

# Doctor: Fall killed Ortega, not blow with sledgehammer

BY ERIC LAUGHLIN  
MOUNTAIN DEMOCRAT

PLACERVILLE — A forensic doctor hired by defense team told jurors Thursday that he thinks the final blow that ended Edward Ortega's life resulted from a fall to the ground rather than a sledgehammer strike — contradicting what a similar expert testified to earlier.

Dr. David Posey, a retired military colonel with upward of 3,500 autopsies on his résumé through his career as a pathologist, said the hinged skull fracture that Ortega sustained, that ended his life within seconds, was most likely received from a fierce collision with a gravel-covered surface.

"I don't think a human being could provide enough energy to cause the fracture with (the handle of the sledgehammer)," Posey said.

Posey and Dr. Curtis Rollins, a forensic pathologist who conducted a primary autopsy on Ortega in the Sacramento County Coroner's Office, both agreed that Ortega received multiple blows to the head from the handle end of the 25-pound orange sledgehammer, and that a blow to the chin caused the skull fracture.

"If the handle of the mallet did cause the fracture, you would be able to see pattern marks," Posey said. He said the injury to Ortega's chin was not consistent with the surface of the mallet.

Last week Rollins testified that the fatal fracture's being caused by a fall was possible but unlikely, and that Ortega would have to have fallen on a rock or a root.

Posey, who made his determination through viewing 1,600 autopsy photos, criticized Rollins' autopsy job.

Posey, owner of a private pathology business in Los Angeles, said he would have made more incisions to Ortega's body to adequately base his findings.

While being cross-examined by prosecutor Worth Dikeman, Posey said he had been paid a total of \$27,000 by the defense, an amount that includes a \$6,000 fee for his testimony in the trial.

So, maintains that he acted in self-defense in the July 2002 incident that led to

THEY  
SAID IT...

*"He's just a good, honest guy... Ninety percent of the time he never even charged me for diagnosing my cars."*

Majad Eslami

South Lake Tahoe car salesman

Ortega's death, claiming the intoxicated Ortega pulled a utility knife on him at Silver Fork Road ranch near Kyburz, where Ortega had been employed as a brick layer.

The former South Lake Tahoe auto shop owner is being tried on charges of felony manslaughter among other lesser charges that include illegal disposal of a body and failure to notify the coroner of a death. He allegedly tried to dump the body, inside a pickup truck that was pushed over an embankment, a few miles from his ranch in an attempt to make the death look accidental.

Witnesses say has no capacity for violence attorney, William Routsis, this week called several witnesses who described his mechanic client as a mild-mannered, gentle man who has never lost his temper.

"He's a big teddy bear," said James Comeaux, a Truckee jeweler who has known for 14 years. "He's very easygoing and a very decent guy."

"It's just hard for me to believe that he's done what he's been charged with."

"In the 10 years I've known him I have never seen him get angry," said Majad Eslami, a South Lake Tahoe car salesman who often had his vehicles diagnosed by

"He's just a good, honest guy," Eslami said. "Ninety percent of the time he never even charged me for diagnosing my cars."

Eslami also recalled one circumstance in which one of mechanics accidentally backed into one of his vehicles at the shop.

just said, "Hey, it's an accident." If that was my employee, I probably would have let him go," Eslami said.

Todd Marshall, who worked for for

five years, said his mentor, has a big heart and was actively involved in charity work within the Tahoe community.

"We worked with the woman's center by fixing their cars so they could get around," Marshall said. "Even though didn't charge them, he still paid us for our labor."

Marshall added that handles himself well and that he never yelled or argued with patrons of the business. All of the witnesses said they did not believe is capable of violence. In addition to character, the defense has built its self-defense case around victim Ortega's violent past. On Tuesday, an Arizona man testified as to having his nose broken when Ortega attacked him with a car jack in 1975. The now retired postal worker said Ortega tried to pick a fight with him after mistaking his vehicle for one that had earlier cut him off.

The man told the jury that in addition to assaulting him, he almost assaulted his pregnant wife, who was nearly struck by part of the jack that went flying when Ortega swung it.

The witness was one of five allowed by Superior Court Judge Eddie T. Keller to testify on Ortega's past.



Provided to the Tribune  
The sledgehammer used in the trial sits in a courtroom.

SAFeway

Look for **Huge Savings** on your favorite meat, produce and other products in today's Safeway insert!

