

SUPERIOR COURT

J/D OF FAIRFIELD

AT BRIDGEPORT

JULY 1, 2009

(Testimony of Helen Mayberg)

CR06-0218479

STATE OF CONNECTICUT

VS.

RICHARD ROSZKOWSKI

BEFORE

HONORABLE JOHN F. KAVANEWSKY JR., JUDGE

APPEARANCES:

For the State:

C. ROBERT SATTI JR.

MARGARET KELLEY

Assistant State's Attorneys

For the Defendant:

JOSEPH BRUCKMANN

Public Defender

MILES GERETY

Assistant Public Defender

John McLeod

CROSS-EXAMINATION BY MR. GERETY:

Q Hi, I'm one – I'm Miles Gerety. I'm one of Richard Roszkowski's two lawyers.

You mentioned earlier that you've testified – I don't know, was it 44 to – 43 to 47 – you've lost count?

A Yes.

Q That's how I am about trials. But it's been a lot, right?

A Yes, it has, since 1992.

Q And '92, you were where in '92, UCLA, Texas, I –

A I was in Texas in '92.

Q And were your first cases that you've testified in in the state of Texas or did you –

A No, actually the very first case was in the state of California.

Q All right. And you've – you've testified in a number of California death penalty cases, right?

A Probably around ten.

Q All right. And you have an association with Park Dietz, the psychiatrist?

A I've consulted to him and when asked I do work on cases with him, yes.

Q Any in this –

THE COURT: I'm sorry. I just didn't catch the name.

MR. GERETY: Park Dietz.

THE COURT: Thank you.

Q And in this case, are you hired through him, through that consortium, or just through your own?

A No, I was retained sole. And actually, I think there have been maybe a handful of cases with Dietz and Associates. I – most of the time, most of my cases have been unrelated to them.

Q Excluding Park Dietz himself and other doctors in that group, do you know of any other doctor who has testified for the prosecution exclusively in as many death penalty cases as – as you have?

A As many as me? No. But I do know that in the early days, John Mazziota was very active, from UCLA, only for the prosecution. There are a number of people who actually have discussed these cases and have been asked who actually do not like lawyers and do not want to be in this position.

Q All right. You're giving a –

A But in terms –

Q – narrative.

A Yeah. Sorry.

Q But the answer was no, you don't know of anyone off the top of your head?

A I don't keep count –

Q All right.

A – but I have probably done more cases than many people.

Q And just for the prosecution? And that's because the defense doesn't ask you, right?

A Well, I've been asked by the defense and have consulted, not in as many cases, but have spoken to defense attorneys looking for scans, wanting advice.

Q All right. Let's go over some of the states you have testified in. Have you testified in the state of Texas?

A Yes, I have.

Q In a death penalty case?

A Yes, I have.

Q Have you testified in the state of Florida in a death penalty case?

A Yes, I have.

Q Have you testified in the state of South Carolina in a death penalty case?

A I consulted, but I never testified.

Q How about Georgia, where you live?

A No, I have not.

Q How about Idaho?

A I consulted, but did not testify.

Q In fact, you submitted an affidavit in a case in Idaho, didn't you?

A Probably.

Q And you've testified most recently in *United States vs. Steven Dale Green* – or was that your most recent case?

A Yes, it was.

Q In Paducah, Kentucky, and that was in federal court, right?

A Correct.

Q And other places in the – in the West or Midwest that you've testified?

A Arizona.

Q Arizona.

A Once in Colorado.

Q Anywhere else?

A Alabama.

Q Alabama. You've testified in the prosecution of death penalty cases in Alabama?

A Actually, it was in an appeals for habeas corpus.

Q Where someone was trying to avoid the death penalty?

A No, somebody already had the death penalty and was –

Q Trying to use brain evidence to show that they shouldn't be executed?

A They should be retried.

Q Okay. You've never testified before in the state of Connecticut, though, have you?

A I don't believe so, no.

Q All right. You also mentioned you've done some civil testimony; correct?

A Correct.

Q And would that be fair – that's usually for defendants who are being sued by plaintiffs in – well, what I'm saying sounds stupid. I apologize. But you usually testify for defendants? For example, in *O'Bannon vs. CSX*, the railroad company, you testified in that case, right?

A Correct. I mean, just to clarify, I have testified for a plaintiff in civil case with the exact same opinion about whether or not the scans can help to inform on the question at hand. So my testimony is pretty much in the same opinion –

Q All right.

A – in all situations.

Q With *O'Bannon*, that was a railroad worker who was washing equipment every – for a period of years in what turned out to be a toxic solvent, right?

A Correct.

Q And Dr. Joseph Wu – where is he from, is that –

A He's from UC Irvine.

Q UC Irvana (*sic*), testified that he thought there was brain damage based on images, and you testified you thought there wasn't, right?

A Correct.