

IN THE UNITED STATES DISTRICT COURT
OF WESTERN PENNSYLVANIA

UNITED STATES OF AMERICA, CRIMINAL ACTION

vs.

No. 06-26

CYRIL H. WECHT,

Defendant.

Transcript of JURY TRIAL
commencing on [!MONTH] 2/5/08
United States District Court, Pittsburgh, Pennsylvania
BEFORE: HONORABLE ARTHUR J. SCHWAB, DISTRICT JUDGE

APPEARANCES:

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1 A. No. My area is neuropathology, epidemiology and I'm also
2 getting an MBA. My track of specialization is different from
3 Wecht's. So, I was never aspiring to be like Dr. Wecht, no.

4 Q. Are you going to be featured in the Canadian Broadcasting
5 Corporation this week?

6 A. Oh, I'm surprised -- I don't know, really.

7 Q. You don't know?

8 A. Have there been -- I discovered a disease. Have there
9 been media attention on the disease I discovered? Yes.

10 Did the Canadian Broadcasting Corporation interview
11 me and some other collaborators two weeks ago? Yes.

12 Do I know when the documentary will be aired? I do
13 not know.

14 Q. You have been involved in a lot of publicity for that
15 discovery of yours, correct?

16 A. I have not been involved in the publicity, but my
17 discovery has attracted so much publicity. When I discovered
18 this disease, it was by accident. I never knew in my wildest
19 imagination that it would attract the publicity it has
20 attracted and the publicity it has generated.

21 Q. And just so the jury knows what we're talking about, you
22 claim that you discovered while you were working at ACCO on
23 Mike Webster's case a phenomenon called CET, correct?

24 A. Yes, sir.

25 Q. And you have been all over the national airwaves in

1 America on that phenomenon this past year?

2 A. It went internationally not just this past year, since
3 2002.

4 Q. And publicity is good for your name and reputation, isn't
5 it?

6 A. No, I truly, if you ask me, really, I don't like it. I
7 wish -- I really wish I never touched Mike Webster's brain.
8 Why? Because it has generated so much -- with publicity comes
9 the effects of human behavior, jealousy, envy, rancor,
10 meanness, which actually I do not need, truly.

11 Q. Did you allow cameras to come in and film you cutting
12 brains?

13 A. I did not allow, I was invited. The West Virginia
14 University invited me to show how a brain is done as part of a
15 documentary they were involved with. I did not allow, they
16 invited me.

17 Q. You didn't tell the cameras to get out of the room when
18 you were cutting the brains, did you?

19 A. No. They invited me to film another documentary. They
20 invited me and I obliged.

21 Q. Now, sir, have you referred to yourself as a brain chaser?

22 A. No.

23 Q. Never?

24 A. I'm sorry. No. The Washington Post, the Washington Post
25 came down to Pittsburgh to interview me after a conference we

1 Q. And the business of CET, you indicated began here in
2 Pittsburgh?

3 A. Yes.

4 Q. During the time you were here?

5 A. Yes.

6 Q. With Mike Webster, the late Pittsburgh Steeler?

7 A. Yes, sir.

8 Q. And then if I --

9 A. Terry Long.

10 Q. Correct me if I'm wrong, you had Terry Long?

11 A. We looked at many more. Mike Benwa.

12 Q. Chris Benwa?

13 A. Chris Benwa. Mike Benwa is the father. I send him an
14 email this morning.

15 Q. I know it's Chris.

16 A. Chris Benwa, sorry.

17 Q. It also indicates, we also have unique protocols for the
18 identification of axonal injury including chemical, metabolic,
19 toxic and infectious encephalopathies.

20 Correct me if I'm wrong, sir, West Nile disease?

21 A. We were the very first to identify this. I published this
22 case to identify the virus in the human brain, and what we did
23 was we used the antibodies they use in birds.

24 We got that from Columbia University. We tried it
25 out. It worked. It exploded into something else.

1 MR. WILSON: No objection, Your Honor.

2 THE COURT: Admitted without objection. You may
3 put it up, if you wish.

4 Q. Dr. Omalu, do you recognize Exhibit 369, what that might
5 be from?

6 A. This was, which I have resigned from. This is outdated.
7 I resigned from this last week.

8 It has nothing to do with -- I joined the group at
9 the West Virginia University. They are forming the Rocky
10 Fellow Institute of Sports Heritage. So I resigned
11 from -- when did you download this, from their web site?

12 Q. I believe it was two days ago.

13 A. I'm surprised it is still there. This is a Sports Legacy
14 Institute, which is a group of doctors, neurosurgeons, myself,
15 some attorneys and Chris Nowinski, N O W I N S K I.

16 Q. Did you draft a portion of the description of founding
17 members for yourself?

18 A. No. Chris Nowinski, he did, which I was not in support of
19 so many things that he did. I sent him a letter almost two
20 weeks ago resigning, asking him to take everything out about
21 me on your web site.

22 Q. So you are no longer affiliated?

23 A. No. No.

24 Q. Up until a while ago, this was what was said about you on
25 Sports Legacy Institute's web page, right?

1 A. Maybe to be honest with you, I never read -- I don't
2 know -- this is the first time I'm seeing this.

3 Q. And on the web page, it indicates your affiliation, your
4 past affiliation not only with Dr. Wecht, but you had done
5 consulting work for Wecht Pathology, correct?

6 A. If it says so, yes.

7 MR. McDEVITT: I have no further questions. Thank
8 you, Dr. Omalu.

9 THE COURT: I'll order that the Exhibit No. 328
10 the, physical document or exhibit be substituted with a
11 photograph since that will fit into the record a lot easier.

12 MR. McDEVITT: If it's okay with you, if you
13 remember we went through the description of the bucket. On
14 the left of the one photograph, that is essentially the same
15 photograph.

16 THE COURT: Are you withdrawing Exhibit 328?

17 MR. McDEVITT: It was just a demonstrative aid to
18 the jury.

19 THE COURT: Why don't we indicate 328 was for
20 demonstrative purposes only.

21 REDIRECT EXAMINATION

22 BY MR. WILSON:

23 Q. Doctor, I want to be brief and get you out of here. I
24 have a few area I want to ask you follow-up questions on based
25 on the testimony you gave in the course of your