

1 THE COURT: You are excused. Thank you John.

2 MR. WISEMAN: John Foor.

3 THE COURT: This witness does not object to  
4 being photographed.

5 JOHN STEVEN FOOR

6 Called as a rebuttal witness by the State of Ohio,  
7 being first duly sworn in according to law by the Bailiff,  
8 was examined and testified as follows:

9 REBUTTAL EXAMINATION

10 BY - MR. WISEMAN:

11 Q Mr. Foor could you please state your name and  
12 occupation.

13 A John Steven Foor, I am a registered nurse employed  
14 by Grant Medical Center.

15 Q In Columbus, Ohio?

16 A Yes.

17 Q I would like to direct your attention to the night  
18 of February 13, 1994 or the early morning hours of  
19 February 14th, 1994. Were you working during those hours?

20 A Yes.

21 Q At Grant Medical Center?

22 A Yes.

23 Q Did you have occasion to attend a patient named,  
24 Richard Warren?

25 A Yes.

1 Q And why did you need to attend to Mr. Warren, if you  
2 know?

3 A He was my assignment after he was released from the  
4 surgery for operations for the traumatic incidents that he  
5 had.

6 Q Do you recall what traumatic incidents they were?

7 A He suffered gunshot wounds.

8 Q Did you have occasion to communicate with him after  
9 surgery regarding what happened to him?

10 A Yes.

11 Q Tell us about that and what did you do?

12 A Well, it was after Mr. Warren was recovering from  
13 his operations immediately waking up from the anesthesia and  
14 so forth. After he done that, I began to collect data in  
15 relation to his personal history and also any information  
16 that might relate to the incidents that might help with the  
17 investigation.

18 Q Did you know Mr. Warren?

19 A No, I did not.

20 Q Did you have any information about what had happened  
21 to him prior to your talking to him, other than medical  
22 information?

23 A No.

24 Q What kinds of questions, if you remember, did you  
25 ask him?

1 A Well, specifically about his personal history: Did  
2 he have any family so we might try to get in contact with  
3 some family that might be related to him so we can inform  
4 them of his situation. And also I just asked if he had any  
5 idea who might have caused his injuries?

6 Q And what were his responses?

7 A Well, at the time Mr. Warren was not able to speak  
8 because he was on the ventilator, post operatively. And he  
9 initially tried to communicate by sign language and wasn't  
10 successful. So I was able to get a clipboard and a piece of  
11 paper and he wrote out the information.

12 Q What did he write, specifically in relation to the  
13 incident?

14 A He said that he felt the first name of the person  
15 was Kevin, that's all he knew. He did not know the last  
16 name or anything like that.

17 Q What time of day was it when this happened?

18 A Specifically, it was in the early morning hours, a  
19 couple of hours after the operations and so forth. Sometime  
20 around 5:00 a.m. I believe that I charted -- that I started  
21 writing notes around 5:00 in the morning -- medical records.

22 Q Did he have contact with anybody other than you or  
23 medical personal from the hospital from the time he left  
24 surgery until -- while you were with him?

25 A No, not in the communicative sense.

1 MR. WISEMAN: Mr. Foor thank you very much  
2 for your testimony. No further questions.

3 CROSS-REBUTTAL EXAMINATION

4 BY - MR. BANKS:

5 Q Mr. Foor, what would you say if I told you  
6 Mr. Warren said he never wrote anything down?

7 A Well, he did write something down.

8 Q And how long have you been a nurse?

9 A Since 1984.

10 Q And did you consider his condition to be life  
11 threatening that evening?

12 A At any time anybody is in the critical care unit,  
13 their situation is such that it could be life threatening.

14 Q So it was critical the information that he was  
15 writing down, enough for you to communicate back to someone  
16 else?

17 A Yes, sir.

18 Q And, in fact, what did you do with the note?

19 A It was with the patient's chart there and was just  
20 on a piece of scratch paper.

21 Q Did you write it down in the notes, specifically  
22 what the patient said?

23 A No.

24 Q We have a death and life situation and a person has  
25 identified a first name of the person, wrote it on a piece

1 of paper and gave it to you and you did not keep that piece  
2 of paper; did you?

3 A No, I did not.

4 Q Nor did you write any of this conversation down  
5 anywhere in the medical records or the notes; did you?

6 A What I wrote down was "patient is writing a note."

7 Q Would you like to find that for me?

8 MR. BANKS: May I approach, Your Honor.

9 These are the medical records that were delivered from the  
10 hospital.

11 THE COURT: Are those marked?

12 MR. BANKS: No, but we can mark them.

13 THE COURT: Well, let him go through the  
14 records and what he testifies from, we will mark that  
15 specifically.

16 MR. BANKS: Yes, Your Honor.

17 A Here it is on the nursing notes. Note 0500 on  
18 February 14th under the narrative observations which is part  
19 of the record, "Alert and oriented, cooperative, Kistrea's,  
20 writing notes. And the doctor, he mentions wrote down the  
21 name Kevin.

22 Q But that is not recorded here.

23 Would you mark this please.  
24  
25

1 (Defendant's Exhibit 22 was marked for  
2 identification by the court reporter.)

3 Q You are saying he was coherent, alert, and writing  
4 notes?

5 A That's correct.

6 Q And that was important to you to state his  
7 condition?

8 A Yes.

9 Q And it was important also, enough for you to call  
10 and say that he had written down the name Kevin?

11 A Yes, I called.

12 Q And informed the Bucyrus Police Department of that  
13 information?

14 A Right.

15 Q And you didn't keep the note or the piece of paper  
16 he wrote it on?

17 A No, I didn't.

18 Q And you didn't say what was in the note in your  
19 narrative; did you?

20 A Not what it said specifically, no.

21 Q You didn't think it was important enough to--

22 MR. WISEMAN: Objection, Your Honor.

23 THE COURT: Objection is sustained.

24 Q (Mr. Banks) Your training from the other hospitals  
25 and prior to your being employed at Grant, isn't it true

1 that important information like that you would contain in  
2 your notes?

3 A Information related to the patient's medical  
4 condition, the status and so forth, is pertinent and we  
5 relate it in the notes. Information that you are speaking  
6 about is related to the police officers, the police  
7 department for them to take care of.

8 Q Did you have a security department there?

9 A Yes, we did.

10 Q Did you turn that over to the security department?

11 A Turn what over?

12 Q The note.

13 A The note, I did not.

14 MP. BANKS: Okay, thank you. Nothing  
15 further.

16 FURTHER REBUTTAL EXAMINATION

17 BY - MR. WISEMAN:

18 Q Nurse Foor these are the entire hospital records  
19 from Mr. Warren's hospital stay?

20 A That's correct.

21 Q And are there standard rules of procedure that go in  
22 a patient's medical record?

23 A Yes, there are.

24 Q And you indicated what goes into the medical  
25 records--

1 A Well, specifically what I was recording here was the  
2 patient's condition as far as his recovery from his surgical  
3 procedure, within the nursing notes.

4 Q And that is your primary concern?

5 A Yes.

6 MR. WISEMAN: Okay, no further questions.

7 THE COURT: You are excused.

8 This witness requests that no photographs be taken.

9 TONYA RAIFSNIDER

10 Called as a Rebuttal witness for the State of Ohio,  
11 being first duly sworn in according to law by the Bailiff  
12 was examined and testified as follows:

13 REBUTTAL EXAMINATION

14 BY - MR. WISEMAN:

15 Q Please state your name and address.

16 A Tonya Raifsnider, 1714 Marion road.

17 MR. BANKS: I can't hear.

18 Q (Mr. Wiseman) You are going to have to speak up.

19 A Okay.

20 Q Is that here in the Bucyrus Estates?

21 A In the Bucyrus Estates, yes.

22 Q Okay, let me take a second here. This is an exhibit  
23 we have been using. Can you see it from there Tonya? This  
24 is State's Exhibit 20. Do you see what is depicted there?

25 A Yes.