not do that.

Q: And lay her on the floor in the master bedroom?

A: No, I did not do that.

(Transcript Grand Jury, Vol.III at p. 47).

(c) JANUARY 21, 1975

Q: Now, that night there was no argument or quarrel between you and Colette?

A: None whatsoever.

Q: And all of this evidence that I have told you about is fabricated?

A: I don't know what to make of it, Mr. Woerheide. It doesn't make any sense to me. I have told you what I know to the best of my ability four years later.

Q: You didn't roll in the sheet on the floor?

A: Roll in the sheet?

Q: Yeah, to get your body prints all over it?

A: I don't even remember the sheet.

Q: And so far as you know, Colette was not in contact with that sheet?

A: I don't remember seeing the sheet. I was lying against Colette.

(Transcript Grand Jury, Vol.III, at pp. 50-51.)

7. CONCERNING INJURIES SUSTAINED

[a] APRIL 6, 1970

Shaw: Did you check yourself to see if you were hurt?

A: Well, originally, yeah, you know. I went to see what kind of a head injury I had, 'cause I remember my head hurt like crazy. and then I went—I knew I wasn't thinking entirely correctly, 'cause I'm always—you know, in the emergency room. I know I'm good in the emergency room. I never, you know, lose my cool, so to speak.

Shaw: What kind of a head injury did you have?

A: Oh, I just seemed to have a little—a little bump on this head, and I had a pain back here and a little lump back here (motioning to the back of his head). It wasn't very exciting. It wasn't what I, you know, expected.

Shaw: Did you check your side there?

A: Yeah, I—that was bubbling. You know, that was—

Shaw: Bubbling?

A: Yeah, there was bubbles coming out of that; and I had to tell the idiot over in Womak for three times. I mean, yeah—nevertheless, and that's not—not important.

Shaw: Go ahead and tell us.

A: Well, when I was in—I kept saying I couldn't breathe, and he says, "you can breathe." So, I said, "I'm telling you I can't breathe. It hurts to breathe." And—and I was short of breath. I knew I was breathing, you know (indicating).

Now, that is a—that sometimes is a—is a—what, you know, a symptom rather than for real. In other words, you might not be that short of breath but your body reacts as though it is. And when you get a pneumothorax, that's one of the things that happens. Even though it's a little pneumothorax, you breathe fast and you feel as though you can't breathe in—you can't breathe.

So, I said to him, "I can't Breathe. I need—I need oxygen. I can't breathe." And, so they were looking me over, and there was just a little trickle of blood here and a whole bunch of little puncture marks across my abdomen. And I guess we ended up with fourteen of them, or something like that; and there was a little—a little cut here (motioning to his arm).

Shaw: Was this from these assailants? These people that were in the house?

A: Well, I assume so.

Shaw: You didn't do it yourself, did you?

A: No. So, they said to me, "well, you know, we'll have to get an x-ray." So, we got an x-ray; and he came back and said, "the x-ray looks good." and when your chest is bubbling, you have a pneumothorax.

I mean, if you take a breath and bubbles come out—I mean it's very simple. Any Special Forces Medic knows that and any nurse knows that, and they'll put a chest tube in. In Cape Fear Valley they know when a chest tube has to go in before—before you even see the patient.

And I said, "well," I said, "I don't know about you guys," I said, "but my chest hurts like hell and I can't breathe and it's bubbling." Now, that to me—that means I have a pneumothorax with a puncture in the lung.

In other words, it won't bubble unless the lung has been punctured. And so, Dr. Jacobson came over and he says, "take a deep breath." And I took a deep breath and it was bubbling, and he says, "hey, you need a chest tube." So I said, "Dick Tracy," you know; but that's beside the point. He's okay; he's a good guy.

Transcript, April 6, 1970 Vol. I pp 18, 19, 20, 21 Tape, at 6.

[b] AUGUST 15, 1970

Q: CPT. SOMERS

A: CPT. MAC DONALD

Q: And describe the injuries on your body which -

A: Describe them again?

Q: Yes, please.

A: In the right chest area in the 7th intercostal space, roughly in the mid-clavicular line, there was a puncture wound.

Q: Would you point to that, please?

A: Yes, it is right here.

Q: Now you are pointing - what? Two inches above and three or four inches to the right of your belly button, if I may use that term?

A: Well, it would be easier to say it was roughly four inches lateral to the tip of my sternum.

Q: Go ahead.

A: There were several small puncture wounds of the left upper chest.

Q: How many?

A: I really don't specifically remember. Three or four.

Q: Go ahead.

CPT. BEALE: Captain Somers, what is the purpose of going back through all this again so far as the wounds goes? He has described them in great detail.

COL. ROCK: Also, I have plenty of testimony from the examining physician as well.

CPT. SOMERS: I want to be sure that I understand fully what injuries he's describing because I have a few questions with respect to them.

Q: Please, go ahead.

A: There were several, what appeared to me to be small, small puncture wounds, on the left of the chest and some scratches. On the abdominal area, there was sort of a Y shaped, with the Y down -

Q: You mean the opening -

A: The opening of the Y down, a laceration in the left upper quadrant, about three inches long. Lateral to that laceration, there were three puncture wounds, and to the right side of that laceration there were eight to ten puncture wounds and some minor scratches.

Q: Now several people, doctor, including Doctor Jacobson and one of the medics who attended you, have also described your injuries, as they saw them. None of them described any of these small puncture wounds on the abdomen, did they?

A: No.

Q: So none of the people who testified here saw what you are describing as the small puncture wounds, as far as we know. When did you first notice them?

A: As I was examining myself either late Tuesday afternoon or Wednesday, looking at my abdomen. These were closed and they weren't bleeding. It's not a matter of missing lacerations.

Transcript Article 32, at pp. 127-128.

[c] MARCH 20, 1971

BY COLONEL PRUETT:

Q: How about the other injuries, doctor?

A: What about them?

Q: The stabbing and so on. There was only one, correct?

A: Only one what?

Q: One stab wound that penetrated?

A: Only one stab wound?

Q: I am asking you. Is there only one or were there more? Are those records incorrect?

A: Yes, but I am sure you know that.

Q: That's why we are asking you. Do you say those other records are incorrect? We would like to know actually what were the injuries.

A: There was puncture wound of the right chest, not where Dr. Fish thought it was. It was in the midclavicular line on the anterior part of the chest, one inch below where my liver begins. That's a little significant. I had some puncture wounds in the left upper chest which appeared to be ice pick wounds. I can't say they were ice pick. I would say off the cuff they are ice pick, but physicians never say that. They say a penetrating would. (sic) wound. There was scratch on my left upper chest. There was one, what I would guess to be a knife stab would, (sic) and several, two or three ice pick would (sic) in the left bicep. There was an ice pick would (sic) in the right bicep. There was an incision type would (sic) in the left rectus muscle, left quadrant, which is not the same quadrant that is listed in the medical record. Just another example of how sloppy it is. In an assault case, you can't possibly have the wrong part of the abdomen diagnosed for a would. (sic) He had the one quadrant of my abdomen. There were a series of small puncture would (sic) ice pick would (sic) don't bleed much. So this they overlooked and the nurse already had bandaged it, he never picked up my bandage and looked at it. I had a series—I don't know how many'—eight or ten. I think I counted nine or ten. The day after, when Manson and McGinn were there and asked me, I looked down and counted. There were eight or ten on the abdomen.

BY COLONEL PRUETT:

Q: Then your description of them is in conflict with what is on the medical record a bit?

A: In the number of wounds, right.

Q: The scratches then, you are saying, are on the side, the left, in which direction? The left portion of the chest?

A: Yes, but it wasn't on the outside. It was on the inside of the nipple.

BY MR. KEARNS:

Q: On the morning of the 17th, after they took you to the hospital, you recall talking to a criminal investigator Connelly when he came up there?

A: No.

Q: Do you recall talking to any criminal investigator?

A: Right, I didn't know their names.

Q: Connelly went to the hospital and talked to you. Did you display your chest area to Connelly? Do you recall doing this?

A: Not that I remember.

Q: You just do not remember?

A: I don't recall it, but I don't recall much from that morning.

Q: How about your hand; there was a discussion about your hands because you had fingernail scratches.

A: There were some cuts on my hand and he did look at those. He picked up both my hands.

Q: Based upon your previous discussion, we have to then presume, if you are telling the truth, that these records are in error. Did you have any wounds on your hands?

A: Yes, I did.

Q: Would you tell me what they were?

A: They were blade wounds in both webbed spaces between the thumb and forefinger on both hands. They weren't big, but they were there and he looked at them. I do remember that.

Q: This is Dr. Jacobson?

A: One of the investigators looked at my hands.

BY MR. SEGAL:

Q: You do not know if it was Connelly?

A: No, I don't.

BY MR. KEARNS:

Q: How about any pricks from the prick marks or stab wounds from the ice pick similar to the ones that you described?

A: No, I don't remember any on my hand.

Q: I presume that you would feel these are defense wounds in here that you sustained during your struggle?

A: Right.

Q: Were these wounds bleeding?

A: My left hand was, but not – it was a scratch really. It wasn't – it didn't require sutures.

Q: Not a real laceration?

A: Right.

Q: Were there any other wounds that haven't been brought up in the Article 32 or haven't been discussed before that you know you sustained, that you might have thought were not relevant?

A: There were a lot of bruises that were never mentioned. Then they tried to make it sound like they weren't there later, but they were there.

Q: It appears that everybody was interested from say your stomach area to the top of your head. How about below, your hips or your hip area?

A: I don't remember any. No. There were a lot, for instance, on my left arm. My left upper arm was very swollen. There was a bruise on this side of my forearm. You know, you see a patient in the emergency room. You don't write that down. The follow-up examination is supposed to.

(Transcript at pp. 34-38.)

JANUARY 21, 1975

Q: WOERHEIDE

A: MAC DONALD

Q: I have these pictures that were made in the F.B.I. premises of you to show the location of the wounds that you suffered during this assault. And just to illustrate your testimony to the Grand Jury now, I wonder if you, since these pictures are sort of close-up and it's not all that clear without a verbal explanation, just stand up and point to the various parts of your body where you suffered certain injuries? And to facilitate this I am sure you can explain these better than I can. But I take it the first one is of a wound in your lower abdomen but above the – not the lower abdomen your abdomen but above the waist, is that correct?

A: That's right.

Q: Would that be about here (Mr. Woerheide indicates portion of abdomen.)

A: That is correct.

Q: Now, the second one is pointing to an area to the right side of your navel and that is to indicate what, a series of ice pick–

A: They were puncture wounds there, right.

Q: Puncture wounds, do you recall how many?

A: No, not specifically. There was a number of them.

Q: All right, this shows the wound on the left side. This shows the area in which there are ice pick wounds.

**MR. WOERHEIDE: Lets mark these as MAC DONALD Exhibits 1 and 2 of this date.
(MAC DONALD EXHIBITS 1 AND 2, 1-21-75, MARKED FOR IDENTIFICATION.)**

Q: (Mr. Woerheide) Now, the ice pick wounds to the right side of the navel didn't leave any scars, did they?

A: I don't think so, no.

Q: And this is another view of the same area and –with a pencil out of the way or the pointer it shows the fact that there are no visible scars, is that correct?

A: That's right.

**MR. WOERHEIDE: Let's mark this as MAC DONALD Exhibit 3 of this date.
(MAC DONALD EXHIBIT 3, 1-21-75, MARKED FOR IDENTIFICATION.)**

Q: (Mr. Woerheide) And these next two pictures show you indicating where the wound in your chest was at the seventh intercostal space which resulted in the pneumothorax, is that correct And the one after that? correct?

A: (No answer)

Q: And the one after that shows the same view without a ruler and without a pointer, right?

A: Right.

MR. WOERHEIDE: All right, let's mark these 4 and 5.

(MAC DONALD EXHIBITS 4 AND 5, 1-21-75, MARKED FOR IDENTIFICATION.)

Q: (Mr. Woerheide) All right, the next view shows your left bicep where you suffered a wound that left a scar?

A: That's right.

**MR. WOERHEIDE: Let's give this the next number.
(MAC DONALD EXHIBIT 6, 1-21-75, MARKED FOR IDENTIFICATION.)**

Q: (Mr. Woerheide) Well, the reverse side is another view of the same arm, is it now?

A: Unh-hunh (yes).

Q: Showing the thing on a bigger scale?

**MR. WOERHEIDE: Let's mark this, please.
(MAC DONALD EXHIBIT 7, 1-21-75, MARKED FOR IDENTIFICATION.)**

Q: (Mr. Woerheide) And the next view shows a photograph of your left hand showing the area between the thumb and the forefinger and that is to illustrate the fact that you had some fine cuts in that area, is it not?

A: That's right.

Q: Did they leave any scars?

A: No.

**MR. WOERHEIDE: All right, give these two the next numbers.
(MAC DONALD EXHIBITS 8 AND 9, 1-21-75, MARKED FOR IDENTIFICATION.)**

Q: (Mr. Woerheide) All right, the next photograph shows first your full face and then your upper left forehead that is to indicate where you had the—a swelling and contusion, is it not?

A: That's right.

MR. WOERHEIDE: Let's mark these with the next two numbers.

(MAC DONALD EXHIBITS 10 AND 11, 1-21-75, MARKED FOR IDENTIFICATION.)

Q: (Mr. Woerheide) All right, the next photographs show your face, the right side, and a close-up of your forehead showing the right side. Is that to reflect some lump or swelling on the right side of your forehead, sir?

A: That's right.

Q: Is that abraded, too?

A: No, I don't think so. It was just a lump or bruise.

Q: Skin wasn't broken?

A: No, it wasn't.

Q: Just a sort of a swelling, is that correct?

A: Unh-hunh (yes).

Q: All right.

MR. WOERHEIDE: Let's give these the next two numbers.

(MAC DONALD EXHIBITS 12 AND 13, 1-21-75, MARKED FOR IDENTIFICATION.)

Q: (Mr. Woerheide) All right the—now, the next two photographs show the left rear part of the head to an area behind the ear and above the ear. I take it both these views shows the same area. Would you say that?

A: I can't tell what this shows. But I presume so. That's where I was holding the hair.

Q: Yeah, and what was this to indicate?

A: There were a couple of lumps back there.

Q: Unh-hunh-(yes), how large were they?

A: I don't know.

Q: Well, as large as a pea, or as large as a marshmallow, or as large as a potato, or—how big were they?

A: I would say, egg-size lumps.

Q: Egg size?

A: Unh-hunh (yes).

Q: MR. WOERHEIDE: Would you give those the next two number, Miss Reporter.

(MAC DONALD EXHIBITS 14 AND 15, 1-21-75, MARKED FOR IDENTIFICATION.)

Q: (Mr. Woerheide) The next two photographs are a back view. And show your back down to the waist and no one is pointing to anything. And I take it these were taken to illustrate the fact that you have no injuries on your back?

A: That's right, none that I am aware of.

MR. WOERHEIDE: Let's mark these please.

(MAC DONALD EXHIBITS 16 AND 17, 1-21-75, MARKED FOR IDENTIFICATION.)

Q: (Mr. Woerheide) The next is a view taken from the right side of your body and the pointer indicates a scar at approximately the seventh intercostal space. On the reverse side is an enlargement of the scar area. Is that the scar resulting from the surgery whereby a chest tube was inserted to relieve the pneumothorax?

A: That's right.

MR. WOERHEIDE: Let's mark these with the next two numbers.

(MAC DONALD EXHIBITS 18 AND 19, 1-21-75, MARKED FOR IDENTIFICATION.)

Q: (Mr. Woerheide) The next photo shows the upper right portion of your chest with a visible scar at about the second intercostal space, I take it. And the reverse side shows a close-up of that area. Is that where the second chest tube was inserted, Dr. MAC DONALD?

A: Yes, I believe it was.

MR. WOERHEIDE: Let's give these the next two numbers, please.

(MAC DONALD EXHIBITS 20 AND 21, 1-21-75, MARKED FOR IDENTIFICATION.)

Q: (Mr. Woerheide) The next photograph shows your upper left--well, your left shoulder, your upper left arm?

A: Right on.

Q: And on the first one there is a pointer used to indicate something on the reverse side. I really don't see any scar there, can you tell me what you had in this area?

A: That's the right shoulder, sir, that was the scratch there.

Q: A scratch?

A: And a bruise.

Q: I'm sorry, it is the right shoulder. I mis-spoke myself. Scratch and a bruise. Was it a long scratch, or a deep scratch, or could you describe it?

A: I don't really remember. It seemed like a superficial scratch, a couple of inches long.

MR. WOERHEIDE: Would you give these the next two numbers, please.

MAC DONALD EXHIBITS 22 AND 23, 1-21-75, MARKED FOR IDENTIFICATION.)

Q: (Mr. Woerheide) The next two photographs are of the frontal area. One being from the waist on up to the upper part of the chest. I see the scar here on the lower left side and the scar of the second chest tube that was inserted. I see the scar of the incision in the seventh intercostal space that caused the pneumothorax. Now, is there anything else in this area that you recall in the way of an injury?

A: There were some ice pick wounds in the left chest. But you can't see them. There are no scars.

Q: Well, I'll hold this up to the Jury. Did you indicate this area here?

A: Sir, as I remember it was a little bit higher.

Q: About here?

A: About there, Yeah. (Indicating)

Q: And how many were there?

A: Three or four.

Q: And you say they left no scars and they were superficial is that it?

A: Well, you can't tell how deep they are. But they left no scars.

Q: And the second of these two photographs is simply another photograph indicating the location of the—of the wound that you had just about here, is that correct? (Indicating)

A: That's correct.

Q: Do you recall when you were in the hospital, whether you got any special treatment for this wound on the left side of your chest?

A: (No answer)

Q: Did they do anything special for it? Apparently, it was not stitched or anything.

A: No, it was just bandaged up.

Q: They just put a Band-Aid on it?

A: A dressing, right.

Q: A dressing.

MR. WOREHEIDE: Could you give those the next two numbers.

(MAC DONALD EXHIBITS 24 AND 25, 1-21-75, MARKED FOR IDENTIFICATION.)

(Transcript Grand Jury, Vol. III, at pp. 9-18.)