

GBC Day 7

10.15am: The jury will today hear evidence from the 48th witness in the trial, a GP at Taringa Medical Centre, Dr Rena Kumar.

She gave evidence to the court via video link.

Dr Kumar said she had a consultation with Baden-Clay at 4pm on Saturday April 21, 2012.

She said she noted two marks on the right side of his face, one was 4cm long and .5cm wide, the other 2cm long and .5cm.

She said she noted a very superficial scratch and the accused told her a caterpillar had landed on his neck the day before and he had scratched himself.

Dr Kumar said she noted marks on the chest of the accused and he told her he scratched himself because he was itchy.

She said Baden-Clay told her he used an old razor to shave his face on the morning of Friday, April 21, 2012.

“He told me he used an old razor and it was a rushed job,” she said.

Dr Kumar said the accused looked a bit sad.

“He told me that his wife had been missing since Friday morning and he looked sad,” she said.

She said Baden-Clay was not crying but he was not smiling, either.

In cross-examination by barrister Michael Byrne QC, for the accused, Dr Kumar agreed she was shown marks on his face and his upper body.

She said Baden-Clay told her the scratches on his neck were because of a caterpillar.

“I asked him what was it from and he said a caterpillar landed on his neck yesterday and he scratched it and the mark was from it,” she said.

Dr Kumar agreed the marks on his neck and chest were scratch marks.

She said she asked him how he was able to scratch himself in such a way on his chest and he demonstrated to her with one hand how he did it.

Dr Kumar agreed she said in a statement the scratches appeared to be self-inflicted.

She agreed it was possible the marks on Baden-Clay’s face were caused by a razor.

“If it’s an old razor yes you can, but it seems to me a bit wider than you would inflict with a razor, but certainly you can,” she said.

“He told me it was a rushed job and when you are rushing you can injure yourself.”

Dr Kumar said she could see not bruising or discolouration of the skin.

“He wasn’t hiding anything,” she said.

She agreed the accused told her his lawyer asked him to get his injuries documented.

In re-examination by Crown prosecutor Danny Boyle, Dr Kumar said she interpreted that Baden-Clay told her he used an old-fashioned razor where you had to screw in the blade.

She agreed she had since seen the disposable razor found in the Baden-Clay home.

“It is possible but I can’t say for sure it was not caused by that razor but I can’t rule it out,” she said.

She said the marks on Baden-Clay’s face were in the direction one would shave in but they were a bit wider than one would expect.

11.30am: The 49th witness in the trial is medical practitioner Dr Robert Hoskins.

He told the court he was until recently an associate professor in forensic medicine at Griffith University and also worked as a forensic officer in Queensland Health previously.

Dr Hoskins said he looked at characteristics and patterns in injuries to interpret them for possible causes.

He said he was supplied with a number of photos of injuries sustained by Gerard Baden-Clay and agreed he never examined the accused himself.

The jury was shown a photo of injuries to Baden-Clay’s right cheek.

Dr Hoskins pointed out three broad and “raggedy edged” abrasions and four smaller scratches below and behind them, including one near to the lip.

“When you enlarge this photograph you can see very clearly the edges of them ... its very raggedy in appearance,” he said.

He pointed to notches in the larger abrasion that were non-linear or ragged in appearance.

Dr Hoskins pointed to the front abrasion, closest to the mouth, which had the same ragged appearance and a smaller, third abrasion below it, which was curved at the back.

He said there was an uninjured “skin bridge” between the second and third abrasions.

“When I look at a photograph such as this, the first thing that springs to mind is that those injuries are characteristic of fingernail scratches ... they are ragged, roughly the right size, in the same direction and very approximately parallel to one another,” he said.

“When I say characteristic that’s what we see when people are scratched with fingernails, but it does not exclude other alternative explanations.”

Dr Hoskins said it was “extremely implausible” the injuries were caused by a disposable razor blade, which was essentially a device designed to prevent injuries.

He said shave biopsies involved using local anaesthetic and adrenalin to stop bleeding, the skin would be bunched up and an unprotected blade moved up and down the “skin cylinder”.

Dr Hoskins said it was his opinion the injuries sustained by Baden-Clay would have bled.

He pointed out small scratches next to the abrasions on the cheek of the accused.

Dr Hoskins said the scratches may have been caused by whatever caused the abrasions.

“It is not possible to distinguish between on the one hand they are the possibility caused by scratches or very superficial injuries caused by a sharp object such as a blade,”

He said the disposable razor blade may have caused such injuries, particularly if it was moved from side to side.

Dr Hoskins said the fact the blood was dry, uniform and paler on the larger abrasions, suggested they were probably more than between six and 24 hours old.

He said the darker blood on the smaller scratches looked less than six hours old.

Dr Hoskins said he also looked at scratches on the accused’s chest.

He pointed to marks above the skin fold of the right armpit and a large group of marks to the left of the midline, below the bottom of the neck.

He also identified two or three abrasions on Baden-Clay’s neck.

“They’re parallel and either from top to bottom or bottom to top,” he said.

“This gives a clearer indication ... they appear to be going downwards and outwards or upwards and inwards,” he said of the scratches on Baden-Clay’s chest.

Dr Hoskins said the scratches on the neck had an appearance that could be explained by scratches through clothing.

He drew the jury’s attention to the scratches on the chest, and pointed to areas of bruising in the skin and some places where the surface of the skin had been broken.

“It is the type of injury where, if an explanation is advanced, it might be possible to say, yes that makes sense or no that doesn’t...,” he said.

He said marks appeared in different directions.

“This particular area, if somebody was to suggest this was due to repeated scratching, it would be much more likely because it’s more confluent ... if this had been caused by Mr Baden-Clay I wouldn’t be at all surprised.

He said the bruising could be caused as a result of vigorous movement or abrupt contact between a firm object with a pattern..

He said it was possible Baden-Clay had been struck with an object or fallen on an object, too.

Dr Hoskins said a scratch near the accused’s armpit was difficult to interpret because the photograph did not reveal enough information.

“I can think of three potential causes that spring to mind, they are just things which are activities which may cause that pattern: for example, if someone was wearing a backpack and someone grabbed the straps and pulled them up, or particularly the right strap, that injury could have occurred,” he said.

He said it could also have occurred from non-elastic clothing being grabbed or pulled and could not exclude the possibility they were caused by fingernail scratches through clothing.

Dr Hoskins said he saw photographs of the hand of the deceased.

“There was one nail in particular which was clearly still attached. It extended beyond the finger, more square than rounded and appeared to have some irregular grooving along the surface...,” he said.

In cross-examination by barrister Michael Byrne QC, for Baden-Clay, Dr Hoskins agreed the three possible causes he identified for the armpit scratches were speculative.

“I think in relation to the injuries on the face, there are possibly a number of things that can be ruled out ... the fact that they have all the characteristics of fingernail scratches doesn’t prove they are fingernail scratches,” he said.

Dr Hoskins said police were inquiring about fingernail scratches with a colleague when he produced photographs of scratches caused by fingernails.

He agreed he produced a report for police.

“Absolutely correct ... it’s impossible to say with absolute certainty, yes,” he said of the scratches being caused by fingernails.

He agreed other causes could explain the injuries, including being scratched by a branch.

Dr Hoskins said there were features of the facial abrasions that made it “implausible” they were caused by a disposable razor.

He reiterated he was unable to say whether the smaller scratches were caused at the same time as the larger abrasions, or on a separate occasion.

Dr Hoskins agreed he never physically examined the accused and worked off photographs to make his determinations.

He said the scratches on the neck moved from inwards to the outwards of the body.

“They were caused by objects of one or so centimetres being drawn across the area, most likely through clothing,” he said.

Dr Hoskins accepted the marks on Baden-Clay’s chest may not be scratch marks.

He accepted the state of the razor and the blades was relevant to possible injuries caused by a disposable blade.

He agreed there was no way to tell if the injuries on Baden-Clay’s chest were self-inflicted, if they were caused by fingernails.

Dr Hoskins agreed that during the committal hearing, he said the marks were so “nebulous” it was impossible to tell what caused it.

“Within the limits of a reasonable amount of force any object may have potentially caused it,” he said.

In re-examination by Crown prosecutor Danny Boyle, Dr Hoskins said it was his opinion the state of the razor did not a change his opinion on the three larger abrasions on the face of the accused.

12.45pm: The 50th witness in the trial is Queensland Health forensic medical officer Dr Leslie Griffiths.

He said his duties included the interpretation of injuries as well as coronial work.

Dr Griffiths said he did an examination of Gerard Baden-Clay at 7.15pm on April 22, 2012.

He said he noted two abrasions on the right side of the neck, the longer was 25mm long, separated by about 1cm. He said the abrasions were broad with signs of healing that showed they were at least 48 hours old, possibly older.

Dr Griffiths said at the time he saw the abrasions the healing was more advanced than in a photo shown to the jury.

He said the shape of the abrasions was irregular, not straight, and the edges appeared indistinct.

Dr Griffiths said he thought the force required to make the abrasions was in a downward direction.

He said there was no evidence of bleeding when he examined the cuts but he thought it was typical for such an abrasion not to bleed.

Dr Griffiths said he thought the abrasions could be caused by a human scratch, or fingernail scratching.

“I thought they resemble scratch marks,” he said.

“They are about a centimetre apart, they occurred at the same time ... but I also say any sharp object that had two surfaces could have done that, there may be other explanations ...

“I formed the impression they could be caused by fingernail scratches.”

He said a safety device on a disposable razor was designed to prevent injuries from occurring and pointed to the razor found at the Baden-Clay home.

“I can’t see how that could cause the abrasion of the sought I have described,” he said.

He said he never saw an injury “like that in my own experience personally” from shaving.

Dr Griffiths said on the left side of the neck could have been explained by “human fingers being drawn down that part of the neck”.

“There may be other explanations for that, I can’t think of any, but there could be,” he said.

He told the jury the marks on Baden-Clay’s armpit were “straplike” but could not be certain about its cause.

Dr Griffiths said the mark could have been caused by a shirt fabric under pressure, but he thought was more likely to be a strap injury.

He said the patterned abrasion on Baden-Clay’s chest appeared to be a “brushed” abrasion.

Dr Griffiths also examined a photograph of Baden-Clay’s shaved cheek on June 14, 2012, which showed healing of the abrasions were complete.

He told the court he shaved the area during a medical examination at the request of police.

“If it was a shaving cut or a nick, which is a very superficial injury which may bleed, two months later I can still see the marks, suggesting it was a much deeper, broader and that it was an abrasion mark,” he said.

In cross-examination by barrister Michael Byrne QC, for Baden-Clay, Dr Griffiths said the abrasion marks had healed but scarring remained two months after the first examination.

“I distinctly remember seeing the injuries pretty well as I recalled them two months before,” he said.

“Very much apparent, yes.”

He said it was “highly improbable” an abrasion such those Baden-Clay had on his cheek, were caused by a razor blade.

Dr Griffiths said he did not look at fingernails of the deceased.

He agreed there was no way to age the abrasions on Baden-Clay's face.

"I think most forensic doctors would agree it's very imprecise," he said.

In re-examination by Crown prosecutor Danny Boyle, Dr Griffiths said he could not recall seeing smaller marks beside the larger abrasions during his examination of the accused on April 22, 2012.

1.05pm: The 51st witness in the trial is Cameron Early, who said he met Gerard Baden-Clay through the Brookfield State School P & C and the Brookfield Show Society.

He said he was at the Brookfield State School cross country as a spectator at 9.15am on April 19, 2012.

Mr Early said he was talking to Baden-Clay.

"Gerard and I were talking underneath the trees on the western side of the state school oval and we were watching the cross-country and during mid-conversation ... he started all of a sudden pulling forward his left neck, he was standing to my left and said words to the effect of: 'oh shit, what was that?'" he said.

"Indicating he had been bitten by something or there was an agitation of some kind on his neck."

Mr Early said Baden-Clay continued to complain about the agitation.

"During the course of continued conversation Gerard continued to complain about what had injured his neck, which I presumed was a bug or something...", he said.

"I observed a mark, a welt I would describe, about an inch and a half on his neck."

He pointed at Baden-Clay's collar line to indicate the place where the welt was.

In re-examination by barrister Michael Byrne QC, for Baden-Clay, Mr Early said the accused was scratching the area for "a good few minutes".

"During the course of that subsequent conversation he continued to be irritated by what had occurred to his neck," he said.

He said he asked Baden-Clay about the injury when he observed the welt.

1.10pm: The 52nd witness in the trial is Susanne Heath, who said she lived at Everton Park in 2012.

She said she was a friend of Moggill MP Bruce Flegg.

Ms Heath said she was involved in managing a block of units Mr Flegg built and was helping him to sell them through a real estate agent, at one time through the real estate business owned by the accused.

She said she met Baden-Clay through Mr Flegg during in 2009 and they had “intermittent” social contact.

Ms Heath said she had a conversation with Baden-Clay at Mr Flegg’s request around March 12, 2012.

“Basically I was sitting on a polling booth on Moggill Rd and Bruce asked me the night before to give him a call, so I phoned him it was probably around 7ish, for all intents and purposes, and Gerard said he was having financial trouble and wanted to know if Bruce could lend him some money,” she said.

“He was distressed, you could just tell in his voice, he was normally very confident and he was generally quite distressed. I felt really quite sad for him.”

Ms Heath said the accused asked to borrow money and she told him she did not know if Mr Flegg was in that position.

“He said if he didn’t get it he would go broke or bankrupt. I just felt really sad because he seemed so, bless him, so successful. Going back it was about \$300,000,” she said.

She said she told him she did not think they had that kind of money.

“He was fine, he had impeccable manners ... I said I didn’t really know and I would ask Bruce,” she said.

Ms Heath said she spoke to Mr Flegg on her phone at 10.53am on the evening of April 19, 2012.

She said she heard nothing in the background.

In cross-examination by barrister Michael Byrne QC, for Baden-Clay, Ms Heath agreed she rang Baden-Clay on March 12, 2012 he became emotional and told her he was under a lot of stress.

She agreed Baden-Clay told her he would go bankrupt.

“I remember thinking it was very serious and if we could help we should,” she said.

Ms Heath said she was talking to Mr Flegg on the night of April 19, 2012.

She agreed Mr Flegg told her to turn her television down because he thought he heard a scream.

“I said he needed to go have a look and he went to go have a look out the front,” she said.

3.30pm: The 53rd witness in the trial is Monash University forensic physician Professor David Wells.

He said he was head of the clinical forensic medicine unit at the Victorian Forensic Medical Institute.

He agreed he was sent material to consider by police, including photos of injuries belonging to Gerard Baden Clay.

Professor Wells said the most pronounced injuries were two linear abrasions or scrapes on his cheek.

“They’re irregular, perhaps interrupted, broad and for all intents and purposes, close to parallel,” he said.

“These are due to a form of blunt trauma, whereby an object has come into forceful contact with the skin and lifted and removed a layer of skin at those sites.

“It is an object that is not absolutely smooth but has a roughened and slightly irregular surface.”

Professor Wells said the first thing that came to mind was “fingernails or possibly a claw”.

“That would fulfil the type of injury and the arrangement of the injury, that is linear, slightly interrupted and relatively superficial,” he said.

He said linear marks on the skin could be produced by a blade but he could not see a mechanism by which a blade could cause such injuries “in normal use”.

Professor Wells said it was an unusual site to get a shaving injury.

“My experience of seeing these over the years is shaving injuries tend to occur around skin protrusions, such as the skin of the neck or around the mouth; secondly, they are wide areas of abrasion, whereas a blade will produce a finer or incised wound; and thirdly, the parallel nature would mean applying repeatedly to the same area,” he said.

“These have not been produced by a sharp object, they are produced by something that has an irregular edge or margin to it.”

Prof Wells said marks on the neck of the accused could have been from the blunt end of a ruler or something similar.

“Two fingernails dragged across the skin, not applied at the right angle to damage the skin surface and produce an abrasion, but enough to produce some bleeding on the skin could cause the same injury,” he said.

He said the marks on Baden-Clay’s chest were consistent with fingernails applied on fabric, but so could a blunt force impact from a fist or some other object.

Prof Wells said it could be consistent with scratching on a shirt, too.

He said the marks near to Baden-Clay's armpit were linear and could have been caused by a range of blunt objects coming into contact with the skin.

He said he had seen this type of injury if clothing was pulled against the skin and from fingernails.

"If it was pulled from behind or above, although I suppose sideways would also produce that," he said of the injury.

Prof Wells could not comment on distinguishing a time when the separate injuries were sustained.

He said it was "quite likely" there would have been bleeding.

In cross-examination by barrister Michael Byrne QC, for Gerard Baden-Clay, he agreed it would be ideal to do an in-person examination of the person's injuries rather than look at a photo.

Prof Wells said fingernails on top of a shirt would be more likely to cause a bruise than an abrasion.

"I can see no sign of the skin breaking on my version of the photographs," he said.

Prof Wells said he could not see how a razor blade from a disposable razor could have produced the pattern of injury on Baden-Clay's face.

He said there was a paucity of academic material on shaving injuries.

Prof Wells said he also examined photographs of the hands of Baden-Clay.

In re-examination by Crown prosecutor Danny Boyle, he said the quality of the photos he was asked to assess was "very good" although in some, the lighting was problematic.

"I didn't have any significant reservations about the quality of the photographs," he said.

"Again, I'm totally in the hands of the person who took the photograph and provided them to me."

Prof Wells said the photo he was provided of the razor blade found in Baden-Clay's home showed a device that appeared intact and without significant protrusions.

4pm: The 55th witness is psychiatrist Tom George.

He said he consulted with Allison Baden-Clay on September 23, 2003 and saw her periodically over a number of years until the last consultation on July 29, 2009.

Dr George said he saw Ms Baden-Clay 31 times for face-to-face consultations and between 8 and 9 telephone calls.

He said she was referred to him by a general practitioner.

“She was pregnant at the time and had developed anxiety symptoms and panic attacks and was becoming depressed,” he said.

He said she was pregnant with her second child and was 35-years-old at the time, with a two-year-old.

“She had been troubled with increasing anxiety, increasing panic attacks and worsening mood,” he said.

Dr George said she told him she had a panic attack in a car and had been avoiding driving.

He said she was extremely worried, not sleeping well and less energetic than usual.

“I made a diagnosis that she was suffering with depression and panic attacks and started her on treatment,” he said.

He said depression was a condition where there was a persistent lowered mood, lack of enjoyment, and a negative attitude about the self and the future.

Dr George said panic attacks took place when a person’s anxiety levels rose to extremely high levels, to the point where they experienced physical symptoms such as palpitations.

“It takes about half an hour, 45 minutes for the full experience to subside,” he said.

He said he spoke to Ms Baden-Clay and she decided on a course of the anti-depressant Zoloft.

He said it was a selective serotonin re-uptake inhibitor that was commonly used to treat depression.

“She was 26 weeks (pregnant) at the time when she first consulted me and within the next month to six weeks there was a significant improvement, so that by the time she delivered she was almost symptom free,” he said.

Dr George said Ms Baden-Clay stopped taking Zoloft in April or May, 2005.

“It resolved and remained resolved for the majority of time she was under my care,” he said.

He said she contacted him again on February 2, 2006 when she discovered she was pregnant for the third time.

“She had been trying to conceive and she called me on February 2, 2006 and called me to say she was pregnant but she had once again become anxious and depressed,” he said.

Dr George said previous to that she had been very well, and because of the symptoms she had experienced previously she wanted to resume taking Zoloft before it became entrenched.

He said the prescription was increased from 50mg to 100mg at 28 weeks.

He said that it was not unusual to increase medication when a person was pregnant because of the expanded blood levels.

Dr George said there was significant improvement to Ms Baden-Clay's mood.

He said that following the birth of her third child, Ms Baden-Clay consulted with him and the prescription for Zoloft was reduced to 50mg a day in April or May, 2007.

Dr George said she experienced no depression or anxiety problems and she was functioning well in 2007 and 2008.

"She was doing extremely well," he said.

He said he met with Ms Baden-Clay on June 3, 2009.

"She called me and both she and her husband came together on that occasion and the crisis then was difficulties in the marriage," Dr George said.

"They were both together in the consultation, yes. The problem she came to see me with on that occasion was marriage difficulties."

He said there were a few issues that were discussed and things that concerned Baden-Clay included that he was "frustrated" by his wife's decisions regarding the running of the family.

"He said he had appreciated and enjoyed making these decisions early on in the marriage but as the years went on he began to feel frustrated," he said.

Dr George said there were also financial pressures in Baden-Clay's business.

He said buying his wife an expensive treadmill had further exacerbated their financial difficulties.

Dr George said Baden-Clay had considered ending the marriage but felt guilty about that.

He said Ms Baden-Clay did not want the marriage to end.

Dr George said Ms Baden-Clay had no depressive symptoms on June 26, 2009.

"She was unhappy about the state of the marriage but there were no depressive symptoms," he said.

He said Ms Baden-Clay saw him for the last time on July 29, 2009.

He said she told him that she was living under the same roof as her husband, but otherwise they lived quite separately.

He said she had become involved in a psychological program for children called Pathways. He said it was a program aimed to increase children's resilience. She had a long standing interest in helping children with problems.

Dr George said Ms Baden-Clay helped one of her own daughters see someone in relation to an anxiety issue.

He said the dosage of 100mg of Zoloft was a standard dose, that had the best evidence of response.

Dr George said Ms Baden-Clay marked a rating scale at the lowest intensity for suicidal feelings on September 23, 2003.

He said he did not ask her whether she was feeling suicidal because she was not depressed.

“None whatsoever,” he said when asked if there was anything on the test that indicated she was suicidal.

He said Ms Baden-Clay had a strong maternal connection, which tended to have a protective effect on a person and make them more likely to want to continue living.

“She had plans for herself and plans for her children. She was living and had an active social life,” he said.

The 54th witness in the trial is **Sgt Kathryn Denny**.

She said she created an overlay from three photographs to demonstrate an approximate location of the body of Allison Baden-Clay.

Sgt Denning told the jury her image was labelled “vanishing points”.

She said a vanishing point was where two parallel lines converged at a single point.

She said it supported the theory the deceased was below the bridge and not to the side of it.

