

1 having to get back on the witness stand to take the stand in
2 this phase.

3 BY THE COURT: Is that your desire, Miss Owens?

4 BY THE WITNESS: Yes, sir.

5 BY THE COURT: Not to testify?

6 BY THE WITNESS: Yes, sir.

7 BY MR. STEIN: Also, if Your Honor will give us
8 about a five-minute recess. I need to, (1), for obvious
9 reasons, plus we need to talk to a witness just to be sure
10 he is here.

11 BY THE COURT: Inform the jury to take a ten-minute
12 recess. The Court stands in recess ten minutes.

13 (Whereupon the Court stood in recess, after which
14 the following proceedings were held in open court.)

15 BY THE COURT: Are you gentlemen ready for the
16 jury?

17 BY MR. MARTY: Ready.

18 BY THE COURT: Bring the jury in.

19 (Whereupon the jury was returned to the courtroom,
20 and the following proceedings held in open court.)

21 BY THE COURT: You may call your first witness, Mr
22 Stein.

23 BY MR. MARTY: Your Honor, we call Dr. Max West.

24 DR. MAX WEST,

25 after having been first duly sworn, was examined and testified

1 upon his oath as follows:

2 BY THE COURT: Doctor, if you will just relax in
3 your chair; don't worry about this microphone. It will
4 take care of itself. You don't have to lean over and try
5 to talk into it. Speak loudly enough so the gentlemen
6 on the back row in the right-hand chair of the jury box will
7 be able to hear your testimony, will you, please, sir?

8 BY THE WITNESS: Yes, sir.

9 BY THE COURT: Thank you.

10 DIRECT EXAMINATION

11 BY MR. MARTY:

12 Q State your name and spell your last name for the
13 ladies and gentlemen of the jury and the record, please, sir.

14 A I'm Dr. Max West, W-E-S-T.

15 Q Dr. West, what kind of a doctor are you, sir?

16 A I'm a psychiatrist.

17 Q Would you, sir, briefly go into your educational
18 background? Where did you go to under-graduate school, sir?

19 A Under-graduate was at Union University in Jackson,
20 Tennessee.

21 Q Where did you take up your graduate course of
22 study?

23 A At the University of Tennessee, College of Medi-
24 cine here in Memphis.

25 Q And when was that, sir?

1 A I graduated in '57...medical school.

2 Q Did you become, as a result of graduating from
3 the University of Tennessee Medical School,...did you
4 receive a license to practice medicine in the State of
5 Tennessee, sir?

6 A Yes, sir.

7 Q And when did you receive that license, sir?

8 A That was, I believe, in '58...I believe.

9 Q And was that license in the area of psychiatry,
10 sir?

11 A No, sir; not initially. It was just general
12 medicine.

13 Q And did you eventually expand your educational
14 level and obtain a degree, sir, a license to practice
15 psychiatry, sir?

16 A Yes. After a few years of general practice in
17 South Carolina, I went to Conneticut...Norwich, Connecticut
18 ...and did three years of specialty training there. Then
19 I went to Mayo for a fourth year, and, subsequently,
20 after a year of practice in psychiatry, was certified in
21 the field of psychiatry.

22 Q And are you so certified today in the State of
23 Tennessee?

24 A Yes, sir.

25 Q Were you also so certified in the field of

1 psychiatry in 1978 in Tennessee, sir?

2 A Yes.

3 Q All right. Dr. West, I'll ask you this: During
4 August, 1978, did you have an occasion, sir, to come in
5 contact with one Miss Gaile Owens?

6 A Yes.

7 Q All right. How long did you come in contact with
8 her, approximately, if you remember?

9 A I saw her for a one-hour session in my office.

10 Q And was she in your office, Dr. West, because
11 of some behavioral problem or some problem she was exper-
12 iencing?

13 A Yes, sir.

14 Q And as a result of you talking with Miss Owens
15 back in 1978, did she kind of give you a little family
16 history, sir, of her family?

17 A Yes.

18 Q And that's normal, is it not, for individuals
19 who have to be diagnosed or have to be treated?

20 A Yes, sir.

21 Q And did she indicate to you that she had...

22 BY MR. STROTHER: I'm going to object to what she
23 said as hearsay, Your Honor.

24 BY THE COURT: Sustained.

25 Q As part of your official duties, you took a history

1 from her; did you not, sir?

2 A Yes, sir.

3 Q Would you tell the ladies and gentlemen what
4 history you took from her?

5 BY MR. STROTHER: Your Honor, I'm going to object
6 to what she said as hearsay.

7 BY THE COURT: The objection is sustained.

8 Q Dr. West, as a result of you talking with Miss
9 Owens and taking a history from her...or taking a history,
10 did you form an opinion, sir, whether or not Miss Owens was
11 experiencing some kind of problem, sir?

12 A I did.

13 Q And what was that opinion, sir?

14 A I think my opinion was that she, indeed, had
15 some problems.

16 Q And, of course, I think you indicated she only
17 stayed one hour?

18 A Yes.

19 Q But in that short period of time, you came, within
20 a reasonable degree of medical certainty, to the conclu-
21 sion and the opinion that she was experiencing some kind
22 of severe problem; is that correct?

23 A Yes, sir.

24 BY MR. MARTY: Your witness.

25 BY THE COURT: You may cross examine, Mr. Bailey.

1 BY MR. BAILEY: No questions, Your Honor.

2 BY THE COURT: State.

3 CROSS EXAMINATION

4 BY MR. STROTHER:

5 Q Did you suggest any treatment for her?

6 A At the end of the session, I gave her some
7 psychological profiles to complete and asked her about
8 possibly having her husband come in to see me, also, for
9 perhaps a joint session. She agreed to that, but I did not
10 see either of them again.

11 Q She never returned?

12 A No, sir.

13 Q And the only time you've ever seen this woman in
14 your life was for an hour in 1978; is that correct?

15 A Yes, sir.

16 BY MR. STROTHER: I have no other questions.

17 BY THE COURT: Any re-direct?

18 BY MR. MARTY: No, Your Honor.

19 BY THE COURT: Thank you, doctor, you may step
20 down. Return to your practice or your office or wherever.
21 You're excused from court. Do not return to the witness
22 room, and do not discuss your testimony with anyone.

23 BY THE WITNESS: Thank you.

24 BY THE COURT: Thank you. Call your next witness.

25 BY MR. MARTY: Elizabeth Bratcher.