

Q. Mr. Lopez, I would like to talk about your formal education, which is the type of education we require of science professionals. For example, seminars you got drunk at in Cleveland were probably fun, but seminars, do not cut it for science professionals, so if you want to be a physician, a veterinarian, a toxicologist, a dentist or any science professional, to take the state licensing board you need formal education. No matter how many seminars you went to, you cannot be a licensed physician without formal education in medicine, correct?

A. Yes

Q. Just so we are clear, formal education involves an institution of higher learning where you matriculated and you graduated, had a textbook, final exams, and a professor with an MD or PhD. So, what exactly is your formal education in pharmacology?

A. It is the -- excuse me. It is the University of California Davis with a Bachelor of Science in cell biology.

Q. And cell biology is not pharmacology though, right?

A. No, it's not. It touches on pharmacology.

We did take classes on pharmacology, but my actual major is cell biology.

Q. So, you are here as an expert in something your education touches one? I took a bowling class as a college elective, does that make me a bowling expert that can give evidence to send someone to prison?

DA: Objection

Judge: Sustained

Q. And cell biology is not pharmacology though, right?

A. No, it's not. It touches on pharmacology. We did take classes on pharmacology, but my actual major is cell biology.

Q. And cell biology is not pharmacology though, right?

A. No, it's not. It touches on pharmacology. We did take classes on pharmacology, but my actual major is cell biology.

Q. You are an expert in something your education touches on? Really?"

DA: Objection

Judge: Sustained

Q. And so you took classes on pharmacology?

A. Yes I think so.

Q. Well, we need more than a guess. Do you know if the school you attended, UC DAVIS even has a pharmacology department?

A. I think they do.

Q. Well, I have the UC Davis catalog here, and would be surprised to learn that only the medical school has pharmacology professors.

A. I think so

Q. Tell me how many times the word pharmacology appears on your academic transcript as the title of a course you completed.

DA: Objection, relevance.

JUDGE: Overruled.

THE WITNESS: That I can't recall.

Q. So, despite your job being to know the pharmacology of alcohol, you cannot tell me how many courses with title that you took?

A. I just cannot recall.

Q. Now, I am looking at the university catalog for UC Davis that I downloaded last night. Would it surprise you to learn that there are zero pharmacology courses offered in undergraduate programs?

A. I don't know.

Q. Do you own any pharmacology textbooks?

A. I think I have some.

Q. Name just one.

A. That I cannot recall.

Q. So, you work in pharmacology and that is your career, yet you think may own a pharmacology textbook and if you do, you have no idea what the name of the pharmacology textbook is?

A. That I cannot recall.

Q. You must refer to it and study it a lot if you don't even know the name, RIGHT?

DA: OBJECTION

JUDGE: SUSTAINED.

Q. Now the expert I use, has a Master's degrees in pharmaceutical sciences from a pharmacy school. Have you ever been enrolled in a pharmacy school?

A. No

Q. What exactly is your formal education in toxicology?

A. The formal education will be also with the cell biology.

Q. But cell biology is not toxicology?

A. No. It's a science major that encompasses the whole range of the science field, so I have taken toxicology classes.

Q. If you would like to look up your university catalog, because you do not need to take my word for it, can you look at it over lunch and point out the pharmacology or toxicology courses you took

A. I don't have time.

Q. Well, you can take the catalog home with you and see if you can prove that you are not completely lying, and I will lend you my computer.

A. Okay

Q. I am positive I already know the answer, but can you name a single toxicology textbook you have ever used?

A. I have but I cannot recall.

JUDGE: Ms. Lester, would this be a good time to break for lunch.

Q. Not now your honor, im on a roll.

Judge: Okay, be we need to go soon.

Q. No Mr. Lopez, on direct you talked about the Borkenstein institute and that you took a Borkenstein course at Indiana university, correct?

A. Yes.

Q. Well, isn't it true that the Borkenstein instate rents space for Indiana university.

A. That I do not know.

Q. When you went to Indiana university, the you turn in academic transcripts of standardized scores such as the GRE to get admitted to the university?

A. No

Q. Do you have any transcript with academic credit at all from Indiana University,

A. No.

Q. At Borkenstein, did you have to take a final exam to prove that you learned?

A. No

Q. This sounds more like the seminars you got drunk at in Cleveland.

DA: Objection

JUDGE: Sustained.

Q. During the prosecutor's direct examination of you, you said you have been deemed an expert in impairment by alcohol?

A. Yes.

Q. Perfect, lets explore that. What system of the human body encompasses impairment?

A. I am not sure what you mean by system.

Q. Okay, have you heard of the digestive system?

A. Yes

Q. The reproductive system?

A. Yes

Q. The skeletal system?

A. Yes

Q. so which one is involved with impairment.

A. The nervous system?

Q. That is a pretty good guess, but it is actually the neurological system.

A. Okay

Q. But you are the expert on impairment after all, I am just an attorney, so you really should know these things better than I do. And, your drunken seminars in Cleveland must not have worked.

DA: Objection

JUDGE: Sustained

Q. Tel me how alcohol interacts with the neurological system to produce impairment.

A. It affects the brain.

Q. Hold on, let me write that down. It affects the brain. I am sure everyone else here is riveted by these gems.

JUDGE. Ms. Lester, don't do that.

Q. I will simplify, how does alcohol interact with the neurological system to produce impairment?

A. That I am not sure.

Q. Okay so your expertise in pharmacology and toxicology is based on you taken courses that merely touched on those topics correct?

A. Sort of

Q. And as far as your expertise in impairment, do you see how significantly it is lacking?

DA: Objection.

JUDGE: Sustained.

Q. Now you are very well versed in science if you are an expert, correct?

A. Yes

Q. Are you familiar with the so called National Highway Traffic Safety Administration or NHTSA so-called validation studies?

A. Yes.

Q. And since you discuss them, you must know that the validation studies were so poorly done that they did not even use a control group and of course no scientific journal would publish them?

A. I don't know if they did.

Q. Okay Mr. science, tell us what a control group is and why it is vital to an experiment.

A. It lets you gauge the effect of a drug.

Q. They had other flaws, which include to medical screening, no stratification, no blood testing, no randomization and the studies were not double blind, in fact, they were not even single blind. Are you aware of that?

A. I'm not sure.

Q. Let me ask you about some of my expert's credentials, and let me know your background in that?

A. Okay

Q. Master of science in pharmaceutical sciences, do you have that?

A. No

Q. Master of science in Forensic Toxicology? Do you have that?

A. No,

Q. Now Mr. Okorochoa has attended school in which he was taught by medical school faculty, pharmacy school faculty and veterinary medicine faculty, what is your background in that?

A. None

Q. Now, on direct, you said you learned toxicology and pharmacology in the lab, is that correct?

A. Yes

Q. Explain to the jury how the testing of random blood samples by themselves tells you anything about pharmacology or toxicology?

A. it does not

Q. In this laboratory training in pharmacology, did order and administer any drug to any person, rat, mouse or any living creature ever?

A. No, I have ordered drugs, but I have not administered them.

Q. Well, my nephew orders weed all the time, and he is no pharmacologist or toxicologist, are you stating that is a credential, that you ordered something?

A. No but you said ordered.

Q. Yes, so like if I order a pizza, does that make me an expert in pizza dough, toppings? Ovens? Food sales?

DA: Objection

JUDGE: Sustained

Katie Lester: No further questions your honor