



Ohio Attorney General's Office  
Bureau of Criminal Investigation



PROSECUTOR'S SUMMARY

**TO:** [Section Chief Matthew Donahue, Ohio Attorney General's Office]

**CC:** [Dennis Sweet; BCI Special Agent in Charge – North Operations]

**FROM:** [Special Agent Supervisor Jeffery Cook]

**DATE:** 7/15/2014

**SUBJECT:** [Craig Burdine Questioned Death Investigation]

**BCI CASE #:** [SI-72-13-25-1214]

**INVESTIGATIVE REQUEST:**

[In August of 2013, the Ohio Attorney General's Special Prosecutions Section was requested to look into the August 11, 2007 death of Craig Burdine by Sandusky County Prosecutor Thomas Steirwalt. The Ohio Attorney General's Bureau of Criminal Investigation (BCI) was contacted to provide assistance to the Special Prosecutions Section. On October 29, 2013, S/A Collins received an email from S/A Cooper, with the Special Prosecutions Section which contained a case opening investigative report (IR) attached along with an IR indicating that S/A Cooper had spoken with Jess Burdine, the father of the decedent. Beth Daily, Criminal Intelligence Unit (CIU) analyst provided S/A Collins with a digital copy of the documents procured from Jess Burdine totaling approximately 4,000 pages. Previously, Fremont Police conducted an investigation into their officers', Ptl. Daniels, Ptl. Dickey, Ptl. Kiddey, Ptl Conger and Officer in Charge Ptl. Emrich, involvement. A copy of their investigation has been obtained. Sandusky County Sheriff's Office also reportedly conducted an inquiry. The Sheriff who conducted the inquiry is deceased and there is no official documentation stating conclusion or results from his investigation that could be located. The scope and purpose of the criminal investigation was to attempt to determine the facts and circumstances surrounding the death of Burdine Burdine so that Special Prosecutors and/or Grand Jurors can have a basis of knowledge in order to determine if any prosecutable crimes were committed during the course of this incident. Agents will not be determining if any policies or procedures were violated.]

**DETAILS:**

[This report serves as a synopsis of the investigation into the August 11, 2007 questioned death of Craig Burdine, in Sandusky County, Ohio. This report only summarizes the information that the investigative team determined to be the most useful in achieving an overall understanding of what occurred in this incident. Every fact and detail is not presented in this summary report. Therefore, it is recommended that each individual report from which this document is derived be read in order to obtain a complete understanding of this investigation. Further, audio and/or

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video recordings exist for the majority of the interviews conducted, revealing further details of statements given regarding the incident.

This investigation was conducted with the purpose of determining, to the extent possible, the facts and circumstances surrounding the death of Craig Burdine. As unbiased collectors of fact, the investigative team has not and will not render any opinion of the legality of officers' actions. Instead, it is anticipated that this investigation will provide the basis of information for decisions to be rendered by the appropriate authorities.

This investigation takes no stance on the conclusions regarding the manner of death resulting from the investigation, as this falls outside of the scope of the author's duties and training. Any such determinations or changes are the responsibility of the county coroner.

This report is organized into the following sections:

- **Table of Contents**
- **Incident Overview-** A condensed overview of the facts obtained in this case
- **Investigative Team-** Describes the composition of the investigative team and the involvement of other individuals in the investigative process.
- **Summary of Process-** Investigative activities from which this report was derived.
- **Decedent-** Summary of known information pertaining to Craig Burdine
- **Subjects Present-** Summary of known information pertaining to those known to be present at the Sycamore St. address, at the Sandusky County Jail, and the EMS personnel who treated the decedent.
- **Autopsy Reports-** Summarized significant findings of the post-mortem examinations and subsequent expert opinions.
- **Analysis-** An analysis of the various statements and facts relating to this case.
- **Conclusion**

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### **Incident Overview:**

The following case overview is derived from material received during the course of this investigation and only reports information which is known to be factual or which is relatively unopposed by the majority of the interested parties. Discrepancies and questions of fact are analyzed in later portions of this summary report.

At the time of this incident, August 11, 2007, Craig Burdine was a 37 year old male who was residing with his parents, Jess and Mardella Burdine. This was due to a court ordered condition of a bond in two pending criminal cases. The criminal cases were for burglary and assault on a police officer from an incident that occurred in 2005 and attempted assault on a police officer and persistent disorderly conduct in 2006. Burdine did not have a full time job, but worked for his father and mother's rental property business doing general maintenance and upkeep. Burdine had a history of dyslexia and posttraumatic stress disorder. The PTSD was reportedly attributed to an excessive use of force by a police officer from Port Clinton against Burdine. Burdine was awarded a judgment against Port Clinton and Ottawa County in a civil case stemming from the incident.

In the 2005 incident, Burdine exited his house naked and got into an altercation with neighbors, Mystie Gray and Justine Ottney. Burdine began running around and ended up breaking a window at another neighbor's, the Boyers, residence. Burdine gained entry to the residence. The Boyers, told Burdine to leave. The Boyers described Burdine as acting like a caged animal that didn't know which way to go and he started breaking out the windows. Burdine resisted officers, Ptl. Stults, Ptl. Oddo, Ptl. Emrich, Ptl. Harkness, and Ptl. Halbisen, and was sprayed with pepper spray. Burdine was treated at Fremont Memorial Hospital and a toxicology screen run at the hospital showed the presence of cocaine in his system.

In the incident in 2006, Burdine was at a friend's residence, the Trimble's, watching an Ohio State football game. According to the complainants, Burdine started to act out of control and ran into a window. Burdine was subdued by people at the party until officers, Dep. Meyer, Dep. Dummering, Ptl. Burkin and Ptl. Griffin, arrived. When the officers arrived they attempted to calm Burdine down then ended up using a Taser in drive stun mode to gain compliance. According Dep. Meyer's report, the Taser had little effect. A squad was called and Burdine was taken to the hospital. While there a toxicology screen was run on his blood which showed the presence of cocaine.

On August 10, 2007, Burdine had dinner with his mother and father at the family home. Dinner was beef stroganoff. After dinner Burdine told his parents he had a movie that they might like to watch. After watching the movie, Burdine left the residence between approximately 10:00 p.m. and 11:00 p.m. In an interview at the hospital when notified of Burdine's death, Jess was asked specifically if Burdine had watched the movie with them and he responded that it was just he and his wife who watched it. Later in his deposition, Jess stated they all watched the movie together. A short time later, minutes according to his father, Burdine called the family home and said that the garbage had not been picked up at the rental property. According to his father, Jess, when

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Capt. Wiersma, now Chief of Fremont Police Department, spoke to him at the hospital, Burdine was extremely upset about the garbage. In 2014 when interviewed by S/A Cooper, Jess stated that Burdine was not that upset about the garbage. Burdine advised his parents he would be home later.

Witnesses at 1229 Sycamore Street were having a get together in the backyard and sitting around a fire pit. At approximately 3:00 a.m., Burdine showed up and started talking to the people at the fire pit. Burdine appeared to believe that one of the males at the fire pit, Craig Hiser, was a male he knew as Joe. Craig Hiser is extremely hard of hearing. According to the other males at the fire pit, Robert Collins and Jeremy Keller, Burdine kept calling Hiser, Joe, but Hiser did not hear him. Burdine then tackled Hiser into the fire pit causing both of them to be burned. Robert Collins and Jeremy Keller pulled Burdine off of Hiser and got them out of the active fire. Collins tended to Hiser and Keller pursued Burdine to prevent him from escaping from the scene. Both Keller and Collins describe Burdine's actions after he tackled Hiser as looking like a caged animal who did not know which way to go. Keller caught up to Burdine as he was trying to climb a fence and pulled him off the fence. Burdine then started running around again. Burdine ran back across the street and rammed his head into a glass block basement window. Burdine then ran into the street and grabbed a toy basketball hoop and began hitting a car with it, causing damage to the vehicle.

At approximately 03:20 a.m., officers from Fremont Police, Ptl. Emrich (Officer in Charge), Ptl. Dickey, Ptl. Kiddey, Ptl. Conger, and Ptl. Daniels, arrived at Sycamore St. and were directed to Burdine who was now shirtless. Ptl. Daniels attempted to talk to Burdine and once he obtained Burdine's attention Burdine charged at him. A struggle ensued and Burdine was pepper sprayed, eventually being handcuffed. Burdine then had to be forcibly put into the cruiser as he was still not complying. Burdine was transported to the Sandusky County Sheriff's Office. Upon arrival at the Sheriff's Office at 03:35 a.m., Burdine refused to get out of the cruiser. Burdine was removed from the cruiser and Ptl. Dickey and Dep. Kaiser stood him up attempting to get him to walk into the jail. Burdine refused and was carried into a shower room in the jail to be decontaminated due to the pepper spray. Burdine was un-cuffed. Once un-cuffed, Burdine sat up and took a martial arts defensive posture and began moving his arms back and forth in front of him. Due to his actions, Burdine was taken back down to the floor on his stomach and continued to struggle with officers. Burdine was tased three times in drive stun mode by Sgt. Myers of the Sheriff's Office. The Taser reportedly had no effect on Burdine. At some time during the struggle Burdine vomited a brown liquid. EMS was called and while waiting on EMS, Ptl. Daniels, Ptl. Kiddey, Ptl. Dickey, Dep. Kaiser and Dep. White kept Burdine on the floor in the prone position (on his stomach). In the depositions there were conflicting stories as to which officer was restraining which area of Burdine's body. When EMS arrived at 03:52 a.m., Sgt. Myers suggested putting Burdine on a backboard in the prone position due to his combativeness and vomiting. The backboard is seen being brought into the jail at 03:55 a.m. Burdine was secured to a backboard with three straps and then placed on the EMS cot by Ptl. Daniels at the feet on the left, Dep. White at the feet on the right, Ptl. Kiddey at the head on the right and Ptl. Dickey at the head on the left. Burdine was secured again with three cot straps at 03:57 a.m. Burdine was then taken to the ambulance at 03:59 a.m. The ambulance door is seen opening at 03:59 a.m. and closing at 04:00 a.m. The video ends at 04:01 a.m. Once in the ambulance it was discovered that Burdine was not breathing and had no pulse. Burdine was

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unstrapped and placed supine (on his back) on the cot and CPR was started. ACLS (Advance Cardiac Life Support) protocols were instituted. Dep. Arquette drove the ambulance to the hospital. While traveling to the hospital, EMS was intercepted by another squad at 04:09 a.m. and a third paramedic got on board to assist with ACLS. At the hospital, Burdine's care was turned over to the hospital staff at 04:15 a.m. Burdine was pronounced dead at 4:31 a.m.

### **Investigative Team:**

The investigation commencing in August of 2013 was initially begun by the Ohio Attorney General's Office Special Prosecutions section. In December of 2013, the Ohio Attorney General's Office, Bureau of Criminal Investigation, Major Crimes Division, Northwest Special Investigations Unit (SIU), under the direction of SAS Jeffery Cook, became involved. S/A Matt Collins was assigned as the case agent. Nine SIU agents from the North District participated in some portion of the investigation, along with a BCI Agent assigned to Special Prosecutions, a BCI Crime Scene Agent, and the Criminal Intelligence Unit (two criminal intelligence analysts). Additionally, a forensic audio/video analyst from the Ohio Attorney General's Office, Ohio Organized Crime Investigations Commission (OCIC) was utilized. An independent expert witness (forensic pathologist) was retained to review case information and render an opinion. The New York State Police, New York State Intelligence Unit provided a last known address for former inmate, Randall Maynard. Chautauqua County Sheriff's Office in New York also assisted, by making contact with Maynard and advising him to contact BCI. Milwaukee, Wisconsin Police went to the last known address of former inmate Julissa Garcia, but could not locate Garcia. El Paso, Texas Police provided a last known address and phone number for former inmate Rafael Rumo.

### **Summary of Process:**

In light of the time frame and very nature of the incident, BCI utilized all available resources in efforts to determine the facts surrounding the case. The methods and tactics employed by BCI are not indicative of the only way to perform the investigation, nor do they infer that Sandusky County Sheriff's Office or Fremont Police Department should have used the same methodology or tactics. During the time frame since the incident occurred, questions have arisen that were not known to officials at the time of the incident. BCI, in an effort to answer the questions, has retained a subject matter expert and also employed different methods and tactics during their investigation than those used previously.

The following is a partial list of investigative activities, tactics, or methods used during this investigation to thoroughly and accurately locate and document all pertinent facts and circumstances regarding this incident.

### **Items Reviewed:**

The following items from prior investigations and civil proceedings were obtained and reviewed as a part of the BCI investigation:

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- Video recordings from the Sandusky County Jail provided by Sandusky County Sheriff's Office.
- Post mortem examination reports and photos from the Lucas County Coroner's Office.
- Depositions of parties involved in the civil suit provided by Jess Burdine and Attorney Teresa Grigsby to include involved members of Sandusky County Sheriff's Office, Fremont Police, Lucas County Coroner's Office, Fremont Memorial Hospital, Witnesses from Sycamore Street, three inmates, expert witnesses, Sandusky County EMS, and Jess Burdine
- Video and audio recordings from Fremont Police
- Report of Det. O'Connell's investigation into incident
- Reports of Fremont Police Officers
- Reports of Sandusky County Sheriff's Office Deputies
- Reports from EMS personnel
- Media reports and comments
- Literature on excited delirium, positional asphyxiation, and restraint asphyxiation

### Actions Taken:

The following list includes new investigative activities that were completed as part of this investigation.

- Obtained list of all inmates (48) incarcerated on August 11, 2007, two were deceased, Joseph Hammond and Larry Sanders
- Video recordings of the interior of the jail to show the pathway taken by Ptl. Dickey, Ptl. Daniels, and Dep. Kaiser and overall layout of the facility
- Sketch of booking area, clothing issue area and shower room
- Interviews were attempted and/or conducted on people who were not previously deposed or there was no record of their prior interview
- Consultation of external subject matter experts (Forensic Pathologist Dr. Kenneth Harshbarger, Habitec Security, and Mobile Vision)
- Contact with company that manufactured the dash cameras in the Fremont Police cruisers
- Construction of an incident timeline
- In depth review of autopsy report and photographs
- Review of adult law enforcement contacts for Craig Burdine from, Port Clinton Police, Oak Harbor Police, Fremont Police, and Sandusky County Sheriff's Office
- Interviews were conducted or attempted on the following individuals:
  1. Robert Collins
  2. Jeremy Keller
  3. Craig Hiser
  4. Joseph Alejandro (refused)
  5. Juan Levario
  6. Daniel Fritch \*\*\*
  7. Randall Fritch
  8. Michael Davenport
  9. Lynn Davenport
  10. Valerie VanFleet

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11. Officer Dickey
12. Officer Kiddey \*
13. Officer Daniels \*
14. Officer Emrich \*
15. Officer Conger \*
16. Deputy White
17. Deputy Kaiser \*
18. Capt. Blue \*
19. Disp. Tina Anderson \*
20. Disp. Judy Verb
21. Sgt. Myers \*
22. John Griggs \*
23. Jessica Berlekamp-Crowell \*
24. Jeff Jackson
25. Steven Alafita
26. David Anaszewicz
27. Asencion Anciso\*
28. Aaron Atkins
29. Kathleen Atkins
30. Nathan Beck \*\*
31. Richard Black
32. Jamey Bollenbacher
33. Shawn Brown
34. William Byers
35. Brian Byington \*\*
36. Derek Clouse
37. Ted Corlay \*\*
38. Curtis Elkins \*\*
39. Kain Escobedo \*\*
40. Rebecca Farrow (Refused)
41. Darryl Gaither
42. Julissa Garcia \*\*
43. Gerald Goodsite \*\*
44. Jason Graham
45. Charles Griffin \*\*
46. William Hardy
47. Jillian Issa
48. Bradley Jeko
49. Alton Johnson
50. Angela Johnson \*\*
51. Danny Jones
52. Nathaniel Kehlmeier
53. Christopher Keys \*\*
54. Jacob Kirkbride \*
55. Maxin Lash \*\*
56. Leslie Lee \*\*\*

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57. Scott Lemaitre
58. Joshua Martin
59. Robert Martin
60. Dustin Mattingly
61. Randall Maynard
62. Douglas Moment
63. Jaunito Moreno (Refused)
64. Carlos Popoca
65. Michael Pressler
66. Rafael Rumo \*\*
67. Taurus Sims \*\*
68. Andrews Slappey \*\*
69. John Smith
70. Janette Thom
71. Jess Burdine
72. Eric Burdine
73. Mardella Burdine

One \* signifies the person had been deposed during the civil case and elected not to speak with investigators or we were advised by their attorney that they would not speak with us. Two \*\* signifies those inmates that were unable to be located or that we found possibly good address for, that had a letter explaining to the they were not the target of an investigation only a potential witness.

Three\*\*\* signifies those parties that we could not locate good addresses for even after talking with family, the person was incarcerated out of state, or the person was under guardianship for suffering from schizophrenia and drug abuse.

### Limitations to Investigation:

There were numerous limitations to the BCI criminal investigation, primarily due to factors outside of the control of BCI. Some of these limitations include:

- Substantial passage of time between the incident and BCI investigation – over 6 years had passed prior to our official request/authority to investigate was obtained
- The incident had already been through civil court.
- The death of the then Sheriff and lack of official record of his investigation
- Lack of cooperation by some former inmates and other potential witnesses who did not want to be involved in the investigation
- Conflicting forensic pathology reports as it related to the manner and cause of death
- Reserved answers and decreased accuracy of memory of witnesses, at least partially due to the passage of so much time
- Media exposure and the prior civil cases were cited by some witnesses as causing their uneasiness or refusal to cooperate, or their desire to be represented by an attorney
- Lack of physical evidence
- Inability to locate some witnesses after the extended, elapsed period of time between the incident and BCI being requested to conduct an investigation

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- Inability to obtain additional segments of audio and video recordings (limited to what was collected at the time)
- Statute of Limitations: the statute of limitations in Ohio for general felonies is six years and for general misdemeanors is two years. These would include; felonious assault, assault, reckless homicide, dereliction of duty, tampering with evidence, tampering with records, falsification, obstructing official business, obstruction of justice, perjury, etc. While certain events can extend the statute of limitations, such as a crime directly related to public employment and continued public employment, an individual who ceases public employment (for example resignation, termination, retirement, etc.) would have the clock begin on the statute of limitations from the date public employment ceases with two additional years or the statute of limitations applying, depending on the timing.
- Due Process: The due process issue is related to but separate from the statute of limitation issues as a potential legal concern due to the relative long length of time and little new material being found. This concern has been stated by the Ohio Supreme Court in case law.

### Decedent:

<b>NAME:</b>	Craig A. Burdine – Deceased						
<b>ADDRESS:</b>	7660 West Stump Rd., Oak Harbor, OH 43449						
<b>PHONE:</b>	<a href="#">Click here to enter subject's phone number.</a>						
<b>EMPLOYMENT:</b>	Burdine Rental Properties LLC						
<b>DOB:</b>	6-9-1970	<b>SSN:</b>		<b>SEX:</b>	Male	<b>RACE:</b>	White
<b>HEIGHT:</b>	6' 0"	<b>WEIGHT:</b>	220 lbs.	<b>HAIR:</b>	Blonde	<b>EYES:</b>	Blue
<b>S/V/W:</b>	Victim						
<b>CCH:</b>	Prior DUI's, Resisting Arrest charges, Drug Possession charges, Assault on a Police Officer charges, Burglary, Weapons Under Disability						
<b>OTHER:</b>							

At the time of this incident, Burdine was a 37 year old male residing in an apartment in his parents', Jess and Mardella Burdine, garage. Burdine was characterized by his family as a good

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son who helped his parents immensely. Burdine was the youngest of the Burdine children. Burdine was not married and had no children. Though Burdine had no full time employment he did work for the family rental property business and would be paid under the table.

The following is a list of known adult interactions with law enforcement prior to this incident:

February 16, 1990 – Oak Harbor Police Department –Burdine was cited for speed. He signed a waiver.

June 17, 1990 – Oak Harbor Police Department –Burdine was seen to be in possession of an open container of beer at 0346 hours. During the arrest, he became resistant and had to be physically arrested. When being patted down after the arrest, some LSD was found on his person. He was charged with multiple charges including resisting arrest.

December 17, 1992 – Port Clinton Police Department –Burdine was stopped for erratic driving and was found to be in possession of marijuana. He was cited and released.

October 25, 1993 – Oak Harbor Police Department –Burdine was stopped after squealing his tires and had to be physically arrested for driving under the influence, resisting arrest and disorderly conduct.

January 7, 1995 – Oak Harbor Police Department –Burdine was cited for riding a three wheeled vehicle on the street.

April 8, 1995 – Fremont Police Department –Burdine was in an accident and was cited for failure to control.

February 21, 1996 – Port Clinton Police Department –Burdine was arrested for driving while under the influence after he wrecked his vehicle at 0144 hours. According to the report, Burdine was abusive toward officers and the nurse at the hospital where an attempt was made to extract blood for an alcohol test. He was taken to the jail without having blood drawn because he was disturbing the entire hospital. He was charged with multiple charges including a felony charge of assault on a police Officer.

February 24, 1997 – Fremont Police Department – A complaint of loud music was received. Burdine was told to turn the music down.

June 29, 1997 – Fremont Police Department – A complaint of loud music was received. Burdine said that he would turn it down.

July 27, 1997 – Fremont Police Department – A complaint of loud music was received. Burdine was told that he should keep it down.

August 10, 1997 – Fremont Police Department – A complaint of loud music was received. Burdine was told to keep the music down.

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November 15, 1997 – Fremont Police Department – A complaint of loud music was received. Burdine was told to keep the music down.

November 13, 1998 – Fremont Police Department – A complaint of loud music was received. Burdine was told to turn the music down.

September 26, 2000 –Ohio State Highway Patrol –Burdine was arrested for driving while under the influence.

November 10, 2001 – Fremont Police Department –Burdine made a complaint the he had lost his checkbook.

March 23, 2003 – Fremont Police Department –Burdine called in to report a loose dog.

July 20, 2003 – Fremont Police Department – A complaint of loud music was received. Burdine was told to turn down the music.

July 5, 2005 – Sandusky County Sheriff's Department –Burdine was arrested for driving while under suspension, possession of drugs and drug paraphernalia.

October 3, 2005 – Fremont Police Department –Burdine was arrested and charged with burglary, weapons under disability, possession of drugs and assaulting a police officer. He was covered in blood, was in possession of a pistol and had been running around naked. There was cocaine found in the house at the time of the arrest. He had to be tased and physically arrested after he attempted to punch an officer. The Taser was not effective on Burdine. A lengthy written narrative is attached to the Fremont Police report.

June 15, 2005 – Sandusky County Sheriff's Department – Sheriff's deputy responded to a suspicious vehicle at a business. Burdine was a passenger in the vehicle. The driver was arrested for driving while under suspension. No further action was taken.

October 25, 2005 – Fremont Police Department – A request from the court to make sure that Burdine only picked up his property from his home. No further problems.

September 23, 2006 – Sandusky County Sheriff's Department –Burdine was transported to the hospital after he rammed his head into a wall during a "mental episode." He had to be physically restrained for the transport. He was charged with disorderly conduct and assault on a police officer.

In the July 2005, incident, Burdine was arrested for possession of crack cocaine and expired tags. Those charges were a result of a traffic stop when Burdine was observed meeting with a male for a short period of time in a known drug area in Fremont. According to reports, Burdine voluntarily turned over crack cocaine to Capt. Overmyer and Capt. Consolo from Sandusky County Sheriff's Office.

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In the October 2005 incident, Burdine was arrested for burglary, possession of cocaine, possession of crack cocaine, and weapons under disability. Those charges stemmed from an incident where Burdine exited his residence in Fremont, naked and got into a confrontation with neighbors, Mystie Gray and Justin Ottney, who were walking their dog. Burdine then ended up breaking a window at another neighbor's house, the Boyers, and entering the residence where he broke more windows. Burdine was found at his residence by Ptl. Stults, Ptl. Oddo, Ptl. Emrich, Ptl. Harkness, and Ptl. Halbisen, still naked and bleeding while complaining he needed a drink of water. Ptl. Stults went into the residence to obtain water and located a loaded handgun on the table. Drugs were also found in the residence.

In the September of 2006 incident, Burdine was arrested for assault on a police officer and persistent disorderly conduct. Those charges stemmed from an incident where Burdine was at a friend's residence, the Trimbles, watching football. The Trimbles said that Burdine started going "crazy". Burdine ran into windows and was restrained by his friends until officers arrived. Burdine then fought with Dep. Meyer, Dep. Dumminger, Ptl. Burkin and Ptl. Griffin who were trying to handcuff him. Burdine was tased with no effect. Burdine was transported to the hospital and had to be sedated.

According to Jess, Burdine had a history of dyslexia which he struggled with all of his life. Burdine required his books to be on audio tapes to graduate from high school and to pass his driver's exam. In 1996, Burdine had an incident with Port Clinton Police where he sued the police department for excessive force. Burdine prevailed at the civil trial and was awarded \$650,000.00. In order to avoid an appeal, Burdine accepted \$200,000.00 as a settlement. Most of that settlement went to legal fees and not to the treatment of posttraumatic stress disorder which Burdine was diagnosed with as a result of that incident. Burdine also received some monies from Ottawa County. The money gained from the civil suit was used to buy Burdine a vehicle and an investment property.

Burdine had, what his father characterized as, spells where he would act erratically and not know his own strength or where he was. Jess Burdine characterized these spells as brought on by drug use. The family never personally observed these behaviors but knew of them through police reports and criminal cases.

At the time of the autopsy from this incident, Burdine had a blood alcohol level of 0.10 and showed the presence of methamphetamine, amphetamine, and pseudoephedrine in his blood. The cause and manner of death were listed as accidental death due to acute drug and alcohol intoxication resulting in drug induced excited delirium.

### **Subjects Present on Sycamore Street:**

The following people were present on Sycamore Street at the time of the incident and statements were taken from them.

Craig Hiser  
Jeremy Keller  
Robert Collins

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Juan Levario  
Joseph Alejandro  
Daniel Fritch  
Randall Fritch  
Michael Davenport

Based on the information obtained by Fremont Police and subsequent BCI interviews, Craig Hiser and Jeremy Keller were sitting around a fire pit in the backyard of the residence of Robert Collins drinking beer. The fire pit was constructed of concrete blocks with pieces of rebar sticking up out of them. Collins returned home and joined the men at the fire pit. Craig Hiser went across the street to his residence to use the bathroom. When Hiser returned, Burdine pulled into the driveway and exited his vehicle and approached the group. Burdine kept talking to Hiser and calling him "Joe". Hiser is extremely hard of hearing and either ignored or did not hear Burdine. Burdine then tackled Hiser into the actively burning fire pit. Then Collins and Keller pulled Burdine off of Hiser and removed both men from the fire pit. Collins tended to Hiser, while Keller attempted to keep track of Burdine. Burdine began running around like a caged animal, unsure of where to go or what to do. Burdine ran across the street and tried to climb a fence. Keller pulled Burdine off of the fence. Burdine then swung at Keller. Burdine then took off running again back toward the area of the fire pit. Burdine then stopped and ran at a door of the house at 1229 Sycamore Street, pushing his hands through the glass window on the door. Burdine also got into a football like stance and ran head first into a glass block basement window at 1233 Sycamore Street. Keller stated that Burdine hopped right up like nothing had happened. Burdine ran into the roadway and grabbed a toy basketball hoop and started hitting a car with it. Keller had been yelling for someone to call the police.



The following Fremont Police Officer responded to Sycamore Street.

Ptl. Dickey  
Ptl. Kiddey  
Ptl. Conger  
Ptl. Emrich  
Ptl. Daniels

When officers arrived on scene at approximately 3:20 a.m., Ptl. Daniels encountered Burdine. Once Ptl. Daniels had his attention, Burdine lunged at the Ptl. Daniels. Burdine was taken to the ground and advised to stop resisting. Burdine was pepper sprayed in an effort to gain compliance. Ptl. Emrich, the senior officer working that night and acting officer in charge,

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arrived on scene and took control of the crowd of people watching Ptl. Daniels, Ptl. Kiddey, Ptl. Dickey and Ptl. Conger struggle with Burdine. Once the crowd was moved back, Ptl. Emrich turned his attention to the officers struggling with Burdine. Ptl. Emrich realized the combative male was Burdine. One of the officers said he was going to use his Taser. It is unknown from watching the video and listening to the audio who stated they were going to use the Taser. Ptl. Emrich advised against it because it had not worked on Burdine in the past. Burdine was eventually handcuffed and taken to the cruiser of Ptl. Daniels. Ptl. Emrich advised Ptl. Daniels to take Burdine directly to the county jail. Ptl. Daniels transported Burdine to the Sandusky County Jail. Ptl. Dickey and Ptl. Kiddey also went to the jail to assist. Ptl. Conger and Ptl. Emrich remained on Sycamore Street and collected statements and waited for EMS with Hiser.

### Employees Present at Sandusky County Jail:

The following people were the employees of the Sandusky County Sheriff's Office that were present when Burdine was brought to the Jail:

Capt. Blue (Corrections)  
Sgt. Myers (Road Supervisor)  
Dep. Kaiser (Corrections)  
Dep. White (Road Patrol)  
Judy Verb (Dispatcher)  
Tina Anderson (Dispatcher)  
Capt. Riffle (Dispatcher Supervisor)



Dep. White was on station writing a report when Sgt. Myers advised him to stick around to help Fremont Police who were bringing in a combative prisoner. Ptl. Daniels pulled into the sally port and secured his service weapon in his trunk. Ptl. Daniels, Ptl. Kiddey and Dep. Kaiser attempted to get Burdine out of the vehicle by asking him to exit. Burdine refused to exit the vehicle and was physically extricated. Ptl. Dickey and Dep. Kaiser stood Burdine up and

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someone asked him if he could walk. Burdine did not respond and passively resisted by becoming limp. Dep. Kaiser, Ptl. Kiddey and Ptl. Daniels carried Burdine into the booking area then into the clothing issue room to decontaminate him from the pepper spray. Burdine was unhandcuffed and advised to get into the shower to wash off the pepper spray. Once the handcuffs were removed, Burdine quickly moved to a seated position and began moving his arms and hands in a motion consistent with Karate moves. Burdine's arms were grabbed to regain control of him. Burdine began thrashing around and kicking at the officers. It is known from the video that Dep. White, Dep. Kaiser, Ptl. Kiddey, Ptl. Dickey and Ptl. Daniels were in the room with Burdine. Burdine was again taken to the ground and officers struggled to get him handcuffed. The officers in the room continued to struggle with Burdine and he was eventually tased three times by Sgt. Myers in an effort to obtain compliance. The Taser reportedly seemed to have no effect on Burdine. During the struggle to get Burdine handcuffed, Burdine vomited a brownish liquid. Photos taken of Burdine's vehicle at Sycamore Street show a glass bottle containing a brownish liquid in the center console of the vehicle. A squad was called to transport Burdine to the hospital for treatment. There are conflicting statements in the depositions as to why the squad was called. Dep. Kaiser and Sgt. Myers stated the squad was called because Burdine was not complying and had thrown up. Ptl. Daniels and Ptl. Dickey stated that an unidentified officer said they thought Burdine's arm had been broken. Further Dep. White believed that the squad was called for him from an injury he reportedly received during the struggle with Burdine.

### EMS Personnel:

The following is a list of EMS personnel involved in the treatment of Burdine:

John Griggs (Paramedic)

Jessica Berlekamp-Crowell (Paramedic)

Chad Magrum (Intercepting Paramedic)



While waiting on EMS, Ptl. Daniels, Ptl. Kiddey, Ptl. Dickey, Dep. Kaiser and Dep. White kept Burdine on the floor in the prone position (on his stomach). In the depositions there were conflicting stories as to which officer was restraining what area of Burdine's body. When EMS arrived at 03:52 a.m., Sgt. Myers suggested putting Burdine on a backboard in the prone position due to his combativeness and vomiting. The backboard is seen being brought into the jail at 03:55 a.m. Burdine was secured to a backboard with three straps and then placed on the EMS cot by Ptl. Daniels at the feet on the left, Dep. White at the feet on the right, Ptl. Kiddey at the

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head on the right and Ptl. Dickey at the head on the left. Ptl. Kiddey stated in his report and his deposition that he assisted in strapping Burdine to the backboard and getting him onto the cot. Burdine was secured again with three cot straps at 03:57 a.m. Burdine was then taken to the ambulance at 03:59 a.m. The ambulance door is seen opening at 03:59 a.m. and closing at 04:00 a.m. The video ends at 04:01 a.m. Once in the ambulance it was discovered that Burdine was not breathing and had no pulse. Burdine was unstrapped and placed supine (on his back) on the cot and CPR was started. ACLS (Advance Cardiac Life Support) protocols were instituted. Dep. Arquette drove the ambulance to the hospital. While traveling to the hospital, EMS was intercepted by another squad at 04:09 a.m. and a third paramedic got on board to assist with ACLS. At the hospital, Burdine's care was turned over to the hospital staff at 04:15 a.m.

### **EMS Run Report and Supplemental Narratives:**

The EMS run report is broken down into several sections. In the top section there are descriptors of which squad is in use, whether lights and sirens were used, the date, and list of care givers among other things. Based on this run report, John Griggs was the primary care giver and Jessica Berlekamp-Crowell was the secondary care giver. The next section describes the patient's demographics, the odometer reading of the squad, the times when the injury occurred 03:47 a.m., when the call was received 03:47 a.m., when the squad was dispatched 03:47 a.m., when the squad was in route 03:49 a.m., when the squad was on scene 03:50 a.m., when the squad left 04:03 a.m., when the squad arrived at the hospital 04:11 a.m., when the squad was available for another call 04:24 a.m., and when the squad was back in quarters 04:54 a.m.

The next section was scene information which was noted as "Sallyport of Sandusky County Jail". The following section contains the chief complaint, (traumatic injury), unresponsive-duration 1 minute, ALS Assessment: Completed for suspected illness. There is also a block titled History of Present Illness. In that section there are descriptions of the visible injuries and that Burdine had been tased three times. Also noted was that Burdine was in a surgical mask on their arrival. It was stated that Burdine was placed in the prone position on a long backboard in handcuffs. Burdine was reported to be answering questions in one word answers briefly. It also states that once in the truck Burdine became totally unresponsive. During Griggs deposition there were many questions asked about information provided in the run report and supplemental narrative report. Griggs made it clear that Burdine was breathing and responsive on their arrival. Griggs went so far as to say it appeared that Burdine was resisting the officers, evidenced by tensed muscles. The rest of the history section pertains to the attempted lifesaving measures implemented in the squad.

In the cardiovascular section of the run report it stated JVD: Not Appreciated; Edema: Not Appreciated; Cap. Refill: Delayed. Griggs explained in his deposition that JVD stood for jugular vein distention, which means the veins in the neck are more prominent than usual. Griggs stated that could be from elevated blood pressure or certain traumatic head or neck injuries. Griggs pointed out that the marking of not appreciated meant that they were not distended. Edema was explained by Griggs as swelling of the extremities that can be brought on by heart failure. This was also noted as not present. Cap refill was marked as delayed. Griggs stated in his deposition that delayed capillary refill would be indicative of the heart not pumping properly.

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The next section of the run report dealt with cardiac arrest. In that section it was noted that cardiac arrest was witnessed at 04:00 a.m. by the police and that lifesaving steps were immediately initiated.

The next section of the run report is labeled Activity. There are 13 columns in that section. The first is time, then heart rate, blood pressure, oxygen saturation, carbon dioxide level, respirations, effort, rhythm, Glasgow Coma Scale, pain, protocol, action, and comments. According to the run report, at 03:55 a.m., Burdine was immobilized on a long back board. The assessment was that he had good pulse, good motor sensation and he was pink in color. It also stated that Burdine had normal pms (pulse, motor, sensory) times 4 extremities when initially immobilized. It is also noted that Burdine was combative when being immobilized. At 04:00 a.m., medication was given as well as intubation and CPR being initiated. The rest of the run report covers the actions and medications given during ACLS while in route to the hospital.

Griggs and Berlekamp-Crowell both generated supplemental narrative reports. In Griggs' supplement it is stated that on their arrival, a Sergeant met them and informed them Burdine was combative and bleeding. Griggs stated Burdine was found face down with six officers holding him down. Griggs stated Burdine was mumbling on their arrival and struggling with the officers. Griggs stated Burdine was handcuffed with his hands behind his back. Burdine was not actively bleeding on their arrival. Griggs stated he was told Burdine had been combative for over an hour and had been tased and maced. Griggs stated Burdine was placed prone on a long backboard and secured times three and he was handcuffed. Griggs stated the Officer in charge suggested to transport Burdine prone for their safety.

In Berlekamp-Crowell's supplemental report she stated on their arrival they were met by Sgt. Myers who informed them that Burdine had been highly combative for an hour. Sgt. Myers told EMS that Burdine had been tased three times and maced once during that hour. Myers also informed them that Burdine had had alcohol but it was unknown if he had taken any illegal substances. Berlekamp-Crowell stated that Burdine was in a small room that was not a cell with numerous officers around him. Berlekamp-Crowell could not identify the officers. Burdine was prone with his hands cuffed behind his back. One officer was restraining Burdine by putting his knee in Burdine's back. Berlekamp-Crowell stated that Burdine had been trying to spit on the Officer and a spit guard was on him. Burdine's face was checked, mouth and nose were clear of obstruction and bubbles were coming from his mouth. She stated the spit guard had moved and was off to one side of Burdine's face. Berlekamp-Crowell stated that Sgt. Myers advised them to transport Burdine on a backboard face down for their safety. Burdine was transferred to the backboard and cot without incident. Once in the squad, Berlekamp-Crowell attempted to check Burdine's pulse at the wrist but could not due to the handcuffs. The handcuffs were loosened and Berlekamp-Crowell could still not get a pulse. Griggs then stated that Burdine was not breathing. The cuffs were released and Burdine was turned over and ACLS was started.

Berlekamp-Crowell also authored another much longer supplemental report. The first report was approximately a third of a page in length. The second report was approximately 2 and ¼ pages in length. The second report is much more detailed than the first. Berlekamp-Crowell stated in the second report that Burdine was not moving or resisting. Things that were added were descriptions of visible injuries to the heel of the left foot, a Taser mark on the left leg, an

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abrasion on the palm of one of the hands, and numerous red marks on Burdine's back indicating a struggle and strong handling. She also added that from the neck up, Burdine's coloring was dark red. Berlekamp-Crowell moved to look at Burdine's face. She stayed at a safe distance because it was alleged Burdine had been spitting. Burdine did not acknowledge her presence but was salivating and was producing bubbles from his mouth. Berlekamp-Crowell stated Burdine's airway was not obstructed. Berlekamp-Crowell stated she was concerned about the color of Burdine's face as it looked like someone who was straining themselves.

Berlekamp-Crowell stated that Sgt. Myers suggested they transport Burdine prone on a backboard for their safety. Berlekamp-Crowell went out to the squad and obtained the backboard. When she entered the room again, Burdine's color had not improved and she had not seen him move. Berlekamp-Crowell stated Burdine was moved to the left to allow the backboard to fit between him and the wall. Berlekamp-Crowell moved to Burdine's head to assist in transferring him to the backboard. Berlekamp-Crowell stated that an unknown officer grabbed under an arm and another unknown person guided the legs/lower body onto the backboard. Berlekamp-Crowell stated that Burdine was secured with three straps to the backboard. Burdine was lifted by Berlekamp-Crowell and several officers, later identified as Ptl. Daniels, Ptl. Dickey, Ptl. Kiddey and Dep. White. Berlekamp-Crowell stated she was surprised at the weight; Burdine seemed to be heavier than he looked. Burdine was taken from the shower room on the backboard and placed on the EMS cot. Once on the cot, Burdine was secured with three more straps. Ankle cuffs were then applied. Berlekamp-Crowell stated she was thinking about what care she intended to give because Burdine's coloring was darkening. Once in the squad she attempted to check for a pulse in the wrist. The handcuff was restricting her ability to check and an Officer loosened the cuff. Griggs did an airway assessment and discovered Burdine was not breathing. The cuffs were released and Burdine was flipped over. Berlekamp-Crowell noted that Burdine's color had now changed to a dark reddish purple from the neck up.

The remaining narrative describes in detail the lifesaving steps and medicines that were used in the squad and Burdine's transfer to the care of the hospital staff.

### **Inmates in the Jail:**

Three inmates were deposed as a part of the civil litigation: Randall Maynard, Anciso Asencion, and Jacob Kirkbride. As part of the BCI investigation, interviews were attempted on each of the three inmates. Asencion and Kirkbride refused to be interviewed. Agents traveled to Kennedy, New York to meet with Maynard. In his interview Maynard stated that he was housed in the male work release dorm at the jail on August 11, 2007. Maynard got up to go to the bathroom and heard a commotion downstairs. Maynard stated he looked down the stairs and saw a male laying in the hallway at the bottom of stairs. Maynard stated he never saw the officers do anything to the neck of Burdine, but he did see them pile on him. Maynard stated he saw an officer use a Taser on Burdine. Maynard said he could not actually see Burdine on the floor and only saw him when the officers picked Burdine up. Maynard's claims of the officers' actions based on his field of view were disproven by a review of the video from the jail and performing a walk-through of the facility. The area of Maynard's field of view prohibited him from seeing anything other than what would have occurred in the booking area and in the hallway directly at

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the bottom of the steps. Based on the video evidence, no altercation took place within the hallway or booking area.

Maynard stated that he observed Burdine handcuffed and shackled when the officers picked him up by his arms and legs and put him on the EMS gurney. Maynard stated that Burdine was not covered with anything and was not secured to the gurney. Maynard's assertions are disproven by video reviewed from the jail that shows Burdine was not shackled until he was placed on the cot, he was on a backboard prior to being placed onto the cot, he was strapped to the backboard, he was covered with a sheet or blanket and was then strapped to the gurney.

Maynard stated that the time between the paramedics' arrival and departure was approximately 10 minutes. Maynard also stated that the paramedics arrived approximately 10 minutes after he noticed the commotion. Maynard stated when the paramedics arrived on scene they did not seem to be in a hurry. Based on the reviewed video from the jail there does not seem to be a sense of urgency in relation to the paramedics' actions.

Maynard further stated that Asencion was in the work release male dorm with him and could not possibly have seen any of the things he claimed to have seen.

### **Hospital Information:**

Burdine was treated at Fremont Memorial Hospital with Dr. Carone as the physician. Lifesaving steps were performed with negative results. Burdine was declared dead at 4:31 a.m. During Burdine's treatment, a toxicology screen was run. It showed Burdine had a blood alcohol content of .151 and showed the presence of methamphetamines and cannabinoids (marijuana).

### **Autopsy Reports and Expert Opinions:**

The following doctors were involved in this incident prior to BCI becoming involved:

Dr. Wukie (Sandusky County Coroner)

Dr. Beisser (Lucas County Deputy Coroner/Forensic Pathologist)

Dr. Baden (New York State Medical Examiner/Hire Expert Retained by Burdines)

Dr. Wukie was notified of the death and requested Lucas County Coroner's Office to perform an autopsy. Dr. Beisser performed the autopsy. Dr. Beisser sent a report based on her findings to Dr. Wukie to rule on the cause and manner of death. Dr. Beisser's opinion was the death was accidental due to acute intoxication of alcohol and methamphetamines. Dr. Wukie concurred with her opinion and issued a death certificate stating such.

In Dr. Beisser's autopsy report there is a section titled Evidence of External Trauma. In this section, Dr. Beisser discusses a myriad of abrasions, contusions on the head, the neck, the chest, the back, the shoulder, the arms, the legs and the feet. The majority of the trauma described can be attributed to the either the fight on Sycamore Street, the struggle while being arrested by Fremont Police, and the struggle with the Sheriff's Office at the jail. It cannot be determined which injuries were sustained where with the exception of the burn injuries.

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The next section of the report is titled Evidence of Internal Trauma. Dr. Beisser discusses there was evidence of head trauma in the occipital and temporal regions. Blood was noted in the strap muscles of the neck with more being present on the right side. The left horn of the thyroid cartilage (the Adam's Apple) was fractured with blood in the surrounding soft tissue.

Medical Intervention is the title of the next section. In this section, Dr. Beisser identifies the presence of an endotracheal tube, a Foley catheter with attached collection bag containing 500 ml of yellow urine, hospital identification band on the right wrist, pacemaker patches on the chest and left flank, and intravascular catheters (IV lines) in the right side of the neck and the antecubital fossae.

The next section is titled, Internal Examination. In this section, Dr. Beisser notes the skeletal system is intact with the exception of the thyroid cartilage previously noted. X-ray examination of the shoulders and upper arms revealed no dislocations or fractures. The heart weighed 490 grams. In her deposition, Dr. Beisser stated anything over 400 grams for a man of Burdine's age and size would be considered enlarged. There was thickening of the left ventricular myocardium noted. The lungs were weighed. The right lung weighed 1020 grams and the left weighed 900 grams. The lungs were described as purple and congested. Severe edema with foam production is noted in both lungs. The liver, gall bladder, pancreas, and esophagus were unremarkable with the exception of some decomposition noted in the pancreas. The stomach was reported to contain 300 ml of bloody thick fluid. The small bowel, large bowel, appendix, kidneys, renal arteries, prostate gland, and testes were unremarkable. The toxicology report showed that Burdine had a blood alcohol level of .10 and there was the presence of amphetamine, methamphetamine, methylephedrine, pseudoephedrine, and THC.

Dr. Baden was hired by the Burdines as part of their civil case against Sandusky County and Fremont Police for wrongful death. On April 9, 2008, Dr. Baden issued a report that ruled the manner of death to be homicide and that the cause of death was asphyxiation by neck compression. In Dr. Baden's report he talked about that the autopsy showed there was a prominent bruise on the left side of the neck and fresh hemorrhage in the soft tissues and muscles of the neck adjacent to the fresh fracture of the thyroid cartilage. Dr. Baden stated these findings were consistent with severe neck compression that causes asphyxia death and purple color to the face. Dr. Baden went on to state that the toxicology results showed a blood alcohol level of 0.08% and amphetamine and methamphetamine blood concentrations in the recreational ranges that are not indicative of acute intoxication leading to death, but could explain the confused behavior Burdine exhibited when Officer arrived. The toxicology report actually reports the blood alcohol content as 0.10 %.

Dr. Baden was provided more documentation by the plaintiff's in the civil case between September 20, 2009 and January 25, 2011, to include: 2 CD's and 1 DVD relating to Burdine's arrest and hospital and autopsy findings; depositions of Carl Rider, Ptl Dean Bliss, Ptl. Geoffrey Stults, Gregory Forgac, PhD., Dr. Heather Carone, Jeff Burbach, EMS Director Jeffrey Jackson, Danielle Oliver, Jeff Burdine, Deputy Coroner Cynthia Beisser, EMT Jessica Berlekamp-Crowell, John Morris Oliver, Coroner John Wukie, Justin Ottney, Sheriff Kyle Overmyer, Dep. Martin Dumminger, Chief Monte Huss, Richard Boyer, Ptl. Richard Cook, Det. Roger Oddo, Scott Cox, Det. Sean O'Connell, Susan Boyer, Major Thomas Fligor, Jr., Psychiatrist Thomas

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Sherman, Capt. Wiersma, Ptl. Woolf, Tina Trimble, Thomas Trimble, Chief Deputy Bruce Hirt, William Kaiser, a synopsis of the deposition of EMT John Griggs, and the recent deposition of Chief Toxicologist Robert Forney, Jr., and Coroner James R. Patrick M.D. Baden stated he also read and reviewed the deposition testimonies of Pt. Anthony Emrich, Dep. Franklin Kaiser, Joseph Alejandro, Juan Levario, Jeremy Keller, Robert Collins, Jacob Kirkbride, Burdine Hiser, Dep. John White, Ptl. Jason Kiddey, Paramedic John Griggs (first deposition), Ptl. Ty Conger, Ptl. Michael Dickey, Sgt. Terry Myers, Dep. Tina Tack-Anderson, Ptl Lester Daniels, Capt. Blue, and Randall Maynard.

After reviewing those materials, Dr. Baden stated he wanted to add additional opinions:

1. After Burdine had been maced and tasered multiple time and was restrained face down by five police officers with pressure on his back, when EMS arrived was unresponsive with facial cyanosis and was pronounced dead when he reached the hospital. Compression of the back can cause asphyxia by preventing rib and diaphragm movement necessary for lung expansion and breathing.

Dr. Baden then discussed things that were present in his 2008 report including the fractured cartilage in the neck and the toxicology levels.

Dr. Baden discussed that rough intubation cannot fracture the thyroid cartilage without perforation from the inside of the larynx. Likewise neck compression does not cause damage to the laryngotracheal mucosa. Excited delirium is a controversial diagnosis and is used primarily for persons dying while being restrained by police. It is not recognized by the American Psychiatric Association whose body defines and sets standards for all psychiatric, mental, and delirious disorders (excited delirium is an established diagnosis by the American College of Emergency Physicians).

Dr. Baden discussed that human rights groups in the US and abroad charge that excited delirium is used to cover up for death caused by excessive force employed by police officers.

Dr. Baden did state in his declaration that methamphetamine use alone can cause agitation, combativeness, disorientation, bizarre and mad behavior, and an inability to understand commands as arriving officers witnessed. Due to Burdine's behavior and injuries Dr. Baden's opinion is that Burdine should have been taken to the hospital not to a jail

Dr. Baden's supplemental opinion, based on the new information he reviewed, was that Burdine's death was a result of traumatic asphyxia due to compression of his neck and back while being restrained by police and that it was a homicide.

Dr. Baden submitted these findings in a declaration in the civil case on January 19, 2012. There was also a letter issued to the plaintiff's attorney containing the same information dated February 9, 2011.

The Ohio Attorney General's Office Special Prosecutions Section decided to retain Dr. Kent Harshbarger M.D. J.D. to review the findings of this case. Dr. Harshbarger is the Coroner in Montgomery County, Ohio. Dr. Harshbarger is also the Chief Forensic Officer for the Ohio

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State Coroner's Association. Dr. Harshbarger was sent depositions, video/audio/photographic files, and reports on March 5, 2014. On March 20, 2014, a letter was sent Dr. Harshbarger drawing his attention to a specific photograph taken during the autopsy that was not discussed in any deposition, report or statement reviewed as a part of this investigation.

### **Audio Video Summary:**

Video was obtained from the Sandusky County Sheriff's Office of Burdine being brought into the jail. There are two channels that the video is recorded on. The booking area is on one channel and the hallway where the clothing issue shower room is located is on another channel. The time stamps on the two channels have the booking area camera approximately 40 seconds behind the time in the hallway. This approximation was reached by reviewing footage where Capt. Blue is seen walking into the booking room from the hallway and back.

Video/Audio was also obtained of the dash cams from Ptl. Daniels', and Ptl. Emrich's cruisers. Ptl. Daniels' video records from 03:29 a.m. to 03:52 a.m. The video stops because the VHS tape that was used for the recording had reached its end.

Ptl. Daniels was the officer that transported Burdine to the jail. In the audio from Daniels' in car camera Burdine's breathing can be heard in the background. It appears to increase in frequency when they were pulling into the jail. The audio portion of Daniels' recording cuts in and out and at one point is not present for 10 minutes. In speaking with the company that manufactured and sold Fremont Police Department's in car video systems, Mobile Vision, they stated that there could have been interference from the concrete and steel which prevented the audio signal from getting to the receiver in the cruiser, along with numerous other possible factors.

Ptl. Emrich's camera recorded his approach and arrival to Sycamore Street. The video also shows officers taking Burdine into custody. The video from Ptl. Emrich's cruiser is restricted to events on Sycamore Street.

Audio was received from Fremont Police Department of the radio traffic from August 11, 2007 between 0321hours and 0805 hours. There were phone calls that were provided by Attorney Grigsby that were created during the civil suit. It is unknown if all calls that were made or received at Fremont Police Department on the morning of August 11, 2007 were included in the file. Efforts by BCI to obtain all calls met with negative results due to the long lapse in time prior to BCI involvement, with the recordings no longer being available.

There was no audio from Sandusky County Sheriff's Office of radio or phone traffic provided by the parties in the civil suit. Due to the time lapse before BCI's involvement it is not possible to obtain those files currently.

### **Analysis:**

The death of Burdine Burdine was civilly litigated after the family filed a wrongful death lawsuit. Extensive questioning of participants and witnesses, in the form of depositions, resulted from this litigation. The lawsuit amassed approximately 4,000 pages of relevant documentation

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regarding the incident. Despite the work completed by the plaintiffs in this case, the case was dismissed on summary judgment by Judge James G. Carr of the United States District Court, Northern District of Ohio, Western Division. This essentially meant that the Judge felt that there were no genuine issues of material fact to warrant a trial in the case. In the summary judgment order, Judge Carr wrote:

Plaintiff has shown no causal link between Kaiser's actions – or those of any other officer- and the injuries they claim led to Burdine's death. Plaintiff's expert witness first declared that Burdine was strangled; he later changed his opinion to state that Burdine was either strangled or somehow asphyxiated through pressure to the back. The latter theory, plaintiff's expert admits, would not result in the allegedly fatal injuries to the throat and thyroid cartilage, nor would it explain the autopsy finding that Burdine died from cardiac arrest brought on by drug-induced delirium or why that finding was in error. It also fails to account for Burdine's continued shouting, chanting and vomiting during and after Kaiser's application of pressure to his back. The expert's present position, accordingly, fails to create an issue needing jury resolution. Plaintiff has failed to show any use of excessive force that would have resulted in the injuries Burdine sustained that they allege led to his death." The summary judgment ruling was appealed to the United States Court of Appeals, Sixth Circuit. The appellate court upheld the summary judgment. In the appellate court's ruling it is written, "Although plaintiffs contend on appeal that the district court failed to view the facts in the light most favorable to them as the nonmovants, as the court is required to do when deciding a motion for summary judgment, the district court did not err. Plaintiff's claim that the district court improperly disregarded Dr. Baden's expert testimony, which plaintiffs rely on to establish "that [Burdine] Burdine was deliberately strangled [by the officers] during the shower room struggle." Plaintiffs' case relies entirely on Dr. Baden's expert report<sup>3</sup>, and the strangulation-by-neck-compression theory derived from it, but the only evidence supporting this theory is Dr. Baden's own opinion. Dr. Baden's opinion is not by itself sufficient to raise a genuine issue of material fact when it relies on his interpretation of other evidence to reach a conclusion- which the strangulation theory depends on- that is beyond his area of expertise, namely, that Burdine Burdine was unconscious when EMT's arrived at the jail. No other evidence supports Baden's belief that Burdine was unconscious at that point. In fact, all evidence in the record points to the contrary. Every witness, including the EMT's and law enforcement officers, testified that Burdine was breathing, conscious and incoherently responsive when EMT's arrived. Dr. Baden's conclusory opinion cannot by itself *create* a genuine dispute of material fact; at best, it could *support* a factual dispute raised by other evidence, which plaintiffs have not provided."

Plaintiffs cannot defeat defendants' motion for summary judgment based solely on Dr. Baden's conclusory opinion in this case. Plaintiffs' case relies entirely on Dr. Baden's expert report, which in turn relies on one piece of physical evidence: the fracture of the decedent's thyroid cartilage and related tissue damage in the neck. Dr. Baden concedes that these injuries do not in and of themselves cause death, but insists that they provide a "shoe print" indicating neck compression. R. 159 at 157-58. He also testified that the neck is a protected area that would not be injured in this way from back pressure; these injuries would require "direct pressure on the neck." *Id.* at 66-67. But Dr. Baden's explanation for Burdine's death fails to comport with the evidence in the record.

BCI became aware of media interviews with Jess Burdine<sup>1</sup>, in which Jess Burdine stated his attorneys were never able to present evidence to the civil court due to Jess Burdine not being able to pay attorneys' fees before trial. Based upon a review of the court record, this account is

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<sup>1</sup> "Jess Burdine was our guest on BTL." *SanduskyRegister.com* May 2, 2014.  
<http://www.sanduskyregister.com/blog/between-lines/5590091>

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not correct, and the court decisions clearly reflect evidence presented by Jess Burdine's attorneys on his behalf. Judge Carr's decision was further appealed by Jess Burdine's attorneys to the U.S. Sixth Circuit Court of Appeals, which affirmed Judge Carr's summary judgment.

The standard of proof required for criminal charges is higher than for a civil case; therefore, although a dismissed civil suit does not preclude a criminal prosecution, it does tend to indicate a lack of admissible probative evidence of wrongdoing. In the current investigation, many of the key witnesses refused to be interviewed and could not be compelled to do so. Instead, many witnesses referred investigators to their depositions from the civil case as their statement as to what occurred. This, along with a lack of probative physical evidence, resulted in very little new probative information regarding the death being obtained. Information from the civil case formed much of the foundation for the criminal investigation. This limited new evidence that was probative was generally related to Dr. Hansberger and the integrity of both the jail video and audio.

For a criminal prosecution to take place in regard to the death of Craig Burdine, for murder or a similar offense, several hurdles must first be overcome. First, it must be proven beyond a reasonable doubt that the death was caused by the action or inaction of another, not of accidental means (as that term is used by coroners or other manner of death). Next, it must be determined which person or persons were responsible for that action or inaction. Finally, it must be determined that there was some level of criminal culpability for the action or inaction (the actions were not reasonable or justifiable under the circumstances). A discussion of each of these obstacles follows.

The official manner of death in this case was legally determined by Sandusky County Coroner Wukie to be "Accidental". Again, while this ruling does not preclude a criminal prosecution, it would almost certainly be a factor taken into consideration by a trier of fact. From the information available, it would appear as though Coroner Wukie simply followed Dr. Cynthia Beisser autopsy results that Burdine's death resulted from acute intoxication of alcohol and methamphetamines. In the case summary in the section, how injury occurred, Dr. Beisser wrote, "died during drug-induced excited delirium". This investigation did not reveal any information that anyone other than Burdine himself administered any of these substances to him. If one subscribes to the official manner of death, it would stand to reason that a crime directly related to causing his death likely did not occur.

In Dr. Harshbarger's opinion he believes that Burdine died from an abnormal heartbeat due to an enlarged heart and drug use, coupled with extreme exertion.

On the other hand, Dr. Michael Baden opined, after his review of the case, that the manner of death would more appropriately be described as "Homicide." Dr. Baden cited evidence of trauma to Burdine's neck which could be consistent with neck compression, possibly resulting in a death by asphyxia. This disagreement among forensic pathologists tends to complicate an

## **Prosecutor's Summary**

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investigation by introducing additional doubt as to what actually caused Burdine's death. Out of an abundance of caution, the following three paragraphs will analyze the remaining facts of the case under the assumption that Dr. Baden is correct that the manner of death is homicide.

It is important to note that the term "homicide," as used in a medical, manner of death determination, is not synonymous in legal terms with any crime, such as murder. Homicide refers to the death of one person caused by another. Some forms of homicide are justifiable or excusable, such as in cases of self-defense, soldiers during war or capital punishment. Officer-involved shootings are an example of a situation where the death of someone is caused by another (homicide), but it is possible that no violation of law (e.g. murder) occurred, if the circumstances of the incident were deemed to have been reasonable or justifiable. Therefore, Dr. Baden's ruling does not necessarily imply that a crime was committed. In order to make that determination, the investigation would need to identify the person(s) responsible for causing the death, and then provide information regarding the circumstances so that triers of fact could make a determination as to the reasonableness of their actions / inactions.

In the present investigation, no credible evidence or statements were found to pinpoint which person or persons were responsible for the injuries to Burdine's neck. No one stated that they applied pressure to Burdine's neck, such as with a "head lock", nor does anyone report seeing another person do so. Burdine's own actions, such as running into a window, likely resulted in some of his injuries. Further, he tackled another individual into an actively-burning fire (with other hazardous objects present, such as metal rebar), causing additional injuries to himself. Witnesses to this incident pulled Burdine from the fire and off of their friend, potentially causing even more injuries to Burdine. Struggles with officers from the Fremont Police Department and later, the Sandusky County Sheriff's Office also took place. It is conceivable that an injury to Burdine's neck could have been caused at any point during these multiple encounters that night.

As the investigation was unable to identify a person or persons that would have applied pressure to Burdine's neck to cause a death by asphyxia, as Dr. Baden believes, further analysis regarding the reasonableness or justification of those actions is unable to be examined.

An expert, Steve Ijames, was hired by Sandusky County to determine as to whether the employment of a Taser had any causal relationship to the death of Burdine. No causal link could be determined and that assertion was never questioned and was conceded by the plaintiffs' as not involved in the cause of death. In fact the one area the three forensic pathologists agree on, is that none believe that the Taser caused Burdine's death.

There was a concern raised by the plaintiffs' in their civil suit that there were EKG strips that were timed stamped at 03:35 a.m. on August 11, 2007 which they contend showed that Burdine Burdine was dead prior to EMS being called. Through investigation it was shown that the EKG strips the plaintiffs' were talking about were in fact generated at the hospital. The EKG strips that were generated by EMS were approximately 4" in width whereas the strips from the hospital

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are only approximately 1 ¼" in width. It was evident through examination of hospital records for the treatment of Burdine on August 11, 2007, the time stamp on the EKG machine at the hospital was incorrectly set.

During the course of the investigation, during a detailed review of the autopsy report and autopsy photos, agents discovered a photo depicting the back of Burdine at autopsy with a scale on the body located between the shoulder blades marked with the autopsy number, with the numbers on the scale oriented toward the decedent's buttocks. Directly under the scale there appeared to be two parallel lines running across the width of the entire back. Utilizing the scale in the picture, which was confirmed to be delineated in one inch increments, the width between the marks was approximately two inches. In the autopsy report, Dr. Beisser described the presence of a diffuse purple contusion that extended across the upper back that resembled Tardieu spots. However, Dr. Beisser noted there was subcutaneous blood present in that area. Through research it was determined that Tardieu spots are broken blood vessels on the surface of the skin that can be present from an asphyxia death resulting from compression of an area of the body. Blood would be able to get into the area but not be able to get back out. The influx of blood without the required relief would cause the vessels to burst due to pressure build-up. There were numerous marks on the back of Burdine in the photo. Most were easily attributed to the body bag the body had been in prior to examination. In looking at the photo there were no corresponding parallel creases in the body bag. Agents discussed what possibly could have left those marks on the body post mortem. The straps on a backboard are approximately 2" in width as well as the straps on an EMS rolling cot. In further reviewing the photos, agents discovered a photo with Burdine lying on his back with his arm being held above his head. In the photo, IMG0353, it appears as though there is a distinct line of demarcation in coloring on the torso of the decedent. Below the possible line of demarcation the body is very pale in color. Above the line the body appears to be a slightly darker color. This line of demarcation appears to coincide with the two parallel lines on the back.

In fact one of the other areas the three forensic pathologists agree on, is that all believe that the marks described above developed after death as the result of natural process and did not have significance as theorized by investigators.

In multiple interactions with the Burdine family, but primarily with Jess Burdine many assertions regarding purported evidence and facts were made. Appendix A, contains many of those assertions.

Additional assertions included that the photograph of Craig Burdine distributed to the news media after his death by law enforcement was taken after his death. In order for this to be true, Craig Burdine would have had to have had a white tee shirt placed on him and then taken off of him after he died prior to being taken to the hospital. Apparently, this assertion came about in part because Eric Burdine, felt that a screen shot he took, off his paused DVR machine, of a Toledo news stations story that was run with in the last year, contained a time stamp that was

## **Prosecutor's Summary**

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cropped out by all news media outlets in all prior uses. This time stamp purportedly showed the picture was taken at the jail during the time Burdine was in custody. In reality the time stamp was from Eric Burdine's own DVR recording device, and clearly showed the pause symbol. The picture in question is actually a 2006 booking photograph. Eric now concedes the timestamp was caused by his own DVR machine being on pause and him taking a screen shot of it, but does not concede the photo is a 2006 booking photograph. In addition to those assertions, in Appdenix A the reader is also encouraged to listen to audio of interviews and phone calls for additional assertions.

### **Conclusion:**

In regard to the questioned death investigation of Craig Burdine, the cause and manner of death are in dispute by various medical professionals. The official manner of death, as determined by Sandusky County Coroner John Wukie, was "Accidental" due to acute intoxication of alcohol and methamphetamines. As such, there likely would not be any criminal culpability directly regarding the death on the part of the participants of the incident (civilians, law enforcement, corrections or emergency medical personnel). However, if the opposing medical viewpoint of "Homicide" is correct, one must then identify the person or persons responsible for the death and investigate the surrounding circumstances in order for the appropriate authorities to determine if the force applied was reasonable or justifiable. If in fact someone applied a force to Burdine's neck, the current investigation was unable to determine who. Burdine reportedly sustained injuries caused by his own behavior, such as running into a window and tackling a person into an actively-burning fire pit. Further, he subsequently had physical altercations with civilian witnesses at the scene, as well as multiple law enforcement personnel from two separate agencies. Accounts indicate that Burdine was still alive, breathing, speaking and resisting at the time of EMS arrival. This would seem to suggest that if a "homicide" took place, it would have occurred at some point after the EMS arrived and began treatment.

There is no video surveillance, physical evidence or credible statements to indicate that anyone applied any pressure to Burdine's neck during the time period where he was in custody. Law enforcement, corrections and emergency medical personnel that were present during that time frame, all but two who were deposed refused to be interviewed in the criminal investigation (nor could they be compelled to do so), referring investigators to their civil depositions instead. Investigators spoke with others that were present who were not deposed as well. Due to the passage of time, the people that did agree to be interviewed had very little recollection of the details of the incident and therefore, did not have information to further the investigation in that regard.

The civil depositions, which investigators were referred to, did not contain any first-hand statements regarding someone applying pressure or compressing Burdine's neck. These civil depositions, which investigators were forced to rely upon for the foundation of the criminal investigation, have previously been subjected to the scrutiny of Federal judges during the civil

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proceedings. Both the United States District Court and United States Court of Appeals judges failed to find enough of a causal link between Burdine's death and the actions of any law enforcement officers, corrections officers, or EMS personnel who were present, to justify allowing the case to proceed to trial (even with the lower burden of proof applied in civil suits – "preponderance of evidence" versus "proof beyond a reasonable doubt"). Due to the limitations placed upon investigators by the substantial passage of time between the incident and the investigation, the reluctance of witnesses to be interviewed, conflicting medical opinions as to the cause and manner of death and absence of physical evidence, the current investigation did not reveal any significant new evidence pointing toward wrongdoing in the death of Craig Burdine.

Respectfully submitted,



---

SAS Jeffery Cook  
Northwest Special Investigations  
Ohio Bureau of Criminal Investigation  
1616 E. Wooster St., #18  
Bowling Green, OH 43402

Appendix A

Prosecutor's Summary

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Pg 1

Mr. Kevin D. Cooper  
1560 ST. RT. 56 S.W.  
London, OH  
34140

Jess R. Burdine  
7660 W. Stump Rd.  
Oak Harbor, OH 43449

Dear Mr. cooper I am writing a letter because I don't want to forget to mention a material fact by mistake. First of all, I want to tell you, due to the nature of my landlord rental business my telephone's attached to a voice activated recording machine. This is no problem with you or me; I welcome your calls any day. I tell you only because it's the law. I also am asking you to mail me a letter in response to all the questions I will ask in this letter. Also, I will provide a copy of this letter to one of my attorneys Mr. Wesley m. Miller Jr. P.O. Box 352530 Toledo, OH. 43635. Also I will send Mr. Miller a copy of your correspondence.

Mr. Copper you have been to my house two times and on both occasions you have made a comment to me inferring that Craig is or was a bad person. Please tell me or show me on some video how you have come to that opinion of Craig. I have told you and my son Eric has told you that never in his 37 years of life do we Knew of one time that he drew a fist and hit someone. What we do know is that Craig developed P.T.S.D. brought on by an Oak Harbor police officer Vernon Blevins. What we do know is that his P.T.S.D. developed into a chronic stage in 1996 brought on by officer Bruce Sziglogy of the Port Clinton Police Dept. We do know all of this confirmed by Dr. Darlene Barhes in 1999, by Dr. Steven Bisbing in 1999, and by Dr. Wayne J. Graves in 2007.

Dr. Wayne J. Graves's report on 2-14-2011, it was my opinion at the time of the 2007 report that Mr. Burdine Needed treatment on an outpatient basis with someone skilled in the treatment of P.T.S.D.

Lucas County Coroner's Case Summery

*Fact #1* Examination was done on 8/13/2007

**Comment [JAC1]:** Facts 1-5 as presented are accurate

Appendix A

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Pg-2

*Fact #2* on 8/13/2007 She did not have the heart monitor data print out showing Craig had no pulse at 03:35.

*Fact #3* she did not have tazer data printout of tazer ~~-038992~~ <sup>038992</sup> taken on 8/11/2007.

*Fact #4* She did not have deposition of an eyewitness Randall W. Mayhald taken on 2/18/2010.

*Fact #5* she did not have deposition of an eyewitness Asehcion O. Anciso Jr. taken on 2/18/2010.

*Fact #6* D. Beisser's Deposition Pg. 135 Quote. Dr. if there where an eyewitness to the event inside the jail who said that they saw a carotid sleeper hold applied to Mr. Burdine Would that influence your opinion at all? (Answer Yes)

*Fact #7* D. Beisser's Deposition pg. 136 Quote; Dr. John Wilkie would have to investigate that more. Question; that is not a piece of information that was unavailable to you at the time in this case (Answer No)

*Fact #8* No evidence is available that Dr. Wilke did or did not conduct an investigation.

*Fact #9* no evidence is available the Fremont police conducted an investigation, Detective Sean O' Connell did compile a folder containing police reports, EMS Reports, Hospital Reports, And statements made by Sycamore Street Residence

*Fact #10* No evidence is available that the Sandusky County Sheriffs office conducted an investigation.

*Fact #11* We now know that the coroners cause and manor of death is changed based on the forgoing 10 facts.

Page 176 of Dr. Beisser's Deposition (If the manor of death information of death is wrong, that's another thing that could detail your opinion, Right.)

**Comment [JAC2]:** Det. O'Connell completed a narrative creating a timeline of events based on review of officers reports and statements.

**Comment [JAC3]:** The Coroner has not changed the manner and cause of death

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Pg-3

Attached is a copy of Dr. Michael M. Baden's revised now to include compression of the back along with the neck. Dr. Baden's Opinion Pg. 3 line B The Autopsy demonstrated injury to the left side of the neck and a fresh fracture of the left greater horn of the thyroid cartilage with surrounding soft tissue blood, these are typical for asphyxia neck compression.

Dr. Beisser Deposition Pg. 54 Line 20 - Well I can't dispute that those findings could be due to an attempted neck compression. However he didn't die there. (Wrong: See EKG Printout)

Mr. Cooper, You already have every officer's story as told at the deposition. You already know that the manner and cause of death by Dr. Beisser is Greatly Challenged. Craig A. Burdine's manner and cause of death must be challenged by a Grand Jury that will expose who was responsible for Craig's death.

(P.s. Please provide a copy to Mathew J. Doahve.)

Sincerely

Jess R. Burdine

Jess R. Burdine  
2/28/2014

Wrong He did die AT 03:34 or sooner

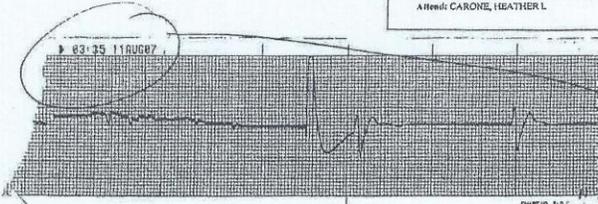
**Comment [JAC4]:** Based on the EMS Run Report Burdine was alive at the time of their arrival. The EKG printout that Jess Burdine is referring to which is shown below indicates a lack of discernible heart rhythm at 03:35 a.m. Those strips are from Fremont Memorial Hospital not from EMS. The EMS printout are approximately 4" wide. The time on the machine at the hospital clearly has the time improperly set on it as Burdine did not arrive to the hospital until approximately 04:15 a.m.

Appendix A

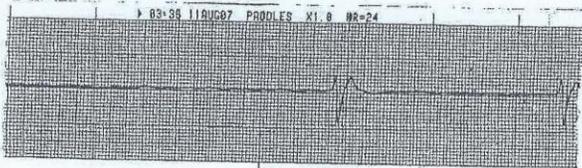
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MEMORIAL HOSPITAL Fremont, Ohio 43420

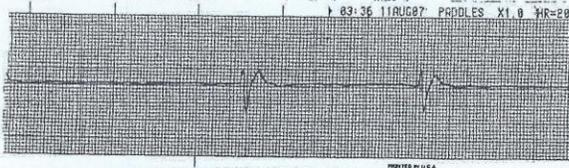
Visit #: 727517 MR#: 189209  
BURDINE, CRAIG ANTHONY  
DOB: 06/19/1970 ADM: 06/11/2007 04:21  
A Head: CARONE, HEATHER L



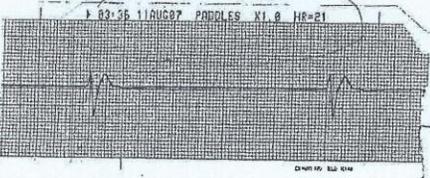
Jess family doctor said Craig was dead at 03:35



Came into Jail at 03:30



Only lived 5 minutes in Jail



Never Used for any Depo's or Summary Judgment

TELE

URE MONITORING  
66004 (Rev. 3/07)  
Page 1 of 1

Never Used to Support Dr. Baden's Depo. Saying Craig was dead when EMS Arrived

FEDERAL REGULATIONS (42 CFR PART 2)  
PROHIBIT YOU FROM FURTHER DISCLOSING  
THE INFORMATION CONTAINED IN THE  
ATTACHED DOCUMENTS

Comment [JAC5]: The heading on the strips shows that they are from Memorial Hospital Fremont, OH 43420 not from EMS

Appendix A

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Copy to Kevin D. Cooper  
Copy to Matthew Penahua  
Copy to Sandusky Register

MATT  
476460

①

DVD

We have a Audio-Video Taken and Produced by the Sandusky Sheriff Department. This was taken on 8-11-07 the day Craig died. Strangely the Audio sound is turned off five times. That proves they only allow us to hear what they want us to hear.

The author of this DVD, should be charged with tampering with evidence during the commission of a homicide.

We have two inmate witnesses that was in Jail up stairs in the Work Release Dorm. R. Williams is one and A. O. A. Jr. is the second inmate.

Both say they could clearly look down the stairway straight ahead into the booking area. I don't know there are cameras in this area because I was in this room and saw the camera.

The Video DVD given to us by the Sheriff's Department edits out this booking area.

This DVD is proof that Craig did not become combative, was not loud and vulgar, was not talking and did not assault any officers. No officer's testimony can be corroborated with proof.

Coming up we will show proof that they will not hesitate to commit perjury.

**Comment [JAC6]:** The audio-video DVD that Mr. Burdine refers to is a compilation video created by merging the video from Sandusky Co. Sheriff's Office with the audio from the Fremont Officer Daniels' dash cam that was prepared as part of the civil proceedings. In speaking with the manufacturer of the dash cam system used by Fremont at the time the breaks in audio are most likely from interference from the building because the cruiser, with the receiver for the body mic worn by the officer, was parked in the sally port. Agents reviewed each of the tapes the compilation was made from individually and the compilation video.

**Comment [JAC7]:** The two inmates are Randall Maynard and Anscenion Anciso. Anciso refused to be interviewed and Maynard discredited Anciso's deposition. The view from the top of the stairs is accurately depicted. Maynard could not see into the clothing issue/shower room where the Taser was applied. There is video of the hallway that would show Craig being tased if it occurred where Maynard could view it.

**Comment [JAC8]:** The camera that Mr. Burdine saw when he did his walk through was not present in 2007. Agents recorded video from the camera in question and the camera in the control room of booking. The camera in question actually does not track the path taken by the officers as far as the control room camera.

## Appendix A

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(2)

R.W.M. Testimony. Pg-9<sup>x</sup> Were you at the Sandusky County Jail on 8-11-07 (yes) I was upstairs in the work release dorm room.  
Pg-15<sup>x</sup> Noticed a ruckus downstairs. A bunch of sheriffs fussing over some guy. How were you able to see it? They have a stairway that leads downstairs. Pg-16<sup>x</sup> There's a big glass window in it. Describe for me what you saw? I saw some officers more or less fighting with a guy down in the booking area and my recollection they were tasing him. There must have been four or five of them trying to hold this guy down. I noticed he was handcuffed. Pg-17<sup>x</sup> They put him on a gurney upside down, he was handcuffed and feet shackled. The sheriff drove the ambulance away. You said you saw a scuffle in the booking area? Yeah, the booking area. The guards are behind the glass where all their controls are. Pg-18<sup>x</sup> Were you standing at the base of the stairs or the top of the stairs, top of stairs? So what you observed occurred straight ahead? Yes  
Pg-20<sup>x</sup> They had the female there. She got in the back of the EMS truck. She was dressed as a sheriff? Yes  
CAN you tell me how many law enforcement officers were interacting with this gentleman? Answer Four or five.  
Pg-25<sup>x</sup> The first time I remember seeing him is the cops were carrying him out in the hallway.

**Comment [JAC9]:** Maynard was in the male work release dorm. There are a set of stairs that look down into a hallway and part of the booking area can be seen.

**Comment [JAC10]:** Video from the hallway camera would have captured the situation with Burdine if it occurred in the hallway and the camera in the work release dorm would have captured it if it happened in the booking area.

**Comment [JAC11]:** Burdine was handcuffed and strapped to a backboard when he was put on the cot. Video evidence shows the shackles being placed on him in the hallway after he was put on the EMS cot. It is accurate that a deputy drove the squad from the scene.

**Comment [JAC12]:** Based on the video evidence the only things that occurred where Maynard would have been able to see were Craig being carried into the clothing issue room and then Craig being put onto the EMS cot.

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(3)

Pg. 26<sup>X</sup> Was the same individual utilizing the Taser the entire time? I believe so. Pg. 28<sup>X</sup> Did they go through a door that would require him to go through the garage? "No" a different doorway? Yes let it be known that every statement is and can be the same as officer's have said. Let it be known the same Deputy Terry Myers did Taze Craig using Deputy J.C. White's Tazer in an unlawful way by holding the trigger down for a full 15 seconds without the proper pause between 5 second shots. This was deadly force and Myers should be charged with attempted Murder. Also Myers used his own Tazer for a proper 2nd shot and a proper 3rd shot. We have Tazer print out proof that R.W.M. did see Myers Taze three times. This is factual proof not testimony of excessive force. A Red X beside Page # means the testimony is proven or corroborated by an officer.

Next We Have Eyewitness A.C. A Jr.

Pg 15<sup>X</sup> Can you describe Deputy Kelsen for me?  
About six-six five, or six, or seven Bald Head, and he's a big guy, About 250-260 pounds,  
Pg 17<sup>X</sup> Incarcerated at the Jail on 8-11-07  
Was housed in Work release cell.  
Pg 18<sup>X</sup> Randy he was a friend of mine.

**Comment [JAC13]:** Maynard would not have been able to see the Taser being deployed as it occurred in the clothing issue/shower room or it would have been captured by hallway camera. Maynard is correct that the cot was taken out a door that would not require them to go through the garage.

**Comment [JAC14]:** It could not be determined if during the time the Taser was active for 20 seconds whether it was in contact with Craig.

**Comment [JAC15]:** The Taser printout prove the Tasers were deployed but not by whom and Maynard could not physically have seen the Taser being deployed.

**Comment [JAC16]:** In an interview with agents, Maynard stated that Anciso could not have seen what he claimed to have seen because Maynard did not wake him up until after Burdine was out of view. Anciso could easily describe Kaiser as he was an inmate at the jail.

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(4)

Pg-20 Since we have a view to the booking area, we generally stay up to watch in and out of jail.

Pg-21 You're able to look into the booking area?  
Answer Correct. There was a lot of yelling, somebody giving the deputies a hard time.

Pg-22 He was carried toward the booking area.

Pg-23 His hands were tied in the back and his

legs was tied. Pg-26 did you recognize any of the individuals who were around the person we're talking about? Answer Mr. Keiser. The next thing you saw was the individual lying in the

front of the booking window. Pg-27 right in front of booking where you place all your keys - and you given all your papers and you sign right there.

Was the individual on the floor "Montezomilve" He wasn't screaming, he wasn't yelling, he wasn't kicking, he wasn't moving at all. Pg-28 The next

thing you saw a carrying platform like a stretcher, a wooden board or plastic board. The individual was carried and was taken out from the booking area toward the infirmary. He was taken from the booking area into the hall. Pg-29 Would that be

movement from you east to right or right to left? From the booking would be straight and to the left.

**Comment [JAC17]:** Burdine's feet were never bound until he was on the EMS cot as is seen in video evidence reviewed during the investigation..

**Comment [JAC18]:** Video evidence contradicts Anciso's testimony. The officers never stopped in the booking area, making the rest of the testimony about how Burdine was acting erroneous.

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(5)

Pg 30 So its your testimony that the individual was put onto the stretcher type board before you saw any EMT? (yes) Two paramedics opening up the back doors to the ambulance, getting a gurney off of it, coming in through the side door right beside work release, Not through the garage. It took a little while. He had no movement, no sounds coming from him.

Cross Examination Mr Humari

Pg 33 He was standing (yes) Two officers had him by the arms, one on either side. Pg 34 Do you recall telling me at our meeting seven or eight months ago about an officer restraining Mr. Burdine in the neck area? Yes Pg 35 Two deputies one on either side, one deputy coming over the back.

Pg 37 Do you recall the officer who had his arm around Craig's neck, Answer Tall and Bald, consistent with Mr Kaiser, Answer Most likely, yes.

Recross Examination Grigory

Pg 38 You described a moment ago seeing in your mind or otherwise a deputy with his arm around Craig's neck? Yes. Pg 39 Are you certain you saw that? Yes Pg 40 Can you describe the other two officers holding his arms. Answer One was short, average build, the other one was heavy set. Heavy set would be Lester Daniels the other would be Officer Dickey

**Comment [JAC19]:** There is no video evidence to indicate that a backboard was ever used until after EMS arrived. If Burdine was already on a backboard, EMS would not have brought another one into the jail.

**Comment [JAC20]:** Again, Anciso's assertions are not supported by video evidence.

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6

Once again Officer's Daniels and Dickey are restraining Craig by one on each arm and Kaiser comes from behind with his left arm around Craig's neck. All three should be charged with 2nd Degree murder. The two one on either side was restraining Craig so that he could not escape the choke hold by Frank Kaiser therefore all three participated in Craig's murder.

Craig's death occurred in the Booking room then all officers on duty participated in moving Craig's body from Booking Room with a camera, the crime scene to the eye witness A.C. Anthe Officer's Kidney, Daniels, Dickey, Blue, Kaiser, J.C. White participated in the moving of the body into the small clothing room only to cover up a homicide scene. All are guilty of Tampering with evidence a felony.

Captain Diane Blue knew C. Burdine suffered from P.T.S.D. She should not have accepted him into jail but directed him to the Hospital. See Dickey Depo's Pg 96499

Officer Anthony Enrich Depo Pg. 13 I recognized him as Craig Burdine

The Clothing Change Room with No Camera a Homicide

Comment [JAC21]: There is no evidence that this event occurred with the exception of Anciso's testimony and an unexplained injury to Craig's neck.

Comment [JAC22]: At no time in the video do the officers stop in the booking area.

Comment [JAC23]: Blue testified in her deposition that she looked up Burdine in the jail system and was not familiar with him at all.

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(7)

Emrich Continued

Pg-16 Afraid he was going to start kicking windows out because of his actions, so I told the officer to take him to jail. That's simply not a good reason to deny medical.

Pg-17 Knew Craig lived on Oak Lane.

Pg-18, 19, 20, 21 The 10-3-05 Incident

Jess Tell's Emrich Craig has Chronic P.T.S.D.

Pg-60 Knows the Burdine Family

Pg-61 Birthday party at Tab's house. (Pictures)

Jess and Emrich talked about him quitting his dirty job. This party was before the 2005 incident. So on 10-3-05 he knew Craig suffered P.T.S.D. partly developed at the Ottawa Co. incident where Craig sued them and won excessive damages.

On 10-3-05 Officer Geoffrey Stultz called me and said I have lost my wallet at your son's house. Will you allow me to search for it. Yes and Mandella & Jess met him at Oak Lane. He asks is it true that your son sued and got a lot of money from Port Clinton. Stultz told him yes, but why are we talking about that. He said it was just wondering if it's true.

So on 8-11-07 Officer Emrich put Craig into a cage of lions to tear him apart. They did!!  
Set the stage for death. Denied medical & psychological care.  
Capt. Blue & Officer Emrich should be charged with something? they set the stage for death.

**Comment [JAC24]:** Normal procedure is to book prisoners into the Fremont Jail and then transfer to County. Emrich did not want to have a problem with Burdine at their jail so he ordered Burdine be taken to County Jail.

**Comment [JAC25]:** In Emrich's deposition he stated that Mr. Burdine was not at the party in question and he did not have a conversation with him.

**Comment [JAC26]:** This interaction shows that Stultz knew of the lawsuit but not where the information came from. Stultz was not involved in the 2007 incident.

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The evidence on facts for EMS John Driggs and Jessica Berlekamp Crowell.

Jessica Berlekamp-Crowell

Hot Report hereby declare these events true - 8-11-07.

LS-18 (Fire Squad #18) dispatched at approximately at

03:30 to the jail. First Craig entered the jail at 03:30.

The airway bag was pulled and we proceeded to the back door.

Inmate eyewitnesses Pg. 30 Eyewitness A, O, A, J, M, Depo

Two Paramedics coming through the side door. Not through

the garage door. Good Withers did see 7 EMS come in the

side door.

We grabbed this bag because it had basic supplies as well

as more advanced care supplies that might be needed.

Yes it contained the portable heart monitor SpO2, Terry

Myers stated they had fought with him for an hour. He

may have been 10 minutes. Myers said patient had

been tazed 3 times. Yes, our witness R.W.M. said

that. On page 16. We were directed to a small room

left of the hallway. Yes the clothing change room. There

was at least that's a dozen officers (Yes). Patient boxing

from his hands cuffed behind back. One officer was subduing

patient with his knee in the back. Patient was not moving

or resisting. Patient had numerous visible injuries. A red

inflamed mark at mid hamstring of left leg (Taper Mark)

from the patient neck up was dark red color. Patient did not

acknowledge my presence and was snoring producing

**Comment [JAC27]:** Per the EMS run report, EMS was dispatched at 03:47 a.m. Burdine arrived at the jail at approximately 03:35 a.m.

**Comment [JAC28]:** This is a question of semantics. The door that Mr. Burdine refers to as the side door is on the back of the building

**Comment [JAC29]:** It is believed that hour time frame was used for all interaction with law enforcement beginning at 03:20 a.m. through EMS arrival at approximately 03:52 a.m. it was an overestimate on Sgt. Myers part.

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Bubbles from his mouth. Deputy Myers suggested that we transport the patient prone on the backboard for our safety. His airway was not obstructed. Good she must of had a reason to believe his airway was restricting the flow of air because she said the patient's color concerned me. Our witness said Craig was transported on a back board face down. #17 The patient was cold to the touch. I remember thinking about what care I was going to do for the patient, one being oxygen to try to improve his color which was darkening. I jumped <sup>in</sup> and after John Driggs said he could not assess a pulse. John Driggs said he did assess a pulse in the clothing room and it was neither hi or low. To me that's an odd way to say what the pulse was. The patient was flipped supine, his color changed to a dark reddish purple from his neck up. I grabbed the monitor off the shelf, it showed asystole withagonal, non-perfusing beats. Hear in all of her testimony is just story telling.

Dr. Baden said based on her report and other scientific facts Craig was dead when they arrived. Being death by asphyxia is proven because the 1st sign is severe edema which is what she described as he was producing bubbles from his mouth. Severe edema. Officer testified Craig had thrown up a brown liquid before EMS was called. Against that scientific evidence

**Comment [JAC30]:** Stating the airway was not obstructed does not mean the airway was restricted

**Comment [JAC31]:** There may not have been an accurate count of the heart rate but EMS personnel can tell if a pulse is fast or slow based on their experience.

**Comment [JAC32]:** Dr. Baden stated that Burdine's neck was compressed causing restricted blood flow and air flow prior to EMS arrival.

**Comment [JAC33]:** Bubbles from the mouth is not necessarily severe edema nor is throwing up a brown liquid.

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of asphyxia which is death by strangulation producing severe edema. Next you have the proof of a fresh fracture of the left horn of the thyroid cartilage. Next you have an eye witness. All this more surely proves that Craig Burdine's death was a homicide which I call 2nd Degree Murder. Last of all we have factual proof that Craig had no pulse on 8-11-09 at 03:35 and that's about the right time that the two EMS arrived and produced the heart monitor not produced later on outside of the jail in the squad truck. Proof time printed on print out of monitor. John Diggins and Jessica did give false evidence which clearly moved the crime scene from inside of the jail to outside of the jail trying to cover up a homicide death that is a felony, tampering with evidence setting to commission of a felony, Homicide.

**Comment [JAC34]:** It is unknown how the thyroid cartilage was fractured. The witness who claimed to have seen Burdine being choked is discredited because for it to occur where he could have seen it happen it would have been captured by video.

**Comment [JAC35]:** EMS arrived at the jail at approximately 03:52 a.m. and the EKG strips that Mr. Burdine is referring to are from Fremont Memorial Hospital not from EMS. Burdine did not arrive at Fremont Memorial until 04:15 a.m. It is clear that the time on the hospital's EKG machine was improperly set.

**Comment [JAC36]:** There is no evidence to support Mr. Burdine's claim as his basis for this is the EKG strips.

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I Jess B. Burdine father of Craig A. Burdine  
here by declare that Based upon Factual  
evidence and Forensic evidence and  
the Autopsy evidence Craig Burdine's death  
was a Homicide. However is the Ohio Attorney  
General's Office do NOT charge 2nd degree  
murder. For these officers then they to are guilty  
of covering up a Homicide.

Evidential Facts Enclosed

Heart Monitor, Dead AT 03:35 ON 8-11-07.

Tazer Data Printouts of Two Tazer's Steve James  
Lucas County Autopsy (Lung's Edema).

Edema - Baden 1st sign of asphyxia.

Did NOT Ground

Dr. Baden, Manner of Death should be Homicide.

Death Scene Photo, Channel 11 Viewed this Photo

Witnesses R.W. and A.C. Jr. Depo.

Michael P. Dickey's Depo.

Anthony Emrich's Depo.

Capt. Diane L. Blue's Depo.

Dr. Wayne J. Graves Ph-D

Police Report Pages 2-3-4

Old Medical - 2005 Craig has Medical - PTSD

Old Medical - 2006 Altered Mental Status

EMS - Jessica Crowell, Craig at Jail at 03:30

EMS is Called at 03:30

Michael Dickey's  
Depo.  
Team Audio  
Transcript

Comment [JAC37]: There is no such charge under the Ohio Revised Code.

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Mr. Cooper I fully expect you will  
need and use all of this material  
in order to get a Grand Jury Indictment.

I simply don't know how it can be done  
without using it all this that I have provided  
you.

I fully intend to put everything on  
the between the lines as soon as possible.  
The public has the right to know the facts.

All these facts & document clearly proves  
and defines Craig's death was Homicide.

Jens

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