

~~MFR/PRVLR NOTIFIED~~  
~~No comments made~~ 9/10/86

~~Comments attached~~  
~~Excisions/Revisions~~  
~~Firm has not requested~~  
~~further notice~~

1237  
A39873

Pittsburgh

6600 Penna

42 Allegheny 003

Outdoors

78

Outdoors

178

12. OCCASIONAL STATUS <input type="checkbox"/> 1		13. EDUCATION YEARS 08 student A20	
14. HEIGHT IN INCHES 4		15. WEIGHT IN POUNDS	
16. DATE OF INJURY MO DAY YEAR 04 07 73		17. DATE OF EXAMINATION MO DAY YEAR 10 00 73	
18. TIME FIRST SEEN IN EMERGENCY ROOM (MO DAY YEAR) 10 43		19. TYPE OF CASE (PH. DC) 7 Ph. DC 2	
20. FIRST OFFICER (NAME, TITLE, NO.) Police officials 7		21. TYPE OF ACCIDENT (PH. DC) Ph. DC 15	
22. HOSPITAL ID			
23. TIME SPENT IN EMERGENCY ROOM (MO DAY YEAR) 4		24. INVESTIGATOR (NAME) Joseph S. Slaton	
25. DATE INVESTIGATION BEGAN (MO DAY YEAR)		26. INVESTIGATION NO. 254	
27. INJURY DIAGNOSIS 28 Gun shot wound 8.7.31		28. LOCATION OF INJURY Head 550	
29. INJURY DIAGNOSIS		30. LOCATION OF INJURY	

~~MFR/PRVLR NOTIFIED~~  
~~No comments made~~  
~~Comments attached~~  
~~Excisions/Revisions~~  
~~Firm has not requested~~  
~~further notice~~

3/12/86  
~~MFR/PRVLR NOTIFIED~~  
~~No Comments made~~  
~~Comments attached~~  
~~Excisions/Revisions~~  
~~Firm has not requested~~  
~~further notice~~

10/17/86  
RTP

CASE NO.

A 34873

INJURY DATA

38 PATIENT DISPOSITION (Use numerical code)		EXPIRED AFTER FIRST DAY - 5		5
TREATED AND RELEASED - 1	TREATED AND ADMITTED - 2	DIED ON ARRIVAL - 6		
TREATED AND TRANSFERRED - 3	EXPIRED IN LIVER ROOM - 4	OTHER OR UNKNOWN - 7		

39 LENGTH OF STAY IN HOSPITAL (Specify in days)	001	40 FIRST AID GIVEN (Use numerical code) YES - 1 NO - 2 UNKNOWN - 3	2
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PRODUCT DATA

TYPE(S) OF PRODUCT

FIRST		SECOND	
41	Gun-air rifle 123700	42	
43		44	

BRAND OR MANUFACTURER'S NAME (Print name)

45 FIRST	Daisy	46 SECOND	
47 ANY OF PRODUCT (1)	48 MODEL OR SERIAL NO. 880	49	1

FOR THE FOLLOWING ITEMS, CHECK THE APPROPRIATE BOX

50 PRODUCT CERTIFIED (AGA, UL, etc)	<input type="checkbox"/>	51 SAFETY DEVICE PRESENT	<input type="checkbox"/>	52 SAFETY DEVICE IN USE	<input type="checkbox"/>	53 HAZARD INSTRUCTION STATEMENT PRESENT	<input type="checkbox"/>
54 WARNING OR CAUTION STATEMENT FOLLOWED	<input type="checkbox"/>	55 PROPER OPERATING INSTRUCTIONS PRESENT	<input type="checkbox"/>	56 PROPER OPERATING INSTRUCTIONS FOLLOWED	<input type="checkbox"/>	57 PRODUCT MODIFIED	<input type="checkbox"/>

Use the following questions as a guide only in reconstructing the accident sequence and in describing the conditions affecting the accident or injury. Include in your narrative (page 3) as many factors as possible relating to the victim, accident, injury and product(s).

- (1) Was he aware that what he was doing might result in injury?
- (2) Was there anything to distract his attention from what he was doing?
- (3) Had anything happened to upset him that day, or at the time of the accident?
- (4) Was he unusually tired or fatigued that day, or at the time of the accident?
- (5) Was he in a hurry at the time of the accident?
- (6) Had he ever taken any precautions to prevent an accident involving this product?
- (7) Has he or any member of his family had any injury, accident, or close call from this activity previously?
- (8) Was he familiar with the proper operation of the product?
- (9) How often has he performed this specific activity before?
- (10) Describe activities of victim leading up to and at time of injury.
- (11) Describe physical condition of victim at time of injury. Consider: acutely ill, chronically ill, handicapped or disabled, under influence of drugs or alcohol.
- (12) Describe immediate environment and related factors (Atmospheric conditions, if applicable, lighting conditions, obstacles, wet, uneven, rough or slippery surfaces, presence and involvement of other persons in the accident or its aftermath, interrelation between product, victim and environment)

YES	NO

UNITED STATES GOVERNMENT

# Memorandum

Page-1-

1,37  
~~CONFIDENTIAL~~  
A39873

TO : DRP&DD Phi-Do Region III

DATE: 5-22-73

FROM : Joseph S. Slaton, 254

Victim, [REDACTED]  
[REDACTED]  
Pittsburgh, Penna. 15210

SUBJECT: Accidental Death Investigation;  
Product, BB Rifle

The [REDACTED], dated Wednesday, [REDACTED], reported the accidental death of 14 year old [REDACTED] which, according to the story, resulted from being shot with a mail order pump BB gun. According to the news story the death was ruled accidental by the Allegheny County Coroner's jury. This same story stated that a ballistics expert described the BB gun as a "very lethal weapon" which allegedly has the same hitting power as a .32 caliber revolver if it is pumped eight times. The ballistics expert was identified as [REDACTED] firearms examiner for the City-County Crime Lab. Bureau of Product Safety NCBP Chief, [REDACTED], Philadelphia District, Region III requested that an investigation be conducted into this fatal accidental shooting and that the report be forwarded directly to the NPS, Industry Services Staff, Attn: [REDACTED], with a copy directed to the Philadelphia Office.

This investigation was originally begun on May 4, 1973 when I visited the City-County Crime Lab in an effort to interview Mr. [REDACTED] regarding his role in the investigation of this fatal shooting. Mr. [REDACTED] was not available on this date and arrangements were made to meet with him at a future date.

BUREAU OF PRODUCT SAFETY  
Industry Services Staff  
Attn: [REDACTED]

JUN 12 1973 5/30/73

[REDACTED], Chief NCBP Phi-D15 requested an investigation into the accidental death of [REDACTED] which resulted from a gunshot wound caused by a Daisy B.B and .177 Cal. Pellet Pump-Up Air Gun. Allegheny County Coroner's Office ruled the death as accidental resulting from a gunshot wound of the head.

We have obtained Hospital medical records of the deceased, Photo copies of the catalogue from which the gun was ordered, affidavit from the purchaser of the gun involved in the shooting, Police photographs of the gun involved in the shooting, obtained at the City of Pittsburgh Police Homicide Division, and City-County crime laboratory report. Pertinent information obtained from the Coroner's Office is submitted with this report which was hand copied. Official copies of the Coroner's Inquest and Autopsy report will be obtained at a later date when the Coroner returns from a trip to Europe.

O- BPS PS-130  
cc-Phi-D15 [REDACTED]  
cc-Phi-Do Inv. Branch  
cc-Pgh. Sec.

*Harold W. Bryan*  
Harold W. Bryan  
Supervisory Consumer Safety Officer  
Philadelphia District  
Pittsburgh Resident Section



Death Investigation,  
██████████

On this same date I visited the Allegany County Coroner's Office to obtain information from this office on their investigation into this fatal shooting. Mr. ██████████, Coroner was unavailable for an interview on this date. I spoke with Mr. ██████████, Assistant Chief Deputy Coroner who told me that copies of the Coroner's report could not be provided without the specific permission from the Coroner. Mr. ██████████ did allow me to read the Coroner's Inquest and essential information from this report was hand copied.

In reviewing these records at the Coroner's Office I was able to copy the Case of ██████████, Case # ██████████ which shows the date 4-2-73 as the date reported.

██████████ Hospital Receiving record date 4-2-73 shows the body was removed from ██████████ Hospital at 5:15 p.m. and received at ACCO (Allegany County Coroner's Office) at 5:55 p.m. Address is listed as ██████████, Littleburgh, Pa. Age 14 Male White.

Verbal Report of Death, Coroner's Office, Allegany County.

Report received by ██████████ date 4-8-73 time 3:15 p.m.  
Reported by Dr. ██████████  
Place of Pronouncement ██████████ Hospital 4-8-73 Time 3:15 p.m.  
Address Same

Admitted to Hospital 5-7-73 at 10:55 a.m.  
Brought to hospital by Police Ambulance # 742  
Decedent found flooded area behind ██████████  
Next of kin ██████████, Mother

## Circumstances;

On 4-7-73, the above boy (named ██████████) and a friend, ██████████ are 14 of ██████████ went into the woods behind ██████████ to hunt for animals with a Daisy Pump B-B gun. According to ██████████, the two boys were shooting at cans and bottles. They were walking near a pond when ██████████ sat down and began looking at something in the pond. ██████████ was standing beside ██████████ holding the gun. He thought that the safety was on. He pulled the trigger and the gun went off (approx 10:00 a.m.) ██████████ put both hands to his head and began to scream. At the time of the shooting the barrel of the gun was within 2 feet of the victims head.

██████████ ran home to his father for help and the local police were notified. Pgh. Police Officers ██████████ and ██████████ responded.

See supplement  
A.J. ██████████  
Deputy Coroner

"Supplemental report to Death to ██████████ (A.J. Coroner"  
(This supplemental is titled as above although ██████████ is no longer the Coroner)

A39873

Death Investigation

The boy was taken to [redacted] hospital where he was admitted to the emergency room at approximately 10:43 a.m. He was examined there by [redacted]. Upon arrival, the boy had no pulse and was unconscious. There was muscular twitching and convulsions seen. His left pupil was dilated. He was immediately transferred to [redacted] hospital for admission.

Upon arrival at [redacted] hospital at 10:55 a.m., the boy was admitted under the care of Drs. [redacted]. The admitting diagnosis was head trauma due to gun shot wound. Examination revealed a wound in the left temporal area above the ear. The patient unconscious but was reacting violently. His left pupil was dilated. He was given Curare to control respirations and was placed on a respirator. A Carotid Angiogram was done and it revealed no intracranial masses and a spherical metallic density in the right cerebrum. Skull X-rays showed a pellet on the right side in the fronto-parietal area. No surgery was performed. The patient showed a steady deterioration of all vital signs until he expired at 3:10 p.m. this date.

A copy of the medical record was requested from the hospital and was brought to the ACCO with the remains.

Pgh. Homicide Dets. [redacted] investigated the shooting on 4-7-73. The confiscated the weapon and are holding it at homicide office. Pgh. Homicide notified of the death at 1:15 p.m. by [redacted].

Deputy [redacted]

Autopsy Report # [redacted]  
April 9, 1973

Final Pathological Diagnoses

Gunshot wound of Head ( B-B rifle) with perforation of the Brain. Recovery of a Copper Coated B B Bullet in the Right Frontal Cerebral Hemisphere.

Opinion [redacted], a 14 year old white male died of a gunshot wound of the head. The manner of death is undetermined.

[redacted], M.D., Forensic Pathologist

[redacted], M.D., LLB, Chief Forensic Pathologist

In an effort to obtain copies of the above quoted records and other pertinent material in possession of the Coroner's Office I again visited that office on 5-22-73 when I learned that Coroner was away on a trip to Drome and was not expected to return until after June 4, 1973. An attempt to obtain copies of the Coroner's Inquest and Autopsy report will be made at that time and submitted under separate cover at that time.

A 39873

## Death Investigation

On 5-22-73 I again visited the City-County Crime Lab. and met with Mr. [redacted] who provided me with a copy of the Crime Laboratory Report under the name of [redacted] Laboratory Case Number [redacted]. Mr. [redacted] stated that he used the NRA Firearms & Ammunition Fact Book in determining the velocity of the Daisy B-B gun in question. Mr. [redacted] showed me this book and provided me with copies of the front cover and pages 297, 298, and 299 of this book which include the velocities of various guns as well as model .177 pellet gun. These copies are submitted as exhibits 1 thru 4 of this report.

On 5-22-73 I visited Mrs. [redacted] at her home at [redacted], Pittsburgh, Pa. 15210. Mrs. [redacted] stated that she could offer no further details regarding the incident which caused her son's death. She stated that she learned of his injury after it had happened and was not present at the time that the accident occurred. She stated that her son [redacted] was a playmate of [redacted] and accepted the verdict of the Coroner's Jury which she stated ruled the death as accidental. Mrs. [redacted] stated that to the best of her knowledge the gun involved in the incident was purchased by [redacted] either through Aldens mail order catalogue. Mrs. [redacted] signed two Form FD-401, Authorization For Medical Records Disclosure and added that she had no objection to our reviewing and obtaining copies of medical records for the case of her son [redacted].

On 5-22-73 I visited the home of Mrs. [redacted] at [redacted], Pittsburgh, Pa. 15210. Mrs. [redacted] stated that it was she who purchased the Daisy B-B Gun which was involved in the accidental death of [redacted]. Mrs. [redacted] stated that she was not present at the time of the accident hence she could offer no details of the incident itself. She added that to the best of her knowledge she purchased the gun in question on/about (ordered) 3-19-73 and that it was delivered by mail on/about 4-2-73. Mrs. [redacted] said that she purchased the gun through Aldens mail order catalogue and to the best of her knowledge Aldens is located in Chicago, Illinois. The catalogue was not at her home at this date and she added that she thought that her husband gave the catalogue to their Attorney.

On 5-24-73 I again visited the [redacted] residence at which time her husband [redacted] was at home. Mrs. [redacted] repeated that she purchased the B-B gun from Aldens mail order catalogue and added that her husband had given the catalogue along with several pieces of literature to their Attorney Mr. [redacted] of [redacted], Pittsburgh, Pa. 15219. Mr. [redacted] confirmed Mrs. [redacted] statement. Both Mr. [redacted] and Mrs. [redacted] stated that they had no objection to my visiting Mr. [redacted] office to obtain copies of the catalogue and the accompanying literature. Mr. [redacted] called Mr. [redacted] in my presence and I spoke with Mr. [redacted] over the phone. Mr. [redacted] agreed to allow copying of the catalogue and other literature given to him by Mr. [redacted].

## Death Investigation

On 5-24-73 I visited the Office of Mr. ██████████ who stated that his office had in their possession the Aldens catalogue, two leaflets, and a box shipping container which they had received from Mr. ██████████. Mr. ██████████ allowed me to remove these items from their office for copying. On my return to the Office the following copies were made;

1. Front cover of Aldens 1973 Spring & Summer book of Big Ideas
2. Rear cover of this same catalogue.
3. Leaflet entitled Daisy B.B. and .177 Cal. Pellet Pump-Up Air Gun
4. Booklet entitled The Spring-Air Official 15 foot range Daisy B.B. Rifle Instruction manual
5. Front and rear of postal card "Business Reply Mail" Daisy-Edson Division Victor Comptometer Corporation Rogers, Arkansas 72756
6. Three Polaroid-(Black & White) photos of Top panel, Side panel, and End flap of the cardboard box in which the gun was delivered to the Saenz residence.
7. Page 334 of Aldens catalogue, 1973 Spring and Summer Book of Big Ideas.
8. Page 421 of " " " " " " " " " "
9. Page 422 of " " " " " " " " " "

On 5-25-73 I again visited the ██████████ residence at which time I had in my possession the above copies and the originals from which they were made. I showed each of the originals to Mrs. ██████████ along with the copies and photographs. Mrs. ██████████ stated that the originals and copies represented the catalogue, leaflets described under 3&4 above, business reply card, polaroid photos, and pages 334, 421, and 422 found in the catalogue from which she made her purchase of the Daisy B.B. and .177 Cal. Pellet Pump-Up Air Gun. Mrs. ██████████ identified each of the above copies with her initials "██████████" and date "5/25/73". Copies of the above literature and photos are submitted as exhibits 5 through 13 of this report. In addition, Mrs. ██████████ signed an affidavit covering her review of the copies of literature, and photos submitted with this report. This affidavit is submitted as exhibit 14.

On 5-22-73 I visited the ██████████ Hospital, Pittsburgh, Pa. to obtain the Hospital records on ██████████. I met with Mr. ██████████, Assistant Director of Medical Records. I presented the Medical Release Authorization to Mr. ██████████ which was signed by Mrs. ██████████, Mother of ██████████ the deceased. Mr. ██████████ stated that in the absence of his superior he was reluctant to allow copying of the records at this time. He added that he would have copies made and forward these to our office at Pittsburgh, Pa. Copies of the medical records were received from the ██████████ Hospital via mail on 5-23-73 and these are being submitted as exhibit 15 which include a copy of the Authorization for Medical Records Disclosure, ██████████ Hospital Discharge Summary, History and Physical Examination, History Sheet---██████████ Hospital and Envelope in which the records were received.

On 5-24-73 I visited the Pittsburgh Police Station, No. 1 at Grant Street Pittsburgh, Pa. 15219 and met with Mr. ██████████, Detective Lieutenant. Mr. ██████████ allowed me to review their records but would not permit copies to be made.

A 39873

Death Investigation  
~~██████████~~

Mr. ██████████, who is a member of the Homicide Division of the Pittsburgh Police Department, showed me four photographs of the BB gun involved in the accidental death of ██████████. These four photographs are police photographs and were made by the City of Pittsburgh Police. Mr. ██████████ provided me with these photographs as he said the incident was determined to be an accidental shooting and the police department would not need them for further records. These photographs are submitted with this report as exhibit 16 and include a photograph of the gun on a desk top with the pump compressor in an open position, a photograph of the gun with the pump compressor in a closed position, a photograph, close up, of the gun barrel showing the "Reg. No. 1069089 Pat. Pending, and a close up photograph, which appears blurred, showing loading instructions.

Examination of the Initial report at the Homicide Division of the Pittsburgh Police Department showed that it was numbered "Shooting 115". The report describes the gun as "Daisy Model 880 53 or .177 Cal. Pellet Rifle which holds 100 BB with registration # B069089. Date of the report "April 7, 1973".

A call to the Allegheny County Coroner's Office on 5-2-75 revealed that the Coroner has not yet returned and is not expected until after the 4th of June 1975. A further attempt at copying the Coroner's Inquest and autopsy report will be made at that time. This report, if obtained, will be submitted under separate cover.

*Joseph P. Slator*  
Joseph P. Slator, Coroner Safety Officer  
Philadelphia District  
Pittsburgh Resident Section

## Attachments;

Exhibits 1 through 16

Assignment Memo

Newspaper Clipping, copy dtd. 5-25-75

Exhibit 4  
ISS

CRIME LABORATORY REPORT

Case Name ~~J S~~ Laboratory Case Number

ITEM NO.

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1. The pellet removed from the victim's brain was a .177" golden BB.

The .177 caliber Daisy pellet rifle, Reg. No. B069039, was examined. The rifle is the air pump type that develops a higher velocity with each additional pump. It has a barrel length of 21".

H. P. White chronograph screen tests for a rifle with a 19-1/2" barrel are as follows:

1 Pump - velocity at 15 feet = 315 f.p.s. an energy of 1.94 ft- lbs and an estimated velocity of 218 f.p.s. at 50 yds.

4 Pumps - velocity at 15 feet = 565 f.p.s. an energy of 5.91 ft- lbs and an estimated velocity of 390 f.p.s. at 50 yds.

3 Pumps - velocity at 15 feet = 702 f.p.s. an energy of 9.12 ft- lbs and an estimated velocity of 485 f.p.s. at 50 yds.

Zamb

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CRIME LABORATORY REPORT

EX 4 CONT -  
JSS

Case Name .....

Laboratory Case Number: .....

ITEM NO.

CONFIDENTIAL

The greater the length of barrel means an increase in velocity.

This examiner used ten pumps to fire a pellet at a compacted phone book at 15 feet. A penetration of 3/8" was effected.

At the same distance of 15 feet, a pellet will pass through a free hanging heavy duty drape and continue its flight for an undetermined distance.

Respectfully submitted,

FIREARMS EXAMINER

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3amb

Page. ...

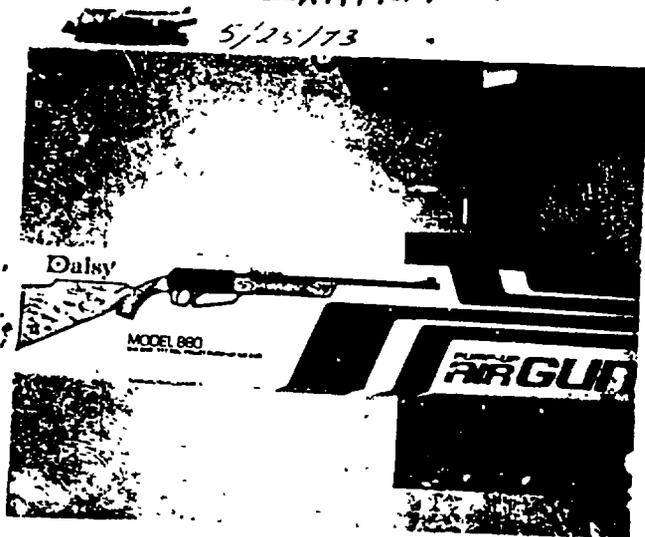
For items referred to herein please see attached receipt forms.



A39873

EXHIBIT 10

5/25/73



EX 10 ISS

5/25/73



EX 10 ISS

EXHIBIT 10

A39873

~~████████~~ 5/25/73

**Daisy** MODEL 880  
**PUMP-UP**  
**AIR GUN**  
DAISY/HEDDON

Ex 10 JSS







AFFIDAVIT

SAMPLE NO.

STATE OF

COUNTY OF

Before me, J. H. Eaton, an employee of the Department of Health, Education, and Welfare, Food and Drug Administration, designated by the Secretary, under authority of the Act of January 31, 1925, 43 Statutes at Large 803 (5 U. S. C. 521); Reorganization Plan No. IV, Secs. 12-15, effective June 30, 1940; and Reorganization Plan No. 1 of 1953, Secs. 1-9, effective April 11, 1953, to administer or take oaths, affirmations, and affidavits, personally appeared [REDACTED] in the county and State aforesaid, who, being duly sworn, deposes and says: JVS

Cont. on page 2-

I, [REDACTED], being sworn to by me, J. H. Eaton, do hereby depose and say that I am the author of the letterhead memorandum dated 5/25/73.

I, [REDACTED], being sworn to by me, J. H. Eaton, do hereby depose and say that I am the author of the letterhead memorandum dated 5/25/73.

I, [REDACTED], being sworn to by me, J. H. Eaton, do hereby depose and say that I am the author of the letterhead memorandum dated 5/25/73.

I, [REDACTED], being sworn to by me, J. H. Eaton, do hereby depose and say that I am the author of the letterhead memorandum dated 5/25/73.

AFFIANT'S SIGNATURE AND TITLE

NAME AND ADDRESS (Use ZIP Code)

Subscribed and sworn to before me at Pittsburgh Pa 15210 (City and State)

this 25th day of May, 1973

Joseph J. Eaton (Employee's Signature)

Employee of the Department of Health, Education, and Welfare designated under Act of January 31, 1925, Reorganization Plan IV effective June 30, 1940, and Reorganization Plan No. 1 of 1953, effective April 11, 1953.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE  
FOOD AND DRUG ADMINISTRATION

Exhibit 15  
153  
A39873

AUTHORIZATION FOR MEDICAL RECORDS DISCLOSURE

TO WHOM IT MAY CONCERN:

You are hereby authorized to furnish the United States Food and Drug Administration  
all information and copies of any and all records you may have pertaining to (my case)

(the case of

My son  
Relationship to you

including, but not limited to, medical history, physical reports, laboratory reports and  
pathological slides, and X-ray reports and films.

5-22-73  
(Date)

[Redacted Signature]  
(Signature)

Joseph S. Slaton  
(Witness)

A 39873

Dr. [REDACTED]  
Admitted: 4-7-75  
Expired: 4-8-75

**DISCHARGE SUMMARY**

**PITTSBURGH, PENNSYLVANIA 15219**

This is a 17 year old white male admitted through the emergency room in transfer from [REDACTED] Hospital where he had been taken after an alleged B.B. gun shot wound to the head. On arrival here the patient was comatose, unresponsive showing decerebrations of all extremities with fixed dilated pupil on the left. Cerebral angiography disclosed no evidence of intra cranial mass lesion. There was metallic density, foreign body in the right cerebrum, and a small puncture wound of the skin just above the tragus of the left ear. The patient had endotracheal intubation, hyperventilation, fluid restriction, osmotic diuretics, all directed at intensive treatment of cerebral edema. The patient initially showed some reversion of the state of symptoms in that he began moving all extremities purposefully and in combative manner. Because of the danger of brain herniation from struggling the patient was pinned on gages and respirations were artificially controlled. From the time of admission until the time of his death, the blood pressure, pulse rate and intensity continued on progressive deteriorating course. Despite the measures aimed at treating the cerebral edema, the patient had cessation of all vital signs 26 hours after arrival here and was pronounced dead. Coroner's office was notified and will be claiming the body for further examination.

**DIAGNOSIS: PENETRATING MISSILE WOUND WITH SUPRA CRANIO CEREBRAL TRUNK.**

**DICTATING:**  
Dr. [REDACTED]  
4-8 4-10-75

M.D.

~~██████████~~ HOSPITAL

### HISTORY AND PHYSICAL EXAMINATION

A39873

~~██████████~~  
Dr. ~~██████████~~  
Adm: 4-7-73

Date of Examination 4-7-73

This is a 14 year old white male who was hit in the left temporal with a B-B gun while playing with his friends.

No details of the history available, about the distance of the gun from the temporal or the situation. The patient was brought in by the police and was first taken to ~~██████████~~ Hospital and immediately transferred to ~~██████████~~ Hospital.

PAST MEDICAL HISTORY: Obtained from the family did not reveal any history of serious medical problems. The patient was hospitalized once for cerebral concussion, no drug allergies. No serious medical problems.

PHYSICAL EXAMINATION: The patient is comatose, moving his left upper extremity in a decerebral fashion and had purposeful movements in all other extremities.

Had a small puncture wound in the left temporal with a minimal amount of bleeding.

NECK: Full carotid pulses. No bruits, no nuchal rigidity.

CHEST: Symmetrical, trachea in the midline. The respiration pattern was Cheyne stokes. The auscultation revealed diminished breath sounds of the right lung, field.

HEART: Normal sinus rhythm with no murmurs.

ABDOMEN: Soft, no tenderness, no organomegaly.

EXTREMITIES: No evidence of any trauma. No lacerations.

NEUROLOGICAL: Revealed anisocoria left pupil fixed and dilated. The right pupil was midsize and reactive. The fundoscopic examination revealed no hemorrhages. The disc was flat. The patient had purposeful movements in all extremities except for the left upper arm and responded in a decerebrated manner. Had bilateral clonus and bilateral Babinski. Was incontinent of urine.

IMPRESSION: Rule out subdural hematoma.

Dr. ~~██████████~~  
4-9-73

Dictated: 4-7-73

History approved by ~~██████████~~

Attending Dr. \_\_\_\_\_

History taken by ~~██████████~~

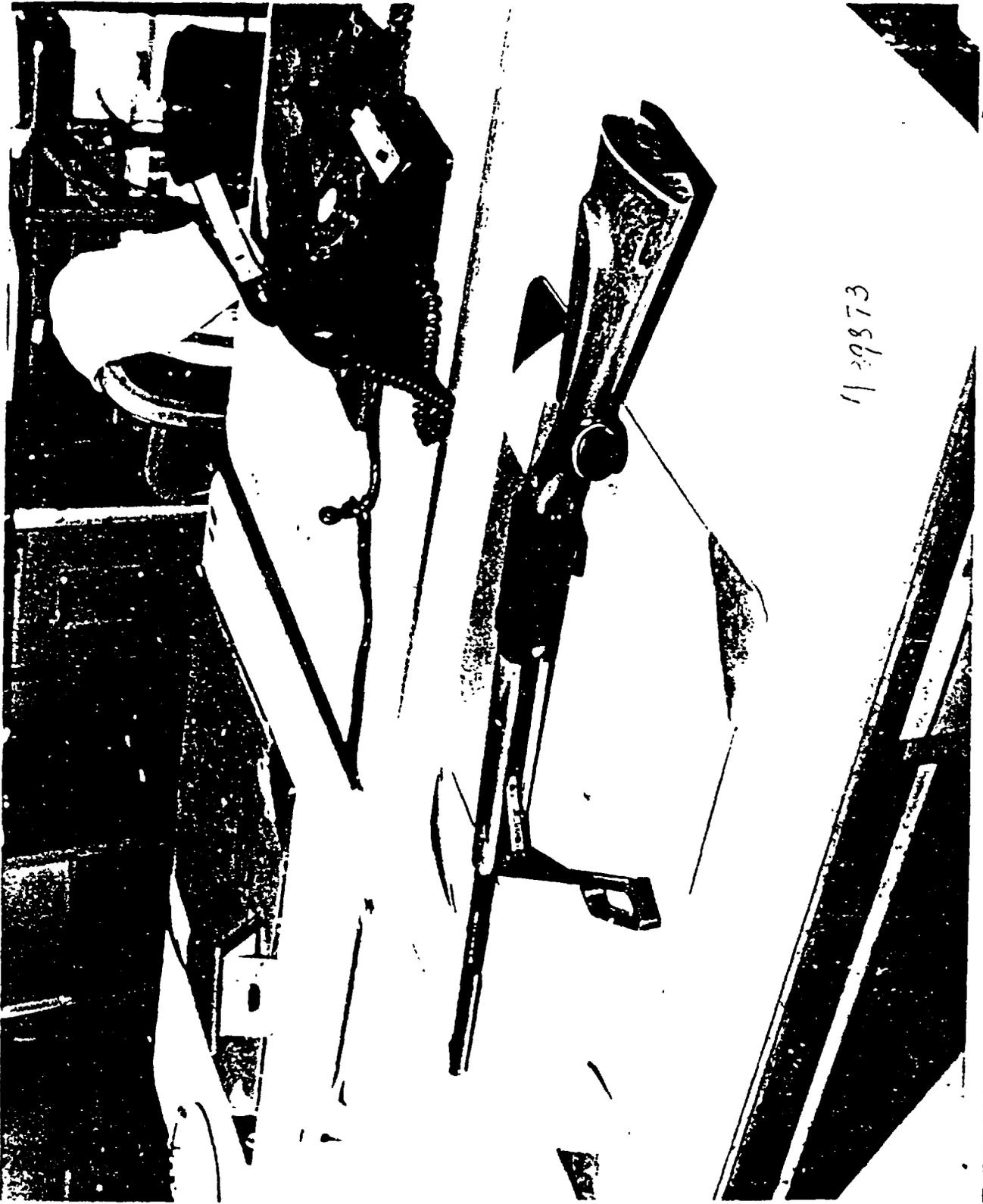
Dr. \_\_\_\_\_



HOSPITAL  
Street, Pittsburgh, Pa 15219  
Medical Record Department

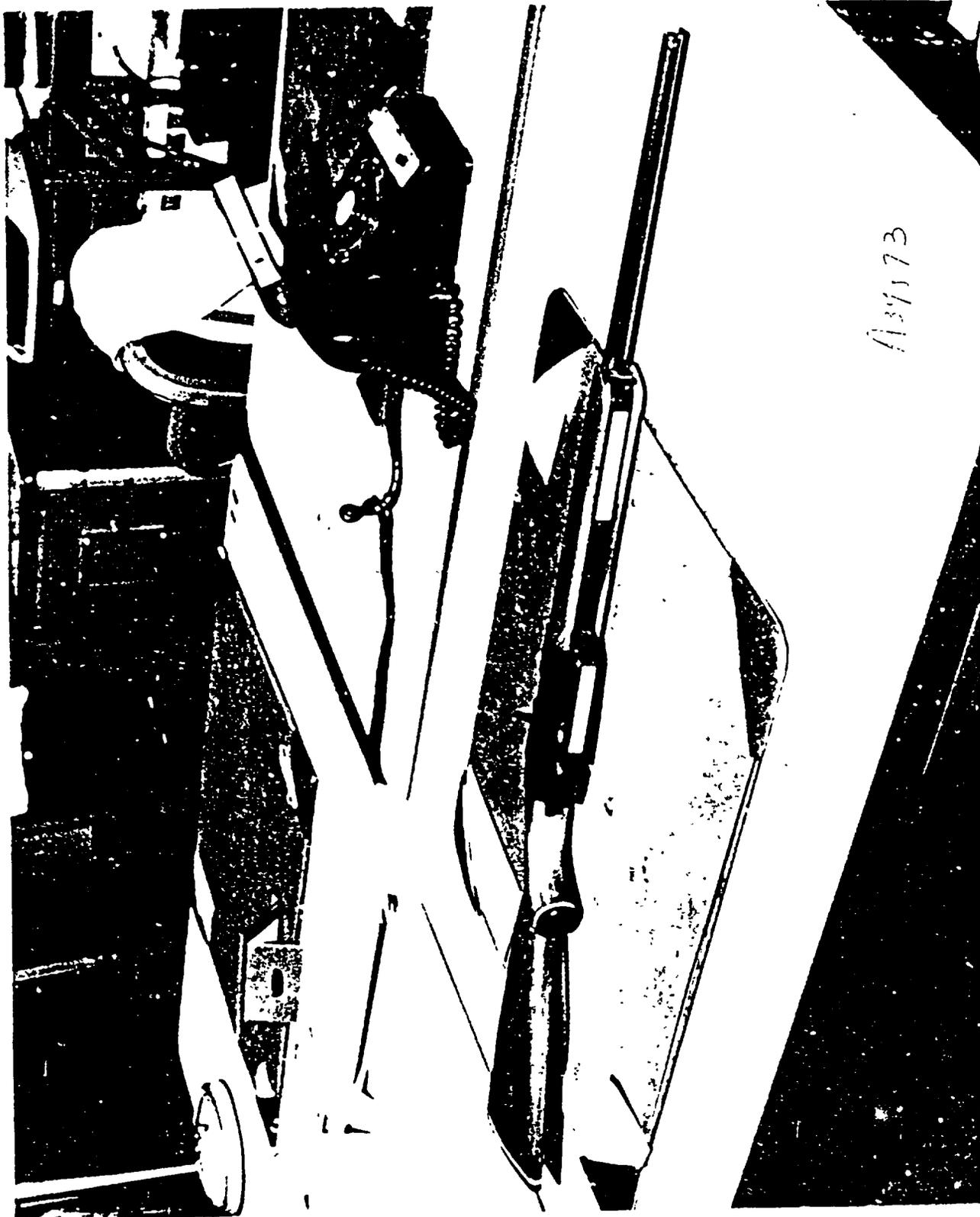
U.S. Food & Drug Administration  
Parkway Center Building #3  
Suite 305  
Pittsburgh, Pa. 15222

Attn: J. S. Slaton



1/11 1 10 55

A39173



A39873

REG. NO. 808388 PAT. PENDING



421873

4 LOAD  
3 FIRE

78 PAT. PENDING

CC CACA

06 AUG 1984

1. CASE NO. 840614HCC3316			2. INVESTIGATOR'S ID 8 6 9 1			3. OFFICE CODE 8 5 5			<b>✓</b> <b>EPIDEMIOLOGIC INVESTIGATION REPORT</b>
4. DATE OF ACCIDENT YR MO DAY 8 4 0 3 0 1			5. DATE INVESTIGATION INITIATED YR MO DAY 8 4 0 6 1 8						

6. SYNOPSIS OF ACCIDENT OR COMPLAINT Complainant states a CO 2 Pistol presents a hazard due to the fact it fires when dropped and also the cartridge does not seal properly.  
No injuries have resulted from the product.

**MFR/PRI/BR NOTIFIED**  
 No comments made  
 Comments attached  
 Excisions/Revisions  
 Firm has not requested  
 further notice 1/30/86  
 K

7. LOCATION (Home, school, etc.) Home		8. CITY Skiatook	9. STATE Oklahoma
--	--	---------------------	----------------------

10A. FIRST PRODUCT CO 2 Pistol	11A. TRADE/BRAND NAME MANUFACTURER & ADDRESS Daisy Mfg. Co 211 S. 8th St. Rogers, Arkansas 72756
10B. SECOND PRODUCT	11B. TRADE/BRAND NAME MANUFACTURER & ADDRESS

12. AGE OF VICTIM 0 0 0	13. SEX (Use numerical code) MALE -1 FEMALE -2 UNKNOWN -3 0	14. DISPOSITION 0	15. INJURY DIAGNOSIS 0 0
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16. BODY PART 0 0	17. RESPONDENT(S) (Mother, Friend) Complainant- 1	18. TYPE INVESTIGATION ON SITE 1 TELEPHONE 2 OTHER 3 2	19. TIME SPENT 0 6 0
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20. ATTACHMENTS Multiple	21. CASE SOURCE 9 CC 0 7	22. REVIEWED BY 8 0 2 1	YR MO DAY 8 4 0 7 3 1
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23. PERMISSION TO DISCLOSE NAMES  
 (NON-NEISS CASES ONLY) CPSC MAY DISCLOSE MY NAME  CPSC MAY NOT DISCLOSE MY NAME

24. NARRATIVE (See Instructions on Other Side)

This investigation was conducted at the request of SW-RO operations Division and EPHA.

The investigation was conducted by telephone because the complainant, hereafter referred to as the respondent called to cancel the appointment that had been set up for 7-11-84. The respondent stated one of his children had accidentally sent the product along with some clothing to the church and he had not been able to contact the minister. The respondent states he does not know when he will be able to retrieve the pistol but when he does he will contact this office. In the mean time he provided the following information.

PRE-ACCIDENT:

The respondent, his wife and 4 children ages 20,16,14,13 reside in a 3 bedroom, 950 square feet brick home. They have resided in the home 1 1/2 years. The respondent stated the pistol was purchased approximately two (2) months before he contacted the commission.

(USE OTHER SIDE AND ADDITIONAL SHEETS IF NECESSARY)

ACCIDENT:

The respondent stated the first incident occurred on about 3-1-84 when he accidentally dropped the pistol. The pistol was cocked and the safety was on.

POST ACCIDENT:

The respondent states the pistol was used mostly for scaring animals away from rabbits owned by the family. He stated the projectile travels several hundred yards. Grains of sand can be substituted for the BB's and makes a very soft noise when fired.

As stated previously, the product is a pistol, the projectile is a steel BB. The trigger mechanism is a regular type trigger and is gas powered. The trigger pull is not adjustable. The respondent stated he is experienced with all types of fire arms having served in the Marine Corps.

The respondent also complained that approximately 25% of the cartridges do not seal and if they are left setting for any period of time he has to reload because they loose the pressure and the cartridges are useless.

The product had not required any maintenance.

PRODUCT INFORMATION:

Product: CO 2 Pistol  
Age: 2 months  
Model: M-1200  
Manufacturer: Daisy Mfg. Co.  
211 S. 8th St.  
Rogers, AR 72756  
Dealer: Walmart, Skiatook, OK

ATTACHMENTS:

1. Assignment Memo's SW-RO/EPHA
2. Consumer Complaint
3. Appendix 79

ADDENDUM

RE: 840614HCC3316

1. The respondent stated the pistol had been dropped twice - once since 3-1-84 and knocked off a shelf once. Both times the pistol fired. He could not remember the exact dates of the incidents.
2. Complainant did not contact the dealer and does not plan to. The dealer stated they did not receive any complaints on the CO2 pistol.
3. The complainant did not contact the manufacturer, but stated on 7-24-84 the manufacturer contacted him and is sending a mailing label for him to ship the pistol to them as soon as he recovers it. They will either <sup>repair</sup> or replace it.
4. The minister's name is ~~\_\_\_\_\_~~. The telephone number is ~~908-222-2226~~ or ~~832-2837~~. Several attempts were made to contact him but since the manufacturer has requested the product be returned and the respondent is going to comply with this request, I have not tried again.
5. The pistol has a safety button located at the right of the trigger.
6. The cock is located at the bottom of the barrel. The lever is pulled back to cock it.

PURGED

IDI NUMBER: 8406 14/KC3316

PRODUCT: Co2 Pistol

FIRM: Daisy Mfg Co.

TO:

FROM:

SUPERVISORY INVESTIGATOR  
SOUTHWESTERN REGION

DATE:

6/18/84  
June 14

198

NO:

91-165

PROGRAM/STI:

ASSIGNMENT:

INSPECTION

TARGET DATE:

840719

SAMPLE

DATE INITIATED:

6/18/84

RECALL CHECK/ID CHECK

DATE SUBMITTED:

7-12/84

FIELD TEST

TRAVEL TIME:

-0-

IN-DEPTH INVESTIGATION

HOURS:

6

SPEECH

DATE ENDORSED:

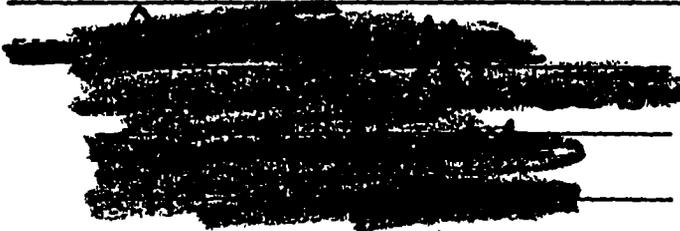
MEDIA INTERVIEW/CONTACT

RETURNED:

SURVEY

OTHER

SEC. 15 PROBLEM:



RE: 840614HCC 3316 as FI  
to complaint H450083A1  
CO2 Gun

COMMENTS:

Do on-site if product available for  
examination. Note assignment instructions. Use  
guideline # 79  
75 to 20

ASSIGNED WORK RECEIVED AFTER TARGET DATE.....

SUPERVISOR NOTIFIED

YES

NO

On Site if product available  
Note instructions: Use guide # 79  
MIS : 91-165  
Target 840719  
EPHA INVESTIGATION REQUEST FORM

To Be Completed by Requester:

1. Incident Number: H450083A1 (CC)

2. Source: Hotline Area Office Document No. \_\_\_\_\_

3. Date of Incident: 3/01/84

4. Type of Follow-Up Request:

In-Depth Investigation  Telephone Call

Category ID Number TYNN331984

5. Assignment Message: "When gun is accidently drop, it fires." Ask if this only occurs when the gun is cocked, and try and determine the users experience with GAS, Air, and Spring Guns. Is the trigger pull adjustable, and has the trigger mechanism required maintance. If so what was done?

EPHA Contact: \_\_\_\_\_

Product Involved: CO<sub>2</sub> Gun

Contact: \_\_\_\_\_

Telephone: \_\_\_\_\_

Requested By: \_\_\_\_\_ Org.: EPHA

To Be Completed by EPHA

Task Number: 840614HCC3316

A/O Assigned: DAL Date: \_\_\_\_\_

Mailed To: \_\_\_\_\_ A/O Date: \_\_\_\_\_

6/14/84  
ATM

8406 14 Hcc 3316  
6/18/84  
Bgd

Appendix 79

TOY GUNS AND OTHER TOY WEAPONS  
WITH PROJECTILES

1. INVESTIGATIVE PROCEDURES. Determine the following:
  - a. Distance the projectile travels. *Several hundred yards*
  - b. Possibility of substitute projectiles. *Prone of hand*
  - c. Distance from the victim to the originating source. *NA*
  - d. Noise (loud or soft). *Soft*
2. SPECIFIC PRODUCT FACTORS. Describe the following:
  - a. Type of toy (rifle, pistol, machine gun, etc.). *CO2*
  - b. Size and shape of the projectile. *Steel BB*
  - c. Trigger mechanism. *Regular*
  - d. Power source (spring or gas). *Gas*

CONSUMER PRODUCT SAFETY COMMISSION  
CONSUMER PRODUCT COMPLAINT REPORT

PAGE: 2  
DATE: 05/24/84  
TIME: 220420091

NAME OF COMPLAINANT: DAVID SHAFFER  
STREET ADDRESS: 214 N. WILDHORSE DR RT 2  
TELEPHONE NO: (918)-396-4512  
CITY: SKIATOOK  
STATE: OK  
DATE OF INCIDENT: 03/01/84  
ZIP CODE: 74070  
DESCRIPTION OF PRODUCT(S): CO2 PISTOL  
OBJECTS TO RELEASE OF NAME: N  
DATE ACQUIRED: 84/03  
BRAND: DAJSY  
MODEL/STYLE: M-1200  
SERIAL: LOT/BATCH:

MFR/IMPORTER/DISTRIBUTOR NAME & ADDRESS: DAISY MFG. CO, 2111 S 8TH ST ROGERS, AR 72756

DEALER NAME & ADDRESS: WALMART SKIATOOK, OK

HOW WAS PRODUCT ACQUIRED? NEW SAMPLE AVAILABLE? Y WARNING LABEL? N INSTRUCTIONS? Y

PRODUCT DAMAGED BEFORE INCIDENT? N REPAIRED BEFORE INCIDENT? N ESTIMATED AGE OF PRODUCT: NEW

-----INJURY/ILLNESS INFORMATION-----

VICTIM AGE: VICTIM SEX: 0 BODY PARTS INVOLVED: WORK RELATED: N HAZARD TYPE: F INJURY CODE: 4

TYPE OF INJURY/ILLNESS: MEDICAL TREATMENT RECEIVED:

DESCRIPTION OF INCIDENT & COMPLAINT: WHEN GUN IS ACCIDENTLY DROP, IT FIRES. ALSO THE CO2 CARTRIDGE DOES NOT SEAL PROPERLY AT TIMES.

-----ADMINISTRATIVE DETAIL-----

SOURCE: 09 RECEIVING OFFICE: HL DATE RECEIVED: 05/24/84

RECEIVED BY: RSH SOURCE OF REPORT: PHONE DOCUMENT NO: H450083A1 ISSUE NO: 34

FOLLOW-UP ACTION: NO LETTER PRODUCT CODES: 1237 DISTRIBUTION: TASK NUMBER: \_\_\_\_\_

PLEASE ADD ANY COMMENTS OR MAKE ANY CORRECTIONS IN THE TEXT ABOVE OR IN THE SPACE BELOW:

I CONFIRM THAT THE INFORMATION ABOVE IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF

*Rev. David Shaffer*  
SIGNATURE  
3-7-84  
DATE

EPDS

MAY 25 1984

8406 14 HCC 3316  
6/18/84  
Bgd

Appendix 79

TOY GUNS AND OTHER TOY WEAPONS  
WITH PROJECTILES

1. INVESTIGATIVE PROCEDURES. Determine the following:
  - a. Distance the projectile travels. *Several hundred yards*
  - b. Possibility of substitute projectiles. *Primer of Sand*
  - c. Distance from the victim to the originating source. *N/A*
  - d. Noise (loud or soft). *Soft*
  
2. SPECIFIC PRODUCT FACTORS. Describe the following:
  - a. Type of toy (rifle, pistol, machine gun, etc.). *CO<sub>2</sub>*
  - b. Size and shape of the projectile. *Steel BB*
  - c. Trigger mechanism. *Regular*
  - d. Power source (spring or gas). *gas*

DAISY MANUFACTURING COMPANY

INCORPORATED

D A I S Y™

ROGERS - ARKANSAS U.S.A.

(501) 636-1200  
Telex: 53-6476

November 2, 1984

Box 220  
Rogers, AR 72757  
U.S.A.

RECEIVED  
11/14/84 2:00 PM

Dr. Robert Verhalen  
Associate Executive Director for Epidemiology  
CPSC  
Washington, DC 20207

Dear Dr. Verhalen:

I am writing in regard to an investigation conducted by the CPSC on a Daisy BB gun Model 1200 (also CPSC letter dated August 31, 1984, Case No. 840614HCC 3316).

The CPSC received a report from Mr. David Shaffer of Skiatook, Oklahoma in which Mr. Shaffer stated that his gun would fire when dropped. We contacted Mr. Shaffer in an attempt to have the gun sent to us for examination; but, apparently, the gun has been lost, and we will not be able to obtain it for examination.

Daisy periodically performs a drop test on the Model 1200 in which the gun is dropped in a cocked condition. We have not observed any failures (gun firing) during drop testing. The American Society for Testing and Materials (ASTM) Standard F-589 for Non-Powder Guns specifies a drop test height of 36"; Daisy actually uses a drop test height of 42". Daisy has produced this Model 1200 for years, and this is the first time we have been notified of such a condition.

Based on periodic testing of the Model 1200 and the fact that no failures have been observed, we do not feel that we have a reportable condition under Section 15 of the Consumer Product Safety Act.

Sincerely,

*Frank Tarr*

Frank Tarr, Vice President  
Finance and Administration

cb

cc: Aaron Locker

NAT'L  
CLEARING  
CPSC  
NOV 15 1984

1237

DATE: 05/24/84  
TIME: 220420091

CONSUMER PRODUCT COMPLAINT REPORT

NAME OF COMPLAINANT: DAVID SHAFFER  
STREET ADDRESS: 214 N. WILDHORSE DR RT 2  
TELEPHONE NO: (918)-396-4512  
CITY: SKIATOOK STATE: OK ZIP CODE: 74070  
DESCRIPTION OF PRODUCT(S): CO2 PISTOL  
OBJECTS TO RELEASE OF NAME: N DATE ACQUIRED: 84/03

BRAND: DAISY MODEL/STYLE: M-1200 SERIAL: LOT/BATCH:

MFR/IMPORTER/DISTRIBUTOR NAME & ADDRESS: DAISY MFG. CO, 2111 S 8TH ST ROGERS, AR 72756

DEALER NAME & ADDRESS: WALMART SKIATOOK, OK

HOW WAS PRODUCT ACQUIRED? NEW SAMPLE AVAILABLE? Y WARNING LABEL? N INSTRUCTIONS? Y

PRODUCT DAMAGED BEFORE INCIDENT? N REPAIRED BEFORE INCIDENT? N ESTIMATED AGE OF PRODUCT: NEW

-----INJURY/ILLNESS INFORMATION-----

VICTIM AGE: VICTIM SEX: 0 BODY PARTS INVOLVED: WORK RELATED: N HAZARD TYPE: F INJURY CODE: 4

TYPE OF INJURY/ILLNESS: MEDICAL TREATMENT RECEIVED:

DESCRIPTION OF INCIDENT & COMPLAINT: WHEN GUN IS ACCIDENTLY DROP, IT FIRES. ALSO THE CO2 CARTRIDGE DOES NOT SEAL PROPERLY AT TIMES.

**MFR/BUYER NOTIFIED**  
 No comments made  
 Exclusions/Revisions  
Firm has not requested further notice  
4/1 3/85

-----ADMINISTRATIVE DETAIL-----

SOURCE: 09 RECEIVING OFFICE: HL DATE RECEIVED: 05/24/84

RECEIVED BY: RSII SOURCE OF REPORT: PHONE .DOCUMENT NO: H450083A1 ISSUE NO: 34

FOLLOW-UP ACTION: NO LETTER PRODUCT CODES: 1237 DISTRIBUTION: TASK NUMBER: \_\_\_\_\_

PLEASE ADD ANY COMMENTS OR MAKE ANY CORRECTIONS IN THE TEXT ABOVE OR IN THE SPACE BELOW:

I CONFIRM THAT THE INFORMATION ABOVE IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

*Rev. David Shaffer*  
SIGNATURE  
3-7-84  
DATE

EPDS

MAY 25 1984

24 JUL 1997

34

*Q*

1. TASK NUMBER 970603CWE7033		2. INVESTIGATOR'S ID 9049		<b>EPIDEMIOLOGIC INVESTIGATION REPORT</b>
3. OFFICE CODE 860	4. DATE OF ACCIDENT YR MO DAY 97 05 03	5. DATE INITIATED YR MO DAY 97 06 10		
6. SYNOPSIS OF ACCIDENT OR COMPLAINT  On May 3rd, 1997, a four-year-old male child was shot and killed while playing with his siblings at an uncle's trailer home in Edcouch, TX. The weapon was a BB/Pellet air rifle. The victim was attempting to wrestle the gun away from his older brother when it discharged, striking him in the chest. Local authorities have ruled the death accidental. The children had no prior experience with the weapon and were unsupervised at the time of the incident.				
7. LOCATION (Home, School, etc.) HOME, 1		8. CITY Edcouch		9. STATE TX
10A. FIRST PRODUCT BB GUN, 1237		10B. TRADE/BRAND NAME Daisy Power Line		10C. MODEL NUMBER #856
10D. MANUFACTURER NAME AND ADDRESS Daisy Manufacturing Company P.O. Box 220 Rogers, Arkansas 72757				
11A. SECOND PRODUCT N/A		11B. TRADE/BRAND NAME N/A		11C. MODEL NUMBER N/A
11D. MANUFACTURER NAME AND ADDRESS N/A				
12. AGE OF VICTIM 004	13. SEX Male, 1	14. DISPOSITION Fatality, 8	15. INJURY DIAGNOSIS Trauma, 71	
16. BODY PART (S) INVOLVED Trunk-upper, 31	17. RESPONDENT Second Hand, 03	18. TYPE OF INVESTIGATION On-site, 01	19. TIME SPENT (OPERATIONAL HOURS) 40	
20. ATTACHMENT(S) Multiple, 09	21. CASE SOURCE Newspaper, 05		22. SAMPLE COLLECTION NUMBER N/A	
23. PERMISSION TO DISCLOSE NAMES (NON NEISS CASES ONLY) No permission to disclose				
24. REVIEW DATE 970721	25. REVIEWED BY <i>8257</i>		26. REGIONAL OFFICE DIRECTOR	
27. DISTRIBUTION 0: EHDS CC: CCA DSO				

MR/PRV LBR NOTIFIED  
 No Comments made  
 Comments attached  
 Excisions/Revisions  
 Firm has not requested further notice

*8/10/97*

*P. l. h. s. - 1. - - - - 07*

970603CWE7033

JMBradfield  
FOWR-HOU-WTD

**PRE-INCIDENT:**

This incident took place at a trailer home residence in Edcouch, Texas. It involved the shooting death of a four-year-old male child which occurred on Saturday, May 3rd, 1997 at approximately 19:50 hours. The victim was visiting his uncle's residence with his mother and three brothers. The boy's ages were eight, six, and one-year respectively.

That evening, the victim was playing with his siblings in the small yard area of the trailer home. The uncle and the victim's mother were inside the home attempting to repair a malfunctioning air conditioning unit. At approximately 19:35 hours, the boys asked the uncle if they could borrow a BB gun to shoot cans outside. The uncle agreed and advised the boys to be careful with the weapon.

The weather was clear, just before sunset. None present suffered from any illness or impairments at the time of the incident. The area where the boys were playing was free of obstacles and uneven surfaces. The victim and his brothers had little or no previous experience with the BB gun.

Specific information about the incident was obtained from the Edcouch Police Department, as well as the victim's mother and uncle. Records from Emergency Medical Services, Knapp Medical Center, and Elizondo Embalming Service were obtained via the Edcouch Police Department.

**INCIDENT:**

While outdoors, the eldest boy had possession of the weapon. He chambered a BB and pumped the rifle once, preparing to fire. At this time, the victim attempted to wrestle the gun away from him by grabbing the barrel. During the struggle, the weapon discharged, striking the victim in the chest.

**POST-INCIDENT:**

At 19:50 hours, the victim's eight-year-old brother ran into the trailer. The boy was crying and advised the adults that he had accidentally shot the victim with the BB Gun. He stated that the victim was on the ground.

970603 CWF 7033

The mother and uncle quickly located the victim and transported him via automobile to the Emergency Medical Services (EMS) Advanced Cardiac and Trauma (ACT) ambulance center in Edcouch, Texas. They arrived at approximately 19:56 hours. Two Edcouch Police Officers had been dispatched and arrived at the EMS/ACT center as the family was exiting their vehicle. The victim's mother was crying hysterically and handed the victim over to one of the officers.

The officer noticed a small hole in the mid-sternum area of the victim's chest. The victim was gasping for air and losing consciousness. The officer fervently advised the victim to remain conscious as the second officer notified EMS/ACT personnel.

According to EMS/ACT records, the ambulance was travelling to Knapp Medical Center-Weslaco, Texas at 20:03 hours. The victim, at this time, was alert and responsive. The victim was also able to speak during the transit. However, at approximately 20:10 hours, the victim stopped breathing and lost his pulse.

The EMS/ACT crew attempted to resuscitate the victim using an endotracheal tube with gastric placement and a breather bag mask device (BMD). The victim was non-responsive and his pupils were fixed and dilated. The ambulance arrived at Knapp Medical Center at 20:15 hours.

According to Knapp Medical Center Records, attempts were made at the hospital to revive the victim using CPR and drug inducers. The efforts were unsuccessful. The victim was pronounced dead at 20:45 hours.

On May 4th, 1997 at 14:40 hours, an autopsy was performed on the victim at Elizondo Embalming Service, Mission, Texas. The cause of death was determined to be a single gunshot (BB) wound that pierced the heart.

**PRODUCT IDENTIFICATION:**

The Edcouch Police Department determined the weapon to be a Daisy Brand "Power Line" BB/Pellet gun, Model #856. The gun is considered a "high-velocity" air rifle with power ratings of up to 650 feet per second (FPS). This is a multi-pump pneumatic rifle. It shoots a single .177 caliber BB or pellet, but can hold up to 100 BB's in reserve. For safety purposes, it is fitted with a crossbolt trigger block that does not allow the rifle to discharge when the safety is activated. The stock is made of wood grained, molded plastic and the receiver is of an "engineering resin". The barrel is made of rifled steel and has a maximum shooting distance of 286 yards. The overall length of the rifle is 37.4 inches. It weighs 2.7 pounds without an optional scope. This model was fitted with the optional scope bringing its weight to just over three pounds.

CY 70603 CWE 7033

The rifle is manufactured by Daisy Manufacturing Company of Rogers, Arkansas. It was purchased by the victim's uncle from the K-Mart Supercenter in Weslaco, Texas, on April 26th, 1997. It was purchased new and fully assembled for \$37.87. However, the uncle did state that this rifle was obtained as a result of returning a previously purchased rifle of exactly the same make and model. The gun was returned due to constant jamming, especially when pellets were used. There is no indication that the rifle in question jammed at the time of the incident.

The instructions that accompanied the rifle included warnings that stated in part: 'Warning: Not a toy. Adult supervision required. For use by those sixteen years or older'. The victim and his brothers had no previous experience with the rifle. It had been used sparingly, perhaps once before the incident. The weapon had not been damaged or altered prior to the incident. It was stored under the uncle's living room couch. It was kept loaded, however, without a round in the firing chamber and unpumped ("primed").

At the request of local media outlets, the Edcouch Police Department arranged for the rifle to be "tested". On or about 5/5/97, police officials fired the gun at point-blank range into hard skinned, raw fruit. A cantaloupe, onion, and orange were lined up in a row and shot at. The BB passed through each item consecutively, demonstrating the power of the rifle. The local television station, KRGV, Channel 5, Weslaco, Texas used this information to warn consumers of the possible hazards of this product.

**EXHIBITS:**

1. Authorization for Release of Name
2. News clip from the Valley Morning Star describing incident
3. Edcouch Police Department Offense/Incident Report - 5/3/97
4. EMS/Advanced Cardiac & Trauma Report
5. Knapp Medical Center Report - 5/3/97
6. Elizondo Embalming Service - Authority For Autopsy - 5/3/97
7. 1993 Daisy Manufacturing Company product catalogue insert showing the Model 856 in question. Note: The Model 7856 "Eagle" was used by the Edcouch Police to test the power of these type of air rifles, as seen in exhibit #9.
8. Photographs #1-#8, particulars surrounding the incident.
9. Videotape from KRGV-TV, Weslaco, Texas. Edcouch Police shown testing similar air rifle's power.

970603 CWF 7033

U.S. CONSUMER PRODUCT SAFETY COMMISSION  
1120 LOCKWOOD  
P.O. BOX 15729  
HOUSTON, TEXAS 77220  
(713) 675-4841

AUTHORIZATION FOR RELEASE OF NAME

RE: CPSC

NAME:

THANK YOU FOR ASSISTING US IN COLLECTING INFORMATION ON A POTENTIAL PRODUCT SAFETY PROBLEM. THE CONSUMER PRODUCT SAFETY COMMISSION DEPENDS ON CONCERNED PEOPLE TO SHARE PRODUCT SAFETY INFORMATION WITH US. WE MAINTAIN A RECORD OF THIS INFORMATION, AND USE IT TO ASSIST US IN IDENTIFYING AND RESOLVING PRODUCT SAFETY PROBLEMS.

WE ROUTINELY FORWARD THIS INFORMATION TO MANUFACTURERS AND PRIVATE LABELERS TO INFORM THEM OF THE INVOLVEMENT OF THEIR PRODUCT IN AN ACCIDENT SITUATION. WE ALSO GIVE THE INFORMATION TO OTHERS REQUESTING INFORMATION ABOUT SPECIFIC PRODUCTS. MANUFACTURERS NEED THE INDIVIDUALS NAME SO THAT THEY CAN OBTAIN ADDITIONAL INFORMATION ON THE PRODUCT OF ACCIDENT SITUATION.

WOULD YOU PLEASE INDICATE ON THE BOTTOM OF THIS PAGE WHETHER YOU WILL ALLOW US TO DISCLOSE YOUR NAME. IF YOU REQUEST THAT YOUR NAME REMAIN CONFIDENTIAL, WE WILL OF COURSE, HONOR THAT REQUEST. AFTER YOU HAVE INDICATED YOUR PREFERENCE, PLEASE SIGN YOUR NAME AND DATE THE DOCUMENT ON THE LINES PROVIDED.

YOU ARE HEREBY AUTHORIZED TO DISCLOSE MY NAME AND ADDRESS WITH THE INFORMATION COLLECTED ON THIS CASE.

MY IDENTITY IS TO REMAIN CONFIDENTIAL.

[Redacted Signature]

(SIGNATURE)

7/16/97  
\_\_\_\_\_  
(DATE)

JAMES H. BRADFIELD, INVESTIGATOR  
FOUR-HOU

7/14/97  
\_\_\_\_\_  
(DATE)

770603CWE 10-  
F9767025A  
Section 15  
32626

770603CWE 7033

# Family learns a devastating lesson

Elsa child's death  
raises concerns about  
BB gun safety

By LAURA B. MARTINEZ

Valley Morning

EDCOUCH — BB guns aren't supposed to fail.

But they can, and one Elsa family learned that the hard way when their 4-year-old boy was accidentally shot through the heart Saturday while playing with his brothers.

The death of [redacted] shocked residents in the

Are BB guns safe? Street Talk / A2

twin cities of Edcouch-Elsa and raised questions about whether adults should let children play with BB guns.

"They shouldn't have been playing with it in the first place," Elsa resident [redacted] said. "That's where the parents come in. Parents need to be aware of what their children are doing."

[redacted] was playing with his three brothers when a pump-type BB gun he was struggling to take from one of them fired, Edcouch Police Chief Elroy Zavala said. An

Please see 'GUN,' Page A12

# PRESS CLIPS

**TP** Texas Press Service Inc.  
A business affiliate of the Texas Press Assoc.  
718 W. 5th St., Austin, TX 78701  
512-477-6755, FAX 512-477-6759  
Harlingen, Valley Morning Star  
Harlingen TX

MAY - 6 1997

970603CWE 7033  
F 9767035A  
Section 15  
32624

## GUN / Safety issues raised

Continued from A1

8-year-old brother had accidentally pulled the trigger, he said.

"The main thing to prevent something like this from happening again is supervision," Zavala said. "They (children) don't know how far a BB can go or that it can hurt someone."

His mother, [redacted] rushed him to Advance Cardiac and Trauma ambulance service in Edcouch. He was then taken by ambulance to Knapp Medical Center in Weslaco, where he was dead on arrival.

[redacted] said the boys were unsupervised when the shooting occurred.

Family members did not want to comment. Monday on advice from their attorney said Arturo Torres, the boy's father.

The accident sparked trepidation about BB guns among some residents of the community.

"I don't know the little boy but I think it's a tragedy," Elsa resident Betty Riley said. "I have always been against BB guns."

Businesses that sell BB guns say they can be used safely by adults.

Hugo Ruiz, a Sporting Goods manager at Broadway Hardware Store in McAllen, said the bottom line is that parents should teach their children not to play with any loaded gun.

His business sells BB and pellet guns, but only to adults.

"I feel sorry for what happened," but parents should take responsibility for the guns, Ruiz said. "They should have taken the gun."

Once an adult has finished shooting a gun, it should be emptied of shells and the gun and ammunition stored in separate

places under lock and key, Ruiz said.

[redacted] parents found out about the shooting when one of the boys [redacted] mother that he was lying on the ground and wasn't moving.

"I'm shocked and I'm sad," said Elsa resident Becky Rodriguez outside the city's bustling post office. "I think weapons are getting out of hand."

The shooting happened at the home of Epimenio Aguirre, Torres' uncle, who gave the boys the BB gun to play with, Zavala said.

"I feel bad for the man (Aguirre) because he feels real bad," Zavala said.

[redacted] and his brothers [redacted] Arturo, 6, and the unnamed 8-year-old were outside playing with the gun. The 8-year-old boy had the gun and [redacted] tried to pull it away by grabbing the barrel. It then fired.

Bill Aston, director of Harlingen Emergency Medical Services, said paramedics get called twice a year about children injured by either a BB gun or pellet gun.

The city of Harlingen prohibits

BB guns, firearms, sling shots, bow and arrows and similar weapon toys from being fired inside city limits, Harlingen Police Chief Jim Scheopner said.

Scheopner offered this advice to Valley residents.

"Everyone needs to be fully aware that these types of toys can be potentially deadly. They need to be used in accordance to the law."

D. FINAR

C. C. E. T.



970603 CWE 7033

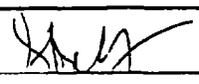
SUMMARY OF INCIDENT IN DETAIL ON SATURDAY, MAY 3, 1997 AT OR ABOUT 7:52 P/M. I OFFICER DE HOYOS 307 ARRIVED BEHIND A SMALL 4DR OLDSMOBILE BEARING LP'S XCL-57T TX. AT ADVANCED CARDIAC AND TRAUMA "ACT ON 107 AND MONTGOMERY. AS I PROCEEDED TO MAKE CONTACT WITH DRIVER ID AS EP [REDACTED] "RE" OUT OF [REDACTED] TX. HE STATED THAT HIS NEPHEW HAD ACCIDENTALY GOTTEN SHOT WITH A PELLET GUN IN THE CHEST AREA. BACK PAASSENGER EXITED VEHICLE SHE WAS ID AS SW [REDACTED] NOTICED HER CARRYING HER SON [REDACTED] D.O.B. 10/31/92 4 YRS OLD IN HER ARMS. SHE GAVE HER SON TO ME. [REDACTED] WAS CRYING OUT LOUD AND VERY HYSTERICAL. I, OFFICER DE HOYOS NOTICED IN CHEST AREA A SMALL HOLE, NOTICE [REDACTED] GASPING FOR AIR, TRYING TO FALL ASLEEP. I KEPT ADVISING [REDACTED] NOT TO FALL ASLEEP. AS OFFICER GONZALEZ MADE CONTACT WITH ACT PERSONNEL. THEY OPENED DOORS OF ACT VEHICLE. [REDACTED] WAS PLACED ON STRECHER. AS I INTERVIEWED [REDACTED] I LEARNED THAT VICTIM [REDACTED] AD GOTTEN SHOT BY HIS OLDER BROTHER [REDACTED] 8YRS OLD. NO FURTHER ACTION TAKEN.

CHARGES FILED

FINGERPRINTED BY

NOT FINGERPRINTED

SIGNATURE AND DEPT. OF OFFICER MAKING REPORT S. DE HOYOS



ID NO. 307.

DATE OF REPORT

970603CWE 7033

SUPPLEMENTARY INVESTIGATION REPORT

NO. 97-0553

Classification \_\_\_\_\_

NO. \_\_\_\_\_

Name of Complainant		Address	Phone No.
Offense		Case Assigned To:	

DETAILS OF OFFENSE, PROGRESS OF INVESTIGATION, ETC.:

Date \_\_\_\_\_ 19 \_\_\_\_\_

ON SATURDAY, MAY 3, 1997 AT ABOUT 11:58 P/M. LT. CARDENAS AND OFFICER DE HOYOS PROCEEDED OUT TO THE HACIENDA APTS. UPON ARRIVAL AT APT. #21 WE MADE CONTACT WITH PARENTS OF [REDACTED] WE ASKED TO SPEAK TO [REDACTED] HE WAS ASKED HOW MANY TIMES HE HAD PUMPED THE PELLET GUN. HE STATED ONLY ONCE.

27 INVESTIGATING OFFICER(S) \_\_\_\_\_ 28 REPORT MADE BY S. DE HOYOS DATE 5/3/97

29 CASE FILED  Yes  No

30 THIS CASE IS  Cleared by arrest  Unfounded  Inactive  Other

31 APPROVED BY \_\_\_\_\_ BADGE # \_\_\_\_\_

970603cwe 7033

SUPPLEMENTARY INVESTIGATION REPORT

PAGE NO. \_\_\_\_\_

NO 97-0553 \_\_\_\_\_

Classification \_\_\_\_\_

NO. \_\_\_\_\_

Name of Complainant		Address	Phone No.
Offense		Case Assigned To:	

DETAILS OF OFFENSE, PROGRESS OF INVESTIGATION, ETC..

Date \_\_\_\_\_ 19

ON MAY 3, 1997 AT OR ABOUT 7:52 P/M. I, OFFICER M [REDACTED] ED  
 BEHIND OFFICER S. DE HOYOS 307 AT ADVANCED CARDIAC TRAUMA, "ACT" ON 107 AND  
 MONTGOMERY. AS I STEPPED OUT OF MY UNIT I SAW MRS. GUERRA CARRYING HER SON  
 [REDACTED] ES IN HER ARMS. SHE THEN GAVE HER SON TO OFFICER DE HOYOS 307.  
 I THEN ADVISED ONE OF THE ACT PERSONNEL TO HELP. HE THEN OPENED THE DOORS OF TH  
 ACT VEHICLE TO PUT THE BOY IN THE STRECHER. OFFICER DE HOYOS WAS GETTING  
 INFORMATION FROM THE MOTHER, WHILE ACT WAS WORKING ON THE BOY. THE MOTHER AT  
 THE TIME WAS HYSTERICAL AND NERVOUS. SHE GAVE OFFICER S. DE HOYOS AS MUCH  
 INFORMATION AS SHE COULD REMEMBER. SHORTLY ACT WAS ON IT'S WAY TO HOSPITAL.  
 OFFICER S. DE HOYOS AND I M [REDACTED] WERE BACK IN SERVICE. NO FURTHER  
 ACTION TAKEN.

27 INVESTIGATING OFFICER(S) \_\_\_\_\_ 28 REPORT MADE BY M. GONZALEZ \_\_\_\_\_ DATE 5/8/97

29 CASE FILED

30 THIS CASE IS

31 APPROVED BY \_\_\_\_\_

BADGE # \_\_\_\_\_

Yes  No  Cleared by arrest  Unfounded  Inactive  Other

970603CWE7033

SUPPLEMENTARY INVESTIGATION REPORT

PAGE NO. \_\_\_\_\_

NO. 97-0557

Classification HOMICIDE

NO. \_\_\_\_\_

Name of Complainant STATE OF TEXAS		Address		Phone No.
Offense CRIMINAL NEGLEGENT HOMICIDE			Case Assigned To:	

DETAILS OF OFFENSE, PROGRESS OF INVESTIGATION, ETC..

Date \_\_\_\_\_ 19\_\_

MY NAME IS ELOY CARDENAS AND I AM EMPLOYED BY THE CITY OF EDCOUCH, POLICE DEPT. AS A LT./INVESTIGATOR.

ON SATURDAY, MAY 3, 1997 AT ABOUT 9:30 P/M, I WAS NOTIFIED BY OFFICER SERGIO DE HOYOS VIA PAGER THAT I NEEDED TO CALL IN FOR EMERGENCY TRAFFIC. UPON CALLING I LEARNED THAT A 4 YEAR OLD BOY HAD BEEN ACCIDENTALLY SHOT AND KILLED BY A B-B GUN. I ARRIVED AT THE EDCOUCH POLICE DEPT. AT 9:50 P/M AND WAS BRIEFED BY OFFICER SERGIO DE HOYOS ON WHAT HE HAD DONE UP TO THIS POINT AND THAT THE CHILD NOW IDENTIFIED AS [REDACTED] 4 YEARS OLD D.O.B. 10/31/92 AND HIS FAMILY WERE AT THE KNAPP HOSPITAL IN WESLACO, TX. PLEASE REFER TO OFFICER SERGIO DE HOY REPORT AND OFFICER MIGUEL GONZALEZ WHO ASSISTED HIM.

AT THIS TIME I DROVE TO WESALCO KNAPP HOSPITAL AND MADE CONTACT WITH [REDACTED] AT THE EMERGENCY ROOM. [REDACTED] WAS IDENTIFIED AS THE MOTHER OF DECEASED 4 YEAR OLD BOY. THER WERE SOME FEMALES AROUND HER WHO WERE CRYING AND SO WAS [REDACTED] THERE WAS ALSO A MALE WHOM WAS VERBALLY IDENTIFIED AS [REDACTED] YEARS OF AGE D.O.B. 7/12/64. [REDACTED] EDCOUCH TX. [REDACTED] ADVISED THAT SHE WAS OUT OF THE [REDACTED] WELSA, TX. SHE STATED THAT SHE ALONG WITH HER 4 SONS, [REDACTED] 8 YEARS OLD, [REDACTED] 6 YEARS, [REDACTED] YEARS AND RENE TORRES 1 YEAR OLD WERE AT 300 BLK. NIXON AT [REDACTED] VISITING WHEN [REDACTED] ACCIDENTALLY SHOT HIS 4 YEAR OLD BROTHER [REDACTED] WITH A B B GUN. I ASKED [REDACTED] HIS RELATION TO [REDACTED] AND HER KIDS. HE STATED THAT HE WAS THE CHILDREN'S UNCLE [REDACTED] WENT ON TO SAY THAT ON TODAY'S DATE 5/3/97 AT ABOUT 7:35 P/M, [REDACTED] AND HER 4 SONS WEF AT HIS TRAILER HOUSE ON 300 NIXON EDCOUCH, TX. HE ADVISED THAT THE CHILDREN WERE PLAYING OUTSIDE IN THE FRONT YARD AS THEY WERE FIXING THE AIR CONDITIONER INSIDE ACCORDING TO [REDACTED] HE WAS ASKED BY ONE OF THE BOYS IF THEY COULD BORROW HIS

ELOY CARDENAS

27 INVESTIGATING OFFICER(S)

28 REPORT MADE BY ELOY CARDENAS DATE \_\_\_\_\_

29 CASE FILED

30 THIS CASE IS

31 APPROVED BY

BADGE #

Yes  No  Cleared by arrest  Unfounded  Inactive  Other

B-B GUN THAT HE HAD PURCHASED ABOUT 3 WEEKS AGO TO SHOOT AT CANS. [REDACTED] ADVISED HE LEND IT OUT TO THEM AND ADVISED THEM TO BE CAREFUL AND THEN WENT BACK OUTSIDE. ABOUT 15 MINUTES PASSED WHEN [REDACTED] 8 YEARS OLD CAME RUNNING INSIDE THE TRAILER STATING THAT HE HAD ACCIDENTALLY SHOT [REDACTED] ON THE CHEST AND THAT HE WAS ON THE GROUND. BOY [REDACTED] AND [REDACTED] THEN TOOK [REDACTED] TO THE ACT AMBULANCE IN EDCOUCH, TX. AS [REDACTED] WAS GASPING FOR AIR. HE WAS THEN TRANSPORTED TO THE KNAPP HOSPITAL AS HE DIED ON THE WAY THERE. I ASKED [REDACTED] AND [REDACTED] WHERE THE B-B GUN WAS AT AND WHERE [REDACTED] WAS AT. THEY STATED THAT THE GUN WAS AT THE TRAILER HOUSE WHERE THE SHOOTING OCCURED AND THAT [REDACTED] WAS AT A FRIENDS HOUSE. AT 11:05 P/M I MADE CONTACT WITH JP JESUS E. MORALES WHO ORDERED A COMPLETE AUTOPSY TO BE DONE AT ELIZONDO EMBALMING SERVICE THE NEXT DAY. I THEN WENT TO THE AREA WHERE [REDACTED] BODY WAS AT IN THE EMERGENCY ROOM AND TOOK SOME PHOTOGRAPHS OF THE BODY AND WOUND ON THE CHEST. PLEASE REFER TO PHOTOGRAPHS. I THEN MADE CONTACT WITH [REDACTED] AGAIN TO ASK FOR CONSENT TO SPEAK TO [REDACTED] AND OBTAIN HOSPITAL RECORDS. SHE CONSENTED. PLEASE REFER TO HOSPITAL RECORDS FOR INFORMATION AND DOCTOR NOTES. I THEN OBTAINED THE CLOTHING OF THE DECEASED [REDACTED] AS EVIDENCE. PLEASE REFER TO PICTURES AS I LATER PHOTOGRAPHED THE ITEMS, SHORTS UNDERWEAR, SOCKS, TENNIS, NO SHIRT. I THEN LEFT THE HOSPITAL AND AT ABOUT 11:48 P/M, MYSELF AND OFFICER SERGIO DE HOYOS MADE CONTACT WITH [REDACTED] AT HIS TRAILER HOUSE TO TAKE PHOTOGRAPHS THE CRIME SCENE AND RECOVER THE MURDER WEAPON. I RECOVERED A FAIRLY NEW BLACK DAISY POWER LINE B.B. GUN RIFLE PUMP ACTION LEVER WITH A SCOPE (856-177) CAL PELLETT). I LATER PHOTOGRAPHED IT AND PLACED IT IN THE EVIDENCE ROOM. OFFICER DE HOYOS AND I THEN DROVE TO [REDACTED] TX. TO MAKE CONTACT WITH [REDACTED] AND HER 8 YEAR OLD SON [REDACTED]. [REDACTED] WAS CRYING WHEN I ASKED HIM TO TELL ME WHAT HAPPENED IN THE PRESENCE OF HIS MOTHER AND WITH HER CONSENT. HE STATED THAT TONIGHT HE ALONG WITH HIS BROTHER'S WERE IN FRONT OF THE YARD AT THEIR UNCLE'S HOME [REDACTED] WHEN HE HAD [REDACTED] B. GUN AND THAT [REDACTED] TRIED TO GET IT FROM HIM AND TH-

HE ACCIDENTALLY FIRED AT [REDACTED] CHEST AND HE FELL. HE THEN TOLD HIS UNCLE WHAT HAPPENED. I ASKED [REDACTED] HOW MANY TIMES HE PUMPED THE LEVER ACTION ON THE RIFLE AND HE STATED ONE TIME AS HE HELD HIS RIGHT INDEX FINGER. OFFICER DE HOYOS AND I THEN LEFT.

ON SUNDAY, MAY 4, 1997 AT ABOUT 2:40 P/M I WAS AT OFFICE OF ELIZONDO EMBALMING SERVICE LOCATED AT 805 MAYBERRY ST. IN MISSION, TX., PHONE #585-2223 FOR THE AUTOPSY ON [REDACTED] 4 YEARS OLD TO DETERMINE THE CAUSE OF DEATH. DURING THE AUTOPSY I TOOK SEVERAL PHOTOGRAPHS SHOWING THE POINT OF ENTRY OF THE B.B. AND THAT IT PIERCED THE HEART. PLEASE REFER TO PICTURES. IT WAS ALSO LEARNED THAT THE SINGLE B.B. GUN SHOT TO THE HEART WAS THE CAUSE OF DEATH OF [REDACTED]. PLEASE REFER TO THE AUTOPSY REPORTS AND X-RAYS. I WAS ALSO GIVEN THE B.B PELLETT THAT KILLED [REDACTED] PLEASE REFER TO PHOTOGRAPHS.

ON FRIDAY, MAY 9, 1997 AT 9:00 A/M, I MADE CONTACT WITH SOFIA ARISPE VIA TELEPHONE AT THE HIDALGO COUNTY DISTRICT ATTORNEYS OFFICE. SOFIA ARISPE IS THE ASSISTANT DISTRICT ATTORNEY OF HIDALGO COUNTY. DURING MY INVESTIGATION OF THIS MURDER CASE, IT WAS LEARNED THAT IT WAS AN ACCIDENTAL SHOOTING (MURDER). DUE TO THE CIRCUMSTANCES ON HOW THE 8 YEAR OLD GOT A HOLD OF THE B.B. GUN AND THAT IT WAS A HIGH POWERED RIFLE PUMP ACTION. I WANTED TO CHECK WITH THE DA'S OFFICE. AFTER GOING OVER THE CASE VIA TELEPHONE WITH SOFIA [REDACTED], IT WAS DETERMINED THAT THE RIFLE COULD BE QUESTIONABLE IF IT WOULD BE A "FIREARM" FOR THE ONLY CHARGE THAT WOULD BE APPLICABLE ON THE DECEASED'S UNCLE [REDACTED] TO WIT: MAKING A FIREARM ACCESSIBLE TO A CHILD SEE 46.13 OF THE TEXAS PENAL CODE "CLASS A MISDEMEANOR).

THIS CASE RULED AN ACCIDENTAL SHOOTING!

970.603 CwE 7033

TORRES, MIGUEL  
97123 00097 000-05-5915  
RCA P 10/31/92 ER  
MO: MARTINEZ, JORGE

M 4Y

# EMS - HOSPITAL REPORT

Advanced Cardiac & Trauma  
Emergency Medical Services  
Rt 1, Box 484-B Weslaco, Tx 78596  
TDH PROVIDER # 108048

### Incident Location:

City:  Edcouch  La Villa  Weslaco  
 Elsa  Mercedes  Rural  
 Hargill  Monte Alto  Other  
 La Blanca  Progresso

County:  Cameron  Hidalgo  Willacy

Location Description:  residence  residential instution  
 workplace  school  
 public bldg  recreational  
 roadway  other  
*Well-in Station #2*

Patient Name: *[Redacted]*  
Age: 4 DOB: 10-31-92 Sex: (M) F  
Chief Complaint: Pt. shot with B.S. Gun on  
Associated Complaints: *clit*  
*ET - Tube 4.0*  
Injury/Illness Description:  
*Wounded HK / No Hemodialysis*  
Allergies: *NKA*  
Private Physician:

### GLASGOW COMA STATUS

Motor Response:  
1  None  
2  Extends to Pain  
3  Flexion to Pain  
4  Withdraws from Pain  
5  Localizes Pain  
6  Obeys Commands

### INITIAL PHYSIOLOGICAL STATUS

Respiratory Rate:  
4  10-24  
3  25-35  
2  >35  
1  <10  
0  Apneic

### Eye Opening:

1  None  
2  To Pain  
3  To Voice  
4  Spontaneous

### Respiratory Expansion:

1  Normal  
1  Shallow  
0  None

### Systolic Blood Pressure:

4  >160  
4  140-159  
4  120-139  
3  90-119  
3  70-89  
2  50-69  
1  <50

### Verbal Response:

1  None  
2  Incomprehensible  
3  Inappropriate  
4  Confused  
5  Oriented  
0  Endotracheally Intubated

0  None *Unable to obtain*

### Glasgow Coma Scale:

5  14-15  
4  11-13  
3  08-10  
2  05-07  
1  03-04

### Capillary Refill:

2  < 2 seconds  
1  > 2 seconds  
0  None

Determine IPS Score by totalling the sum of the fields above (0-11): \_\_\_\_\_

Enter IPS Score (0-11): 1  
Enter GCS Score (0-5): 2  
Add Scores for Trauma Score: 3

### TREATMENT

Spine:  C-Collar  Backboard  KED  
 Head Immob  BB Straps  Spider  
Splint:  R Arm  L Arm  R Leg  L Leg  
Bandage:  R Arm  L Arm  R Leg  L Leg  
 Head  Neck  Chest  Abdomen  
 Pelvic  Back  Other  
Oxygen:  N/C  SFM  NRB  None *BVM - ET-Tube*  
IV:  No Attempt  Unsuccessful  
 Successful # Attempts: [ ]  
Solut:  LR  NS Amt Infused:  
Cath:  14  16  18  20 [ ]  
Set:  Macro  Micro

### Motor Vehicle Collisions

Vehicle:  Automobile  Motorcycle  
Type of Collision:  Head-On  Lateral Impact  
 Rear-End  Rollover  
 Auto-Pedestrian  Other  
Impact Detail:  Not Visible  Moderate  
 Minimal  Severe  
Location in Vehicle:  Passenger Side  Right Rear  
 Driver Side  Ejected  
 Left Rear  Other  
 Unknown  Pedestrian  
Patient Restrained:  Seat Belt  Airbag  
 Helmet  Child Restraint  
 No Restraint  Unknown  
Extraction Required:  Yes  No  
Extraction Time:  <10 min  > 10 min

Pupils:  Reactive  Sluggish  Unreactive  
 Unequal  Dilated  Constricted  
Pulse Rate: \_\_\_\_\_ Respiratory Rate: \_\_\_\_\_ Blood Pressure: \_\_\_\_\_  
Pulse Quality:  Regular  Irregular  Full  
 Thready  Absent  Other  
Resp:  Normal  Fast  Labor  Noisy  Absent  
Initial EKG:  NSR  SVT  2 HB  IV  
 SA  PAC  3 HB  ASY  
 SB  AFL  VT  JR  
 ST  AFI  PVC  PMR  
 PAT  1 HB  VF  No EKG

Times
Dispatched: 19:56 <i>WALCIN</i>
Enroute: 19:56
On Scene: 19:56
En Route: 20:03
At Hospital: 20:15

Driver  
*Samuel Lopez*  
*EMT-P*  
Attendants  
*Rios, Irde*  
*EMT-1*

Patient Received By (Signature): *(Signature)*

970603CWE7033

05/03/97 2108

KNAPP MEDICAL CENTER  
1401 East 8th Street  
Weslaco, TX 78596  
(210) 968-8567

CLINIC: ES PAT TYPE: ER PC: P MR#: 000-05-5915 PAT NO: 97123 00097

PAT NAME: ██████████ SEX: M/A: S R/O: 4 DT/IN: 05/03/97 2000

P/ADDR: P.O. BOX 1296 S/DATE: 10/31/92 AGE: 4Y P/CLASS: DRP

PAT CSZ: EDCOUCH TX 78538

ADM: MARTINEZ, JORGE

SS NO: PHYSICIANS ) REF:

PAT PH#: (210)262-3274 ATT: MARTINEZ, JORGE

DIAGNOSIS: CODE BLUE

ACC/TYPE: IN THE HOME PLACE: AT HOME DATE: 05/03/97 2000

P/EMPL: EMP1/AGER: EMP1/CSZ:

G/NAME: GUERRA, SYLVIA G/SS#: 451-52-3212 G/REL: MOTHER

G/AGE: PO BOX 1296 G/CSZ: EDCOUCH TX 78538

G/OCC: PROVIDER G/EMPL: IPH-HEALTH CARE G/EMPL#:

G-PH#: (210)262-3274

INS CO: POL. #: GRP #:

INSURED: INS CO ADDR:

INSURED: INS CO CSZ:

INS CO: POL. #: GRP #:

INSURED: INS CO ADDR:

INSURED: INS CO CSZ:

INS CO: POL. #: GRP #:

INSURED: INS CO ADDR:

INSURED: INS CO CSZ:

NEXT OF KIN: REYES, MARIA NOK ADDRESS:

CITY: EDCOUCH ST: TX ZIP: 78538 PH: (210)262-3274 RES: GRANBROOK

ROOM ADMITTED TO: - CLERK: RM

ADVANCE DIRECTIVES: NONE INCREMB: ROMAN CATH OTHER ROMAN CATHOLIC C

COMMENTS: NEED TO MAKE ARRANGEMENTS

G70603CWF7033

KNAPP MEDICAL CENTER

Responding Physician J MARTINEZ

Family Physician UNKNOWN

Nursing Staff C. Callan N. Alvarez M. Tucker G. J. Ag

R.T. Silvia Lopez / Fran. Vega

Other Staff \_\_\_\_\_

97123 00097 000-05-5915  
PCA P 10/31/92 ER  
MD: MARTINEZ, JCRDE

M 4Y

REST OCCURED: VENTILATION: COMPRESSIONS:  
ate: 5/3/97 ( ) Ambu/O<sub>2</sub> ( + ) External  
ime: PTA Time: PTA (FM) Time: PTA (FM)

DEFIBRILLATION			CONVERTED		
Time	Joules	By	Yes	No	Rythm

RESUSCITATION STARTED BY: EMS PTA

MEDICATIONS	Dosage	Route	Time	Time	Time	Time	SIGNATURE
epinephrine	1.9ml (1:1000)	IV	2017	2031	2035	2039	<u>[Signature]</u>
lidocaine							
tropine	0.4mg	IV	2037	2041			<u>[Signature]</u>
a. Bicarb.							

Time	Pulse	Resp	B/L
2019	0	→ cmT	CPL
2025	0	→ cmT	CPR
2020	0	Popl (9mm)	etc
2032	0	→ cmT	CPL
2039	0	→ cmT	CPL

Time	IV SOLUTION	Added MEDICATION	Dosage	Rate	SIGNATURE

Lab/Radiology Ordered
2029 - Lab drawn
2020 - CPL
2026 - CPL

UBES/LINES	Size	Time	Site	By
V 1000ml LR	18	2019	Q.A.C	(4)
V 1000ml N/S	20	2034	Hand	(1)
ndotracheal	4.0	2021	na	J. Martinez
oley	8	2032	na	(4)
IG	12	2026	na	(2)

COMMENTS:  
 PT ADMITTED via EMS stretcher 2 CIL / Vent. via tube in presence  
 CPL / vents continued OA - ETUBED doomed Esophageal intubation  
 X DL intubation - did - local anesthetics as noted x 9.2 intubation  
 CPL / vents continued as noted - 2022 Periodic TAs  
 X DL intubation → 0 return 2024 Periodic TAs  
 X DL intubation → 0 return (Vag) - Code called @ 204  
 P Expired - PD [Signature]

Resuscitation: \_\_\_\_\_ Physician signature verifying orders for medications  
Time disc. 2045 Outcome Unsuccessful procedures and treatments \_\_\_\_\_

Verbal Order Dr. J Martinez / Nurse [Signature]  
CABALLERO

PATIENT NAME: Miguel Torres

970603 CUE 7033

TRIAGE DATE 5-3-97	ARRIVAL TIME 2018 AM	TRIAGE TIME 2018 AM	TRIAGE CODE 1 2 3 4	ARRIVED BY: <input type="checkbox"/> Private Car <input checked="" type="checkbox"/> Ambulance	ROOM 1 2 3 4
PATIENT <i>[Signature]</i>	PHYSICIAN	VIA: <input type="checkbox"/> Ambulatory <input checked="" type="checkbox"/> Stretcher <input type="checkbox"/> Wheelchair <input type="checkbox"/> Carried	CARDIAC ... A E TRAUMA ... A E OBS ... A E		
VITAL SIGNS:	TEMP	PULSE Full	RESP Couds	B/P	DATE ONSET 5-3-97
CHIEF COMPLAINT: Unresponsive				AGE 4 yr	WEIGHT
ALLERGIES: ?				DATE LAST TETANUS TOX	PREVIOUS ADMISSION <input type="checkbox"/> Yes <input type="checkbox"/> No

MEDICINE / STRENGTH	DOSE	TIME LAST DOSE	MEDICINE / STRENGTH	DOSE	TIME LAST DOS

PAST MEDICAL HX:   
 EMERGENCY CARE GIVEN TO PATIENT P.T.A: *Intubated*  
 NURSING ASSESSMENT: *4 yr old male presents with Unresponsive SP 33 shot to chest*

TRIAGE SIGNATURE											
NEUROLOGICAL	Y	N	RESPIRATORY	Y	N	INTEGUMENTARY	Y	N	HISTORY	Y	N
PUPILS:			Wheezing			Normal	<i>TURBULE</i>	<input checked="" type="checkbox"/>	Prematurity		
Reactive			Congested			Dry			Seizures		
Nonreactive			Retracting			Scaly			Asthma		
Fixed			Cough			Poor Turgor			Heart Disease		
Dilated			Crackles			Rash			Diabetes		
Constricted			Pain			Sores			Comm. Dis.		
Pupil Size (mm)	<i>5x</i>	<input checked="" type="checkbox"/>	Cyanosis			Ulcerations			Hypertension		
ORIENTED:			GASTROINTESTINAL						Falls		
Person			ABDOMEN:			Lacerations	<i>6.5" chest</i>		Other(s)		
Place			Soft			Bruises					
Time			Distended		<input checked="" type="checkbox"/>	MUSCULOSKELETAL			CARDIOVASCULAR		
ALERT			Tender			Flaccid		<input checked="" type="checkbox"/>			
BONDING			Firm			Edema			Regular		
LETHARGIC			Pain			Swelling			CAPILLARY REFILL:		
IRRITABLE			Vomiting			Contractures			Bnsk		
CONSOLABLE			BOWEL:			Weakness			Prolonged		<input checked="" type="checkbox"/>
UNRESPONSIVE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Diarrhea			Paralysis			PULSES:		
GENITOURINARY			Constipation			Arching			Weak		
BLADDER:			Pampers			Rigid			Full		
Dysuria			Last B.M.			Deformities			Bounding		
Hematuna						PROSTHESES:			Absent		<input checked="" type="checkbox"/>
Distention						IMMUNIZATIONS		<input type="checkbox"/>	COLOR:		
Last Void						Up-to-date			Pink		
						Date last given	<i>4/12/97</i>		Pallor		
									Jaundice		

PSYCHOSOCIAL DESCRIPTION:

ATTITUDE: Cooperative?  Yes  No

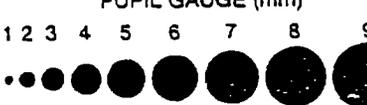
MOOD:  Happy  Sad  Angry  Combative  Content

THOUGHT PROCESS:  Logical  Confused

VARIANCE: *[Signature]*

PHYSICAL ASSESSMENT DONE BY: *[Signature]*

PUPIL GAUGE (mm)



Time 2020

PATIENT IDENTIFICATION

TORRES, MIGUEL M. 4Y  
 97123 0007 000-05-5915  
 RCA P 10/31/92 ER  
 MD: MARTINEZ, JORGE

KNAPP Medical Center  
 EMERGENCY SERVICES  
 PEDIATRIC ADMISSION

970.603CWE7033

CHIEF COMPLAINT:

4 yr old arrives to

M.D. Time

2100H

HISTORY:

ER DOA.

after EMS two children were fighting for the BB gun (tussling at) BB gun went off striking the 4 yr old in mid stomach. child was carried

Other systems reviewed and found to be negative

By parents in their arms to REVIEW OF SYSTEMS: No Police

CV station where child was brought

RESP had pulse. ENEURO/PSYCH was called to transport child to hospital. en

GI tube child (SANTA PTA (intubated en route in the supraglottic

PAST HISTORY to KNAPP child Hx not obtainable due to

(intubated en route in the supraglottic

FAMILY HISTORY arrived to ER KNAPP pulseless,

SOCIAL HISTORY pupils dilated non reactive to

GENERAL/SKIN light on touch EXAM pale. NO CARDIAC activity. Breath tubes in supraglottic.

HEENT tube removed. child reintubated by me in trachea. Film showed atelectasis

HEART (R) - tube removed. (R) lung expanded

LUNGS Boluses of IV fluids failed to produce

ABDOMEN detectable cardiac activity or vital signs

RECTAL/PELVIC/GENITALIA epinephrine 1.9 gms 9 5 min + a 2nd pulse x 2 0.4 IV failed to produce

BACK/NEURO cardiac activity. child 2045 still pulseless. V activity 0. (aw 2mo.

EXTREMITIES occasional agonal "beat" seen. No tube + Foley in place. Throughout V activity never came. CPR continue on and on. Percardial

Centrals done twice NO response. No pupils seen either. Lateral film chest is a puzzle

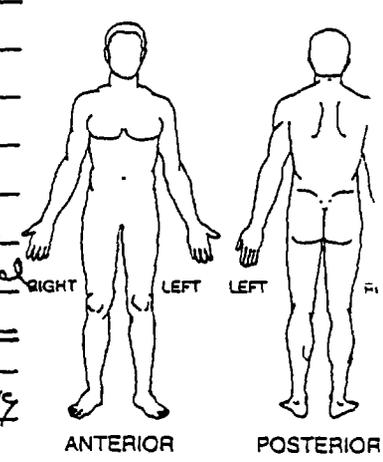
DIFFERENTIAL Dx(s) The BB pellet is visible superficial in the lateral view. Code stopped 27 1/2 min from its inception.

FAMILY (w/forerunners) utter devastation in them.

FINAL DIAGNOSIS Dx(s) DOA. / BB GUNSHOT WOUND TO CHEST

CONDITION ON DISCHARGE DIED.

FAMILY PHYSICIAN: TIME NOTIFIED REFERRED MD:



CBC		U:	
RBC		CC	□ CATH
HGB	11.7	SPEC. GRAV.	
HCT	34.0	pH	
WBC	6.86	PROTEIN	
S. NEUT. %		GLUCOSE	/ KETONE
BANDS		WBC	
LYMPHS	12	RBC	
OTHERS		BACTERIA	
		OTHERS	
		HCG	
GLUC	62		
BUN		CONTROL	PATIENT
Na	148	PT	
K	-	PTT	
Cl			<b>CULTURES</b>
CO2	17.2		
	<b>ENZYMES</b>		
AST		PULSE OXIM	
LDH		<b>ABG</b>	
CPK		pH	6.99
MB		PCO2	40.6
	<b>OTHERS</b>	PO2	158
		ACT HCO2	
		O2SAT	97.9

EKG  
X-RAY  
RECORDS REVIEWED  
 Yes  No





970603 CWF 7033

M 41

97123 00097 000-05-5915  
RCA P 10/31/92 EM  
MO: MARTINEZ, JORGE

CODE:

D - Dietary RT - Resp. Therapy  
N - Nursing PT - Physical Ther  
DP - Discharge Planning XR - Radiology  
L - Laboratory

**KNAPP** Medical Center

PATIENT PROGRESS NOTES

PAGE ONE

DATE	TIME	CODE	OBSERVATIONS AND COMMENTS
			<p>VIA A.C.T. EMS SERVICE. FULL ARREST ON 4 Y/O MALE G.S.W. CHEST Hx: (PER EMS) WRESTLING &amp; OTHER CHILD OVER POSSESSION OF B.B. GUN. WEAPON DISTANCE CHILD THEN "WALKED" (CARRIED) TO EMS STATION, TIME ONSET X 10 MIN PTA AT STATION, AGAIN PER EMS PERSONNEL. HE WAS, PER EMS, ON AIRWAY TO STATION AWAKE &amp; ALERT. HE WAS TALKING. IN TRANSPORT (ABOUT 5 MIN OUT FROM ER) HE RECHIEF VENTIL + PULSLESS EMS INTUBATED + NO IJ EST. ASSESSMENT + INTERVENTION ON ARRIVAL AIRWAY ET TUBE GASTRIC PLACEMENT BY AUSCULTATION, DCO PRE OXIGENATED O2H B.M.D. (BAG MASK DEVICE) + RE INTUBATED LUNG sounds +.</p> <p>BREATHING, BAGGED</p> <p>CIRC: IJ XT 18 EST (L) VCL LRT</p> <p>1000 CC OPEN RUN</p> <p>DEFLECT: NEEDLE NON RESPONSIVE C FIXED PUPIL @ 9MM</p> <p>EXPOSURE: FINGERS SINGLE WOUND TO</p>

97129-00097 000-05-5915  
 RCA P 10/31/92 EF  
 MD: MARTINEZ, JCFCE

CODE:

- D - Dietary
- N - Nursing
- DP - Discharge Planning
- L - Laboratory
- RT - Resp. Therapy
- PT - Physical Ther
- XR - Radiology

**KNAPP Medical Center**  
 PATIENT PROGRESS NOTES

Page 2

DATE	TIME	CODE	OBSERVATIONS AND COMMENTS
			THE CHEST R.R. SIZED. NO OTHER
			SEE CODE RECORD FOR FURTHER INFO
			POST CODE _____
			HIND STIC ROLE OVER FINDS NO OTHER
			INJURY _____ (M) <i>mlkw</i>
			JUDGE MORAN, ELSA/EDCOUCH PD NOTIFIED
			_____ (M) <i>mlkw</i>
			CONTACT "DELEON" ELSA P.D. CONTACT.
			"DELEON" EDCOUCH WHO WILL CONTACT
			INVESTIGATION CARDS _____ (M)
5-3-97	2130		Mother @ bedside. Crying. Judge Morales speaks family. _____ <i>mlkw</i>
	2155		Judge Morales left ER. Called PD to release father to come see son. _____ <i>mlkw</i>
	2210		Edcouch PD here to determine location of incident and speak family. _____ <i>mlkw</i>
	2235		Mother signed consent for Med records & photographs to Edcouch PD investigator. Judge Morales back. Father here & family to view body. _____ <i>mlkw</i>

970603 CwE 7033

# ELIZONDO EMBALMING SERVICE

805 Mayberry  
Mission, TX 78572  
(210) 585-2223

## AUTHORITY FOR AUTOPSY

[Redacted Name]  
(Deceased)

Date 5-3 1997

Time 8:58 <sup>a.m.</sup>/<sub>p.m.</sub>

I, Jesus E. Morales bearing the Office of Justice of the Peace  
for Pct. 1-2 do hereby authorize Dr. Santos to perform a  
COMPLETE  HEAD ONLY  TRUNK

examination of the remains of said patient, and to remove such organs or parts of organs and tissues as  
may be necessary for further study to determine the cause of death.

Witness \_\_\_\_\_

[Signature]  
Justice of Peace

Witness \_\_\_\_\_

\_\_\_\_\_  
Next of Kin

D.O.B. 10-31-92 Age 4 yrs Time Expired 2045

Time of injury 7:50 PM.

Location 300 Nelson, Edcouch, TX

Circumstance of death Shot with BB in chest

970 603 CUE 7033

When shooters are ready to move up a notch in power and precision, Daisy is there. Our Power Line airguns offer an unmatched selection of models combining the performance, look and feel demanded by experienced shooters.

## Model 856

A great introduction to the world of high-velocity airguns, and a choice of ammo as a BB repeater or single shot pellet rifle.

**ACTION:** Multi-pump pneumatic  
**CALIBER:** .177 (4.5 mm) BB or Pellet  
**SIGHTS:** Blade and ramp front, adjustable rear  
**STOCK/FOREARM:** Molded woodgrain  
**RECEIVER:** Engineering resin with dovetail mount for scope  
**CAPACITY:** 100 shot BB/single shot pellet  
**SAFETY:** Crossbolt trigger block  
**BARREL:** Rifled steel  
**MUZZLE VELOCITY:** Up to 650 fps./BB; 630 fps./pellets  
**MAX. SHOOTING DISTANCE:** 286 yds.  
**OVERALL LENGTH:** 37.4 in.  
**WEIGHT:** 2.7 lbs.

## Model 7856 Eagle

The Power Line Eagle has landed. This sleek, black and gold air rifle has the look and feel of a sharp shooter—and Daisy's provided the sharp eye of the 4x15, 808 scope.

**ACTION:** Multi-pump pneumatic  
**CALIBER:** .177 (4.5 mm) BB or Pellet  
**SIGHTS:** Blade and ramp front, adjustable rear; includes 4x15 808 scope  
**STOCK/FOREARM:** Molded woodgrain positive grip forearm with finger grooves  
**RECEIVER:** Engineering resin with dovetail mount for scope  
**CAPACITY:** 100 shot BB/single shot pellet  
**SAFETY:** Crossbolt trigger block  
**BARREL:** Rifled steel  
**MUZZLE VELOCITY:** Up to 650 fps./BB; 630 fps./pellet  
**MAX. SHOOTING DISTANCE:** 286 yds.  
**OVERALL LENGTH:** 37.4 in.  
**WEIGHT:** 2.9 lbs.

## Model 880

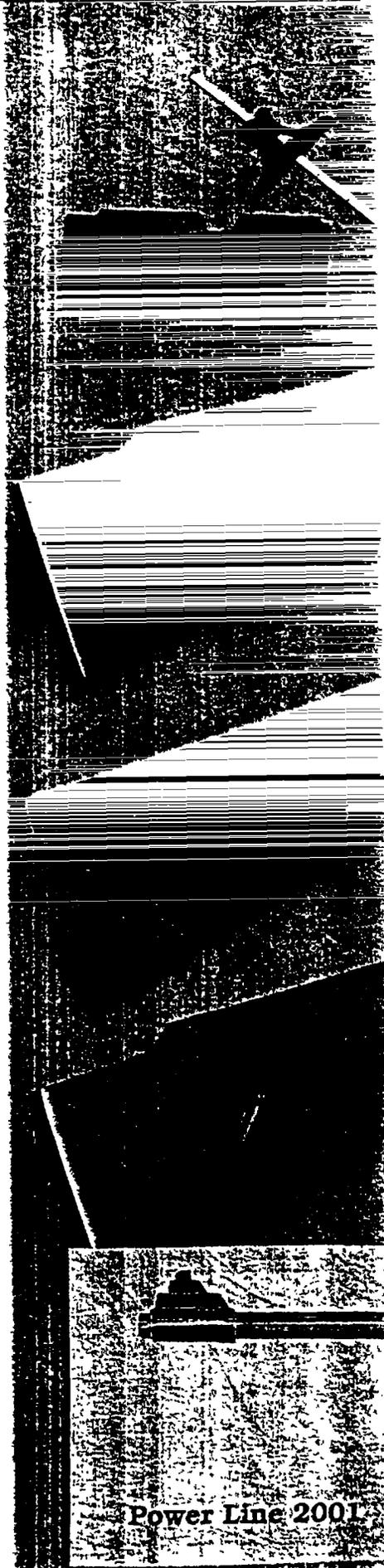
Daisy's best selling multi-pump pneumatic. Performance and reliability get high marks in this model for shooters age 16 or older.

**ACTION:** Multi-pump pneumatic  
**CALIBER:** .177 (4.5 mm) BB or Pellet  
**SIGHTS:** Hooded blade and ramp front, adjustable open rear  
**GRIP:** Checkered beavertailed forearm with accent diamond insert  
**STOCK/FOREARM:** Monte Carlo-styled molded woodgrain  
**RECEIVER:** Engineering resin, dovetail scope mount  
**CAPACITY:** 100 shot BB/single shot pellet  
**SAFETY:** Crossbolt trigger block  
**BARREL:** Rifled steel  
**MUZZLE VELOCITY:** Up to 685 fps./BB; 665 fps./pellet  
**MAX. SHOOTING DISTANCE:** 291 yds.  
**OVERALL LENGTH:** 37.6 in.  
**WEIGHT:** 3.7 lbs.

## Model 2001 NEW FOR 94

Daisy's new 35-shot CO<sub>2</sub> pellet repeater will change the way you think of airguns. The patented helical clip magazine is 21st century repeater technology in the 1990's. (Available Mid-Year)

**ACTION:** Bolt Action CO<sub>2</sub> Repeater  
**CALIBER:** .177 Pellet  
**SIGHTS:** Blade and ramp front, fully adjustable open rear  
**GRIP:** Checkered stock & forearm  
**STOCK/FOREARM:** Monte Carlo styled molded woodgrain  
**MAGAZINE:** 35-shot helical clip  
**SAFETY:** Manual crossbolt trigger block  
**BARREL:** Rifled steel  
**MUZZLE VELOCITY:** up to 625 fps.  
**MAX. SHOOTING DISTANCE:** 279 yds.  
**OVERALL LENGTH:** 37.4 in.  
**WEIGHT:** 3.1 lbs.



Power Line 856

Power Line 7856 Eagle

Power Line 880

EAGLE

Caliber  
12 GA  
1200

Power Line 880

Ammo and accessories shown on pages 24-27

For Ages 16 and Over

970603CWE 7033

970603 CWE 7033

DALLAS SATELLITE OFFICE  
PHOTO SHEET

PICTURE NO. 1

DESCRIPTION: Scene of the accident (daytime, far)

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DALLAS SATELLITE OFFICE  
PHOTO SHEET

PICTURE NO. 2

DESCRIPTION: Scene of the accident (daytime, close)

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DALLAS SATELLITE OFFICE  
PHOTO SHEET

970603 CWE 7033

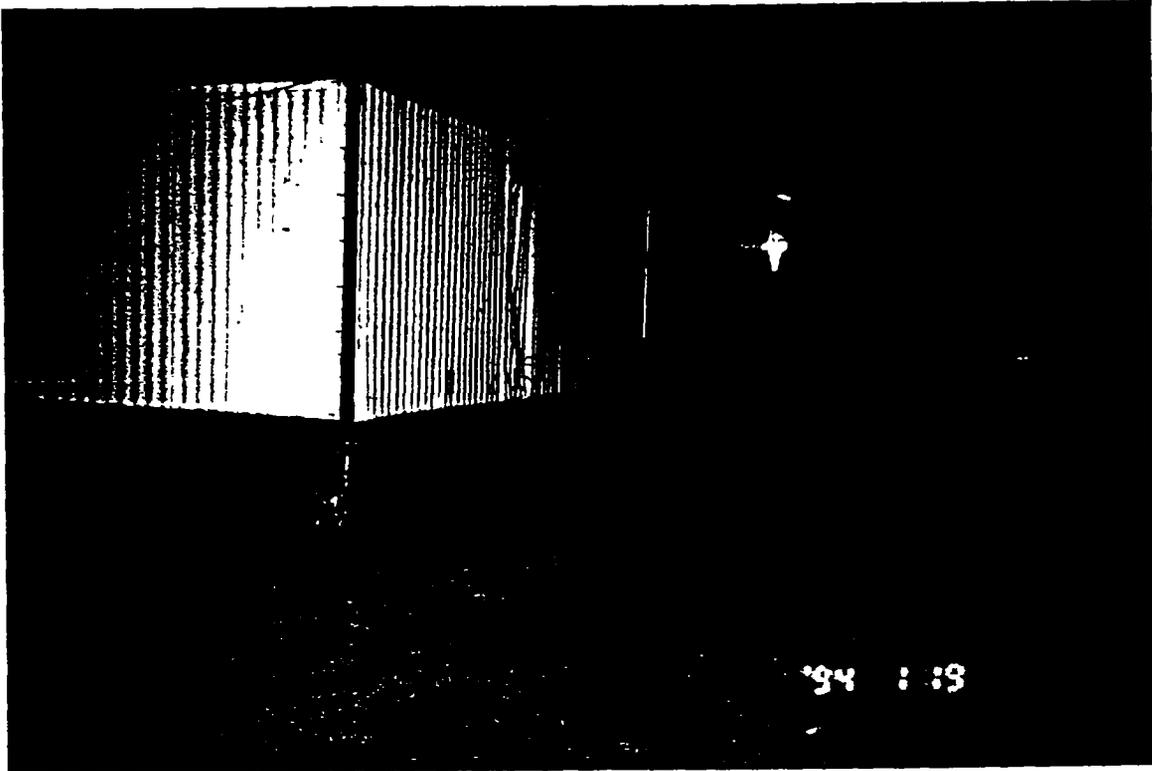
PICTURE NO. 3

DESCRIPTION: Scene of the accident (night, angle view)

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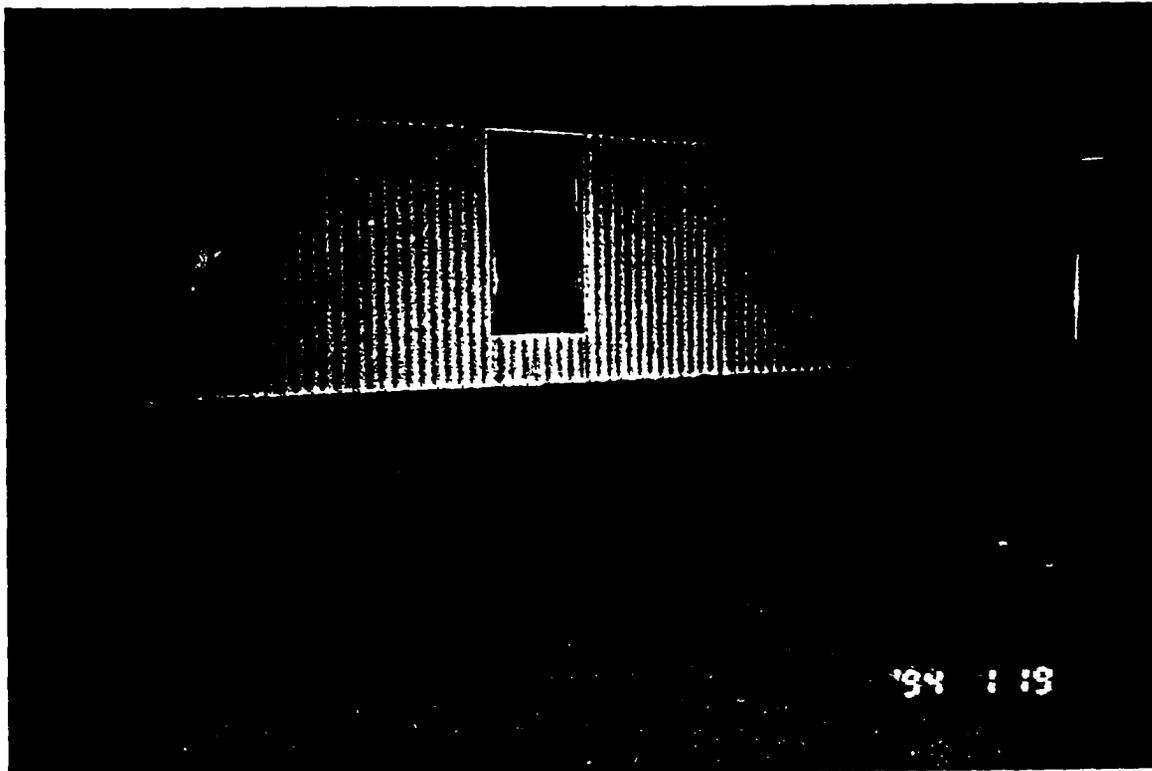


DALLAS SATELLITE OFFICE  
PHOTO SHEET

970603 CWE 7033

PICTURE NO. 4

DESCRIPTION: Scene of the accident (night, front view)  
\_\_\_\_\_  
\_\_\_\_\_  
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DALLAS SATELLITE OFFICE  
PHOTO SHEET

970603 CWF 7033

PICTURE NO. 5

DESCRIPTION: Victim, wound in the upper middle chest.

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970603 CWF 7033

DALLAS SATELLITE OFFICE  
PHOTO SHEET

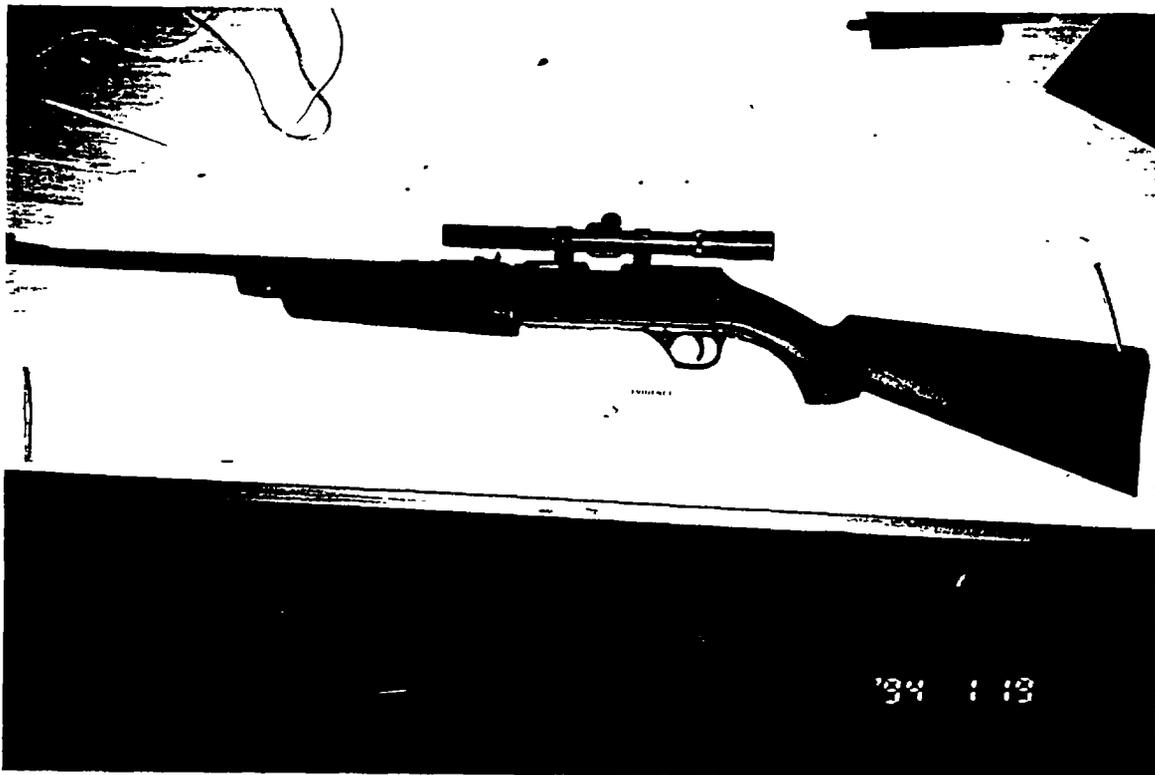
PICTURE NO. 6

DESCRIPTION: Actual air rifle in question

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970603 CWE 7033

DALLAS SATELLITE OFFICE  
PHOTO SHEET

PICTURE NO. 7

DESCRIPTION: Clothing the victim was wearing at the time of the  
accident.

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970603 CWF7033

DALLAS SATELLITE OFFICE  
PHOTO SHEET

PICTURE NO. 8

DESCRIPTION: Short pants the victim was wearing at the time of  
the accident showing blood stain.

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LOCKER GREENBERG & BRAININ, P.C.  
ATTORNEYS AT LAW

AARON LOCKER  
THEODORE M. GREENBERG  
FREDERICK B. LOCKER  
JEFFREY M. LOCKER  
CAROLYN Z. SLOVIS

DAVID N. BRAININ  
OF COUNSEL

420 FIFTH AVENUE, NEW YORK, N.Y. 10018  
(212) 391-5200  
TELECOPIER (212) 391-2035

Copy: New 9/24  
C. Downs  
Hoer-  
Comptroller

September 23, 1997

Ms. Ann Montalbano  
Director, National Injury Information Clearinghouse  
U.S. Consumer Product Safety Commission  
4330 East West Highway  
Bethesda, Maryland 20814

Re: **Daisy Manufacturing Co.**  
**97 0603 CWE 7033 1237**

Dear Ms. Montalbano:

We represent Daisy Manufacturing Company. Your letter of September 9, 1997, with reference to the above matter has been referred to us for attention and reply.

We have examined the Epidemiologic Investigation Report contained in your letter. The report makes it quite clear that the gun was discharged accidentally after a four-year old grasped the gun and attempted to wrestle it away from his older brother. In our opinion, the product does not contain a defect which could create a substantial product hazard nor does it create an unreasonable risk of serious injury or death.

If you have any further questions, please feel free to communicate with me.

Very truly yours,  
  
Aaron Locker

AL:dd