

ROUGH DRAFT

SUMMARY OF CONFERENCE CALLS AND OTHER CONTACTS re Keith Warren Autopsy July 29, 1994 to Sept. 18, 1994

July 29th CONFERENCE call to Dr. Mihalakis. with Joe Alercia, Elliot Pierce, George Sharpe, Mary Betters, Jane and Rog Thayer.

Background to call -after two months since toxicologist (Dr. Mason) began his studies Dr. Mihalakis apologized and indicated that the delay was due to some "strange looking peaks, which in view of the length of time from death and the embalming, are difficult to interpret; we are trying to clean them up- get rid of the interfering substances," (in the test data). Later he indicated that he was disturbed; that there were substances in the analysis that should not be there.

Dr. Mihalakis revealed that there were substances found in the toxicological studies "that bothers me." The two substances reported in the blood analysis were 1,1,1-Trichloroethane and Ethylbenzene. Four substances were found in the liver analysis--1,1,1-Trichloroethane, Ethylbenzene, plus Xylene and Toluene. It was suggested that Trichloroethane is in degreasers, dry cleaning agents, glue and paint removers, etc. In the past it was also part of an inhalation anesthetic. The others are often found together in gasoline. The question was --Where did these substances come from? Embalming fluids? Dr. Mihalakis indicated that would be uncommon, very unusual. Conference called ended with further research indicated.

Conference Call Aug. 3rd. Dr. Mihalakis, (who connected in Dr. Mason the toxicologist) with George and Jane.

Toxicology findings were: 1) Trichloroethane in the blood and liver were 12 and 16 times the "fatal Level." 2) Toluene was approximately 10 times a "fatal Level." 3) Xylene was 10 times a "fatal level." The question posited was could these substance be in the embalming fluid?

Dr. Mason-"ATYPICAL." (Pushed then by Dr. Mihalakis "How atypical?")

Dr. Mason -"HIGHLY ATYPICAL." "I HAVE NEVER ENCOUNTERED THESE."

"Trichloroethane has impairing qualities, it is a cardiac irritant.

The question raised-WERE THESE SUBSTANCE IN THE BODY BEFORE KEITH WAS STRUNG UP IN THE TREE OR WHETHER FOR SOME REASON THEY WERE PLACED IN THE BODY DURING THE EMBALMING PROCESS. IF ANTE MORTEM (pre-death) then, how did they get into keith's body?

Dr. Mason SUGGESTED that a look at the BRAIN, KIDNEY AND MUSCLE TISSUES WOULD INDICATE WHETHER THESE SUBSTANCES WERE DISTRIBUTED ACROSS THE BODY AND, IF SO, THEN WE WOULD KNOW THESE SUBSTANCES WERE ANTE-MORTEM, INGESTED PRE-DEATH.

He was authorized to proceed with these additional tests as he still had tissue samples and could do that.

He would report back in approximately three weeks.

THE FOLLOWING EMBALMING CHEMICAL COMPANIES WERE CANVASSED.

Arlington Chemical Co. -Interviewee stated Trichloroethane and Ethylbenzene are "not components of embalming fluid."

Dodge Chemical Co. -John Dodge- Trichloroethane would be a substance in the preparation room, for dry shampoo, but VERY REMOTE that it would get into the blood and liver. "We do not use ETHYLBENZENE; it is a solvent."

Dr. Michelle's Chemist of Michelle Laboratory, supplier to Gold Bond Co. --"NO WAY!" that they ever used Trichloroethane or gasoline derivatives in any product they made for embalming. It would be very unusual to find these chemicals in any embalming fluid. He also had never heard of injecting them separately in a body cavity during embalming.

Call to Collins Funeral Home (where Keith was embalmed) by Joe Alercia. Collins reported that they used ROYAL BOND products until a few years ago. Now they Use Dodge Chemical Co..

Mr. STROB AT COLLINS told Joe and Jane, Aug. 11, 1994, that the brands of embalming fluid they used back in 1986 were POWER TONE (HEMATONE which is a dye) and R.C. (R.C. arterial co-injected). For cavity fluids they used FIX, POWER PACK AND META syn. All these brands except METAsyn are produced by PIERCE/Royal Bond. The latter is produced by DODGE Co.

AFFIDAVITS HAVE BEEN OBTAINED FROM PIERCE/ROYAL BOND AND DODGE CHEMICAL Companies THAT THESE PRODUCTS DO NOT CONTAIN ANY OF THE SUBSTANCES IN QUESTION !

CONFERENCE CALL SEPT 1, 1994. with Mary Betters, ELLIOT PIERCE, GEORGE SHARPE, ROG AND JANE THAYER, DR. MASON, DR. MIHALAKIS AND MR. TOPPELBERG (Mary Couey's and the case lawyer).

Dr. Mason confirmed high levels of Trichloroethane in the BRAIN, three times even higher than in the liver and blood. This means that there is widely distributed amounts of these substance THROUGHOUT THE BODY THAT SHOULD NOT BE THERE. Also, he reported finding DICHLOROETHANE IN THE BRAIN.

The belief is that all the 'strange' substances were in the body BEFORE DEATH.

THE QUESTION THAT EMERGED WAS- DID THESE CONCENTRATIONS RESULT IN PSYCHOMOTOR IMPAIRMENT SUFFICIENT TO DISABLE KEITH TO PUT HIMSELF IN THE TREE? PROBABLY- BUT WE NEED RESEARCH STUDIES THAT GIVE LEVELS AND PSYCHOMOTOR IMPAIRMENT.

Mr. Toppelberg --If an autopsy had been done at time of death could these questions have been answered?

Dr. Mihalakis--'Yes, WITHOUT FEAR OF CONTRADICTION !'
DR.MASON -added 'ABSOLUTELY !'

Dr. Mason-- WHAT MUST BE RULED OUT IN CONSIDERING WHERE THESE SUBSTANCES COME FROM IS, 1) Embalming fluid, 2) Natural changes in a decomposing body, 3) ground water, perhaps in the casket (see below, 4) whether these substances dissipate over time or increase?

MR FISHER OF THE FUNERAL HOME IN NORTH CAROLINA HAS GIVEN AN AFFIDAVIT STATING --THERE WAS NO GROUND WATER IN THE VAULT OR CASKET.

Conference call ended with questions to be answered in a month -- WHAT CONCENTRATIONS OF THESE SUBSTANCES WOULD RENDER AN INDIVIDUAL PSYCHOMOTORLY IMPAIRED TO THE EXTENT THAT HE COULD NOT HAVE HUNG HIMSELF ON THE TREE AND WITH SUCH A COMPLICATED ROPE CONFIGURATION. OTHER POSSIBLE SOURCES OF THESE CHEMICALS WERE TO BE RULED OUT.

THAT SAME DAY DR. MIHALAKIS LEFT A MESSAGE ON THAYER HOME phone MACHINE (they were not there) STATING THAT (ESSENTIALLY) THERE IS A POSSIBILITY OF CRIMINALITY HERE AND THAT WE MUST TAKE IT TO OUR DISTRICT ATTORNEY.- a **MUST**. - HE INDICATED THAT DR. MASON WISHED TO SPEAK TO JANE.

RETURNED CALL SEPT. 6TH TO DR. MASON.

He wanted to know what kind of a group we were, a little about the history of this case. He stated that he had been hired by Dr. Mihalakis and that if we wished him to do expert research and then possibly be an expert witness we would have to hire him separately. He indicated that he had done some pro bono work but that it was up to his company to decide. and that his charge was \$250. an hour.

CALL TO MR. TOPPELBERG ON 6th SEPT - He questioned the need for further work by Dr. Mason. He felt that Dr. Mihalakis and Dr. Mason should at this point be able in the Autopsy Report to state something definitive about Keith's death.

CONFERENCE CALL TO DR. MIHALAKIS SEPT. 8th with Mr. TOPPELBURG, JOE ALERCIA, JANE & ROG THAYER

Dr. Mihalakis - "We have (measured chemical) values; nevertheless, by (the mere) presence of these substances; they have no business being there. They are not products of decomposition and are thoroughly distributed throughout the body. The possibility exists that this young man was incapable of hanging himself. You need to put the District of Attorney on notice of these things."

Mr. Toppelberg asked if Dr. Mihalakis could say with, "reasonable medical certainty," that Keith could not have put himself in the tree. Mr. Toppelberg argued for this, but Dr. Mihalakis essentially said, "No." We would then have to engage Dr. Mason for literature research and an expert summation.

Mr. Toppelberg asked Jane what she thought.

Jane -- well, could we go with Dr. Mihalakis statement that we have substances that should not be there and that the possibility exists that Keith did not put himself in the tree? Asking Dr. Mihalakis to put his summation in the strongest terms possible.

Next we talked about taking this evidence to the local authorities. Mr. Toppelberg strongly stated that there has been a cover-up. We have gone to the local authorities three or four times .

Jane - Perhaps we could send copies to the three levels, county, state and the U.S. Attorney.

Mr. Toppelberg said yes, that would be possible.

It was agreed that Dr. Mihalakis would put in the strongest language with which he felt comfortable, the findings of the total autopsy. Then Mr. Toppelberg will go from there to the authorities.

Called OSHA -HEALTH STANDARDS- they do not have standards for embalming or cavity fluid, but the states might-- called State of Md. Medical Examiner then the Board of Post Mortem Examiners, finally the Director of State Anatomy Board--Dr. Ron WADE- He stated that Maryland has no regulations or restriction for fluids. However, he did say that-THERE ARE VERY STANDARD THINGS THAT GO INTO CAVITY FLUIDS--STRAIGHT FORMALDEHYDE AND THEN A NON-FOAMING AGENT SUCH AS GLYCERINE, GLYCEROL OR LANOLIN.

THE QUESTION NOW IS --HOW DID THESE SUBSTANCES GET INTO KEITH'S BODY, SINCE RULING OUT THAT THEY CAME FROM THE EMBALMING OR CAVITY FLUIDS. BY INJECTION, DRINKING OR INHALING? DRINKING SEEMS UNLIKELY SINCE TRICHLOROETHANE HAS A STRONG ODOR AND WOULD BE HARD TO SWALLOW. INHALATION IS MOST LIKELY.

DR. WRIGHT OF THE MD. MEDICAL EXAMINERS OFFICE STATED--'YES THESE ARE INHALANTS USED BY INDIVIDUALS. ONE SPRAYS THE SUBSTANCE ON A CLOTH, THEN PUTS IT IN A PLASTIC BAG AND INHALES DEEPLY. NOTABLE; THERE WAS GREATER CONCENTRATION IN THE BRAIN--HE STATED THAT ONE WOULD EXPECT THAT SINCE THERE IS MYLIN COATING AROUND THE NERVES AND AROUND THAT IS A LOT OF FATTY TISSUE WHICH WOULD ABSORB THE SUBSTANCES. HE INDICATED THAT THERE ARE NO REAL LEVELS OR STANDARD OF LEVELS THAT ARE NECESSARILY FATAL ACROSS THE POPULATION. HOWEVER, IF SOMEONE IS NOT USED TO THESE INHALANTS, ONE COULD EASILY BE WIPE OUT BY THEM. SOMETIMES THERE IS AN ALLERGIC REACTION.

IT SEEMS INCONCEIVABLE THAT KEITH, WITH THESE SUBSTANCES IN HIS SYSTEM, COULD HAVE PUT HIMSELF IN THE TREE.