

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF
HENRICO

GARY WYCOFF,

Plaintiff,

v.

Case No.
CL01001107-00

JOSEPH D. MORRISSEY,

Defendant.

* * * * *

DEPOSITION OF JOSEPH D. MORRISSEY

* * * * *

April 5, 2002
Richmond, Virginia

COPY

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Reported by: Victoria V. Halasz, RPR

1 Q I mean not sort of shiny, metal-tipped
2 shoes, right?

3 A Not that I recall.

4 Q Okay. Now was this a -- you look like
5 you might play some soccer; do you play soccer?

6 A No, not any longer.

7 Q You did?

8 A I have.

9 Q All right. So to differentiate the sort
10 of the foot, was it the top of the foot, the inside
11 of the foot, the toe?

12 A The toe.

13 Q What hit you?


14 A The toe hit me.

15 Q The toe hit you. Okay.

16 And the toe hit what part of your body?

17 A My upper right thigh, right near the --
18 my groin.

19 Q Okay. But it wasn't your groin?

20 A He didn't connect with the groin. 

21 Q Okay. And where -- I mean if we, if we
22 refer to your thigh as the, you know, the part
23 that --

24 A Why don't I just show you and then you
25 can describe it for the record.

1 A No, it's not possible.

2 BY MR. ROBERTS:

3 Q Not possible?

4 A No.

5 Q Okay. But you had the opportunity to do
6 so if you had so intended, correct?

7 MR. REVERE: Object to the form of the
8 question.

9 A Well, let's be clear on this and the
10 pictures so depict. The right -- you could see the
11 right testicle that was swollen and red. You could
12 see the bruise developing below that. And I did not
13 take any item, if you are suggesting, and hit myself
14 in the testicles and/or the they, I didn't do that.

15 BY MR. ROBERTS:

16 Q Okay. His foot did not contact your
17 testicle, did it?

18 A I can't say that it didn't. It was so
19 very close that both the testicle and the groin area
20 were struck. I can't tell you in the heat of battle
21 if a portion of his foot hit the testicle. It
22 certainly injured and caused trauma to the right
23 testicle.

24 The detective who saw it, his reaction
25 was, Oh, my God.

See 103
No CONTACT w/
GROIN

1 When you say "fight," are you suggesting
2 that Mr. Wycoff was striking at you at this point in
3 time?

4 A Absolutely.

5 Q You have indicated that Mr. Wycoff had
6 turned -- rolled over, used his arms to push his body
7 up, and was on his knees to make you behind Mr.
8 Wycoff?

9 A To his side.

10 Q And you were striking Mr. Wycoff at this
11 point?

12 A I did, yes.

13 Q Are you standing while you are striking
14 him?

15 A I was on my knees.

16 Q You are to his, to his right side or to
17 his left side?

18 A To his left.

19 Q You are striking him with both fists?

20 A I believe just one, with my left hand.

21 Q Are you left-handed?

22 A No.

23 Q Are you right-handed?

24 A Yes.

25 Q How many times did you strike him with

1 your left fist?

2 A When he was on the ground?

3 Q While he was on his knees.

4 A Two or three times.

5 Q Were any of these upper cuts?

6 A No.

7 Q Were any roundhouse?

8 A No.

9 Q Were they all the same strike?

10 A Yes.

11 Q Can you describe that punch, please.

12 A I hit him with my left hand, it appeared
13 to be his cheek. But remember, we were both
14 struggling on the ground, and he was striking out
15 with his hand so I couldn't exactly be sure but I
16 just remember thinking that I was hitting his cheek
17 and it felt very fleshy and, you know, fatty, so I
18 think I hit him on his cheek.

19 One hit on the shoulder, one on the
20 cheek, and I don't know where the other one hit.

1 Q Were you using your full force?

2 A I'm not, I couldn't because I was on the
3 ground.

4 Q Were you using as much force as you could
5 muster while on the ground?

1 A I think that would be a fair statement.

2 Q While Mr. Wycoff was on his knees on the
3 ground --

4 A We were both on our knees.

5 Q -- Mr. Wycoff did not land any punches to
6 your face, did he?

7 A Not to my face. He did land them to the
8 side of my head and to the side of my torso.

9 Q Which side of your head?

10 A It appears to me, my recollection is the
11 right side of my head.

12 Q Which hand did he use to strike the right
13 side of your head and torso?

14 A I don't think he used his hands, I think
15 it was his elbows and arms.

16 Q Was that due to the fact that you were to
17 the rear side of him?

18 A I don't know if I would say I was to the
19 rear side of him as much as I was -- we were side by
20 side, so I was no more to the rear of him than he was
21 to the rear of me. The most accurate way of
22 describing it is to say that we were side by side,
23 and he was flailing and swinging with his arms and
24 his elbows, and those arms and elbows connected to
25 the side of my head.

1 Q Did you tell the triage nurse that Mr.
2 Wycoff had fallen?

3 A I'm sure that I did say he had fallen.

4 Q Was that the totality of your explanation
5 to the triage nurse of what had happened to Mr.
6 Wycoff?

7 A If I did say that, it wouldn't have been
8 the totality. I did not go into all of the nuances
9 like we have done today.

10 Q Would you agree that there is a big
11 difference between "Mr. Wycoff fell" and that "Mr.
12 Wycoff got beaten?"

13 MR. REVERE: I just object to the form of
14 the question.

15 A Mr. Wycoff fell into the door which is
16 what happened, and I dispute that he was beaten. But
17 we -- I did not go, nor did Mr. Wycoff go into the
18 specifics as to how he received his injuries.

19 BY MR. ROBERTS:

20 Q Is it your contention that Mr. Wycoff's
21 nose was broken by the door?

22 A I don't contend that Mr. Wycoff's nose
23 was broken. It will be our contention that Mr.
24 Wycoff broke his nose on several occasions prior to
25 1999, and that at the hospital when he was first