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Cross-examination
Me Lucas

I understand that this telex was communicated to the Thai police.

A- Yes.

1121 Q- And I refer you to page 104. Again, was the fact that the proposed transaction was no longer ten kilos (10 kg), but now five kilos (5 kg), was it the subject of any adverse comment by the Thai police?

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A- It was not.

1122 Q- I'd refer you to that article at page 130. I understand in the article, at the middle of the column, on the left-hand side, that officers of the MNU denied there was any fatal shooting.

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A- M'hm.

1123 Q- And I understand at the bottom of the right-hand column, that an officer of the Bangkok drug unit, Mr. Amaresrit, denied that there was any fatal shooting.

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A- Yes.

(Discussion)

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Me DAVID LUCAS:

1124 Q- I show you the page 252, 51, 50, 49... just before we move on to that, the newspaper article and what's expressed in the newspaper attributed to the BMNU

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and Mr. Amaresrit, is that your understanding of what Mr. Amaresrit's position is?

A- Yes.

1125 Q- Okay.

A- And mine.

(Discussion)

Me DAVID LUCAS:

1126 Q- These pages, I understand this is an English translation of the charges.

A- Yes.

1127 Q- And who was it that provided you with this translation?

A- I believe we used one of the DEA translators.

1128 Q- The DEA translators. Okay. So you have your report, which was tab 2 in the same document, age pages 80 and following, and I would draw your attention to page 77.

A- This must have been the first...

1129 Q- Page 80.

A- Okay, yes, I have it.

1130 Q- Page 80 is the report, and I'd refer you to page 77, and I'd like to discuss... D-2, tab 2, and I'd like for you to describe what happened leading up to...

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or what you did in relation to Mr. Flanagan's accident.

A- I outlined it... identified it as "the accident".

1131 Q- M'hm.

A- I said:

"Upon our arrival at the..."

1132 Q- Take us back to where you found Flanagan.

A- Okay.

"At the far corner of the parking lot at soi Mang Mai, we first came up on the scene, where Olivier and a female were being apprehended. Further down the soi we noticed in our headlights that someone was lying on the left-hand side of the roadway."

1133 Q- About how far down the soi was that from the scene of the arrest?

A- Not that far.

1134 Q- Not that far. Okay.

A- *"Upon our arrival, we found Constable Girdlestone attending to Corporal Flanagan. I disembarked the vehicle to assist, and Corporal Amaresrit continued to stop and*

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arrest the occupants of the pickup truck. Corporal Bennett arrived at about the same time, and he and Constable Girdlestone commence artificial mouth-to-mouth resuscitation on Corporal Flanagan. A large pool of blood was beneath Corporal Flanagan's head, his eyes were open and fixed, and he was not responsive to any kind of verbal or physical stimulation. A baht bus arrived..."

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1135 Q- Did you observe that?

A- I did.

"A baht bus arrived at the scene and we placed Corporal Flanagan on the back of the bus, the bus left for the hospital with Corporal Bennett, and Constable Girdlestone continued to apply mouth-to-mouth resuscitation. Note: the following day I timed myself from the scene of this incident to the hospital in a taxi; four (4) minutes."

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1136 Q- And where was the hospital anyway, in relation to

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the scene?

A- I'm not sure whether it was east or west, I really don't... but it was four (4) minutes away.

1137 Q- Okay.

A- "After the baht bus left for the hospital, I ran back on foot to the Orchid Hotel to ensure that Sergeant Dop was all right because of the flash roll and found him in the entrance way of the hotel lobby. We quickly returned to the scene in a tuk-tuk and ascertained that MNU members had the arrest and seizures under control, and then we proceeded to the hospital."

And then I identify the next as an accident.

"On our arrival at the (inaudible) Chai Hospital, Corporal Flanagan was being attended to by the resident surgeon, Dr. Somchni Klinour, and was placed on a life support system. Dr. Somchni informed me that the prognosis was not good and he suspected that Corporal Flanagan was brain dead. I requested the

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assistance of Chiang Mai's foremost neurosurgeon. Approximately (inaudible) later, Corporal Flanagan was examined by Dr. Stittiporn Punyanityan, Professor of Neuro-Surgery, Chiang Mai University Medical Faculty. His prognosis was the same and he informed me frankly that Corporal Flanagan was gone, except for the life support system and heartbeat. A scan had revealed that there was no brain activity. I then attempted to have Corporal Flanagan flown to Bangkok for a further assessment and examination. These arrangements were being made by my wife in Bangkok, who was contacting the appropriate authorities. At approximately three o'clock (3:00) in the morning, February the twentieth (20th), a third neurosurgeon from Bangkok conferred with Dr. Somchani by telephone and concluded there would be no purpose in transferring

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Corporal Flanagan to Bangkok. He was the third doctor to verify that Corporal Flanagan was gone and was only being sustained by the life support system. At approximately fifteen hundred hours (15:00) on February the twentieth (20th), upon the instructions of Mrs. Flanagan, Corporal Flanagan was removed from the life support system. His heartbeat continued only for a few minutes. In keeping with Thai medical procedure, Corporal Flanagan was officially pronounced dead at sixteen hundred hours (16:00). The following day, February twenty-first (21st), I witnessed an autopsy performed on Corporal Flanagan, and I can confirm that the forensic autopsy report of Dr. Pongruk... oh, gosh... whatever, is true and accurate. The cause of death was accidental, the result of a fracture at the foramen magnum and the epidural hematoma compress cervico,

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which caused the respiratory
failure."

Do you want me to continue or...

- 1138 Q- No, that's fine. I would then refer you to... I
would refer you to tab 1, the pages... I guess it's 5
190.
- A- Yes.
- 1139 Q- And this is what... I suppose what we could do is we
could start at page 195.
- A- Okay. 10
- 1140 Q- What is that?
- A- That's just my notes of...
- 1141 Q- 195. Tab 1.
- A- These would be my notes.
- 1142 Q- So these are the names of the different people who 15
you met?
- A- Yes.
- 1143 Q- The different physicians. And the following
document, 194, what does this represent, or who gave
it... how did you come into possession of this? 20
- A- It came in possession of myself. I'm not sure how
I received it.
- 1144 Q- This is from the autopsy?
- A- Yes. I believe the Thai version... I may have
gotten it on the spot, the first part. Because I 25

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see this is the doctor's handwriting here, which he explaining to me how it happened.

1145 Q- So you're referring to page 193 in the upper right-hand corner?

A- Yes, I am.

1146 Q- There seems to be a *(inaudible)*

A- That's the upper part of the spinal cord which was severed.

1147 Q- Okay. And you said that the doctor explained it to you?

A- Yes, as the autopsy was being performed, he was explaining everything to me, yes.

1148 Q- Okay. And following the autopsy, I guess...
(inaudible)

A- Yes.

1149 Q- The death certificate?

A- Yes.

1150 Q- And that was given to you?

A- Yes.

1151 Q- 190, 189. While you were participating in the autopsy, was there any indication of a gun wound?

A- There was not, and particular attention was done because of the publicity, to ensure that there was no...

1152 Q- So no blood?