

1 both Blackwater mechanics?

2 A. Yes.

3 Q. Okay. And can you give us your best
4 estimate of when this visual inspection occurred on
5 September 16 of 2007?

6 A. Immediately as soon as we got there. As
7 soon as we, we got around the truck, between the
8 truck and the shop, and we saw Evan Liberty and
9 Dustin Heard, that's when we asked them "Hey, what,
10 what's up with this truck?"

11 Q. Don't tell us what they told you.

12 A. Okay.

13 Q. But is that when you conducted the visual
14 inspection?

15 A. Yes.

16 Q. Okay. All right. So let's talk about
17 that. And let's first talk about the exterior of the
18 BearCat. Okay?

19 Did you inspect the exterior?

20 A. Yeah.

21 Q. How did you do that; what did you do?

22 A. Just a quick walk-around.

1 Q. Did you walk all the way around the truck?

2 A. No, we did not. We, we were specifically
3 asking the -- well, when we got there we specifically
4 asked the guys "What happened?" And that was before
5 we did a visual.

6 Q. Okay.

7 A. But once we asked them what happened, they
8 told us, we did a visual.

9 Q. Okay. So what, what part of the vehicle
10 exterior did you inspect?

11 A. We pretty much stayed on the outside of
12 the left side of the truck and around the back.

13 Q. And on the BearCat vehicle, is the left
14 side of the truck also the driver's side?

15 A. Yes.

16 Q. Like an American car?

17 A. Yes.

18 Q. Okay. What did you observe on the left
19 side or driver's side of the vehicle?

20 A. What it looked like to me was there was
21 five or six definite round impact shots or impacts on
22 the side of the truck that looked like they were very

1 fresh.

2 Q. And do you remember where roughly they
3 were on the side of the truck?

4 A. One was up by the driver's door, right
5 behind the driver's door. There was three in between
6 the two windows in various places. And I believe
7 there was one in the back of the truck, right behind
8 the window of the back side. So I guess there were
9 five altogether.

10 MR. MARTIN: Let me interject a standing
11 objection to this witness being able to testify as to
12 what those impacts actually were based on lack of
13 foundation, hearsay, and impermissible lay opinion.
14 BY MR. Heberlig:

15 Q. Okay. Let's just break down a little
16 greater detail. Can you describe the physical
17 appearance of the marks that you saw?

18 A. The, the visual appearance of the marks
19 that we saw basically was they were all uniformly
20 round and the paint around the outside of them was
21 sort of bubbled up. It wasn't attached to the truck
22 per se; it was sort of lifted off the truck.

1 Q. All right. And I think the word you used
2 earlier was they appeared to be "fresh." What did
3 you mean by that?

4 A. Well, I was in that truck two to -- two or
5 three days prior with the guys going out to that
6 site. They weren't on the truck then.

7 Q. Based on your experience and what you'd
8 observed over the prior year and a half to two years,
9 did the marks appear to be bull -- consistent with
10 bullet impacts?

11 A. From what I've seen, I would say yes.

12 Q. Okay. You've also testified that you'd
13 seen previously marks that had been caused by grenade
14 fragments or other shrapnel from explosives, correct?

15 A. Yes.

16 Q. Did the marks that you saw appear to be
17 consistent with those types of marks caused by
18 grenade fragments or other explosive fragmentation?

19 A. I didn't believe so.

20 Q. Why do you say that?

21 MR. MARTIN: Same standing objection as to
22 this witness's ability to testify as a quasi-expert

1 to what the impacts were or were not based on lack of
2 foundation, hearsay, and also impermissible lay
3 opinion.

4 BY MR. Heberlig:

5 Q. Okay. Let me just restate the question.

6 Well, can you restate your answer? Did
7 you say "I don't believe so"?

8 A. Yeah, I didn't believe so in that regard
9 because they were a definite shape. They were all
10 round.

11 Q. Any other reasons why you would say the
12 marks you saw were, at least in your view,
13 inconsistent with fragmentation or shrapnel marks
14 that you'd seen previously on vehicles?

15 A. That was pretty much it. With
16 fragmentation, you don't have definite shapes;
17 everything's odd shapes.

18 Q. Okay. All right. Now, in addition to
19 visually inspecting the exterior of the BearCat, did
20 you also check underneath the hood?

21 A. We did.

22 Q. Was the engine located underneath the

1 hood?

2 A. Yes.

3 Q. What did you do?

4 A. Well, like I was stating earlier, first
5 thing we did was we asked the guys, what happened.
6 And what they said to us was that --

7 Q. Well, why don't, why don't we leave out
8 for now what they said to you and just talk about,
9 you know, what, what you did.

10 A. Okay.

11 Q. Tell us, did you open the, the hood of the
12 vehicle?

13 A. Yes.

14 Q. Okay. And from there, did you do a visual
15 inspection of the area?

16 A. Yes.

17 Q. Did you see anything that appeared to be
18 unusual?

19 A. Yes. We found, I actually saw fluid on
20 top of the radiator shroud. The radiator is in the
21 front of the truck and the shroud is on top of it or,
22 or facing the motor. Basically, it funnels the air

1 coming in from the fan through the radiator, okay.

2 It was a very odd place to see fluid,
3 especially on a hot day like that.

4 Q. So did you do anything further to check
5 what might be wrong with the vehicle?

6 A. Well, we suspected that there might be
7 something wrong with the radiator at that point, so
8 we stuck a hose inside the overflow reservoir.

9 Q. Okay.

10 A. And filled it up. And it took a little
11 water. Took water somewhere, I guess, between three
12 and four gallons, I guess. It took a lot.

13 Q. Okay.

14 A. And then eventually it started shooting
15 out of the, the back of the radiator.

16 Q. What did?

17 A. The water. Pretty much in a, in a
18 straight line about the size of what I've described
19 before as pen head, but --

20 Q. Let me hand you this. Can you describe,
21 just in reference to that pen that I've handed you,
22 the size --

1 A. Probably --

2 Q. -- of the stream?

3 A. -- probably about that big right there.

4 I've talked to, talked to Mr. Martin, and we, we
5 actually pulled out a, a ruler. I've determined it,
6 it was about half a centimeter --

7 Q. Okay.

8 A. -- so, or at least that's my recollection
9 it was about a half a centimeter.

10 Q. And is that also about 5 millimeters?

11 A. Sure.

12 Q. Okay. Now, just a couple more questions
13 about that. From where you were situated, were you
14 able to see the actual hole in the radiator itself?

15 A. No.

16 Q. Okay. But you were able to see the stream
17 of water --

18 A. Yes.

19 Q. -- that came out?

20 And just describe again what that stream
21 of water looked like coming out of the radiator.

22 A. It was pretty solid, pretty solid stream.



**GOVERNMENT'S
EXHIBIT**
U.S. v. Slatten, 14-CR-107

590



**GOVERNMENT'S
EXHIBIT**
U.S. v. Slatten, 14-CR-107



**GOVERNMENT'S
EXHIBIT**
U.S. v. Slatten, 14-CR-107

592



**GOVERNMENT'S
EXHIBIT**
U.S. v. Slatten, 14-CR-107

593



**GOVERNMENT'S
EXHIBIT**
U.S. v. Slatten, 14-CR-107



**GOVERNMENT'S
EXHIBIT**
U.S. v. Slatten, 14-CR-107



**GOVERNMENT'S
EXHIBIT**
U.S. v. Slatten, 14-CR-107



**GOVERNMENT'S
EXHIBIT**
U.S. v. Slatten, 14-CR-107

597





**GOVERNMENT'S
EXHIBIT**
U.S. v. Slatten, 14-CR-107



**GOVERNMENT'S
EXHIBIT**
U.S. v. Slatten, 14-CR-107