

DEPOSITION ANALYSIS REPORT

Case Information

- **Case:** Plaintiff v. Defendant (Car vs. Pedestrian)
- **Court:** Circuit Court for Anne Arundel County, Maryland
- **Deponent:** Police Officer (Crash Team Lead Investigator)
- **Date:** November 15, 2016
- **Incident Date:** September 19, 2013
- **Pages:** 36
- **Reporter:** Linda H. Cole

EXECUTIVE SUMMARY

This deposition covers the testimony of the lead crash investigator for a pedestrian vs. vehicle accident. The officer has extensive credentials (physics degree, 14 years police experience, 8 years on crash team, 200+ hours training, ~200 reconstructions). However, he has **virtually no independent recollection** of the incident and relies entirely on his written report. His only specific memory is an unusual detail about dog feces on the pedestrian's shoe creating a scuff mark that helped identify the Area of Impact (AOI).

TIMELINE OF EVENTS

Time	Event
Sept 19, 2013, 18:00	Pedestrian struck by vehicle on Wilkens Avenue at Beechfield Avenue
After incident	Scene secured by patrol officers; cones placed around evidence
Later	Crash team (including deponent) arrived as secondary response
On scene	Measurements, photographs, evidence collection
Post-scene	Hospital visit to speak with individuals involved
Nov 15, 2016	Deposition taken (3+ years after incident)

KEY FACTS ESTABLISHED

1. **Area of Impact:** 29 feet, 11 inches east and 8 feet, 11 inches north of reference point (Page 23)
2. **Vehicle Position:** Right front wheel at 37 feet, 9 inches east, 4 feet north of reference point (Page 26-27)
3. **No skid marks** found at scene (Page 34-35)
4. **No marked crosswalk** at location where pedestrian crossed (Page 30)
5. **Low-speed impact** based on vehicle damage and throw distance (Page 28)
6. **No EDR data** in report (if not in report, wasn't obtained) (Page 19)

KEYWORD & PHRASE INDEX

Term	Page:Line	Context
Area of Impact (AOI)	11:14, 22:9, 23:4, 27:9, 30:7-8	Location where pedestrian was struck
Shoe scuff	11:9, 21:15-18, 23:3-4, 27:11, 30:8, 32:20	Physical evidence marking impact point
Dog feces/dirt	11:7-8, 21:12-14, 22:3	Unusual transfer material on shoe
Reference point	23:13-21, 24:1-17, 25:9-22, 26:14-17	Measurement baseline (Beechfield/Wilkens curbs)
Crosswalk	30:2-21, 31:1-21, 32:2-21, 33:18	Disputed - none marked at impact location
Implied crosswalk	31:7-19	Maryland law concept - officer uncertain on definition
Low-speed	28:13	Officer's assessment of impact velocity
Right of way	33:20	Officer's determination cars had right of way
Crash reconstruction	7:14, 8:11, 23:2	Officer's area of expertise
Expert witness	7:11	Officer previously qualified as expert
No recollection	10:20-21, 11:6, 12:16, 13:9, 14:6, 15:1-4, 18:12, 29:7, 33:7	Officer's repeated admission
Protocol	12:17, 13:1-7, 17:4, 19:22, 20:12	Standard investigation procedures
Witness statement	15:18-19, 29:11-21, 30:1-11	Grant Baber's account
High rate of speed	29:14	Witness claim (rejected by officer)
False perception	29:19-20	Officer's characterization of witness speed estimates

KEY ADMISSIONS

1. **"I don't recall"** - Officer has no independent memory of the incident (Pages 10-11, 13, 14, 15, 18, 29)

2. **"If it's on the report, that's what happened"** - Reliance on written documentation only (Page 10-11)
3. **"Most witnesses have a false perception of speed"** - Dismissal of witness testimony (Page 29)
4. **"I don't know"** - On whether implied crosswalk provides pedestrian protections (Page 32)
5. **"There's not a marked crosswalk. Basically, the pedestrian is illegally in the roadway."** - Fault conclusion (Page 33)
6. **No calculation of speed performed** - "Just eyeballing it" (Pages 28-29)

POTENTIAL IMPEACHMENT POINTS

1. **Memory Deficiency:** Officer testified he has "no independent recollection" of the investigation and relies entirely on his report. This undermines the weight of any conclusions.
2. **Speed Assessment Without Calculation:** Officer characterized impact as "low-speed" based on visual inspection only, with no actual speed calculation performed. Yet he dismissed an eyewitness who described "high rate of speed."
3. **Implied Crosswalk Uncertainty:** Officer doesn't know the definition of "implied crosswalk" or whether pedestrian would be entitled to crosswalk protections - yet concluded pedestrian was "illegally in the roadway."
4. **Witness Credibility Double Standard:** Dismissed witness Baber's "high rate of speed" observation as "false perception" while accepting other aspects of the scene without question.
5. **Incomplete Investigation:** No EDR data obtained (or recorded), no determination of traffic light color at time of impact.

CONTRADICTIONS & INCONSISTENCIES

Issue	Statement 1	Statement 2
Witness reliability	Dismissed speed estimate as "false perception" (p.29)	Accepted no evidence pedestrian crossed in anything other than straight line (p.33)
Expertise claim	Testified as "expert" in crash reconstruction (p.7)	Could not define "implied crosswalk" under Maryland law (p.31)
Investigation thoroughness	Has 200+ reconstructions experience (p.8)	Did not calculate actual speed, relied on "eyeballing" (p.29)

EXHIBITS REFERENCED

Exhibit	Description	Significance
Exhibit 1	Maryland Vehicle Accident Report	Primary documentation
Exhibit 2 (A-M)	Scene photographs	Visual evidence
Exhibit 2D	Shoe scuff/dirt transfer mark	Area of Impact evidence
Exhibit 2J	Pedestrian's shoe (held by officer)	Links to AOI determination
Exhibit 3	Handwritten diagram	Reference point measurements

DEPOSITION EXHIBITS (Documents Used)

- Maryland Vehicle Accident Report No. [redacted]
- Photographs A through M
- Handwritten scene diagram
- Written statements from driver and witness Grant Baber

STRATEGIC NOTES FOR TRIAL

For Plaintiff:

1. Emphasize officer's complete lack of independent memory
2. Challenge "implied crosswalk" analysis - officer admitted uncertainty
3. Highlight dismissed witness testimony on speed
4. Question why no speed calculation was performed
5. Probe absence of EDR data

For Defense:

1. Rely on physical evidence (shoe scuff mark) for AOI
2. Emphasize officer's extensive credentials and experience
3. No skid marks suggests sudden pedestrian entry
4. No marked crosswalk at crossing location

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Analysis Date: February 15, 2026