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DR. L. B. OTKEN

A witness introduced for and on behalf of the defendants,
being first duly sworn, upon his oath testified as follows:

DIRECT EXAMINATION

BY MR. BRELAND:

Q Give your name to the court reporter, Doctor.

A Dr. L. B. Otken. That is O-T-K-E-N, Otken.

Q Where do you live, Doctor?

A Greenwood, Mississippi.

Q How long have you lived in Greenwood, Mississippi?

A Since 1919.

Q Are you a regular, practicing, licensed physician
in the State of Mississippi?

A I am.

Q Are you a member of the College of Surgeons?

A I am not.

Q You have been a regular, practicing, physician and
surgeon for how long, Doctor?

A Since 1917.

Q Where did you go to school and college?

A University of Texas.

Q Did you have any hospital training?

A Yes, Sir.

Q Where?

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A Well, in Galveston, Texas; also in New York City; and two years in a Base Hospital with the U. S. Army.

Q And what war was that?

A World War I.

Q Doctor, during that experience, in your hospital training, and in your regular practice, and also your service in the Army, did you ever have occasion to examine any dead bodies?

A Yes, Sir, I did.

Q And Doctor, have you ever had occasion to examine dead bodies that have been in the air and also those that have been in water?

A I have.

Q Would you please tell the jury or give the jury some kind of estimate as to the number of those dead bodies you have seen?

A Oh, that would be hard for me to just say offhand, as to just how many of those bodies I have seen.

Q Well, would it be a few or a large number?

A What?

Q Have you seen a few or a large number of those bodies?

A I would say a large number.

MR. BRELAND: We submit, Your Honor, that he is an

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expert witness in his field.

THE COURT: I think the gentleman qualifies.

Q Did you have occasion or did you on Wednesday, August 31st, 1955, did you examine and view a dead boy in the Miller Funeral Home, or the colored funeral home, over in Greenwood operated by one Miller?

A I did.

Q At whose request or suggestion was that examination made?

A The sheriff's office of LeFlore County.

Q and is that the sheriff's office of Sheriff George Smith?

A Yes.

Q Did you know of the particular alleged crime that was being investigated at that time?

A Well, I was told that this body was taken from the river.

Q What river?

A Tallahatchie.

Q And you were called by the sheriff's office to come over there and make an examination of that body?

A To view the body.

Q Of course, you didn't make any pathological examination of the body?

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A I did not.

Q Doctor, explain to the jury - - and you may use medical or scientific terms, if you so desire - - but will you please explain to the jury and describe the condition of that body to the jury as you saw it at that time?

A This body was badly swollen; badly bloated. And I would estimate - - now, as I previously stated, I did not touch this body. I want to make that plain to you - - but I would estimate that this body would have weighed two hundred and seventy five pounds. It was that badly bloated.

The skin and the flesh was beginning to slip on it. The head was badly mutilated. The right eye was protruding. And the tongue was protruding from the mouth.

Q And what about the odor of the body?

A Terrific.

Q What was the state of putrefaction of that body at that time?

A Well, I would say it was in an advanced state of decomposition - - or putrefaction if you wish to call it that.

Q Doctor, I want to ask this question: from the condition that you saw that body in, in your opinion, could anybody have identified any particular person as being that body?

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MR. SMITH: If the Court please, we object to that question. We asked that same question, and it was objected to, and the objection was sustained.

THE COURT: The objection is overruled at this time.

THE WITNESS: I don't think you could. I don't think you could have identified that body.

Q Now suppose if the man had been another person's brother, could he have identified it, in your opinion?

A I doubt it.

Q Or if it had been a person's son, could a mother have identified that body, in your opinion?

A I doubt it.

Q Doctor, from your experience and study and your familiarity with the medical authorities, what, in your opinion, had been the length of time that the body had been dead, if it had been in the open air?

A I would say eight to ten days.

Q Well, if proof was shown that the body was taken from the Tallahatchie River where the water was from twenty five to thirty feet deep, and the water at the top of the water - - or the surface - - was at a temperature of around seventy degrees, and that it was cooler, the deeper the water got - - and that this particular body, when it was found, had a weight tied around its neck, weighing seventy-odd pounds - - what then would be your opinion as to how

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long that body had been dead?

A I would still say eight to ten days.

Q Is that the minimum or the maximum?

A That would have been a minimum.

Q And what would have been the probable maximum number of days?

A Say two weeks.

MR. BRELAND: Take the witness.

CROSS EXAMINATION

BY MR. SMITH:

Q Doctor, I just want to ask a few questions. It is true, is it not, that different conditions will cause a body to decompose at a different rate?

A That is right.

Q And of course, you don't have any knowledge whatsoever as to the condition which existed where this body was, do you?

A I do not.

Q Now, could you tell whether this was the body of a colored person or a white person?

A I could not.

Q There was nothing to indicate one or the other?

A Not sufficiently for me to make a positive statement.

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Q But what, in your opinion, was it? Was it a colored person or a white person?

A I just told you that I couldn't tell you whether it was a white person or a colored person.

Q Doctor, had the skin all over the body slipped?

A Not altogether, but it was slipping in various areas.

Q I hand you here a photograph marked Exhibit 1 to the testimony of C. A. Strickland, and I ask you if that picture represents the body as it was at the time you saw it?

A That is the body that I saw.

Q Doctor, did you examine the body for wounds?

A I merely viewed the body. I did not lay my hand upon it, and there were some things that I could see.

Q What did you see in the way of wounds or injuries to the body?

A There was a round hole just above and slightly behind the right ear. There was an opening in the forehead, I would say, more to the right center, that was triangular in shape.

A piece of bone was gone. And the skin flap was turned up rather than turned down. And behind the left ear, the head was badly crushed in as if by some blunt

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Topic:

Q Was there anything else that you observed?

A Well, there was mark around the neck as if something had been around the neck. But it was not there when I viewed the body, so I can't state just what that was.

Q Was that mark around as much of the neck as you would see?

A It appeared to go all the way around.

Q And what about the rest of the body? Did you see any other injuries or wounds of any nature?

A That would be hard to say because of the decomposition. Our doctor, if you would allow me to say, those black patches in that picture there, that was the areas of decomposition where the skin was beginning to come loose. Now what caused that, I don't know.

Q Doctor, in your opinion, was the round hole you described over the right ear, was that a bullet hole?

A I couldn't say.

Q What is your opinion as to whether it was or not?

A That would merely be a conjecture on my part. It was a round hole that went into the skull.

Q Doctor, in your opinion, did the injuries or wounds about the head look as if they might have been sufficient to cause his death?

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A I would say so.

Q Doctor, did you sign a death certificate?

A I signed a death certificate in blank. I did not identify the body. As I remember, I stated that this was a body supposed to have been taken from the river and it had a hole above the right ear and the left side of the skull was crushed in.

MR. SMITH: I believe that is all.

REDIRECT EXAMINATION

BY MR. BRELAND:

Q Doctor, do you know any of the parties involved in this particular controversy?

A What do you mean by parties?

Q I mean the Milam family, or the brothers, or half-brothers?

A I do not.

Q And Mr. Bryant and Mr. Milam, you do not know those two gentlemen?

A I do not. You would have to point them out to me.

Q Doctor, these wounds that you have described about this dead body's head, could you tell whether or not those wounds were made there before or after death from the condition that body was in?

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A I couldn't.

MR. BRELAND: I believe that is all.

RE-CROSS EXAMINATION

BY MR. SMITH:

Q Doctor, is it true or not that a person who is fat and heavy and has a good deal of weight, fat weight, is it true that such a body will decompose faster than a body that is more slender and muscular?

A That's right.

Q And that would affect the rate of decomposition?

A That is right.

MR. BRELAND: We object to that, Your Honor. I don't think it is relevant.

THE COURT: The objection is overruled.

Q And Doctor, is it not also true that a body that has been badly beaten or injured will decompose faster than one that has not been?

A That is right.

MR. SMITH: That is all.

REDIRECT EXAMINATION

BY MR. BRELAND:

Q Doctor, observing that body as you saw it, and with

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the wounds that you saw on it, would that change your opinion as to the length of time that the body had been dead, as you saw it?

A No.

MR. BRELAND: That is all.

MR. SMITH: That is all.

(WITNESS EXCUSED.)

MR. SMITH: Before we proceed further, if the Court please, I would like to recall Mr. Strider to the stand.

THE COURT: All right, Sir.

H. C. STRIDER,

Recalled as a witness for and on behalf of the State, having been duly sworn, upon his oath testified as follows:

RE-CROSS EXAMINATION

BY MR. SMITH:

Q Mr. Strider, you are the same sheriff Strider, who testified her a few minutes ago?

A That's right.

Q And you are the sheriff of Tallahatchie County?

A That's right.