

1. Task Number 100420CWE2055		2. Investigator's ID 2723		EPIDEMIOLOGIC INVESTIGATION REPORT
3. Office Code 840	4. Date of Accident YR MO DAY 2010 02 26	5. Date Initiated YR MO DAY 2010 04 20		
6. Synopsis of Accident or Complaint UPC 030202804 <p>A six-month-old male victim suffered fatal suffocation while taking a mid-day nap in his crib. The victim's mother reported her son was placed in the middle of his crib, laying on his back for a nap. When she returned two hours later he was up against the crib's bumper pad, in the corner of the crib, unconscious with a light blue color. CPR was performed but failed to revive the victim. He was pronounced dead the following day at a local children's hospital. The incident product and a like official sample were collected. Toys and blankets were also in the crib at the time of the incident.</p> <div style="background-color: yellow; padding: 10px; text-align: center; font-size: 1.2em;">Withhold medical records - Exem 6</div>				
7. Location (Home, School, etc) 1 - HOME		8. City AUSTIN		9. State TX
10A. First Product 1542 - Baby Mattresses Or Pads		10B. Trade/Brand Name (b)(3):CPSA Section 6(b)		10C. Model Number (b)(3):CPSA S
10D. Manufacturer Name and Address (b)(3):CPSA Section 6(b)				
11A. Second Product 1543 - Cribs		11B. Trade/Brand Name (b)(3):CPSA Section 6(b)		11C. Model Number (b)(3):CPSA Section 6(b)
11D. Manufacturer Name and Address (b)(3):CPSA Section 6(b)				
12. Age of Victim 206	13. Sex 1 - Male	14. Disposition 8 - Death	15. Injury Diagnosis 65 - Anoxia	
16. Body Part(s) Involved 85 - ALL OF BODY	17. Respondent 1 - Victim/Complainant	18. Type of Investigation 1 - On-Site	19. Time Spent (Operational / Travel) 40.5 / 11	
20. Attachment(s) 9 - Multiple Attachments		21. Case Source 07 - Consumer Complaint		22. Sample Collection Number 108408681
23. Permission to Disclose Name (Non NEISS Cases Only) <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Verbal <input type="radio"/> Yes for Manuf. Only				
24. Review Date 05/20/2010	25. Reviewed By 8631		26. Regional Office Director Frank J. Nava	
27. Distribution Edwards, Patricia			28. Source Document Number H1040227A	

DESCRIPTION OF RESPONDENTS:

This investigation was initiated from a consumer complaint. The complainant and three other family members were interviewed in concert on April 22, 2010 at their residence located in Austin, TX. The complainant in this case is a 47 year-old female who resides with her 52 year-old husband, 20 year-old daughter (victim's mother), 23 year-old son-in-law (victim's father), and her 17 and 14 year-old sons. The incident sample (10-840-8681) was collected from the victim's mother during the interview visit.

On April 23, 2010, at approximately 1222 hours, a retail visit was conducted at one of the firm's chain stores located in Katy, TX. During this visit an official sample was collected (10-840-8682). The official sample is a like sample with the same material make-up as the incident sample. An identical sample could not be collected and has been sold out locally and online after being placed on clearance some time ago, as reported by the firm's official.

SUMMARY OF FINDINGS:

The complainant stated she had purchased the incident crib bumper pad sometime in late July or early August 2009, for use with her then unborn grandson. The complainant stated she purchased the product at a local Target store near her home for approximately \$20. When asked what drew her to that particular product, she stated that she thought it was part of what was required in caring for the child and she thought the price was right. The complainant stated that she didn't know at the time how dangerous the product could be and it wasn't marketed as potentially dangerous.

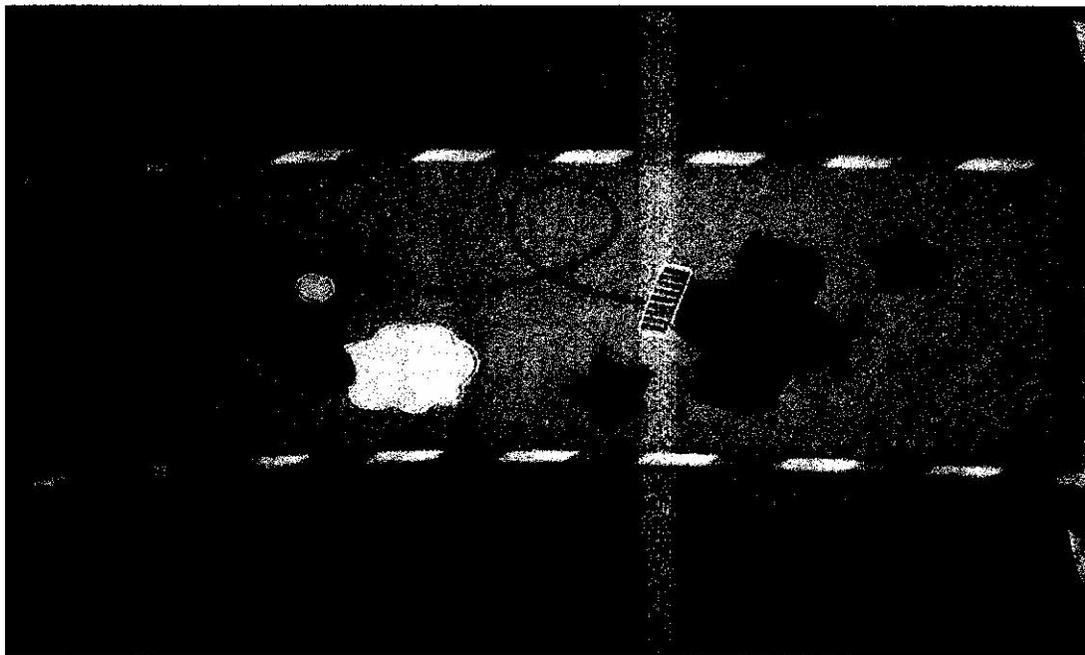


Photo #1: This CPSC photo shows the incident bumper pad.

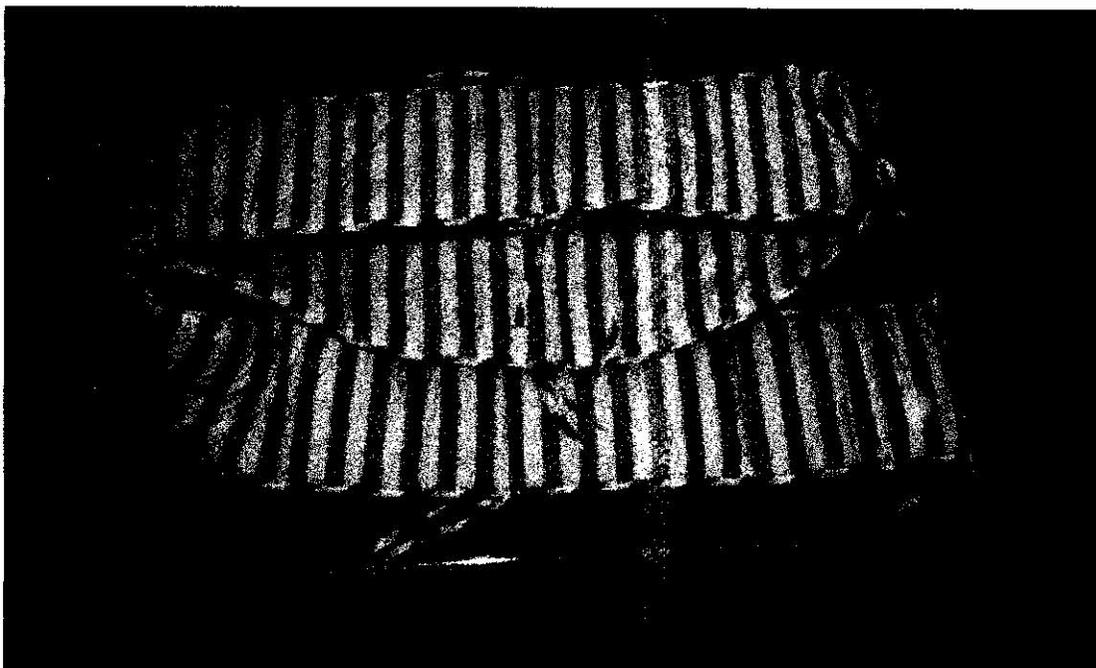


Photo #2: This CPSC photo shows the incident bumper pad interior.

The victim's mother and father installed the bumper pad, tying the strands to the appropriate spindle and around the connecting corner post where the bumper pad's two open ends meet. They tied them in a bow knot and checked to ensure they were secure. They did so without any instructions and reported that none were provided in the packaging. They further stated there were no warnings on the packaging or product indicating that it could be a suffocation and/or strangulation hazard if not secured to the crib properly.

Two blankets were in the crib on the day of the incident. Six stuffed animals were also in the crib and one plastic-type baby book (photos 5, 6, & 8). Five of the stuffed animals and the book were at the foot of the bed and one stuffed animal was located in the left rear corner above the victim's head. One yellow blanket was placed over the victim for warmth and the other multicolored blanket was placed over the mattress pad and is seen in photo #4 below.

The complainant stated the victim was 6 ½ months old when the incident occurred and weighed approximately 15 lbs. His birth date was reported to be August 13, 2009. The victim's mother stated that she put him to bed on February 26, 2010 at approximately 1230 hours for a mid-day nap, laying him on his back in the center of the crib. The mother stated that she was in the same room with the victim when the incident occurred and was not using a baby monitor. The victim, his mother and father resided in a single room pool house located behind the main house which is where the incident occurred. The mother stated she did not hear any noise coming from the victim and nothing unusual caught her attention.

At approximately 1430 hours, the victim's mother stated she went to check on him and he was observed in the front left corner of the crib with his head angled down in the corner and his left arm over the top of the bumper pad. She stated that she rolled him to his left and picked him up out of the crib resting his head under her left hand and buttocks under her right. The mother began crying during the recreation and the complainant stated the victim was not breathing and had no pulse when he was found.



Photo #3: CPSC photo depicts the position the victim was found unconscious by the mother during a recreation conducted on April 22, 2010. The victim was reported to have slept in the crib, with the bumper pad installed, three or four times a day for approximately six months.

Quickly realizing something was wrong the mother carried the victim through the pool area to the main house and alerted the complainant who began CPR while she called 911. An unknown amount of time elapsed before the paramedics arrived and took over life saving measures, according to the complainant. The victim was then transported to a local children's hospital via life flight helicopter where he died the next day, February 27, 2010, after his organs began to fail.

The victim was reported to be healthy at the time of the incident and was not taking any medication. He was reported to have no respiratory issues or medical conditions by the

complainant and mother. The victim was born from an uncomplicated childbirth at full term and did not require any unusual aid or support from medical personnel at the hospital. A few days before the incident occurred, the mother reported that the child had a vaccination; however she could not recall which one.

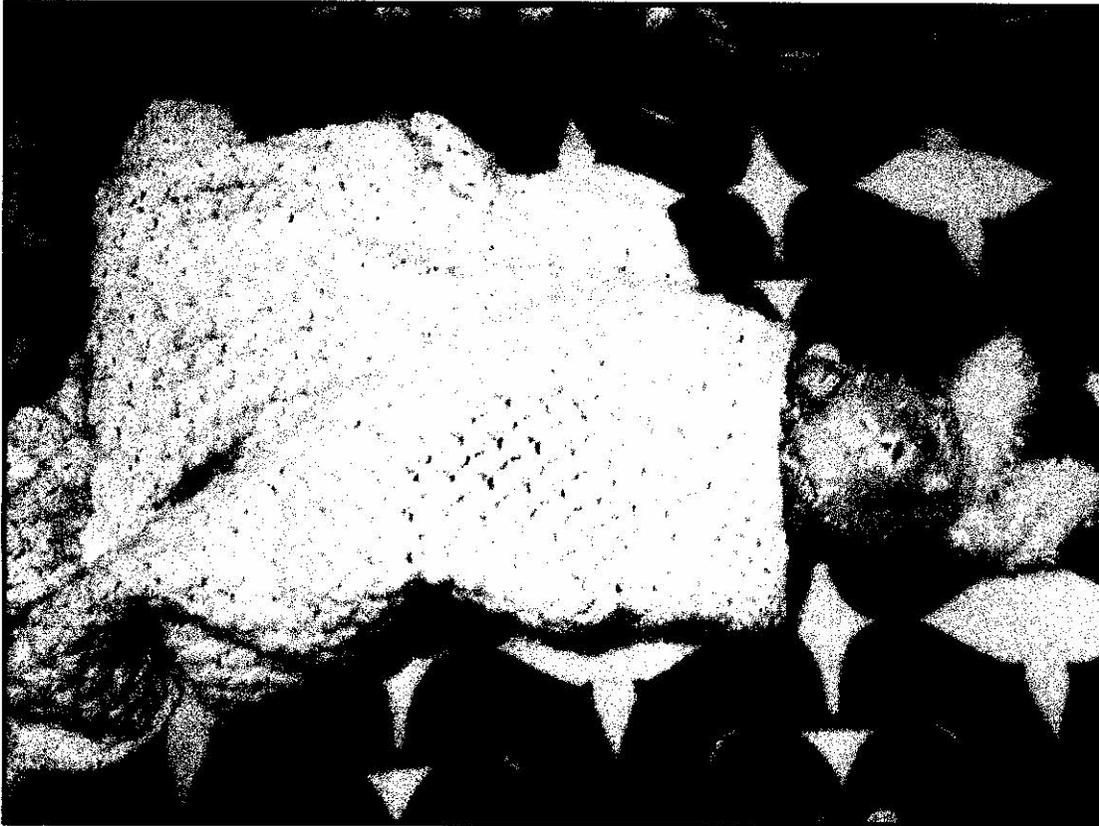


Photo #4: CPSC photo, taken from the backside of the crib, depicts the body position and location the victim was in when he was put down for a nap on the day of the incident, as reported by his mother. The blankets shown in the photo are the incident blankets, according to the mother.

The victim was reported to be on a diet of formula, rice cereal, apple sauce and banana. The grandfather reported the complainant had a discomfort reaction to regular formula so he was on the soy-based variety. The victim was reported to have fed regularly and without complication.

After assembling the crib, this investigator asked the complainant to bring the bedding, any toys, and any other items present in the crib with the baby on the day of the incident. Several toys, two blankets and the clothes the victim was wearing were brought in to the room. The victim's mother and father were requested to set the crib's contents exactly like they were on the day of the incident, which they did while displaying much grief.

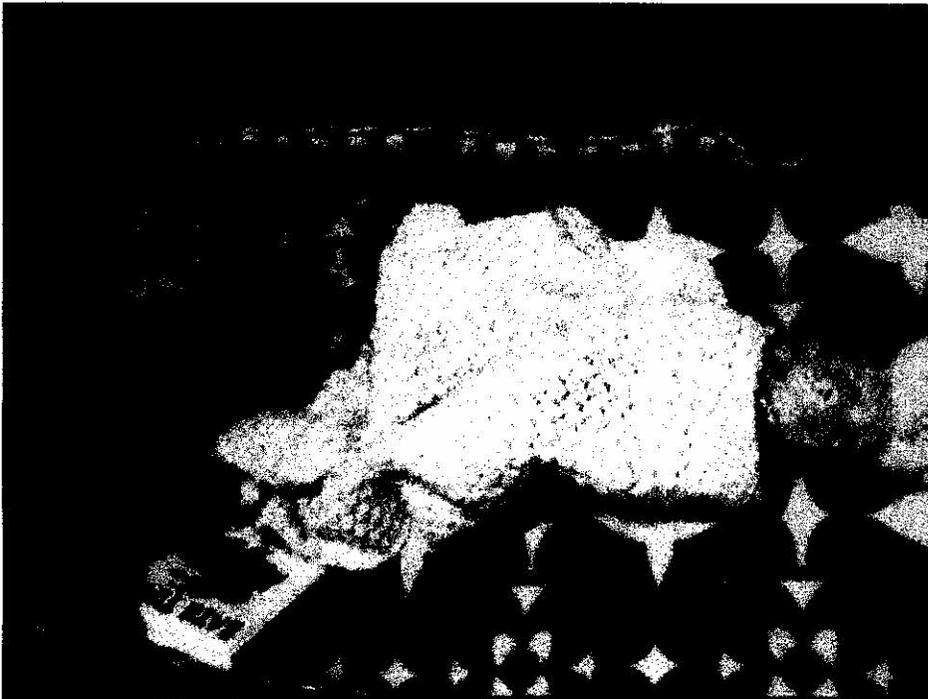


Photo #5: CPSC photo shows the crib as it was on the day of the incident, as reconstructed by the victim's mother and father. This photo was taken from the back side of the crib.



Photo #6: CPSC photo shows the crib as it was on the day of the incident, as reconstructed by the victim's mother. This photo was taken from the right side end.

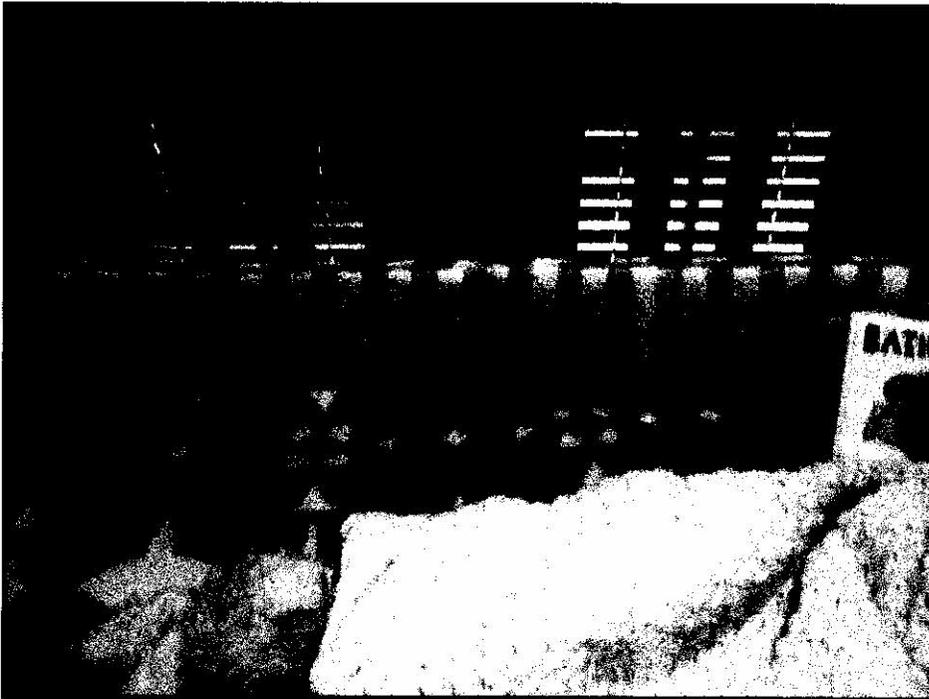


Photo #7: CPSC photo shows the crib as it was on the day of the incident, as reconstructed by the victim's mother. This photo was taken from the front side of the crib.



Photo #8: CPSC photo shows the crib as it was on the day of the incident, as reconstructed by the victim's mother. This photo was taken from the left side of the crib.



Photo #9: This CPSC photo depicts the position the victim was found unconscious by his mother during a recreation conducted on April 22, 2010.

The bumper pad is name brand (b) and the Department Classification (DPCI) number is (b)(3):CPSA. The bumper pad is a one piece solid fabric article, sewn together with ties on the top and bottom, spaced at approximately 2 foot intervals. The interior of the bumper pad is blue and white fabric in a striped pattern. The exterior is constructed of light blue fabric and has blue and white striped seams at the top and bottom. The bumper pad has two airplanes stenciled into the fabric with flight trails, a white cloud and three blue in color stars.

The product is filled with 100% polyester material. The shell front is made from 100% cotton. The shell back is constructed of 65% polyester and 35% cotton, exclusive of the decoration. The tag states to machine wash warm and to use non-chlorine bleach when needed; tumble dry low and do not iron. The complainant reported that the bumper pad had never been washed, dried or cleaned professionally.

The bumper pad contains seven tie points on the top and bottom of the pad. Four tie points consisting of single tie strands and are located on the bumper pad's ends. Ten double strand tie points are located throughout the remainder of the bumper pad's length on its top and bottom edge. The ties were measured and range from 9-9 ½" in length.



Photo #10: CPSC photo shows the incident bumper pad installed in the crib.

The bumper pad was installed in a (b)(3): brand non-portable crib, model (b)(3):CP. The crib had a sticker on its lower interior cross board that displayed it was manufactured in March of 2009 in China, order # (b)(3):C.

The crib was measured and determined to have an internal length of approximately 53 3/4". The internal width was measured and determined to be approximately 28 1/8" wide. The internal depth was measured at the rear headboard of the crib and determined to be approximately 27" in depth. The internal depth was measured at the front gate of the crib and determined to be approximately 18 1/2" in depth to the top edge of the highest cross bar.

After assembling the crib, the end and side gaps were measured between the crib sides and mattress with and without the fitted mattress cover. All measurements were taken using a standard tape measure. No gap variations were observed with the mattress cover in place.

The mattress was pushed rearward and up against the back of the crib and allowed to rest in that state. A measure was taken and the side gap determined to be approximately 1 1/4 inch. The mattress was pushed to the left, if standing at the front, up against the side of the crib and allowed to rest in that state. A measure was taken on the right side and determined to be approximately 1 1/4 inch. With the mattress pushed rearward and to the left, a corner measurement was taken and determined to be approximately 1 1/2 inches.



Photo #11: CPSC photo shows the side gap between the bare mattress and crib side, with the mattress pushed toward the back of the crib, as viewed from above.

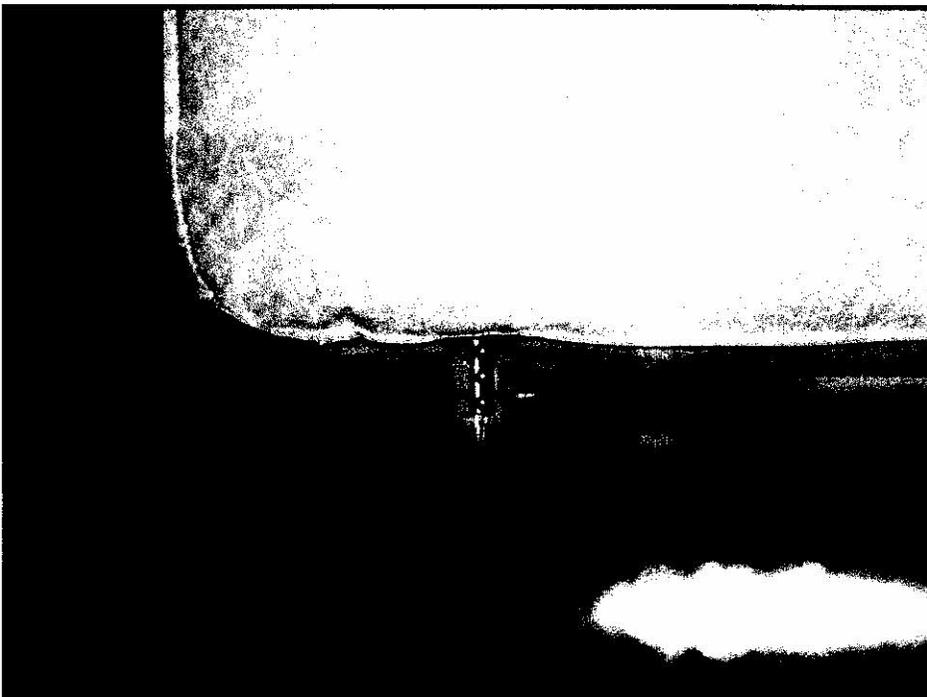


Photo #12: CPSC photo shows the end gap between the bare mattress and crib side, with the mattress pushed to the left, as viewed from above.

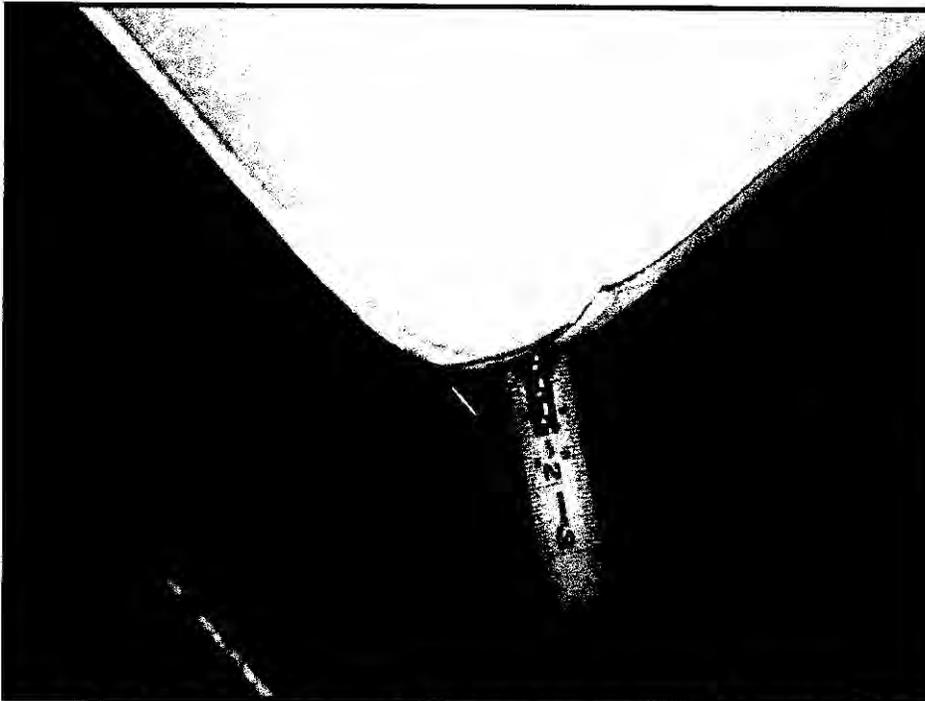


Photo #13: CPSC photo shows the corner gap between the bare mattress and crib sides with the mattress pushed back and to the left, as viewed from above.

The mattress used on the day of the incident was identified on the tag as a (b) brand, (b)(3):CPSA Section. The model was identified by tag as (b)(3):CPSA and has a manufacture date of March 13, 2009. The prototype ID found on one of its tags is displayed as (b)(3):CPSA Se and is labeled as meeting 16CFR part 1633 when used without a foundation.

The mattress was measured and determined to have a length from seam to seam of 51 5/8". The mattress width was measured and determined to be approximately 27 1/4" wide at the seams. The mattress thickness was measured and determined to be approximately 5 1/2".

PRODUCT DESCRIPTION:

The bumper pad, crib and mattress description were provided in the summary of findings due to the assembly and recreation of the incident and chronological flow of the investigation. Further description of the products follow, along with all other items located inside the crib on the day of the incident.

Product One: Bumper Pad

Product Type: (b)(3):CPSA Section 6(b)
Brand:
Model Number:
Manufacturer:
Retailer:
Purchase Price: Approximately \$20, no receipt was available at the time of this investigation.

The bumper pad is name brand (b)(3): and the Department Classification (DPCI) number is (b)(3):CPSA S. The bumper pad is a one piece solid fabric article, sewn together with ties on the top and bottom, spaced at approximately 2 foot intervals. The interior of the bumper pad is blue and white fabric in a striped pattern. The exterior is constructed of light blue fabric and has blue and white striped seams at the top and bottom. The bumper pad has two airplanes stenciled into the fabric with flight trails, a white cloud and three blue in color stars.

The product is filled with 100% polyester material. The shell front is made from 100% cotton. The shell back is constructed of 65% polyester and 35% cotton, exclusive of the decoration. The tag states to machine wash warm and to use non-chlorine bleach when needed; tumble dry low and do not iron. The complainant reported that the bumper pad had never been washed, dried or cleaned professionally.

The bumper pad contains seven tie point locations on the top and bottom of the pad. Four tie points consisting of single tie strands and are located on the bumper pad's ends. Ten double strand tie points are located throughout the remainder of the bumper pad's length on its top and bottom edge. The ties were measured and range from 9-9 1/2" in length.

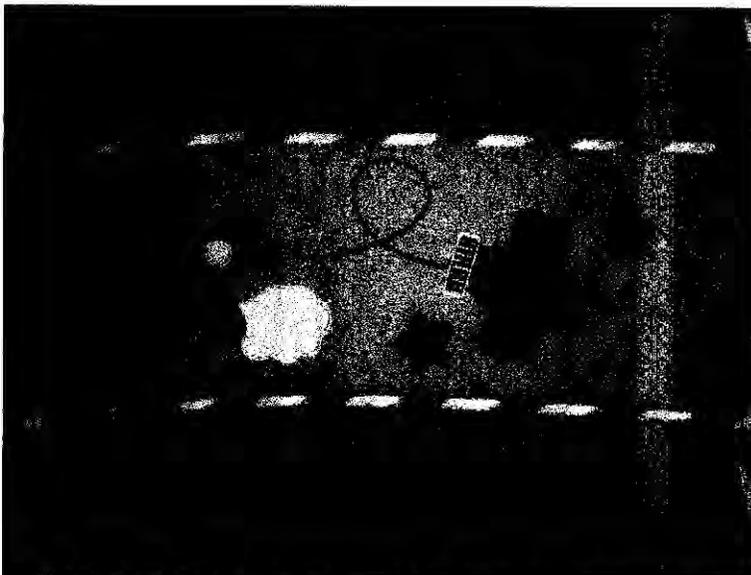


Photo #14: CPSC photo shows the incident bumper pad's décor.

Product Two: Crib

Product Type: (b)(3):CPSA Section 6(b)
Brand:
Model Number:
Manufacturer:
Retailer:
Purchase Price: Unknown

The product is a (b)(3) brand non-portable crib, model (b) . The crib had a sticker on its lower interior cross board that displayed it was manufactured in March of 2009 in China, order # (b)



Photo #15: CPSC photo shows the crib the bumper pad was installed in when the incident occurred.

Product Three: Crib Mattress

Product Type: (b)(3):CPSA Section 6
Brand: (b)
Model Number:
Manufacturer:
Retailer: Unknown
Purchase Price: Unknown

The product is a (b)(3):C brand crib mattress, (b)(3):CPSA. The model was identified by tag as (b)(3):CPSA and has a manufacture date of March 13, 2009. The prototype ID found on one of its tags is displayed as (b)(3):CPSA and is labeled as meeting 16CFR part 1633 when used without a foundation.

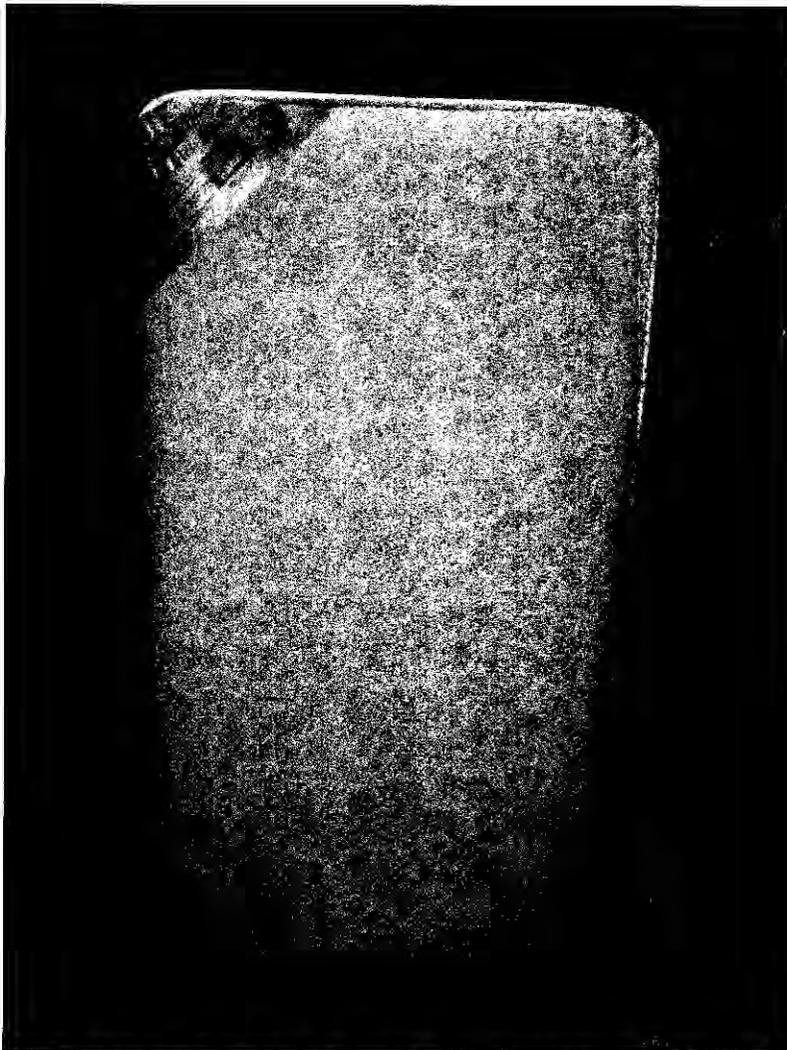


Photo #16: CPSC photo shows the mattress used on the day of the incident.

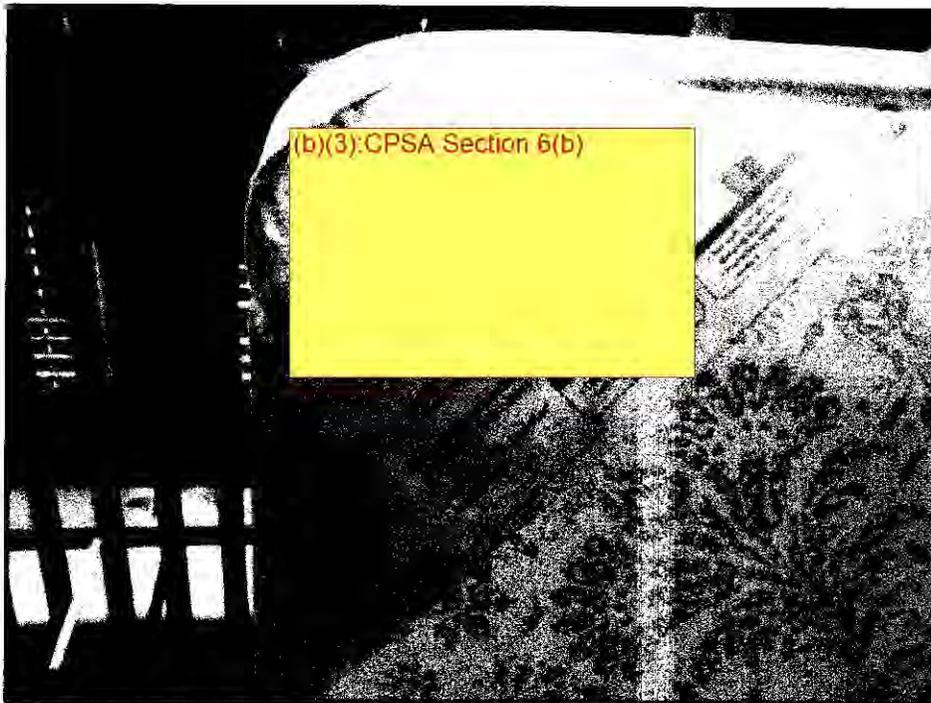


Photo #17: CPSC photo shows the mattress label.

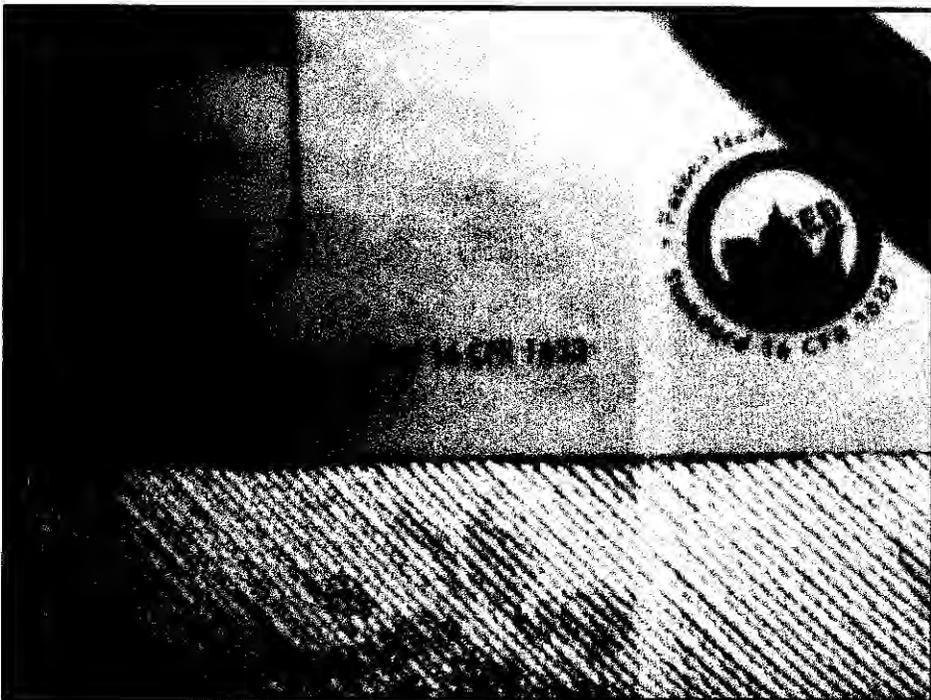


Photo #18: CPSC photo shows the label affixed to the mattress states that it meets 16 CFR 1633.

Product Four: Mattress Cover

Product Type: (b)(3):CPSA Section 6(b)
Brand: (b)(3):CPSA Section 6(b)
Model Number: (b)(3):CPSA Section 6(b)
Manufacturer: Unknown, not on the labeling.
Retailer: Unknown
Purchase Price: Unknown

The product is a fitted mattress cover, (b)(3) brand, (b)(3):CPSA Section 6(b). The mattress cover was in use on the day of the incident.

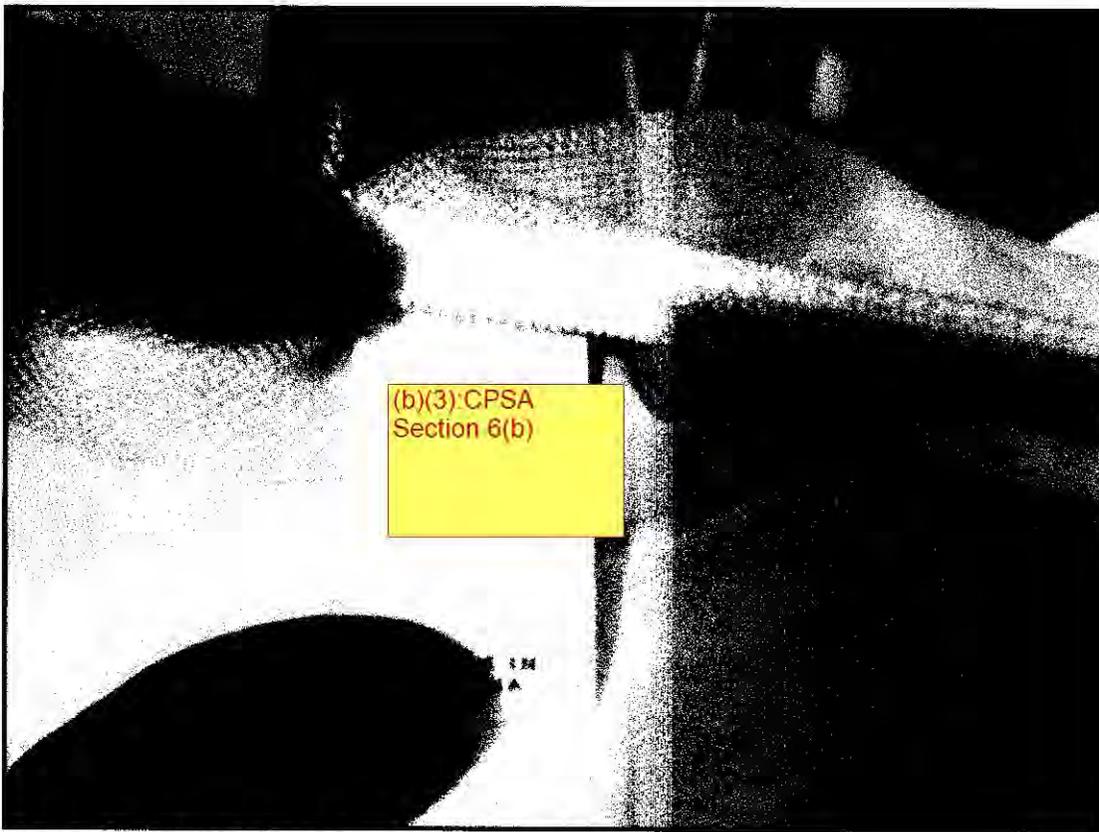


Photo #19: CPSC photo shows the mattress cover tag.



Photo #20: CPSC photo shows the underside of the mattress cover that was being used on the day of the incident.

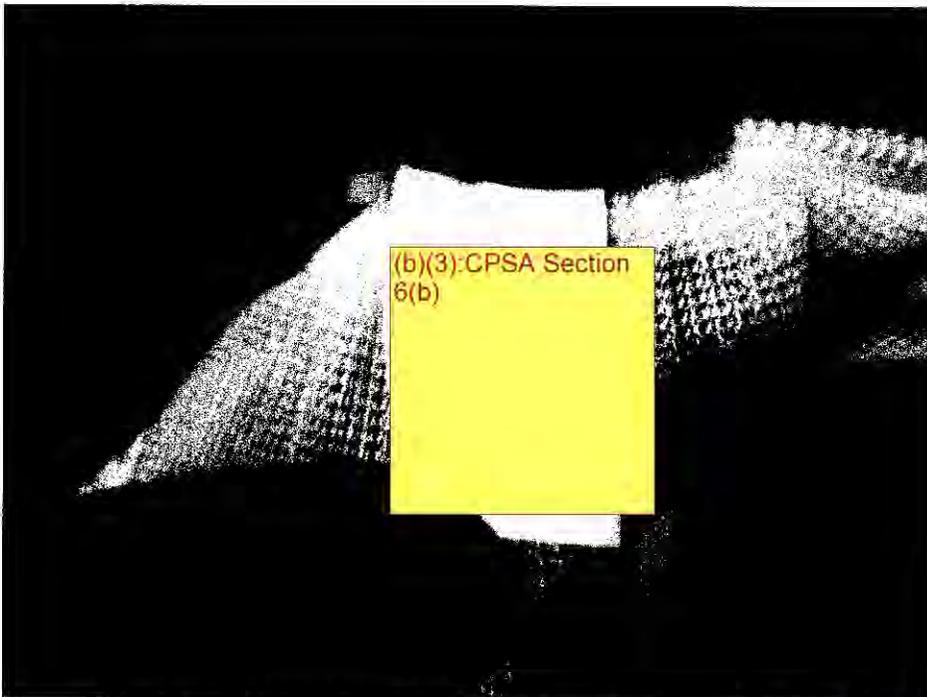


Photo #21: CPSC photo shows the second mattress cover tag, it is located behind the first tag, and shows the DPCI number for the cover is (b)(3):CPSA S

Product Five: Baby Outfit

Product Type:
Brand:
RN Number:
Size: Six Months
Manufacturer: Unknown
Retailer: Unknown
Purchase Price: Unknown

(b)(3):CPSA Section 6(b)

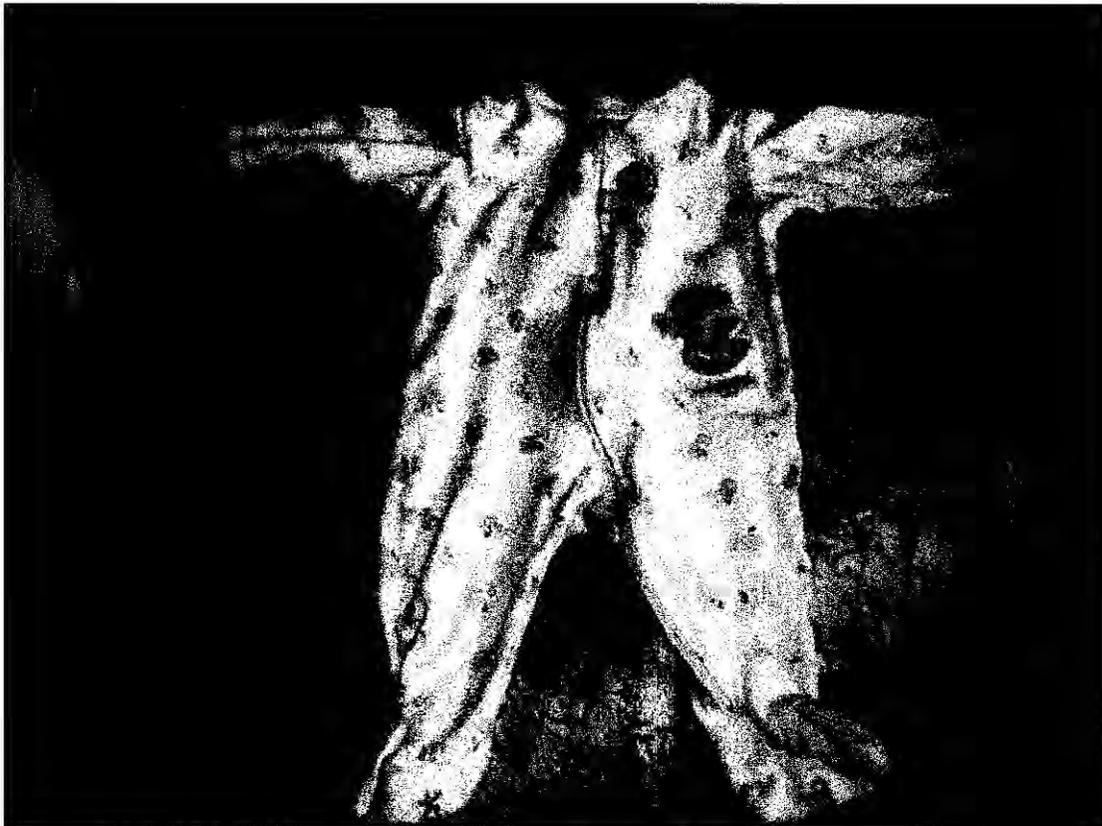


Photo #22: CPSC photo shows the once piece outfit the baby was wearing on the day of the incident.

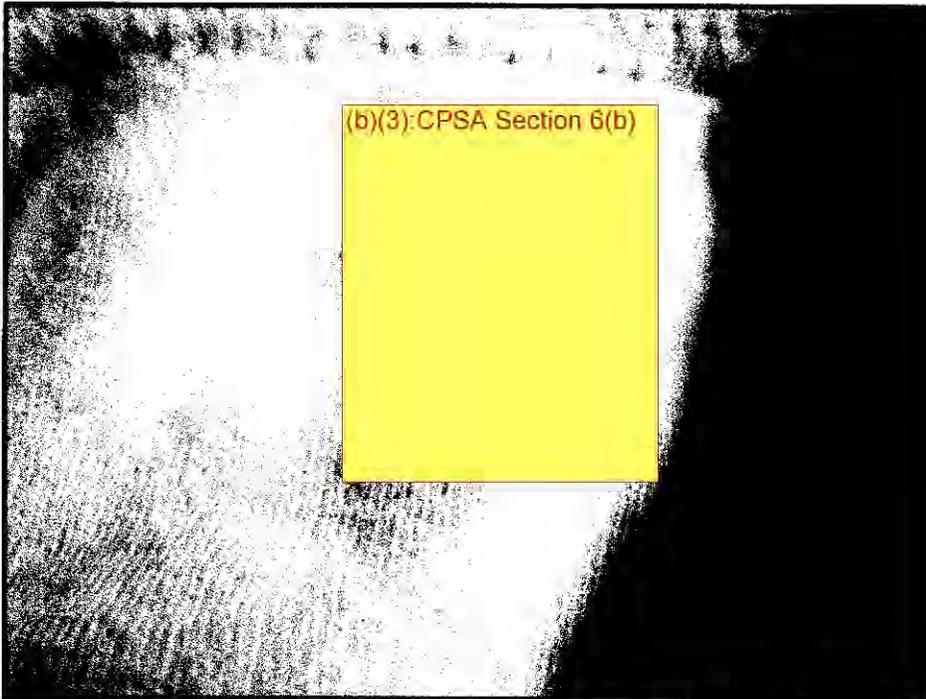


Photo #23: CPSC photo shows the make and size of the outfit the baby was wearing when the incident occurred.

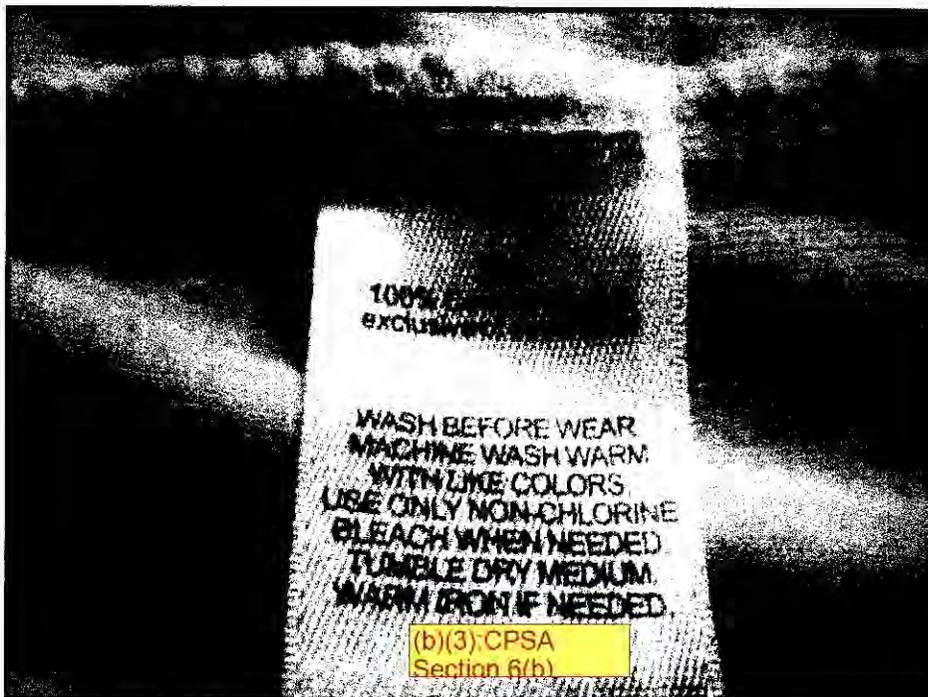


Photo #24: CPSC photo shows the outfit's tag.

Product Six: Blanket

Product Type:	Non-electric Blanket
Brand:	Unknown
Manufacturer:	Unknown
Retailer:	Unknown
Purchase Price:	Unknown

This product was placed over the baby for warmth during his nap time. It is an incident blanket according to the victim's mother.

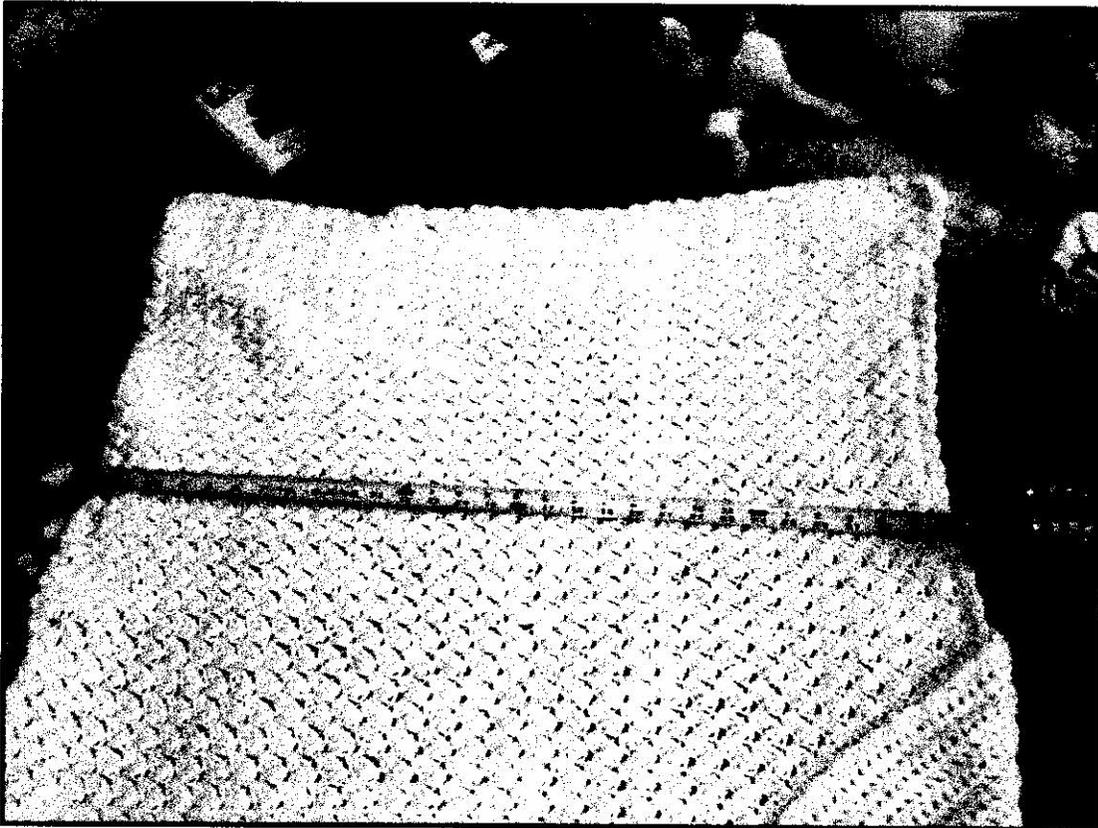


Photo #25: CPSC photo shows one of the blankets that was used the day the incident occurred.

Product Seven: Blanket

Product Type:	Non-electric Blanket
Brand:	Unknown
Manufacturer:	Unknown
Retailer:	Unknown
Purchase Price:	Unknown

This blanket was placed over the mattress cover on the day of the incident as reported by the victim's mother.

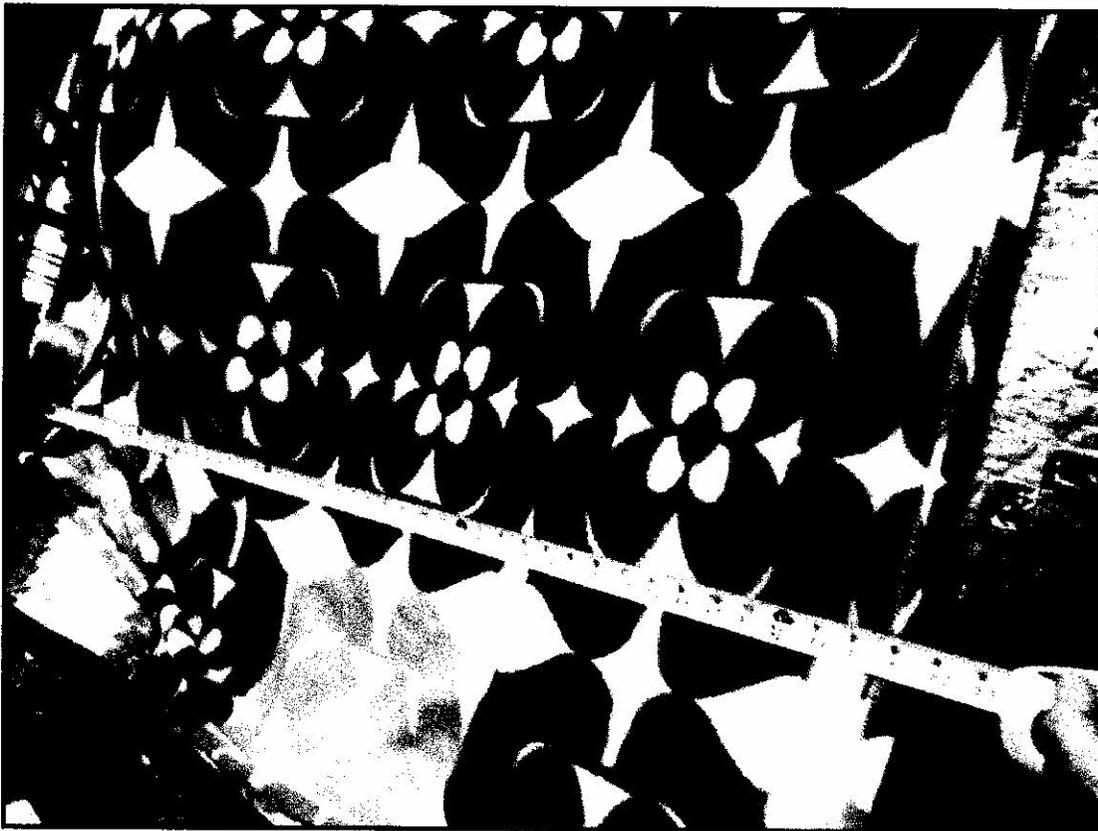


Photo #26: CPSC photo shows the under blanket that was in use on the day of the incident.

Product Seven: Stuffed Animal

Product Type: Stuffed Animal W/Internal Rattle
Brand: (b)(3):CPSA Section 6(b)
Manufacturer: Unknown
Retailer: Unknown
Purchase Price: Unknown

This product was in the crib on the day of the incident and was located in the right rear corner, as reported by the victim's mother.

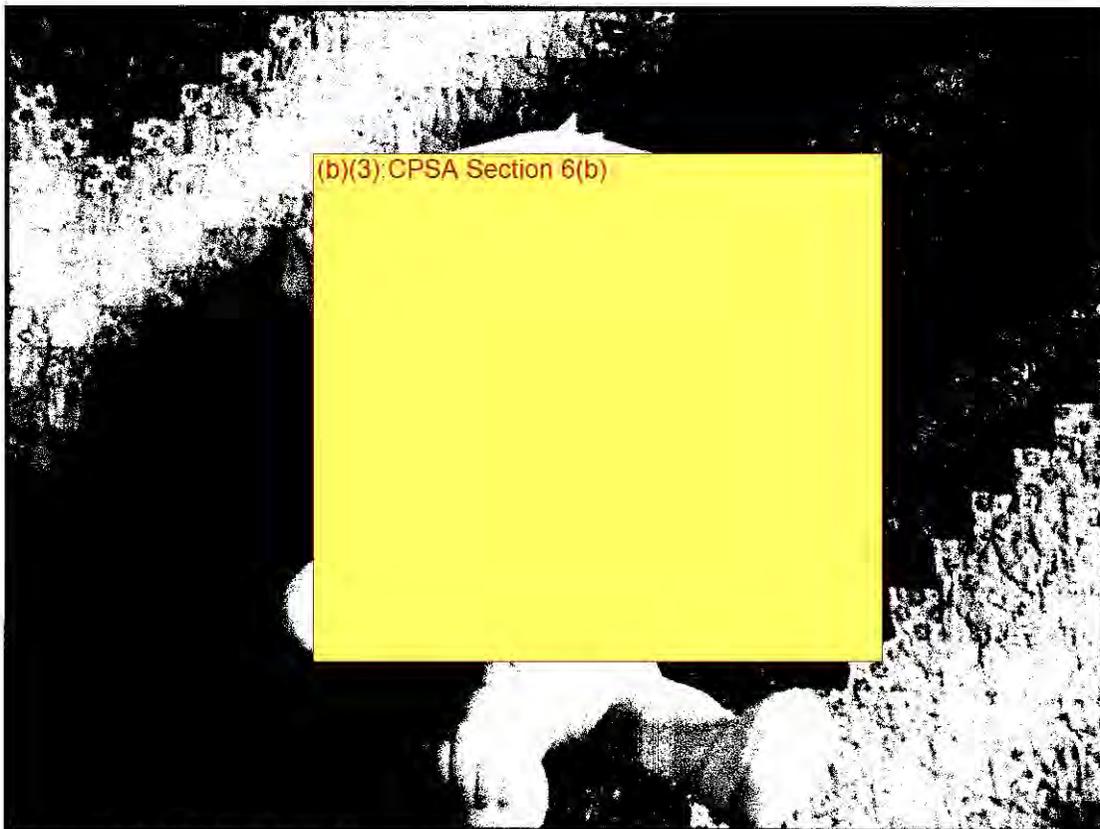


Photo #27: CPSC photo shows one of the stuffed animals, which was inside the crib and located below the baby's feet, on the day of the incident.

Product Eight: Stuffed Animal

Product Type: Stuffed Animal

Brand: (b)(3):CPSA Section 6(b)

Manufacturer:

Retailer: Unknown

Purchase Price: Unknown



Photo #28: CPSC photo shows one of the stuffed animals located in the crib, above the baby's head, on the day of the incident, as reported by the victim's mother.

Product Nine: Stuffed Animal

Product Type: Stuffed Animal
Brand: (b)
Manufacturer: (3): CPSC
Section 6f
Retailer: Unknown
Purchase Price: Unknown



Photo #29: CPSC photo shows one of the stuffed animals, which was inside the crib and located below the baby's feet, on the day of the incident, as reported by the victim's mother.

Product Ten: Stuffed Animal

Product Type:	Stuffed Animal
Brand:	(b)(3):CPSA Section 6(b)
Manufacturer:	(b)(3):CPSA Section 6(b)
Retailer:	Unknown
Purchase Price:	Unknown



Photo #30: CPSC photo shows one of the stuffed animals, which was inside the crib and located below the baby's feet, on the day of the incident, as reported by the victim's mother.

Product Eleven: Stuffed Animal

Product Type: Stuffed Animal
Brand: (b)(3):CPSA
Manufacturer: Section 6(b)
Retailer: Unknown
Purchase Price: Unknown

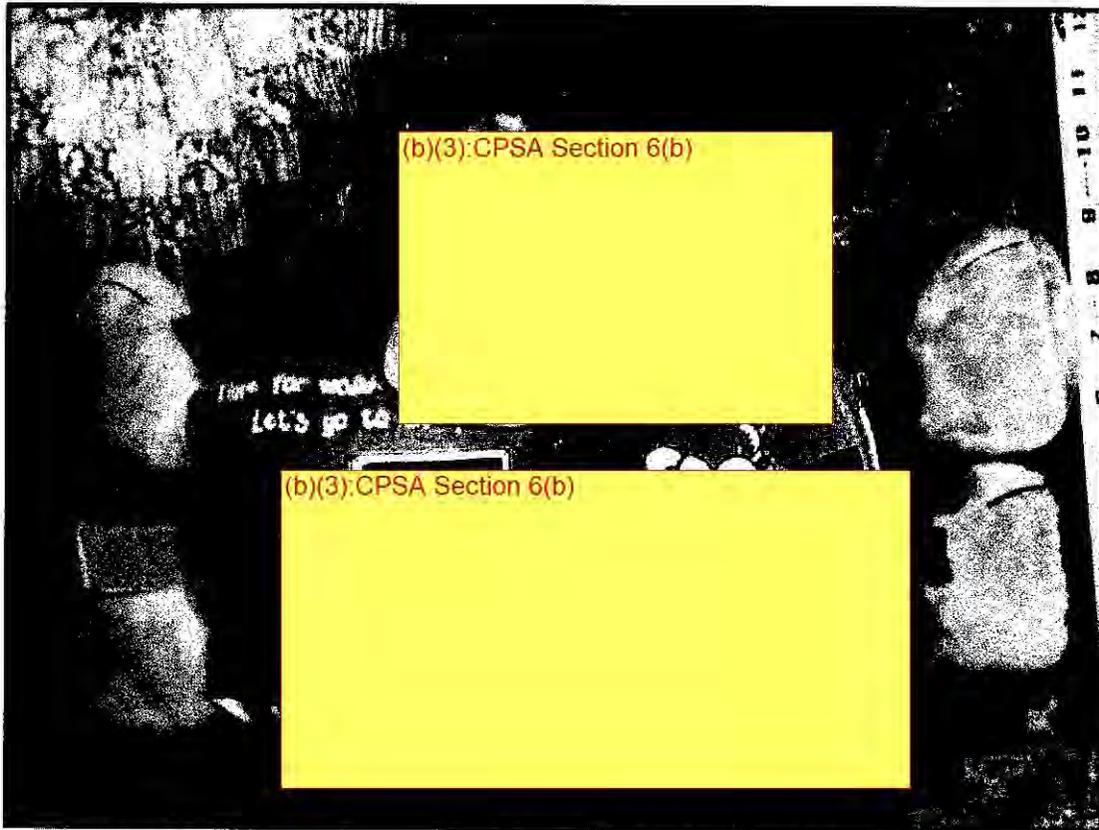


Photo #31: CPSC photo shows one of the stuffed animals, which was inside the crib and located below the baby's feet, on the day of the incident, as reported by the victim's mother.

Product Twelve: Stuffed Animal

Product Type: Stuffed Animal
Brand: (b)(3):CPSA Sect
Manufacturer: (b)(3):CPSA Section
Retailer: Unknown
Purchase Price: Unknown

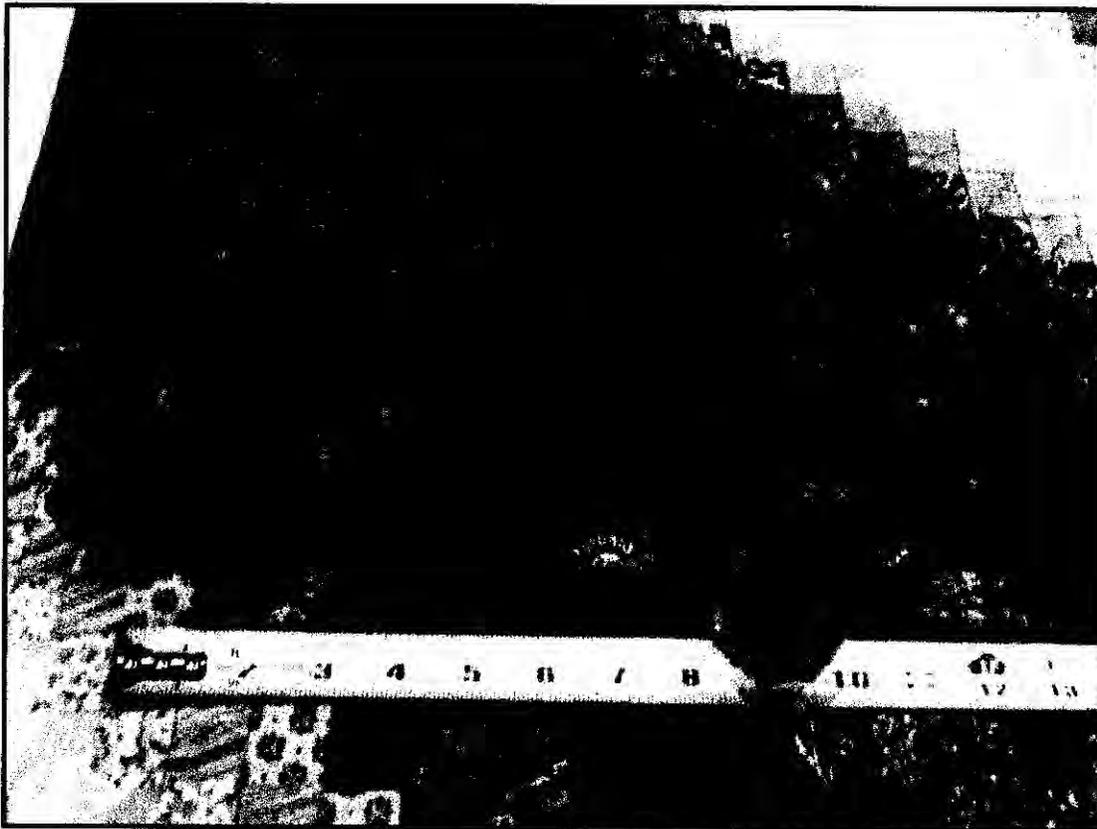


Photo #32: CPSC photo shows one of the stuffed animals, which was inside the crib and located below the baby's feet on the day of the incident, as reported by the victim's mother.

Product Thirteen: Book

Product Type:	Book
Brand:	(b)(3):CPSA Section 6(b)
Manufacturer:	Unknown, Made in China
Retailer:	Unknown
Purchase Price:	Unknown



Photo #33: CPSC photo shows a book, which was inside the crib and located below the baby's feet on the day of the incident, as reported by the victim's mother.

On April 22, 2010, this investigator arrived at Dell Children's Medical Center of Central Texas, located in Austin, TX and proceeded to the records department. A signed Medical Records Disclosure Form was handed to the receptionist who reviewed it and checked this investigator's credentials. The receptionist stated she would mail the record as soon as she could get it processed. This record was received and is included as an attachment.

On April 23, 2010 this investigator arrived at Target #1908 located at 23710 Westheimer Parkway, Katy, TX and served a Notice of Inspection to the store manager. The store manager stated she was going to radio the Asset Protection Executive and have him sit in on our conversation and for signing the affidavit.

This investigator met with the firm's Asset Protection Executive and asked about (b) bumper pad, DPCI (b)(3):CPSA Se. The store manager departed on other business. The Asset Executive said they had put the item on clearance last year and none existed in any Houston area Target's stock system. The rep stated zero had been sold this year from that location, according to his records. He further stated he had not received any complaints of injuries related to the bumper pad that he could remember.

The bumper pad was further searched in the Target stocking system and determined to have been put on clearance last year for \$4.98 each. The rep stated Target #1908 had not sold any under that DPCI number last year either. He could not explain why they were put on clearance and suggested maybe there was a newer model. After review, he signed the affidavit and this investigator departed the store. A like official sample was collected under 10-840-8682.

On April 27, 2010, during a telephone interview, the medical examiner provided the cause of death was "suffocation in a non-standard sleeping environment". The medical examiner's report was requested and received and is included as an attachment.

On April 21, 2010, May 13 and May 19, 2010, this investigator requested the police investigator's report from Travis County Sherriff's Office via fax after receiving the case number from their dispatch. The agency reported the record would have to clear their legal department before it could be released. This record has not been received as of the submission date of this investigation. A missing document form is included as an attachment.

On April 26, 2010 and April 27, 2010, this investigator placed phone calls to the detective who was assigned the case requesting to speak with him. There was no answer both times and messages were left on his machine requesting a return call.

On April 27, 2010, the detective returned this investigator's call and the case was discussed. The detective did not have the case file in front of him for reference and stated the information provided was to the best of his memory only. No facts are reported based on that conversation at this time due to the lack of the case file for reference.

On April 29, 2010, this investigator requested the baby's death certificate from Texas Vital Statistics. The death certificate has not been received as of this investigation's submission date.

SAMPLE COLLECTION:

The incident bumper pad was collected under sample 10-840-8681 on April 22, 2010 from the mother of the victim. A like official sample was collected under 10-840-8682 from Target #1908, located at 23710 Westheimer Parkway, Katy TX.

10-840-8681 (SUB-1)

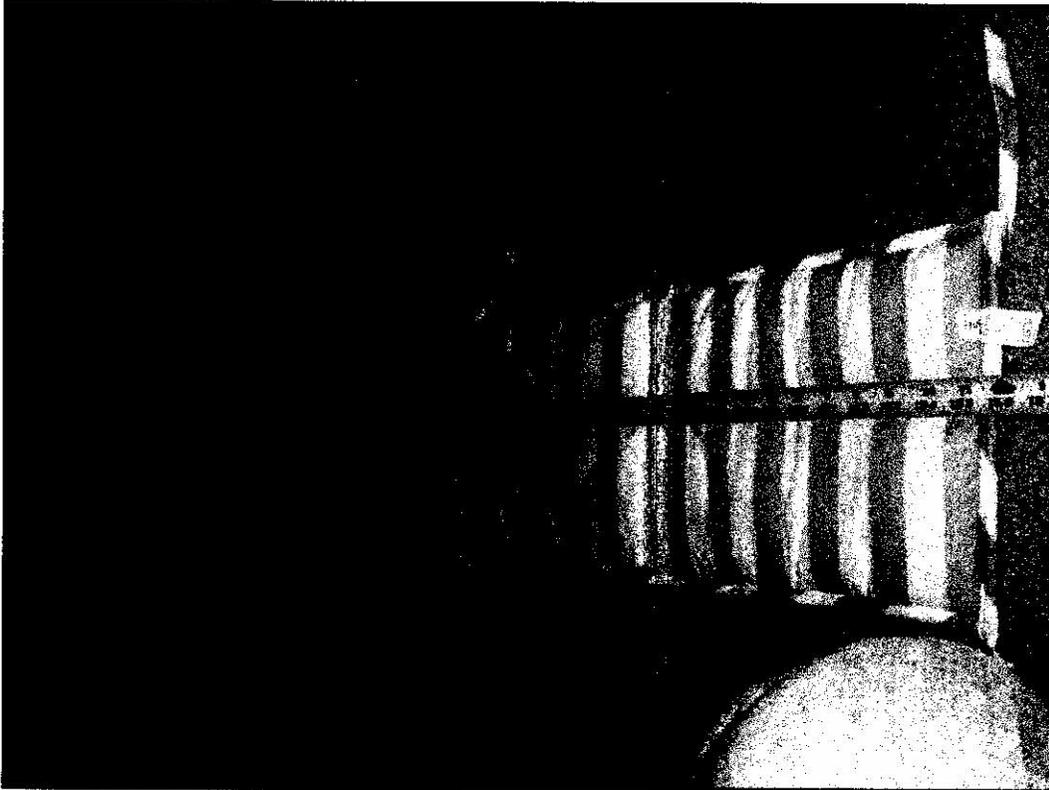


Photo #34: CPSC photo shows the incident bumper pad sampled under 10-840-8681 unfolded and measured at approximately 13'.

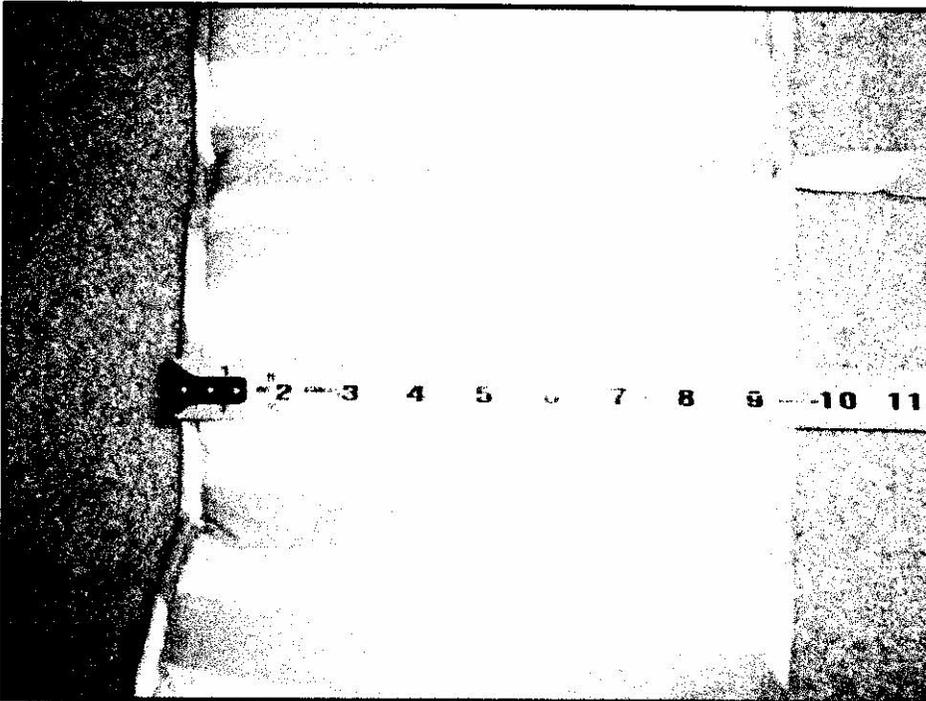


Photo #35: CPSC photo shows the height of the incident bumper pad sampled under 10-840-8681 is approximately 9 ½”.

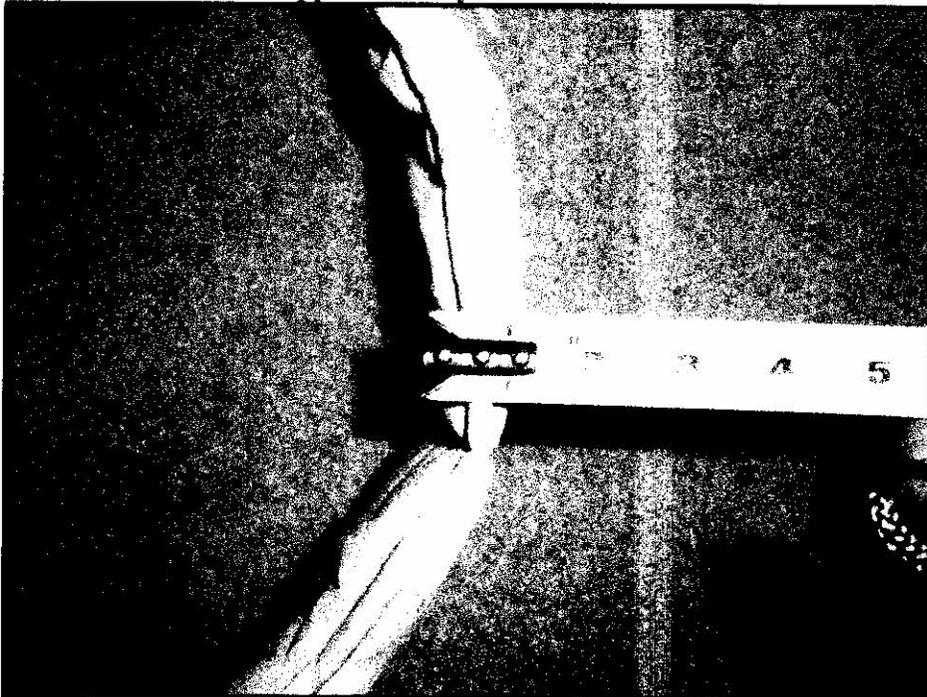


Photo #36: CPSC photo shows the thickness of the incident bumper pad sampled under 10-840-8681 to be approximately 1”.

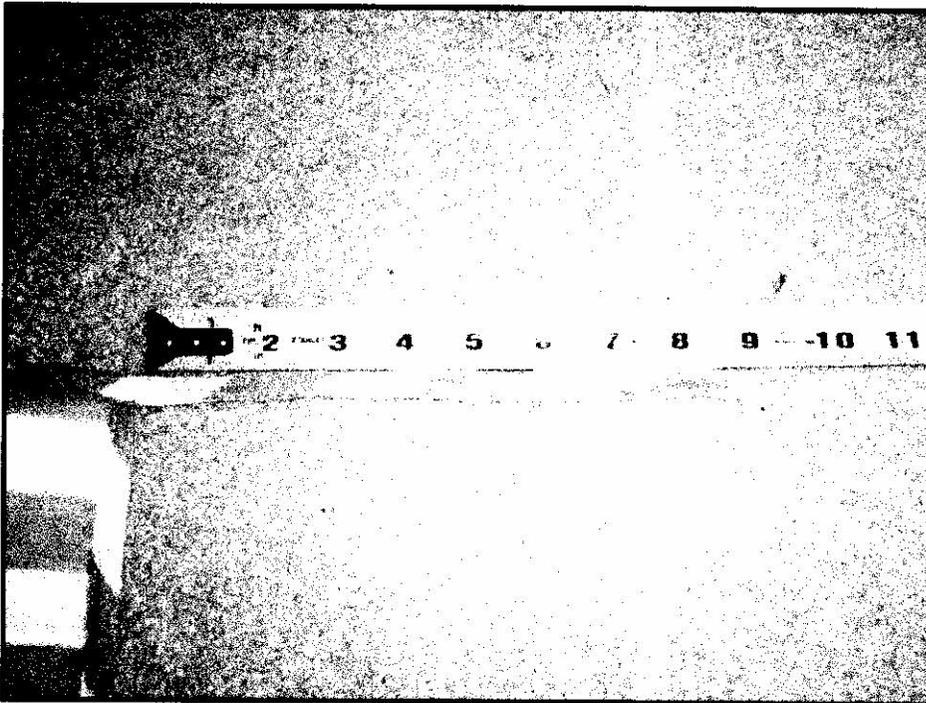


Photo #37: CPSC photo shows the length of the end tie to be approximately 9" on the sample collected under 10-840-8681.

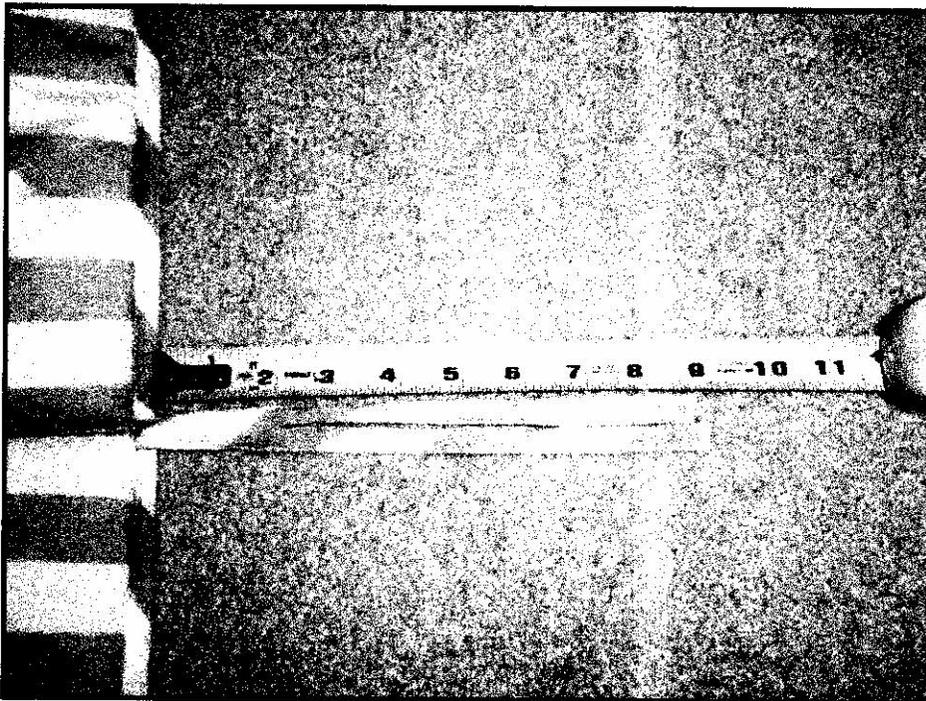


Photo #38: CPSC photo shows the length of the double strand tie to be approximately 9" on the sample collected under 10-840-8681.



Photo #39: CPSC photo shows the tag attached to the incident bumper pad sampled under 10-840-8681.

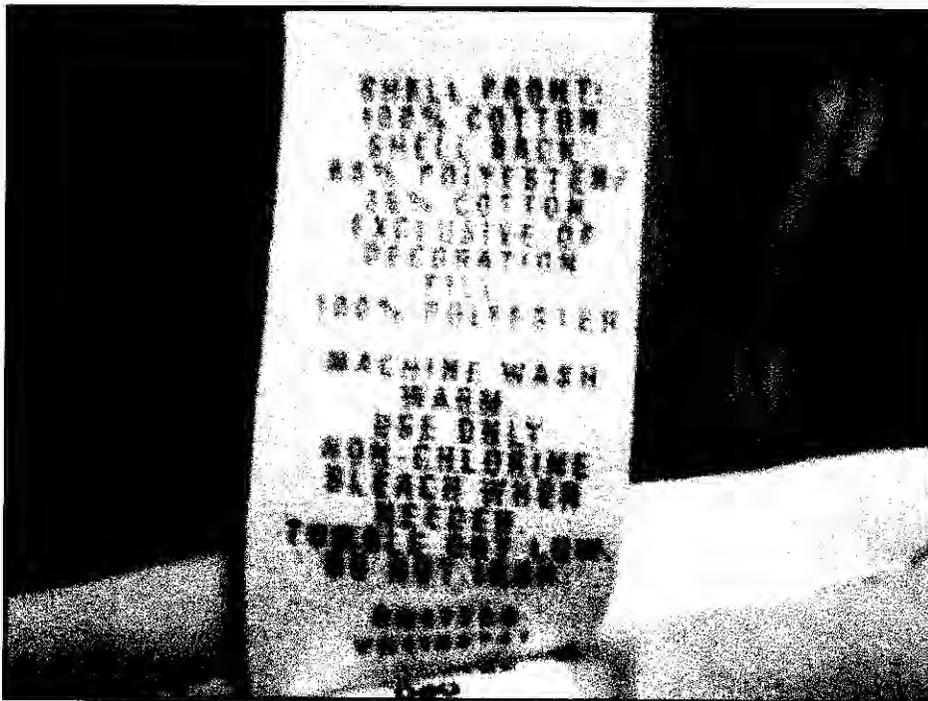


Photo #40: CPSC photo shows the underside of the bumper pad tag sampled under 10-840-8681, which list the fabric make-up and care. It also shows the (b)(3):CPSA and (b)(3):CPSA

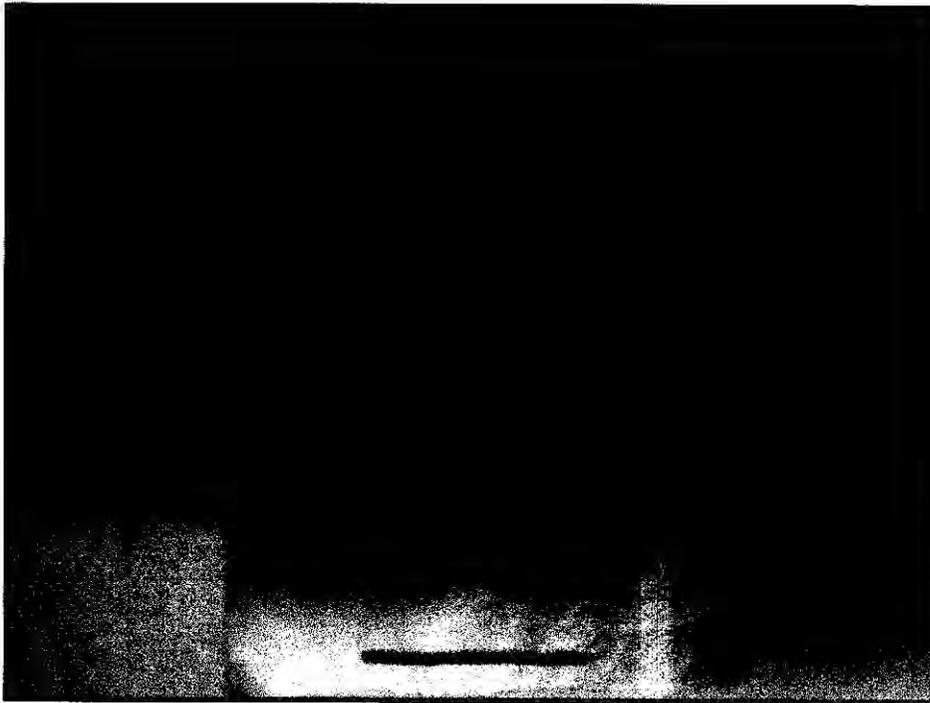


Photo #41: CPSC photo shows the Department Class Identification (DPCI) # is (b)(3) and is attached to the incident bumper pad sampled under 10-840-8681.

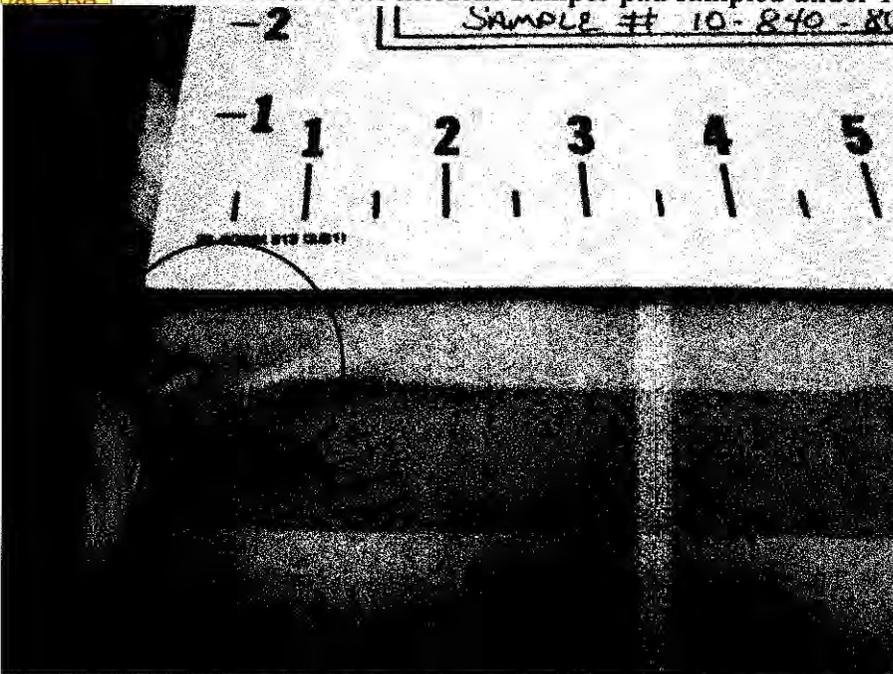


Photo #42: CPSC photo shows what appears to be a small stain on the bumper pad (black circle).

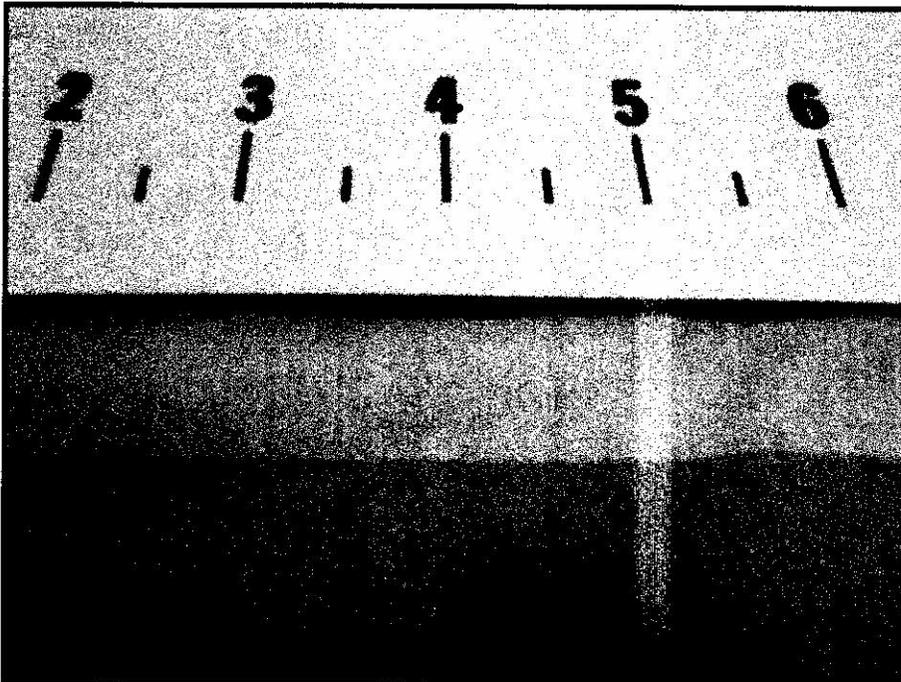


Photo #43: CPSC photo shows a second yellowish stain; it is in close proximity to the spot in photo #31.

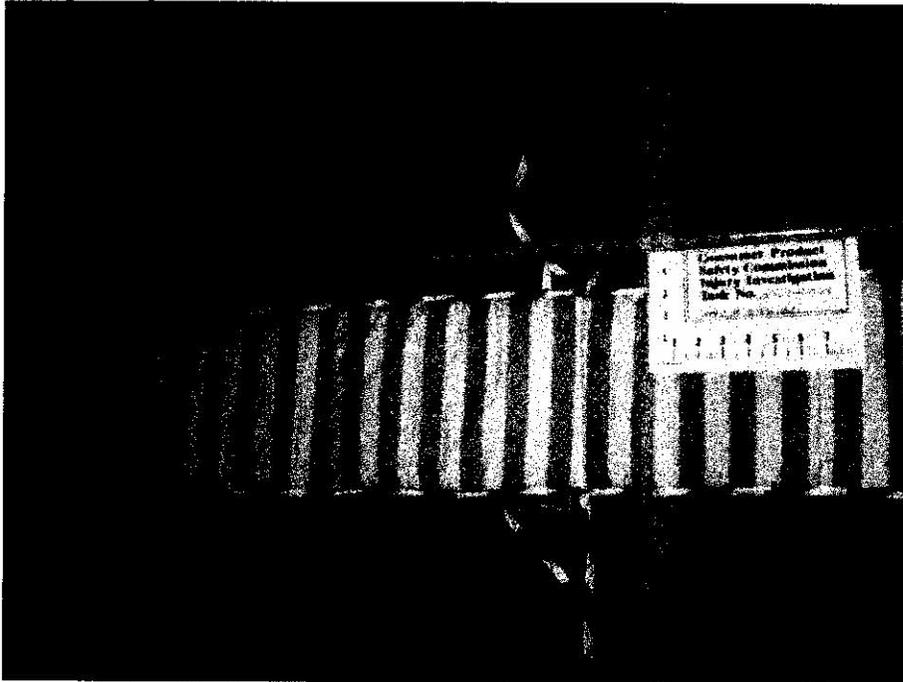


Photo #44: CPSC photo shows a measure of distance from the tagged end of the incident bumper pad to the visible stains. The spot in photo #42 is approximately 26" from the end (black arrow).

10-840-8682 (SUB-1)

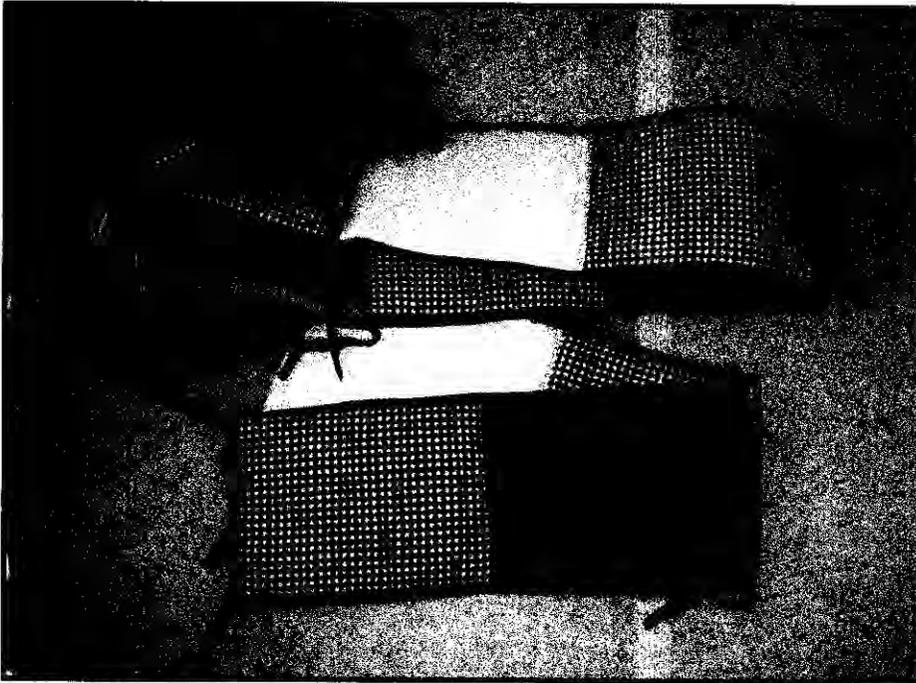


Photo #45: CPSC photo shows the bumper pad collected for official sample under 10-840-8682.

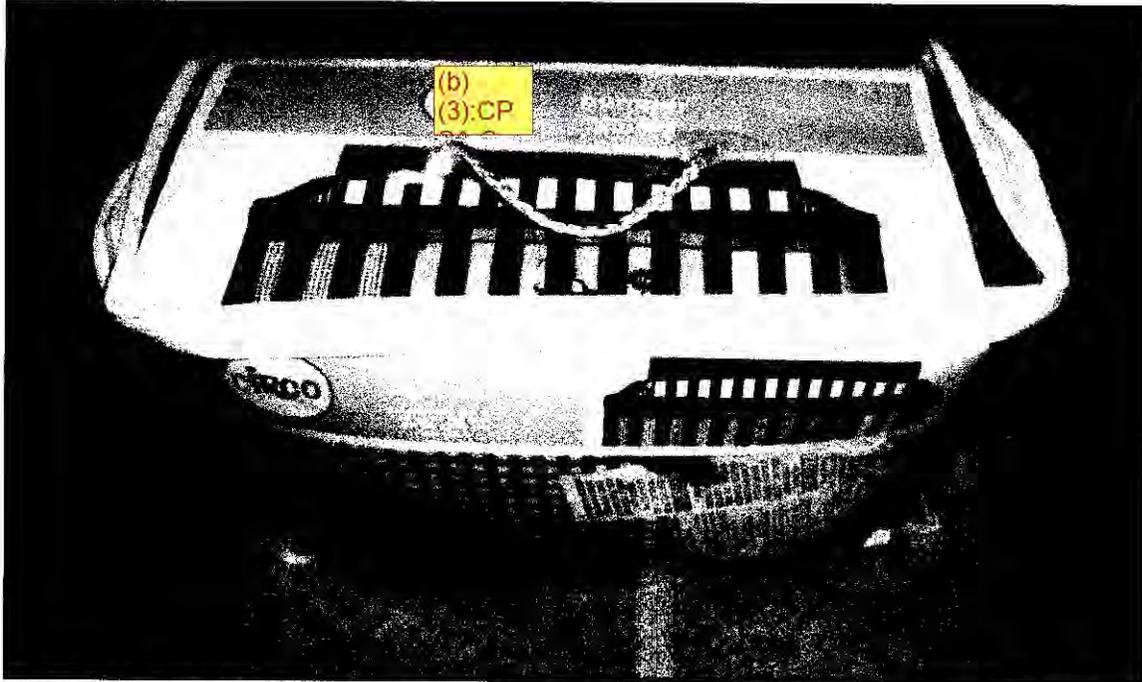


Photo #46: CPSC photo shows the official sample, in its packaging, collected under 10-840-8682.

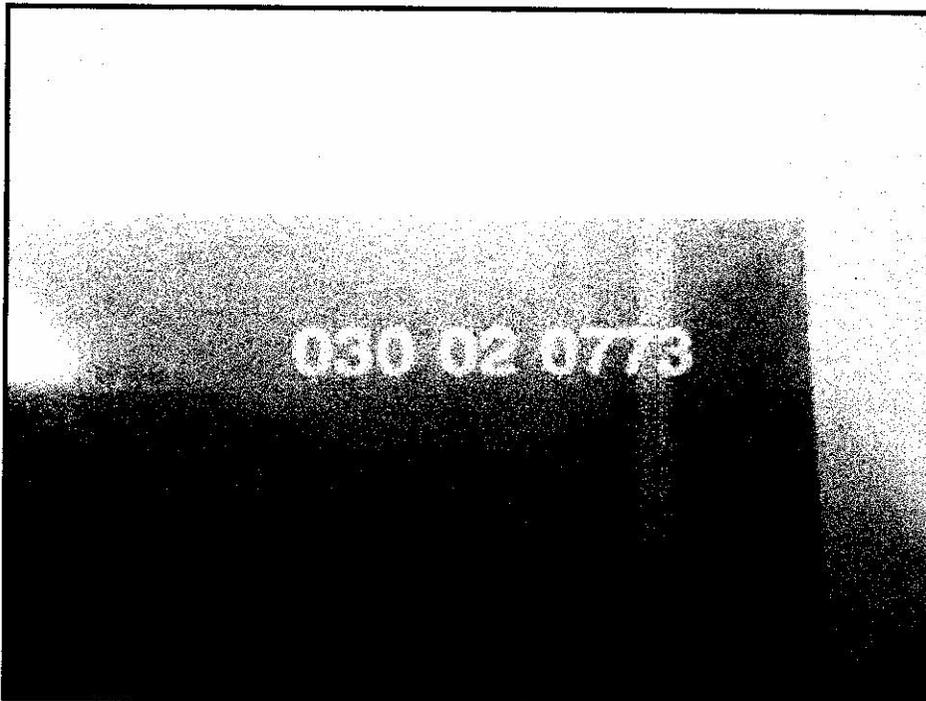


Photo #47: CPSC photo shows the bumper pad's Department Class Identification (DPCI) number on the exterior of its packaging, sampled under 10-840-8682.

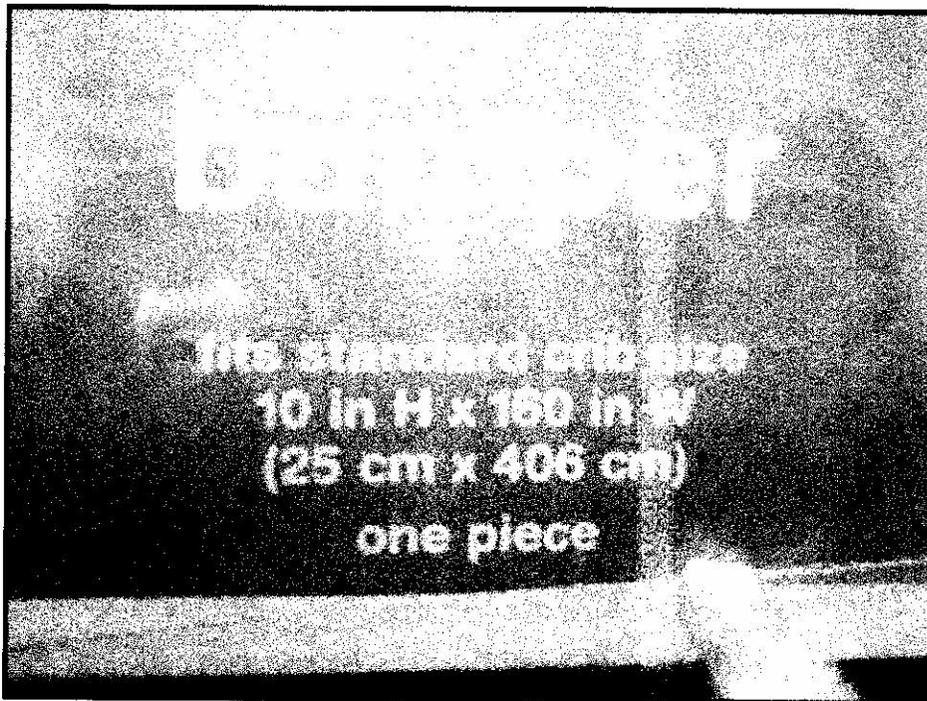


Photo #48: CPSC photo shows labeling on the exterior of the bumper pad's packaging. The bumper pad was collected for official sample under 10-840-8682.

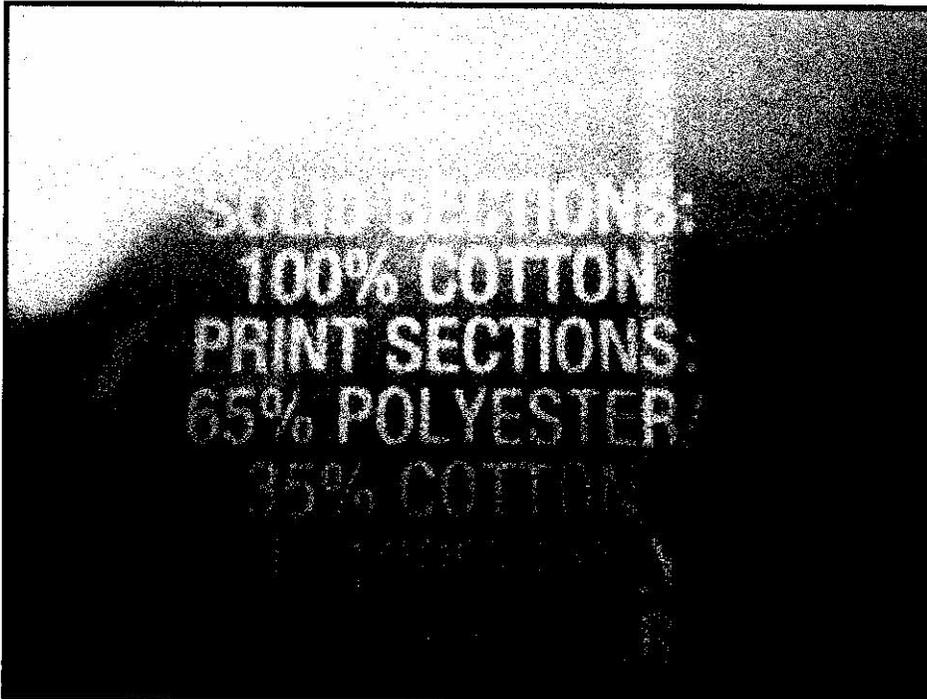


Photo #49: CPSC photo shows the material make-up of the official sample collected under 10-840-8682, it is identical to the incident sample make-up.

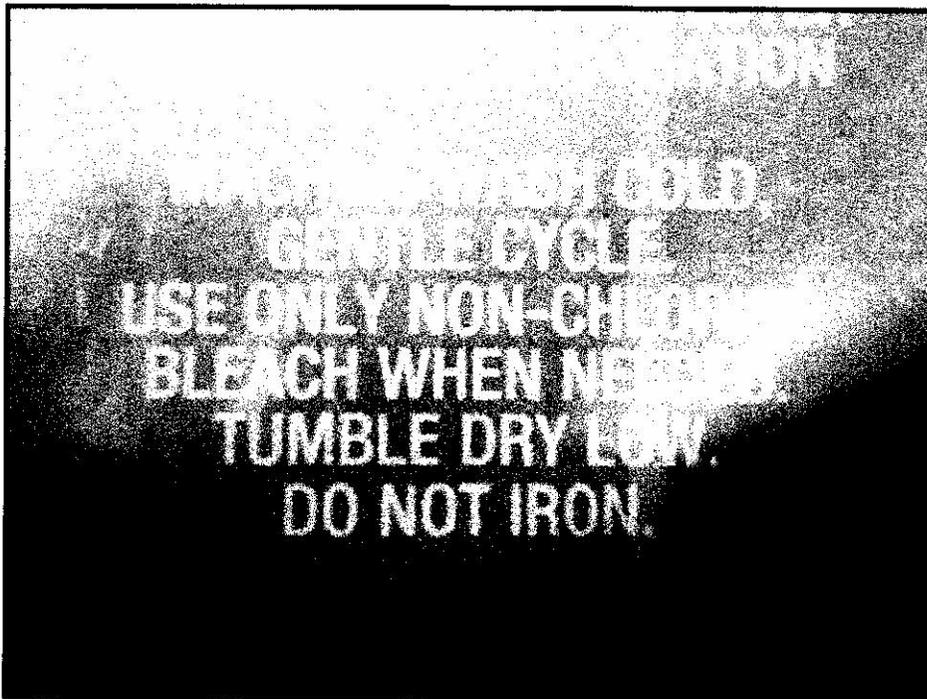


Photo #50: CPSC photo shows the care recommendation for the bumper pad collected for official sample under 10-840-8682.

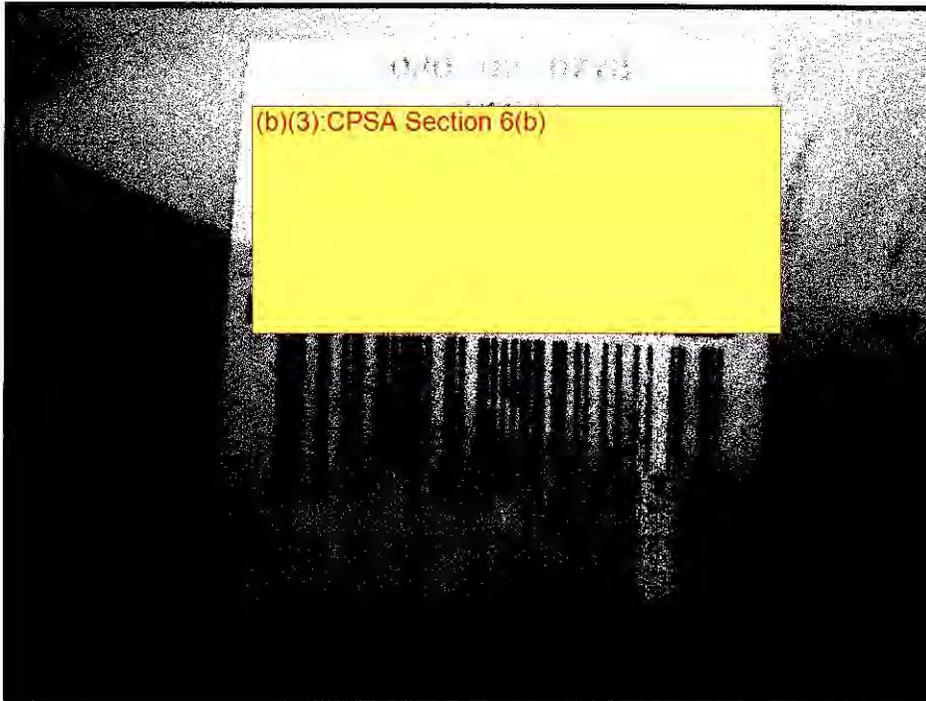


Photo #51: CPSC photo shows the bar code and DPCI number located on the bumper pad's packaging. It was collected for official sample under 10-840-8682.

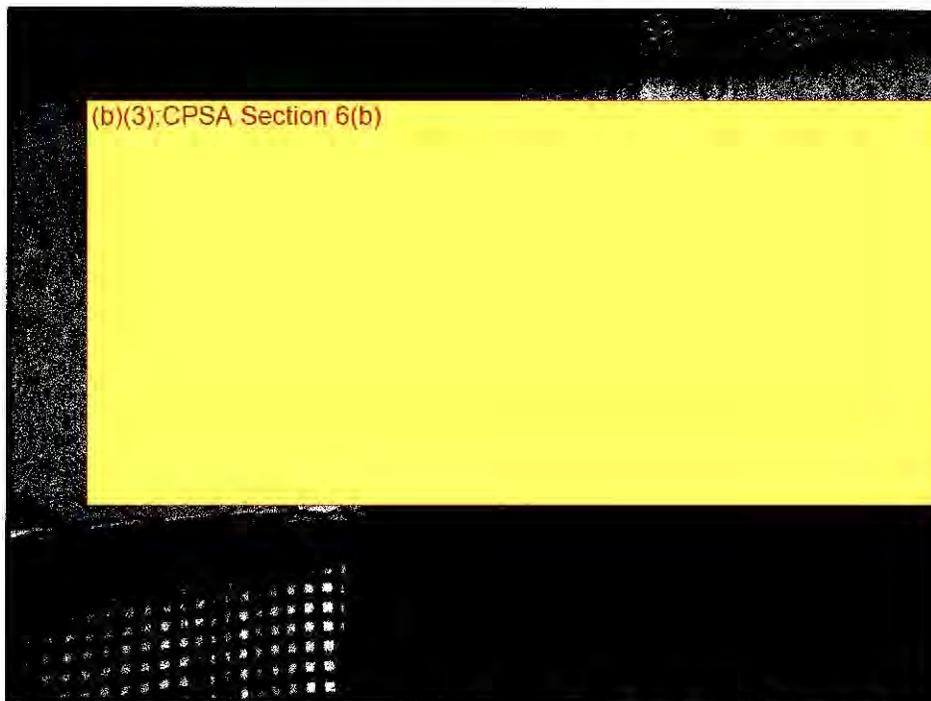


Photo #52: CPSC photo shows the bumper pad's cartoon-like patch work. The unit was collected for official sample under 10-840-8682.

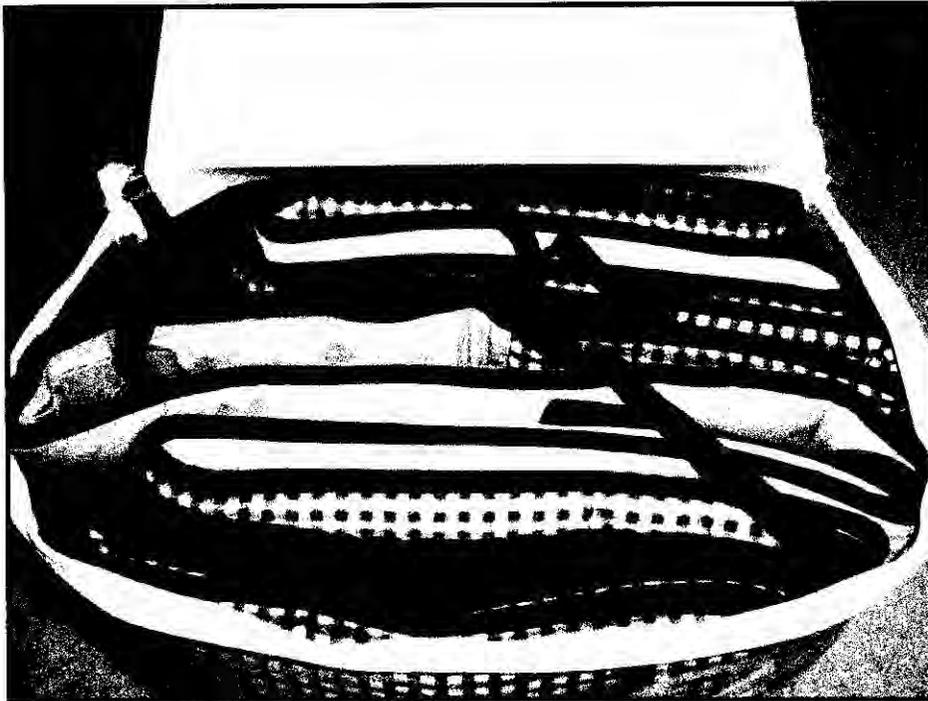


Photo #53: CPSC photo shows the bumper pad in its packaging. The unit was collected for official sample under 10-840-8682.



Photo #54: CPSC photo shows the Circo tag located on the official sample collected under 10-840-8682.

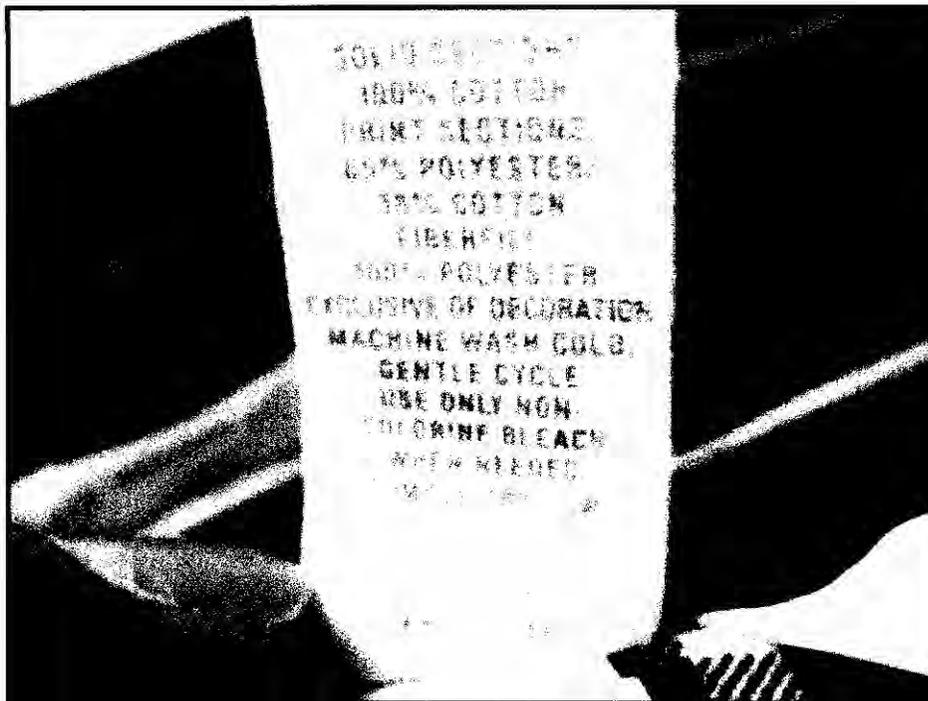


Photo #55: CPSC photo shows the back of a tag located on the unit. The unit was collected for official sample under 10-840-8682.

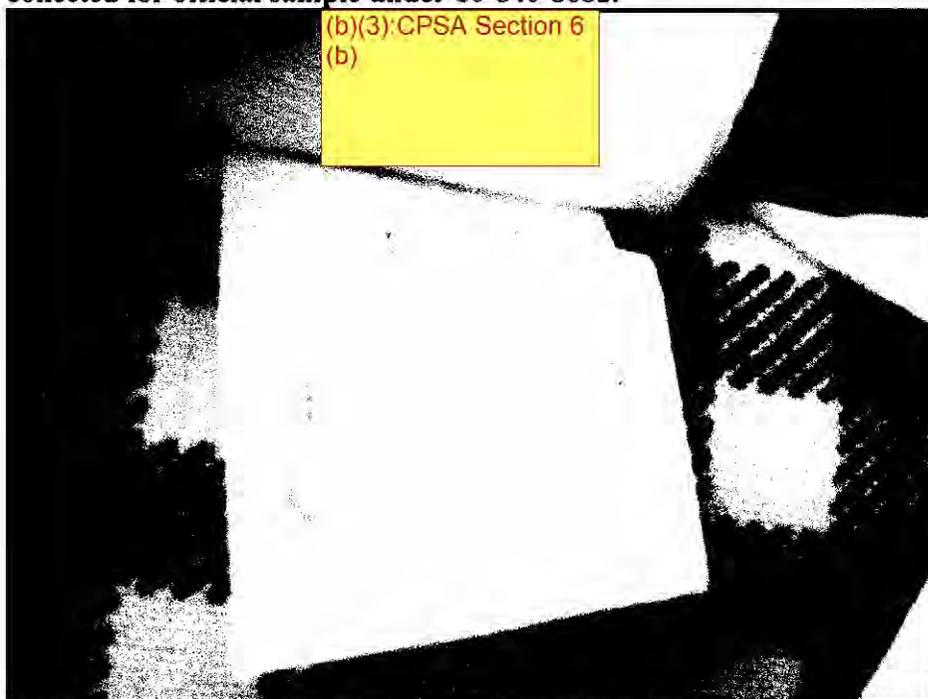


Photo #56: CPSC photo shows a tag located on the unit. The unit was collected for official sample under 10-840-8682.

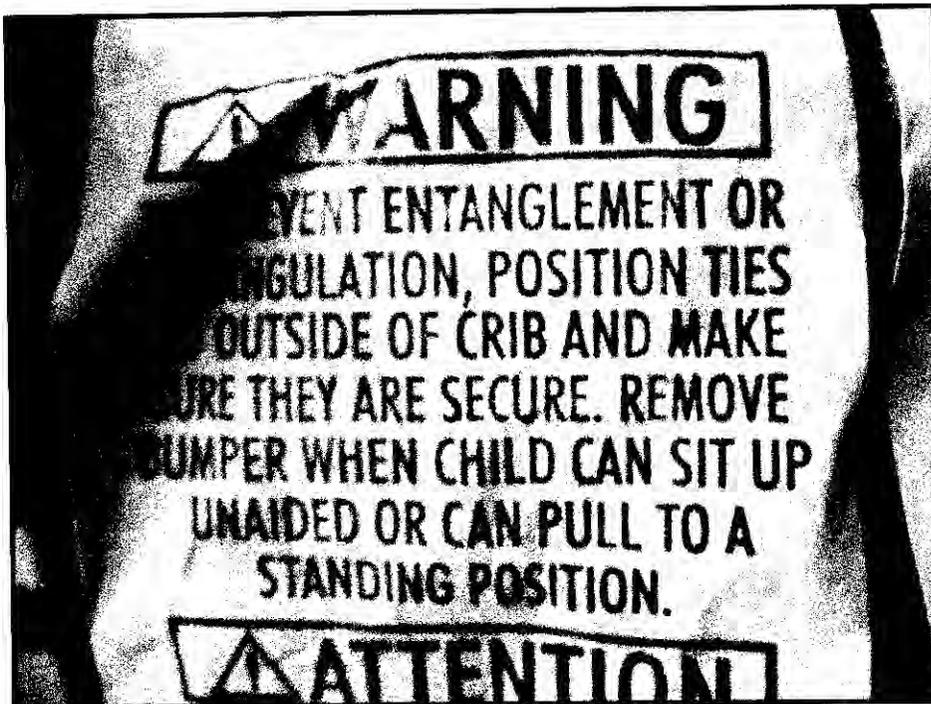


Photo #57: CPSC photo shows a warning tag located on the unit which was collected for official sample under 10-840-8682.

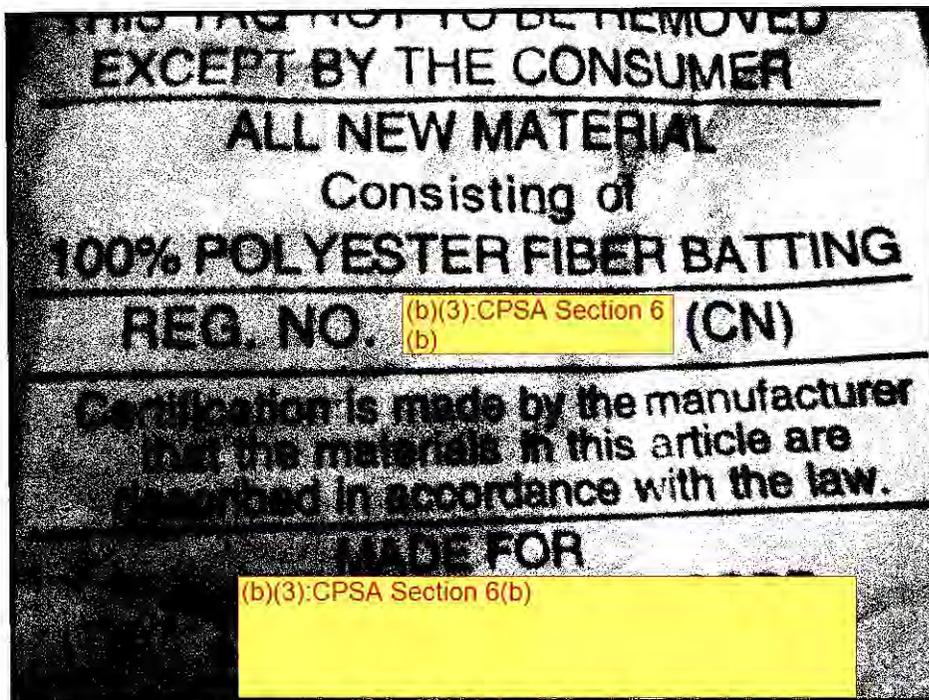


Photo #58: CPSC photo shows a tag located on the unit which was collected for official sample under 10-840-8682.

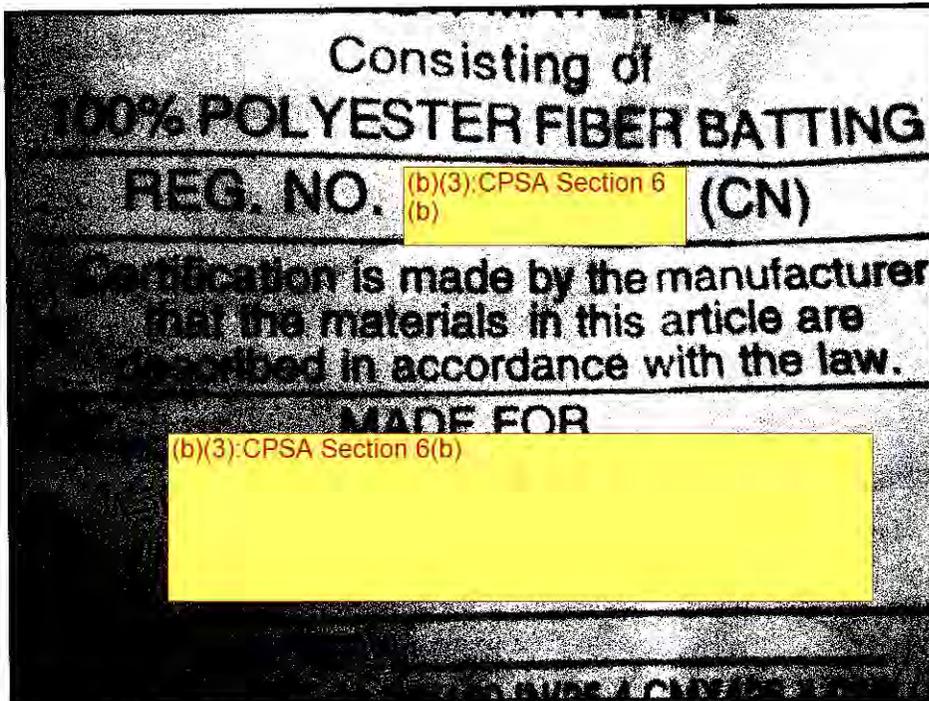


Photo #59: CPSC photo shows a tag located on the unit which was collected for official sample under 10-840-8682.

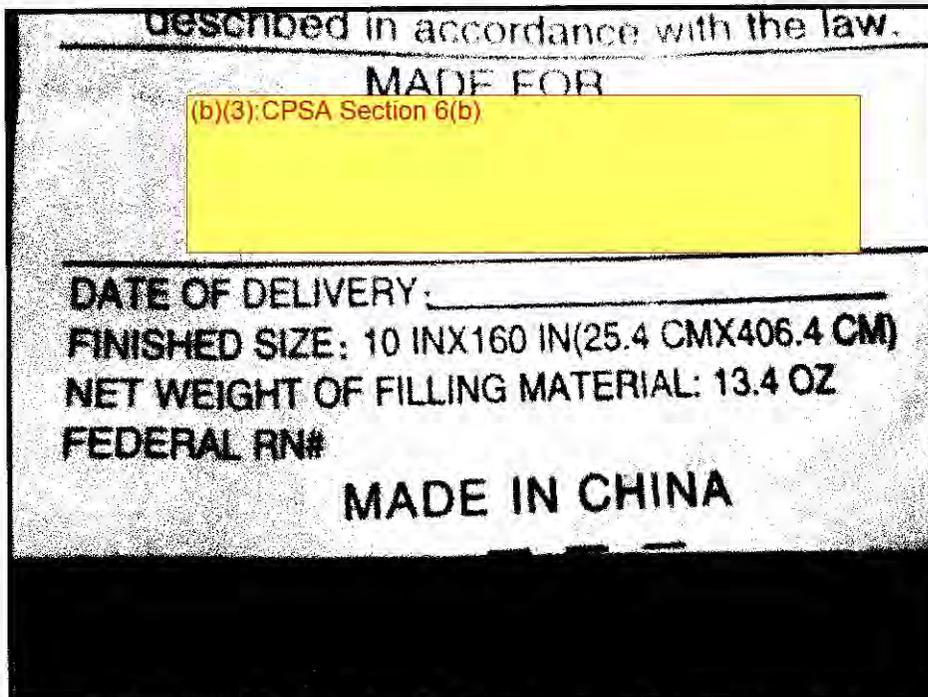


Photo #60: CPSC photo shows a tag located on the unit which was collected for official sample under 10-840-8682.

ATTACHMENTS:

1. Photos Embedded (1-60)
2. List of Respondents (1 Page)
3. Authorization for Release of Name (Victim's Mother & Father, 1 Page)
4. Authorization for Release of Name (Grandmother & Grandfather, 1 Page)
5. Medical Record Disclosure Form (1 Page)
6. Receipt for Sample: 10-840-8681 (1 Page)
7. Notice of Inspection (1 Page)
8. Receipt for Sample: 10-840-8682 (1 Page)
9. Affidavit (1 Page)
10. Sample Collection Report: 10-840-8681 (2 Pages)
11. Sample Collection Report: 10-840-8682 (2 Pages)
12. Travis County Medical Examiner's Report (5 Pages)
13. Travis County Medical Examiner's Toxicology Report (1 Page)
14. Travis County Medical Examiner Report of Investigation (7 Pages)
15. Dell Children's Medical Center Discharge Documentation (3 Pages)
16. Blood Gases Records, Dell Children's Medical Center (10 Pages)
17. Hematology Records, Dell Children's Medical Center (3 Pages)
18. Coagulation Records, Dell Children's Medical Center (3 Pages)
19. Chemistry Records, Dell Children's Medical Center (3 Pages)
20. Therapeutic Drug Monitoring, Dell Children's Medical Center (1 Page)
21. Blood Bank Records, Dell Children's Medical Center (2 Pages)
22. Computed Tomography Records, Dell Children's Medical Center (1 Page)
23. Diagnostic Radiology Records, Dell Children's Medical Center (5 Pages)
24. Progress Records, History, Emergency Care, Dell Children's Medical Center (26 pages)
25. Missing Document Form (1 Page)
26. (b) Mix and Match Airplane Collection (3 Pages)

LIST OF RESPONDENTS:

1. (b)(6) Complainant
2. (b)(6) Victim's Grandfather
3. (b)(6) Victim's Mother
4. (b)(6) n's Father
5. Travis County Sherriff's Office
Detective Wallace
501 W 11th St.
Austin, TX 78701
6. Travis County Sherriff's Office
Records Department
501 W 11th St.
Austin, TX 78701
7. Dell Children's Medical Center of Central Texas
Records Department
4900 Mueller Blvd.
Austin, TX 78723
8. Travis County Office of the Medical Examiner
Dr. Leisha Wood
1213 Sabine St.
Austin, TX 78767
9. Texas Vital Statistics, Department of State Health Services
1100 W 49th St.
Austin, TX 78756

U.S. Consumer Product Safety Commission

AUTHORIZATION FOR RELEASE OF 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 concerns.

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 individual's name so that they can obtain additional information on the product or 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.

I request that you do not release my name. My identity is to remain confidential.

You may release my name to the manufacturer but I request that you do not release it to the general public.

You may release my name to the manufacturer and to the public.

(b)(6)

(Signature)

(Date)

4/22/2010

(b)(6)

U.S. Consumer Product Safety Commission

AUTHORIZATION FOR RELEASE OF 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 concerns.

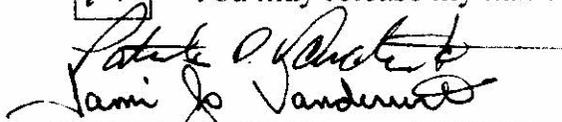
We routinely forward this information to manufacturers and private labelers to inform them of the involvement of their product in an accident situation. We also give the information to others requesting information about specific products. Manufacturers need the individual's name so that they can obtain additional information on the product or 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.

I request that you do not release my name. My identity is to remain confidential.

You may release my name to the manufacturer but I request that you do not release it to the general public.

You may release my name to the manufacturer and to the public.



(Signature)
Tami Jo Vanderwilt

(Date)

4-22-10



MEDICAL RECORDS DISCLOSURE FORM

U.S. CONSUMER PRODUCT SAFETY COMMISSION

AUTHORIZATION FOR MEDICAL RECORDS DISCLOSURE

This form authorizes release of information in accordance with the Health Insurance Portability and Accountability Act, 45 C.F.R. Parts 160 and 164, 5 U.S.C. 552a, and 38 U.S.C. 5701 and 7332. I understand that my disclosure of the information requested on this form is voluntary. I further understand that the Social Security Number will be used to locate records for release and if not voluntarily furnished completely and accurately, the health or medical facility will be unable to comply with the request.

TO WHOM IT MAY CONCERN:

I request and authorize DELL CHILDREN'S MEDICAL CENTER OF CENTRAL TX. (name of health or medical facility) to furnish the United States Consumer Product Safety Commission all information and copies of any and all records you may have pertaining to (my case)(the case of)

Patient Name (b)(3): CPSA Section 25(c),(b)(6) D.O.B: 8-13-09

Relationship to you SON

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

AUTHORIZATION: I certify that this request has been made freely, voluntarily and without coercion and that the information given above is accurate and complete to the best of my knowledge. I understand that I will receive a copy of this form after I sign it. I may revoke this authorization, in writing, at any time except to the extent that action has already been taken to comply with it. Written revocation is effective upon receipt by the unit or office at the facility housing the records. Redisclosure of my medical records by those receiving the above authorized information may be accomplished without my further written authorization and my records may no longer be protected. Without my express revocation, the authorization will automatically expire: (1) upon satisfaction of the need for disclosure; (2) on 5/22/2010 (date supplied by patient); or (3) under the following conditions:

4/22/2010
(DATE)

(b)(6)

(SIGNATURE OF PATIENT OR PERSON AUTHORIZED TO SIGN FOR PATIENT)

(b)(6)

(WITNESS)

U.S. CONSUMER PRODUCT SAFETY COMMISSION

1. AREA OFFICE ADDRESS

P.O. BOX 22
BARKER, TX 77413

100420CWE2055
Attachment #6
Page 1 of 1

2. NAME OF INDIVIDUAL

(b)(6)

3. TITLE OF INDIVIDUAL

MOTHER OF VICTIM

4. DATE

4/22/10

6. SAMPLE NUMBER

10-840-8481

8. CITY AND STATE (Include Zip Code)

AUSTIN, TX 78734

9. SAMPLES COLLECTED (Describe fully. List lot, serial, model numbers and other positive identifications)

The following samples were collected by the Consumer Product Safety Commission pursuant to Section 27(D) of the Consumer Product Safety Act (15 U.S.C. 2076(d)) and/or Section 11(b) of the Federal Hazardous Substances Act (15 U.S.C. 1270(b)) and/or Sections 5(c) and (d) of the Flammable Fabrics Act (15 U.S.C. 1194(c) and (d)) and/or Section 704(c) of the Federal Food Drug and Cosmetic Act (21 U.S.C. 374(c)) [Authority for sample collections made in connection with the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.)], and receipt for said samples is hereby acknowledged. Sections cited are quoted on the reverse side of this form.

10-840-8481 (SUB1)

1 UNIT - THE PRODUCT IS A BABY BUMPER PAD, (b)(3):CPSA BRAND, MODEL (b)(3):CPSA Section 6, MADE IN CHINA. THE COLOR OF THE BUMPER PAD IS BLUE AND WHITE AND IT HAS AIRPLANES ON ITS EXTERIOR.

XXXXXXXXXXXXXXXX NO OTHER SAMPLE XXXXXXXXXXXX

10. SAMPLES

a. AMOUNT RECEIVED FOR SAMPLE

b. SIGNATURE (Person from whom sample received)

11. SAMPLES WERE

PURCHASED

BORROWED (to be returned)

12. COLLECTOR

a. NAME (Print or type)

STEVE BRIDGES

b. SIGNATURE

U.S. CONSUMER PRODUCT SAFETY COMMISSION NOTICE OF INSPECTION	
1. DATE	3. FROM (Area Office and Address)
2. TIME ____ A.M. ____ P.M.	
4. TO	A. NAME AND TITLE OF INDIVIDUAL
	B. FIRM NAME
	C. NUMBER AND STREET ADDRESS
	C. CITY, STATE, AND ZIP CODE
<p>Notice of Inspection is hereby given pursuant to:</p> <ul style="list-style-type: none"> • Section 5(a) of the Flammable Fabrics Act (15 U.S.C. § 1194(a)); • Sections 6(a), 9, and 10 of the Federal Trade Commission Act (15 U.S.C. §§ 46(a), 49, and 50); • Sections 16, 19, and 27 of the Consumer Product Safety Act (15 U.S.C. §§ 2065, 2068, and 2076) • Sections 301(e) and (f) and Section 704(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. §§ 331(e) and (f) and 374(a)) [Authority for inspections in connection with the Poison Prevention Packaging Act of 1970 (15 U.S.C. § 1471 <i>et seq.</i>)] and/or • Sections 4(e), 11(b), and 12 of the Federal Hazardous Substances Act as Amended (15 U.S.C. §§ 1263(e), 1270(b), and 1271). <p>Refer to the back of this form for pertinent statutory language.</p>	
<p>5. PURPOSES OF INSPECTION AND NATURE OF INFORMATION TO BE OBTAINED AND/OR COPIED</p> <p>The purpose of this inspection is to obtain information; to review and obtain copies of items including, but not limited to, records (including electronic records), reports, books, documents, and labeling; and to obtain samples, in order to enforce or determine compliance with the Acts administered by the Consumer Product Safety Commission.</p>	
<p>6. FREEDOM OF INFORMATION REQUIREMENTS</p> <p>Those from whom information is requested should state whether any of the information submitted is believed to contain or relate to a trade secret or other matter which should be considered by the Commission to be confidential and whether any of the information is believed to be entitled to exemption from disclosure by the Commission under the provisions of the Freedom of Information Act (5 U.S.C. § 552). Any statement asserting this claim of confidentiality must be in writing, and any request for exemption of the information from disclosure must be made in accordance with the Commission's Freedom of Information Act regulations, 16 CFR Part 1015.</p>	
<p>7. SIGNATURE (Authorized CPSC Official)</p>	

U.S. CONSUMER PRODUCT
SAFETY COMMISSION

1. AREA OFFICE ADDRESS

P.O. BOX 22
BARBER, TX 77413

2. NAME OF INDIVIDUAL

(b)(6)

3. TITLE OF INDIVIDUAL

ASSET PROTECTION EXECUTIVE

4. DATE

10-840-8082

5. FIRM NAME

TARGET # 1908

6. SAMPLE NUMBER

7. NUMBER AND STREET

23710 WEST HEIMER PKWY

8. CITY AND STATE (Include Zip Code)

KATY, TX 77494

9. SAMPLES COLLECTED (Describe fully. List lot, serial, model numbers and other positive identification)

The following samples were collected by the Consumer Product Safety Commission pursuant to Section 27(f) of the Consumer Product Safety Act (15 U.S.C. 2076(f) and/or Section 11(b) of the Federal Hazardous Substances Act (15 U.S.C. 1270(b) and/or Sections 5(c) and (d) of the Flammable Fabrics Act (15 U.S.C. 1194(c) and (d) and/or Section 704(c) of the Federal Food Drug and Cosmetic Act (21 U.S.C. 374(c)) [Authority for sample collections made in connection with the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.)], and receipt for said samples is hereby acknowledged. Sections cited are quoted on the reverse side of this form.

10-840-8082 (SUB 1)

1 UNIT - (b) BRAND BUMPER
(2) CPSA
DPCI # (b)(3):CPSA Section 6(b) MADE
IN CHINA. THE ITEM IS MULTI-
COLORED & HAS RED, YELLOW,
BLUE & WHITE SECTIONS. IT
HAS A TOY TRUCK PATCH &
STOP SIGN SEWN IN A LIGHT
BLUE SECTION OF THE MATERIAL.

XXXXX NO OTHER SAMPLE XXXXX

\$ 19.99 / GOV. PURCHASE CARD

10. SAMPLES		11. SAMPLES WERE	12. COLLECTOR	
a. AMOUNT RECEIVED FOR SAMPLE \$ 19.99		<input checked="" type="checkbox"/> PURCHASED	a. NAME (Print or type) STEVE BRIDGES	
b. SIGNATURE (Person from whom sample received) 		<input type="checkbox"/> BORROWED (To be returned)	b. SIGNATURE 	

AFFIDAVIT

State of Texas, County of FORT BEND Sample No. 10-840-8682

Before me, Steve Bridges, a duly authorized employee of the United States Consumer Product Safety Commission, appropriately designated by the Chairman of said Commission pursuant to provisions of the Consumer Product Safety Act (sec 27(b)(2), 86 Stat. 1228; 15 U.S.C. 2076 (b)(2)), to administer or take oaths, affirmations, and affidavits, personally appeared (b)(6) in the county and state aforesaid, who, being first duly sworn, deposes and says:

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I, (b)(6), AM THE ASSET PROTECTION EXECUTIVE TEAM LEAD AT TARGET WHICH IS LOCATED AT 23710 WESTHEIMER PARKWAY IN KATY TX. I HAVE BEEN AT THIS POSITION FOR APPROXIMATELY 2 YEARS. TODAY I WAS VISITED BY INVESTIGATOR BRIDGES WHO WAS INQUIRING ABOUT A (b)(3):C BRAND BUMPER PAD DPT # (b)(3):CPSA Section 6. INV. BRIDGES WAS INFORMED THAT THE ITEM HAD BEEN CLEARANCED SOME TIME AGO DATE UNKNOWN. INV. BRIDGES WAS ALSO INFORMED THAT NO OTHER HOUSTON AREA TARGET HAD THE PARTICULAR ITEM IN THEIR STOCK. NO TRANSACTIONS HAVE OCCURED THIS YEAR, AT THIS STORE, INVOLVING DPT # (b)(3):CPSA Section 6. INV. BRIDGES PURCHASED A LIKE ITEM, DPT # (b)(3):CPSA Section 6 FOR OFFICAL SAMPLE. WE RECEIVE OUR SHIPMENTS OF CIRCO BRAND BENDING PRODUCTS FROM OUR DISTRIBUTION CENTER # 578 LOCATED IN TYLER, TX. INV. BRIDGES PAID \$19.99 FOR THE SAMPLE HE COLLECTED LISTED ABOVE.

Affiant's Signature and Title:

[Signature] ETL-AT

FIRM: TARGET # 1908
23710 WESTHEIMER PARKWAY, KATY, TX 77494

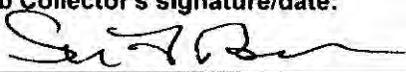
Subscribed and sworn to before me at FORT BEND, Texas this 23 day of APRIL, 2010.

[Signature]
Steve Bridges, Investigator, CPSC

Signed @ _____ am / pm

Employee of the United States Consumer Product Safety Commission acting in accordance with authority granted in the above stated declaration.

**U.S. Consumer Product Safety Commission
SAMPLE COLLECTION REPORT**

1. Sample Flag DOMESTIC		2. Date Collected 4/22/10	3. Sample Type and Number: 10-840-8681 <input checked="" type="radio"/> Physical <input type="radio"/> Documentary	
4a. Product Name (b)(3):CPSA Section 6(b)		4b Model (b)(3):CPSA	4c NEISS 1542	4d UPC Code
5. Assignment Number 100420CWE2055				
6. Complete for Import Samples Port of Entry: _____ Country of Origin: _____ Entry No. and Date: _____ Customs Contact: _____		7. MIS 32202	8. Hours Activity <u>6</u> Travel <u>6</u>	
		9a Home RO CFIE	9b Collecting RO CFIW	
10. Sample Cost \$0.00	11. Invoice Value of Lot \$0.00		12. Size of Lot 1	Units unt
13. Manufacturer/Importer # TRI004 (b)(3):CPSA Section 6(b)		14. Shipper/Foreign Manufacturer TARGET #1812 3702 SOUTH RANCH ROAD AUSTIN, TX 78745		15. Dealer/Import Broker # (b)(6)
16. Supporting documents attached: Invoice No. and Date: _____ Shipping Record and Date: _____ Affidavit Signer's name, title and date: N/A				
17. Product Identification: The item is a blue and white in color bumper pad, (b)(3):C brand, DPCI (b)(3):CPSA Se. The manufacture date is unknown and not listed on the tag. The item was manufactured in China. The bumper pad has two				
18. Reason for collection/analysis needed: FHSA <input checked="" type="checkbox"/> CPSA <input type="checkbox"/> FFA <input type="checkbox"/> PPPA <input type="checkbox"/> RSA <input type="checkbox"/> VGBA <input type="checkbox"/> CGBP Collected under IDI 100420CWE2055.				
19. Summary of Field Screening: The sample was photographed, no field test were conducted on the unit.				
20. Sample size/Method of Collection: The incident unit was taken into custody and kept under lock and key until delivered to the carrier. The product was collected under IDI 100420CWE2055 and consist of a blue and white in color one piece				
21. Identification on sample: " 10-840-8681 (SUB 1) SFB 4/22/10 "		22. Identification on seal and date: "10-840-8681 Steven F. Bridges 4/23/10 "		
23a. Sample delivered to: FEDEX 77407		23b Date 4/26/10	24. Report/Record Sent to: CFIE	
25. Laboratory/Office: LSE ___ LSM ___ CRC ___ SIU ___ LSC ___ LS ___ CLD ___ SSF <u>X</u> Other MICHELLE GILLIC				
26. Remarks: The complainant bought the bumper pad in late July or early August 2009 from a local Target in Austin, TX. She was expecting a grandson at this time and it was installed in his crib prior to his birth by				
27. Related Samples: 10-840-8682				
28a Collector's name/title: Steven F. Bridges Product Safety Investigator		28b Collector's signature/date:  4/26/10		
29a Reviewer's name/title:		29b Reviewer's signature/date:		

PRODUCT IDENTIFICATION

airplane patches in one location on the exterior of the fabric with flight path trails, a white cloud and three blue in color stars. The product has no other labeling on it except a small tag bearing the Circo name and the fabric make-up of the bumper.

METHOD OF COLLECTION

bumper pad. The unit was identified in item 17 and 21. The sample was placed in a cardboard box and sealed using clear plastic packaging tape. Attn: Michelle Gillice. The sample was delivered to FEDEX on April 26,2010. FEDEX tracking # 8705 3057 1251.

REMARKS

the child's mother and father. The complainant stated she thought the bumper was a necessary item based on her cultural experiences. The victim was placed in the center of the crib on his back and covered with a small quilt on 2/26/2010 at approximately 1230 hours. At approximately 1430 the mother went to check on the child and found him in the front left corner of the crib with his head positioned down and up against the interior of the bumper pad's fabric. She further displayed through recreation, that his left arm was over the pad and he appeared to have been pulling the bumper pad toward his face in an unknown effort. When found the child was reported to have no respiration and no pulse. He was pronounced dead the next day.
Attachments: 1) Photos 2) Receipt for sample

**U.S. Consumer Product Safety Commission
SAMPLE COLLECTION REPORT**

100420CWE2055
Attachment #11
Page 1 of 2

1. Sample Flag DOMESTIC		2. Date Collected 4/23/10	3. Sample Type and Number: <input checked="" type="radio"/> Physical <input type="radio"/> Documentary	
4a. Product Name (b)(3):CPSA Section 6		4b Model (b)(3):CPSA Se	4c NEISS 1542	4d UPC Code 030020773
5. Assignment Number 100420CWE2055				
6. Complete for Import Samples Port of Entry: _____ Country of Origin: _____ Entry No. and Date: _____ Customs Contact: _____		7. MIS 32202	8. Hours Activity <u>6</u> Travel <u>3</u>	
		9a Home RO CFIE	9b Collecting RO CFIW	
10. Sample Cost \$19.99	11. Invoice Value of Lot \$79.96		12. Size of Lot 4	Units unt
13. Manufacturer/Importer # TR1004 (b)(3):CPSA Section 6(b)	14. Shipper/Foreign Manufacturer TARGET DISTRIBUTION CENTER #578 13786 HARVEY RD. TYLER, TX 75706		15. Dealer/Import Broker # TAR279 TARGET #1908 23710 WESTHEIMER PARKWAY KATY, TX 77494	
16. Supporting documents attached: Invoice No. and Date: _____ Shipping Record and Date: _____ Affidavit Signer's name, title and date: BRANDON LUEDEKER, ASSET PROT. EX., 4/23/10				
17. Product Identification: The item is a multi-colored bumper pad, (b)(3):C brand, DPCI (b)(3):CPSA Secti The manufacture date is unknown and not listed on the tag. The item was manufactured in China. The bumper pad has a cartoon type tow				
18. Reason for collection/analysis needed: FHSA <input checked="" type="checkbox"/> CPSA FFA PPPA RSA VGBA CGBP Collected as part of IDI 100420CWE2055.				
19. Summary of Field Screening: The product was removed from its packaging for photos, no field test were conducted.				
20. Sample size/Method of Collection: One unit was randomly selected from the firm's shelf and taken into custody by this investigator for official sample. The unit was kept under lock and key until delivered to the carrier. The product was				
21. Identification on sample: " 10-840-8682 (SUB 1) SFB 4/23/10 "		22. Identification on seal and date: "10-840-8682 Steven F. Bridges 4/26/10 "		
23a. Sample delivered to: FEDEX 77407		23b Date 4/26/10	24. Report/Record Sent to: CFIE	
25. Laboratory/Office: LSE <input type="checkbox"/> LSM <input type="checkbox"/> CRC <input type="checkbox"/> SIU <input type="checkbox"/> LSC <input type="checkbox"/> LS <input type="checkbox"/> CLD <input type="checkbox"/> SSF <input checked="" type="checkbox"/> Other MICHELLE GILLIC				
26. Remarks: An identical bumper pad was not available for official sample though several locations were visited. The complainant purchased a like bumper pad in late July or early August 2009 from a local Target in				
27. Related Samples: 10-840-8681				
28a Collector's name/title: Steven F. Bridges Product Safety Investigator		28b Collector's signature/date:  4/26/10		
29a Reviewer's name/title:		29b Reviewer's signature/date:		

PRODUCT IDENTIFICATION

truck, depicting towing a car, with three stars and a stop sign in one location on the exterior of the fabric. The product has Circo labeling on it's tag and a warning label that reads: "!WARNING TO PREVENT ENTANGLEMENT OR STRANGULATION, POSITION TIES TO OUTSIDE OF CRIB AND MAKE SURE THEY ARE SECURE. REMOVE BUMPER WHEN CHILD CAN SIT UP UNAIDED OR CAN PULL TO A STANDING POSITION."

METHOD OF COLLECTION

collected under IDI 100420CWE2055 and consist of a multi-colored, one piece bumper pad. The unit was identified in item 17 and 21. The sample was placed in a cardboard box and sealed using clear plastic packaging tape. The exterior openings of the box were sealed under official CPSC seal and covered with a "Seal Underneath" paper cover. The sample was sent to SSF, Attn: Michelle Gillice. The sample was delivered to FEDEX on April 26, 2010, FEDEX tracking # 8705 3057 1262.

REMARKS

Austin, TX. She was expecting a grandson at this time and it was installed in his crib prior to his birth by the child's mother and father. The victim was placed in the center of the crib on his back and covered with a small quilt on 2/26/2010 at approximately 1230 hours. At approximately 1430 the mother went to check on the child and found him in the front left corner of the crib with his head positioned down and up against the interior of the bumper pad's fabric. She further displayed through recreation, that his left arm was over the pad and he appeared to have been pulling the bumper pad toward his face. When found the child was reported to have no respiration and no pulse. He was pronounced dead the next day.
Attachments: 1) Photos 2) Receipt for sample 3) Affidavit



TRAVIS COUNTY OFFICE
OF THE MEDICAL EXAMINER

100420CWE2055

Attachment #12

Page 1 of 5

DAVID DOTY, MD
Diplomate of American Board of Pathology
CHIEF MEDICAL EXAMINER

SATISH CHANDRI, DO
Diplomate of American Board of Pathology
DEPUTY CHIEF MEDICAL EXAMINER

KENDALL CROWNS, MD
Diplomate of American Board of Pathology
DEPUTY MEDICAL EXAMINER

LEISHA WOOD, MD
Diplomate of American Board of Pathology
DEPUTY MEDICAL EXAMINER

VICKI WILLOUGHBY, DO
Diplomate of American Board of Pathology
DEPUTY MEDICAL EXAMINER

MEDICAL EXAMINER REPORT

(b)(3)-CPSA Section 25(c)

ME 10-00764

The postmortem examination was performed by Leisha E. Wood, M.D., Deputy Medical Examiner, beginning at 10:00 a.m. on 02/28/2010, at the Travis County Forensic Center, Austin, Texas.

GENERAL EXAMINATION

The body is that of a normally developed, well nourished, male infant, measuring approximately 27 inches in length (50th-75th percentile for age), weighing approximately 18.66 pounds (50th-75th percentile for age), and appearing consistent with the listed age of 6 months 14 days. The decedent is clad in a soiled diaper.

Detectives Eva Reyna, Blake Wallace and Crime Scene Specialist Joseph Flores of the Travis County Sheriff's Office and Austin Anderson of Child Protective Services are present for the autopsy.

EXTERNAL EXAMINATION

Easy broken rigor mortis is present diffusely. Anterior fixed livor mortis is present along the right face and bilateral aspects of the body with blanching of the abdomen and left face. The body is cool to the touch. The decedent has thin, black, straight scalp hair. The anterior fontanel is open a fingertips width and is slightly protuberant. The posterior fontanel is closed. The head circumference is 44 cm. The ears are normal in location and formation. The eyes are closed; the conjunctivae are pale and without petechiae; the sclerae are white; the corneae are clear; and the irides are brown. The nares are patent. The frenula are intact. The palate is fused. The mouth is closed and edentulous.

The neck and chest are symmetrical and atraumatic. The circumference of the chest is 44 cm. The abdomen is soft and flat with a circumference of 45 cm. The upper and lower extremities are symmetrical. The fingernails and toenails are short and well groomed. A small hyperpigmented skin patch is present upon the anterior left knee. The foot length is 10 cm. The genitalia are those of a normal non-circumcised, infant male with testes palpated within the scrotal sac. A pink erythematous rash is present around the scrotum. There is no evidence of trauma. A large 15 x 10 cm blue Mongolian spot is present upon the lower back. The back is straight and free of trauma. The anus is unremarkable and atraumatic.

MEDICAL INTERVENTION

Cardiac monitor pads are present on the body. A 1.5 x 1 cm abrasion consistent with cardiopulmonary resuscitation efforts is present on the mid left paramedian chest. Intravascular catheters are present in the right subclavian chest, posterior left wrist, and anterior right wrist with a board strapped around the right wrist. Needle puncture marks with surrounding blue ecchymoses are present within the left anterior chest below an adhesive bandage; within the posterior right hand; upon the left and right anterior shins; upon the left and right great toes; and within the medial right heel. A rectal probe protrudes from the anus. Subsequent autopsy of the chest reveals the left pleural cavity to contain approximately 50 cc of bloody fluid with hemorrhage around the 1st and 2nd ribs consistent with medical intervention noted upon the upper left chest. Soft tissue hemorrhage in the upper right subclavian area is present consistent with the intravascular catheter placement. Hospital and identification bracelets with "Lopez, Aiden" and "ME10-00764" are present around the right ankle.

INTERNAL EXAMINATION

HEAD: An intermastoid incision is made around the cranium and the scalp is retracted. No hemorrhage is present. The cranial vault is opened and no free blood within the cranial cavity. The dura is smooth, tough and white and removed to reveal no skull fractures to be present. The leptomeninges are transparent. The brain weighs 1000 g. The cerebral and cerebellar hemispheres, brainstem and pons are markedly edematous with flattening of the gyri and narrowing of the sulci. There is no evidence of trauma. There is no evidence of infection or tumor. No mass lesions are seen. On cut sections, the brain is soft and friable, but no trauma is present. There is normal demarcation between gray and white matter. Herniation is not appreciated. There is no evidence of infection or congenital abnormality. The eyes are removed and show no evidence of peri-optic nerve hemorrhage and no retinal hemorrhages grossly. The cerebral vessels follow a normal distribution and are widely patent.

BODY: The organs occupy their usual positions and relationships. Inspection of the thoracic and abdominal cavities after evisceration reveals no bony, muscular or congenital abnormalities. The pleura is stripped from the ribcage and reveals no rib fractures. A posterior dissection is performed, including examination of the posterior neck and buttocks and shows no evidence of trauma. The spinal cord is intact and without abnormality. There is no evidence of trauma.

NECK: An *in-situ* anterior neck dissection is performed and is negative for trauma. There is no evidence of infection, tumor or trauma. The hyoid bone and laryngeal cartilages are intact. The airway is patent. The thyroid gland is present and unremarkable. A 23 g thymus is present within the anterior mediastinum. It appears to be appropriately lobulated and has hemorrhage along the posterior surface consistent with hemorrhage from medical intervention of the subclavian line adjacent. Internal palpation of the neck reveals no dislocation or fracture of the cervical spine.

LUNGS: The right lung weighs 139 g and the left lung weighs 108 g. The pleural surfaces are purple, smooth and glistening. The lungs are appropriately lobulated. On cut sections, the

parenchyma is soft and markedly congested but without evidence of infection, tumor or congenital abnormality. There are no pulmonary emboli.

CARDIOVASCULAR SYSTEM: The heart weighs 40 g. The epicardial surface is smooth and glistening. The coronary arteries follow a normal distribution and are widely patent. On cut sections, the endocardium is smooth and glistening and the myocardium is pink-red and firm. The foramen ovale is closed. There is no evidence of atrial or ventricular septal defects. The cardiac valves are thin, delicate and normally formed. The aorta is opened reveals a normal distribution of the great vessels. The ductus arteriosus is closed. There is no evidence of coarctation. The venous return is normally distributed.

GASTROINTESTINAL SYSTEM: The tongue is atraumatic. The esophagus, stomach and small and large bowels are unremarkable. There is no evidence of congenital abnormality. The appendix is present and unremarkable. The stomach contains approximately 10 cc of thick, yellow partially digested curdled material.

LIVER AND BILIARY TRACT: The liver weighs 262 g. The capsule is smooth and glistening. On cut sections, the parenchyma is tan-brown and firm. No mass lesions are seen. The gallbladder is present and unremarkable. There is no evidence of congenital abnormality.

ADRENAL GLANDS: The adrenal glands have thin, yellow cortices and gray medullae.

PANCREAS: The pancreas has a tan-brown, lobular parenchyma without neoplasm, nodules, cysts, fibrosis, hemorrhage or necrosis.

SPLEEN: The spleen weighs 19 g. The capsule is purple, smooth and glistening. On cut sections, the parenchyma is dark red and soft.

GENITOURINARY SYSTEM: The right kidney weighs 27 g and the left kidney weighs 29 g. The capsules remove without difficulty revealing appropriately lobulated cortical surfaces. On cut sections, the parenchyma is tan-red with distinct cortico-medullary demarcations. The collecting systems, ureters and bladder are unremarkable. The bladder is empty. The prostate gland is present and unremarkable.

ANCILLARY STUDIES

Full body postmortem radiographs are obtained and show no evidence of fractures.

MICROSCOPIC EXAMINATION

Heart: Hematoxylin and eosin stained sections reveal normal development of the epicardium, myocardium and endocardium. There is no evidence of infection, ischemia or congenital abnormality.

Respiratory System: Hematoxylin and eosin stained sections show normally developed pulmonary architecture and vasculature with extensive acute and organizing pneumonia

consisting of numerous intra-alveolar type II pneumocytes and a diffuse mild neutrophilic infiltrate. There are occasional large cells with prominent irregular nuclei and smudge-cell appearance suggestive of viral etiology. Prominent vascular congestion and hemorrhagic atelectasis are present. No tumor or congenital abnormalities are seen. A hematoxylin and eosin stained section of trachea shows normal development with no evidence of tumor, infection or congenital abnormality.

Liver: A hematoxylin and eosin stained section reveals unremarkable hepatic architecture and portal areas. There is no evidence of infection, tumor or congenital abnormality.

Kidneys: Hematoxylin and eosin stained sections show normal development of the glomeruli, tubules and interstitium. There is no evidence of infection, tumor or congenital abnormality.

Central Nervous System: Hematoxylin and eosin stained sections of the cerebrum and cerebellum reveal normally developed neural parenchyma without evidence of tumor, infection or congenital abnormality. There is exaggerated pericellular space artifact, decreased staining, and congested microvasculature. Attached meninges show normal cellularity without evidence of tumor or infection. The vasculature is congested. Focal areas of red blood cell extravasations are present in the subarachnoid region and within the cerebral parenchyma. A hematoxylin and eosin stained section of spinal cord reveals normally developed neural tissue without evidence of tumor, infection or congenital abnormality.

Gastrointestinal System: Hematoxylin and eosin stained sections of esophagus show increased submucosal chronic inflammatory cells with numerous eosinophils. The stomach is remarkable for extensive chronic inflammation at the gastroesophageal junction with occasional lymphoid patches throughout the tissue. The large and small intestines show normal development. There is no evidence of tumor or congenital abnormality.

Hematopoietic System: A hematoxylin and eosin stained section of the spleen shows normal development with perivascular lymphoid aggregates some containing increased numbers of tangible body macrophages. A hematoxylin and eosin stained section of the thymus shows the usual lobular architecture with early involution as suggested by increased tangible body macrophages in the deep cortex. There is no evidence of congenital abnormality.

Endocrine System: Hematoxylin and eosin stained sections of the adrenal glands show the adrenal cortices and medullae to be normally formed. There are multi-focal areas of small hemorrhages within the cortices. There is no evidence of infection or tumor. The thyroid gland shows orderly follicular development without evidence of infection or abnormality. A hematoxylin and eosin stained section of pancreas reveals normal and orderly formation of islet cell clusters within an unremarkable parenchymal background.

Eyes: Hematoxylin and eosin stained sections of the eyes reveal prominent congested vasculature with no hemorrhage within the optic nerve or peri-optic nerve sheath. There is a thin layer of red blood cells lining the retina along the vitreous side. Focal areas of red blood cell extravasations are present within the left retinal tissue layers.

FINDINGS

- I. Suffocation in non-standard sleeping environment.
 - A. Infant reportedly found face-down with face wedged between mattress and bumper pads of crib.
 - B. Numerous pillows, blankets and stuffed animals present within crib.
 - C. Cerebral edema.
 - D. Clinical history of anoxic encephalopathy.
 1. Cerebral edema.
 2. Acute bronchopneumonia.
 - a. Heavy congested lungs.
 - b. Clinical history of intubation.
 3. Clinical history of coagulopathy and increased intracranial pressure.
 - a. Retinal hemorrhages.
 - E. No evidence of trauma.
 - F. No evidence of congenital abnormalities.
- II. Evidence of medical intervention.
 - A. Subclavian hemorrhage on right extending into thymus.
 - B. Needle puncture marks in left chest with hemorrhage that extends from skin through the chest cavity with 50 cc of bloody fluid within left chest cavity.

CONCLUSION

Given the available investigative information, as well as a complete autopsy examination including toxicological and microscopic evaluation, it is my opinion that the cause of death of (b)(3):CPSA Section 25(c), a 6 month 14 day old male infant is due to suffocation in a non-standard sleeping environment.

MANNER OF DEATH: Accident.


LEISHA E. WOOD, M.D.

Deputy Medical Examiner

Date Signed: 4/12/10

LEW:mj



100420CWE2055
Attachment #13
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TRAVIS COUNTY OFFICE OF THE MEDICAL EXAMINER

1213 Sabine Street PO Box 1748 Austin, TX 78767
Tel: (512) 854-9599 Fax: (512) 854-9044
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VICKIE WILLOUGHBY, DO
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DEPUTY MEDICAL EXAMINER

Toxicology Report

ME 10-00764

(b)(3):CPSA Section 25

Pathologist : Dr. Leisha E. Wood

Date Completed : 4/1/2010

<u>Assay/Specimen</u>	<u>Substance</u>	<u>Result</u>	<u>Units</u>	<u>Method</u>
ACID/NEUTRAL DRUGS				
Blood, heart	Phenytoin	13	mg/L	GC/MS
ALKALINE DRUGS				
Blood, heart	Fentanyl	3.3	ng/mL	GC/MS
BENZODIAZEPINES				
Blood, cavity	Lorazepam	0.043	mg/L	LC/MS/MS
ETHANOL/VOLATILES				
Blood, cavity		ND		Headspace GC/FID
Plasma, hospital		ND		Headspace GC/FID
IMMUNOASSAY				
Blood, heart	Amphetamine	ND		ELISA
Blood, heart	Barbiturate	ND		ELISA
Blood, heart	Benzodiazepine	Detected		ELISA
Blood, heart	Cocaine Metabolite	ND		ELISA
Blood, heart	Fentanyl	Detected		ELISA
Blood, heart	Opiate	ND		ELISA
Blood, heart	Oxycodone	ND		ELISA
Blood, heart	Cannabinoid	ND		ELISA

ND = None Detected UFA = Unsuitable for Analysis

Comment:

Brad J. Hall, Ph.D., DABFT, Chief Forensic Toxicologist

Medical Examiner

**MEDICAL EXAMINER
TRAVIS COUNTY**



REPORT OF INVESTIGATION

ME 10-00764

100420CWE2055
Attachment #14
Page 1 of 7

CALL INFO	NAME OF DECEASED (LAST FIRST MIDDLE)		SUFFIX		AKA		CASE NUMBER	
	(b)(3):CPSA Section 25				MR #7372561		10-00764	
	INVESTIGATOR Gary R. Warner		REPORTED BY Dr. (b)(3):CPSA Se		REPORTING AGENCY Dell Children's Medical Center of Centr		AGENCY NUMBER (512) 324-0250	
DECEDENT	CALL DATE AND TIME 2/27/2010 18:30			ARRIVAL DATE AND TIME 3/2/2010 10:40			DEPARTURE DATE AND TIME 3/2/2010 11:40	
	DATE AND TIME OF DEATH 2/27/2010 18:24		DATE OF BIRTH 08/13/2009	AGE 6 Months 14 Days		GENDER Male	RACE Hispanic	
	RESIDENCE (STREET CITY, STATE, ZIP) 208 Costa Bella Drive, Austin, TX, 78734					COUNTY Travis	TELEPHONE NO (b)(6)	
	SOCIAL SECURITY NUMBER [REDACTED]		DRIVER'S LICENSE NO. AND STATE		OCCUPATION Infant			
	MARITAL STATUS Single	HEIGHT 27"	WEIGHT 18.66 lbs.		EYE COLOR	HAIR COLOR		
DEATH	LOCATION OF DEATH Hospital AT RESIDENCE							
	ADDRESS (STREET CITY, STATE, ZIP) 4900 Mueller Blvd.:DCMC PICU, Austin, TX, 78723					COUNTY Travis		
	PRONOUNCED BY Dr. Alexandra Wilson		DATE/TIME 2/27/2010 18:24	AGENCY Dell Children's Medical		FOUND BY	DATE/TIME	AGENCY
NOTIFICATION	LEGAL NEXT OF KIN Rhiannon and Tony Lopez						RELATIONSHIP Parents	
	ADDRESS (STREET CITY, STATE, ZIP) (b)(6)						TELEPHONE NO (b)(6)	
	NOTIFIED BY Present			METHOD In Person			DATE AND TIME 2/27/2010 18:24	
	NAME OF PERSON NOTIFIED (b)(6)						RELATIONSHIP Grand Parents	
	ADDRESS (STREET CITY, STATE, ZIP) (b)(6)						TELEPHONE NO. (b)(6)	
	IDENTIFIED BY Rhiannon and Tony Lopez			METHOD Visual			DATE AND TIME 2/27/2010 18:24	
DISP	TRANSPORTED TO MORGUE BY TCME Transport			TRANSPORTED TO MORTUARY BY Weed-Corley-Fish FH NL				
	FUNERAL HOME Weed-Corley-Fish FH NL			PROPERTY Yes No		TYPE OF EXAM Autopsy		
INCIDENT	LOCATION OF INCIDENT Home At Work							
	ADDRESS (STREET CITY, STATE, ZIP) (b)(5)					COUNTY Travis		
	DATE AND TIME OF INCIDENT 2/26/2010 14:32		INVESTIGATING AGENCY Travis County Sheriff's Office			OFFICERS Detective Blake Wallace, Dete		

**MEDICAL EXAMINER
TRAVIS COUNTY**



REPORT OF INVESTIGATION

ME 10-00764

100420CWE2055
Attachment #14
Page 2 of 7

MEDICAL HISTORY/MEDS

The decedent was born via Cesarean section to a G1 P1, 26 year old Caucasian female (father was a Hispanic male) on 8/13/09 (unknown time) at St. David's Hospital Labor and Delivery. The decedent was born without incident with a birth weight of 5 pounds, 10 ounces, gestation was 36 weeks and APGAR scores were unknown. The decedent's mother had received prenatal care at the office of (b)(3):CP St. David's Hospital, in Austin, Texas.

No known medical conditions or prescription medications.

Pediatrician: (b)(3):CPSA S Lakeway, Texas, phone # (b)(6)

OG/GYN: (b)(3):CP St. David's Hospital.

CIRCUMSTANCES OF DEATH

Suspected Hypoxic-Ischemic Encephalopathy due to Positional and/or Mechanical Asphyxia and Possible Shaken Baby Syndrome

Per (b)(3):CPSA Section 25(c) RN, Travis County Sheriff's Office Detectives Blake Wallace and Craig Smith, the decedent is a 6 month, 14 day old Hispanic male who was born via Cesarean section to a G1 P1, 26 year old Caucasian female (father was a Hispanic male) on 8/13/09 (unknown time) at St. David's Hospital Labor and Delivery. The decedent's mother presented to St. David's Hospital Labor and Delivery on 8/13/09 for a planned vaginal delivery. After being induced, it was determined that the decedent was suffering from tachycardia due to the induction medication (unknown medication) and a Cesarean section was immediately scheduled and performed. The decedent was born without incident with a birth weight of 5 pounds, 10 ounces, gestation was 36 weeks and APGAR scores were unknown. The mother reported no medical problems during her pregnancy and there were no reports of maternal drug use, trauma or ETOH use. The decedent's mother had received prenatal care at the office of (b)(3):CP St. David's Hospital, in Austin, Texas. Per the decedent's mother, the decedent did not have any current medical conditions and was not taking any prescription medications. On 2/26/10 at approximately 1315hrs, the decedent's mother gave the decedent approximately 8 ounces of pediatric formula ((b)(3)) brand) and placed the decedent into his crib in a supine position. The decedent was also covered with 1 synthetic baby blanket. TCSO Detective Wallace had stated that, upon examination at the residence, the decedent's crib had also contained 8 stuffed animals, 2 stuffed pillows and 2 other blankets. The crib's mattress consisted of a 6 inch padded synthetic material and the crib bars were also thickly padded. At approximately 1432hrs, the decedent's mother went into the decedent's room to perform a check welfare and found the decedent unresponsive and cyanotic in a prone position with his face between the corner of the mattress at the head of the crib and the sidewall of the crib. The mother immediately picked up the decedent and ran over to her mother's residence (the parents and the decedent lived in the pool house which was a part of the mother's parents house) and stated that the decedent was not breathing. The grandmother initiated untrained CPR on the decedent while the decedent's mother called 911. The grandmother had stated that a moderate amount of the formula was vomited by the decedent while she was attempting CPR. ATCEMS responded to the residence and, after an initial evaluation, they initiated PALS and made a decision to call Starflight. Starflight responded to an area outside of the residence and transported the decedent to Dell Children's Medical Center at 1545hrs. The decedent was intubated in flight and PALS was continued until arrival at DCMC ER. Hospital staff continued PALS and transferred the decedent to the CT area for a CT scan of the head. The CT scan was read as negative and the decedent was diagnosed with an Hypoxic-Ischemic Encephalopathy and transferred to the PICU. (b)(3):C reported that there were no obvious external injuries observed on the decedent upon examination. An ophthalmic examination was also performed which revealed bilateral retinal hemorrhages with the left eye showing greater hemorrhage than the right. (b)(3):CPSA Section 25(c) treated the decedent with pressors and ventilation but the decedent's prognosis was poor and his condition rapidly declined. On 2/27/10, the decedent was made a CAT III after a discussion with the family and allowed to expire at 1824hrs with family at bedside.

This case is currently being investigated by TCSO and Child Protective Services as a possible child abuse case. TCSO Detectives stated that the mother stated that she called 911 but, TCSO stated that the decedent's father called 911 after a call was made to him by the decedent's mother. TCSO stated that the mother never called 911. Per TCSO, the decedent's mother suffered from post-partum depression for approximately 2 months after the decedent was born but did not have any problems after 2 months. The mother also reportedly was not married to the decedent's father when she became pregnant and wanted to abort the decedent. After a discussion with the father, a decision was made to not abort the decedent and the

**MEDICAL EXAMINER
TRAVIS COUNTY**



REPORT OF INVESTIGATION

100420CWE2055
Attachment #14
Page 3 of 7

ME 10-00764

mother and father of the decedent were married. The mother also reportedly wanted to become a surrogate mother for others after the decedent was born to earn extra money. The decedent's mother and father were currently living in the pool house at the parent's residence. CPS stated that there was no history of prior CPS involvement but CPS is investigating this case. The decedent will be transported to TCME on 2/27/10 with medical records, admission blood, a post-mortem skeletal survey and the original disc from the ophthalmic exam that showed the bilateral retinal hemorrhages. TCSO and CPS will attend the autopsy.

County of Travis
Office of the
Medical Examiner

Case Number: ME 10-00764
Investigator : Gary R. Warner
Date : 2/27/2010

Case Narrative Report

Page 1 of 4

Decedent: (b)(3):CPSA Section 25(c)

Circumstances

Suspected Hypoxic-Ischemic Encephalopathy due to Positional and/or Mechanical Asphyxia and Possible Shaken Baby Syndrome

Per (b)(3):CPSA Section 25(c) RN, Travis County Sheriff's Office Detectives Blake Wallace and Craig Smith, the decedent is a 6 month, 14 day old Hispanic male who was born via Cesarean section to a G1 P1, 26 year old Caucasian female (father was a Hispanic male) on 8/13/09 (unknown time) at St. David's Hospital Labor and Delivery. The decedent's mother presented to St. David's Hospital Labor and Delivery on 8/13/09 for a planned vaginal delivery. After being induced, it was determined that the decedent was suffering from tachycardia due to the induction medication (unknown medication) and a Cesarean section was immediately scheduled and performed. The decedent was born without incident with a birth weight of 5 pounds, 10 ounces, gestation was 36 weeks and APGAR scores were unknown. The mother reported no medical problems during her pregnancy and there were no reports of maternal drug use, trauma or ETOH use. The decedent's mother had received prenatal care at the office of (b)(3):CPSA St. David's Hospital, in Austin, Texas. Per the decedent's mother, the decedent did not have any current medical conditions and was not taking any prescription medications. On 2/26/10 at approximately 1315hrs, the decedent's mother gave the decedent approximately 8 ounces of pediatric formula (b) brand) and placed the decedent into his crib in a supine position. The decedent was also covered with 1 synthetic baby blanket. TCSO Detective Wallace had stated that, upon examination at the residence, the decedent's crib had also contained 8 stuffed animals, 2 stuffed pillows and 2 other blankets. The cribs mattress consisted of a 6 inch padded synthetic material and the crib bars were also thickly padded. At approximately 1432hrs, the decedent's mother went into the decedent's room to perform a check welfare and found the decedent unresponsive and cyanotic in a prone position with his face between the corner of the mattress at the head of the crib and the sidewall of the crib. The mother immediately picked up the decedent and ran over to her mother's residence (the parents and the decedent lived in the pool house which was a part of the mother's parents house) and stated that the decedent was not breathing. The grandmother initiated untrained CPR on the decedent while the decedent's mother called 911. The grandmother had stated that a moderate amount of the formula was vomited by the decedent while she was attempting CPR. ATCEMS responded to the residence and, after an initial evaluation, they initiated PALS and made a decision to call Starflight. Starflight responded to an area outside of the residence and transported the decedent to Dell Children's Medical Center at 1545hrs. The decedent was intubated in flight and PALS was continued until arrival at DCMC ER. Hospital staff continued PALS and transferred the decedent to the CT area for a CT scan of the head. The CT scan was read as negative and the decedent was diagnosed with an Hypoxic-Ischemic Encephalopathy and transferred to the PICU. (b)(3):CPS reported that there were no obvious external injuries observed on the decedent upon examination. An ophthalmic examination was also performed which revealed bilateral retinal hemorrhages with the left eye showing greater hemorrhage than the right. (b)(3):CPSA Section 25(c) treated the decedent with pressors

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Decedent: (b)(3):CPSA Section 25
(a)

and ventilation but the decedent's prognosis was poor and his condition rapidly declined. On 2/27/10, the decedent was made a CAT III after a discussion with the family and allowed to expire at 1824hrs with family at bedside.

This case is currently being investigated by TCSO and Child Protective Services as a possible child abuse case. TCSO Detectives stated that the mother stated that she called 911 but, TCSO stated that the decedent's father called 911 after a call was made to him by the decedent's mother. TCSO stated that the mother never called 911. Per TCSO, the decedent's mother suffered from post-partum depression for approximately 2 months after the decedent was born but did not have any problems after 2 months. The mother also reportedly was not married to the decedent's father when she became pregnant and wanted to abort the decedent. After a discussion with the father, a decision was made to not abort the decedent and the mother and father of the decedent were married. The mother also reportedly wanted to become a surrogate mother for others after the decedent was born to earn extra money. The decedent's mother and father were currently living in the pool house at the parent's residence. CPS stated that there was no history of prior CPS involvement but CPS is investigating this case. The decedent will be transported to TCME on 2/27/10 with medical records, admission blood, a post-mortem skeletal survey and the original disc from the ophthalmic exam that showed the bilateral retinal hemorrhages. TCSO and CPS will attend the autopsy.

Additional Medical History

The decedent was born via Cesarean section to a G1 P1, 26 year old Caucasian female (father was a Hispanic male) on 8/13/09 (unknown time) at St. David's Hospital Labor and Delivery. The decedent was born without incident with a birth weight of 5 pounds, 10 ounces, gestation was 36 weeks and APGAR scores were unknown. The decedent's mother had received prenatal care at the office of Dr. (b) St. David's Hospital, in Austin, Texas.

No known medical conditions or prescription medications.

Pediatrician: (b)(3):CPSA Section 25(a) Lakeway, Texas, phone #(b)(6)

OG/GYN: (b)(3):CPSA St. David's Hospital.

Entered on 3/1/10 at 1550hrs by Investigator Warner;

The skeletal survey received from Dell Children's Medical Center was read as negative for fractures or injuries. Birth records received from South Austin Hospital were consistent with the reported information with the exception of the decedent being born with bilateral grade 2 hydronephrosis. The decedent was treated with amoxil at the hospital. Medical records obtained from the decedent's pediatrician were also consistent with the reported information but suggested that the decedent was born with a low birth weight and was still being treated for the bilateral grade 2 hydronephrosis.

Observations at Scene

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Decedent: (b)(3):CPSA Section 25
(c)

Scene Examination:

A TCME Investigator did not attend the scene. The decedent expired at Dell Children's Medical Center PICU. The scene was attended by TCSO Detectives Craig Smith #974 and Blake Wallace #1604.

ENTERED BY L. COURTNEY ON 3/3/10 @ 1400HRS: A retrospective scene investigation was conducted on 3/2/10 for doll re-enactment purposes at the request of Dr. Wood. The investigation was coordinated by Det. Blake Wallace of the TCSO Child Protection Team. I met Detective Wallace at the scene, who was accompanied by Det. Lopez of TCSO Child Protective Team and Austin Henderson from TX Department of Family Protective Services. The incident location was a crib located in a pool house, which was being utilized as a residence by the decedent and his parents. The pool house was in the back yard of a large mansion in an exclusive gated community, Costa Bella, in Lakeway, TX, where the maternal grandparents resided. We were escorted through the main home by the decedent's mother, father and maternal grandfather into the pool house. The doorway entered into a large single room which was cluttered and to the left was a wooden crib and to the left of the crib was a queen sized bed. The rails of the crib were completely extended. Bedding material in the crib included: several thin baby blankets at the foot of the crib, two stuffed animals at the foot of the crib, a yellow crocheted blanket and a small thick pillow covered with a blue and white striped pillow case at the head of the crib. Atop the fitted mattress was a thick velour blanket folded in half without being tucked in along the sides and contained numerous areas of wrinkled crevasses. The thickness of this blanket was approximately 3/8ths. A blue and white bumper pad was secured to areas of the inner crib with attached ties. The bumper pad was made of cloth and was approximately 1/2 inch in depth. The bumper pad measured 9 inches in height overall. Approximately 6 inches of the bumper pad were exposed above the mattress with the other 3 inches were below the top of the mattress.

I explained the purpose of the doll re-enactment to the mother, father and maternal grandfather and grandmother, who agreed to participate. The mother stated that after she tried to feed the decedent before his nap, but he "didn't eat much." She placed him supine in the middle of the crib with a yellow crocheted blanket tucked under his sides and feet at approximately 1315hours for his usual nap. Approximately one hour later she checked on the decedent to find him on his right side in the upper left hand corner of the crib with his face pressed up against the bumper pad. She then called her husband, who was in the car enroute to home from work, then removed the decedent from the crib and ran into the main house, where the maternal grandmother placed the decedent onto the tile floor in the living area and began untrained CPR. The maternal grandmother demonstrated the CPR: gave the decedent a few breaths around the nose and mouth and administered compressions at the sternum with her left palm. She stated the decedent vomited a milky substance during CPR. During CPR, the decedent's father arrived home and called 911. EMS arrived and transported the decedent to Dell Children's Medical Center.

According to the mother, the decedent's nares and mouth were clear of foreign objects, liquid, mucous, froth or blood when she discovered him. I observed the bedding materials and there was no evidence of bloody purge on the blanket nor the bumper pad. I peeled back the blanket to observe the layers

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Decedent: (b)(3):CPSA Section 25

beneath and no bloody purge or other stains were noted. The crib mattress measured 51 inches x 27 inches and fit snugly in the crib.

Prior to the re-enactment I interviewed the mother and the father about the decedent's health and the mother's prenatal and delivery history. According to the father, the decedent had been healthy and had been to the pediatrician the prior week for his well baby check and was administered his routine immunizations. He tolerated the immunizations well without an accompanying fever or fussiness. The father indicated that the decedent had an initial problem with urine "backing up" and not urinating much, but he stated that problem did not last very long and "he was fine." The mother stated that her prenatal course was uneventful, that she had been healthy. She stated that she was induced at 36 weeks gestation and an emergency c/section was needed when the decedent's heart rate increased during induction. I asked why she was induced and she stated that the decedent was "small for his age." I asked if there were any complications during the nursery course. The father stated there were none; no supplemental oxygen was required, and the decedent was discharged with the mother. The maternal grandmother stated the decedent was slightly jaundiced, but did not require phototherapy. The decedent was breast fed for approximately 1.5 months until he was switched to HEB brand powdered formula and he currently took 6 - 8 ounces of formula every 6 hours.

Per the decedent's father, the decedent was able to roll over and had been just starting to try to crawl and was able to scoot on his knees.

During the interview and re-enactment process I observed the mother to be cooperative but slow to answer questions, for which the father was quick to speak up and answer most of the questions about the decedent's health and post delivery course, and had a flat affect with no emotion or tears displayed. The decedent's maternal grandmother was very cooperative and very emotional, crying and stating she felt she didn't do enough during the CPR.

Injuries

A CT scan was read as negative and the decedent was diagnosed with an Hypoxic-Ischemic Encephalopathy. An ophthalmic examination was also performed which revealed bilateral retinal hemorrhages with the left eye showing greater hemorrhage than the right.

Clothing

Per TCME VAST, the decedent was transported to TCME wearing no clothing.

Weapon:

A weapon was not involved.

TASK NUMBER: 100420CWE2055

DATE: 5/19/2010

Status of Missing Document(s)

The official records were requested for this investigation report, but could not be obtained.

1. Travis County Sherriff Detective's Report. Requested, not received as of this date.
2. Death Certificate. Requested, not received as of this date.

Date: 4/8/2010

Investigator No: 2723

Regional office: 840

Supervisor No: 8631

