

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

9/10/86
 1237
 A39873 1

Pittsburgh

6600 Penna

42 Allegheny 003

Outdoors

78

Outdoors

178

12. MARITAL STATUS [1]		13. OCCUPATION [08 student]		14. SEX [M]		15. RACE [O]		16. HAIR [B]		17. EYES [B]	
18. DATE OF INJURY [040773]		19. TIME OF INJURY [1000]		20. TYPE OF INJURY [Ph. Dc]		21. FIRST RESPONDER [1043]		22. LOCATION OF INJURY [7]		23. TYPE OF WEAPON [2]	
24. NAME OF POLICE OFFICER [Police officials]		25. POLICE OFFICER ID [7]		26. NAME OF HOSPITAL [Ph. Dc]		27. HOSPITAL ID [15]		28. NAME OF INVESTIGATOR [Joseph S. Slaton]		29. INVESTIGATOR ID [254]	
30. ICD-9 CODE [8731]		31. ICD-9 CODE [Head]		32. ICD-9 CODE [550]		33. ICD-9 CODE []		34. ICD-9 CODE []		35. ICD-9 CODE []	

~~MFR/PRVLR NOTIFIED~~
~~No comments made~~
~~Comments attached~~
~~Excisions/Revisions~~
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~~further notice~~

3/12/96
~~MFR/PRVLR NOTIFIED~~
~~No comments made~~
~~Comments attached~~
~~Excisions/Revisions~~
~~Firm has not requested~~
~~further notice~~

10/17/96
 RTP

CASE NO.

A 34673

INJURY DATA

PATIENT DISPOSITION (Use numerical code)

38

TREATED AND RELEASED . . . 1
TREATED AND ADMITTED . . . 2
TREATED AND TRANSFERRED . . . 3
EXPIRED IN EMER ROOM . . . 4

EXPIRED AFTER FIRST DAY . . . 5
DEAD ON ARRIVAL . . . 6
OTHER OR UNKNOWN . . . 7

5

39 LENGTH OF STAY IN HOSPITAL
(Specify in days)

001

40 FIRST AID GIVEN (Use number of code)
YES - 1 NO - 2 UNKNOWN - 3

2

PRODUCT DATA

TYPE(S) OF PRODUCT

FIRST

41

Gun-air rifle

1 2 3 7 0 0

SECOND

42

43

0 0 0 0 0 0

44

BRAND OR MANUFACTURER'S NAME (If known)

FIRST

45

Daisy

0 0 0 0 0 0

SECOND

46

47 AGE OF PRODUCT (If known)

1

48 MODEL OR SERIAL NO. (If known)

880

FOR THE FOLLOWING ITEMS, CHECK THE APPROPRIATE BOXES

50 PRODUCT CERTIFIED (AGA, UL, etc.)

51 SAFETY DEVICE PRESENT

52 SAFETY DEVICE IN USE

53 SAFETY OR CAUTION STATEMENT PRESENT

54 WARNING OR CAUTION STATEMENT FOLLOWED

55 PROPER OPERATING INSTRUCTIONS PRESENT

56 PROPER OPERATING INSTRUCTIONS FOLLOWED

57 PRODUCT MODIFIED

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

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

	YES	NO
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2.		
3.		
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6.		
7.		
8.		

UNITED STATES GOVERNMENT

Memorandum

Page-1-

1037
~~1037~~
A39873

TO : DRP&DD Phi-Do Region III

DATE: 5-22-73

FROM : Joseph S. Slaton, 254

Victim, [REDACTED]
[REDACTED]

Pittsburgh, Penna. 15210

SUBJECT: Accidental Death Investigation;
Product, BB Rifle

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

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

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

JUN 12 1973 5/30/73

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

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

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

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



A 39873

Death Investigation,
██████████

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

In reviewing these records at the Coroner's Office I was able to copy the Case of ██████████, Case # ██████████ which shows the date 4-7-73 as the date reported.

██████████ Hospital Receiving record date 4-7-73 shows the body was removed from ██████████ Hospital at 5:15 p.m. and received at ACCO (Allegany County Coroner's Office) at 5:35 p.m. Address is listed as ██████████, Littleburgh, Pa. Age 14 Male White.

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

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

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

Circumstances;

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

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

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

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

A39373

Death Investigation

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

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

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

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

Deputy [redacted]

Autopsy Report # [redacted]
April 9, 1973

Final Pathological Diagnoses

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

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

[redacted], M.D., Forensic Pathologist

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

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

A39873

Death Investigation

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

On 5-22-73 I visited Mrs. [redacted] at her home at [redacted], Pittsburgh, Pa. 15210. Mrs. [redacted] stated that she could offer no further details regarding the incident which caused her son's death. She stated that she learned of his injury after it had happened and was not present at the time that the accident occurred. She stated that her son [redacted] was a playmate of [redacted] and accepted the verdict of the Coroner's Jury which she stated ruled the death as accidental. Mrs. [redacted] stated that to the best of her knowledge the gun involved in the incident was purchased by [redacted] mother through Aldens mail order catalogue. Mrs. [redacted] signed two Form FD-481, Authorization for Medical Records Disclosure and advised that she had no objection to our reviewing and obtaining copies of medical records for the case of her son [redacted].

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

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

A39873

Death Investigation

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

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

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

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

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

A 39873

Death Investigation

Mr. [REDACTED], who is a member of the Homicide Division of the Pittsburgh Police Department, showed me four photographs of the BB gun involved in the accidental death of [REDACTED]. These four photographs are police photographs and were made by the City of Pittsburgh Police. Mr. [REDACTED] provided me with these photographs as he said the incident was determined to be an accidental shooting and the police department would not need them for further records. These photographs are submitted with this report as exhibit 16 and include a photograph of the gun on a desk top with the pump compressor in an open position, a photograph of the gun with the pump compressor in a closed position, a photograph, close up, of the gun barrel showing the "Reg. No. B069089 Pat. Pending, and a close up photograph, which appears blurred, showing loading instructions.

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

A call to the Allegheny County Coroner's Office on 5-2-73 revealed that the Coroner has not yet returned and is not expected until after the 4th of June 1973. A further attempt at copying the Coroner's Inquest and autopsy report will be made at that time. This report, if obtained will be submitted under separate cover.

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

Attachments:

Exhibits 1 through 16
Assignment Memo
Newspaper Clipping, copy dtd. 5-25-73

Exhibit 4
ISS

CRIME LABORATORY REPORT

Case Name ~~J. S.~~

Laboratory Case Number

ITEM NO.

1.

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

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

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

1 Pump - velocity at 15 feet = 315 f.p.s.
an energy of 1.94 ft- lbs and an
estimated velocity of 212 f.p.s. at 50
yds.

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

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

Zamb

CRIME LABORATORY REPORT

EX 4 CONT -
JSJ

Case Name

Laboratory Case Number

ITEM NO.

CONFIDENTIAL

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

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

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

Respectfully submitted,

FIREARMS EXAMINER

3amb

Page

For items referred to herein please see attached receipt forms.



5/25/73

Exhibit 9
JSS

BUSINESS REPLY MAIL
FIRST CLASS PERMIT NO 40 - ROGERS, ARKANSAS 72756

POSTAGE WILL BE PAID BY:

DAISY-HEDDON
DIVISION VICTOR COMPTOMETER CORPORATION

ROGERS,

ARKANSAS 72756

ATTN: WARRANTY DEPT.



DAISY MODEL 880 WARRANTY REGISTRATION

Complete and mail this form to receive your warranty card. This card must be retained with the product.

Name of Buyer _____
Address _____
City _____ State _____ Zip _____
Model No. _____
Serial No. _____
Date Purchased _____
City _____ State _____
Name of Store Where Purchased _____
In what state was this unit purchased? _____
How many units of this type do you own? _____
How many units of this type do you use? _____
How many units of this type do you have in your home? _____
How many units of this type do you have in your office? _____
How many units of this type do you have in your business? _____
How many units of this type do you have in your school? _____
How many units of this type do you have in your church? _____
How many units of this type do you have in your other place? _____

Model No. _____
Serial No. _____
Date Purchased _____
City _____ State _____
Name of Store Where Purchased _____
In what state was this unit purchased? _____
How many units of this type do you own? _____
How many units of this type do you use? _____
How many units of this type do you have in your home? _____
How many units of this type do you have in your office? _____
How many units of this type do you have in your business? _____
How many units of this type do you have in your school? _____
How many units of this type do you have in your church? _____
How many units of this type do you have in your other place? _____

Model No. _____
Serial No. _____
Date Purchased _____
City _____ State _____
Name of Store Where Purchased _____
In what state was this unit purchased? _____
How many units of this type do you own? _____
How many units of this type do you use? _____
How many units of this type do you have in your home? _____
How many units of this type do you have in your office? _____
How many units of this type do you have in your business? _____
How many units of this type do you have in your school? _____
How many units of this type do you have in your church? _____
How many units of this type do you have in your other place? _____

Model No. _____
Serial No. _____
Date Purchased _____
City _____ State _____
Name of Store Where Purchased _____
In what state was this unit purchased? _____
How many units of this type do you own? _____
How many units of this type do you use? _____
How many units of this type do you have in your home? _____
How many units of this type do you have in your office? _____
How many units of this type do you have in your business? _____
How many units of this type do you have in your school? _____
How many units of this type do you have in your church? _____
How many units of this type do you have in your other place? _____

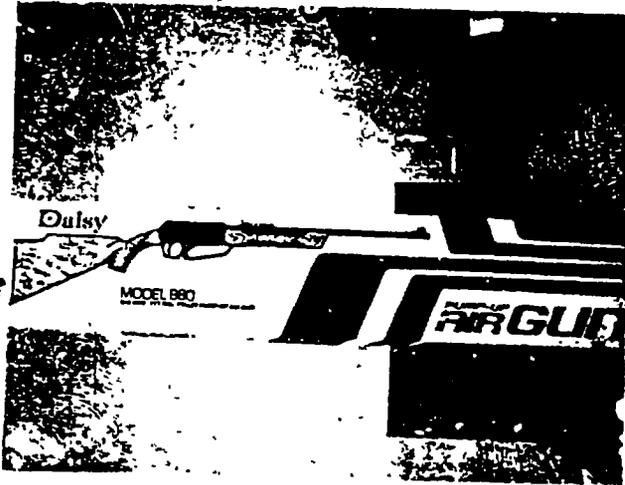
Exhibit 9
JSS

5/25/73

A39873

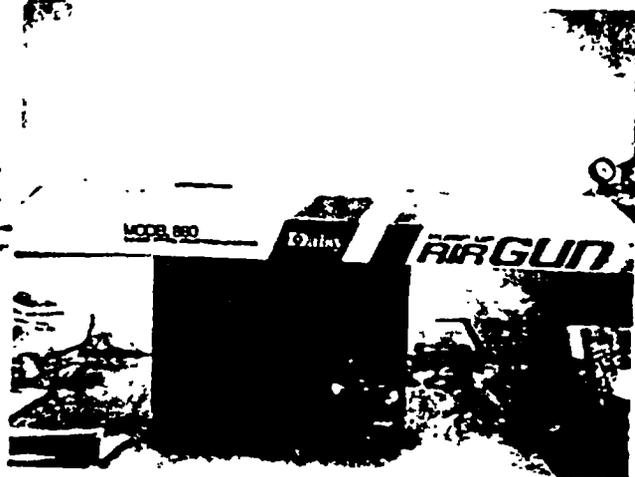
EXHIBIT 10

5/25/73



EX 10 ISS

5/25/73



EX 10 ISS

EXHIBIT 10

A39873

~~████████~~ 5/25/73



Ex 10 JS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
FOOD AND DRUG ADMINISTRATION

Exhibit 15
SS A 39873

AUTHORIZATION FOR MEDICAL RECORDS DISCLOSURE

TO WHOM IT MAY CONCERN:

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

(the case of

My son

Relationship to you

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

5-22-73

(Date)

[Signature]
(Signature)

Joseph S. Slaton
(Witness)

A 39873

Dr. [REDACTED]

Admitted: 4-7-73

Expired: 4-8-73

4-8

DISCHARGE SUMMARY

PITTSBURGH, PENNSYLVANIA 15219

This is a 14 year old white male admitted through the emergency room in transfer from [REDACTED] hospital where he had been taken after an alleged B.B. gun shot wound to the head. On arrival here the patient was comatose, unresponsive showing decerebrations of all extremities with fixed dilated pupil on the left. Cerebral angiography disclosed no evidence of intra cranial mass lesion. There was metallic density, foreign body in the right cerebrum, and a small puncture wound of the skin just above the tragus of the left ear. The patient had endotracheal intubation, hyperventilation, fluid restriction, osmotic diuretics, all directed at intensive treatment of cerebral edema. The patient initially showed some reversion of the state of symptoms in that he began moving all extremities purposefully and in combative manner. Because of the danger of brain herniation from struggling the patient was pinned on a gurney and respirations were artificially controlled. From the time of admission until the time of his death, the blood pressure, pulse rate and intensity continued on progressive deteriorating course. Despite the measures aimed at treating the cerebral edema, the patient had cessation of all vital signs 26 hours after arrival here and was pronounced dead. Coroner's office was notified and will be claiming the body for further examination.

DIAGNOSIS: PENETRATING MISSILE INJURY HEAD CAUSING CEREBRAL EDEMA.

Dictating:

Dr. [REDACTED]

4-8 4-10-73

[REDACTED]

M.D.

~~██████████~~ HOSPITAL

HISTORY AND PHYSICAL EXAMINATION

A39873

Dr. ~~██████████~~
Adm: 4-7-73

Date of Examination 4-7-73

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

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

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

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

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

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

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

HEART: Normal sinus rhythm with no murmurs.

ABDOMEN: Soft, no tenderness, no organomegaly.

EXTREMITIES: No evidence of any trauma. No lacerations.

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

IMPRESSION: Rule out subdural hematoma.

Dr. ~~██████████~~
4-9-73

Dictated: 4-7-73

History approved by ~~██████████~~

Attending Dr. _____

History taken by ~~██████████~~

Dr. _____



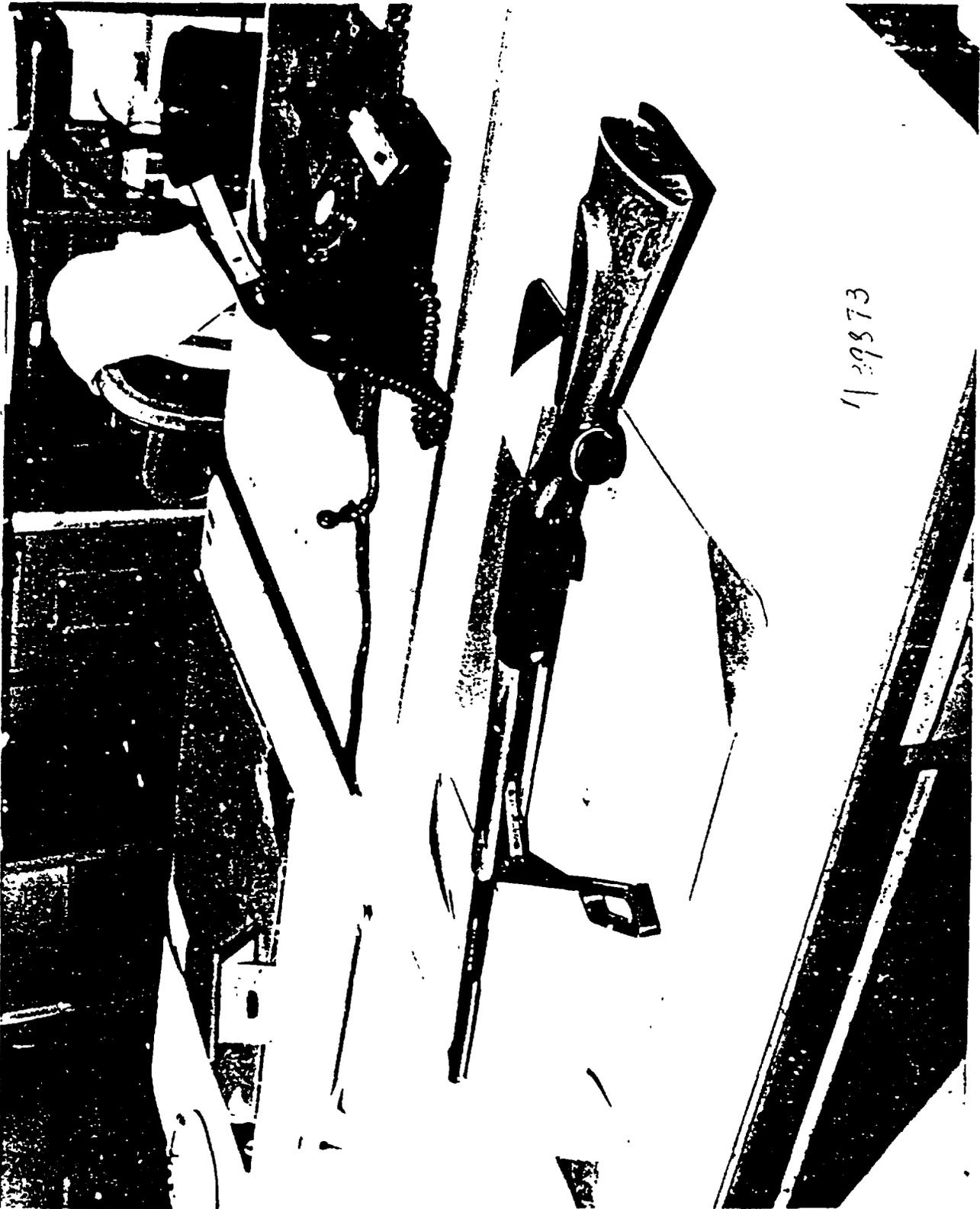
HOSPITAL

Street, Pittsburgh, Pa 15219

Medical Record Department

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

Attn: J. S. Slaton



129873

1/11/1 12 255

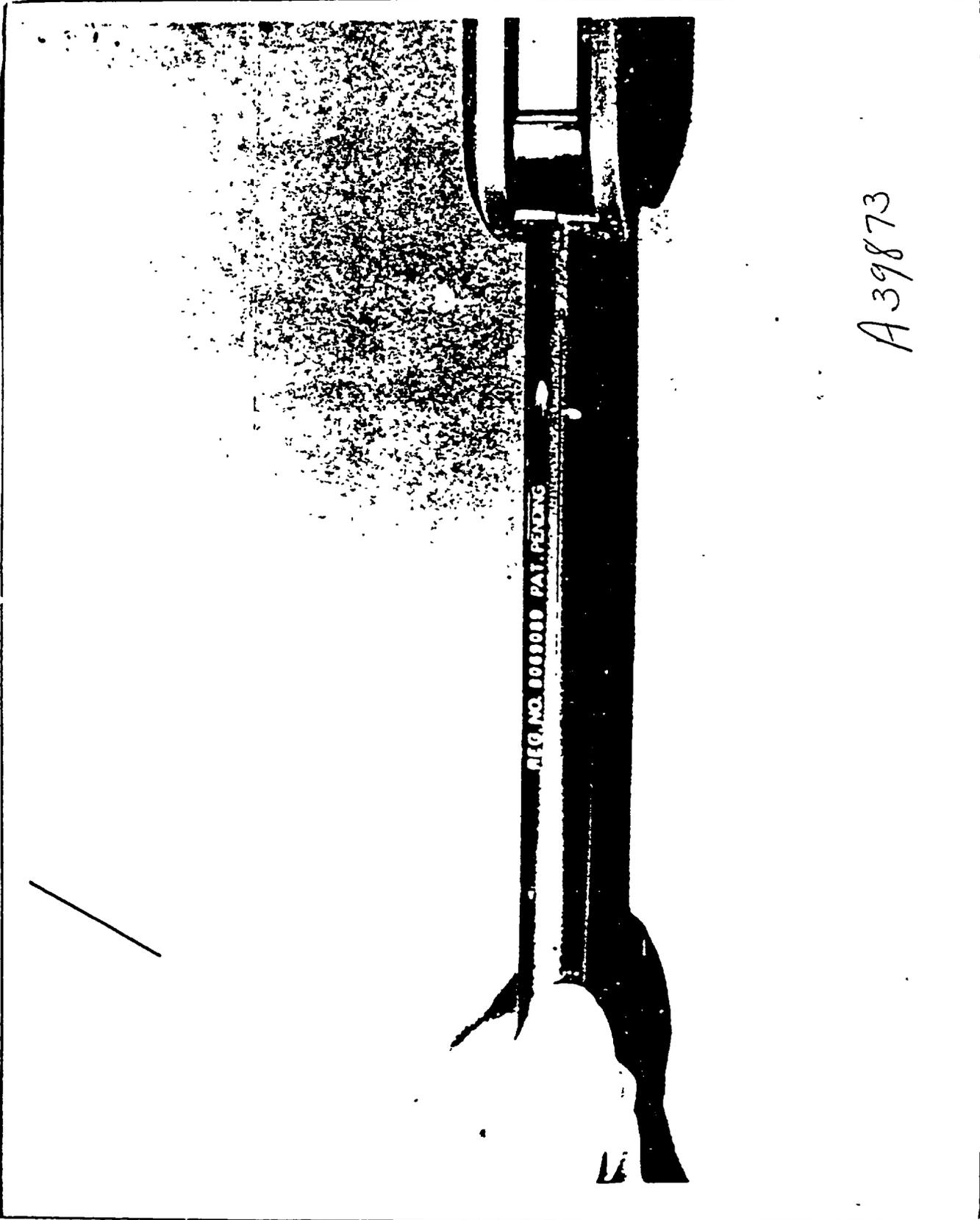


A39173

APR 18 73

4 LOAD
8 FIRE

00 017 00000



REG. NO. 806900 PAT. PENDING

A39873

Q

1. CASE NUMBER 960424CWE5020		2. INVESTIGATOR'S ID 8320		EPIDEMIOLOGIC INVESTIGATION REPORT	
3. OFFICE CODE 860	4. DATE OF ACCIDENT 960223	5. DATE INITIATED 960424			
6. SYNOPSIS OF ACCIDENT OR COMPLAINT: A 15-year old boy permanently lost the sight of his right eye from the pellet of an air rifle that discharged at a range of about 20 feet. The victim and a friend of about the same age were hunting birds when the friend's BB gun accidentally discharged.					
7. LOCATION (Home, School, etc.) Back yard area, 11		8. CITY Blackhawk		9. STATE California, CA	
10A. FIRST PRODUCT Pellet gun, 1237		10B. TRADE/BRAND NAME Daisy Powerline		10C. MODEL NUMBER 900	
10D. MANUFACTURER NAME AND ADDRESS Daisy Mfg. Co., Inc. 2111-T S. 8th St., P.O. Box 220 Rogers, AR 72756					
11A. SECOND PRODUCT None		11B. TRADE/BRAND NAME N/A		11C. MODEL NUMBER N/A	
11D. MANUFACTURER NAME AND ADDRESS N/A					
12. AGE OF VICTIM 015	13. SEX Male, 1	14. DISPOSITION Treated and Transferred 3		15. INJURY DIAGNOSIS Puncture, 63	
16. BODY PART(S) INVOLVED Eyeball, 77	17. RESPONDENT Official documents, 3	18. TYPE OF INVESTIGATION Other, 3		19. TIME SPENT (Operational hours) 4.0 hours	
20. CATEGORY ID Sect 15 1996	21. CASE SOURCE Newspaper, F9645018A 05	22. SAMPLE COLLECTION NUMBER None			
23. PERMISSION TO DISCLOSE NAMES (Non Neiss Cases Only) YES [] NO [] There is no signed document regarding the release of name					
24. REVIEW DATE 960611	25. REVIEW BY 8101		26. REGIONAL OFFICE DIRECTOR		
27. DISTRIBUTION					

MFR/PRVLR NOTIFIED
No Comments
Excisions/Revisions
Firm has not requested further notice

FIELD ACTIVITY COVERSHEET

1 Region/State FOWR/SFO	2 Operation (Check one) <input type="checkbox"/> Inspection <input type="checkbox"/> Establishment visit <input type="checkbox"/> Telephone contact <input checked="" type="checkbox"/> Investigation <input type="checkbox"/> Other:	3 Date 11 June 1966 4 Number 960424CWE5020	
5 Establishment Name: Daisy Mfg. Co., Inc. Address: 2111-T S. 8th St., P.O. Box 220 City: Rogers State: AZ Zip: 72756 <div style="text-align: right;">Telephone</div>			
6 Related firm <input type="checkbox"/> Parent <input type="checkbox"/> Headquarters <input type="checkbox"/> Subsidiary <input type="checkbox"/> Other Name: City: State:			
7 Products covered Pellet gun	8 Other consumer products		
9 Establishment Type <input checked="" type="checkbox"/> Manufacturer <input type="checkbox"/> Importer <input type="checkbox"/> Wholesaler <input type="checkbox"/> Own label distributor <input type="checkbox"/> Retailer <input type="checkbox"/> Repackager Other _____	10 Annual production Product covered \$ units: Other products \$ units:		
11 IS business † received [] † shipped []	12 Samples collected None	13 MIS code 32626	14 Hours Activity 4.0 Travel 0.0
15 Reason for activity			
16 Announced <input type="checkbox"/> (Rationale for announced inspection) Unannounced <input type="checkbox"/>			
17 Employee's Name Laurel Spinazze	Title Investigator	Signature date	
18 <input type="checkbox"/> Endorsement <input type="checkbox"/> Remarks <input type="checkbox"/> Summary <input type="checkbox"/> Other: <p style="margin-left: 40px;"> IDI conducted in response to a newspaper account of an injury associated with an air rifle. A 15 year old boy was accidentally shot at close range by a 14 year old playmate. The boys were shooting birds in the backyard of the 14 year old who owned the air rifle. We were unable to examine the product. No further follow up. </p>			
19 Reviewer's Name James P. DiGrazia	Title Supervisory Investigator	Signature	
20 Review Date 960611	21 Distribution O: EHDS cc's: DAL-SO; SFRO cc c/s: LDB/LGC		

The contents of this report are based on the newspaper account, on official documents, and on a telephone conversation with the investigating police officer. The police department returned the pellet gun to the victim's parents; the parents refused me an interview.

PRE-INCIDENT:

Scene of the event is the back yard area of a single family residence located in a affluent subdivision within commuting distance of San Francisco. Two boys, one aged 14, the other 15, were in and about the back yard shooting birds. The younger boy lived in the home and owned an air rifle; the older, who was visiting, lived in a town some 30 miles from the subdivision.

INCIDENT:

The day was a Friday, the time about 7:00 pm. It was dusk and visibility was beginning to be poor. The victim was standing on the deck using a pool cleaning apparatus to flush birds out of a vine covered trellis. His friend was holding the subject BB rifle in his right hand, and walking somewhat backwards in a direction away from the trellis. The two boys were separated by about fifteen feet when the friend turned toward the victim, and all of a sudden the rifle discharged. The victim put his hand up to right eye and began to stagger. At first, the friend thought that the victim was joking. But he kept his eye closed, and soon it begin to swell and bleed, and the friend quickly realized that the victim was injured. Against the victim's wishes, the friend called 911 emergency. Police officers arrived, and a helicopter transported the victim to hospital emergency where he was diagnosed as being in serious condition.

POST INCIDENT:

At the time of the event, the rifle was being used in the pump mode (not CO2). When police investigators inspected the rifle, they found that eight pumps had been used up. Since the rifle is good for 10 pumps at a time, it was not at full power when the event occurred. The rifle did not appear to be brand new. The police removed one of the projectiles for inspection by a paramedic; it was a copper-coated BB.

The pellet went through the victim's right eye and crossed into the left side of his brain finally stopping against the skull in back of the brain. He has permanently lost the sight of his eye, and as of about a month after the event, his speech remains muddled. He is working to regain motion of this right side.

PRODUCT DESCRIPTION:

Product: Air rifle
Type: Both carbon dioxide and pump-up, 177 caliber. Dual pellet and BB. Good for 10 pumps at a time.
Model: Crossman Powerline 990
Lot Number: 95514176
Manufacturer: Daisy Mfg. Co., Inc
2111-T S. 8th Street, P.O. Box 220
Rogers, AR 72756

SAMPLES COLLECTED:

None

STANDARDS INFORMATION:

Whether the product complied with a standard remains unknown.

LIST OF EXHIBITS:

Police report (controlled document), 9 pages.

960424CWE5020

C 6/26/96

1237

5 JUN 1996

FIELD ACTIVITY COVERSHEET

1 Region/State FOWR/SFO		2 Operation (Check one) <input type="checkbox"/> Inspection <input type="checkbox"/> Establishment visit <input type="checkbox"/> Telephone contact <input checked="" type="checkbox"/> Investigation <input checked="" type="checkbox"/> Other: <i>Address</i>		3 Date 11 June 1966	
				4 Number 960424CWE5020	
5 Establishment Name: Daisy Mfg. Co., Inc. Address: 2111-T S. 8th St., P.O. Box 220 City: Rogers State: AZ Zip: 72756 Telephone:					
6 Related firm <input type="checkbox"/> Parent <input type="checkbox"/> Headquarters <input type="checkbox"/> Subsidiary <input type="checkbox"/> Other Name: City: State:					
7 Products covered Pellet gun			8 Other consumer products		
9 Establishment Type <input checked="" type="checkbox"/> Manufacturer <input type="checkbox"/> Importer <input type="checkbox"/> Wholesaler <input type="checkbox"/> Own label distributor <input type="checkbox"/> Retailer <input type="checkbox"/> Repackager Other:			10 Annual production Product covered \$ units: Other products \$ units:		
11 IS business % received [] % shipped []		12 Samples collected None	13 MIS code 32626	14 Hours Activity 4.0 Travel 0.0	
15 Reason for activity					
16 Announced <input type="checkbox"/> (Rationale for announced inspection) Unannounced <input type="checkbox"/>					
17 Employee's Name Laurel Spinazze		Title Investigator	Signature date		
18 <input type="checkbox"/> Endorsement <input type="checkbox"/> Remarks <input type="checkbox"/> Summary <input type="checkbox"/> Other: IDI conducted in response to a newspaper account of an injury associated with an air rifle. A 15 year old boy was accidentally shot at close range by a 14 year old playmate. The boys were shooting birds in the backyard of the 14 year old who owned the air rifle. We were unable to examine the product. No further follow up.					
19 Reviewer's Name James P. DiGrazia		Title Supervisory Investigator		Signature	
20 Review Date 960611		21 Distribution O: EHDS cc's: DAL-SO; SFRO cc c/s: LDB/LGC			

CONTRA COSTA COUNTY SHERIFF'S DEPARTMENT CA0070000
P.O. Box 391, Martinez, California 94553-0030

Sheet 13

CONTROLLED DOCUMENT

1. R. No. 16-5146		2. City Code 147/83		3. Crime/Classification HOSPITALIZATION		4. Detail 1. 1254 2. 1254	
5. Date / Time of Occurrence 2-23-96 1916				7. Date / Time Reported 2-23-96 1916		8. Employee No. 22794	
Address / Location of Occurrence 5411 BLACKHAWK DR. BLACKHAWK							
Name (L, F, M) TRUSSELL, BRANDON							
13. Race / Sex / Age WM 14				14. DOB 8-1-81		15. Driver License No.	
Address 5411 BLACKHAWK DR. BLACKHAWK							
Employed By or School LAS CERRAS SCH. 8TH. DANVILLE							
21. Eyes BRN		22. HL S-E		23. WL 140		24. AKA / Maiden Name	
Further Description (Scars, Tattoos, Mannerisms, Clothing, Etc.)							

30. Race / Sex / Age WM 15		31. DOB 2-16-81		32. Driver License No.			
Name (L, F, M) ADKINS, WILLIAM DANIEL							
Address 5174 CROW CANYON RD. ASTER VALLEY							
Employed By or School VALLEY CHRISTIAN HIGH SCHOOL 8TH							
38. Eyes		39. HL		40. WL		41. AKA / Maiden Name	
Further Description (Scars, Tattoos, Mannerisms, Clothing, Etc.)							

47. Race / Sex / Age		48. DOB		49. Driver License No.			
Name (L, F, M)							
Address							
Employed By or School							
55. Eyes		56. HL		57. WL		58. AKA / Maiden Name	
Further Description (Scars, Tattoos, Mannerisms, Clothing, Etc.)							

63. Lic. No. (State)		64. Year		65. Make		66. Model		67. Body Style		68. Color Top / Bottom	
70. Registered Owner		71. R.O. Address									
72. Towed to or Released to								73. Who has keys?			
75. F/P		76. Dispo of Evidence		77. S Missing		78. S Damaged					

Brief Synopsis of Incident
TRUSSELL & ADKINS WERE IN THE BACK YARD OF 5411 BLACKHAWK DR. THEY WERE GOING TO SHOT BIRDS WITH TRUSSELL'S BB RIFLE. TRUSSELL ACCIDENTLY PULLED THE TRIGGER. ADKINS WAS STRUCK IN THE FACE ON RIGHT SIDE BY THE BB PROJECTILE. ADKINS WAS FLOWN TO JOHN MUIR HOSPITAL BY ORN STAR FOR TREATMENT.

81. Additional Routing			
82. Reporting Deputy (Print) J. KAIN		83. Date / Time Written 2-23-96 1930	
84. Approving Supv (Print) Sgt P. SWANSON		85. Page 1 of 1	

96 0424 (WE 5020)

Continuation

CONTRA COSTA COUNTY SHERIFF'S DEPARTMENT CA0678000
P.O. Box 391, Martinez, California 94553-0099

Best 13

Supplemental

HRO Arrest SI

1. CR No. 76-5146	2. City Code VLY/73	3. Crime/Classification HOSPITALIZATION	4. Detail 1. 1730 2. 1254	5. Reclassification <input type="checkbox"/>
6. Victim Name (L, F, M)		7. Date Orig. Report	8. Employee No. 22724	
9. Address / Location of Occurrence			10. Suspect's Name (L, F, M)	

Property Description:
Impounded, Recovered, Found, Lost, Stolen - Item Number, Article, Quantity, Brand/Make/Manufacturer's Model Number, Serial Number, Miscellaneous Description, Location Where Taken, Value, Include Total Loss - LIST IN FOLLOWING ORDER: A) Currency, Notes; B) Jewelry; C) Clothing, Purc; D) Vehicle; E) Office Equipment; F) Radio, TVs, etc.; G) Firearms; H) Household Goods; I) Misc.

11. Recovered Property \$	12. Narrative / Statements (1) I WAS DISPATCHED TO A 911 CALL AT 5411
---------------------------	--

BLANKHAWK DR. 5% DISPATCH RECEIVED A CALL FROM
BRANDON TRUSSELL WHO SAID THAT HIS FRIEND HAD BEEN
ACCIDENTALLY SHOT IN THE EYE.
DEPUTY REDFERN & SAN RAMON FIRE WERE BOTH
ON SCENE WHEN I ARRIVED. SAN RAMON FIRE FELT IT
NECESSARY TO HAVE CAL STAR TRANSPORT ADKINS TO
JOHN MUIR HOSPITAL. (ADKINS REPORTEDLY HAD GONE
UNCONSCIOUS & VOMITED)

I ASKED BRANDON TRUSSELL HOW ADKINS WAS INJURED.
HE TOLD ME THE FOLLOWING: HE & ADKINS WERE LOOKING
FOR BIRDS TO SHOT WITH THE R.R. RIFLE. HE WAS STANDING
ON THE REAR YARD PATIO HOLDING THE R.R. RIFLE IN
HIS RIGHT HAND. ADKINS WAS ON THE RAISED WOOD
Porch TRYING TO FLUSH OUT BIRDS FROM THE BUSHES.
HE TURNED AROUND AND THE R.R. RIFLE ACCIDENTLY
WENT OFF (HE MUST HAVE HAD HIS FINGER ON THE
TRIGGER BUT DOESN'T RECALL) HE SAW ADKINS PUT A
HAND UP TO HIS RIGHT EYE. ADKINS APPEARED TO
STASSEE AROUND. HE THOUGHT THAT ADKINS WAS
JUST PLAYING AROUND. (THEY HAVE BEEN FRIENDS
SINCE THE 1ST GRADE) HE SAW THAT ADKINS RIGHT
EYE WAS CLOSED & SWOLLEN. HE GOT WET PAPER TOWELS
I ATTEMPTED TO HELP HIS FRIEND. HE TOLD ADKINS HE
WAS CALLING 911. ADKINS TOLD HIM NOT TO CALL

15. Distribution <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> DA <input type="checkbox"/> DE <input type="checkbox"/> L <input type="checkbox"/> O <input type="checkbox"/> SR <input type="checkbox"/> V <input type="checkbox"/> Investigation <input type="checkbox"/> Vice <input type="checkbox"/> Narcotics <input type="checkbox"/> Juv <input type="checkbox"/> Coroner <input type="checkbox"/> Property Cl. <input type="checkbox"/> ACS <input type="checkbox"/> Invtl. <input type="checkbox"/> R.O. <input type="checkbox"/> SMC <input type="checkbox"/> Patrol Captain <input type="checkbox"/> Compt. Ofc. <input type="checkbox"/> Marine Patrol <input type="checkbox"/> Other	16. Additional Routing	17. Reporting Deputy (Print) J. KAIN	17. Date / Time Written 2-23-96 1730	18. Dispo. REF
		18. Approving Supv (Print) DS	20. Supv. No.	21. Date
				22. Page 2 of 6

960924CWE5020

Supplemental HRO Arrest SI

DR No. <u>76-5146</u>	2. City Code <u>UKY/PS</u>	3. Crime/Classification <u>HOSPITALIZATION</u>	4. Detail 1. <u>1720</u> 2.	5. Precinct-Location <input type="checkbox"/>
Victim Name (S., F., M)		7. Date Orig. Report	8. Employee No. <u>22774</u>	
Address / Location of Occurrence		10. Suspect's Name (S., F., M)		

Property Description:

Impounded, Recovered, Found, Lost, Stolen - Item Number, Article, Quantity, Brand/Make/Manufacturer's Model Number, Serial Number, Miscellaneous Description, Location Where Taken, Value, Include Total Loss - LIST IN FOLLOWING ORDER: A) Currency; Notes; B) Jewelry; C) Clothing, Fur; D) Vehicles; E) Office Equipment; F) Radio, TV, etc.; G) Firearms; H) Household Goods; I) Misc.

Recovered Property #

13. Narrative / Statements

(1) TWICE. BRANDON PUT THE R.B. GUN IN THE CLOSET IT NORMALLY IS STORED. HE CHECKED ON ADKINS & FELT IT WAS TOO SERIOUS NOT TO CALL FOR HELP. HE DISREGARDED HIS FRIENDS REQUEST & CALLED 911. DEPUTY REDFERN ARRIVED SHORTLY AFTER THE 911 CALL. HE SHOWED DEPUTY REDFERN THE R.B. GUN & TOLD HIM WHAT HAD OCCURRED.

I CONTACTED MRS. ADKINS VIA HER PAGER & ADVISED HER OF WHAT OCCURRED & LOC. OF THE HOSPITAL HER SON WAS TAKEN. I LOCATED & ADVISED MRS. TRUSSELL WHO RETURNED HOME.

DEPUTY REDFERN ADVISED LT. S. HALL WHO REQUESTED INVESTIGATION & THE CRIME LAB TO BE CALLED OUT.

SGT. SWEENEY & LT. COGGIN CAME TO MY LOCATION.

I ADVISED BOTH MRS. TRUSSELL & BRANDON OF THE COUNTY ORD. ABOUT PERSONS UNDER 16 YRS. NOT BEING ALLOWED USE OF BB OR FIREARMS WITHOUT PARENTS OR GUARDIAN SUPERVISION.

INVESTIGATIONS DIV. SGT. GIBBERT ARRIVED AT 2200 HRS. & TOOK OVER THE DETAIL. THE CRIME LAB TOOK PHOTO'S & TOOK CUSTODY OF THE R.B. GUN. (DAISY POWELLING 970 LT#9314176)

- Distribution
- B C DA DE L O SR V
 - Investigation Vice Narcotics Juv Coroner
 - Property Cl. ACS Insp. R.O. SHC
 - Patrol Captain Compl. Off. Marine Patrol
 - Other

15. Additional Routing

16. Reporting Deputy (Print) <u>J. KAIN</u>	17. Date / Time Written <u>2-23-86 1920</u>	18. Dispo. <u>REF</u>
19. Approving Supr. (Print) <u>DS</u>	20. Supr. No.	21. Date
		22. Page <u>3 of 4</u>

Continuation

CONTRA COSTA COUNTY SHERIFF'S DEPARTMENT CA0870008
P.O. Box 391, Martinez, California 94553-0099

Beat 15

Supplemental

HRO Arrest 8

1. SR No. <u>96-5146</u>	2. City Code <u>VLY/83</u>	3. Crime/Classification <u>HOSPITALIZATION</u>	4. Detail 1 <u>1730</u>	5. Reclassification <input type="checkbox"/>
Victim Name (L, F, M)			2 <u>1254</u>	
Address / Location of Occurrence			7. Date Orig. Report	8. Employee No. <u>22794</u>
			10. Suspect's Name (L, F, M)	

Property Description:
Impounded, Recovered, Found, Lost, Stolen - Item Number, Article, Quantity, Brand/Make/Manufacturer's Model Number, Serial Number, Miscellaneous Description, Location Where Taken, Value, Include Total Loss - LIST IN FOLLOWING ORDER: A) Currency, Notes; B) Jewelry; C) Clothing, Fur; D) Vehicles; E) Office Equipment; F) Radio, TVs, etc.; G) Firearms; H) Household Goods; I) Misc.

Recovered Property \$	11. Narrative / Statements (1) <u>I TURNED IN THE FILM TAKEN OF THE SCENE BY SGT. SWEENEY. THE FACTS RELAYED TO ME BY ADKINS AT THE SCENE INDICATE THE INCIDENT WAS AN ACCIDENT WHILE TWO JUV. FRIENDS WERE HUNTING BIRDS. I DON'T FEEL THERE WAS ANY CRIMINAL INTENT TO INSURE ADKINS.</u>
-----------------------	--

Distribution <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> DA <input type="checkbox"/> DE <input type="checkbox"/> L <input type="checkbox"/> O <input type="checkbox"/> SR <input type="checkbox"/> V <input type="checkbox"/> Investigation <input type="checkbox"/> Vice <input type="checkbox"/> Narcotics <input type="checkbox"/> Juv <input type="checkbox"/> Coroner <input type="checkbox"/> Property Clk. <input type="checkbox"/> ACS <input type="checkbox"/> Intell. <input type="checkbox"/> R.O. <input type="checkbox"/> SMC <input type="checkbox"/> Patrol Captain <input type="checkbox"/> Compt. Cfo. <input type="checkbox"/> Marine Patrol <input type="checkbox"/> Other	13. Additional Routing	16. Reporting Deputy (Print) <u>J. Kain</u>	17. Date / Time Written <u>2-25-96 AM</u>	18. Dept. <u>REF</u>
		19. Approving Supv. (Print) <u>DS</u>	20. Supt. No.	21. Date
				22. Prep <u>F. G. K.</u>

96 0424 C W E 5020

Supplemental

FRO Arrest SI

DR No. <u>96-5146</u>	2. City Code <u>Key 83</u>	3. Crime/Classification <u>HOSPITALIZATION</u>	4. Detail <u>1730</u>	5. Reclassification <u>E</u>
Victim Name (S, F, M) <u>ADKINS, William</u>		7. Date Orig. Report <u>2-23-96</u>	8. Employee No. <input type="checkbox"/>	
Address / Location of Occurrence <u>5411 BLACKHAWK DR BLACKHAWK</u>		10. Suspect's Name (S, F, M)		

Property Description:
 Impounded, Recovered, Found, Lost, Stolen - Item Number, Article, Quantity, Brand/Make/Manufacturer's Model Number, Serial Number, Miscellaneous Description, Location Where Taken, Value, Include Total Loss - LIST IN FOLLOWING ORDER: A) Currency, Notes; B) Jewelry; C) Clothing, Fur; D) Vehicle; E) Office Equipment; F) Radio, TVs, etc.; G) Firearms; H) Household Goods; I) Misc.

1. Recovered Property #	13. Narrative / Statements (1)
-------------------------	-----------------------------------

I RESPONDED TO JOHN MUIR HOSPITAL TO GET INFORMATION CONCERNING THE INCIDENT AT 5411 BLACKHAWK DR.

I TALKED TO CHRIS PEREZ WHO IS THE ADMINISTRATIVE R.N. ON DUTY. PEREZ SAID THAT V-ADKINS RIGHT EYE WAS PENETRATED BY A B.B. / PELLET THAT WENT THROUGH THE EYE AND LODGED IN THE SOFT TISSUE AREA OF THE LEFT SIDE OF HIS BRAIN.

I TALKED TO DR. PATEL WHO WAS THE EMERGENCY ROOM PHYSICIAN ON DUTY. DR. PATEL AND PEREZ TOLD ME THAT ADKINS WAS UNCONSCIOUS ON ARRIVAL. THEY SAID HE GIVEN A PARALYZING DRUG TO IMMOBILIZE HIM.

DR. PATEL AND PEREZ SAID THAT ADKINS WAS IN A 'SERIOUS' CONDITION AT THIS TIME.

4. Distribution <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> DA <input type="checkbox"/> DE <input type="checkbox"/> L <input type="checkbox"/> O <input type="checkbox"/> SR <input checked="" type="checkbox"/> V <input checked="" type="checkbox"/> Investigation <input type="checkbox"/> Vice <input type="checkbox"/> Narcotics <input type="checkbox"/> Juv <input type="checkbox"/> Coroner <input type="checkbox"/> Property Clk. <input checked="" type="checkbox"/> ACS <input type="checkbox"/> Invtl. <input type="checkbox"/> P.O. <input type="checkbox"/> SMC <input type="checkbox"/> Patrol Captain <input type="checkbox"/> Const. Div. <input type="checkbox"/> Marine Patrol <input checked="" type="checkbox"/> Other <u>BLACKHAWK</u> <u>GUN</u>	15. Additional Routing	16. Reporting Officer <u>ROBERT BRYAN</u>	17. Date / Time Written <u>2-23-96 1730</u>	18. Dispo. <u>RET</u>
19. Approving Supv (Print) <u>SGT. BROWN</u>	20. Supv. No. <u>37930</u>	21. Date <u>2-23-96</u>	22. Page <u>1 of 1</u>	

CONTRA COSTA COUNTY SHERIFF'S DEPARTMENT CA0070000

Sheet 91

P.O. Box 391, Martinez, CA 94553-0039

1. Supplemental DR No. 6-5146	2. City Code VAL/BS	3. Date / Classification MEDICAL/HOSPITALIZATION	4. Detail 1. 1730 2.	5. Reported Section <input type="checkbox"/>
Victim Name (F.P.M.) Adkins, William, Daniel		7. Date Orig. Report 2/23/96	8. Employee No. 36112	
Address / Location of Occurrence 5411 Blackhawk Dr. Danville		10. Suspect's Name (F.P.M.) Trussell, Brandon		

1. Property Description: Impounded, Recovered, Found, Lost, Stolen - Race, Number, Article, Quantity, Brand/Manufacturer's Model Number, Serial Number, Miscellaneous Description, Location Where Taken, Value, Include Total Loss - LIST IN FOLLOWING COLUMNS: A) Damage, Notes B) Jewelry C) Firearms D) Vehicle E) Office Equipment F) Radio, TV's etc. G) Firearms H) Household Goods I) Misc.

2. Restored Property: 13. Narrative / Statements

On 2/23/96 at 1917 hours I was dispatched to a report of a person who had been shot in the eye with a BB gun. I arrived at the residence at 1920 hours. I contacted S - Trussell at the front. He said his friend was on the back porch. I went to the porch and found V - Adkins lying on his back on the porch. Adkins right eye was swollen shut and bleeding. I attempted to talk to Adkins, but he was unresponsive. At that point Adkins began to vomit, and stopped breathing. I turned him on his side to clear his airway. Adkins began breathing.

About 2 to 3 minutes after that San Ramon Valley Fire paramedics arrived and took over care of Adkins. I asked Trussell where the BB gun was. He retrieved the rifle from a closet in the den. A paramedic requested a sample of the projectile for the hospital. I removed a copper coated BB from the rifle and gave to him. Trussell told me that he and Adkins had been outside trying to shoot some birds when the rifle accidentally fired and struck Adkins in the eye. Deputy Kain, 22794, arrived and began to interview Trussell. I assisted the paramedics in securing a landing location for a Cal Star helicopter. After assisting the paramedics I notified Lt. Hall of the incident. Lt. Hall directed me to have dispatch notify Investigations for a call out, and also to have the Crime Lab called out.

Lt. Hall then directed Deputy Koci, 40395, and I to seal the scene until Detectives arrived. After sealing the scene I spoke to Trussell and asked him to show me what had happened. He said that Adkins had been trying to flush some birds out of a bush on the porch. Trussell was walking backwards away from the bush, about 15 feet away from Adkins. Trussell began to turn toward Adkins with the rifle in his right hand when it fired. Trussell does not remember if his finger was on the trigger or not. Adkins covered his right eye and began to stagger. At first Trussell thought he was joking, but then he saw blood on Adkins face. Trussell helped Adkins lay down on the porch and went into his house to get some paper towels. When he returned he told Adkins that he was going to call 911. Adkins said "no, no" in a weak and slurred voice. Trussell then called 911. Trussell said that I arrived shortly thereafter.

I then maintained scene security until the Detectives and Crime Lab had finished their investigation.

4. Distribution <input checked="" type="checkbox"/> Investigator <input checked="" type="checkbox"/> Property Clk <input type="checkbox"/> Supervisor <input type="checkbox"/> Court Clk <input type="checkbox"/> Motor Patrol	15. Additional Reading <input type="checkbox"/> DA <input type="checkbox"/> DE <input type="checkbox"/> L <input type="checkbox"/> O <input type="checkbox"/> SR <input type="checkbox"/> V <input type="checkbox"/> Narcotics <input type="checkbox"/> Lab <input type="checkbox"/> Jur <input type="checkbox"/> R.O. <input type="checkbox"/> Career <input type="checkbox"/> Dang <input type="checkbox"/> Stats	16. Reporting Deputy (Print) Robert Redfern	17. Date/Time Written 2/23/96 2330	18. Date Refer
19. Reporting Dept 6-5146	20. Supv No. 11079	21. Date 2/24/96	22. Page 1 of 1	

96 0924CWE 5020

CRIMINALISTICS LABORATORY
 Sheriff's Office Contra Costa County
REPORT OF LABORATORY EXAMINATION

Laboratory Number 96-01424-A	Offense(s) Other non-criminal	Date(s) Examined 2/23-28/96
Requesting Agency & Case Number Sheriff-Coroner 96-05146	Date of Request 2/23/96	Examination Requested By Det./Sgt. Gilbert
Complainant(s) Adkins, William D.	Subject(s) Trussell, Branden	

REPORT OF FIELD SERVICES

I was contacted by Sheriff's Dispatch at 8:40 p.m. on February 23, 1996, to respond to 5411 Blackhawk Drive in Blackhawk to process a shooting scene. Criminalist S. Ojeda and I arrived at that location around 9:40 p.m. and contacted Lt. Coggins and Sgt. Sweeney outside of the residence. They told us that the suspect, Branden Trussell, had been in the backyard with the victim, William Adkins, shooting at birds. The victim was standing on a deck just outside the kitchen poking at a vine covered trellis with a pool cleaning net when a BB rifle went off striking the victim in the eye. The victim was taken to John Muir Hospital and the deck hosed down by the responding Fire Department to remove the bloodstains. They also informed us that this was being considered an accidental shooting.

We entered the house and proceeded to the kitchen area where a Daisy model 990 lot number 93J14176 BB pump action rifle was lying on a kitchen island. This gun has a 20 inch rifled barrel with a C02 option. When it was examined later in the laboratory, I found it to contain copper coated BBs in the magazine, it was on safe, and the selector switch was moved to the pump mode. The magazine was examined and found not to contain a C02 cartridge. I examined the deck area where the shooting had occurred. A small amount of diluted blood was visible in the center of the deck where it was described the victim was lying and the painted deck was wet with water. Although this incident occurred during a period of rain, the water on the deck was attributed to the Fire Department hosing off the area. The areas away from this location did not have a similar amount of water. The deck was 26 1/2 inches above the concrete patio to the east. The shooter was reportedly about 26 feet away from the victim when the shot occurred. The reported location of the victim was in the middle of the deck with no obstructions or railings nearby. We searched the painted deck, railings, steps, and trellis for impacts or ricochets that could be attributed to a BB. None were found. No objects or deck structures were nearby the reported location of the victim to be potential ricochet sites. No plants were near this location either. Photographs were taken of the backyard and deck. No sketch was prepared. Detective Sgt. Gilbert arrived at 10:00 p.m. and Detective Sgt. Celestre arrived at 10:25 p.m. We left the scene at 11:00 p.m. and returned to the laboratory with the following evidence:

Signature & Date <i>Richard A. Schorr</i> 3/4/96	Distribution: 1- Investigations 2-File ✓
Reported By & Title Richard A. Schorr, Criminalist	For Additional Information Call (510)648-2455
Approved By Supervising Criminalist <i>Naren Sheldon</i>	

014 (Rev. 1/84)

96 0424C WE 5020

Page 2
96-01424-A
March 4, 1996

DESCRIPTION OF EVIDENCE:

Item A-1: One Daisy model 990 BB rifle.

EXAMINATIONS:

The gun was examined and found to contain approximately 64 copper plated BBs in the magazine. The trigger pull was determined 4 pounds and the safety is functional.

DISPOSITION:

The evidence will be sent to Property Services for storage.

960424CWES020

Walnut Creek, CA
 (Contra Costa Co.)
 Contra Costa Times
 (Cir. D. 96,000)
 (Cir. S. 108,000)

APR 1 1996

Allen's P.C. 14, 1996

BB, pellet guns toy with misery among youngsters

by JOHN SIMERMAN

3569

They don't ring out in the night air or in public consciousness, but guns that fire tiny metal pellets or BBs have popped the area recently, leaving a trail of injury, property loss and concern.

The spring- or air-powered guns have been up over a generation, firing lead pellets and missile-shaped pellets at much higher speeds, causing more severe injuries.

SEE T 15 1996 F9646018A

and raising concerns among law enforcement, gun critics, and health practitioners. Three years after the gun incidents captured the media's attention:

- Three young boys, who play with pellet guns at more than 35 vehicles moving along Interstate 80 between Emeryville and Richmond in October and November.

- A group of high school boys fire at Dunlap school children in a three-day sniping spree in February that injures two children walking home from school.

- A variety shows out the windows of at least 20 cars, a Concord one night last fall, to those who pull the trigger of a starter gun usually boys between 10 and 14 years old - it's all fun and games.

a chance to test one's aim, feel the pop, maybe create a little mischief.

Fun, that is, until someone — like 15-year-old Dan Adkins of Castro Valley — gets hurt.

Adkins, an eighth-grader at Valley Christian Junior High in Danby, was shot in the right eye on Feb. 23 in a friend's back yard in Blackhawk. As Adkins was flushing birds out of a tree, the 14-year-old friend accidentally shot him at close range.

The pellet went through Adkins' right eye and crossed into the left side of his brain, stopping against the skull at the back of the brain. He has permanently lost sight in the eye, his speech remains muddled.

Please see GUNS, Back Page

96042400E5020



TROY MONTEMAYOR, a San Ramon police services assistant, displays confiscated pellet guns. At left is a simulated .45 caliber pistol. On the right is a simulated .25-caliber handgun.

TECHNICAL SERVICES

THE BACK PAGE

Guns

FROM PAGE 1A

and he is working to regain motion on his right side, family members said.

Now in rehabilitation at John Muir Medical Center in Walnut Creek, Adkins is one of 1,000 youths in the United States who suffer eye injuries each year from pellets or BBs. He's one of 30,000 Americans - half between 5 and 14 years old - injured each year from the easily accessible and lightly regulated guns.

Greater power, growing danger

Only a handful of deaths have been attributed to the air- or spring-powered weapons nationwide in the past five years. But the greater power of newer guns - along with the growing popularity of handgun models and changing societal factors - have some fearing the tiny lead balls or missile-shaped pellets pose a growing danger among youths.

"The big problem now is that so many of these guns are so much more powerful. It's tragic when a kid gets severely injured with these things, and the parents say, 'I can't believe my kid got injured,'" said Lee Annett, a statistician who authored a study released recently by the federal Consumer Products Safety Commission. The study shows 64 percent of pellet or BB gun wounds are self-inflicted or caused by friends or relatives.

"The eye, of course, is particularly vulnerable," Annett said. "A pellet or BB gets in and just kind of bounces around and does a number on the eyeball."

Of the 8,000 serious eye injuries recorded by the U.S. Eye Injury Registry, 7 percent are the result of BB- and pellet-gun incidents. According to registry director Sally Brown, the numbers are much higher for children.

"They're thought of as toys," she said. "They have a history of being pretty innocuous devices, but they've really been modernized into weapons."

Injuries underestimated

The BB and pellet guns of generations past were spring-loaded and could launch a lead ball about 350 feet per second. Some of today's "pump" air guns can fire a tiny lead pellet at more than 900 feet per second, about the speed of a .22-caliber bullet fired from a rifle.

Studies show a pellet or BB must travel about 350 feet per second to penetrate bone. The pellet that went through Adkins' brain, shot from a Daisy Powerline 990, would have traveled at around 630 feet per second, according to the manufacturer.

The added power translates into more penetrating head injuries and more serious damage to other areas of the body, injuries frequently underestimated by doctors, said Dr. Greg DiGiulio. Over nine months, he studied abdominal injuries from pellets or BBs in children at Children's Hospital Medical Center in Cincinnati.

The injuries, mostly to children between 3 and 9, included penetrations of the colon and kidneys, in most cases close-range shots from a multiple-pump air gun, the type capable of reaching the highest velocities.

"The old, one pump BB gun was not doing this sort of thing. All of a sudden we're starting to see a large increase in the number of kids with other serious injuries," DiGiulio said. "When a parent buys a training gun, frequently they're buying the pump gun. It's what kids want. Like most of us, they want more power."



PAM NOVAK, a Contra Costa County Sheriff's Department supervising property technician, sorts a cache of confiscated BB weapons at the department. Several of the guns will be destroyed.

DiGiulio and others suggest regulating the impact velocity of "toy firearms" to levels that cannot penetrate the skin.

Unlawful to sell to minors

State law makes it illegal for a gun shop to sell a firearm, including a pellet or BB gun, to a minor. In Contra Costa and Alameda counties, minors may fire such guns under supervision of an adult, though many cities - including Richmond, Pleasanton, San Ramon, and Concord - have passed ordinances prohibiting the discharge of most or all firearms, including BB and pellet guns, within city limits.

"The big problem is that no one's done an evaluation as to whether the ordinances or laws make that much difference," said Annett of the Consumer Products Safety Commission, who said some 3.2 million of the starter guns are sold in the country each year.

Annett said the federal commission has directed its energies to promote voluntary safety standards for manufacturers and awareness among parents.

A spokesman for Daisy Manufacturing Co., which makes 1 million BB and pellet guns a year, said the

BB AND PELLET GUN INJURIES IN U.S.

- 30,000 BB and pellet gun injuries per year
- 68 percent are accidental shootings.
- Highest risk of injury - boys ages 10 to 14 (47 percent of all injuries).
- 79 percent of injuries to people age 5 to 19.
- 5 percent of wounds require hospitalization.
- 37 percent of those hospitalized have eye injuries.
- 1,400 children and teens injured annually for eye injuries.
- 65 children and teens treated daily for injuries.
- Most injuries take place in spring, summer and January.

company follows its own safety guidelines and trains 700,000 youths a year in gun safety.

Locally, police acknowledge the ordinance is a modest tool that allows police to confiscate a weapon and place a violator in a noncriminal diversion program, for example, where a juvenile could pay for any damage and avoid charges.

"If someone put an eye out (on purpose), that would be beyond the scope of the ordinance," said San Ramon police Sgt. Dan Lawrence.

Lawrence said such incidents are no more frequent than in the past, but that more youths are taking their guns on the road.

"I have noticed in the past few years the propensity for children to own hand held pellet guns or BB guns," he said. "That size in weapon makes it easier to conceal. They drive down the street blinding windows or whatever."

Some, like Annett, look at the injuries that result and shake their heads.

3349
"I don't know what they're thinking," said Annett. "It just seems we're getting a lot of comments like, 'Someone was walking down the street, and someone shot them' and they're thinking it's only going to stay. Who would think a pellet or BB would cause a child's injury?"



U. S. CONSUMER PRODUCT SAFETY COMMISSION
WESTERN REGIONAL OFFICE

600 HARRISON STREET, ROOM 245, SAN FRANCISCO, CA 94107-1370
(415) 744- 2966 FAX (415) 744-2962

- ALASKA
- ARIZONA
- ARKANSAS
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- LOUISIANA
- MONTANA
- NEW MEXICO
- NEVADA
- OKLAHOMA
- OREGON
- TEXAS
- UTAH
- WASHINGTON
- WYOMING
- PACIFIC ISLANDS

29 April 1996

Mr. and Mrs. Adkins
5174 Crow Canyon Road
Castro Valley, CA. 94546

Dear Mr. Adkins:

The U.S. Consumer Product Safety Commission is a Federal agency assigned the responsibility to oversee most products used in and about the home.

We recently learned of unfortunate accident that befell Willian Adkins on 23 February 1996 with a pellet gun. We have a continuing interest in all consumer products that injure children and would like to learn more about the incident.

Will you help us? The information you supply may help prevent a similar accident.

How can I best contact you? Enclosed is a stamped envelope for your convenience. I can also be reached at (415) 744-2966.

Thank you

Sincerely,

Larry Spinazze
Product Investigator

COMPLETED APR 1 1992 *JEI*

1. CASE NO <p style="text-align: center;">920108CCC2160 <i>210807</i></p>	2. INVESTIGATOR'S ID <div style="border: 1px solid black; padding: 2px; display: inline-block;">8 1 3 2</div>	3. OFFICE CODE <div style="border: 1px solid black; padding: 2px; display: inline-block;">8 3 0</div>																		
4. DATE OF ACCIDENT <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">YR</td> <td style="text-align: center;">MO</td> <td style="text-align: center;">DAY</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px;">9</td> <td style="border: 1px solid black; padding: 2px;">0</td> <td style="border: 1px solid black; padding: 2px;">10</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px;">1</td> <td style="border: 1px solid black; padding: 2px;">0</td> <td style="border: 1px solid black; padding: 2px;">13</td> </tr> </table>	YR	MO	DAY	9	0	10	1	0	13	5. DATE INVESTIGATION INITIATED <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">YR</td> <td style="text-align: center;">MO</td> <td style="text-align: center;">DAY</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px;">9</td> <td style="border: 1px solid black; padding: 2px;">2</td> <td style="border: 1px solid black; padding: 2px;">01</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px;">1</td> <td style="border: 1px solid black; padding: 2px;">0</td> <td style="border: 1px solid black; padding: 2px;">15</td> </tr> </table>	YR	MO	DAY	9	2	01	1	0	15	<h2 style="margin: 0;">EPIDEMIOLOGIC INVESTIGATION REPORT</h2>
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9	0	10																		
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6. SYNOPSIS OF ACCIDENT OR COMPLAINT 3 13 year-old males were playing with BB guns at one of the boy's home. Allegedly while playing with the BB guns, one boy with a pump gun fired at another boy. The other boy was struck in the right chest near the shoulder. The victim was taken to a hospital then transferred to a hospital in another county, where he expired 6 days later. It was found that the BB had penetrated the aorta.

7. LOCATION (Home, school, etc.) Home	8. CITY Crystal Lake	9. STATE Illinois
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10A. FIRST PRODUCT Pump BB Rifle	11A. TRADE/BRAND NAME, MODEL NUMBER, MANUFACTURER & ADDRESS Daisy Powerline Model 880 Daisy Manufacturing Co., Rogers, AR
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10B. SECOND PRODUCT BB Ammunition	11B. TRADE/BRAND NAME, MODEL NUMBER, MANUFACTURER & ADDRESS Unknown
--------------------------------------	--

12. AGE OF VICTIM 0 1 3	13. SEX (Use numerical code) MALE -1 FEMALE -2 UNKNOWN -3 1	14. DISPOSITION Expired In Hosp. 8	15. INJURY DIAGNOSIS Puncture (Shooting) 6 3
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16. BODY PART Heart (Aorta) 3 1	17. RESPONDENT(S) (Mother, Friend) Father, Attorney, Police, FOI Officer 3	18. TYPE INVESTIGATION ON SITE 1 TELEPHONE 2 OTHER 3 3	19. TIME SPENT 1 2 0
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20. ATTACHMENTS Multiple 9	21. CASE SOURCE Letter 1 0	22. REVIEWED BY 8 1 3 0 9 2 0 3 2 5
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23. PERMISSION TO DISCLOSE NAMES SEE NARRATIVE: PRE-ACCIDENT

(NON-NESS CASES ONLY) CPSC MAY DISCLOSE MY NAME CPSC MAY NOT DISCLOSE MY NAME

24. NARRATIVE (See Instructions on Other Side) Travel=

25. REGIONAL OFFICE DIRECTOR REVIEW DATE

CB
MFR/PRVLBR NOTIFIED *2-16-94*

No Comments made

Comments attached

Excisions/Revisions

Firm has not requested further notice

[Signature]
MFR/PRVLBR NOTIFIED

No Comments made

Comments attached

Excisions/Revisions

Firm has not requested further notice

(USE OTHER SIDE AND ADDITIONAL SHEETS IF NECESSARY)

920108CCC2160

PRE-ACCIDENT:

Information was obtained from the victim's father, an attorney representing the victim's father, the police department, and the medical examiner's office. Information and documents such as police reports and copies of the statements have been requested. The police department and city Freedom of Information Officer have stated that since juveniles were involved in the incident, permission from the parents of the juveniles would have to be obtained before any documents could be released. The police department and city Freedom of Information officer stated that the request for documents would then have to be reviewed by the state's attorney's office before any release. The victim's father has signed an "Authorization for Release of Name." Any documents that are received will be forwarded. The victim's father did supply a copy of the report of postmortem examination.

The incident occurred on 10/13/90. The attorney representing the victim's father said he was told that any reports could not be released but had been read a statement made by the 13 year old juvenile who shot the BB gun by the police department. The following was obtained from the victim's father and his attorney.

The three 13 year old male juveniles were at the home of one of the juveniles where apparently a number of BB guns were. The parents of the juvenile were not at home when the accident occurred. One of the BB guns was described as being a pump type while the others were less powerful.

While playing with the BB guns the victim apparently shot the gun he was using into the ground within 6 inches of the foot of the juvenile whose house the juveniles were at. Apparently, the other juvenile had the pump BB gun and told the victim not to do that again. The juvenile who lived at the house pumped the BB gun up.

ACCIDENT:

From the information provided, the other juvenile swept his BB gun by the victim intending to shoot a BB by him in order to scare the victim. The other juvenile apparently swept the gun too fast and fired with the BB striking the victim on the right chest near the shoulder.

POST ACCIDENT:

From the information provided the victim was taken to a hospital and then transferred to a hospital in another county. The victim was admitted and expired six days later. The postmortem examination revealed that the BB had penetrated the chest and traveled to the aorta where it penetrated the aorta. Copies of the Medical Examiner's Case Report and Report of Postmortem Examination are attached.

The police department said no charges have been filed in the incident and the victim's father said he did not intend to press charges against the juvenile who did the shooting.

PRODUCT IDENTIFICATION:

The BB gun the victim was shot with was described as a Daisy Powerline model 880 pump BB gun manufactured by Daisy Manufacturing Company, Box 220, Rogers, Arkansas 72756. The victim's father provided a copy of a sales ad for a retail store which shows Daisy BB guns including the pump model 880. The copy of this ad is attached. The ad describes the gun as, "The most powerful multi-pump pneumatic dual ammunition rifle ever produced by Daisy. For shooters 16 and older." The Report of Postmortem Examination states that a copper coated BB was recovered from the victim next to the aorta.

The attorney said that the package the gun came in had a warning that the gun was not to be used under age 16 without adult supervision. He said the labeling also stated that the gun was lethal to 296 meters.

STANDARDS:

There are no CPSC standards for BB guns. The victim's father indicated that there is an ASTM standard for BB guns. See Exhibit 4 which has a name of an individual stated as being involved with a voluntary standard for BB guns. The victim's father indicated that this individual felt that the BB gun involved in the incident did not meet the voluntary standard.

ATTACHED:

1. Copy of Medical Examiner's Case Report.
2. Copy of Report of Postmortem Examination.
3. Copy of ad showing BB gun involved in incident.
4. Copies of magazine article on BB gun safety and address of person involved with ASTM standard for BB guns.

U.S. CONSUMER PRODUCT SAFETY COMMISSION

Central Regional Center
230 South Dearborn Street
Suite 2944
Chicago, Illinois 60604
(312) 353-8260

Lt. Kieth Nygren
Crystal Lake Police Dept.
121 W. Woodstock St.
Crystal Lake, IL 60014

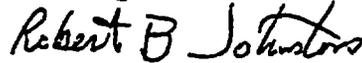
January 16, 1992

Dear Sir,

The U.S. Consumer Product Safety Commission (CPSC) is a Federal agency which investigates and studies accidents involving products used in and around the home. Information obtained from these investigations helps make the Commission aware of possible hazards existing in products and determine how accidents occur.

I am writing to request copies of reports made regarding an incident which occurred in Crystal Lake on October 13, 1990. This incident involved a 13 year old boy who was wounded by either a pellet or BB gun. The victim's name was Andrew Walsh. I would like to obtain some information about the gun involved as to exact brand, BB or pellet, serial number etc. If at all possible, I would like to take photographs of the gun. Thank you for any assistance you can provide.

Sincerely,



Robert B. Johnston
U.S. CPSC
Chicago, IL

U.S. CONSUMER PRODUCT SAFETY COMMISSION

Central Regional Center
230 South Dearborn Street
Suite 2944
Chicago, Illinois 60604
(312) 353-8260

March 9, 1992

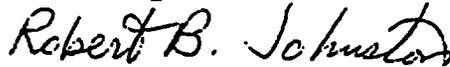
Ms. Laura Yelle
FOI Officer
City of Crystal Lake
100 W. Municipal Complex
Crystal Lake, IL 60014

Dear Ms. Yelle,

The U.S. Consumer Product Safety Commission (CPSC) is a Federal agency which investigates and studies accidents involving products used in and around the home. Information obtained from these investigations helps make the Commission aware of possible hazards existing in products and determine how accidents occur.

I am writing to request copies of documents relating to the accidental death of Andrew D. Walsh of Crystal Lake which occurred on October, 19, 1990 as the result of an accidental shooting by a BB gun on October 13, 1990 in Crystal Lake. Copies of documents requested include the police report, supplemental police reports, and statements made by the individuals involved. I do not know the police report number. Please send any copies to my attention at the above address. Thank you for your assistance.

Sincerely,



Robert B. Johnston,
U.S. CPSC
Chicago, IL



City of Crystal Lake

100 WEST MUNICIPAL COMPLEX • P.O. BOX 597 • CRYSTAL LAKE, ILLINOIS 60014 • 815/459-2020

March 12, 1992

Mr. Robert B. Johnston
U.S. Consumer Product
Safety Commission
Central Regional Center
230 S. Dearborn Street, Suite 2944
Chicago, IL 60604

Re: Freedom of Information Request - Documents relating to the
accidental death of Andrew D. Walsh of Crystal Lake.

Dear Mr. Johnston:

This letter serves as a formal response to your request for the
aforementioned information. I am now in the process of
contacting the remaining parties involved in the incident. It is
the City's policy not to release such information unless written
consent is obtained from the subjects involved. As soon as I get
a response, I will contact you in regards to this matter.

Should you have any questions regarding this matter please feel
free to contact me.

Very truly yours,

Laura E. Yelle

Laura E. Yelle
Freedom of Information Officer

LEY/gt

MAYOR
GEORGE WELLS

CITY MANAGER
JOSEPH J. MISURELLI

CITY COUNCIL
HARRY N. DILLON
DAVID GOSS
MARY ANN HIDDING
ROY "BUD" NYSTROM

CITY CLERK
JAMES B. KELLEY

CITY TREASURER
BARRARA I. McCORMICK

MEDICAL EXAMINER CASE REPORT COOK COUNTY

CASE NO: 364 October 1990

94-110000-2100

1

DECEASED Brew Walsh		AGE 13	SEX M	RACE W	ADDRESS 26 East Teriacotta, Crystal Lake, IL	
DOB: 1 January 1977		SSN:		TYPE OF INVESTIGATION		PHONE
CLASSIFICATION: Shot by air pellet gun				PHOTOS TAKEN		SCENE TELEPHONE XXX F.H. HOSP.
ADDRESS OF OCCURENCE Rear of resident				TYPE OF PREMISES WHERE FOUND Rear of Resident		
TIME/DATE FOUND 13 October 90 at 1230 hrs				POLICE AGENCY R.D. # Unk		
PERSON DISCOVERING DECEASED Robert Walsh		RELATIONSHIP Father		ADDRESS Crystal Lake, IL 26 East Teriacotta		PHONE 815-459-9034
PERSON INTERVIEWED Robert Walsh		"		"		"
Detective Karr# 124		Police Officer		Crystal Lake		815-459-2020
ANNOUNCEMENT:		PHYSICIAN:		HOSPITAL:		
DATE: 10/19/90 TIME:		Havaland		Luthern General Hospital		
POLICE NOTIFIED		INSTITUTE NOTIFIED		ARRIVAL:		CLOSED:
DATE: 10/13/90 TIME: 1245 Hrs		DATE: 10/19/90 TIME: 0735 Hrs		DATE: TIME:		

Subject was wounded in the chest area by a Air Rifle.

NARRATIVE: DESCRIBE CIRCUMSTANCES SURROUNDING DEATH-PHYSICAL EVIDENCE, ETC.

I assigned this telephone investigation of a person shot in the chest by a BB on 13 October 1990 at 1230 hours in the rear of 26 East Teriacotta, Crystal Lake, Illinois. The subject was transported to Northern Illinois Medical Center and later transferred to Luthern General Medical Center where he expired on the 19, October 1990. In Summary, Detective Karr # 124 stated that his office received a call from the telephone center of a subject now at the Northern Illinois Medical Center, in Crystal Lake Illinois. He later found out that the subject and some friends were playing in the rear of the subject resident with an air rifle, Brand unknown with some friends but somehow the rifle discharged striking the subject in the chest area. The subject was taken to Northern Illinois hospital by the Crystal Lake Fire Ambulance and was later transferred to Luthern General Medical Center where he expired on 19 October 90. The subject was ordered to this institute for further medical examination. There was a hearing on this matter and it was ruled as an accident. A copy of the Police Officers case report will be faxed to this office or transported by the investigation Officer Karr# 124 on 20 October 1990 by 0800 hours.

George S. Cantrell #57
REPORTING INVESTIGATOR

Mr. Hopkins #1
SUPERVISING SIGNATURE

OFFICE OF THE MEDICAL EXAMINER
COUNTY OF COOK, ILLINOIS

920108CCC216E

2

REPORT OF POSTMORTEM EXAMINATION

NAME Andrew D. Walsh CASE NO. #364 of October, 1990
AGE 13 RACE White SEX Male DATE OF DEATH October 19, 1990
ADDRESS OF DECEDENT 40 S. Caroline Street DATE EXAMINED October 20, 1990
CITY & STATE Crystal Lake, Illinois EXAMINED BY Barry Lifschultz, M.D.

EXTERNAL EXAMINATION:

The body is received unclothed and is that of a white male appearing the stated age of 13 years. The height is 5'1/2"; the weight 98 pounds. Rigor is present to a moderate degree in all joints. Livor is present on the posterior dependent portions of the body. The hair is red, straight and medium length. The eyes are closed, the irides blue and the conjunctivae are not congested. The teeth are natural and in good repair. The chest is symmetrical. The abdomen is mildly scaphoid. On the left chest there is abrasion, 1/2 inch x 1/2 inch. On the mid-chest there is abrasion, 1/2 inch x 1/4 inch. On the right chest there is a chest tube insertion site, 1/2 inch. On the left chest there is a sutured incision, 7 inches. On the frontal crease of the right groin there is a needle puncture mark. The genitals are those of a normal circumcised male. On the right wrist there is white hospital bracelet. The fingernails are trimmed and clean. On the back of the left wrist there is a needle puncture mark. The bottoms of the feet are clean. The toenails are trimmed and clean. The back is without special note.

EVIDENCE OF INJURY:

1. On the right upper chest, 12 inches from the top of the head and 4 inches to the right of the midline, there is a beebee entrance wound measuring 1/8 inch x 1/8 inch with a margin of abrasion 1/16 inch from 12 o'clock to 3 o'clock. The course of the wound perforates the skin of the chest, the subcutaneous tissues, the anterior thoracic wall, the anterior portion of the ascending arch of the aorta, the posterior portion of the ascending arch of the aorta, and finally, 12 inches from the top of the head in the midline, a copper-coated beebee is recovered from immediately adjacent to the aortic arch, posteriorly. The course of the wound is from right to left and front to back.

gf

INTERNAL EXAMINATION:

BODY CAVITIES: The body is entered by a Y-shaped incision. All organs are present in their usual anatomic positions and present their typical anatomic relationships. Ten ounces of fluid blood are present in the left chest. Ten ounces of bloody fluid are present in the abdominal cavity. The pericardial sac has been opened.

NECK ORGANS: Layerwise dissection of the anterior muscles of the neck reveals no hemorrhage. The hyoid bone and laryngeal cartilage are intact. Special examination of the tongue reveals no bite marks.

RESPIRATORY SYSTEM: The previously described beebie wound additionally involves the upper lobe of the right lung. The lungs are dark red and otherwise smooth. On cut section, the pulmonary parenchyma is dark red, poorly aerated and oozes fluid blood. The combined weight of the lungs is 850 grams.

CARDIOVASCULAR SYSTEM: There is the previously described beebie wound of the aorta. The heart is red-brown and smooth. The coronary arteries are serially sectioned. There is minimal coronary atherosclerosis. The four cardiac valves are unremarkable. The myocardium is without special note. There are no congenital cardiac defects. The major blood vessels show no additional pathologic changes. There is a dissecting aneurysm of the aorta associated with the previously described beebie wound, extending from the thoracic aorta partially into the abdominal aorta. The weight of the heart is 210 grams.

HEPATOBIILIARY SYSTEM: The liver is red-brown and smooth. On cut section, the hepatic parenchyma is red-brown and unremarkable. The gallbladder shows no pathologic changes. A small amount of green liquid bile is present. The remainder of the biliary tree is without special note. The weight of the liver is 1,120 grams.

SPLEEN AND LYMPH NODES: The spleen is red-gray and smooth. On cut section, the splenic parenchyma is dark red, firm and unremarkable. The lymph nodes show no evidence of disease. The weight of the spleen is 90 grams.

GASTROINTESTINAL SYSTEM: The esophagus is unremarkable. The gastric mucosa shows no pathologic changes. No gastric contents are present. The appendix is present. The remainder of the gastrointestinal tract is without special note.

GENITOURINARY SYSTEM: The kidneys are red-brown and smooth. On cut section, the renal parenchyma is red-brown and unremarkable. The renal pelves are tan and smooth. The ureters flow into the

4/1

INTERNAL EXAMINATION, (CONT'D.):

GENITOURINARY SYSTEM, (CONT'D.):

bladder in the usual anatomic fashion. A small amount of straw colored urine is present. The combined weight of the kidneys is 390 grams.

ENDOCRINE SYSTEM: The pituitary, thyroid, adrenal glands and the pancreas are unremarkable.

MUSCULOSKELETAL SYSTEM: There are no fractures of the ribs or long bones. The muscles show no evidence of disease.

CENTRAL NERVOUS SYSTEM: The scalp is reflected. There is no subgaleal hemorrhage. The cranial cavity is entered. There is no subdural, epidural or subarachnoid hemorrhage. The gyri of the brain are unremarkable. The brain is serially sectioned. No pathologic changes are noted in the cerebrum, cerebellum, pons, mid-brain or medulla. There are no skull fractures. The spinal cord and vertebral column are intact. The weight of the brain is 1,105 grams.

ANATOMIC DIAGNOSIS:

1. Beebee wound of chest.
2. Evidence of therapy.

OPINION:

This 13 year old white male, ANDREW D. WALSH, died as a result of a air rifle wound of the chest.

g.j.



Barry Lifschultz, M.D.
Deputy Medical Examiner

BL:Bkhz
11/6/90

MEDICAL EXAMINER'S - CORONER'S CERTIFICATE OF DEATH

364 OCT 90

REGISTRATION DISTRICT NO 601 REGISTERED NUMBER

DECEASED-NAME FIRST MIDDLE LAST AGE-LAST BIRTHDAY UNDER 1 DAY UNDER 1 YEAR UNDER 1 DAY DATE OF BIRTH DATE OF DEATH SEX MAKE 3.OCTOBER 19 1990

CITY TOWN TWP OR ROAD DISTRICT NUMBER PARK RIDGE LUTHERAN GENERAL HOSPITAL HOSPITAL OR OTHER INSTITUTION-NAME IF NOT IN EITHER GIVE STREET AND NUMBER

BIRTHPLACE CITY AND STATE OR FOREIGN COUNTRY CHICAGO, IL MARRIED NEVER MARRIED WIDOWED DIVORCED (SPECIFY) NONE

SOCIAL SECURITY NUMBER 357-70-6330 USUAL OCCUPATION STUDENT KIND OF BUSINESS OR INDUSTRY SCHOOL EDUCATION (SPECIFY ONLY HIGHEST GRADE COMPLETED)

RESIDENCE (STREET AND NUMBER) 40 S. CAROLINE STREET 13b. CRYSTAL LAKE 13c. YES INSIDE CITY (YES/NO) YES COUNTY MC HENRY

STATE ILLINOIS 131 60014 14a. WHITE 14b. NO 14c. YES SPECIFY: MOTHER-NAME FIRST MIDDLE LAST (MAIDEN) LAST FATHER-NAME FIRST MIDDLE LAST ROBERT J. WALSH MOLLY HOULIHAN

INFORMANT'S NAME (TYPE ON PRINT) RELATIONSHIP 17b. MED REC 17c. 2121 W. HARRISON CHICAGO, IL 60612

IMMEDIATE CAUSE (FATAL) (a) AIR RIFLE WOUND OF CHEST (b) DUE TO OR AS A CONSEQUENCE OF (c) DUE TO OR AS A CONSEQUENCE OF

CONDITIONS, IF ANY WHICH GIVE RISE TO IMMEDIATE CAUSE (a) STATING THE UNDERLYING CAUSE LAST

PART II. Other important conditions pertaining to death but not resulting in the underlying cause given in PART I. ALTOUSITY TESTS (YES/NO) YES

NATURAL ACCIDENT, HOMICIDE, SUICIDE (UNDETERMINED, SPECIFY) DATE OF INJURY MONTH DAY YEAR 20 OCTOBER 13 1990 HOW INJURY OCCURRED (ENTER NATURE OF INJURY MENTIONED IN PART I ON PART 3, ITEM 1b) 200 SHOT BY AIR RIFLE

PLANTY AT WORK (YES/NO) NO PLACE OF INJURY (AT HOME, FARM, STREET, FACTORY, OFFICE, BUILDING, ETC.) (SPECIFY) 200 BACKYARD LOCATION (CITY, VIL. OR TOWN, OR TWP., OR DIST. NO., COUNTY, STATE) CRYSTAL LAKE MC HENRY CO., IL

1 CERTIFY THAT IN MY OPINION BASED UPON MY INVESTIGATION AND/OR THE INFORMATION THIS DEATH OCCURRED ON THE DATE, AT THE PLACE AND DUE TO THE CAUSE(S) STATED, AND THAT THE DECEDENT WAS PRONOUNCED DEAD ON AT 21b. 20 OCTOBER 19 1990 21c. 6:10 A.M.

CORONER'S - MEDICAL EXAMINER'S SIGNATURE DATE SIGNED 22b. 20 OCTOBER 30 1990

CORONER'S PHYSICIAN'S NAME (Last or First) BARRY D. LIFSCHULTZ, M.D. DATE SIGNED 22b. 20 OCTOBER 30 1990

BURIAL CREMATION, REMOVAL (SPECIFY) 23a. CEMETERY OR CREMATORY-NAME LOCATION CITY OR TOWN STATE DATE MONTH DAY YEAR

24a. BURIAL 24c. CRYSTAL LAKE MEMORIAL HOME CRYSTAL LAKE, ILLINOIS 24d. 10-22-1990

FUNERAL HOME BACHMANN FUNERAL HOME 7715 WEST RT. 14 CRYSTAL LAKE, ILLINOIS 60012 FUNERAL DIRECTOR'S ILLINOIS LICENSE NUMBER

25a. BACHMANN FUNERAL HOME 7715 WEST RT. 14 CRYSTAL LAKE, ILLINOIS 60012

25b. DAVID J. BACHMANN LOCAL REGISTRAR (REGISTERED 1, 1987) DATE FILED BY LOCAL REGISTRAR MONTH DAY YEAR 11/18/90

I HEREBY CERTIFY THAT the foregoing is true and correct copy of the death record for the decedent named in item 1 and that this record was established and filed in my office in accordance with the provisions of the Illinois Statutes relating to the registration of births, stillbirths and deaths.

DATE NOV 26 1990 SIGNED Nadine McCurry

At Cook County Dept of Public Health 1500 S. Maybrook Drive - Maywood, Illinois 60154 Official Title Deputy Registrar



The weeks of
 November 25, 1990,
 and December 2, 1990.

Daisy BB Guns
 The gift that
 makes up for all
 the underwear
 and socks.

A. The most powerful multi-
 shot pneumatic. Dual expansion air over
 produced by Daisy. For shooter 16 and older.
 \$34.97

B. Metal BB Gun. The best value
 BB gun ever. Includes a free Junior
 Gun. \$29.97

C. The most powerful BB gun
 ever. Includes a free Junior Gun and
 more. \$39.97

On sale only November 25 through December 2,
 1990. At participating U.S.A. Toy stores.

The quality you need,
 the holiday price you want.

9201080002160

4

ROBERT LITTLE

UNIVERSITY OF MICHIGAN, DEARBORN CAMPUS

4901 EVERGREEN RD

DEARBORN MD 48128

313-593-5122

office number for Dr. Little

313-593-5241

Home and Emergency Post

ASTM COMMITTEE - DAVID SNOW

FAMILY

Unsure Shots

How safe are BB guns?

In the 1960s if a neighborhood prankster hit you with a BB, the shot would usually bounce off. You'd be angry, but you probably wouldn't be any worse for wear. "That's not what BB guns are these days," Michael Joblad of Oakdale, Minn., says bitterly. Last September his daughter Tiffany approached a group of teenage boys playing with a Daisy Power Line 860 BB "air rifle." The boys told her to go away. When she didn't, one of the boys shot her from 20 feet, piercing her heart. She ran into a nearby house, collapsed and died.

The BB-gun market has changed. Today's top-of-the-line "nonpowder guns" can fire BBs or pellets 800 feet per second, more than twice the speed of the old-style BB guns and almost as fast as some handguns. Since 1980 at least 25 children have died from BB or pellet-gun wounds. Emergency rooms treat an average of 25,400 BB-gun wounds a year; two thirds of the injuries are to kids under 16. "The entry wound is often difficult to distinguish from a small-caliber handgun," says Robert Tanz, a pediatrician at Children's Memorial Hospital in Chicago. "We've had a number of injuries with BBs penetrating the skull and entering the brain."

Nevertheless, manufacturers insist that there is a place for the new guns. Daisy company, the largest maker, says it increased muzzle velocities to appeal to older users. "A lot of hunters will [use BB guns] during winter to keep their shooting eye sharp," says Daisy spokesman John Ford. Daisy also says that it has gone to considerable lengths to stress safety. Instructions caution parents that high-powered rifles should not be used by children under 16. Ads in Boys' Life magazine depict children wearing safety goggles and supervised by parents. But few states have laws restricting sale to, or use by, children.

So far the Consumer Product Safety Commission has deferred to the industry's safety efforts but may review the issue this year. David Snow, a product-safety advocate, plans to petition the CPSC to ban guns with velocity greater than 350 feet per second. "Adults associate these with the pleasures of their youth," Snow says. "They're not aware that they now have the potential to kill." Manufacturers say restricting velocity would diminish usefulness for hunters and sportsmen. Whatever happens, it's clear that Mother's old warning about BB guns—"Careful or you'll lose an eye"—is now a major understatement. ■

*Newsweek
JAN. 1990*

Sponsor a Child for Only \$12 a Month.

At last! Here is a \$12 sponsorship program for Americans who are unable to send \$20, \$21, or \$22 a month to help a needy child.

And yet, this is a full sponsorship program because for \$12 a month you will receive:

- a 3 1/2" x 5" photograph of the child.
- a special sponsorship folder with your child's case history.
- a description of the country where your child lives.
- issues of our newsletter, "Sponsorship News."

And at least two personal letters a year from your child.

All this for only \$12 a month?

Yes—because we have searched for ways to reduce the cost—without reducing the help that goes to the child you sponsor.

For example, your child does not write each month, but two letters a year from your child keep you in contact and, of course, you can write to the child just as often as you wish.

Also, to keep down costs, we do not offer the so-called "trial child" that the other organizations mail to prospective sponsors before the sponsors send any money.

You can make the difference!

\$12 a month may not seem like much to you—but to a poor family living on an income of \$2.00 a day, your sponsorship really helps!

Will you sponsor a child? Your \$12 a month will help provide so much:

- emergency food, clothing and medical care.
- a chance to attend school.
- counseling for the child's family to help them become self-sufficient.

Sponsorship A

Yes, I wish to sponsor a child. Enclosed is my \$12. Please assign me a Boy Girl

Country preference: India The Philippines
 Honduras Dominican Republic Colombia
 Holy Land Crippled Child

OR, choose a child who most needs my help

NAME _____

ADDRESS _____

CITY _____

STATE _____

Please send me more information about sponsorship

I can't sponsor a child now, but wish to make a gift

Your gift is U.S. tax deductible. P

Children Inter

Joseph Gripkey, Jr.

2000 East Red Bridge Road

Kansas City, Missouri

Children International is a non-profit organization since 1936. Financial report available upon request.

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ACCIDENT INVESTIGATION REQUEST FORM

Document Number X210807A1
~~920107CCC2160~~

Date of Incident 10/10/90 Category I.D. Sec 05

Follow-Up Requested Hazard Analysis Section 15

Type Follow-Up Requested Telephone Call On-Site

Headquarters Contact JAMES A. DE MARCO, CECA, HQTRS

Assignment Message _____

PLEASE DO COMPLETE IN-DEPTH: GET PHOTOS OF PRODUCT

IF PRODUCT IS NOT SAMPLEABLE. IF AN ATTY IS INVOLVED

CONTACT HIM/HER AS WELL. GET COMPLETE SCENARIO AND PRODUCT IDENTIFICATION.

* SEE ATTACHMENT

also: contact Police + coroner's office to get reports

Person(s) to Contact Robert J. Walsh

40 So. Caroline St.

Crystal Lake, IL 60014

* SEE ATTACHMENT

eline 79

Requested By James DeMarco

Task Number 920108CCC2160

Assigned to Chi Date _____

X21080

Northwest Herald

McHenry and Northern Kane Counties' daily newspaper

Saturday, October 20, 1990

Teen dies of BB wound

By STEPHANIE HAUGAN
The Northwest Herald

CRYSTAL LAKE — A 13-year-old boy died Friday, nearly a week after being shot in the chest with a pellet from a BB gun.

Andrew D. Walsh, 40 S. Caroline, died at Lutheran General Hospital in Park Ridge early Friday. Walsh was flown unconscious to the hospital by helicopter last Saturday after being shot with a BB pump gun.

Walsh was found at a home at 26 E Terra Cotta near Veteran Acres in Crystal Lake. The

weapon was found on the premises.

Two other 13-year-olds were at the scene, police said. But police have not determined whether the shooting was accidental or otherwise.

An autopsy will be conducted by the Cook County Medical Examiner Saturday morning. From there, the cause of death and facts of the investigation will be turned over to the McHenry County State's Attorney's Office.

"There won't be a determination made until they have all the facts," Lt. Keith Nygren said.

In the meantime, classmates

and faculty at North Junior High, where Walsh attended the eighth grade, are trying to cope with his death.

"It was a tragic accident," said Superintendent Richard Bernotas. "Both the students and faculty are in shock."

The school district is organizing crisis teams of psychologists and sociologists to help the students cope.

Walsh was a very active student in school, Bernotas said. He was a member of North's cross-country, track and basketball teams.

920108 CCL 2160



William Valwood / The Northwest Herald

A Crystal Lake police officer works on the scene where a youth was found shot by a BB gun last Saturday.

8 - JAN 1992

X2 10807

December 23, 1991

Mr. Robert J. Walsh
40 So. Caroline St.
Crystal Lake, Il. 60014

920108CCC2160

92 JAN 2 11

RECEIVED
CPSC CONFIDENTIAL

Carlos Perez, Director
Division of Corrective Actions
U.S. Consumer Products Safety Commission
5401 Westbard Ave.
Bethesda, MD 20014

Dear Mr. Perez,

The purpose of this letter is to report to the Products Safety Commission the death of our son, Andrew D. Walsh. Andrew died on October 19, 1990 as a consequence of a BB Gun Wound inflicted by another boy at that boy's home on October 13, 1990.

For your information the police informed us the type of BB gun was a Daisy Powerline 880. Attached are newspaper articles concerning this shooting.

We strongly suggest that the Consumer Products Safety Commission investigate this matter. I can be reached at the above address or during the day at (312) 222-8773.

Sincerely,

Robert J. Walsh

Robert and Molly Walsh

cc: Patrick Murphy
Corby & Demetrio
333 N. Dearborn St.
Chicago, Il. 60602.

8- JAN 1992

X21080

NORTHWEST HERALD Saturday, October 20, 1990

920108 ECR 2160

Andrew D. Walsh

CRYSTAL LAKE — Andrew D. Walsh, 13, died Friday, Oct. 19, 1990, at Lutheran General Hospital in Park Ridge.

Born July 25, 1977, in Chicago, he was the son of Robert J. and Molly (Houlihan) Walsh.

He was a member of St. Thom-

as the Apostle Catholic Church. He had attended Husmann Elementary School and was an eighth grade student at North Junior High School, where he was an honor student and member of the cross country, basketball and track teams.

Besides his parents, he is survived by a brother, Kenny Walsh of Crystal Lake; maternal grandparents, Jim and Jean Houlihan of Montreal, Canada; paternal grandmother, Theresa Walsh of McHenry, and many loving cousins, aunts and uncles.

Visitation will be from 3 to 9 p.m. Sunday, Oct. 21, at the Bachmann Funeral Home in Crystal Lake. Funeral Mass will be celebrated at 10 a.m. Monday at St. Thomas the Apostle Catholic Church. Burial will be in Crystal Lake Memorial Park.

In lieu of flowers, memorials may be made to the North Junior High School athletic department.

8- JAN 1992

X210807

920108 HCC 2160

WALSH

Andrew Daniel Walsh, 13, at rest Oct. 19, 1990.
Beloved son of Robert J. and Molly, nee Moulhan;
loving brother of Kenny; dear grandson of Jim
and Jean Moulhan and Theresa Waters; many
loving cousins, aunts and uncles. Visitation Sun-
day, 3 to 9 p.m., at the Bestman Funeral Home,
Ltd., 7715 W. Route 14, Crystal Lake, IL. Funeral
Mass will be celebrated on Monday, 10 a.m., at
St. Thomas the Apostle Catholic Church, Rt 176 &
Oak St., Crystal Lake. Interment Crystal Lake
Memorial Park Cemetery. In lieu of flowers,
memorials may be made to the North Junior High
School Athletic Dept. in Crystal Lake. For info
815-466-4233.

8- JAN 1992

X21080

October 25, 1990

Crystal Lake

920108 HCC 2160

MIRROR

District 47 teen dies of BB wound

By JULIAN R. ANDERSON
STAFF WRITER

The Crystal Lake School District 47 crisis team this week is attempting to help North Junior High students and faculty members cope with the unexpected death of an eighth grader.

Andrew D. Walsh, 13, who suffered a BB-gun wound on Oct. 12, died early Friday morning at Lutheran General Hospital in Park Ridge. The boy had been in intensive care at the hospital since being transferred there by helicopter from Northern Illinois Medical Center, McHenry, shortly after the incident.

According to Crystal Lake police reports, Walsh had been injured in the chest, while shooting pump-type BB guns with two other youths in the backyard of a home on Terra Cotta Avenue.

The McHenry County State's Attorney Office is now investigating the incident to determine the nature of the shooting. On Tuesday, Gary Pack, the state's attorney's criminal vision chief, reported that the state's

attorney was still waiting the results of an autopsy performed by the Cook County Medical Examiners' office on Saturday before conducting a review

A death like this is hard to cope with, not only for the children, but for the adults — the many teachers and coaches who knew Andrew so well.

Supt. Richard Bernotas,
District 47

of the case.
Walsh, the son of Robert and Molly

Walsh, 40 S. Caroline St., was buried Monday at Crystal Lake Memorial Park after a mass at St. Thomas the Apostle Catholic Church.

About 200 North Junior High students attended the service, according to District 47 Superintendent Richard Bernotas. A crisis team, which includes school district social workers along with members of the Crystal Lake police department and McHenry County mental health care workers, are attempting to help the students and teachers cope with the sudden death.

"We're attempting to help the staff and several staff members deal with their grief. A death like this is hard to cope with not only for the children, but for the adults, the many teachers and coaches who knew Andrew so well," Bernotas said.

Walsh was an honor student who was active in school athletics, including North's cross-country, track and basketball teams, he said.

His family has suggested that any memorials be made to the North Junior High School athletic department.

X210.

92008 LCC 2160

COMMUNITY

BB-gun death probe continues

By JILL JANOV
The Northwest Herald

WOODSTOCK — Assistant State's Attorney Michael Vujovich said his office continues to investigate the death of a 13-year-old boy who was shot in the chest with a BB gun earlier this month. But Vujovich said no charges are pending.

McHenry County assistant state's attorneys, working with the Crystal Lake police department, have not determined whether the shooting was accidental.

Officials await the results of an autopsy by the Cook County medical examiner and will conduct several interviews before releasing their findings.

Andrew D. Walsh, 40 S. Caroline St., who was with two 13-year-old boys near Veteran Acres in Crystal Lake when he was shot Oct. 13, died at Lutheran General Hospital in Park Ridge on Oct. 20.

The Oct. 20 autopsy revealed a single BB penetrated Walsh's right chest at an angle and twice pierced his aorta, the main artery carrying blood from the heart, according to a spokesman from the medical examiner's office.

"It's a tragic loss," Vujovich said. "We're concerned with the person who discharged the BB and the victim and the circumstances giving rise to it (the shooting)."

Police found Walsh inside a home at 26 E. Terra Cotta Ave., Crystal Lake. Walsh was shot once with a pump BB rifle, which police found on the premises.

Emergency personnel took the boy to Northern Illinois Medical Center and then took him by helicopter to the Park Ridge hospital's Pediatric Trauma Center.

Because the other two students are juveniles, police could not release their names.

8 - JAN 1992

920108CC2160

X 21080

Death highlights need for BB safety

Tragic accident shows hazards

By STEPHANIE HAUGAN
The Northwest Herald

CRYSTAL LAKE — Deaths and injuries from BB gun shooting are not as uncommon as people might think.

In fact, many around the country are trying to spread the message to the public about the dangers of BB guns.

And the death of Crystal Lake 13-year-old Andrew D. Walsh tragically underscored that message here.

Walsh was shot in the chest last month with a .177-caliber pellet from a Daisy brand BB pump rifle, a product easily found on many retailers' shelves.

"BB guns can be lethal," said Robert Little, professor of mechanical engineering at the University of Michigan at Dearborn. "There are at least two or three deaths in the nation each year that

result from BB gun accidents."

Little has been crusading to get strict regulations placed on BB guns throughout the country. "I don't think parents understand just how powerful these guns are," he said.

"It's not like it was when I was a kid," Crystal Lake Police Lt. Keith Nygren said. "It used to be that when you got hit with a BB, the most it would do is leave a welt on your skin."

Many of today's sophisticated BB guns can fire more than 750 feet per second, well above the velocity necessary to pierce human skin, said Joshua Horwitz, attorney for the National Coalition for Handgun Control in Washington, D.C.

"There are BB guns on the market that are approaching the realm of the .22-caliber

See TRAGIC, page 2

OM PAGE

agic

Horwitz said. "The BB people everywhere. Many BB guns have the ability of penetrating the skin to 6 inches," Little said. Normally, about 50,000 people a year require medical treatment for BB wounds.

Estimated 200 million BB are sold in the United States each year, according to the Consumer Product Safety Commission. "Most BB guns are sold to children between ages 5 and 10. In comparison to the number of sales, the number of

injuries that result are few, Horwitz said. But that in no way diminishes the sadness felt when any young life is taken, he said.

"I'm sorry to hear about the death of the young boy," said Frank Tarr, vice president of administration for the Daisy BB Gun Manufacturing Company in Arkansas.

Daisy put warning labels and age grading on gun packaging, Tarr said. "There's a strict regulation saying the gun can cause serious injury or death if misused."

Warnings are also suggested by people everywhere, he said.

But some say package warnings are not enough.

Little is campaigning to get BB gun manufacturers to reduce the firepower and to put automatic safeties and visible magazines on their products. He has yet to stir change in the industry, but he said he will not give up trying.

"It's an absolute all-out war," Little said, "and I'm getting nowhere."

Many recall the story of Heien and Charles Orsetti from Taylor, Mich. Their 2-year-old son was accidentally shot and killed by his 10-year-old brother in 1985.

That particular gun was a Crossman 338 BB air pistol with

an auto feed mechanism and was loaded into the gun at once.

"Toward the end, you can't tell whether the gun is still loaded or not," said Orsetti's lawyer, Thomas Mulcahy. "The gun can be empty when it's really a left."

Because the father Orsetti did not think there were any pellets left in the gun, the child shot his brother, Mulcahy said.

"The problem is that the gun is worse and more powerful than the standard," Mulcahy said.



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 problems.

We routinely forward this information to manufacturers and private labelers to inform them of the involvement of their product in an accident situation. We also give the information to others requesting information about specific products. Manufacturers need the 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.

You are hereby authorized to disclose my name and address with the information collected on this case.

My identity is to remain confidential.

Robert J. Ward
(Signature)

Jan 29 1992
(Date)