

One blow killed her, doc says

Forensic medical examiner rejects child abuse syndrome, insists head wound fatal

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TITLE NIXZMARY Brown is beaten, battered and used, but she didn't die from child abuse syndrome," a forensic medical examiner testified yesterday.

Defense witness Dr. Charles Wetli said a severe blow to the head killed the 7-year-old, whose body was covered in bruises and scars from repeated beatings.

"If you take away the head injury from this child, there is no reason that the child would have died that time and place," Wetli told jurors in Brooklyn Supreme Court.

The former Suffolk County medical examiner said there were no fractures.

Wetli's testimony sharply contradicted the New York City medical examiner, who testified earlier in the trial that Nixzmary died of child abuse syndrome, including a blow to the head.

"That's a huge step forward in the defense of this case," de-

clared Jeffrey Schwartz, lawyer for Nixzmary's stepfather, Cesar Rodriguez.

Rodriguez and Nixzmary's mother, Nixzaliz Santiago, both 29, are charged with murdering the girl on Jan. 11, 2006, though they are being tried separately.

Schwartz says Santiago delivered the fatal blow to the head.

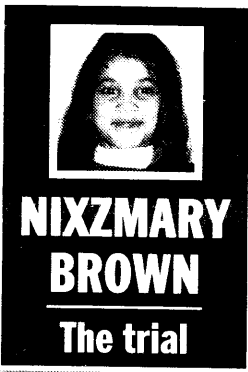
Wetli also presented a series of slides that showed the girl had fat cells, contradicting a prosecution argument that Nixzmary was malnourished.

Asked if Nixzmary was sexually abused, Wetli said a rape exam showed no sign of sex abuse or that she had been sexually active.

Meanwhile, the defense caught a break when a juror who often cried and covered her face when prosecutors showed pictures of Nixzmary was replaced after calling in sick.

The female juror, looking pale, returned to her Clinton Hill home late in the day after her husband said she had been treated at a local hospital. She had no comment.

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Dr. Charles Wetli, former Suffolk County medical examiner, outside courtroom. At right, Wetli testifies on witness stand as Judge Priscilla Hall, defense lawyer Jeffrey Schwartz (l.) and defendant Cesar Rodriguez look on. Photo by Jesse Ward; sketch by Marilyn Church