

eagles' eye

NDIA • Volume 26 • December 2011

feature

**Reviewing &
Comprehending
Autopsy Reports**

spotlight

**Investigator
Gina Humphrey**

special report

**Falsely Accused
Investigator Rises
From Adversity, Aims
For Law School**

field notes

**Investigator
Dawn Wilson**



from the editor

Eagle's Eye | December 2011

NDIA: National Defender
Investigator Association
460 Smith Street, Suite B3
Middletown, CT 06457

Phone: 860-635-5533
Fax: 866-668-9858
Email: nationaldefender@gmail.com
www.NDIA.net



“The investigator should have a
robust faith—and yet not believe.”

— Claude Bernard, co-author
of *An Introduction to the Study
of Experimental Medicine*

Merriam Webster’s Dictionary’s 1a definition for the word “faith” is “allegiance to a duty or a person: loyalty”; the 1b1 definition is “fidelity to one’s promises.” On the other hand, Merriam’s first definition for the word “belief” is “a state or habit of mind in which trust or confidence is placed in some person or thing.” Therefore, our first duty is to represent the client zealously, yet without the inherent hindrances of belief in one theory, one person and one fate.

To represent a client zealously, we must continually train. Obviously, training hones the skills and senses of the defense investigator so that they can do their job more effectively. In fact, training is the raison d’etre of the NDIA. Therefore, this month our feature article, entitled “Reviewing and Comprehending Autopsy Reports,” by Dean A. Beers, a certified legal investigator from Colorado, aims to make autopsy reports more accessible with the hope that in perusing these reports you delve deeper into them than you ever have before.

In closing, we have a special article on Jarrett Adams, shine a spotlight on Gina Humphreys, and learn from Dawn Wilson in “Field Notes”—all three shining examples of individuals who go beyond due diligence in the defense of their clients. I hope you will reflect on these articles and find inspiration during the holiday season so that you too can grow as an investigator, mitigation specialist or paralegal.

However, neither an organization nor training can create that robust faith of which Claude Bernard speaks. Ultimately, faith is up to you. I hope you will use this holiday season to rest and recuperate, and then re-enter the fray full of faith that you will find a way to do your utmost for their defense.

Happy Reading!

James B. Tarter, Sr., Editor

inside

A Thank You from Leah Rivera-Sanchez	23	FIELD NOTES: Investigator Dawn Wilson	21	SPOTLIGHT: Investigator Gina Humphrey	34
ATLANTA NATIONAL CONFERENCE		Melissa Kupferberg NDIA Scholarship	20	NDIA ORGANIZATION INFO	
NDIA Annual Business Meeting	18	MEMBER & INDUSTRY NEWS	37	Advertising Rates	40
Conference at a Glance	14	Nominations Open for 2012		Member Benefits	40
Federal Day Agenda	15	Investigator/Paralegal of the Year	29	Membership Application	41
NDIA Scholarships	18	Regional Conference: Denver Photo Gallery	30	Newsletter Staff & Writers	38
Registration Form	19	SPECIAL REPORT: Falsely Accused Investigator Rises from Adversity, Aims for Law School	24	Officers & Committees	39
From the Editor	2			Student Membership Application	28
From the President	3			Welcome New Members	33
FEATURE: Reviewing & Comprehending Autopsy Reports	4				

The opinions & comments made
throughout this newsletter are not
necessarily those of the NDIA.

from the president



“The great thing in this world is not so much where we are, but in what directions we are moving”

— Oliver Wendell Holmes

The last few years have been full of innovations, accomplishments and challenges for the NDIA and its members. Our work has reinforced my belief in the importance of providing you with advanced tools, knowledge and skills to zealously represent your clients, in which technology plays a very large role. From 2009 to 2011, we initiated and/or accomplished several goals that will help the NDIA keep pace with the constantly evolving web environment, enhance communications between members and promote fiscal and environmental responsibility.

First, the NDIA launched its own social media pages. Beginning in 2009, former NDIA President Matt Whalen set up NDIA Facebook and Twitter accounts. In 2011, NDIA Membership Chair Sylvia Summers created an NDIA Linked In account to increase the NDIA's ability to communicate fast and effectively with each of you. Please make sure you join at least one or all of these social networks to keep up with the latest NDIA news. Second, in 2011, we pressed forward with the redesign of the NDIA website; Brendan Wells and website coordinator James Tarter are assisting us with this

project. We are finalizing negotiations with a new website design firm, Taoti, to complete this task. Once the contract is signed, Taoti will start work on the new site immediately. Third, the newsletter went green in 2011! We have finally switched to a fully digital version, which means lower publishing costs and less waste. These steps will enable us to communicate quickly information, issues, and events which are of concern to the members. Finally, during 2011, we attracted new members and provided additional benefits to existing members. We have kept the cost of our continuing education seminars affordable and now provide additional discounts to students who wish to join the NDIA. Thank you to Sylvia Summers and Executive Secretary Beverly Davidson for their work in this area.

Our Regional Conference in Denver, Colorado, this past September exceeded my expectations. Participants engaged in heated, professional discussions in great part because of our inspiring presentations. Thank you to Ann Roan, Director of State Training for the Denver State Public Defender's Office. There was a vast array of topics including sentencing mitigation (Pam Sharp and Sandy Schnack), investigator safety (NDIA Secretary/Treasurer Dave Young), witness interviewing (Tom Hinton and Ronald Davis) and death investigations (Certified P.I. Dean Beers). We also heard dynamic presentations on cellular forensics and electronic document management. Our next National Training Seminar will take place in Atlanta, Georgia during April 2012. It promises an equally exciting agenda. I look forward to seeing you there.

I want to thank the NDIA committee chairs, especially Conference Committee Co-chairs Mark Neer and Sean Broderick, for their commitment, and, in addition, our members for their hard work and great dedication to advancing the profession. Also, I want to thank the NDIA Board for its continued support. I am grateful to our members for making NDIA the exciting professional organization it has become.

Many blessings to you and your family members this holiday season. I look forward to continuing progress and innovation in the New Year.

Teri Moore, President

Reviewing & Comprehending Autopsy Reports

Voltaire said “To the living we owe respect, but to the dead we owe only the truth.”ⁱ This is the definitive task of the medicolegal death investigator and forensic pathologist. The course of the death investigation has multiple phases including: scene investigation, body assessment, medical records and the forensic autopsy. This is finalized in three documents: the death certificate, the investigator’s report and the autopsy report. In order to understand the importance of the autopsy report, and how to interpret it, you should understand how all the other factors influence the report and why you cannot rely on the autopsy report alone. “Autopsy” is from the Greek “autopsia,” meaning “to see with one’s own eyes.”ⁱⁱ The following discussion will dissect the autopsy report and supporting death investigation in order to allow the professional legal investigator to view death and non-death cases ‘with one’s own eyes’.

For simplicity, all references will be to medical examiners and not to the differences between the medical examiner and coroner systems, or a hospital autopsy and forensic

autopsy. For our purposes, the focus will be on the forensic autopsy conducted by a board certified forensic pathologist and autopsy technician. In addition, there are exceptions to every protocol, and jurisdictional policies will differ. Two important things to consider are: 1) the medical examiner’s office is an independent, often law enforcement-based agency that conducts separate investigations, which are supposed to be neutral in their findings, and 2) these investigations are often concurrent and cooperative investigations between the medical examiner’s office and the law enforcement agency.

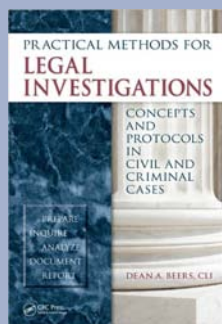
An Overview of Death Investigation

At all death scenes there are two scenes: location(s) of the incident and the body itself. If a crime is suspected (and all suspicious death investigations are treated as such), the incident will belong to the investigating law enforcement agency, and the body, together



PART 1 of 2

By Dean A. Beers,
CLI, CCDI



This peer reviewed whitepaper has been utilized as a chapter in Practical Methods for Legal Investigations: Concepts and Protocols in Civil and Criminal Cases, released in February 2011 by CRC Press.



Reviewing & Comprehending Autopsy Reports, continued



with all items on or about it, will belong to the medical examiner's office. The agencies will work independently of each other with overlapping goals. The death investigator has certain responsibilities and a duty to pursue those responsibilities. Of course there are legal and cooperative exceptions to these based on the greater good of the needs of all investigating agencies, particularly involving possible homicides. The body is exclusively under the custody and control of the death investigator. Until they arrive on scene no other person can touch, move or remove the body, or those items on or about it. The assessment includes complete photography; documenting wounds and injuries, or lack thereof; rigor and livor mortis; body position; and relationship to the scene and condition of the body due to postmortem interval and environment. If the body has been moved, e.g. to a remote area, there will be another crime scene at the place the death actually occurred.

Another component of death investigation concerns the confidentiality of medical records [HIPAA - Health Insurance Portability and Accountability Act].ⁱⁱⁱ Medical records are a very important component of the investigation and may be referred to in the autopsy report. In addition to medical history, these records may include mental

health history, prescription and medication history, family history and social history. It is important for the medical history to be shared with the forensic pathologist at the time of autopsy or as soon thereafter as possible. What might be seen as a fall with head injury, at autopsy, may instead be a spontaneous bleed with previous history and consequential falls.

The 'CSI Effect' has influenced the perceived value of an autopsy. Autopsies are valuable and are a component of a complete investigation, if one is performed. All violent, suspicious, unnatural and unattended deaths are investigated, which account for a small percentage of reported deaths. A preliminary investigation, statute and protocol will dictate if an autopsy is performed. The authorization of the autopsy depends on the circumstances of the death and the protocol of the medical examiner's office.^{iv} The autopsy consists of the gross external examination (detailed examination and documentation of the body), gross internal examination (detailed examination and documentation of the organs and internal body structure), toxicology tests and microscopic examinations.

feature

Certified Copy of Record of Death
County of Oakland, State of Michigan

No. 2334
1. Date of Death APRIL 9, 1992
2. Full Name of Deceased JOHN W. WILSON
3. Male or Female MALE
4. Color WHITE
5. Marital Status MARRIED
6. Age, 38 Years, 10 Months, and 10 Days
7. Place of Death HOME
8. Birthplace NEW YORK
9. Occupation BOOKSHELF
10. Name of Husband or Wife NOT AVAILABLE
11. Name of Father NOT AVAILABLE
12. Birthplace NOT AVAILABLE
13. Name of Mother NOT AVAILABLE
14. Birthplace NOT AVAILABLE
15. Disease or Cause of Death HEART DISEASE

STATE OF MICHIGAN } ss
COUNTY OF OAKLAND } ss
I, G. William Caddell, County Clerk, Register of Deeds for the County of Oakland and Clerk of the Circuit Court thereof, the same being a Court of Record, and having a Seal, do hereby certify that the foregoing is a copy of the record now remaining in my office.

Recorded MAY 12, 1992
Lib. 2 PD 321

In Testimony Whereof, I have hereunto set my hand and seal of said Court this 31ST day of MARCH 1992.

G. William Caddell, County Clerk

ADDITIONAL INCIDENT/OFFENSE
NARRATIVE: I told him "it's very unusual for a 40 year old woman to pass away, as his wife had just done, and if it would have been a family member of mine, I would want to know what happened to cause the death". I then told him "with everything considered that's happened in his family, and the stress he received in the last three years, it would benefit him if he requested the autopsy". He agreed with what I told him and he signed the request for an autopsy on APRIL 9, 1992.

After signing the request he apparently passed out and fell towards the counter. I grabbed his arm and shoulder and guided his body to the floor. The hospital staff came to his aid and I excused myself to the visitor's room, where Sheriff WILSON, Chief Deputy WILSON, and a S.P. Investigator were waiting.

After a short discussion with Sheriff WILSON, Chief Deputy WILSON, and Investigator WILSON, it was decided that I see if John WILSON would sign a permission to search of WILSON's home, which I did, and WILSON did sign, at 6:55 PM. (see attached)

I told WILSON allowing us to do a search of his home would allow us to prove or disprove any foul play concerning WILSON's death, coupled with the autopsy. I also told him the Sheriff's Office, Cherokee Village Security and four (4) investigators from the Arkansas State Police would conduct the search and by beginning in this amount of people, at one time, would not the investigation to come 12 hours to 3 hours. He said he understood, thanked me, and returned home.

Mr. WILSON returned home and I was waiting outside. At 1:00 PM, I was waiting outside and smoke. At 1:00 PM, I was waiting outside and smoke. At 1:00 PM, I was waiting outside and smoke.

Office of Chief Medical Examiner
Vital Body Abilgram (front/back)

Front View: WILSON
Back View: WILSON

Stockphoto





Reviewing & Comprehending Autopsy Reports, continued

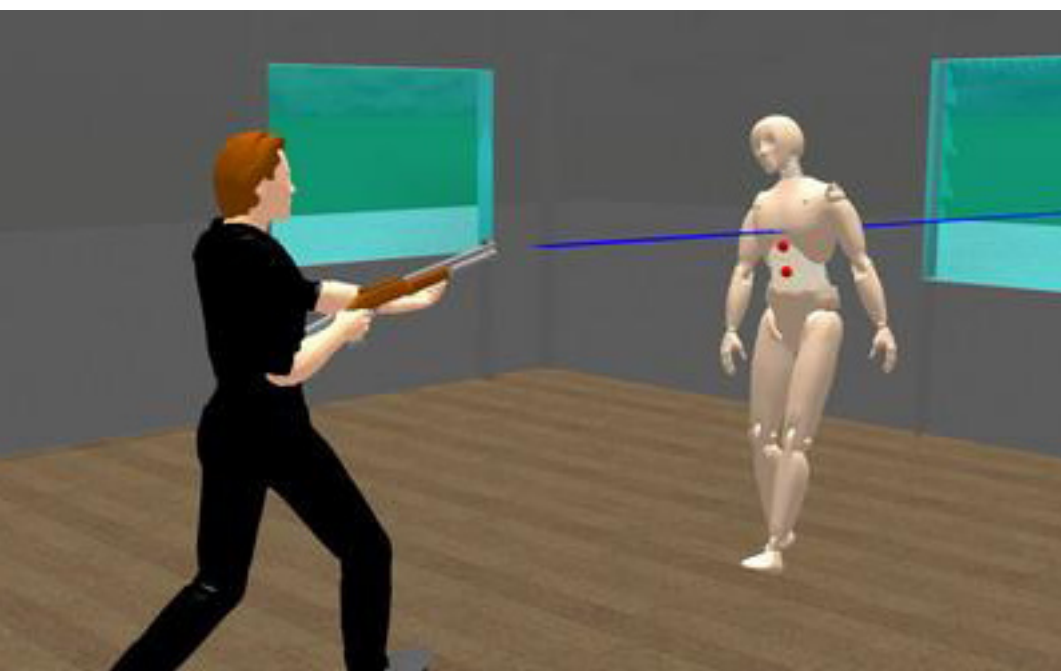
The external examination is head to toe and includes measurements of all wounds, scars, marks, tattoos, and condition of the body and structure.

The internal examination is what is often thought of when 'autopsy' is mentioned. This surgical procedure includes the in situ examination of the organs, which includes the removal and weighing of them, and complete external/internal examination of the organs. This examination also includes the assessment of bullet trajectory, wound tracts, ligature markings, etc. One area of specific forensic pathologist training is wound (all injuries and trauma) examination.^v Specimens of each organ are

collected for microscopic examination, part of the anatomical and clinical certifications preceding a pathologist's forensic certification. At the conclusion of the autopsy, the functions of the forensic pathologist and death investigator temporarily separate into two different tasks. The death investigator will submit a report detailing the findings of the scene investigation, evidence review and medical records review. The forensic pathologist will review the death investigator's report and case file to finalize his autopsy report and certify the cause and manner of death. This is a very similar role to ours as professional Legal Investigators. We conduct our investigation, complete detailed reports and present our findings and supporting documentation to the attorney. The attorney enjoins our findings into their legal strategy to advocate for our client.

Autopsy Report Format and Contents

The autopsy findings will have a *Cause of Death*, which will include any factors directly contributing to or causing the death, i.e. blunt force trauma or a cardiac event; and *Manner of Death*, which include natural, accident, suicide, homicide and undetermined. The *Mechanism of Death*, or the instrument or action causing death, is often overlooked. This notation may include stab wounds, gunshot wounds, ligature strangulation, drug overdose, etc.





feature

Reviewing & Comprehending Autopsy Reports, continued

The autopsy may support the pre-autopsy investigation and medical records; however sometimes the determination may seem unrelated to the event. An example of this is a motor vehicle collision caused by the driver having a sudden cardiac event which caused death before the accident. This is termed a natural death which caused the accident. Often we see deaths caused by blunt force injuries as a result of the accident, which is ruled an “accident.”

Decedent, General Description of Clothing and Personal Effects, Evidence of Medical Intervention, External Examination, External Evidence of Injury, Internal Examination, Samples Obtained—Evidence, Histology and Toxicology, and Microscopic Examination^{vi}

When the autopsy report is reviewed by the lay person their focus is on the first four items, as these are the summary of the

The least desirable or used finding, “Undetermined,” is used when there has been no definitive finding as to the manner, and possibly cause of death at the conclusion of the complete autopsy protocol and concurrent investigation(s). This is often seen in cases where the preponderance of one manner does not prevail, but is consistent with or equal to another. One example of this might be a hunting incident where the decedent was alone, had suicidal history, and a thorough autopsy and investigation was inconclusive as to the totality of accident versus suicide.

Autopsy reports are not casual or interesting reading material. They are very informative when reviewed with all concurrent investigative reports and evidence. All autopsy reports follow a general format as approved by the National Association of Medical Examiners (thename.org). Although they may differ in appearance, the general content format consists of: *Diagnoses, Toxicology, Opinion, Circumstances of Death, Identification of the*

**METROPOLITAN NASHVILLE AND DAVIDSON COUNTY
OFFICE OF THE MEDICAL EXAMINER
84 HERMITAGE AVENUE, NASHVILLE, TN 37210-2110
(615) 862-8840**

REPORT OF INVESTIGATION BY COUNTY MEDICAL EXAMINER

Decedent: _____ State # _____
County # 98-0716

ONE ADDRESS: _____ RACE: white SEX: Female AGE: 55 Years
Nashville TN MARITAL STATUS: Married

OCCUPATION: Entertainer SS#: _____ DATE OF BIRTH: _____

TYPE OF DEATH: Violent () Casualty () Suicide () Suddenly when in apparent health ()
Found Dead (X) In Prison () Suspicious, unusual or unnatural () Cremation ()
Motor Vehicle Accident () Check One Driver () Passenger () Pedestrian () Unknown ()

COMMENT: _____

AGENCY INVESTIGATOR AND COMPLAINT # HHP0

DESCRIPTION OF BODY: Clothed () Unclothed () Partly Clothed () Circumcised? ()
Eyes: _____ Hair: Blonde Mustache: No Beard: No
Weight: 180 (Lbs) Length: 64 (In) Body Temp: Cold
Rigor? () Lysed? () Liver Color: Purple Fixed? ()

Marks & Wounds

No acute injuries
Multiple abdominal scars (see autopsy report)

Probable Cause of Death

Manner Of Death

Disposition Of Case

Accident () Homicide ()
Suicide () Natural ()
Could Not Be Determined ()
Pending Investigation ()
Cremation Approved ()

Medical Examiner Jurisdiction Refused ()
Autopsy Ordered ()
Toxicology ()

Responsible For Death Certificate
Medical Examiner ()
Other MD () Dr. Wallis Marsh

Funeral Home: Woodlawn Funeral Home

I hereby declare that after receiving notice of death described herein, I took charge of the body and made inquiries regarding the cause of death in accordance with Section 38-7-101-117 Tennessee Code Annotated and that the information contained herein regarding such death is true and correct to the best of my knowledge and belief.

Date: _____ DAVIDSON
County of Appointment

Signature of County Medical Examiner: _____

CERTIFIED COPY
Date: 6/21/09
Certified by: [Signature]
Francesca Woodard - Metro Davidson
County Medical Examiner's Office

Reviewing & Comprehending Autopsy Reports, continued



feature

remaining medical details of the report. It is important to review the report and all of the information contained therein for the complete picture. It is also important to understand what is in an autopsy report before we can begin to decipher all the latent and patent information it contains.

Diagnoses and/or Medicolegal Investigation

This section will detail the specific findings of the autopsy. This will include all trauma and medical conditions contributing to the death, medical conditions not contributing to the death and evidence pointing to the cause and manner of death. Examples include injuries sustained in a motor vehicle collision, injuries consequential to homicide or suicide, or medical findings consequential to a natural death.

The cause and manner of death may often seem concluded by the investigation only, such as ligature strangulation or blunt force trauma. There are events which lead to the medical consequences of injuries,

which cause the death. An applied “choke hold” or neck compression reduces or ceases oxygenated blood to the brain (arterial), or the return of deoxygenated blood containing carbon dioxide (venous) to the heart and lungs. Evidence of this may be found in petechial hemorrhages of the eyes (the “whites” or sclera), soft tissue hemorrhaging of the area of compression, cerebral edema and hypoxic (oxygen deprivation) damage to other organs. It will also note other findings, such as an enlarged heart (cardiomegaly), often seen in athletes, obese persons and some chronic drug abuse. Another important consideration is what is not noted—such as injuries or medical findings expected to be found in alternate, but similar, circumstances of death. In the case of manual strangulation and resulting asphyxiation we might find a fractured hyoid bone. If this were found in the above neck compression by restraint, most often by compression to the lateral aspects of the neck, the forensic pathologist would inform the case investigators of this inconsistency with witness and/or suspect statements. The fracture of the hyoid bone is most often seen in compression to the front of the neck, often found in manual strangulation homicides.

Toxicology

Routine toxicology for all autopsies includes urine drug screen and blood alcohol.^{vii} Positive results are confirmed by blood and quantified as directed by the attending forensic pathologist. Other tests may include HIV (especially if there was an exposure during resuscitative efforts) and other natural disease processes (e.g. hepatitis). The toxicology findings have three possibilities in the death investigation—directly contributing (e.g. fatal drug toxicity), indirectly contributing (e.g. operating machinery contradictory to the prescription directives resulting in a motor vehicle collision) and non-contributing (e.g. therapeutic levels of prescribed psychotropic medications). The



Reviewing & Comprehending Autopsy Reports, continued



feature

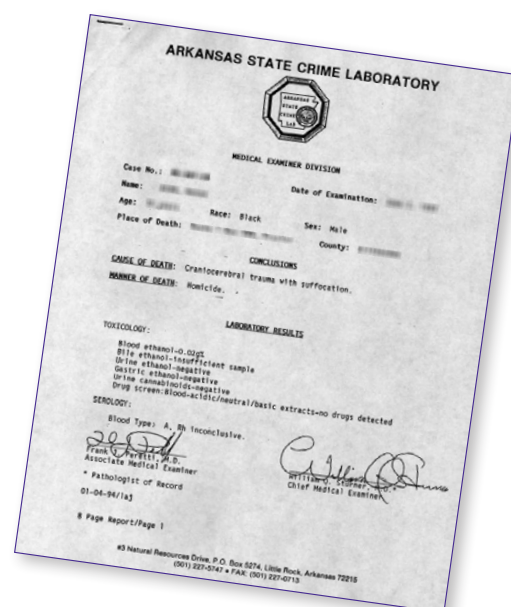
analysis of the toxicology report (separate from, but detailed within, the autopsy report) is best deferred to a forensic pathologist and forensic toxicologist. This is important as the type and level of drugs have different interactions, may have different contributions to the death or injuries or may have no effect. All toxicological assay reports include a therapeutic range and the toxic or fatal level. The therapeutic range defines the drug levels expected to be found in non-abusive and recommended prescription dosages. Toxicology may also include chemicals, such as ethylene glycol (anti-freeze). It may also be necessary to determine if the death was caused by a natural event (e.g. cardiac event or diabetes) requiring specific tests of the blood and/or vitreous humor (fluid in the eyeball). For both the death investigator and professional legal investigator, it is important to determine if the findings are expected or unusual for the decedent's lifestyle and consistent with the investigative process.

Opinion of the Forensic Pathologist

This section is a brief summary of the cause and manner of death, but in more detail than what is found on the death certificate. It will detail the medical cause of death, followed by the contributing factors (e.g. blunt force chest trauma, lacerated spleen as a consequence of the unrestrained driver impacting the steering wheel in a motor vehicle collision). This is the definitive opinion of the forensic pathologist.

Circumstances of Death

This section consists of one to two paragraphs briefly describing the perimortem circumstances as known at the time of autopsy. Autopsies are often performed within 24-48 hours of discovering the body, with the full medicolegal and law enforcement investigation ongoing, and without the receiving and reviewing of medical records. This narrative is important because it sum-



Reviewing & Comprehending Autopsy Reports, continued

marizes initial investigative findings and hearsay reports of witnesses. It also includes evidence found at the scene, such as: projectiles, syringes, paraphernalia, disarray of the scene, vomitous, etc.

Identification of the Decedent

It is not necessary to further traumatize a family by having someone personally identify a decedent. Doing so will leave them with the lasting impression of the trauma and not as they last saw them alive or even at the funeral home. There are multiple methods of determining and confirming positive identification. All identifications must be positive and confirmed. Tragic mistakes have been made in misidentifying decedents. A recent incident involved the misidentification of two female high school friends following a motor vehicle collision. One was pronounced dead at the scene and the other survived, in a coma, at the hospital. Positive identification was determined only after she came out of the coma and the decedent's funeral.^{viii} Presumptive identification includes photographs, scars, marks, tattoos and last known clothing. Often identification is found on the person, which is only presumptive, and all presumptive identification is a starting point. Positive,

or scientific, identification includes (from common methods) fingerprints, dental records, surgical records, medical device records (defibrillators/pacemakers and breast implants are serially numbered) and DNA. Each person has unique fingerprints, dentition, sinus cavities, DNA, etc. and can easily be confirmed by comparison. The method of identification will be detailed in this section of the report. For example, a family member may have identified the decedent at the hospital, with confirmation (the duty of the medical examiner) made by fingerprints.

Authority to Conduct the Autopsy

This section is important as autopsies can only be directed by the authority of the medical examiner's office and supporting statute, or at the direction of the next-of-kin for private autopsies.^{ix} This section will also detail the location of the autopsy, date and time, the prosecutor (forensic pathologist), deiner (assistant) and persons present at the autopsy. The persons listed in this section may be important to interview and possibly subpoena to testify.



Reviewing & Comprehending Autopsy Reports, continued

Description and clothing

This section will provide a general physical description of the decedent at autopsy. This may include common descriptors such as height, weight, hair and eye color, and general physical condition, including any unusual deformities. This description may not concur with a driver's license description and may be affected by the circumstances of how the body was found (e.g. several days postmortem or exposed to the elements). Also noted will be the description and general condition of the clothing.

Evidence of Medical Intervention

If the decedent was treated at a hospital, status post operative or resuscitative efforts attempted by paramedics, there will be evidence of medical intervention, such as EKG patches, intravenous lines and similar artifacts on or about the decedent. This is important to note, as upon death all items on or about the decedent are to remain in place and are evidence to the medical examiner. There should be no exceptions to this, and it should be questioned if there are any peculiarities discovered.

Gross Autopsy Findings: External Examination

This section may have the general description of the decedent, if not found included with the clothing description section. This section will detail the decedent's general description, scars, marks, tattoos and general condition of the body. It will not include injuries and trauma, as this is a separate section. These descriptions are in detail with locations and measurements. The *Evidence of External Injury* section may be included in this area or a separate section.

This section will also detail the injuries and trauma. This will include previously noted, but not detailed, observations. In

this section, the descriptions are in detail with locations and measurements. Areas of no injury and appearing normal will also be noted. Subsections will include examination of the head, neck, chest, abdomen, genitalia, back and sacrum, and extremities. It is important to note and correlate with investigative reports, medical records and witness statements with this section of the autopsy report. Any inconsistencies should be noted and investigated, still considering the death investigation at the time of autopsy may have been ongoing. The injuries found in this section may provide information supporting or refuting suicide (e.g. a close contact gunshot wound to the head, with defensive wounds on the hands is contrary to suicide). Further, the details of the injuries—such as stippling, trajectory, depth, etc.—may direct you to pursue additional details in your investigation.

Gross Autopsy Findings: Internal Examination

This is the section most people think of when they hear 'autopsy'. This is the opening of the body cavity and cranium, observations of all organs in situ, followed by the removal of each organ and sectioning. The *Evidence of Internal Injury* section may be included in this section or a separate section.

There will be multiple subsections, including cardiovascular, respiratory, hepatobiliary, endocrine, digestive, genitourinary, reticuloendothelial, musculoskeletal, head and central nervous system and neck. As with the *External Evidence of Injury and Trauma* section, this section will also have detailed descriptions and measurements. Areas of no injury and appearing normal will also be noted. This section of the autopsy report is also important to note and correlate with investigative reports, medical records and witness statements. Of interest will be determining if any internal injuries were a result of resuscitative efforts,





Reviewing & Comprehending Autopsy Reports, continued

if they correspond to external injuries (e.g. a perforating gunshot wound of the torso), or are consistent with any known natural disease process. Any inconsistencies should be noted and investigated, especially if the death investigation was in progress at the time of the autopsy.

Microscopy/Histopathology

This section will detail the microscopic findings of the tissues retained for examination. These include representative sections of each organ, including skin, also muscle and vertebrae samples. All activity, down to the cellular level, stops at the time of death—fingernails and hair do not continue to grow. Skin shrinkage gives the perception of continued hair and finger and toe nail growth.

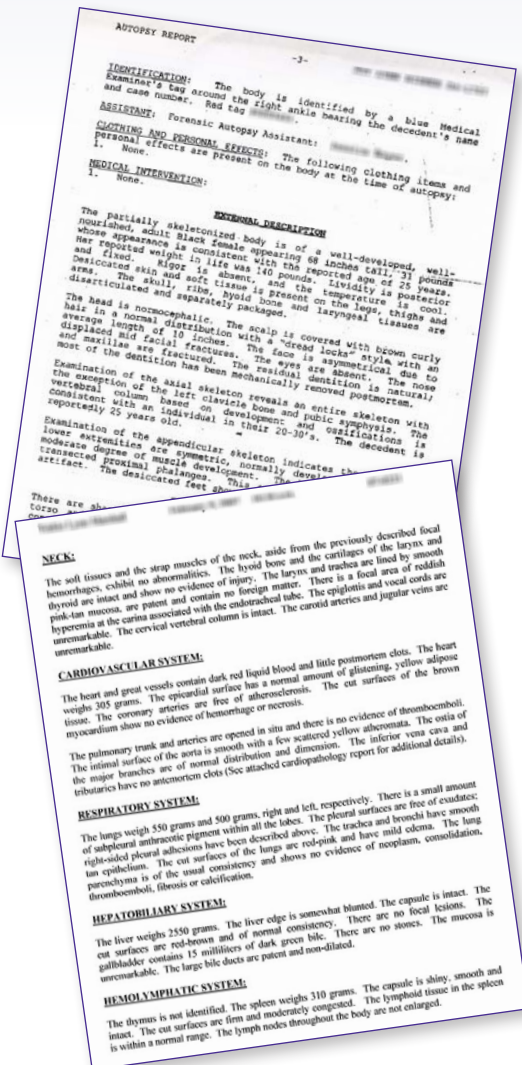
Because cell structure can be examined as it was at the time of death, there are specific findings and determinations from microscopic examination at autopsy. These include cancer, organ damage due to natural disease process, hypoxia, traumatic injury, cardiac event, confirmation of gunshot residue stippling, and so forth. Questions from this section should also be deferred to a forensic pathologist.

Samples Obtained - Evidence, Histology And Toxicology

A forensic autopsy is a medical procedure to determine the legal cause and manner of death.^x Evidence from the body is collected in the autopsy suite. This may include: hair and fibers, DNA swabs, pulled and combed pubic and head hair, fingernail scrapings, and swabs of oral, vaginal, penile and anal areas. In all cases, collected toxicology samples include: blood, urine and vitreous humour. A special card is used to collect blood for DNA (i.e. evidence and paternity testing). The last items collected are the above noted tissue and organ specimens for histology. Any additional evidence, such as toxicology samples from hospital admission, gastric contents and pill fragments, are also collected and retained. This is evidence from the autopsy, which is documented and logged with a chain of custody.

Non-Conforming Autopsy Reports

Some autopsy reports may not follow the above guidelines due to circumstances of death. For example, a natural death may have category headings more appropriate to the investigation such as *complications of Al-*



Reviewing & Comprehending Autopsy Reports, continued

cobolism or *Complications of Emphysema* and continuing with details of the findings which support this. Another example might be a carbon monoxide death (accident, suicide or homicide) which lists non-medical evidentiary findings supporting the cause and manner of death—such as pets also found in the home, vehicles running, defective stove or furnace and toxic carbon monoxide levels found throughout the structure.

Continued in Part 2, Next Issue

- i www.memorablequotations.com/voltaire.htm
- ii *West's Encyclopedia of American Law*
- iii HIPAA - 45 C.F.R. § 164.512 et seq; www.hhs.gov/privacy/hippa/understanding/index.htm
- iv *Colorado Revised Statutes (CRS) 30-10-601 et seq; National Association of Medical Examiners (The NAME)*
- v *The NAME*
- vi *The NAME*
- vii *The NAME*
- viii www.cbc.ca/canada/story/2005/08/05/mix-up-050805.html
- ix CRS and NAME
- x HIPAA - 45 C.F.R. § 164.512 et seq; www.hhs.gov/privacy/hippa/understanding/index.htm

Published in the *Legal Investigator* March 2010, 2nd Place winner of Editor-Publisher Award 2010, National Association of Legal Investigators, the *Legal Investigator* magazine

This article has been reprinted with permission by www.PursuitMag.com and the National Defender Investigator Association

Dean A. Beers, CLI, CCDI is a Certified Legal Investigator and Certified Criminal Defense Investigator, and expert in criminal defense homicide and civil equivocal death investigations. He is certified in Medicolegal Death Investigations and served as a forensic autopsy assistant. He has lectured extensively and authored multiple articles, peer-reviewed white papers, and provided expert testimony on protocols of private investigation and forensic investigation of injury pattern analysis. He authored *Professional Locate Investigations* and recently completed *Practical Methods for Legal Investigations: Concepts and Protocols in Civil and Criminal Cases*, released by CRC Press in February 2011. With Karen he co-developed "Death Investigation for Private Investigators" online continuing education for 14 states.

Mr. Beers is the Board Chairman of the Professional Private Investigators Association of Colorado, Region 6 CLI Representative of the National Association of Legal Investigators (NALI) with a column "Forensic Focus" in NALI's trade magazine, the *Legal Investigator*, Region 5A Director of the National Council of Investigation and Security Services, member and Forensic Investigations Advisor of the Criminal Defense Investigation Training Council, member of the National Defender Investigator Association, Affiliate Consultant member of the National Association of Medical Examiners, and holds additional memberships in the World Association of Detectives, International Association for Identification and Mensa USA.

He began his investigative career in 1987, and operates Associates in Forensic Investigations LLC, with his wife, Karen, also a CCDI and legal investigator certified in Medicolegal Death Investigations. They have two daughters, a granddaughter and identical twin grandsons.

Associates in Forensic Investigations, LLC,
beersda@Forensic-Investigations.com
www.Forensic-Investigations.com, (970) 480-7793 Office and (970) 480-7794 Fax.



feature



atlanta

national conference

**2012 NDIA NATIONAL
CONFERENCE AT A GLANCE**
April 18 - 20, 2012

LexisNexis

2012 Conference Platinum Sponsor

2012 NDIA National Conference
April 19-20, 2012
(April 18, 2012 Federal Day Training)

Grand Hyatt Atlanta
3300 Peachtree Road
Atlanta, Georgia 30305
404-237-1234
www.grandhyattatlanta.com

NEW LOWER ROOM RATE: \$133
Government per diem rate. Group rates are
available from April 15 - April 21, 2012

Reservations:

404-237-1234
(Refer to NDIA Group Meeting.)

Check-In: 4:00 pm
Check-Out: 11:00 am

Cut-off date for hotel reservations: April 4, 2012.

Parking:

Guest Parking: \$20.00 per day for self-parking; \$30.00 valet parking with in/out privileges. NDIA attendees will be given a 25% discount on overnight self & valet parking.

Transportation:

AIRPORT: Hartsfield/Jackson Atlanta, 18 miles from hotel.

SHUTTLE SERVICE: From Hartsfield/Jackson Atlanta Airport, hotel shuttle service is available on the Purple Aisle outside the Ground Transportation Center, located at the west end of the building (west curb). The west curb is outside between the North & South Terminals. Courtesy phones are also available at baggage claim areas for both North & South Terminals. The Grand Hyatt does not provide a courtesy shuttle to or from the airport.

The shuttle service which goes to the Hyatt (Buckhead-area of Atlanta) is "The Atlanta Airport Shuttle Service" 404-941-3440 or you can make a reservation online at www.taass.net. Roundtrip charge is \$37.00.

TAXI: Located in the Yellow Bus Aisle at the airport. \$40 one way from the airport to the Grand Hyatt in Buckhead.

OTHER: For car rental, bus, train or MARTA information go to the airport website www.atlanta-airport.com

Hotel:

The Grand Hyatt Atlanta is situated in the heart of Buckhead, Atlanta's most prestigious neighborhood. This luxury hotel offers an ideal location, with convenient access to MARTA rapid transit and some of the city's most renowned dining and entertainment venues. Just a short walk from the hotel are the Phipps Plaza and Lenox Square shopping malls with department stores, restaurants and movie theaters.

STANDARD GUEST AMENITIES:

- Access to fitness center, pool and business center
- Newspapers delivered to room daily
- Complimentary high speed internet access in room
- Complimentary chauffeured car service within a 2 mile radius of the hotel
- Hairdryer, bathrobes, coffee maker with complimentary coffee, iron, bath amenities
- In-room safe

Local attractions include the Georgia Aquarium, Atlanta History Museum, Centennial Olympic Park, Underground Atlanta, Coca-Cola Museum, CNN Center, Historic Midtown Atlanta and Atlanta Braves baseball.

We look forward to seeing you at the 2012 National Conference!

NDIA CONFERENCE COMMITTEE

Mark Neer, Sean Broderick, Co-Chairs

Karen Jackson

Drew Davis

Walter Ott

Herbert Duzant

Colleen Flanagan

Beverly Davidson

agenda

Tuesday, April 17, 2012

6:00-8:00 pm

Federal Day Hospitality

Wednesday, April 18, 2012

Federal Day Training

8:00 am

Continental Breakfast

(Pre-Function Area)

8:30 am

General Session

(Location TBA)

10:30 am - 5:00 pm

Federal Day Concurrent Sessions

(Location TBA)

6:00-8:00 pm

NDIA Registration,

Hospitality & Exhibits

(Grand 2 & 3)

Thursday, April 19, 2012

8:00 am - 5:00 pm

NDIA Training Sessions

5:00 pm

Business Meeting

(Grand 2 & 3)

6:00-9:00 pm

Presidents Reception

Sponsored by LexisNexis

Awards Ceremony, Investigator

& Paralegal of the Year

(Grand 2 & 3)

Friday, April 20, 2012

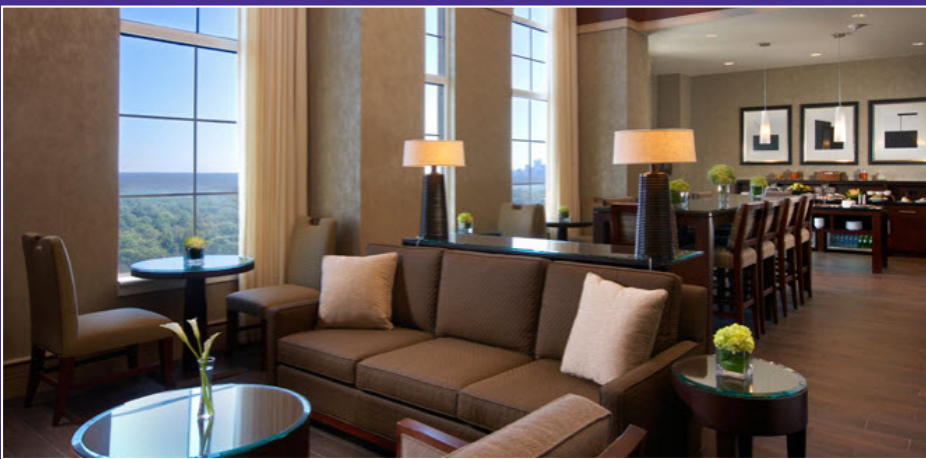
8:00 am - 5:00 pm

Ndia Training Sessions

national conference: atlanta

2012

national conference: atlanta



national conference: atlanta



NDIA SCHOLARSHIPS

The NDIA will be awarding scholarships to the 2012 NDIA National Conference in Atlanta, Georgia, and the 2012 Regional Conference in San Antonio, Texas. There will be two scholarships offered per region—Northeast (Sean Williams), Southeast (Shawn Tobin), Midwest (Tom Hinton), and West (Larry Carlson.) The two scholarships for each region will cover the conference registration fee. Recipients will be responsible for their own rooms and travel. Interested applicants must be members in good standing of NDIA and should contact their Area Director or Beverly Davidson at NDIA to apply. The deadline to apply for the National Conference scholarship is March 31, 2012, and August 1, 2012 for the Regional Conference. Any questions concerning the scholarships should be directed to Beverly Davidson at the NDIA office, 860-635-5533 or nationaldefender@gmail.net.

Beverly Davidson



2012 NDIA Annual Business Meeting

The 2012 Annual Business Meeting of the National Defender Investigator Association will be held on Thursday, April 19, 2012 at 5:00 pm at the Grand Hyatt Atlanta (Buckhead) Hotel, Grand Ballroom, located at 3300 Peachtree Road, Atlanta, Georgia.

The meeting will take place during the 2012 NDIA National Conference. The NDIA Annual Business Meeting is open to all members in good standing. Any such member may vote on NDIA business agenda items and bring matters, not listed on the agenda, up for discussion.

David Young, Secretary/Treasurer

2012

NDIA 2012 NATIONAL CONFERENCE
Atlanta, Georgia • April 19-20, 2012

Grand Hyatt Atlanta - Buckhead
3300 Peachtree Road • Atlanta, GA 30305
www.grandhyattatlanta.com

404-237-1234 for Hotel Reservations \$133 per diem room rate (Refer to NDIA Group Meeting)

(Federal Day Training, April 18 – Make Reservations through FJC or check with your AO)

REGISTRATION FORM

Name: _____

Agency/Firm: _____

Address: _____ ☐ Check if new address.

City: _____ State: _____ Zip: _____

2011 NDIA Member? ☐ Yes ☐ No Member # _____

Phone: _____ Email: _____

Fax: _____ Cell: _____

Pre-Registration BEFORE 4/4:

- ☐ \$225 2012 Member
☐ \$300 Non-member

Registration AFTER 4/4:

- ☐ \$260 2012 Member
☐ \$340 Non-member

AMOUNT ENCLOSED:

Please make check payable to: NDIA

Check Type of Payment:

- ☐ Check/Money Order enclosed ☐ Agency Voucher Enclosed
☐ MC ☐ VISA ☐ Amex ☐ Discover

(NOTE: There is a \$35 fee for checks returned for insufficient funds or credit card declines)

Card Number: _____ Billing Zip Code: _____

Name on Card: _____ Expiration Date: _____ Security Code: _____

Signature: _____

**Please make check payable
to "NDIA" and mail to:**

NDIA, Beverly Davidson
460 Smith Street, Ste. B3
Middletown, CT 06457

NDIA Tax ID# 85-043-5581

Contact Beverly Davidson for more information:

Phone: 860-635-5533 Fax: 866-668-9858

Email: nationaldefender@gmail.com

**Individuals must make their own hotel
reservations—no later than April 4, 2012 to get the
per diem rate of \$133.**

Reservations will be taken on a first come, first served basis. CUT OFF DATE FOR RESERVATIONS AT PER DIEM RATE IS April 4, 2012. Space is limited, so get your reservations in early. For reservations, call the Hyatt at 404-237-1234 and identify yourself as an NDIA member in order to receive the prevailing government rate of \$133 per night. Call Beverly Davidson at NDIA for further information, Phone 860-635-5533, Fax 866-668-9858, nationaldefender@gmail.com.

CONFIDENTIALITY PLEDGE:

This pledge MUST be read and signed before NDIA will be able to process your registration!

I hereby acknowledge that materials and information provided in this packet, at this seminar and on the CD Rom are confidential information and may not be disclosed except to other defense practitioners. This information reflects thoughts, opinions, impressions and strategies with regard to previous and ongoing cases and as such, is protected under the attorney-client privilege and work product doctrine. The materials provided at the seminar and on this CD Rom are licensed to participants for use in defense of criminal cases only, and any other use or distribution is a violation of copyright laws and the attorney's ethical obligation. By signing this pledge, I agree to abide by this understanding and to keep all information privileged. My signature also indicates that I am involved in the defense of persons accused in criminal cases.

Signature: _____ Date: _____

Melissa Kupferberg NDIA Scholarship

Melissa Kupferberg was a nationally recognized investigator with the Tampa, Florida Federal Public Defender office when she passed away. Only 32 years old, she was a skilled investigator, capital mitigation specialist and sentencing advocate who had a wonderful ability to relate to and work on behalf of clients. Her Master's Degree in Social Work and considerable experience, in both capital and non-capital cases, gave her great expertise in understanding and addressing mental health issues. This expertise helped her to develop a rapport with all types of clients, even those with significant mental illnesses or intellectual disabilities.

First and foremost, Melissa was dedicated to her clients. She was a fierce advocate, always seeking the most persuasive way to demonstrate a client's humanity to judge or jury, whether it be a mentally ill death row prisoner or a defendant facing child pornography charges. Melissa worked tirelessly to ensure thorough investigation of her clients' cases. Innocent or guilty, Melissa helped clients open up about their pasts, including painful details they would not reveal to others, so that information could be developed that might eventually persuade a judge or jury to give a lighter sentence than they would otherwise receive. Most importantly, she respected them and appreciated their humanity.

To honor Melissa, her family has created the **Melissa Kupferberg NDIA Scholarship**. The goal of the scholarship is to recognize those NDIA members who have followed in Melissa's footsteps through their client-centered approach to indigent criminal defense, by providing them with funding to attend the NDIA national conference.

Selection Criteria

The scholarship recipient must be a member of NDIA. He or she must have demonstrated a commitment to indigent clients and a client-centered approach to indigent

criminal defense. Preference may be given to applicants who can demonstrate this commitment in one or more of the following areas:

- Sentencing advocacy, a.k.a. sentencing mitigation work on behalf of indigent criminal defendants.
- Alternative sentencing on behalf of indigent clients, including pre-trial release programs, alternatives to incarceration, mental health assistance, substance abuse assistance and any other program that can impact a client's incarceration.
- Working with clients who have mental health or intellectual disabilities.
- Capital mitigation work.

Application

To apply for the scholarship, please fill out the application form and certify that the information you have provided is true and accurate.

Provide a personal statement (1,000 words) describing: (1) how you are dedicated to improving the lives of your clients, and (2) how attending the training will improve your ability to do so.

Provide at least one letter of support from a professional colleague (e.g., current or former boss or co-worker), describing in what ways your indigent criminal defense work is client-centered, and why you are deserving of this scholarship. Reference to your work in a specific case is optional, but may be helpful.

Applications must be received by **MARCH 16, 2012** for the National Conference in Atlanta, April 18-20, 2012.

Applications must be received by **AUGUST 10, 2012** for the Regional Conference in San Antonio, September 5-7, 2012. ■



Melissa Kupferberg NDIA Scholarship Application

Date

Name

Employment Address

Employment Email

Title

Years of Experience

Supervisor's Name

Contact Number

☐ PERSONAL STATEMENT ATTACHED

Send the completed application and all supporting documents to: Beverly Davidson, Executive Secretary of NDIA, 460 Smith Street, Ste. B3, Middletown, CT 06457. Alternatively, you may submit the information by email to: nationaldefender@gmail.com.



Investigator Dawn Wilson



Often times, the police report is the first thing we look at when we get a new case, and though we are the defense, it is difficult not to take a cop's account at face value.

When Anthony Garcia's case hit her desk, Dawn Wilson decided to delve deeper into those reports, despite her decades of experience and instruction as a law enforcement officer. Even as a rookie investigator at Arizona's Navajo County Public Defenders Office, Wilson knew there had to be more to the officers' accounts than met the eye, notwithstanding the seemingly airtight facts and her client's extensive criminal history.

"I listened to his story, and I knew he didn't do what they said he did," Wilson said.

Prosecutors accused Garcia, a well-known drug dealer in Winslow, Arizona, of kidnapping a woman from a train station, beating her, forcibly injecting her with heroin, and then sexually assaulting her in his home.

Wilson was hired by the public defenders in March of 2010. By the time her superiors assigned Garcia's file to her for investigation, the Public Defender, Dale Nielson, was prepared for the case to go to trial. If

convicted, Garcia faced 14 to 28 years of incarceration.

"One day before the trial, it was dismissed due to information that I found," Ms. Wilson said.

How does such an ugly case, complete with a bad boy defendant, find its way to a triumphant dismissal?

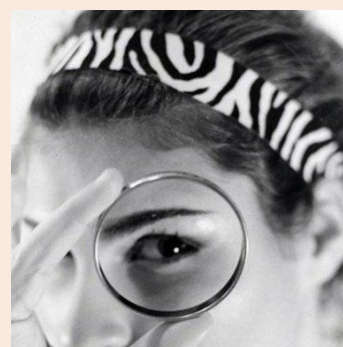
"I think the key to my success here is not leaving any stone unturned. I went where the police didn't go. What's written in a police report is not always true. They only do what they need to do until they prove the person is guilty," Wilson said.

After talking to the defendant, Wilson saw a bigger, more complete picture than that reported by the police.

"The woman took a train from Gallup, New Mexico, to Needles, California. She somehow leaves the train in Winslow, Arizona. There, she meets Anthony," Wilson said.

Garcia told Wilson he had been riding his bicycle in the area of the train station on the day in question. It was cold, raining and almost midnight by the time he encountered the victim, who wept that she had nowhere to go. Garcia offered to let her stay with him.

The victim accepted the offer, and willingly went with Garcia, first to Circle K to purchase beer, and then to his home. After arriving at his residence, Garcia discovered she used heroin, so he offered her the drug, and then they had consensual sex. Afterward, Garcia called a cab for the victim, then he subsequently left himself to complete a drug deal.



Field Notes

By Gisela Garcia



Field Notes: Investigator Dawn Wilson

“At this point, it’s five or six in the morning. The cab takes her to a restaurant, then to a motel and she may have gotten a room. Several hours later, she’s picked up by her husband and he takes her to the police station to report the rape,” Wilson said.

The police report stated that the victim looked visibly beaten up when she reported the rape, but Ms. Wilson never stopped believing in the client.

“I said to him, ‘You wait because I am working hard to clear you on this,’” she said.

One detail of Garcia’s account nagged at Wilson: Garcia noted when they first met, the victim was obviously under the influence of alcohol or drugs, a fact that was not mentioned in the police reports, and a factor that would later prove to be the key to Garcia’s defense.

“When I found out the victim was intoxicated, I talked to people from the train and I found out she was kicked off...She [the victim] claimed that earlier on the train a male passenger attempted to take advantage of her,” Ms. Wilson said.

Using this information, Wilson spoke to the train conductor and assistant conductor about the victim’s behavior while she was in transit. They told Wilson the woman was acting in such an odd manner that they were forced to remove her at the Winslow stop.

As a result, the Winslow Police Department filed an incident report with details about the drunken passenger’s ejection, in which they stated the unidentified woman had refused to talk to the responding officers. Yet, during their investigation of Garcia’s case, the Winslow Police Department never connected these two incidents together—something which still troubles Wilson.

“I mean, were you [police] even aware that she was removed from the train?” Wilson asked herself, as she read the incident report.

“She told Anthony that she was kicked off [the train], but she told the cab driver that she demanded to get off. She told police she got off because her husband was a ‘vago’ (gang member), and she was paranoid and believed he had planted gang members on the train to attack her,” Wilson said.

At that point, it was simply a matter of following the victim’s movements. This led to more and more evidence overlooked by the police.

“The taxi driver and the witnesses at the restaurant and motel said she did not look beaten. The police never spoke with the waitress and did not ask the cab driver [about the victim’s condition],” Wilson said, “The waitress remembered her as a crazy lady.”

Then, more cracks in the prosecution’s case emerged. The victim’s marks on her arm were perfectly lined up, inconsistent with her claim that she had been forcibly injected with heroin.

“There were no rips or tears or bruising, though she claimed the needle had broken [sic] in her arm,” Wilson said.

As she investigated further, Wilson noticed three more distinct oversights by police in their investigation. First, the taxi driver said she took the victim to an ATM to withdraw cash, yet police never acquired the security camera footage. Second, police failed to obtain a toxicological screen of the victim’s blood. Finally, the police questioned the victim about the rape while her husband was present in the room.

To top it off, the alleged victim had a criminal record too. Upon exploring her background, Wilson found an old fraud conviction out of Mohave County, Arizona.

With this information, Nielsen and Wilson were able to formulate a defense.

“Our theory is that her husband came to pick her up and beat her when he found out [about the infidelity], then took her to report the rape,” Wilson said.

The facts proved to be too much for the prosecutor. After interviewing the waitresses that Wilson had located, he dismissed the charges in open court. With the victim’s story and credibility shattered by the information Wilson had discovered, the prosecutor was left with no other choice.

“He reasoned that he had an uncooperative victim. The Public Defender felt that it was because we poked so many holes in her story that he felt he didn’t have much to stand on if it went to trial,” Wilson said.

Wilson contributes the difference she made in her investigation to unlearning all she had thought to be true from her years working for the police.

“I was blinded as a law enforcement officer as to the things law enforcement officers do that are unethical. Now I am really focused on the procedures and if they violated the clients’ rights,” she said.

“I learned to dig, dig, dig until I find the answer. When I spoke to witnesses, I asked for more names. It was a domino effect,” she said.

The lesson she learned in Mr. Garcia’s case is now her method for investigating all her cases.



About Dawn Wilson

Dawn Wilson, 47, grew up in Colorado, but lived in Kansas for 18 years.

Determined to work in law enforcement, Ms. Wilson put herself through the police academy in 1991, and worked as an officer for the Johnson County, Kansas Sheriff's Department. In 1999, she moved to Arizona. In 2003 she began working for the State of Arizona as an Investigator, cracking down on unlicensed contractors. Ms. Wilson then went on to work for her fiancée's repossession company, National Recovery Network, before seeing the light and becoming an Investigator for the Navajo County Public Defender's in March of 2010.

Ms. Wilson is no longer a certified law enforcement officer; "I'm totally for defense now," she assures everyone, including her incredulous friends and family."

Today, Ms. Wilson lives in Show Low, Arizona, with her 11-year-old son, Cody. When Cody was just four years old, he was in a near-fatal accident, which left him unconscious and partially paralyzed on his left side. Despite living for a month at the hospital by her son's side, she was able to finish her degree at Northland Pioneer College with honors. After many difficult years of recovery, Cody is now a happy, active boy with no handicaps.

Ms. Wilson credits her son's will with inspiring her to be where she is today. ■



A Thank You from Leah Rivera-Sanchez

In October 2008, the Idaho Inmate Education Fund (IIEF) was created as a response to unmet needs at the Ada County Jail (ACJ) in Boise, Idaho. The goal was to have a non-profit organization that would (1) build self-help libraries, and (2) create programming scholarships at county jails throughout Idaho. IIEF is a non-profit organization started by longtime NDIA member Denise Arellano to assist Idaho's indigent county jail inmate population.

At the 2011 Huntington Beach NDIA National Conference, the President's Banquet Raffle proceeds of \$1400 went to fund the IIEF scholarship program. The following letter is from Leah Rivera-Sanchez, an inmate whose life you have touched.

September 2011

Dear Idaho Inmate Education Fund:

I want to express my deep gratitude and appreciation for contributing to the fund for my MRT class. My husband fell victim to the dark and ugly world of drugs. He was a wonderful husband, but due to the loss of his job, he couldn't find work and got real depressed and felt like a loser and a bad husband. So he started using drugs. His drug abuse got so out of hand that I ended up leaving him.

About five months later, I came back to him. He was calling me asking for my help so because he was my husband and because I loved him. I came back thinking that I could change him. But when someone has an addiction to drugs they can't just stop because someone tells them to. And during all of this time I was trying to help my husband with his addiction I wasn't thinking about myself. I just wanted my husband to stop using drugs. Because I knew sooner or later he was going to kill himself. So now because of me worried about my husband and not worrying about myself, I must deal with the consequences of now being incarcerated due to my husband's drug abuse.

But, because of your generous contribution I will be able to correct my thinking. So I will never make those mistakes again. My MRT class gave me the tools to set goals in life to be honest with myself and with my family to ask for help when I need it. And I learned that if I am ever in a situation that might get me into trouble ask myself Is this going to jeopardize my freedom.

My MRT class gave me the tools to be successful in life and to be productive citizen in life. And one day I will be able to give back the gift to someone who is in a situation like mine and make a difference like you have for me.

So I just want to say thank you for believing in me. I successfully graduated from my MRT class.

*Thank you,
Leah Rivera-Sanchez*

Falsely Accused Investigator Rises from Adversity Aims For Law School

special report



By Al Tobin

At 17, Jarrett Adams was no different than most teenage boys. He listened to Tupac, Biggie, hung out with the guys, cheered as Michael Jordan led the Chicago Bulls to their second three-peat of the 1990s.

Other than a little mischief he was a pretty good kid. His mother, Lois, kept him pretty much reeled-in. Lois worked hard doing bookkeeping and accounting. She often worked two jobs. She raised Adams and his brother by herself.

A graduate of Hillcrest High School outside of Chicago, Adams' seemed headed for happy days. He had the freshness of youth. The last thing he, or his mother expected when he went to the University of Wisconsin campus in Whitewater to party on September 5, 1998, was that he would end up in prison for a sexual assault he did not commit.

Adams spent eight years in prison until a federal appeals court overturned his conviction in 2006 for ineffective assistance of counsel. He's been working for a year and a half as an investigator with the Chicago Federal Defender Program. Now he plans to go to law school. He wants to get his law degree so he can prevent others from being wrongfully convicted.

"I plan to go to the best law school so I can be the best for those who need the most," Adams said.

From the moment Adams went to prison, he went to work on his case. At Dodge Correctional Institution in Waupun, Wisconsin,



Adams earned the respect of fellow inmates. He had a thirst for knowledge.

He helped inmates file written responses when they were cited for prison-rule infractions.

"I started being an advocate for them. So many couldn't read, couldn't write," Adams said. "I'd helped guys with beating conduct reports when they got written up, all kinds of things."

He spent as much time as he could in the prison law library. When Adams couldn't find something, when pages were missing from law books, he wrote to defense lawyers, even if he didn't know them. They often sent him the copies he needed.



Falsely Accused Investigator Rises from Adversity Aims For Law School. continued

"I was able to help other inmates and it helped me to sharpen my skills to file my brief on my own. Keep in mind that when I started I had no understanding of the intricacies of the legal field," he said.

He became so good at it that he started to irk prison officials. A confidential informant sensing that he might be able to do himself some good, made up a story.

"A confidential informant said I was a leader of a gang, and that I was trying to incite inmates to riot because of the institution's policies," Adams said. "Prison officials ran into my cell at three in the morning while I was sleeping. They put me in segregation."

Based on the CI's allegations, Wisconsin prison officials transferred Adams to "a gulag," the supermax prison at Boscobel, Wisconsin. It was a tough place to do time.

"The shower was in your room. The only time you were allowed outside your room was two hours a week."

Adams protested. He challenged the transfer and the CI's accusations. He filed a writ of certiorari. The Dane County courts ordered prison officials to release Adams back into the general prison population on the basis that he was being held in segregation on unreliable evidence.

"The informant was lying, and the court knew it," he said. "When the allegations surfaced, I was working as a server in the prison kitchen. The courts also ordered that they give me back pay for wages lost. I was only making 30 cents an hour, so I didn't receive much. However, I luckily used that money to buy stamps and write to the Innocence Project, which ultimately was responsible for getting my conviction reversed."

Through the terrific work of the Wisconsin Innocence Project—a University of Wisconsin Law School program—Adams' wrongful conviction was overturned.

Attorney Keith Findley, of the Wisconsin Innocence Project, said Adams was anything but a passive victim of the legal process.

"He actively and effectively participated in constructing his defense, and he did it well. Often times, working with Jarrett was more like working with a colleague than a client."

Almost every inmate knows the facts of his case. But few grasp the legal nuances the way Adams did. The Innocence Project focused attention on the ineffectiveness of the attorney who handled his trial. And, ultimately, the Seventh Circuit Court of Appeals overturned his conviction.

It is daunting to think how Adams' life may have turned out, had he lost his appeal and been forced to serve all 28 years of his original sentence.

"When you're in prison, the appeals, the waiting for court decisions, eats up huge chunks of your time," he said.

Imagine being imprisoned eight years for something you didn't do, and then find that it's going to haunt you when you try to get a job.

Hard Times After Prison

Once he got out of prison, Adams went to live in Chicago with his mother. He took whatever kind of job he could get. This was not someone shy about work. He did yard work, shoveled snow, poured cement, did masonry. He did whatever was available.

But like most of us, he needed a job that was steady, a job with health insurance and benefits. He took a class on public speaking. He polished his interviews skills and set out to find his niche. He took a test to work for Comcast, the cable TV company in Chicago.

He did well on the test. Got an interview. By the end of the interview, he had won over the woman from human resources. She said he was the kind of guy she would let baby-sit her kids. Then came the letter from Comcast saying the position had gone to someone more qualified. Adams wasn't buying the explanation.

"It was like a Pandora's box opened and said where the hell were you for 10 years," Adams recalled. "I was thinking I can't even go and install cable and work my way to get a job."



Jarrett Adams (center) at age 27 posing for a photo with attorneys Keith Findley (right) and John Pray (left). Findley and Pray are with the Wisconsin Innocence Project. They played a key role in winning Adams' appeal.

Falsely Accused Investigator Rises from Adversity Aims For Law School, continued

through college because of my background. This is crazy.”

As it does for most ex-prisoners, even those whose convictions have been overturned, the gap in his job resume held him back.

“They get you into the system at the snap of a finger and it takes the longest time to get you out. And once you get out, it takes a long time to get your record wiped clean.” Adams spent months trying to wipe away the grime.

“I had to get all kinds of certified documents and send them into the FBI (which runs NCIC) to clear what they had about me off the data base.”

One word comes to mind these days when one hears Adams talk. Urgency. The years he spent behind bars is giving Adams the grit and determination he now has.

“Psychologically I’m chasing 10 years I know I’m not going to get back.”

Adams will earn his bachelor’s degree in criminal justice from Roosevelt University in the spring of next year. Adams then plans to attend law school next fall. And after that he wants to come back as a criminal defense attorney to work with people who can’t afford a lawyer.

Growing Up On The South Side

Adams was born in Chicago. He grew up in the community of Burnside. The phenomenon of white flight had taken place. He went through adolescence as the once proud working class neighborhood struggled with skyrocketing crime rates, gang violence and urban decay. The murder rate on the south side particularly during 1991 and 1992 was high.

Adams lived for a spell in South Shore, Chicago. His environs were a whole world away from neighborhood notables Kanye West



Jarrett Adams (center) celebrating his successful appeal after his release from prison in 2007. The appeal was successfully litigated by attorneys Keith Findley (far left) and John Pray (far right). Also joining in the celebration are students from the University of Wisconsin Law School, who also worked on the case.

and First Lady Michelle Obama. His world was the turbulent side of Chicago.

“There were even cops who cruised around in unmarked cars with doors taken off, so when they jumped out and chased you, they didn’t have to take time to open the doors,” Adams said.

I remember sitting on the porch watching cops slam people up against the wall for just standing on the corner talking. There was a definite alienation between the community and the police. It was us against them.”

It was no wonder that when it came time for Adams to go to high school his mother had him move outside of Chicago to live with relatives.

Back in the day, Adams didn’t think much of public defenders. “Growing up, the view was public defenders are working with the police and you get what you pay for.”

Adams doesn’t feel that way anymore.

Working For The Defender

“I’ve learned so much by just being around people who have all this experience and knowledge,” he said. “When I go to law school, a lot of it is going to be very familiar...statutes, federal codes, sentencing guidelines and how they work. It won’t be new to me.”

Adams recently got to help put together a mitigation video for a sentencing. The case involved a young woman who got sucked into a shady mortgage scheme.

“She was in an abusive relationship. She had two kids by this guy. In the name of love and out of fear, she did whatever he said. It was really sad.”

The video showed the mother interacting with her children, making dinner, getting them ready for school and other family activities. The staff attorney was able to use



Falsely Accused Investigator Rises from Adversity Aims For Law School, continued

the video at sentencing to convince the judge to place her client on probation.

“I think public defenders get a bad rap,” Adams said. “I now work with the Federal Defender Program in Chicago and the lawyers there are some of the best I have ever seen.”

Carol A. Brook, executive director of the Federal Defender Program for the Northern District of Illinois, said her office had been talking for some time about the need to hire someone who had an understanding of prison life and who could become expert in prison rules and procedures.

Brook said that when she met Adams, it was like the Yiddish word *besbert*, the perfect person at the perfect time. He was obviously smart, hard working and most importantly, eager to learn.

“Ever since I got to work with Ben Rayborn, who moved from the FBI’s “Ten Most Wanted” list to Alcatraz to the San Diego Federal Defender Office where he became its chief legal research associate (from 1971 to 2004), I have yearned to hire someone like Ben for our office—someone who lived through the pain of prison and came out wanting to use their skills to help others,” Brook said.

I thought Jarrett could be that person. I’m happy to say, the Office of Defender Services supported the idea, and Jarrett has more than lived up to our expectations. He truly understands what our clients are going through and is always willing and wanting to go the extra mile to help us prepare the best possible defense for every single client.”

Michael Medina, chief investigator for the Federal Defender in Chicago, described Adams as “a persistent individual who does not take no for an answer.”

“Jarrett is eager to learn and takes on all assignments and does not hesitate to ask

The deficiency the Seventh Circuit referred to in its decision, was Adams’ defense counsel’s failure to call a critical witness that the lawyer knew about at the time of the trial; an impartial witness who would have blown apart the so-called victim’s story.

questions,” Medina said. “His experience in prison helps in communicating with our clients, and, if they have a problem, they confide in him. They trust him.

“Our program will miss Jarrett, but I think it is great that he is planning to go to law school, and I think he will get through law school and become a great lawyer.”

Findley describes Adams as “remarkably bright and perceptive,” someone who “has the kind of personality that you just can’t say no to.” And he certainly understands what makes a good lawyer from the client’s perspective. Findley thinks Adams will make a terrific defense lawyer.

“Before Jarrett had received any legal training, he was able to master the law and the facts in his case and helped steer us to raise and argue what turned out to be the winning claim.” Findley said.

The Long Way Home

The long way home, dates to the year 2000. That was when an all-white jury in Jefferson County, Wisconsin, convicted Adams and a co-defendant of sexual assault. They were sentenced to 28 years in prison. A third man, was twice tried separately. His first trial

ended in a hung jury. His second trial ended in dismissal of the charges when the state failed to turn over exculpatory evidence.

The injustice echoed for years. On November 7, 2002, the Wisconsin State Court of Appeals affirmed Adams’ conviction. It was a disappointing day, but not the end for him. Hope remained as he dreamed of a better life. Four long, cold Wisconsin winters passed.

Then on June 30, 2006, the U.S. Court of Appeals for the Seventh Circuit, ruled.

“We reverse the district court’s decision based on the constitutional deficiencies of his trial counsel.”

Winter was gone. Spring had finally come in the life of Jarrett Adams.

But it wasn’t until February 9, 2007, that the State of Wisconsin dropped the charges against Adams, and he was released.

The deficiency the Seventh Circuit referred to in its decision was Adams’ defense counsel’s failure to call a critical witness that the lawyer knew about at the time of the trial; an impartial witness who would have blown apart the so-called victim’s story.

In retrospect, the piece of evidence that overturned the Adams case was a simple interview with a cooperative witness, willing to be subpoenaed; something that any decent investigator or attorney easily could have done all those years ago.

Maybe doing criminal defense work is Jarrett Adams’ way of making sense of the big sprawl that is his amazing life. It is an expression of humanity and represents hope for the future. ■

student membership form

FOR 2012 NEW MEMBERS & RENEWALS

NDIA Student Member: The National Defender Investigator Association dues for 2011 are up for renewal. Dues must be paid prior to the National Conference if you plan on attending and in order to receive the member discount. Please remit a check, money order or credit card to NDIA with this form. Make any necessary changes directly on the form. MEMBERSHIP IS BASED ON THE CALENDAR YEAR July 1 to June 30 (of the following year.) Dues are non-refundable.

Check One:

☐ Renewal (Enter Member #) _____

☐ New Student Applicant

Type of Membership:

☐ \$20 (1 Calendar Year)

☐ \$30 (2 Calendar Years)

☐ \$40 (3 Calendar Years)

Amount Enclosed: _____

Credit Card:

☐ MC ☐ Visa ☐ AMEX ☐ Discover

Card #: _____

Expiration: _____

Signature: _____

Name: _____

School: _____

Address: _____

Street: _____

Suite/Floor: _____

City: _____ State: _____ Zip: _____

Work Phone: () _____

Fax Number: () _____

Cell Phone: () _____

Email: _____

TYPE OF MEMBERSHIP:

- ☐ **Student Member:** Any person over the age of 18 years of age, attending a college with a major in Criminal Justice, Sociology, or related field, or, alternatively, an ABA-approved Paralegal Studies program. Student members shall not be entitled to vote or hold office.

I am presently a student in one of the following programs:

☐ Criminal Justice ☐ Paralegal Studies ☐ Sociology ☐ Law ☐ Other

I am presently interning with: (check only one)

☐ Public Defender Office ☐ Legal Aid Society ☐ Community Defender Association ☐ Other

I certify that I have accurately represented my membership status listed above. I will notify NDIA of any changes.

Signature: _____ Date: _____

PLEASE MAIL FORM TO: Beverly Davidson, NDIA, 460 Smith Street, Suite B3, Middletown, CT 06457
Phone: 860-635-5533 • Fax: (866) 668-9858 • nationaldefender@gmail.com • www.ndia.net

Nominations Open for 2012 Investigator/Paralegal of the Year

Do you know an investigator and/or paralegal in your office that you believe should be rewarded for their commitment, compassion and professionalism? The NDIA Awards Committee is encouraging members to nominate those who have demonstrated such outstanding service so that the NDIA can acknowledge them for their hard work and dedication.

Please nominate an NDIA member that you believe should be acknowledged for their exemplary work in the defense of the indigent and deserves to be recognized as the next Investigator or Paralegal of the Year recipient.

Criteria for Investigator/Paralegal of the Year

The nominees must:

- Be members of the NDIA in good standing;
- Perform their duties in defense of the indigent in an exemplary manner with dedication, patience, persistence, professionalism, creativity, ingenuity and ethical integrity;
- Submit a letter of nomination by an NDIA member, supervisor or an attorney from their office;
- Submit two letters of recommendation from persons familiar with their work other than the nominator; and
- Have all the required information to the NDIA Awards Committee Chair by March 16, 2012.

In the selection process, the Awards Committee Chair will confirm that the individuals nominated are members of the NDIA in good standing. The Awards Committee will then be provided with all the informa-

tion received regarding the Nominees. The Awards Committee will review the letters of nomination and other recommendations. Then they will submit their own individual votes to the Awards Committee Chair.

The Awards Committee Chair will provide the names of the winners to the Board Liaison at least 30 days before the National Conference. The announcement of the winners for the Investigator/Paralegal of the Year Awards will take place at the National Conference in Atlanta, Georgia April 19, 2012.

DEADLINE: March 16, 2012

If you have any questions regarding the nomination process, please contact the NDIA Awards Committee Chairperson, Matt Whalen at 203-503-6818 (State of CT Public Defender Office) or via e-mail, ctdefense@yahoo.com. Submit all nomination and recommendation letters to the following address:

Matt Whalen
Office of the Public Defender
Courthouse
235 Church Street
New Haven, CT 06510

**Matt Whalen, Committee Chair
NDIA Investigator/Paralegal of
the Year Awards Committee**

2012 Investigator or Paralegal of the Year Nomination Form

TITLE: ☐ Investigator ☐ Paralegal

Nominee's Name

Agency/Office

Address

City State Zip

Phone

Email

If applicable, Supervisor's contact number

Supervisor's Email

Supervisor's Address

REASON FOR NOMINATION:
(On a separate sheet of paper, please write a concise and definitive statement of why you believe the nominee deserves to be awarded.)

Person Nominating

☐ NDIA Member ☐ Attorney
☐ Supervisor ☐ Co-Worker

Address

City State Zip

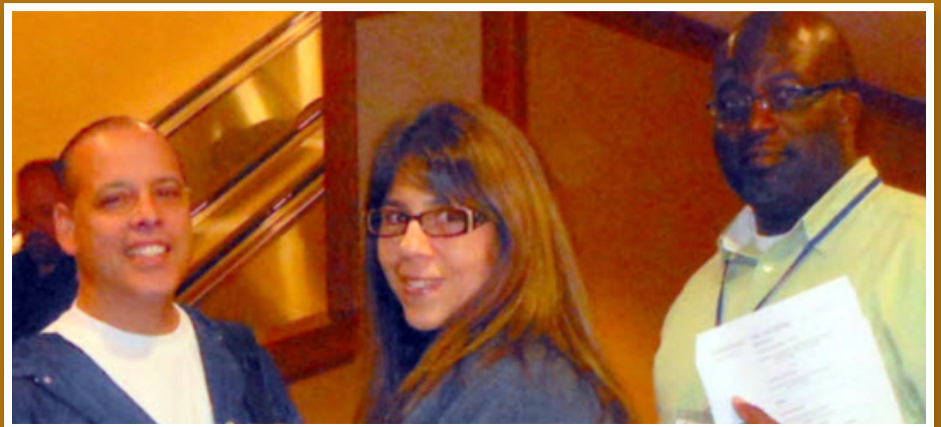
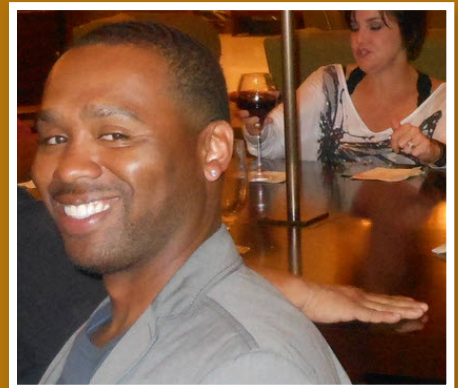
Phone

Email

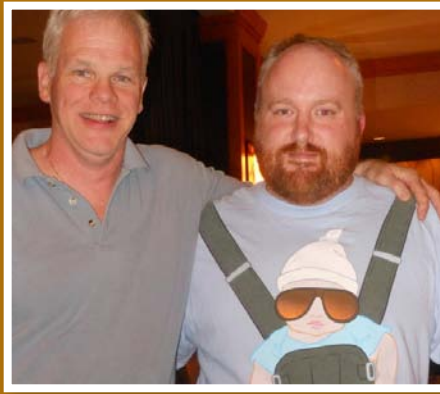
Please forward completed form to Matt Whalen, Committee Chair, by fax 203-789-6863 or email ctdefense@yahoo.com, no later than March 16, 2012.



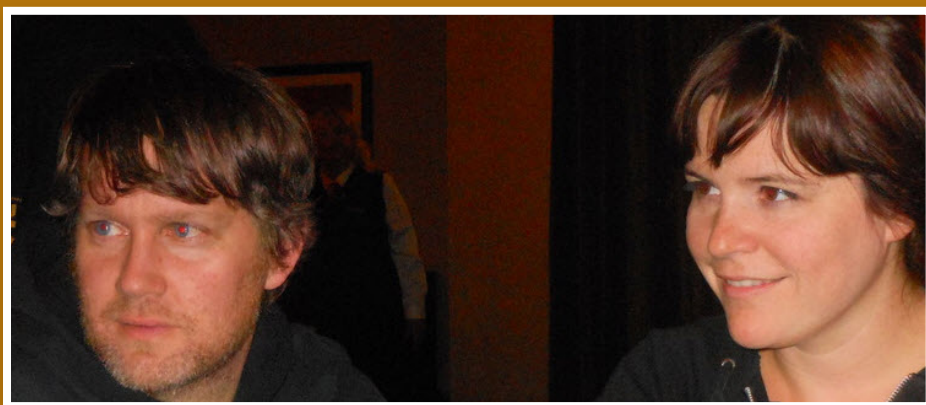
regional conference: denver



regional conference: denver



regional conference: denver



welcome new members

Kimberly Arellanes
San Diego County Alternate
Public Defender
San Diego, CA

Edward Byrne
Oakdale, MN

Faheemah Davillier
Public Defender Service
Washington, DC

David Douglas
Law Offices of the Mohave
County Public Defender
Kingman, AZ

Kevin Eiser
Office of the Federal Public Defender
Flagstaff, AZ

Alison Horn
Public Defender Service
Washington, DC

Wendy Jacobson
Balch Springs, TX

Carlene McGowan
Central N.Y. Investigation Bureau, Inc.
Syracuse, NY

Chris Pipe
Public Defender Service
Washington, DC

Ralph Ruiz
Law Offices of the Mohave
County Public Defender
Kingman, AZ

Don Simpson
Law Offices of the Mohave
County Public Defender
Kingman, AZ

Trish Slater
Public Defender Service
Washington, DC

Doug Smith
Law Offices of the Mohave
County Public Defender
Kingman, AZ

Steven K. Smith
VA Defense Commission
Winchester, VA

Joseph Spadafore
Central N.Y. Investigation Bureau, Inc.
Syracuse, NY

H. Dean Steward
Attorney at Law
San Clemente, CA

James Taggart III
Tuscaloosa County Public Defender
Tuscaloosa, AL

Paul Turkevich
Public Defender Service
Washington, DC

Michelle VanderLinden
San Bernardino County Public Defender
San Bernardino, CA

Dawn Wilson
Navajo County Public Defender
Holbrook, AZ

Justin Yentes
Arizona Investigative Associates, PLLC
Gilbert, AZ

Investigator Gina Humphrey

Gina receives a U.S. Attorney award from former U.S. Attorney General Janet Reno and then U.S. Attorney Eric Holder



spotlight

**By Susan Richardson,
Assistant Editor**

This issue's Spotlight features an investigator with an uncanny sense of color coordination, one tough fashionista, who, like any true gumshoe investigator, packs heat inside her periwinkle purse. Federal Public Defender Investigator Gina Humphrey, whom I am proud to call a co-worker, mentor and an excellent friend, has worked for the federal government for 35 years. She began her career at the age of 20, her first job as a secretary for the U.S. Army at Fort Rutgers. Gina advanced quickly to a position with the United States' Marshal's Service, followed by one at the Internal Revenue Service (IRS). She eventually landed a position as a paralegal with the United States Attorney's Office for the Eastern District of Virginia, where she won many awards. For the past 10 years, Gina has been an investigator at the Federal Public Defender's Office for the Western and Eastern Districts of Virginia. She retired at the end of September, 2011.

While working for the United States Attorney's Office, Gina received the distinguished Director's Award twice, one of which was

presented to her by Attorney General Eric Holder (then a U.S. Attorney) and former Attorney General Janet Reno. Her first award was for her work related to a complex, multi-defendant, drug-trafficking case that involved well over a million dollars in money laundering that was dubbed "Operation Triple Play." Her second award was her work defending the United States in a wrongful death case related to a death that stemmed from a violent confrontation on-board the Little Creek Naval Amphibious Base in Norfolk, Virginia.

Gina was born in Kansas City, Missouri, but lived in Texas, Alabama and Georgia as a child. A proud military brat, her father was in multiple branches of the armed service and retired from the U.S. Army as a helicopter pilot. Gina also married a military man. Her husband, Greg, recently retired from the Navy after 33 years at the rank of Master Chief. Together, Gina and Greg have four children and eight grandchildren who are the joy of her life.



Investigator Gina Humphrey, continued

Gina received her undergraduate degree from Palm Beach Atlantic University in West Palm Beach, Florida, and her Masters Degree in Education with a concentration in Justice Administration from Troy University, located in Troy, Alabama. Growing up, she went to 17 different schools in 10 years. She had to learn to adapt and make new friends with each new home. Perhaps this accounts for her ability to literally speak to anyone and to exude a strong confidence while doing so. She has an innate ability to disarm potentially difficult persons with her engaging personality. More than one hostile witness has warmed to Gina after only a few minutes. Some may have warmed too much though, as she recalls the witness who proceeded to use his portable urinal in his living room while being interviewed!

Like most investigators, Gina has seen a bit of everything and expects unusual circumstances to arrive. Gina recalled a case that she was tasked with retrieving some personal property from a client's home while he was incarcerated. She went to the boarding house and spoke with the landlord. She made polite conversation and explained that she needed to enter the client's room, but did

not have a key. The landlord, a very heavy set woman, said "I can probably find a key to that room, but I sure would like some fried chicken." Gina proceeded to leave, find fried chicken, and then was allowed into the room. Gina jokingly states that she "bribed a lady with fried chicken" to complete the task.

Attorney Joel Hoppe, recalls some of the stake outs that he and Gina went on during his employment at the Abingdon Division of the Federal Public Defenders Office in the Western District of Virginia. In one methamphetamine case, where the client claimed his unusually large supply of iodine was used for castrating pigs, Gina tracked down a hard to find witness in Damascus, Virginia along the Appalachian Trail. Joel and Gina waited patiently near a set of apartments where the witness was rumored to live to see if he would appear. After a while a woman with three kids appeared on a sidewalk. Gina recalled that the man was married and had three children. Gina approached the woman and ultimately discovered that this was the witness' family, but was told that he was not home. The stake out continued for a while, and they finally decided to leave and call it

a day. As they were heading down Route 58 leaving Damascus, they passed a gray truck. Gina noticed the truck, recalled that the witness drove a gray truck. The two spun around and caught up to the truck as it was pulling into the apartment complex. Sure enough, the man in the gray truck was the witness for whom they had been searching. Gina conducted the interview to the benefit of the client, and no doubt to the chagrin of the witness and his wife.

Another humorous instance that Mr. Hoppe remembered vividly was a time when he and Gina went to North Carolina in an attempt to locate a confidential informant. The government refused to provide the name of the informant, but Gina figured out the name and address of the witness. Gina and Joel approached the door and knocked. No one answered for quite some time; however noises could be heard from within the trailer. Eventually a lady answered the door and advised them that the witness was at work and would be gone for a long time. Suddenly a little boy appeared and said, "If you are looking for Daddy, he just



Gina and Greg on USS Pensacola



Gina with Joel Hoppe and Nancy Dickenson

Investigator Gina Humphrey, continued

went out the back window.” Gina and Joel went back to the car and decided to wait him out. He had to come home eventually. After about 15 minutes, the woman came to the car and said that they probably would not want to wait because it was going to be a long time before he returned from work. They decided to wait anyway. Another 15 minutes passed. Finally, the witness came walking down the road and was interviewed by Gina and Joel.

Gina has testified multiple times throughout her career, but one question from a local prosecutor sticks out in her mind. Gina was testifying during the trial of a man accused of failing to register as a sex offender. She was testifying about her efforts to reach someone at the registry and how difficult the process to register could be. The prosecutor proceeded to ask her, “Are you a sex offender?” Gina was taken aback, but politely answered in the negative.

A case that Gina is particularly proud to have worked on is *United States v. Herbert Evans*. Herbert Evans was an elderly man who became angry with the USDA after they claimed he had failed to make a house payment that he knew that he had mailed. Mr. Evans proceeded to make some statements that were perceived as threats. The alleged threat was made in 2002. Mr. Evans was incarcerated for 5 years prior to trial. He refused his medication for mental illness, at which point the government sought to have him involuntarily medicated. After numerous hearings and appeals all the way to the United Supreme Court, it was determined that Mr. Evans would be involuntarily medicated. While he was incarcerated several federal inmates looking to reduce their time claimed that Mr. Evans threatened the life of a Magistrate Judge. Mr. Evans was then indicted for that alleged threat as well. After a hearing on a motion to sever, it was determined that two separate trials would be held regarding each alleged threat. Mr. Evans was an elderly man with many medical problems who kept his hands warm in the



jail by wearing socks on them. Gina worked tirelessly on the case, double checking each witness statement and the jail house snitches’ backgrounds. Ultimately a jury determined, twice, that Mr. Evans’ either did not make the statements or that they were not true threats. He was found not guilty and was able to go home and be with his family after five long years of incarceration.

Brian Beck, Assistant Federal Defender, in Abingdon, Virginia remembers another case involving alleged threats. This case again involved jail house informants. Mr. Beck recalls that by the time trial was over the jury had to be wondering who was actually on trial. Gina located so much negative information on the informants that there was no way that they could be believed. That defendant was also found not guilty at trial.

Nancy Dickenson, Assistant Federal Public Defender, recalls her admiration at Gina’s commitment and dedication to her tasks. Gina truly believes that everyone is entitled to a fair trial. No stone will go unturned as Gina searches for a piece of evidence that may make the difference at trial or in mitigation efforts. Many clients owe a debt of gratitude to Gina for her tireless work on their behalf.

While working in the Eastern District of Virginia in Norfolk, Gina was able to prove that oft-heard defense “they’ve got the wrong guy.” After Gina interviewed the client and heard those words, she followed up on the client’s story that he had been arrested by mistake. The client had been in jail for eight months, but no one believed his assertions of innocence. The client told Gina that he had sold his car to someone, and that the car and current owner were involved in a drug deal. The client was adamant that he was not present at any drug deal. Gina obtained a photograph of the person whom the client sold his car. A confidential informant then identified the new car owner as the culpable party. The government agreed to dismiss the charge, and after many months in jail, an innocent man went home due to Gina’s work.

Gina has not only utilized her superb investigative skills to assist defendants, she has also used them to help her family. Gina’s in-laws were foster parents to a little girl when her husband was a child. The little girl, Darlene, lived with them for a year and a half and was then adopted at age 3 by another family. Her husband and his parents had always wondered what happened to her and wished that they had been permitted to stay in contact with her after the adoption. Forty years later, Gina put her investigator skills to the test. With only her name and the possible maiden name of the biological mother, Gina located her. Darlene was thrilled to be contacted and reunited with the family that had provided her with a loving home as a child.

Gina has been an invaluable asset to the Federal Public Defender’s Office. Her uncanny ability to pick up on small details and locate witnesses and documents is amazing. Even more amazing than her investigative skills, is her zealous devotion to finding the truth and helping clients. Gina will be greatly missed at our office, but we wish her well on her retirement. She plans to return to Alabama to be closer to her family. ■

Retirement of Joe Palmer

Joe Palmer will be retiring from the Federal Public Defender Office out of the Middle District in Jacksonville, Florida early next year.



Upon graduation from high school, Joe joined the U.S. Navy. After the Navy he went on to get a degree in English. He began his extensive career as a newspaper reporter for a small local paper. He worked the night beat with the police, where he learned the “language” and gained a lot of experience. While covering a story on Amelia Island, Joe met an individual that worked for the State Public Defender’s Office that had to return to England. The Public Defender of that office offered Joe the job. When Joe asked what he would have to do as an investigator he was told, “Ask questions and bother people like you did as a reporter.” Joe started the next day.

Joe Palmer worked as a private investigator for three years and through working a case, representing a local Sheriff accused of a crime, he was able to meet people that worked in the defense field. Joe went on to work in the Federal Public Defender Office in 1995, where he worked for three years in Tampa and one and a half years in Atlanta. In 2000, Joe went on to become the Chief Investigator in the Middle District of Florida, where he served in this position for five years. In 2005, Joe landed in the Jacksonville office, where he could be closer to his home in Amelia Island. Joe describes Amelia Island as a “quiet village with a fishing problem.” Joe and Pam, his wife of 34 years, plan on enjoying Joe’s retirement with their two son’s, their families and their two grandchildren. Joe continues to write and is almost done with his first novel, *A River of Jasmine*. He also has a humorous column, “Cup of Joe,” in the local paper.

Joe’s advice to new investigator’s is simple, “A lot has changed since I started. There were no cell phones, we carried pagers. I haven’t seen one of those in years. Do they even still have those? Stay on top of technology because it’s hard to catch up.”

NDIA and all of Joe Palmer’s friends colleagues would like to wish him a happy and satisfying retirement. Happy fishing!

Wanda Rivera

News From California

Recently the California Defense Investigators Association (CDIA) hosted their 2011 Fall “Means, Motive & Opportunity of Criminal Defense” Seminar at the Embassy Suites Hotel in Temecula, California, on October 20 & 21, 2011. The Seminar was very well presented and attended by approximately 90 Public Defender Investigators and Private Investigators.

There were excellent presentations on Crime Scene Investigation/ Reconstruction, Blood Stain Pattern Analysis, Building a Persuasive Eyewitness Defense, Essential Tools for Effective Communication & Techniques for Managing Stress, Youth Gangs: From the Streets, Through the Courts & In to D.J.J. and Managing Your Caseload Electronically.

If you work in California or in the vicinity of California, I strongly urge you to become a member of the CDIA and attend their two annual seminars. If you would like additional information on CDIA and future seminars including DITA (The Defense Investigators Training Academy), please log on to www.cdia.org.

For those of you seeking employment opportunities in California, the County of Sacramento Department of Personnel Services recently listed a Permanent Full-Time Investigative Assistant position which closes on Monday 12/19/11 at 5:00 pm Pacific Time. To apply, you can contact: County of Sacramento Employment Services Division, 700 H Street, Room 4667, Sacramento, CA, 95814 Phone (916) 874-5593; 7-1-1 Relay Service, Inter-Office Mail Code: 09-4667. You can go online at: www.saccounty.net

County of Kern Personnel Department, Bakersfield, Ca. has listed the Chief Public Defender’s Investigator position open. This is exam no. 5456 and applications will be received until cancellation of this notice. County of Kern Personnel Department address/contact info: 1115 Truxton Avenue First Floor, Bakersfield, CA 93301, telephone: (661) 868-3480, 24 Hour Hotline: (661) 868-3481 Web Page: www.co.kern.ca.us/person.

In closing, I wish each of you Happy and Blessed Holidays. Thank each of you for your tireless hard work in the Defense of all indigent clients throughout this great nation.

Hector Botello Investigator II
NDIA West Region Editor

FEATURED STAFF



WANDA RIVERA, COPY EDITOR

Wanda graduated from the State University of NY at Potsdam College with majors in Sociology and Elementary Education, and a minor in Criminal Justice. Upon graduating from college, she assisted in opening up the first bilingual day care center in Albany, NY. In 1995, Rivera began a career in the field of criminal defense work for indigent defendants at the New York State Capital Defender Office in Albany, assisting mitigation specialists. In 1997, she was promoted to mitigation specialist. In 1999, the first Federal Public Defender Office for the Northern District of New York was established. Her background in mitigation and her fluency in Spanish enabled her to garner a position in this office as an investigator. Wanda is an integral part of a nine attorney office that is the largest geographic district of New York State.



CECILIA WOOD, COPY EDITOR

Cecilia Wood has been the President and Chief Investigator of Wood Investigative Services, Inc. since 1998. She specializes in criminal defense investigations and provides investigative services in Kansas. Prior to that, Cecilia was employed in the insurance industry as a fraud claims investigator, and served as a police officer and court services officer. In 2006, Cecilia was the first investigator in Kansas to receive the CCTI designation of Certified Criminal Defense Investigator. In addition, she is a Certified Fraud Claims Law Specialist and a Kansas Licensed Private Investigator. Cecilia graduated from Emporia State University with a B.S. in Sociology. She is dedicated to seeking fairness and justice for the indigent accused.

FEATURED WRITERS



GISELA GARCIA

Gisela Garcia has worked as an investigator for the New Jersey Federal Public Defenders for four years and counting. She is originally from Guaynabo, Puerto Rico, and is a 2003 graduate of Penn State University (but hopes you don't hold that against her). She lives in Philadelphia with her dog, Lola.



SUSAN RICHARDSON

Susan is an investigator now for the Western District of Virginia, the same district she worked in as a paralegal for 5 years. Her investigator position became official on November 7, 2011, but the office has yet to hire another paralegal. Thus, she is doing both jobs and has been since September 30th. "In fact I am currently the only staff person in the Abingdon Division Office...can you say BUSY??? Ha!"



AL TOBIN

Al Tobin is an investigator with the Federal Public Defender in Las Vegas. As a teenager he snuck copies of *Playboy Magazine*. He has no redeeming qualities whatsoever.

NEWSLETTER STAFF

Eagle's Eye Editor

James Tarter, Sr.
615-862-5730 ext. 289
jamestarter@jjs.nashville.org

Eagle's Eye Assistant Editor

Susan Richardson
276-619-6081
susan_richardson@fd.org

Copy Editors

Wanda Rivera
518-436-1850
wanda_rivera@fd.org

Cecilia Wood
785-760-0890
wefind@msn.com

Northeast Editor

[open position]

Midwest Editor

Brenda Tripp
618-482-9050
brenda_tripp@fd.org

Southeast Editor

[open position]

West Editor

Hector Botello
510-272-6650
HBLI999@yahoo.com

CONTRIBUTORS

Patti Gallo
352-373-5823
patti_gallo@fd.org

Gisela Garcia
609-989-2160
gisela_garcia@fd.org

Al Tobin
702-388-6577
al_tobin@fd.org

Dave Young
973-977-4178
David.Young@opd.state.nj.us

ndia officers & committees

OFFICERS

President

Teri Moore
609-989-2160
teri_moore@fd.org

Vice President

Marvin Jeffcoat
704-686-0951
marvin.jeffcoat@mecklenbergcountync.gov

Secretary-Treasurer

Dave Young
973-977-4178
dyoung1002@msn.com

Northeast Director

Sean Williams
877-444-8244
sean_williams@fd.org

Southeast Director

Shawn Tobin
501-324-6132 x22
shawn_tobin@fd.org

Midwest Director

Thomas Hinton
314-241-1255
thomas_hinton@fd.org

West Director

Larry Carlson
775-337-4834
lcarlson@washoecounty.us

Executive Secretary

& NDIA Office
Beverly Davidson
860-635-5533
nationaldefender@gmail.com

COMMITTEES

By-Laws

Board of Directors

Conference Committee

Sean Broderick, Co-Chair
510-637-1950
sean_broderick@fd.org

Mark Neer, Co-Chair

213-894-5060
mark_neer@fd.org

Beverly Davidson

860-635-5533
nationaldefender@gmail.com

Drew Davis

704-374-0720
andrew_davis@fd.org

Herbert Duzant

702-388-6577
herbert_duzant@fd.org

Colleen Flanagan

973-645-6347
colleen_flanagan@fd.org

Karen Jackson

202-824-2792
kjackson@pdsdc.org

Walter Ott

502-584-0525
walter_ott@fd.org

Investigative Manual

Position Open

Investigator/Paralegal of the Year

Matt Whalen
203-503-6818
ctdefense@yahoo.com

Newsletter

James Tarter Sr.
615-862-5730 ext 289
jamestarter@jis.nashville.org

Survey

Kevin Rickel
617-424-0575
kevin_rickel@fd.org

Certification

Dean Applegate
662-236-2889
dean_applegate@fd.org

Membership

Sylvia Summers
704-417-1936
sylvia.summers@mecklenburgcountync.gov

Web Site

James Tarter, Sr.
615-862-5730 ext. 289
jamestarter@jis.nashville.org

advertise!

Ad Size	Per Issue Rate	Back Page Rate	Annual (4 Issues) Rate	Annual Back Page Rate	Annual & Directory Rate	Online Directory Back Cover Page	Directory Inside Front or Back Cover
Full Page 7.5" x 10"	\$175	N/A	\$500	N/A	\$600	\$1,000	\$250
Half Page 7.5" x 5"	\$100	\$150	\$300	\$450	\$500	N/A	N/A
Quarter Page 3.5" x 5"	\$75	N/A	\$200	N/A	\$250	N/A	N/A
Business Card 3.5" x 2"	\$50	N/A	\$150	N/A	\$175	N/A	N/A

The National Defender Investigator Association's (NDIA) newsletter, *The Eagle's Eye*, is emailed to members of the Association throughout the United States, on a quarterly basis. It is also posted on the NDIA *Members Only* Section of the NDIA website. NDIA membership consists of over 1,200 members, including investigators, paralegals, mitigation specialists, and attorneys.

The NDIA is the only national organization to represent a constituency dedicated solely to the investigative arm of indigent defense. The NDIA's purpose is to provide leadership, training, and education for criminal defense investigators. Each member receives a copy of our annual directory upon payment of their annual dues via the "Members Only" section of the NDIA website.

All advertising is due and payable with insertion order. There is a 20% discount for nonprofit organizations. All advertising is subject to approval. Ads can be sent as hard copies or graphic files (InDesign or PDF files are accepted). Material cannot be returned. If you have any questions regarding how to send your ad or deadlines, you can contact Beverly Davidson at the NDIA office at 860-635-5533 or nationaldefender@gmail.com. Thank you for your support of NDIA.

ndia member benefits

The NDIA is the only national organization to represent a constituency dedicated solely to the investigative arm of indigent defense.

Please contact Beverly Davidson at the NDIA office if you are interested in joining one of the following NDIA Committees: Certification, Membership, Conference, Continuing Education, Newsletter, Resolution, Investigative Manual, or Ad Hoc.

BENEFITS INCLUDE:

- subscription to the NDIA newsletter
- members only reduced fees to all training conferences
- opportunity to obtain NDIA's professional certification
- continuing education credit hours and support
- an annual membership directory
- access to the "Members Only" area of our website

membership form

FOR 2012 NEW MEMBERS & RENEWALS

NDIA Member: Your National Defender Investigator Association dues are now due for 2012. Please remit a check, money order, or credit card information to NDIA with this form. Make any necessary changes in address, etc. on the form. MEMBERSHIP IS BASED ON THE CALENDAR YEAR July - June (of the following year). Dues will expires June 30, 2013.

Check One:

☐ Renewal (Enter Member #) _____

☐ New Applicant

Type of Membership:

☐ \$40 (1 Calendar Year)

☐ \$65 (2 Calendar Years)

☐ \$90 (3 Calendar Years)

Amount Enclosed: _____

Credit Card:

☐ MC ☐ Visa ☐ AMEX ☐ Discover

Card #: _____

Expiration: _____

Signature: _____

Name: _____

Agency: _____

Address: _____

Street: _____

Suite/Floor: _____

City: _____ State: _____ Zip: _____

Work Phone: () _____

Fax Number: () _____

Cell Phone: () _____

Email: _____

TYPE OF MEMBERSHIP:

- ☐ **Regular Member** - Any person who is employed as an Investigator by any Federal, State, County, or Municipal agency or organization whose primary purpose is court-appointed criminal defense, including court-appointed civil litigation associated with criminal cases, (i.e. Habeas, Appellate, etc), or in any Federal, State, County, or Municipal agency or organization whose primary purpose is a combination of court-appointed criminal defense and civil litigation.
- ☐ **Associate Member** - Persons actively engaged in criminal defense work on a part-time basis (mandatory) or a full-time basis.
- ☐ **Reclassified Regular Member** - Any Associate Member who has been a member in good standing for 5 consecutive years, and is employed by any Federal, State, County or Municipal agency or organization whose primary purpose is court-appointed criminal defense, including court-appointed civil litigation associated with criminal cases, (i.e. Habeas, Appellate, etc) or in any Federal, State, County, or Municipal agency or organization whose primary purpose is a combination of court-appointed criminal defense and civil litigation, may apply to the Board of Directors for re-classification as a regular member.

I am presently employed as: (check one only)

☐ Investigator ☐ Paralegal ☐ Mitigation Specialist ☐ Attorney ☐ Other

I am presently employed with: (check only one)

☐ Public Defender Office ☐ Legal Aid Society ☐ Community Defender Association ☐ Other

I certify that I have accurately represented my membership status listed above. I will notify NDIA of any changes.

Signature: _____ Date: _____

PLEASE MAIL FORM TO: Beverly Davidson, NDIA, 460 Smith Street, Suite B3, Middletown, CT 06457
Phone: 860-635-5533 • Fax: (866) 668-9858 • nationaldefender@gmail.com • www.ndia.net



Happy Holidays!

“The great thing in this world is not so much
where we are, but in what directions we are
moving”

— Oliver Wendell Holmes

