photos

36

EPIDEMIOLOGIC INVESTIGATION REPORT

1. CASE NO.	2. INVESTIGATOR'S ID	3. OFFICE CODE
950413HBB3087 X94B0437	[8][0][2][6]	[8][6][0]

4. DATE OF INCIDENT MO DAY YR	5. DATE INVESTIGATION INITIATED YR MO DAY
[9[4][0][6][1][1].	[9][5][0][4][2][1]

6. SYNOPSIS OF INCIDENT OR COMPLAINT

The victim, an 8 months old infant boy, and his 2 year old sister were being bathed in a bathtub filled with water in their home. The victim was sitting in a bath seat. The mother, who is deaf, left the children unattended and went to answer a TTY telephone. She returned 5 to 10 minutes later and found the victim submerged under the bath water. The mother went next door for help. The 9-1-1 emergency number was called. The victim could not be revived and died. The death was determined to be an accidental (submersion) drowning due to anoxia.

7. LOCATION (Home, school, etc.)	8. CITY	9. STATE
Home, bathroom. [0][1]	West Covina	[C][A]

10A. FIRST PRODUCT	11A. TRADE/BRAND NAME, MODEL NUMBER, MANUFACTURER & ADDRESS
[1][5][5][7] Bath seat.	Safety 1 ST, Inc., 200 Boyleston St., Chestnut Hill, MA 02167.
10B. SECOND PRODUCT	**11B. TRADE/BRAND NAME, MODEL NUMBER, MANUFACTURER & ADDRESS**
[0][6][1][1] Bathtub.	Unknown.

12. AGE OF VICTIM	13. SEX (USE NUMERICAL CODE) MALE - 1 FEMALE - 2 UNKNOWN - 3	14. DISPOSITION	15. INJURY DIAGNOSIS
[2][0][8]	[1]	Fatality [8]	Submersion [6][9]

16. BODY PART	17. RESPONDENT(S) (Mother, Friend)	18. TYPE INVESTIGATION ON SITE - 1 TELEPHONE - 2 OTHER - 3	19. TIME SPENT
All parts of body. [8][5]	Police investigator, Mother. [3]	[3]	[2][0].[0]

20. ATTACHMENTS	21. CASE SOURCE	24/25 REVIEWED BY YR MO DAY
Multiple [9]	Coroner [1][2]	[8][0][9][7] [9][5][0][6][2][9]

23. PERMISSION TO DISCLOSE NAMES *(NON-NEISS CASES ONLY)* CPSC MAY DISCLOSE MY NAME [ ] CPSC MAY NOT DISCLOSE MY NAME [XX]

23. SAMPLE COLLECTION NUMBER	26. REGIONAL OFFICE DIRECTOR REVIEW DATE
N.A.	

27. DISTRIBUTION

The narrative report and attachments are attached.

MFR/PRVLBR NOTIFIED 4/24/98
- ✓ No Comments made
- Comments attached
- 25c ✓ Excisions/Revisions
- ✓ Firm has not requested further notice

NOTE: The victim's mother responded in writing to written questions during this investigation. She also responded to questions during a TTY telephone conversation.

SYNOPSIS:

The victim, an 8 months infant boy, and his 2 year old sister, were in a bathtub filled with water in their apartment bathroom. The victim was sitting in a bath seat. The victim's mother, who is deaf, left the children unattended when she left to answer a TTY telephone. The mother returned about 5 to 10 minutes later and found the victim out of the bath seat submerged under the bath water. She went next door for help. The 9-1-1 emergency number was called and CPR was given to the victim. The victim could not be revived and died. The victim's death was investigated and was determined to be an accidental (submersion) drowning due to anoxia.

PRE-INCIDENT:

The victim was an 8 months old infant boy. He lived in an apartment with his 29 year old mother and his 2 year old daughter (Exhibit 5). The Police investigator said that the children's mother and father were both deaf, that the mother and father were not married, that the children's father did not reside in the apartment with the victim and mother, that the father visited the apartment several times a week and took care of the children, and that the mother used sign language, written notes, and a TTY telephone to communicate. The Police investigator also said that there were some grammatical errors with the mother's English in a written statement she gave to Police detectives, that she communicated in Spanish also, that the mother was White and the father was Hispanic, that the mother received assistance for the apartment rent and did not have outside employment, and that there were lamps in the kitchen and in the master bedroom which flashed for incoming telephone calls. The Police investigator said the housekeeping in the victim's house was below average and the 2 year old sister had wandered around the apartment complex unsupervised several times, according to neighbors.

The autopsy report stated the victim was Hispanic, was 65 cm (25.2") tall, and weighed 9175 grams (20 pounds) at the time of his death (Exhibit 4). The mother responded in writing that a friend gave her the bath seat as a gift before the incident and the victim used the bath seat once before the incident.

The mother placed the victim and his sister into the full-size bath tub in the bathroom of their apartment around 11:30 am on June 11, 1994. The mother responded in writing that the bathtub was filled with water and had a bath seat, and the victim and his sister began playing with toys in the bath tub. The mother responded during the TTY telephone conversation that she was bathing the victim and her daughter in the tub with soap, that the victim was sitting in the bath seat and the daughter was beside him in the bath tub, that she noticed the lamp in the kitchen was flashing, and that she signed to her daughter that she was going to the telephone. The mother responded by sign language at the hospital, just after the incident, that the two children were fighting in the tub (Exhibit 5). Exhibit 7 contains Police Department photographs of the apartment, bathroom, and the bathtub filled with numerous toys and one infant seat. The two children were left alone in the bath tub while the mother used the TTY telephone in the living room (Exhibit 5).

neighbor's 9-1-1 telephone call was made several minutes after the mother's TTY telephone conversation ended. The Police detective said the victim's death was investigated by the State Child Protective Services. As a result, the court removed the victim's sister from the care of her mother. During the investigation visit to the mother's apartment (incident site), she responded in writing that she was afraid and did not want to talk because there was a custody hearing at court involving her daughter later this week. The mother was asked in writing twice what she found when she went back to the bath room. She responded in writing only that the victim fell into the water and was found under the water. The mother also responded in writing that her daughter was not able to tell her what happened during the incident in sign language. The mother did not respond to the question about the depth of the bath water. The mother wrote that she hated the bath seat , wished it was not given to her, and would never use one again. She refused to sign the CPSC Release of Name form or indicate if she wanted her name to remain confidential or not (Exhibit 6).

PRODUCT IDENTIFICATION:

The bath seat involved in this incident was identified from the Police Department photographs (Exhibit 7). Examination of this product at a retail store revealed it was manufactured by Safety 1 ST, 200 Boyleston St., Chestnut Hill, CA 02167. The U.S. patent numbers were 5010606 and 5158460 and it was copyrighted in 1989. The bath seat was made of dark blue plastic and had three roller discs in the top rail. The bottom contained 4 suction cups. The base was 12 inches in diameter. The top rail was 7 1/2 inches tall at the front and 8 inches tall at the back (back rest). There were three support posts between the seat and the top rail. The bath seat contained the following warning statement on the seat back: "WARNING: PREVENT DROWNING Never leave child unattended in the tub!". A similar warning about leaving the child unattended was on the top rail area. The Police department photographs showed the bath seat was upright and attached to a rubber bath mat in the bath tub just after the incident (Exhibit 7, photographs). One sponge-like toy was stuck to the side of the full-size smooth surface porcelain bath tub. The other toys were at the bottom of the bath tub after it was drained by the Police detectives.

STANDARDS INFORMATION:

The bath seat and many of the plastic toys are subject to the Federal Hazardous Substances Act regulations for toys and children's articles intended for children under three years of age. The regulations involving small parts is found at 16 C.F.R. 1500.51. The regulations for sharp points is found at 16 C.F.R. 1500.48. An A.S.T.M. voluntary standard for bath seats is being developed.

ATTACHMENTS:

Exhibit 1: Assignment requests, 2 pages.
Exhibit 2: Medical Examiner/Coroner's report of the incident.
Exhibit 3: Coroner's investigation report, 2 pages.
Exhibit 4: Coroner's Autopsy report, 11 pages.
Exhibit 5: Police Department report, 8 pages.
Exhibit 6: CPSC Release of Name form.
Exhibit 7: 9 Police Department photographs.

EXHIBIT 1; pg. 1
950413HBB3087

FIELD ACTIVITY REQUEST

1. REGION/STATE FOWR-> LOS	2. OPERATION Check Appropriate Block(s) [ ] Inspection [ ] Telephone Contact [ ] Sample Collection [X] Recall Effect Check Investigation [ ] Other	3a. DATE ISSUED > 4-17-95 3b. TRGT DATE > 4-29-95
4. NUMBER > 950413HBB3087		

5. ESTABLISHMENT
Name: > Lydia DUNNE
Address: > 2855 E. Valley Blvd, #69
>
City: > W. COVINA, CA 91793 Phone: (>) > ->
State: > ZIP: > ->

6. PRODUCT > Bathtub and bath seat.	7. HOURS Operation: >__.__ Travel: > .
8. MANAGEMENT CODES MIS: >____ FPC Nr. >____ NEISS: >	9. DATE COMPLETED > >
10. SUPERVISORY INVESTIGATOR > Joel Swisher	11. INVESTIGATOR > Cecil Smith
12. COMPLIANCE OFFICER > >	13. PRIORITY > high >

14A. HISTORY:

> Documents only

14B. ACTION REQUESTED:

> Collect official documents only:
See attached assignment request.

15. REQUESTOR'S NAME AND TITLE > >	SIGNATURE

16. DISTRIBUTION
Orig: Supervisory Investigator >
cc: EF->
>
LGCornell, for PARADOX Log > Compliance Assignment File

CPSC Form 167R (created 10/91) Western Region

EXHIBIT 1, pg. 2
950413HBB3087

JCS
cc: file

April 6, 1995

INCIDENT INVESTIGATION REQUEST FORM

Document Number X4B0437A1

Date of Incident 06/11/94 Category I.D. TYNN141995
(NON-FATAL NON-NEISS INCIDENT)

Follow-Up Requested Hazard Analysis (X) Sect 15 ( )

Type Follow-Up Requested Telephone Call ( ) On-Site (X)

Headquarters Contact Renae Rauchschwalbe, CECA, (301)504-0608
Leonard Schachter, EPHA, (301)504-0470

Assignment Message:

Please complete the investigation using Investigation Guideline. It is very important to establish the detailed sequence of events in these incidents including the infant's position during the incident and the use of any bath rings, seats, or infant bathtubs.

For non-fatal incidents, please interview any parents or caregivers for the detailed sequence of events to the extent possible. Please collect all official documentation including paramedics report, police investigation, social worker's report, and any medical treatment records. Determine type of treatment administered and patient disposition following the emergency room treatment.

Person(s) to Contact:

See attached
C.K to contact OK
as CA deaths are a matter of public record
Collect official documentation

Guideline 110 Bathtub Incidents Involving Children <18 Months Old

Requested By JCS

950413HBB3087

$700

4/13/95

EXHIBIT 2
950443HBB3087

NOV 16 1994

X4B0437

MEDICAL EXAMINER'S/CORONERS REPORTING FORM

To report a case by telephone, call (toll free) 1-800-8095. Say "THIS IS A MECAP REPORT." You will then be placed in contact with the MECAP Project Manger, who will ask for the information noted below.

Date of incident _____ Date of Death 06/11/94

Type of consumer product involved BATHTUB

Manufacturer, Model, Brand name, and Serial No. of product _____

Is product available for examination? __ Yes __ No. If yes, Where? __

Cause of Death: DROWNING

Location of Incident: City: LOS ANGELES State: CA

Brief description of incident sequence: (Please include, age and sex of the victim (s)

08 MONTH OLD DROWNED IN BATHTUB

Bell

Contact Information: Please include the name address and telephone number of any state/local personnel who investigated the incident.

Medical Examiner's/Coroner's Case No. 94-05097 Tel No. 212-343-0522

Reporter's Name ANTOINETTE TIBBS, Forensic Data Information Systems

Reporter's Off (include. city, county, & state) LOS ANGELES, La, CA

Medical Examiner's Coroner's Name L. SATHYAVAGISWARAN, M.D.
CHIEF, MEDICAL EXAMINER

For processing at CPSC: Report received by J. KRAMER

Chief Med. Exam Rpt. ( ) Copy for MECAP News ( )

EXHIBIT 3, pg. 1

950413HBB3087

COUNTY OF LOS ANGELES

CASE REPORT

JUN 15 1994

DEPARTMENT OF CORONER

1

APPARENT MODE: NAT ACC SUI HOMI

☐ STATE HOSP ☐ O.I.S. ☐ AUTOPSY WAIVER ☐ CLOSELY WATCHED
☐ IN CUSTODY ☐ AT WORK ☐ LAW ENFORCEMENT RELATED ☑ VICTIMS OF CRIME

SPECIAL CIRCUMSTANCES: POSSIBLE CHILD ABUSE / POSSIBLE SEXUAL ASSAULT

CASE NO.: 94-5097

LAST, FIRST MIDDLE: DURAN, PEDRO SANTOS

AKA:

CRYPT: 85

ADDRESS: 2855 E. VALLEY BLVD. #69

CITY: WEST COVINA

STATE: CA ZIP: 91793

SEX	RACE APPEARS	DOB	AGE	HGT	WGT	EYES	HAIR	TEETH	ID VIEW	CONDITION	☐ EMBALMED
m	h	10/9/93	8mos	26	25	brn	brn	own	YES NO	fair	

BEARD ☐ Y ☑ N

MUSTACHE ☐ Y ☑ N

SCARS / MARKS / TATTOOS / AMPUTATIONS / DEFORMITIES: none seen

NOK: LYDIA DUNNE

ADDRESS: SAME AS ABOVE

CITY / STATE / ZIP

RELATIONSHIP: MOTHER

PHONE:

NOTIFIED BY: present

DATE / TIME

SSN / MULT. ☐ / DL ID / STATE / LA # / MAIN / CII / FBI / MILITARY C#

ID BY (PRINT NAME): MOTHER AT HOSPITAL

SIGNATURE: x

RELATIONSHIP / PHONE / DATE

PLACE OF DEATH/PLACE FOUND: QUEEN OF THE VALLEY HOSPITAL

ADDRESS OR LOCATION: 1115 S. SUNSET AVE.

CITY: WEST COVINA

ZIP

PLACE OF INJURY: UNK

AT WORK: ☐ YES ☑ NO

DATE: UNK

TIME

LOCATION OR ADDRESS: UNK

ZIP

DOD / FND: 6/11/94

TIME: 1222

FOUND BY: DR. GENTILE

OTHER AGENCY & INV. OFFICER: WEST COVINA P.D. FERRARI

PHONE: 818-814-8557

REPORT NO.: 94-7252

NOTIFIED BY / NO

DESCRIBE SCENE AND CONTACT MATERIAL TO BODY ☒ HOSPITALIZED CASE

	TIME	DATE
AIR ____ °F		
LIVER ____ °F		
WATER ____ °F		

DESCRIBE LIVER MORTIS: N/A

DESCRIBE RIGOR MORTIS: N/A

TRANSPORTED BY: CRAVIN

TO: FSC ☐ AVRO ☐ SCVRO ☐

DATE: 6/12/94 TIME: 1240

	YES	NO
PRINTS	☐	☑
MED. EV.	☐	☑
PHYS. EV.	☑	☐
SUICIDE NOTE	☐	☑

	YES	NO
CLOTHING	☐	☑
INVEST. PHOTO #	☐	☑

GSR NO: 0

PA RPT ☐ YES ☑ NO

MEC SEAL / PA SEAL / NOT SEALED / MORTUARY

PROP: YES ☐ NO ☑

RCPT. NO. 119737

HOSP. RPT YES ☑ NO ☐

HOSP. CHART YES ☑ NO ☐

PF NO. 002 435 002

	YES	NO
VORT RPT	☐	☑
RELEASE	☐	☑
VITALS	☐	☑

SYNOPSIS: INFORMATION FROM HOSPITAL RECORDS & POLICE INDICATES THAT THE DECEDENT WAS APPARENTLY FOUND DOWN IN THE BATHTUB. PARENTS GOT NEIGHBOR TO CALL 911 AS THEY ARE BOTH DEAF MUTES. PARAMEDICS TRANSPORTED TO THE HOSPITAL WHERE HE WAS PRONOUNCED. AT HOSPITAL HE WAS FOUND TO HAVE A LARGE TEAR IN RECTUM. MOTHER'S STORY IS THAT SHE WAS BATHING DECEDENT & 2YEAR OLD SIBLING. SHE RECEIVED A PHONE CALL & WENT TO ANSWER. CAME BACK FOUND 2 YEAR OLD HOLDING DECEDENT'S HEAD UNDER WATER. POLICE WENT TO RESIDENCE & HAVE EVIDENCE OF FECAL MATERIAL ON BED OF DECEDENT & HAVE OTHER EVIDENCE, INDICATEING POSSIBLE SEXUAL ASSAULT.
****PLEASE GIVE DET. FERRARI 2 hours NOTICE PRIOR TO AUTOPSY SO HE CAN ATTEND 818-814-8557.

DATE: 6.14.94 REVIEWED BY: DATE: 6.14.92

EXHIBIT 3, pg. 2

950413HBB3087

COUNTY OF LOS ANGELES — CASE REPORTED — DEPARTMENT OF CORONER

1 B

Cross reference to:

REPORTED AS:

☐ Natural ☒ Accident? ☐ Suicide ~~☒~~ Homicide? ☐ At Work ☐ Nursing Home ☐ In Custody ☐ State Hosp.

CASE NO. 94-05097

DECEDENT IDENTIFIED BY:

LAST NAME DURAN

FIRST Pedro MIDDLE

Age 1 yr. DOB ( ) MALE ☒ FEMALE ☐

Post Mortem at ~~☒~~ M.E.C. ☐ MORTUARY ☐ OTHER FACILITY _____ Request of

PLACE OF DEATH - NAME OF FACILITY: Queen of The Valley Hosp STREET ADDRESS

DATE OF DEATH - Month, Day, Year: 6-11-94 HOUR: 1222 FOUND OR PRONOUNCED BY: DR E Gentile SCENE PHONE: 818 962-4011

Usual Residence 2855 E Valley Bl #69 W. Covina 91793

Reported by Det Mulvagh Address W Covina PD Phone 818 814 8557

Reported to M.E.C. Admit Date/Time 6-11-94 1355

Investigating Agency Officer DATE TIME

Next of Kin: Relationship Mother

Address Phone

Notified by DATE TIME

DESCRIBE TERMINAL EPISODE AND OTHER PERTINENT INFORMATION: Mother of decd is death & mute. A 911 called was placed by neighbor as a drowning victim. Transported to above hosp where death was pronounced. ER Dr ~~Thomas~~ Observed Large tear in Rectum.

PAGE MCLNYK for INFO - 818-916-5238 3221

* DET FERRARI REQUESTS SEXUAL ASSAULT DONE. ALSO 2HRS NOTICE TO POST 818-814-8557.

Hospital paperwork ready Date 6-11-94 Time 1810 Per NURSING SUPERVISOR POLICE REPORT #94-7252

THIS SECTION FOR INQUIRY ONLY

Attending Physician Phone

Address LAST DATE ATTENDED

CAUSE OF DEATH

21. DEATH WAS CAUSED BY: IMMEDIATE CAUSE (A) (ENTER ONLY ONE CAUSE PER LINE FOR A, B, AND C)

Conditions, if any, which gave rise to the immediate cause stating the underlying cause last.

DUE TO, OR AS A CONSEQUENCE OF (B)

DUE TO, OR AS A CONSEQUENCE OF (C)

Approximate Interval Between Onset & Death

BIOPSY - 23

AUTOPSY - 24A

25. Other Conditions Contributing But Not Related To The Immediate Cause of Death

26. Was Operation Performed For Any Condition In Items 21 or 25? Operation Date

Discussed With ,M.D. By Deputy

Date & Time Mortuary Notified

SUPPLEMENTAL INFORMATION BY: Approved

Original Jurisdictional Determination Record

DO NOT DISCARD

EXHIBIT 4, pg. 1

950413HBB3087

COUNTY OF LOS ANGELES

DEPARTMENT OF CORONER

12

AUTOPSY REPORT

No. 94-05097

DURAN, PEDRO S.

I performed an autopsy on the body of

at the DEPARTMENT OF CORONER

Los Angeles, California on JUNE 15, 1994 @ 0830 HOURS
(Date) (Time)

From the anatomic findings and pertinent history I ascribe the death to:

(A) DROWNING

DUE TO OR AS A CONSEQUENCE OF

(B)

DUE TO OR AS A CONSEQUENCE OF

(C)

OTHER SIGNIFICANT CONDITIONS --

Anatomical Summary:

1. Circumstances: Found submerged in bathtub at home.
2. Acute pulmonary edema, severe.
3. Refer to neuropathology report.
4. Refer to toxicology report.

COUNTY OF LOS ANGELES

12

AUTOPSY REPORT

No. 94-05097

DURAN, PEDRO S.

EXTERNAL EXAMINATION:

The unembalmed, refrigerated body is that of a well developed, well nourish Hispanic male appearing to be about the stated age of 8 months. Identification is by toe tag. The height is 65 cm and the weight 9,175 grams. The scalp hair is dark brown. The irides are brown and the sclerae nonicteric; no conjunctival petechial hemorrhages are present. Natural central incisor teeth are noted at the lower jaw and unerupted central incisor teeth at the upper jaw. The oral and nasal cavities are not remarkable. The chest is symmetrical and the abdomen moderately protuberant. The external genitalia are not remarkable. Recent needle puncture wounds are noted at both sides of the anterior neck region and at right antecubital fossa.

EVIDENCE OF RECENT INJURY:

The anal and distal rectal mucosa show focal moderate hyperemia; neither shows evidence of mucosal erosion or laceration.

BODY CAVITIES:

The pleural, pericardial and peritoneal cavities are not remarkable.

CARDIOVASCULAR SYSTEM:

The heart weighs 43 grams; the external configuration is not remarkable. The myocardium is not remarkable. The heart valves and extravalvular endocardium are not remarkable. The coronary arteries are not remarkable. The aorta and great vessels are not remarkable; the ductus arteriosus is closed.

RESPIRATORY SYSTEM:

The right lung weighs 106 grams and the left lung 104 grams. Sectioning reveals parenchyma showing severe edema and focally

COUNTY OF LOS ANGELES

12

AUTOPSY REPORT

No. 94-05097

DURAN, PEDRO S.

severe congestion. No evidence of consolidation is present. The bronchi are not remarkable.

NECK:

The tongue, pharynx, larynx and trachea are not remarkable.

HEPATOBILIARY SYSTEM:

The liver weighs 330 grams. The capsule is not remarkable. Sectioning reveals parenchyma of unremarkable appearance. The gallbladder and extrahepatic bile ducts are not remarkable.

HEMOLYMPHATIC SYSTEM:

The spleen and thymus are not remarkable; the weights are 47 grams and 35 grams, respectively. Intrathoracic and intra-abdominal lymph nodes are not remarkable. Costal bone marrow is not remarkable.

ENDOCRINE SYSTEM:

The pituitary, thyroid and adrenals glands are not remarkable.

GENITOURINARY SYSTEM:

The left kidney weighs 30 grams and the right kidney 29 grams. The capsules strip with ease to reveal smooth cortical surfaces. Sectioning reveals parenchyma of unremarkable appearance. The urinary collecting system is not remarkable. The prostate gland and testes are not remarkable.

DIGESTIVE SYSTEM:

The esophagus is not remarkable. The stomach is empty and not otherwise remarkable. The small intestine and appendix are not

COUNTY OF LOS ANGELES

12

AUTOPSY REPORT

No. 94-05097

DURAN, PEDRO S.

remarkable. Except as previously noted, the large intestine is not remarkable; soft stool is noted at the sigmoid region. The pancreas is not remarkable.

MUSCULOSKELETAL SYSTEM:

Muscular development is good. The skeleton is not remarkable. The anterior fontanelle is closed.

HEAD AND CENTRAL NERVOUS SYSTEM:

The reflected scalp is not remarkable. No epidural fluid accumulation is present. The brain, which weighs 970 grams, is submitted in formalin for subsequent detailed neuropathologic examination. The spinal cord is not examined.

TOXICOLOGY:

Blood and liver are submitted for S screen.

SECTIONS:

Representative sections are submitted for subsequent histologic examination. In addition, routine sections of major organs and tissues are submitted in formalin for storage.

PHOTOGRAPHY:

Photographs of the body are taken.

RADIOGRAPHY:

Whole-body x-rays are obtained; examination reveals no fractures, recent or remote.

EXHIBIT 4, pg. 5

950413HBB3087

COUNTY OF LOS ANGELES

12

AUTOPSY REPORT

No. 94-05097

DURAN, PEDRO S.

WITNESSES:

Detectives Ferrari and Rozeboom of West Covina Police Department.

S. L. Riley Jr.

SOLOMON L. RILEY, JR., M.D.
DEPUTY MEDICAL EXAMINER

11/3/94

DATE

SLR:an:c
T-9-16-94

EXHIBIT 4, pg. 6

950413 HBB3087

COUNTY OF LOS ANGELES FORENSIC CONSULTANT'S REPORT DEPARTMENT OF CORONER

13

NEUROPATHOLOGY

94-05097

DURAN, PEDRO S.

September 6, 1994

AGE: 8 months

DATE OF DEATH: June 11, 1994

REFERRING DME: Solomon L. Riley, Jr., M.D.

CIRCUMSTANCES:

The following information is taken from Form 1. Information from hospital records and police indicated that the decedent was apparently found submerged in the bathtub. Parents, who are both deaf mutes, got a neighbor to call 911. Paramedics transported the deceased infant to Queen of the Valley Hospital where he was pronounced. According to the mother, she was bathing the decedent and a 2-year-old sibling when she received a telephone call and went to answer. When she came back she found the 2-year-old holding the decedent's head underwater. Police investigation at the residence discovered evidence of fecal matter on the bed of the decedent as well as in the bath water, presumed semen was found in a trash container on two tissues in the bathroom, and there was evidence of blood on the bathtub surface.

GROSS DESCRIPTION:

Specimen consists of a formalin-fixed brain and portions of cranial dura mater including the dorsal convexity patch, attached falx cerebri, tentorium cerebelli and the adjacent areas of the posterior, middle, and anterior fossae. The dura shows no abnormality. Both epidural and subdural surfaces are clean and free of hemorrhagic stains.

Brain weighed 970 grams at removal. Disregarding the postmortem flattening, the cerebral hemispheres are of normal configuration and approximately symmetrical. Leptomeninges are thin and transparent throughout, and there is no subarachnoid hemorrhage. Convolutional pattern appears fairly well-formed. There are no contusions anyplace.

At the base, rectus-orbital and basitemporal cortical surfaces are free of contusions or other change. Optic nerves are grossly

EXHIBIT 4, pg. 7

COUNTY OF LOS ANGELES FORENSIC CONSULTANT'S REPORT DEPARTMENT OF CORONER

9504BHBB3087

13

NEUROPATHOLOGY

94-05097

DURAN, PEDRO S.

normal. Olfactory bulbs and tracts and present. Blood vessels at the base are small and delicate and otherwise unremarkable. Brain stem and cerebellum reveal no gross change.

Coronal sections of the cerebral hemispheres reveal a generally reduced ventricular system. Lateral ventricles are symmetrical without shift of the midline. Lateral angle are effaced. Third ventricle is narrow but patent at the midline. Aqueduct is patent and of normal contour and the fourth ventricle is normal. No gross abnormality is found. Cerebral cortical ribbon is intact without contusions or other change. Central white matter is homogeneous and clear without hemorrhagic lesions. Corpus callosum is intact. Basal ganglia and thalamus show no gross change, and hippocampi are normal.

Multiple sections of brain stem and cerebellum reveal no abnormality.

Selected areas are retained in storage. No sections are submitted for microscopic examination.

FINAL NEUROPATHOLOGIC DIAGNOSIS:

A. Grossly normal infant brain other than generalized brain swelling.

H. H. Itabashi, M.D.

HIDEO H. ITABASHI, M.D.
DEPUTY MEDICAL EXAMINER

9-13-94
DATE

HHI:an:c
T-9-6-94

EXHIBIT 4, pg. 8

950413HBB3087

COUNTY OF LOS ANGELES

MICROSCOPIC REPORT

DEPARTMENT OF CORONER

14

I performed a microscopic examination on

at THE DEPARTMENT OF CORONER

Los Angeles, California

94-05097

DURAN, PEDRO S.

MICROSCOPIC DESCRIPTION

Sections of the heart are not remarkable.

Sections of lungs show vascular congestion and focal intra-alveolar edema.

Section of liver is not remarkable.

Sections of lymph node are not remarkable.

Section of spleen is not remarkable.

Section of pancreas is not remarkable.

Sections of adrenal gland are not remarkable.

Section of thyroid gland is not remarkable.

Section of parathyroid gland is not remarkable.

Section of kidney is not remarkable.

S. L. Riley Jr.

SOLOMON L. RILEY, JR., M.D.
DEPUTY MEDICAL EXAMINER

11/4/94

DATE

SLR:an:c
T-10-28-94

EXHIBIT 4, pg. 9

Report of Toxicological Analyses
Department of Coroner
County of Los Angeles

06/23/94

Pending Tox

TO: Solomon L. Riley Jr., M.D.
Deputy Medical Examiner

FROM: Forensic Toxicology Laboratory
Forensic Science Laboratories Division

SUBJECT: Coroner's Case Number 94-05097 DURAN, PEDRO

In accordance with your request, toxicological analyses have been performed and are now completed on the subject case as tabulated below:

Tissue	Analyses Requested	Drugs Analyzed	Level Found	Assigned Toxicologist	Date Analyzed
Blood	Alcohols	Alcohols	Negative	J. Park	06/21/94
Blood	Volatiles		ND	J. Park	06/21/94
Blood	Methamphetamine	Methamphetamine	ND	L. Mahanay	06/21/94
Blood	Barbiturates		ND	L. Mahanay	06/21/94
Blood	Cocaine	Cocaine and Metabolites	ND	L. Mahanay	06/21/94
Blood	Narcotics	Codeine	ND	L. Mahanay	06/21/94
Blood	Narcotics	Morphine	ND	L. Mahanay	06/21/94
Blood		Acetaminophen	ND	S. Griesemer	06/21/94
Blood	Salicylates		ND	S. Griesemer	06/21/94

KYB 6/21/94

LEGEND:
MG/L = Milligram per Liter
UG/ML = Micrograms per Milliliter
QNS = Quanity Not Sufficent
UG/G = Micrograms per Gram
MG/DL = Milligram per Deciliter
TNP = Test Not Performed
G% = Gram Percent
ND = Not Detected
MG = Milligrams

JOSEPH J. MUTO
CHIEF FORENSIC TOXICOLOGIST

EXHIBIT 4, pg. 10

COUNTY OF LOS ANGELES — MEDICAL REPORT — FORENSIC SCIENCE CENTER — DEPARTMENT OF CORONER

95043HBB3087

15

AUTOPSY CLASS: ☒ A ☐ B ☐ C
☐ EXAMINATION ONLY (0)

Date 6/15/94 Time 0830 Dr. RILEY (PRINT NAME)

☒ PENDING ☒ FINAL ON. 10/13/94
☒ TOX ☒ NEURO ☒ LAW ENF. REPORT
☒ HISTO ☐ MED HIST. ☐ OTHER

APPROXIMATE INTERVAL BETWEEN ONSET AND DEATH

85

22. DEATH WAS CAUSED BY: (ENTER ONLY ONE CAUSE PER LINE FOR A, B, C AND D)
IMMEDIATE CAUSE

DROWNING (A) — UNK

DUE TO, OR AS A CONSEQUENCE OF (B)

DUE TO, OR AS A CONSEQUENCE OF (C)

DUE TO, OR AS A CONSEQUENCE OF (D)

Other conditions contributing but not related to the immediate cause of death:

☐ NATURAL ☒ ACCIDENT ☐ SUICIDE ☐ HOMICIDE ☐ UNDETERMINED

If other than natural causes HOW DID INJURY OCCUR? IN BATHTUB

WAS OPERATION PERFORMED FOR ANY CONDITION STATED ABOVE? ☐ Yes ☒ No

TYPE SURGERY _____ DATE _____

☐ ORGAN PROCUREMENT

☐ WITNESSES TO AUTOPSY: Dets Ferrari & Roseboom

☒ PERTINENT COMMENTS:

☐ EVIDENCE RECOVERED AT AUTOPSY
Item Description:

Rediscussed with Det Ferrari 10/13/94.

_____ (RESIDENT), M.D. Solomon L. Riley Jr. (DEPUTY MEDICAL EXAMINER), M.D.

DEATH CERTIFICATE ISSUED

☐ FINAL DATE ISSUED _____ ISSUED BY _____

REQUEST

☒ Police Report FOLLOW UP
☐ Med. History
☐ Consultation
☐ Investigations
☐ Criminalistics
☐ GSR ☐ Other

☒ HISTOPATH CUT: ☒ AUTOPSY ☐ LAB
☐ MICROBIOLOGY:
☒ NEUROPATHOLOGY

TOXICOLOGICAL SPECIMENS COLLECTED

☒ YES, by PPR
☒ BLOOD: ☒ HEART ☐ _____ (OTHER)
☐ BILE ☐ BRAIN
☒ LIVER ☐ SPLEEN
☐ URINE ☐ KIDNEY
☐ STOMACH CONTENTS ☐ VITREOUS
☐ _____

☐ NO BLOOD
☐ EMBALMED
☐ > 24 HR. IN HOSPITAL
☐ NOT INDICATED
☐ OTHER _____ (REASON)

TOXICOLOGICAL ANALYSES ORDERED

SCREEN: ☐ C ☐ H ☐ T ☒ S
☐ ALCOHOL ONLY
☐ CARBON MONOXIDE
☐ NO TOXICOLOGY REQUESTED
☐ OTHER (SPECIFY DRUG AND TISSUE)

☒ STORAGE JARS (No. 1)

Typing Blood Taken by _____
☐ HEART ☐ OTHER _____

PRIOR EXAMINATION REVIEW BY DME

☒ BODY TAG ☒ MED. RECORD
☐ CLOTHING ☐ AT SCENE PHOTO (NO. ___)
☐ SPECIAL PROCESSING TAG ☒ X-RAY (NO. 3)
☐ FLUORO

WHITE - FILE COPY
CANARY - FORENSIC LAB COPY

EXHIBIT 4, pg. 11

950413HBB3087

COUNTY OF LOS ANGELES — AUTOPSY CHECK SHEET — DEPARTMENT OF CORONER

16

#94-05097
DURAN, PEDRO
85

EXTERNAL EXAM
- Sex
- Race
- Age
- Height 75 cm
- Weight 91.7 gm
- Hair brn
- Eyes ; nl petechiae
- Sclera
- Teeth ant incisors erupting
- Mouth
- Tongue
- Nose
- Chest
- Breasts
- Abdomen
- Scar
- Genital
- Edema
- Skin
- Decub

HEART Wt 43 gm
- Pericard
- Hypert
- Dilat
- Muscle
- Valves
- Coronar

AORTA
VESSELS
LUNGS Wt
- R 106
- L 104
- Adhes
- Fluid
- Atelectasis
- Oedema +++
- Congest ++
- Consol
- Bronchi
- Nodes

PHARYNX
TRACHEA
THYROID
THYMUS 25

PERITONEUM
- Fluid
- Adhes

LIVER Wt 330
- Caps
- Lobul
- Fibros
- G B
- Calc
- Bile ducts

SPLEEN Wt 41
- Color
- Consist
- Caps
- Malpig

PANCREAS
ADRENALS
KIDNEYS Wt 130+131
- Caps
- Cortex
- Vessels
- Pelvis
- Ureter

BLADDER
GENITALIA
- Prost
- Testes
- Uterus
- Tubes
- Ovar

OESOPHAGUS
STOMACH
DUOD & SM INT
APPENDIX
LARGE INT
ABDOM NODES
SKELETON no fractures
- Skull
- Spine
- Marrow

BRAIN Wt 910; N/P
- Dura
- Fluid
- Ventric
- Vessels
- Ears
- Nasal Sin

PITUITARY

SPINAL CORD

TOXICOLOGY
ordered

SECTIONS
representative

GROSS IMPRESSION
possible drowning

focal anal mucosal hyperemia; no anal or rectal laceration

head 44 cm
chest 45
and 46
C-R 45

Date 6/15/94 | Time 1820 | KLB | Deputy Medical Examiner

EXHIBIT 4, pg. 12

950413HBB3087

COUNTY OF LOS ANGELES
CHIEF MEDICAL EXAMINER—CORONER

HOSPITAL AND NURSING
CARE FACILITY REPORT

1104 NORTH MISSION ROAD
LOS ANGELES, CALIF. 90033

18

TO REPORT A DEATH—PHONE (213) 226-8011
COMPLETE ALL LINES. USE INK. IF UNKNOWN OR NOT APPLICABLE, SO STATE.

Queen of the Valley Hospital
NAME OF FACILITY

ADDRESS 1115 S. Sunset Ave West Covina (818) 962-4011 PHONE

94-05097

NAME OF DECEDENT Pedro Duran

AGE 8m SEX M RACE Mex

DATE OF DEATH 6/11/94 TIME 12:22

PRONOUNCED BY E. Evans MD HOSP. OR I.D. NO. Acct/0015639784/mrun 000435002

☒ EMERGENCY ROOM PATIENT ☐ HOSPITAL IN PATIENT

DATE ADMITTED 6/11/94 TIME 12:08

TO HOSPITAL BY: ☐ POLICE ☐ RELATIVES ☐ FRIENDS ☐ SELF ☒ AMBULANCE (Name or R.A. #) WC 74

FROM Home 2855 E Valley Blvd #69 West Covina CA 91792
(STATE WHETHER HOME, HOSPITAL OR OTHER) GIVE ADDRESS (IF HOSPITAL ATTACH THEIR HISTORY)

ADMITTED BY: E. Evans M.D. ATTENDING PHYSICIAN E. EVANS M.D.

INJURIES 6/11/94 DATE TIME PLACE CAUSE (TRAFFIC, FALL, ETC.)

DESCRIBE INJURIES: 2cm rectal tear, clr BSds pupil fixed + dilated

98.6

CLINICAL HISTORY: Mother not present ≈ 5 minutes 2yr old was holding 8 month old under water in bathtub.

SURGICAL PROCEDURES: STATE TYPE, DATE, TIME AND RESULTS OF ANY OPERATION OR AMPUTATION PERFORMED

Oral intubation, CPR, ALS,

WAS A BULLET OR OTHER FOREIGN OBJECT RECOVERED? SPECIFY

LABORATORY: SPECIFY SPECIMENS TAKEN no DATE & TIME

LABORATORY RESULTS:

RETAIN LABORATORY SPECIMENS

X-RAY REPORT:

REMARKS: ESPECIALLY SYMPTOMS PRECEDING AND DURING TERMINAL EPISODE

Coroner's case

IN MY OPINION, THE IMMEDIATE CAUSE OF DEATH IS:

BY Cardiopulmonary Arrest etiology unknown M.D. —OR— OTHER OFFICIAL

EXHIBIT 4, pg. 13

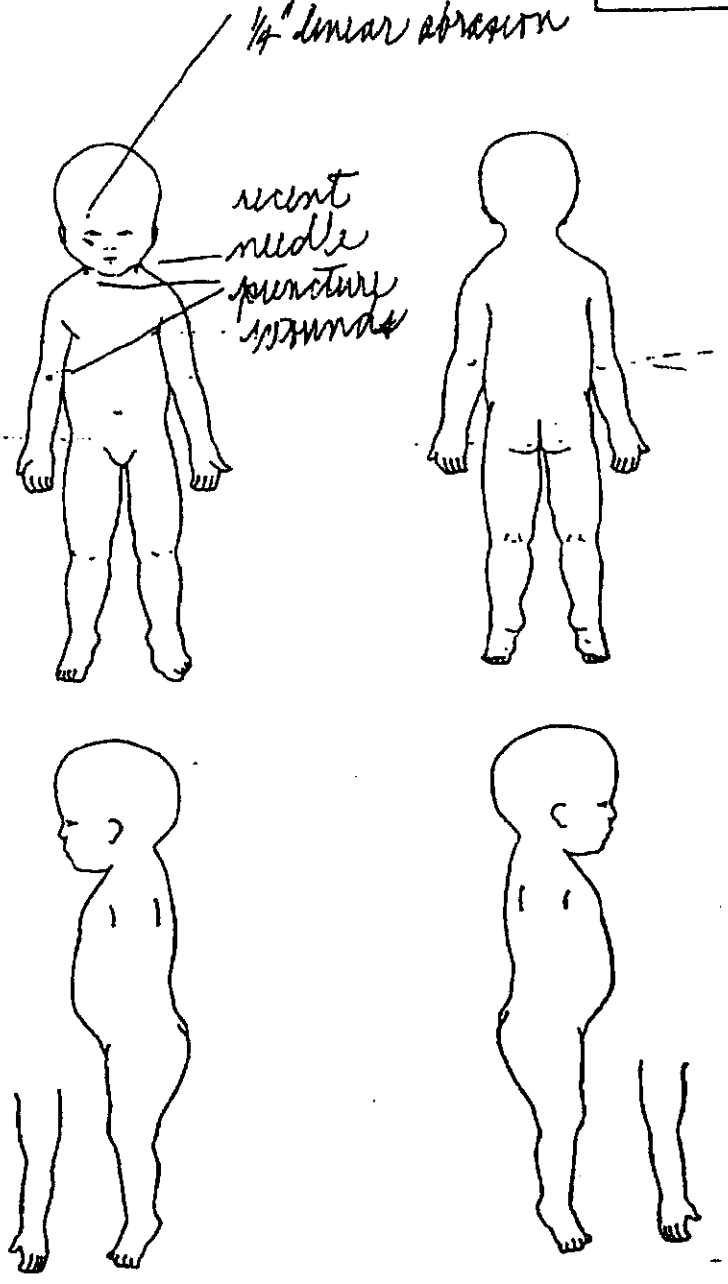
950413HBB3087

COUNTY OF LOS ANGELES

DEPARTMENT OF CORONER

20 J

94-05097
DURAN, PEDRO
85



Date

KYP M.D.

950413 HBB 3087

EXHIBIT 5 Pg 1

☐ SUPPLEMENTAL
☐ COURTESY REPORT
☐ OCCURRED ON CITY PROPERTY
☐ I.O.D.

WEST COVINA POLICE DEPARTMENT
POST OFFICE BOX 2166 — 91793
CIVIC CENTER, 1444 W. GARVEY AVENUE
(818) 814-8500

INJURY REPORT

CASE NO. 94-7252
REFER OTHER REPORTS
INCIDENT NO.

INCIDENT

TYPE: ☒ 1 DEATH ☐ 2 SUICIDE ☐ 3 ATTEMPT SUICIDE ☐ 4 OVERDOSE ☐ 5 INJURY
CLASSIFICATION: DROWNING
PRIMARY COUNTS: 400300/1

LOCATION	RD	OCCURRED ON/OR BETWEEN:	DATE	DAY	TIME
2855 E. VALLEY BL. #69, WEST COVINA			6-11-94	SAT.	1222
FIRM NAME (at location)	DATE RPT'D	TIME RPT'D	AND: DATE	DAY	TIME
HAPPY TRAILS APTS.	6-11-94	1138			

VICTIM

NAME (Last, First, Middle)	OCCUPATION	D.O.B.	AGE	SEX	RACE
DURAN, PEDRO SANTOS	INFANT	10-9-93	8 MOS	☒ 1 M ☐ 2 F	☐ 1 WHI ☒ 2 HSP ☐ 3 BLK ☐ 5 OR ☐ 7 FIL ☐ 9 PAC ☐ 4 IND ☐ 6 JAP ☐ 8 OTH

HT.	WT.	HAIR	EYES
18"	20	☐ 0 UNK ☐ 2 BLK ☐ 4 RED ☐ 6 S/P ☐ 8 OTHER ☒ 1 BRN ☐ 3 BLN ☐ 5 GRAY ☐ 7 WHT	☐ 0 UNK ☐ 2 BLK ☐ 4 GRN ☐ 6 GRAY ☒ 1 BRN ☐ 3 BLU ☐ 5 HAZEL ☐ 7 Other

MARKS, SCARS, OR PHYSICAL DEFECTS	COAT	SHIRT OR BLOUSE
NONE VISIBLE	—	—

TROUSERS, SKIRT, OR DRESS	SWEATER	SHOES	MISCELLANEOUS
—	—	—	—

RESIDENCE ADDRESS	CITY	ZIP CODE	RES. PHONE
2855 E. VALLEY BL. #69	WEST COVINA	91793	(818) 854-0013
BUSINESS ADDRESS	CITY	ZIP CODE	BUS. PHONE
NONE			( )

WITNESS/RP

CODE	NAME (Last, First, Middle)	OCCUPATION	D.O.B.	AGE	SEX	RACE
R/P	DUNNE, LYDIA JUANITA	HOME MAKER	12-31-64	29	☐ 1 M ☒ 2 F	☐ 1 WHI ☐ 2 HSP ☐ 3 BLK ☐ 5 OR ☐ 7 FIL ☐ 9 PAC ☐ 4 IND ☐ 6 JAP ☐ 8 OTH
RESIDENCE ADDRESS	CITY	ZIP CODE	RES. PHONE		
2855 E. VALLEY BL. #69	WEST COVINA	91793	(818) 854-0013		
BUSINESS ADDRESS	CITY	ZIP CODE	BUS. PHONE		
NONE			( )		
CODE	NAME (Last, First, Middle)	OCCUPATION	D.O.B.	AGE	SEX
					☐ 1 M ☐ 2 F
RESIDENCE ADDRESS	CITY	ZIP CODE	RES. PHONE		
			( )		
BUSINESS ADDRESS	CITY	ZIP CODE	BUS. PHONE		
			( )		
CODE	NAME (Last, First, Middle)	OCCUPATION	D.O.B.	AGE	SEX
					☐ 1 M ☐ 2 F
RESIDENCE ADDRESS	CITY	ZIP CODE	RES. PHONE		
			( )		
BUSINESS ADDRESS	CITY	ZIP CODE	BUS. PHONE		
			( )		

RELATIVES

RELATIVE (Last, First, Middle)	OCCUPATION	RELATION	NOTIFIED
DURAN PEDRO MACIAS	DISABLED 7-13-57	FATHER	☒ 1 YES ☐ 2 NO
RESIDENCE ADDRESS	CITY	ZIP CODE	RES. PHONE PAGER
1245 DOWNEY RD.	LOS ANGELES	90023	(818) 859-9569
BUSINESS ADDRESS	CITY	ZIP CODE	BUS. PHONE
NONE			( )
RELATIVE (Last, First, Middle)	OCCUPATION	RELATION	NOTIFIED
			☐ 1 YES ☐ 2 NO
RESIDENCE ADDRESS	CITY	ZIP CODE	RES. PHONE
			( )
BUSINESS ADDRESS	CITY	ZIP CODE	BUS. PHONE
			( )

REPORTING OFFICER	ID #	DATE	REVIEWED BY	ID #	DATE
MELNYK	188	6-11-94			

COPIES TO: ☐ CHIEF ☐ CIU ☒ CORONER ☐ DB ☐ FUNERAL HOME ☐ PAT ☐ SAU ☐ ABC (2 copies) ☐ DA ☐ OTHER

ROUTED BY | ENTERED BY

CHECK IF MORE NAMES ☐

CASE STATUS: ☐ 1 A-ACTIVE ☐ 4 CLOSED ☐ 2 S-SUSPENDED ☐ 5 N-COURTESY

020

950413 HBB3087

EXHIBIT 5 Pg. 2

SUPPLEMENTAL REPORT

CRIME: Death Investigation

CASE NO: 94-7252

LOC: 2855 E. Valley Apt. #69

DATE/TIME: 6/11/94 1138

Det. Ferrari #218

Approved by:_____

NARRATIVE

Det. Melnyk and I were called to 2855 E. Valley Apt. #69 to investigate a drowning. The victim (8 month old) Pedero Duran had been transported to QVH from that apartment. Det. Melnyk and I arrived at the apartment. The Victim's mother (Lydia Dunnes) was still at the apartment. The Victim's mother is hearing impaired and we were unable to communicate with her other than writing notes. For this reason she was transported to QVH by Officer Childs. At QVH there was a Sign Language Interrupter working as a Nurse. The Victim Pedero Duran died at QVH. During the resuscitation effort of Victim Duran it was discovered that he had what appeared to be trauma to his rectum anus. This information was told to Det. Melnyk by Officer Steve Cook who was present at the hospital with the Victim Pedro Duran.

LOCATION DESCRIPTION:

The location is the Happy Trails Apartment Complex. It is located in the extreme southeast portion of the City. It is just north of Valley Blvd. and west of Sentous Avenue. The other major thoroughfare west of the location is Nogales Street.

The Happy Trails Apartment Complex is a multi building apartment complex. The buildings are two story apartment buildings. The individual apartments are one story. Apartment #69 is located in the 2855 East Valley Blvd., building. That building is located in the extreme northwest portion of the complex. Apartment #69 is a downstairs apartment.

The scene located at 2855 East Valley apt. #69 was video taped by Det. O'Brien. He video taped the entire apartment. Det. O'Brien then took 35mm still photos of the location. As a part of our investigation I contacted Los Angeles County Sheriff's Dept. and requested the assistance of the Crime Lab.

Catherine Navetta from the Los Angeles County Sheriff's Crime Lab responded to our scene. She with the assistance of Det. O'Brien and myself processed the scene. She did numerous presumptive test on items throughout the apartment. She located two tissues in a orange trash container which was sitting on top of the toilet tank in the bathroom. These two tissues tested presumptive positive for semen. They were collected by her as evidence. They were marked CLN#1 and CLN#2. Prior to collection these items were photographed and marked. Witness Navetta located a material substance in the bottom of the bathtub. She was

unable to tell exactly what this material was so it was collected. It was photographed and marked CLN#3 then taken as evidence by her. There was what appeared to be fecal matter in the bottom of the bathtub. This item was collected and marked CLN#4. Witness Navetta then did a presumptive test on the bathtub surface. The presumptive test was for blood. That test was positive. The bedspread located in the childs room in the house had a stain which appeared to be fecal matter. Witness Navetta took the entire bedspread as evidence for further processing. This item was marked CLN#5 and photographed. There was a trash bag located on the patio outside the sliding glass door adjacent to the kitchen. In the trash bag were numerous newspapers including a newspaper from Sat. June 11, 1993. Also located in this bag was a diaper which had some fecal matter in it. Witness Navetta located a tissue in the trash can which appeared to have fecal matter on it. This tissue also fluoresced under the alternate light source. She took this tissue for further analysis. It was marked CLN#6. Witness Navetta located an additional dirty diaper in a plastic bag hanging from the cupboard in the kitchen. This diaper contained fecal matter. It was taken as evidence and marked CLN#7.

The items were photographed prior to booking and measured prior to collecting. Det. O'Brien and I then did a crime scene search for additional items of evidence. No items were discovered by us or taken as evidence. Det. Melnyk also conducted a search and removed several items of evidence which he located throughout the residence. For further refer to his Supplemental.

Because of the Victim's mother hearing impairment she has a TDY telephone system. This system has a setup so when the phone rings lights placed in areas throughout the house will begin to flash. I called the phone # to the apartment to make sure the system was operating. After the number was dialed a lamp in the kitchen placed on top of the microwave began to flash. The flashing from this light was visible in the bathroom as well as the kitchen and front room. There was a second lamp located in the master bedroom next to the TDY machine. It also flashed when the phone was ranged.

950413HBB3087

EXHIBIT 5 Pg. 4

SUPPLEMENTAL REPORT

CRIME: Death Investigation

CASE NO: 94-7252

LOC: 2855 E. Valley Blvd. #69

DATE/TIME: 1335 hours

Det. Ferrari #218

Approved by:_____

NARRATIVE

Det. Melnyk and I responded to Queen of the Valley Hospital. At that location I spoke with Jay Williams. He is a EMT Nurse working for QVH. Witness Williams say's he had taken a Sign Language Class for two semesters at Mt. San Antonio College. He said when the Victim's mother first arrived at the hospital communicated with her regarding what had taken place at the apartment. He said that she communicated the following. She was washing her two year old and the Victim. They were both in the bathtub in the bathroom. The two children were fighting in the tub. She signed to him that the phone flashed and that she left the children to go to the phone. She placed it on the TDY and typed hold on a minute. She explained that she was gone for no longer than five or ten minutes. When she walked back into the bathroom the two year old was holding the Victim's head face-down in the water. She pulled the baby out of the water. She explained to the Witness that she did not know if the baby was breathing or not because she is not familiar with CPR or First-Aid. She explained that she tried to call 911 on the TDY but it did not work. She then ran to the neighbors house and 911 was called. Witness Williams said after she explained this to him she became very upset because the Police and hospital personnel would not let her back to see her baby. Witness Williams said that his signing is generally good enough to get basic information out of people as far as emergency situations go, but he did not feel comfortable in asking specific questions, or taking long responses. Witness Williams said he could provide no further information.

950413HBB3087

EXHIBIT 5 Pg 5

SUPPLEMENTAL

CRIME: Death Investigation

CASE NO: 94-7252

LOCATION: 2855 E Valley Bl. #69. West Covina

DATE/TIME: 06-15-94
0830 hrs

DETECTIVE: Ferrari #218

Approved by _____

NARRATIVE

Det. Rozeboom and I went to the L.A. Co. Coroners office to observe the autopsy of V-Duran. The autopsy was performed by Dr. Riley. Dr. Riley found no evidence of trauma to V-Durans anus. He said there was no tear of the anus. The only thing he observed was some redness (raw area) which would have bleed if rubbed. There were no external or internal sign of sexual abuse. Dr. Riley said the sphincter muscle relaxes after death which made V-Durans anus look enlarged. X-rays of the victim show no previous broken bones.

Dr. Riley said if no fatal disease are discovered. V-Durans death will be ruled an accidental drowning.

SUPPLEMENTAL

CRIME:

CASE NO: 94-7252

LOCATION: 1444 W.GARVEY. WEST COVINA

DATE/TIME: 6-11-94/1743

DETECTIVE: ROZEBOOM #250

Approved by _____

NARRATIVE

CPL T.GARCIA AND I SPOKE WITH W-DURAN WHO IS THE FATHER OF THE VICTIM. W-DURAN IS DEAF AND UNABLE TO SPEAK. WE INTERVIEWED HIM WITH THE HELP OF FRANCES CHOW FROM LIFE SIGNS. W-DURAN SAID THAT HE IS THE FATHER OF BOTH OF W-DUNNE'S CHILDREN BUT THAT HE DOES NOT LIVE AT THE LOCATION. HE SAID THAT ON THURSDAY 6-9-94 HE WAS AT THE APARTMENT AROUND NOON. HE SAID THAT HE ATE LUNCH AND STAYED THERE UNTIL NIGHTTIME BEFORE RETURNING HOME. ON FRIDAY HE MET W-DUNNE AND BOTH CHILDREN AT AN AUTO JUNK YARD IN MONTEBELLO JUST OFF THE 60 FREEWAY. HE SAID THAT AFTER THEY HAD LUNCH, HE WENT BACK TO HIS HOME IN LOS ANGELES. HE PLANNED ON COMING BACK TO THE APARTMENT ON SATURDAY. AT APPROXIMATELY 10:00 AM HE RECEIVED AN EMERGENCY PHONE CALL FROM LINDA (NFD) THAT THERE WAS A PROBLEM AT THE APARTMENT. HE SAID THAT THERE WAS ALOT OF TRAFFIC ON THE FREEWAY AND WHEN HE GOT THERE HE SAW ALOT OF POLICE CARS AND POLICEMEN. HE SAID THAT HE WAS VERY CONFUSED AND TRIED TO COMMUNICATE WITH THEM BY WRITING ON A PIECE OF PAPER. W-DURAN SAID THAT HE WAS SHOCKED WHEN HE ARRIVED AT THE HOSPITAL AND DISCOVERED THAT HIS SON WAS DEAD. HE SAID THAT HE IS STILL UNSURE OF EXACTLY WHAT HAPPENED AT THE APARTMENT. WE ASKED HIM WHY HE DOES NOT LIVE AT THE APARTMENT. HE DID NOT GIVE A SPECIFIC REASON, BUT SAID THAT THEY ARE NOT MARRIED YET. HE SAID THAT HE VISITS THE CHILDREN PLAYS WITH THEM COOKS FOR THEM AND FEEDS THEM. W-DUNNE SAID THAT HE DOES NOT CHANGE THE BABIES' DIAPERS OR GIVE THEM BATHS. HE SAID THAT HE SOMETIMES WATCHES THEM ALONE WHEN W-DUNNE NEEDS TO GO TO BUY FOOD OR PAY THE RENT. HE SAID THAT HE IS UNABLE TO WATCH THEM FOR VERY LONG TIME. W-DURAN SAID THAT THE LAST TIME HE WAS ALONE WITH THE CHILDREN WAS ON THIS PAST THURSDAY. HE SAID THAT HE WATCHED THE KIDS FOR ONLY A FEW MINUTES WHILE W-DUNNE WENT TO GET SOME FOOD. CPL GARCIA EXPLAINED TO W-DURAN THAT DURING THE EXAMINATION OF V-DURAN, THE DOCTOR DISCOVERED REDNESS AND POSSIBLE INJURY TO V-DURAN'S RECTUM. W-DURAN SAID THAT HE KNEW NOTHING OF IT AND W-DUNNE HAD NOT MENTIONED IT TO HIM.

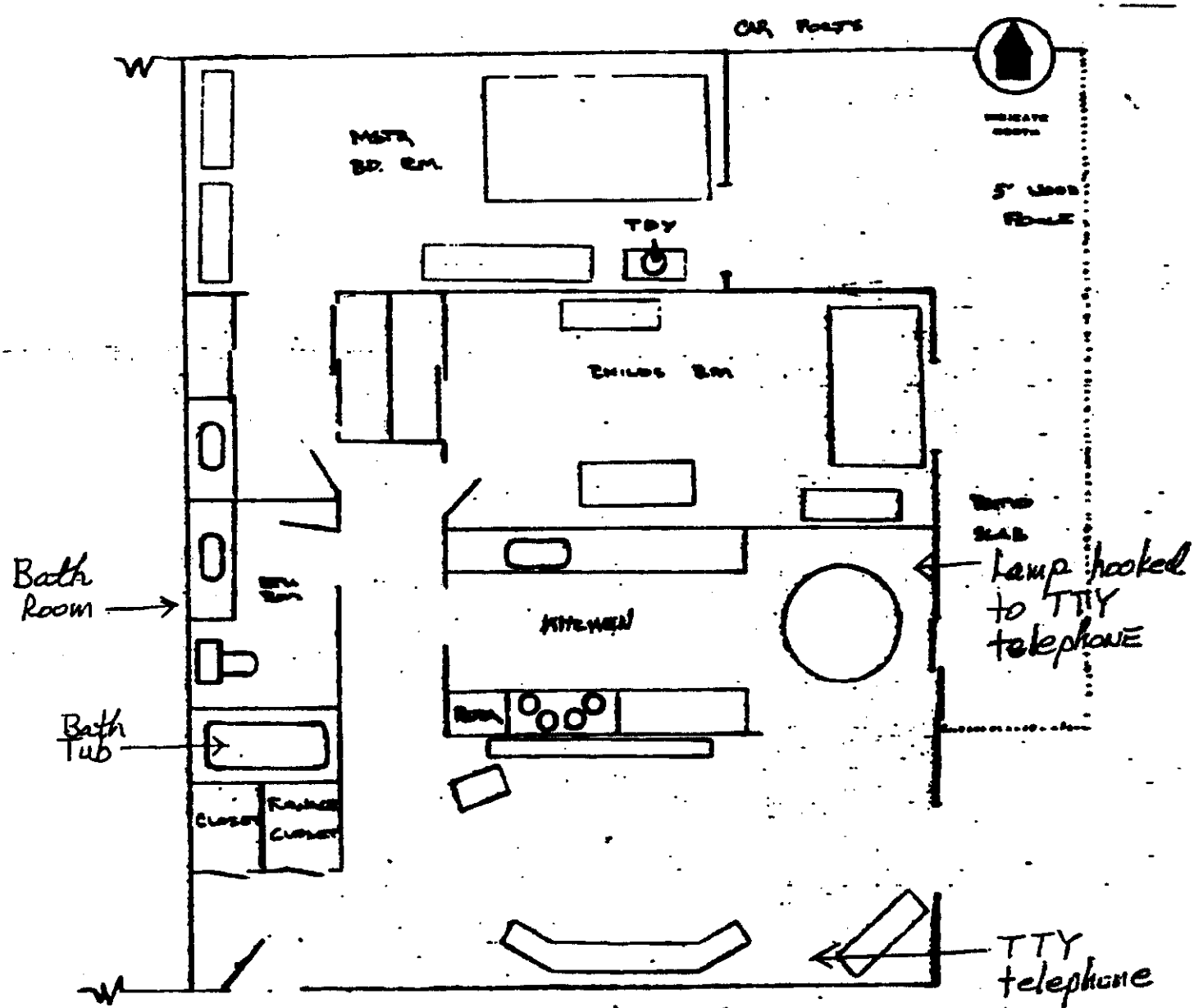
6-11-94/2230 HRS

CPL T. GARCIA AND I CONTACTED THE NEIGHBORS ACROSS FROM THE VICTIM LOCATION. WE SPOKE TO TAMIKA AND VENDA JOHNSON. W-VENDA JOHNSON SAID THAT HE HAS LIVED THERE FOR THE PAST THREE YEARS. AND HIS DAUGHTER W-TAMIKA JOHNSON HAS LIVED THERE FOR THE PAST FEW MONTHS. W-VENDA JOHNSON SAID THAT THEY ARE VERY FAMILIAR WITH W-DUNNE'S SITUATION. HE SAID THAT W-DUNNE HAS OFTEN COME TO THEM FOR HELP, COMMUNICATING TO THEM THROUGH WRITTEN NOTES. W-VENDA JOHNSON RECALLED ONE INCIDENT WHERE HIS SISTER HELPED OUT W-DUNNE WITH THE BABY (VICTIM) BECAUSE HE HAD AN EXTREMELY HIGH TEMPERATURE. THERE HAVE BEEN OCCASIONS WHERE W-DUNNE HAS HANDED W-TAMIKA JOHNSON A NOTE AND LEFT WITH THE BABY IN HER CAR. BY THE TIME W-TAMIKA JOHNSON READ THE NOTE, SHE DISCOVERED

THAT W-DUNNE HAD LEFT THE TWO YEAR OLD IN THE APARTMENT WATCHING TV AND SHE WANTED TAMIKA TO SUPERVISE HER. THEY SAID THAT THE CHILDRENS' FATHER (W-DURAN) COMES ON SATURDAYS AND SUNDAYS. THEY SAID THAT THEY HAVE NOT HEARD ANY FIGHTS BETWEEN W-DURAN AND W-DUNNE. W-VENDA JOHNSON SAID THAT HE HAD HEARD A RUMOR THAT A MALE SUBJECT (NFD) CAME AROUND TO W-DUNNE'S APARTMENT DURING THE WEEK. BUT HE DIDN'T HAVE ANY FURTHER INFORMATION. BOTH WITNESSES SAID THAT W-DUNNE ALLOWED HER TWO YEAR OLD TO RUN AROUND THE APARTMENT COMPLEX WITHOUT SUPERVISION. THEY FELT THAT W-DUNNE IS A POOR MOTHER AND THAT SHE SHOULD HAVE SOMEONE HELPING HER. W-VENDA JOHNSON SAID THAT AT APPROXIMATELY 0930-0945 HRS HE RETURNED HOME AND SAW W-DUNNE SHAMPOOING THE CARPETS THROUGH THE OPEN APARTMENT DOOR. HE SAID THAT THE TV WAS TURNED UP AND THAT HE THOUGHT ABOUT HOW VULNERABLE W-DUNNE WAS TO ANY OUTSIDER. HE SAID THAT ABOUT AN HOUR LATER HE WAS IN HIS BEDROOM AT THE BACK OF THE APARTMENT WHEN HE SOMEONE YELLED FOR HIM TO CALL 911. HE CAME OUT AND DISCOVERED THAT THERE WAS AN UNKNOWN TYPE OF EMERGENCY NEXT DOOR. W-TAMIKA JOHNSON SAID THAT SHE WAS IN THE APARTMENT WHEN W-DUNNE RAN IN AND THREW HERSELF ON THE FLOOR. W-TAMIKA JOHNSON SAID THAT W-DUNNE WAS HYSTERICAL. SHE TRIED TO FIND OUT WHAT WAS WRONG AND WAS ABLE TO DETERMINE THAT THERE WAS A PROBLEM WITH THE BABY (V-1). W-TAMIKA JOHNSON HAD W-DUNNE BRING THE BABY TO HER BECAUSE SHE IS ON CRUTCHES. SHE SAID THAT W-DUNNE RETURNED TO THE APARTMENT WITH THE BABY AND THEY LAID HIM ON THE COUCH. SHE SAID THAT WATER AND SOAP BUBBLES WERE COMING OUT OF HIS NOSE AND MOUTH. THEY MOVED V-1 ONTO THE FLOOR AND ONE OF THE NEIGHBORS (NFD) BEGAN CPR. W-TAMIKA JOHNSON SAID THAT V-1 WAS UNCONSCIOUS BUT THE LADY GIVING CPR SAID THAT HE HAD A PULSE. THE POLICE AND FIRE DEPARTMENT ARRIVED AND TOOK OVER. SHE SAID THAT W-DUNNE HAD STAYED OUT OF THE APARTMENT SINCE THE NEIGHBOR STARTED CPR. W-TAMIKA JOHNSON SAID THAT SHE SAW THAT THE TWO YEAR OLD WAS ALSO WET AS IF SHE HAD BEEN IN THE BATHTUB AS WELL.

950413 HBB3087

EXHIBIT 5 Pg. 8



2855 E. Valley Blvd
#69, West Covina

NOT TO SCALE

FORM #218
CR94-7252

950413HBB3087

EXHIBIT 6

U. S. CONSUMER PRODUCT SAFETY COMMISSION

U.S. CONSUMER PRODUCT SAFETY COMMISSION
4929 WILSHIRE BLVD., SUITE 320
LOS ANGELES, CA 90010-3817

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.

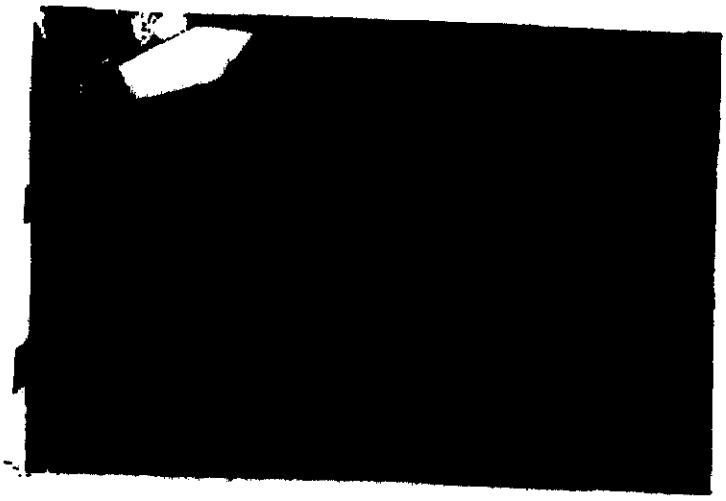
☐ My identity is to remain confidential.

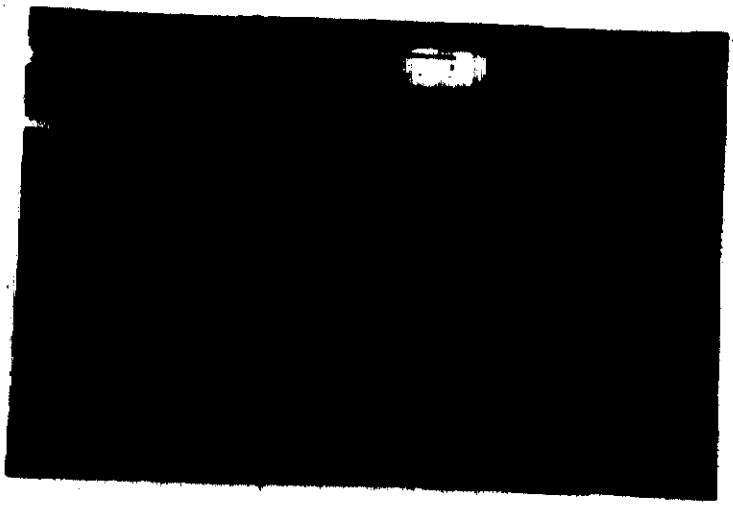
(Signature) (Date)

The victim's mother refused to sign this form. Do not release the names or addresses.

950413HBB3087
Photographs taken by the Police Department.

Exhibit 7



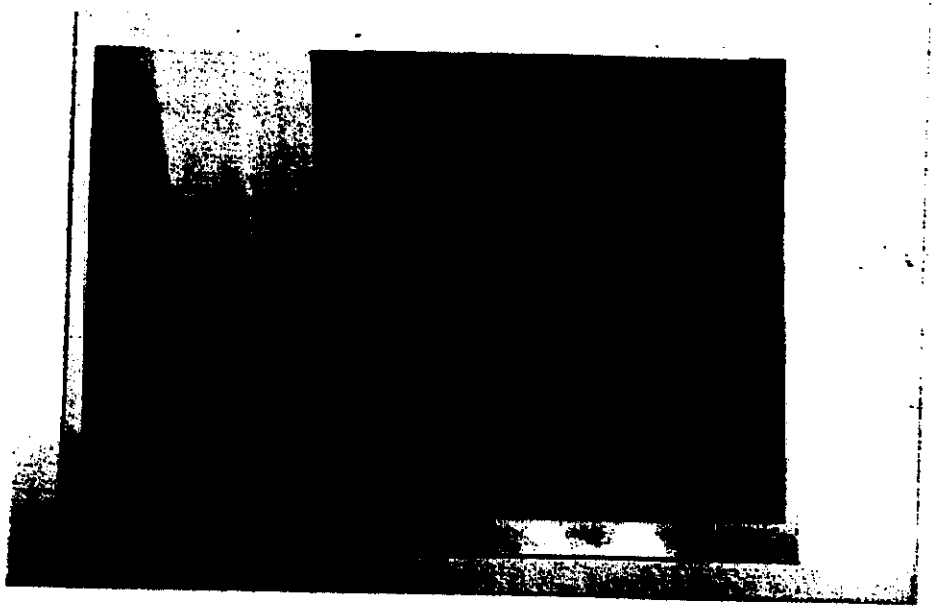


ıotograph 1: The lamp on top of the microwave in the kitchen/dining area is connected to the TTY telephone (see arrow).

otograph 2: The bathroom sink can be seen from the kitchen through the open door.

950413HBB3087
Photographs taken by the Police Department.

Exhibit 7

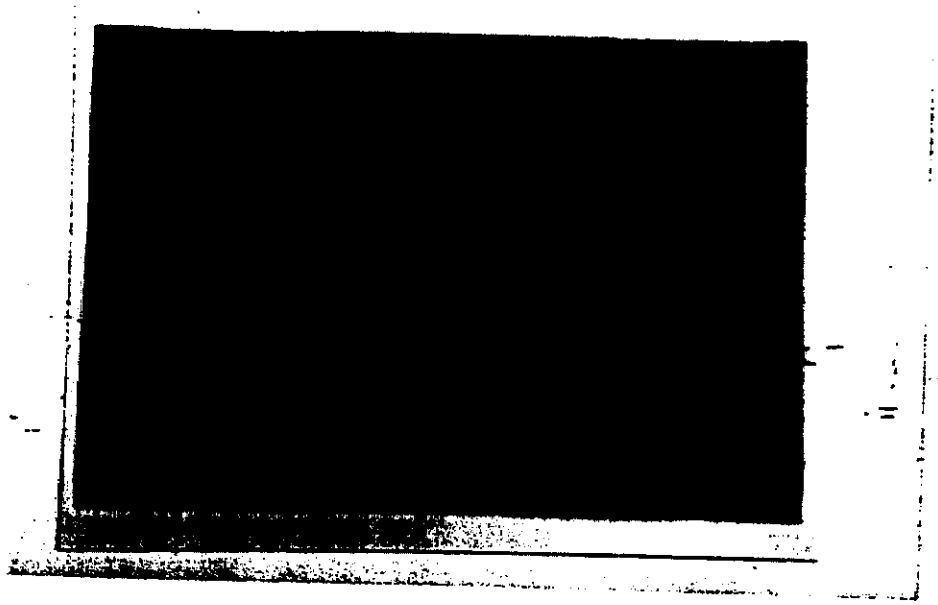


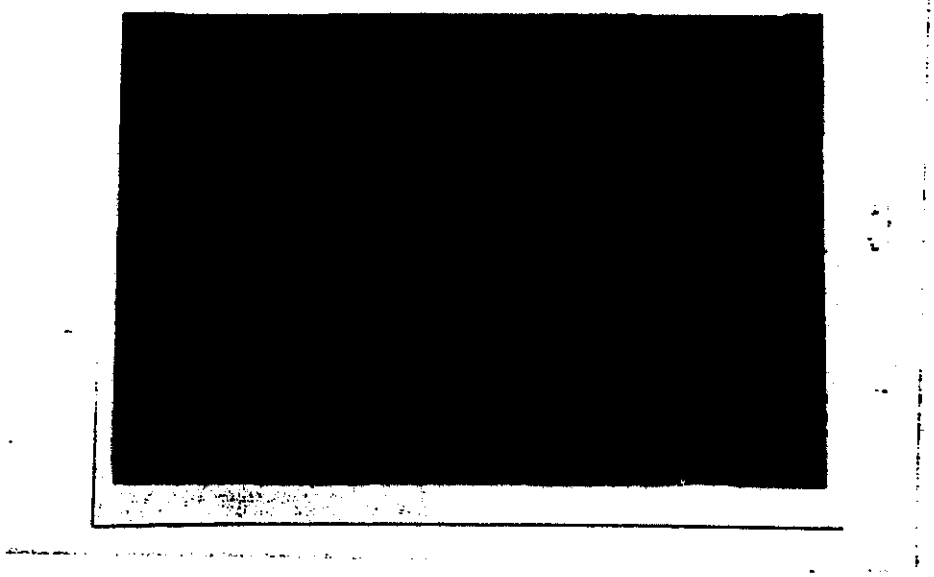
Photograph 3: The bath tub in the bathroom can be seen through the open door.

950413HBB3087

Exhibit 7

Photographs taken by the Police Department.



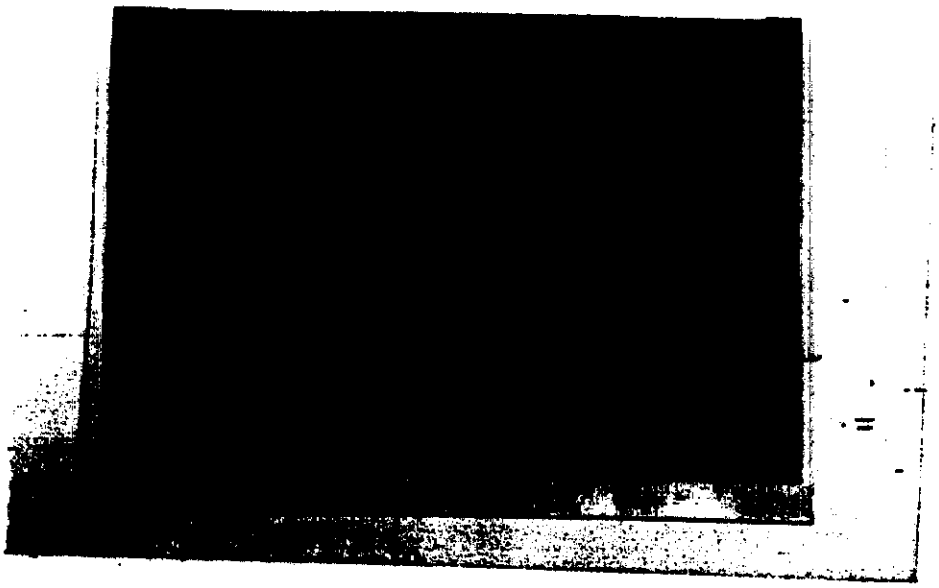


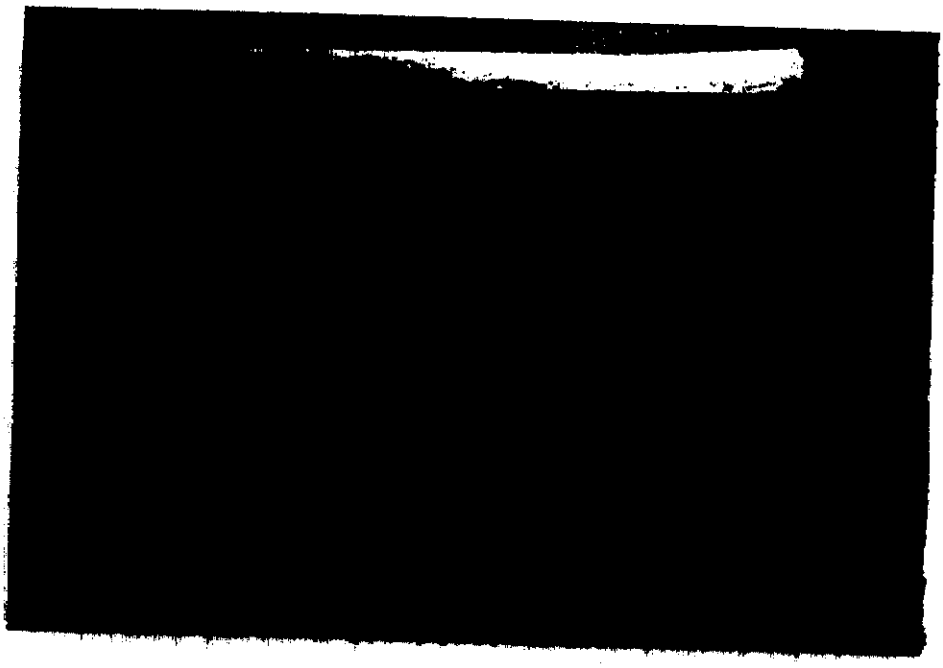
Photograph 4: Most of the water had leaked out of the bath tub when the Police officers took the photographs several hours after the incident.

Photograph 5: Another view of the bath tub. A bath seat and numerous toys were in the bath tub.

950413HBB3087
Photographs taken by the Police Department.

Exhibit 7





Photograph 6: Another view showing the end of the bath tub. The numerous toys can be seen.
Photograph 7: The Police officers drained the water from the bath tub during their investigation. Note the sponge-like toy stuck near the top of the bath tub.

950413HBB3087
Photographs taken by the Police Department.

Exhibit 7

Photograph 8: The bath seat faced the foot end of the bath tub and was attached to the bath mat. The numerous toys can be seen.

Photograph 9: Part of the bath seat and numerous toys were at the foot end of the bath tub.

EPIDEMIOLOGIC INVESTIGATION REPORT

1. TASK NUMBER	2. INVESTIGATOR'S ID	
970709CCC3260	8026	

3. OFFICE CODE	4. DATE OF ACCIDENT YR MO DAY	5. DATE INITIATED YR MO DAY
860	95 06 29	97 07 28

6. SYNOPSIS OF ACCIDENT OR COMPLAINT

The victim was an 8 months old infant girl who was sitting in a bathtub full of water at her home. The victim's mother left her unattended for under 5 minutes. The mother returned and found the victim floating lifeless in the bathtub water. The victim was taken to a hospital, but died shortly after arriving. The Coroner determined the death was an accidental drowning.

7. LOCATION (Home, School, etc.)	8. CITY	9. STATE
Home, indoors. [1]	El Monte	CA

10A. FIRST PRODUCT	10B. TRADE/BRAND NAME	10C. MODEL NUMBER
Bathtub. [0611]	Unknown.	Unknown.

MFR/PRVLBR NOTIFIED
No Comments made
Comments attached
Excisions/Revisions
Firm has not requested further notice
23c
4/24/98

10D. MANUFACTURER NAME AND ADDRESS
Unknown.

11A. SECOND PRODUCT	11B. TRADE/BRAND NAME	11C. MODEL NUMBER
Baby bathtub seat. [1557]	Safety 1st.	Unknown.

11D. MANUFACTURER NAME AND ADDRESS
Safety 1st, Inc., 201 Boylston St., Chestnut Hill, MA 02167.

12. AGE	13. SEX	14. DISPOSITION	15. INJURY DIAGNOSIS
8 months. [208]	Female. [2]	Fatality. [8]	Submersion. [69]

16. BODY PART (S)	17. RESPONDENT	18. TYPE OF INVESTIGATION	19. TIME SPENT (OPERATIONAL HOURS)
All parts of body. [85]	Investigator. [3]	Other. [3]	Hours. [14.0]

20. ATTACHMENT(S)	21. CASE SOURCE	22. SAMPLE COLLECTION NUMBER
Multiple. [9]	Death Certificate. [02]	None.

23. PERMISSION TO DISCLOSE NAMES (NON NEISS CASES ONLY)

"No!" Do not release victim's name or address.

24. REVIEW DATE	25. REVIEWED BY	26. REGIONAL OFFICE DIRECTOR
Sept.26, 1997	Keven J. Barton, Supervisor	Larry Cornell, Acting Director

27. DISTRIBUTION O: EHDS-McDonald, cc: CCA-Rauchschwalbe, FOER, FOWR-Ruiz, c/s:Larry Cornell & Keven Barton

CPSC FORM 182 0029 Approved for use through 5/31/0000 OMB No. 3041-

SYNOPSIS

The victim was an 8 months old infant girl who was sitting in a bathtub full of water at home. The victim's mother left her unattended in the bathtub for under 5 minutes. The mother returned and found the victim floating lifeless in the bathtub water. The victim was taken to a hospital and died shortly after arriving. The Coroner determined the victim's death was accidental due to the drowning. A bathtub seat was in the bathtub, but the mother does not remember if the victim was in the bathtub seat.

PRE-INCIDENT

The victim was an 8 months, one day old infant girl, was 28 inches tall, and weighed 18 pounds on June 29, 1995, the date of the fatal incident. The victim lived with her mother, father, and three older sisters in a single bedroom. They were living in a three bedroom residential house without paying rent. Five other relatives also lived in this residential house; the owner and his wife (grandparents), and an adult woman (sister-in-law) and her two children. The victim was sick and got an eye infection before this incident. She saw a physician and was treated for the infection. The victim was bathed in a bathtub seat in the bathtub many times before this incident. She could crawl out of the bathtub seat. The victim was crawling around the house.
At approximately 11:00 am on the morning of the incident, the victim's mother, the sister-in-law, and their children were all inside the residential house. The following statements in the Police report describe the victim's fatal incident (Exhibit 4). The victim's mother and the sister-in-law were making a list of food to be purchased. The victim soiled her diaper (number 2). The mother took the victim to the bathroom to clean her up. The sister-in-law took all the children with her into the kitchen. The victim's mother said she removed the victim's diaper, placed her in the front part of the bathtub, turned on the faucet, and warm water started filling the bathtub. The mother said the victim played in the water coming from the faucet. The victim's mother, in the bathroom, and the sister-in-law, in the kitchen, yelled at each other about the remaining food items to be purchased. The sister-in-law then took the children out to the front yard. The victim's mother remained with the victim in the bathroom.

The sister-in-law took the children out to the front of the house. The older children got on their bicycles and started riding away from the house to a nearby grocery store to purchase the food. The victim's 4 year old sister, riding a big wheel (tricycle) on the sidewalk, started following the older children. The older children, and the sister-in-law, began yelling at the 4 year old to go back. The victim's mother heard these people screaming at her 4 year old daughter while she was in the bathroom. She left the bathroom, leaving the victim alone in the water filled bathtub, and went to the front yard. The mother does not remember if she left the victim in the bathtub seat in the bathtub, or not. She does not remember the depth of the water in the bathtub, but said the water from the faucet was running. The sister-in-law said that the 4 year old daughter rode back towards the house after she, and her mother, began yelling at her.

The victim's mother said that she suddenly remembered she had left the victim alone, and ran back to the bathroom.

INCIDENT

The mother said the victim was left alone in the bathroom for under 5 minutes. The victim drowned in the bathtub water during this under 5 minute period. The mother said she entered the bathroom and found the victim lying in the water, face-up with blue lips, near the faucet area of the bathtub. She picked the lifeless victim up, ran to the front of the house yelling for help, and started giving the victim mouth to mouth resuscitation. The sister-in-law called the 9-1-1 emergency telephone number.

POST-INCIDENT

A Police officer driving in the neighborhood received the emergency call at 11:20 am and arrived first at the incident site. The Police officer gave the victim mouth to mouth resuscitation until the para-medics arrived. The para-medics continued the CPR and transported the victim to a nearby hospital emergency room. The victim was in full cardiac arrest and could not be revived. She was pronounced dead at the hospital at 12:04 pm. The Police investigtator examined the incident site at 1:00 pm and found the bathtub empty with a little water in it, no drain stopper, a few bath toys in the bottom of the bathrub, and a bathtub seat firmly secured to the rear part of the bathtub (Exhibit 4). The victim's mother said a cloth was used as a stopper for the bathtub. The Los Angeles Co. Medical Examiner/Coroner's report stated that the victim's body had no physical trauma or signs of abuse. The report stated that the victim's body had no alcohol or drugs, except for some salicylates (aspirin). The Coroner's report conculded that the victim's death was accidental due to the drowning (Exhibits 2 and 3). The Coroner's Office did not give authorization to contact the victim's family. The Police furnished a copy of their investigation report (Exhibit 4) and allowed their photographs of the bathtub seat to be photographed (Exhibit 5). The victim's family name and address should not be released to the public.

PRODUCT IDENTIFICATION

The first product was a standard size bathtub in a residential house. It lacked a stopper for it's drain outlet. The manufacturer's name and brand name are not known. The bathtub was not examined.

The second product was a baby bathtub seat. It was firmly secured to the bottom rear part of the above bathtub. The victim's mother said she does not remember if she left the victim in the bathtub seat in the bathtub, or not. The baby bathtub seat is manufactured by Safety 1st, Inc., 201 Boyleston St., Chestnut Hill, MA 02167. It is made of blue colored plastic. It is labeled "WARNING: PREVENT DROWNINGS. NEVER LEAVE CHILD UNATTENDED. MADE IN U.S.A. 1989 SAFETY 1ST, INC. ALL RIGHTS RESERVED. PATENT PENDING.". See Exhibit 5, photographs.

STANDARDS INFORMATION

It is not known if the bathtub, or the baby bathtub seat, complied with any voluntary standards. The Commission has regulations for small parts, sharp points, and sharp edges in children's products under the Federal Hazardous Substances Act..

ATTACHMENTS

Exhibit 1: CCA investigation assignment request, 7-9-97.
Exhibit 2: Victim's Certificate of Death, 2 pages.
Exhibit 3: L.A. Co. Coroner's autopsy report of victim's death, 8 pages.
Exhibit 4: El Monte Police report of the victim's death, 15 pages.
Exhibit 5: 3 photographs of the bathtub seat (Police photographs).

EXHIBIT 1

970909CCC3260

ACCIDENT INVESTIGATION REQUEST FORM

DOCUMENT NUMBER: 950614634B

DATE OF INCIDENT: 6/29/95 CATID: SECTRR1997

FOLLOW-UP REQUESTED HAZARD ANALYSIS ( ) SECT 15 (X)

TYPE FOLLOW-UP TELEPHONE ( ) ON-SITE (X)

HEADQUARTERS CONTACT: Renae Rauchschwalbe 504-0608 x1362
Marc Schoem 504-0608 x1365

ASSIGNMENT MESSAGE: Please complete the investigation using the Investigation Guideline. It is very important to establish the detailed sequence of events in these incidents including the infant's position during the incident and the use of any bath rings, seats, or infant bathtubs. Exact age of infant (DOB and date of incident) needs verification and determine length of time between when child was last observed as fine until he/she was discovered submerged.

For fatal incidents, please interview any parents or caregivers for the detailed sequence of events to the extent possible. If the state does not allow contact with the next-of-kin in a fatal incident, collect all official documentation including coroners or medical examiners reports, paramedics report, police investigation, social worker's report, and any medical treatment records.

Person(s) to Contact: Officials. Next of kin if permission is obtained from Coroner

~~Guidelines: 110 Bathtub Incidents Involving Children <18 Months Old~~

Task Number: 970909CCC3260 Date:

Assigned to: SF00 Requested by:

CPSC Form 324A (10/96)

EXHIBIT 2 Pg. 1

970709CCC3260

[redacted]

CERTIFICATE OF DEATH

STATE OF CALIFORNIA

STATE FILE NUMBER 395190294 37

LOCAL REGISTRATION NUMBER

B-15

DECEDENT PERSONAL DATA

1. NAME OF DECEDENT—FIRST: [redacted] 2. MIDDLE: [redacted] 3. LAST (FAMILY): [redacted]
4. DATE OF BIRTH MM/DD/CCYY: 10/28/1994 5. AGE: 8 1 6. SEX: F 7. DATE OF DEATH MM/DD/CCYY: 06/29/1995 8. HOUR: 1204
9. STATE OF BIRTH: CA 10. SOCIAL SECURITY NO.: [redacted] 11. MILITARY SERVICE: NONE 12. MARITAL STATUS: Never Married 13. EDUCATION—YEARS COMPLETED: 0
14A. RACE: Caucasian 14B. HISPANIC—SPECIFY: [X] YES Mexican American [ ] NO 15. USUAL OCCUPATION: None 1OF2
17. OCCUPATION: Infant. 18. KIND OF BUSINESS: None 19. YEARS IN OCCUPATION: 0
20. RESIDENCE—STREET AND NUMBER OR LOCATION: [redacted]
21. CITY: El Monte 22. COUNTY: Los Angeles 23. ZIP CODE: 91731 24. TIME IN COUNTY: 0 25. STATE OR FOREIGN COUNTRY: California

INFORMANT

26. NAME, RELATIONSHIP: [redacted] 27. MAILING ADDRESS (STREET AND NUMBER OR RURAL ROUTE, CITY OR TOWN, STATE, ZIP): [redacted]

SPOUSE AND PARENT INFORMATION

28. NAME OF SURVIVING SPOUSE—FIRST: - 29. MIDDLE: - 30. LAST: -
31. NAME OF FATHER—FIRST: [redacted] 32. MIDDLE: - 33. LAST: [redacted] 34. BIRTH STATE: Mexico
35. NAME OF MOTHER—FIRST: [redacted] 36. MIDDLE: - 37. LAST PRIOR TO MARRIAGE: [redacted] 38. BIRTH STATE: Mexico

DISPOSITION

39. DATE MM/DD/CCYY: 07/06/1995 40. PLACE OF FINAL DISPOSITION: Resurrection Cemetery 966 Potrero Grande Dr., So.San Gabriel,CA 91776

FUNERAL DIRECTOR AND LOCAL REGISTRAR

41. METHOD OF DISPOSITION: Burial 42. SIGNATURE OF FUNERAL DIRECTOR OR PERSON ACTING AS SUCH: [redacted] 43. LICENSE NO.: 5834
44. NAME OF FUNERAL DIRECTOR: Roy C. Addleman & Son F.H. 45. LICENSE NO.: FD 261 46. SIGNATURE OF LOCAL REGISTRAR: [redacted] 47. DATE ACCEPTED BY LOCAL REGISTRAR MM/DD/CCYY: 07/05/1995

PLACE OF DEATH

100. PLACE OF DEATH: Greater El Monte Hospital 101. IF HOSPITAL, SPECIFY DOA: [ ] IP [X] ER/OP [ ] DOA 102. FACILITY OTHER THAN HOSPITAL: [ ] DOMICILE [ ] NURSING HOME [ ] OTHER 103. COUNTY: Los Angeles
104. STREET ADDRESS (NUMBER AND STREET OR LOCATION): [redacted] 105. CITY: El Monte

CAUSE OF DEATH

107. DEATH WAS CAUSED BY: (ENTER ONLY ONE CAUSE PER LINE FOR A, B, C, AND D.)
IMMEDIATE CAUSE (a) Deferred
(b) 970709CCC3260
DUE TO (c)
DUE TO (d)
108. TIME INTERVAL BETWEEN ONSET AND DEATH
109. DEATH REPORTED TO CORONER: [X] YES [ ] NO [redacted]
110. OPERATIVE PERFORMED: [ ] YES [X] NO
111. AUTOPSY PERFORMED: [X] YES [ ] NO
112. WAS OPERATION PERFORMED FOR ANY CONDITION IN ITEM 107 OR 112? [ ] YES [ ] NO IF YES, LIST TYPE OF OPERATION AND DATE:
113. OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH BUT NOT RELATED TO CAUSE GIVEN IN 107:

PHYSICIAN'S CERTIFICATION

116. I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE DEATH OCCURRED AT THE HOUR, DATE AND PLACE STATED FROM THE CAUSES STATED. DECEDENT ATTENDED SINCE MM/DD/CCYY; DECEDENT LAST SEEN ALIVE MM/DD/CCYY
115. SIGNATURE AND TITLE OF CERTIFIER: [redacted] 116. LICENSE NO. 117. DATE MM/DD/CCYY
118. TYPED NAME, ADDRESS AND ZIP OF ATTENDING PHYSICIAN (IF OTHER THAN CERTIFIER):

CORONER'S USE ONLY

I CERTIFY THAT AS CORONER DEATH OCCURRED AT THE HOUR, DATE AND PLACE STATED FROM THE CAUSES STATED.
119. MANNER OF DEATH: [ ] NATURAL [ ] ACCIDENT [X] PENDING INVESTIGATION [ ] SUICIDE [ ] HOMICIDE [ ] COULD NOT BE DETERMINED
120. DESCRIBE HOW INJURY OCCURRED (EVENTS WHICH RESULTED IN INJURY): 121. INJURY AT WORK [ ] YES [ ] NO 122. INJURY DATE MM/DD/CCYY 123. HOUR 124. PLACE OF INJURY
125. LOCATION (STREET AND NUMBER OR LOCATION AND CITY AND ZIP CODE)
126. SIGNATURE OF CORONER OR DEPUTY CORONER: [redacted] 127. DATE SIGNED MM/DD/CCYY: 07/03/1995 128. TYPED NAME, TITLE OF CORONER OR DEPUTY CORONER: Juana Garcia/Deputy Coroner

STATE REGISTRAR A 1 B Y C 1 D 1 E 1 [redacted] F G H FAX AUTH # CENSUS TRACT

EXHIBIT 2 Pg.2

970709CCC3260

[redacted] AMENDMENT OF MEDICAL AND HEALTH DATA—DEATH 39519029437

STATE FILE NUMBER — USE BLACK INK ONLY—NO ERASURES, WHITEOUT, OR ALTERATIONS — LOCAL REGISTRATION DISTRICT AND CERTIFICATE NUMBER

STATE/LOCAL REGISTRAR USE ONLY | 1 | 2 | 3

TYPE OR PRINT IN BLACK INK ONLY

PART I — INFORMATION TO LOCATE RECORD

1. NAME—FIRST	2. MIDDLE	3. LAST (FAMILY)	4. SEX
[redacted]	[redacted]	[redacted]	F

5. DATE OF EVENT—MM/DD/CCYY	6. CITY OF OCCURRENCE	7. COUNTY OF OCCURRENCE	
06/29/1995	EL MONTE	LOS ANGELES	2OF2

PART II — INFORMATION AS IT APPEARS ON RECORD

10F DEATH WAS CAUSED BY (ENTER ONLY ONE CAUSE PER LINE FOR A, B, C, AND D)

		TIME INTERVAL BETWEEN ONSET AND DEATH	10E. DEATH REPORTED TO CORONER
IMMEDIATE CAUSE	(A) DEFERRED		[X] YES [ ] NO
	(B)		10F. BIOPSY PERFORMED [ ] YES [X] NO
	(C)		10G. AUTOPSY PERFORMED [X] YES [ ] NO
DUE TO	(D)		11I. USED IN DETERMINING CAUSE [X] YES [ ] NO

112. OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH BUT NOT RELATED TO CAUSE GIVEN IN 10F

113. WAS OPERATION PERFORMED FOR ANY CONDITION IN ITEM 10F or 11J? IF YES, LIST TYPE OF OPERATION AND DATE.

119. MANNER OF DEATH	120. INJURY AT WORK	121. INJURY DATE—MM/DD/CCYY	122. HOUR	123. PLACE OF INJURY
[ ] NATURAL [ ] SUICIDE [ ] HOMICIDE [ ] ACCIDENT [X] PENDING INVESTIGATION [ ] COULD NOT BE DETERMINED	[ ] YES [ ] NO			

124. DESCRIBE HOW INJURY OCCURRED (EVENTS WHICH RESULTED IN INJURY)

125. LOCATION (STREET AND NUMBER OR LOCATION AND CITY AND ZIP CODE)

PART III — INFORMATION AS IT SHOULD APPEAR

10F DEATH WAS CAUSED BY (ENTER ONLY ONE CAUSE PER LINE FOR A, B, C, AND D)

		TIME INTERVAL BETWEEN ONSET AND DEATH	10E. DEATH REPORTED TO CORONER
IMMEDIATE CAUSE	(A) DROWNING	UNK.	[X] YES [ ] NO INVESTIGATION NUMBER [redacted]
	(B)		10F. BIOPSY PERFORMED [ ] YES [X] NO
	(C)		10G. AUTOPSY PERFORMED [X] YES [ ] NO
DUE TO	(D)		11I. USED IN DETERMINING CAUSE [X] YES [ ] NO

970709CCC3260

112. OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH BUT NOT RELATED TO CAUSE GIVEN IN 10F

NONE

113. WAS OPERATION PERFORMED FOR ANY CONDITION IN ITEM 10F or 11J? IF YES, LIST TYPE OF OPERATION AND DATE.

NO

119. MANNER OF DEATH	120. INJURY AT WORK	121. INJURY DATE—MM/DD/CCYY	122. HOUR	123. PLACE OF INJURY
[ ] NATURAL [ ] SUICIDE [ ] HOMICIDE [X] ACCIDENT [ ] PENDING INVESTIGATION [ ] COULD NOT BE DETERMINED	[X] YES [ ] NO	06/29/1995	UNK.	RESIDENCE

124. DESCRIBE HOW INJURY OCCURRED (EVENTS WHICH RESULTED IN INJURY)

IN BATH TUB

125. LOCATION (STREET AND NUMBER OR LOCATION AND CITY AND ZIP CODE)

[redacted] EL MONTE, CA 91731

DECLARATION OF CERTIFYING PHYSICIAN OR CORONER

I HEREBY DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

8. SIGNATURE OF CERTIFYING PHYSICIAN OR CORONER — 9. DATE SIGNED—MM/DD/CCYY: 7-31-95 — 10. TYPED OR PRINTED NAME AND NUMBER/TITLE OF CERTIFIER: OGBONNA CHINWAH, M.D. DMR

11. ADDRESS—STREET AND NUMBER: 1104 N. MISSION RD. — 12. CITY: LOS ANGELES — 13. STATE: CA — 14. ZIP CODE: 90033

STATE/LOCAL REGISTRAR USE ONLY

15. OFFICE OF STATE REGISTRAR SIGNATURE OF LOCAL REGISTRAR — 16. DATE ACCEPTED FOR REGISTRATION—MM/DD/CCYY: 08/03/1995

COUNTY OF LOS ANGELES EXHIBIT 3, Pg. 1 **CASE REPORT** 970709CCC3260

DEPARTMENT OF CORONER

1

APPARENT MODE NAT ACC SUI HOMI

☐ STATE HOSP ☐ O.I.S. ☐ AUTOPSY WAIVER ☐ CLOSELY WATCHED
☐ IN CUSTODY ☐ AT WORK ☐ LAW ENFORCEMENT RELATED ☐ VICTIMS OF CRIME

SPECIAL CIRCUMSTANCES: Drowning in tub left unattended

CASE NO. [redacted]

LAST, FIRST MIDDLE: [redacted] AKA: [redacted]

CRYPT: 228

ADDRESS: [redacted] CITY: [redacted] STATE: El Monte Ca ZIP: 91732

SEX	APPEARS		AGE	HGT	WGT	EYES	HAIR	TEETH	ID VIEW	CONDITION	☐ EMBALMED
F	H	10/28/94	8 mo	27 in	23 lb	Bro	Bro/Blk	—	YES NO	Fair	

BEARD ☐ Y ☑ N
MUSTACHE ☐ Y ☑ N

SCARS | MARKS | TATTOOS | AMPUTATIONS | DEFORMITIES

NOK | ADDRESS | CITY | STATE | ZIP

PLACE OF DEATH/PLACE FOUND: Greater El Monte Hospital | ADDRESS OR LOCATION: 1701 Santa Anita Ave | CITY: El Monte Ca | ZIP: 91733 | 6-29-95

PLACE OF INJURY: Residence | AT WORK: ☐ YES ☑ NO | DATE: 6-29-95 | TIME: UNK | LOCATION OR ADDRESS: [redacted] El Monte | ZIP: 91732

FOUND BY: PHON. BY: Medahar

FOUND: 6-29-95 | TIME: 1204

OTHER AGENCY & INV. OFFICER: El Monte P.D. | PHONE: Inv. Leonard | REPORT NO.: (818)580-2146 | NOTIFIED BY | NO

DESCRIBE SCENE AND CONTACT MATERIAL TO BODY ☑ HOSPITALIZED CASE

	TIME	DATE
AIR ____ °F		
LIVER ____ °F	N/A	
WATER ____ °F		

DESCRIBE LIVOR MORTIS: N/A

DESCRIBE RIGOR MORTIS:

TRANSPORTED BY: Cronin | TO: FSC ☐ AVRO ☐ SCVRO ☐ | DATE: 6-29-95 | TIME: 1610

	YES	NO
PRINTS	☐	☑
MED. EV.	☐	☑
PHYS. EV.	☐	☑
SUICIDE NOTE	☐	☑

	YES	NO
CLOTHING	☐	☑
INVEST. PHOTO #	☐	☑

GSR NO: —

PA RPT ☐ YES ☑ NO
MEC SEAL PA SEAL NOT SEALED MORTUARY
PROP: YES ☑ NO ☐
RCPT. NO. 130846
HOSP. RPT. YES ☑ NO ☐
HOSP. CHART YES ☑ NO ☐
PF NO. 125212

	YES	NO
NORT RPT.	☐	☐
RELEASE	☐	☐
VITALS	☐	☐

SYNOPSIS: This 8 month old female is the victim of an apparent accidental death. She was left unattended during a bath & found submerged.

C Ratcliffe | C Ratcliffe INVESTIGATOR | DATE: 7/1/95 TIME: 0800 | REVIEWED BY: TMS | DATE: 7/2/95 TIME: 0220

COUNTY OF LOS ANGELES — MEDICAL REPORT — FORENSIC SCIENCE CENTER — DEPARTMENT OF CORONER

15

EXHIBIT 3, Pg 2

AUTOPSY CLASS: ☒ A ☐ B ☐ C ☐ EXAMINATION ONLY (0)

Date 7/2/95 Time 0400 Dr. [redacted] PRINT NAME

☒ PENDING ☒ TOX ☒ HISTO ☐ NEURO ☐ MED HIST.

☒ FINAL ON 7-26-95 ☐ LAW ENF. REPORT ☐ OTHER

9707090CC3260

[redacted]

228

S

22. DEATH WAS CAUSED BY: (ENTER ONLY ONE CAUSE PER LINE FOR A, B, C AND D)
IMMEDIATE CAUSE

(A) Drowning — UNK

DUE TO, OR AS A CONSEQUENCE OF

(B)

DUE TO, OR AS A CONSEQUENCE OF

(C)

DUE TO, OR AS A CONSEQUENCE OF

(D)

APPROXIMATE INTERVAL BETWEEN ONSET AND DEATH

Other conditions contributing but not related to the immediate cause of death:

☐ NATURAL ☒ ACCIDENT ☐ SUICIDE ☐ HOMICIDE ☐ UNDETERMINED

If other than natural causes
HOW DID INJURY OCCUR? in bath tub

WAS OPERATION PERFORMED FOR ANY CONDITION STATED ABOVE? ☐ Yes ☒ No

TYPE SURGERY _____ DATE _____

☐ ORGAN PROCUREMENT

☒ PERTINENT COMMENTS:
8 mo old M/F reportedly drowned in tub unattended

☐ WITNESSES TO AUTOPSY:

☐ EVIDENCE RECOVERED AT AUTOPSY
Item Description:

Autopsy
No trauma

_____ RESIDENT, M.D. [redacted] DEPUTY MEDICAL EXAMINER, M.D.

DEATH CERTIFICATE ISSUED

☐ FINAL DATE ISSUED _____ ISSUED BY _____

☐ PENDING DATE ISSUED _____ ISSUED BY _____

REQUEST
☐ Police Report _____
☐ Med. History _____
☐ Consultation _____
☐ Investigations _____
☐ Criminalistics _____
☐ GSR ☐ Other _____

☒ HISTOPATHOLOGY: ☒ AUTOPSY ☐ LAB
☐ MICROBIOLOGY:
☐ NEUROPATHOLOGY

TOXICOLOGICAL SPECIMENS COLLECTED
☒ YES, by [redacted]
☒ BLOOD: ☒ HEART ☐ _____
☐ BILE ☒ BRAIN ☐ OTHER
☒ LIVER ☐ SPLEEN
☐ URINE ☐ KIDNEY
☐ STOMACH CONTENTS ☐ VITREOUS ☐ _____
☐ NO BLOOD
☐ EMBALMED
☐ > 24 HR. IN HOSPITAL
☐ NOT INDICATED
☐ OTHER _____ REASON

TOXICOLOGICAL ANALYSES ORDERED
SCREEN: ☐ C ☐ H ☐ T ☐ S
☐ ALCOHOL ONLY
☐ CARBON MONOXIDE
☐ NO TOXICOLOGY REQUESTED
☒ OTHER (SPECIFY DRUG AND TISSUE)
SIDS SCREEN
☒ STORAGE JARS (No. 2)

Typing Blood Taken by _____
☐ HEART ☐ OTHER _____

PRIOR EXAMINATION REVIEW BY DME
☒ BODY TAG ☐ MED. RECORD
☐ CLOTHING ☐ AT SCENE PHOTO (NO. ___)
☐ SPECIAL PROCESSING TAG ☐ X-RAY (NO. ___)
☐ FLUORO

WHITE - FILE COPY
CANARY - FORENSIC LAB COPY
PINK - INVESTIGATION COPY
GOLDENROD - MEDICAL EXAMINER COPY

COUNTY OF LOS ANGELES — AUTOPSY CHECK SHEET — DEPARTMENT OF CORONER

16

8350 · 25% EXHIBIT 3, Pg. 3
H243
C40
Ab-44
CR-43
CH-71 75%

970709CCC3260
[redacted]
228

EXTERNAL EXAM	**PERITONEUM**		**BRAIN Wt** 890/112
Sex	Fluid 0		Dura
Race	Adhes		Fluid
Age	**LIVER Wt** 386 (226)		Ventric (220)
Height	Caps		Vessels
Weight	Lobul		Ears ± 95
Hair	Fibros 0		Nasal Sin
Eyes	G B		**PITUITARY**
Sclera	Calc		0
Teeth	Bile ducts		
Mouth	**SPLEEN Wt** 42 (20)		**SPINAL CORD**
Tongue	Color		
Nose	Consist		
Chest	Caps 0		
Breasts	Malpig		**TOXICOLOGY**
Abdomen	**PANCREAS**	6 (5-3)	3L4, Liver, Brain
Scar	**ADRENALS**		
Genital	**KIDNEYS Wt**	30/32 R / L	**SECTIONS**
Edema	Caps		Stock
Skin	Cortex		
Decub 4cl 50%	Vessels	60	Cassette
HEART Wt	Pelvis		
Pericard	Ureter		
Hypert	**BLADDER**		**GROSS IMPRESSION**
Dilat 0	LV 0.7		
Muscle	RV 0.3		
Valves	**GENITALIA**		
Coronar	Prost		
AORTA	Testes		
VESSELS	Uterus		
LUNGS Wt	Tubes		
R 847 (109)	Ovar		
L 59 ±35	**OESOPHAGUS** 0		
Adhes	**STOMACH** Small brown fluid		
Fluid	**DUOD & SM INT**		
Atelectasis	**APPENDIX** present		
Edema	**LARGE INT**		
	ABDOM NODES 0		
PHARYNX	**SKELETON**		
Congest +	**TRACHEA** 0		Skull
Consol	**THYROID**		Spine
Bronchi	**THYMUS** 38		Marrow
Nodes			

Remote, 2

Date	Time	Deputy Medical Examiner
7-2-95	0900	[signature]

EXHIBIT 3, Pg. 4

970709CCC3260

COUNTY OF LOS ANGELES
DEPARTMENT OF CORONER

HOSPITAL AND NURSING
CARE FACILITY REPORT

1104 NORTH MISSION ROAD
LOS ANGELES, CALIF. 90033

18

TO REPORT A DEATH — PHONE (213) 343-0711

COMPLETE ALL LINES. USE INK. IF UNKNOWN OR NOT APPLICABLE, SO STATE.

GREATER EL MONTE COMMUNITY HOSPITAL
NAME OF FACILITY

CC# [redacted]

ADDRESS 1701 SANTA ANITA AVE PHONE [redacted]

NAME OF DECEDENT [redacted]
HOW IDENTIFIED [redacted] DOB 10-28-94 AGE 8 MONTH SEX F RACE H
DATE OF DEATH 6-29-95 TIME 1204

PRONOUNCED BY DR MADAHAR MEDICAL RECORD OR PATIENT FILE # 125212

☒ EMERGENCY ROOM PATIENT

☐ HOSPITAL IN PATIENT

ORGAN/TISSUE DONATION INFORMATION
WAS THE NEXT-OF-KIN APPROACHED REGARDING ORGAN/TISSUE DONATION?
NO ☒ YES ☐ IF YES WHAT WAS THEIR RESPONSE?

DATE ADMITTED 6-29-95 TIME 1138

TO HOSPITAL BY: ☐ POLICE ☐ RELATIVES ☐ FRIENDS ☐ SELF ☒ AMBULANCE (Name or R.A. #) EL MONTE FIRE ENGINE #22

FROM HOME [redacted] MONTE CA 91732
(STATE WHETHER HOME, HOSPITAL OR OTHER) GIVE ADDRESS (IF HOSPITAL ATTACH THEIR HISTORY)

ADMITTED BY: _____ M.D. PRIMARY ATTENDING PHYSICIAN _____ M.D.

PHONE # _____ PHONE # _____

INJURIES _____ DATE _____ TIME _____ PLACE _____ CAUSE _____ (TRAFFIC, FALL, ETC.)

DESCRIBE INJURIES: at present in pr in acute cardiopulmonary arrest p being found in tub

CLINICAL HISTORY:

SURGICAL PROCEDURES: STATE TYPE, DATE, TIME AND RESULTS OF ANY OPERATION OR AMPUTATION PERFORMED

N/A

WAS A BULLET OR OTHER FOREIGN OBJECT RECOVERED? SPECIFY N/A

LABORATORY: SPECIFY SPECIMENS TAKEN N/A DATE & TIME _____

LABORATORY RESULTS:

RETAIN LABORATORY SPECIMENS

X-RAY REPORT: N/A

N/A

REMARKS: ESPECIALLY SYMPTOMS PRECEDING AND DURING TERMINAL EPISODE

IN MY OPINION, THE IMMEDIATE CAUSE OF DEATH IS: cardiopulmonary arrest

BY _____ M.D. —OR— Ken Rodriguez RL
PHONE # _____ NURSE/HOSPITAL ADMINSTRATOR

6H655 (REV. 8/91)

THE BODY WILL NOT BE REMOVED BY THE CORONER WITHOUT THIS COMPLETED REPORT

COUNTY OF LOS ANGELES

DEPARTMENT OF CORONER

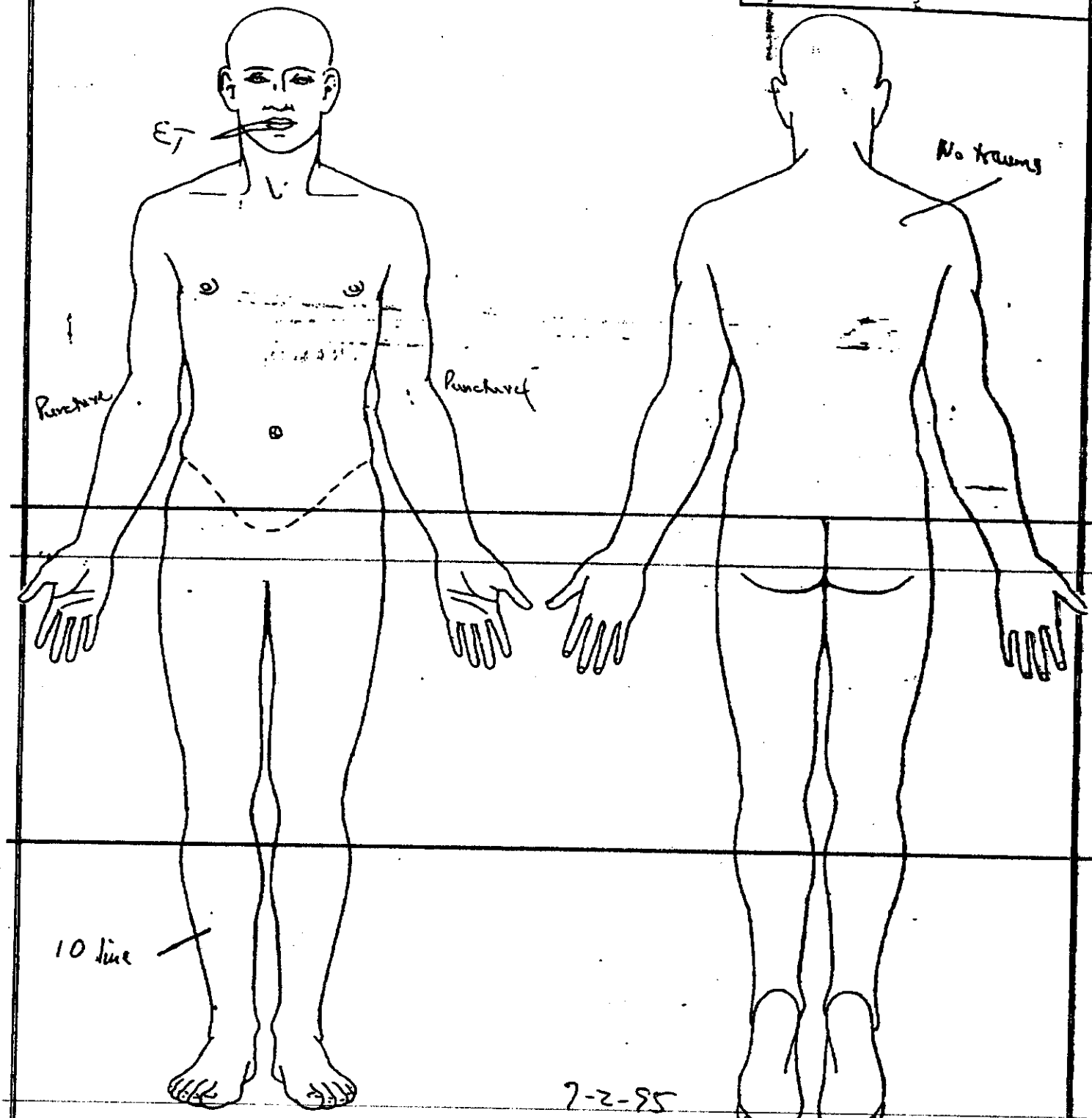
20

EXHIBIT 3, Pg. 5

970709CCC3260

[redacted]

228



7-2-85

M.D.

Deputy Medical Examiner

EXHIBIT 3, Pg. 6 970709CCC3260

AUTOPSY PROTOCOL FOR SUDDEN UNEXPECTED INFANT DEATH

Please Type or Print

Decedent's Name [redacted]

Coroner's Case No. [redacted]

County LA

I. EXTERNAL EXAMINATION

DESCRIPTION

ID Confirmed By: PHIL WAH

Date and Time of Examination: 7-2-95 0900

Sex: Male _____ Female ✓

Observed Race: White _____ Black _____

Asian _____

Other (Specify) HISPANIC

A. WEIGHTS AND MEASUREMENTS

1. Body Weight (gm)	3350
2. Crown Heel Length (cm)	71
3. Crown Rump Length (cm)	43
4. Occipitofrontal Circumference (cm)	43
5. Chest Circumference at Nipples (cm)	46
6. Abdominal Circumference at Umbilicus (cm)	44

		NO	YES
B. GENERAL APPEARANCE/DEVELOPMENT			
1. Development Abnormal		✓	
2. Nutritional Status:	Abnormal	✓	
	Poor	✓	
	Obese	✓	
3. Hydration:	Abnormal	✓	
	Dehydrated	✓	
	Edematous	✓	
4. Postmortem Artifacts		✓	
C. HEAD			
1. Configuration Abnormal		✓	
2. Scalp and Hair Abnormal		✓	
3. Hair Color _____			
4. Other		✓	
D. EVIDENCE OF TRAUMA (LIST)			
1. Bruises		✓	
2. Lacerations		✓	
3. Abrasions		✓	
4. Other		✓	

EXHIBIT 3, Pg. 7

970709CCC3260

AUTOPSY PROTOCOL FOR
SUDDEN UNEXPECTED INFANT DEATH
Please Type or Print

Decedent's Name [redacted]

Also Known As [redacted]

Investigative Agency No. —

Coroner's Case No. [redacted]

County LOS ANGELES

Autopsy Date/Time 7-2-95 0900

Date/Time of Death 6-29-95 1204

Date of Birth/Sex 10-28-94 FEMALE

Pathologist O. CHINWAH
Please Print

FINAL AUTOPSY DIAGNOSES

Cause of Death 1. DROWNING

2.

3.

Other Findings

Manner (Mode) ACCIDENT

DHS 4437 (8/91)

EXHIBIT 3, Pg. 8 970709CCC3260

Report of Toxicological Analyses
Department of Coroner
County of Los Angeles

07/24/95 Pending Tox

TO: Christopher Rogers, M.D.
Chief, Forensic Medicine

FROM: Forensic Toxicology Laboratory
Forensic Science Laboratories Division

SUBJECT: Coroner's Case Number [redacted]

In accordance with your request, toxicological analyses have been performed and are now completed on the subject case as tabulated below:

Tissue	Analyses Requested	Drugs Analyzed	Level Found	Assigned Toxicologist	Date Analyzed
Blood	Volatiles		ND	R. Budd	07/10/95
Blood	Alcohols	Alcohols	Negative	R. Budd	07/11/95
Blood		Acetaminophen	ND	E. Griesemer	07/12/95
Blood	Salicylates		6.70 UG/ML	E. Griesemer	07/12/95
Blood	Methamphetamine	Methamphetamine	ND	J. Park	07/13/95
Blood	Barbiturates		ND	J. Park	07/13/95
Blood	Cocaine	Cocaine and Metabolites	ND	J. Park	07/13/95
Blood	Narcotics	Codeine	ND	J. Park	07/13/95
Blood	Narcotics	Morphine	ND	J. Park	07/13/95

LEGEND:
MG/L = Milligram per Liter
UG/ML = Micrograms per Milliliter
QNS = Quanity Not Sufficent
UG/G = Micrograms per Gram
MG/DL = Milligram per Deciliter
TNP = Test Not Performed
G% = Gram Percent
ND = Not Detected
MG = Milligrams

JOSEPH J. MUTO
CHIEF FORENSIC TOXICOLOGIST

Reported to P.D.
Date: 6/29/95
Day: S M T W (Th) F Sa
Time: 1145 Hrs.

EL MONTE POLICE DEPARTMENT 1922

EXHIBIT 4, Pg-1

11333 Valley Blvd
El Monte, CA 91731

EMPD Case Number: 95CR 4871
Coroner's Case Number: [redacted]

Field Death Report

970709CCC3260

Name of Deceased	Residence Address									
[redacted]	[redacted] EL MONTE									
Race	Sex	Height	Weight	Hair	Eyes	Build	Age	Date of Birth	Place of Birth	
L	F	22"	10-K	BRN	BRN	INF.	8/MO	10-28-94	DOCTORS HOSP. WESTCOVINA, C	

Identifying Marks (Scars, Tattoos, etc.)
NONE

Clothing and/or Jewelry Worn
(2) EARINGS (ONE IN EACH EAR)

Occupation of Deceased	Work Name and Address
N/A	N/A

Deceased First Discovered	Location
Date: 6/29/95 Time: 1120 hrs.	[redacted], EL MONTE
Deceased First Observed by Officers	**Location**
Date: 6/29/95 Time: 1135 hrs.	[redacted] EL MONTE

SIGNS OF VIOLENCE and/or INJURY: ☐ YES ☒ NO ☐ UNKNOWN

If signs of violence or injury, give a detailed description of the injury in the narrative as well as the location and position of the deceased.

Person Discovering Deceased	Residence Address	Telephone
[redacted]	[redacted] MONTE	NONE
[redacted]	[redacted] ONTE	NONE
[redacted]	[redacted] EL MONTE	NONE
Relationship: N/A	N/A	N/A

Relatives Notified by: DR. MADAHAR M.D. (GREATER EL MONTE HOSP.)

Deceased Removed to (Hospital, Mortuary)	Removed by (Name of Individual or Agency)
L.A. CO. CORONER'S OFC.	CORONER

Deceased's Physician	Address	Telephone
ATIGA,	UNK.	UNK

Date and Reason Deceased Last Saw Physician	Will Physician Sign Death Certificate
6-28-95 (COLD) (DR. FLANNIGAN)	☐ YES ☐ NO ☒ UNKNOWN

Death Pronounced	Pronounced By	Location
Date: 6/29/95 Time: 1204 hrs.	DR. MADAHAR M.D.	GREATER EL MONTE

☐ Narrative Continued on Reverse ☒ Typed Narrative

Reporting Officer ID No.	Reviewed By ID No.	Date
K. FERRIN #467		

EMPD FORM 828 (REV 1/83)

Entered By	Copies	Date

EXHIBIT 4, Pg. 2

970709CCC3260

06-29-95 -1- [redacted]

CRIME-INCIDENT REPORT

V: [redacted]

S: [redacted]

C: 273(a) PC (Child Neglect)

INJURIES: (See face sheet)

EVIDENCE OBTAINED:

1. Three (3) Polaroid photographs.

On 06-29-95, at approximately 1120 hours, I received a radio call of a possible drowning were the mother had taken her eight month old baby out of the bath tub, located at [redacted]. Officer Wills was my assisting officer. When I arrived on the scene I saw the El Monte Fire Department administering C.P.R. to [redacted]. I contacted [redacted]'s mother, [redacted], who related the following information.

[redacted] said she had prepared to give [redacted] a bath. [redacted] had put in approximately 7" of water into her standard white porcelain bath tub located inside of the house at [redacted] indicated that she had an infant bathing seat inside the bath tub. [redacted] had placed [redacted] into the infant bathing seat. [redacted] noticed that her older daughter was out in front of her house riding her bicycle. [redacted] was afraid that her older daughter would get hit by a vehicle if she were to ride in the street. [redacted] went outside to tell her daughter not to ride her bicycle in the street. [redacted] was outside approximately four to five minutes contacting her older daughter.

[redacted] realized that she had been outside for approximately four to five minutes. [redacted] remembered that [redacted] was inside the bath tub. [redacted] said she had left the water running in the bath tub. [redacted] ran back in to the house to check on [redacted]. [redacted] saw [redacted] floating supine (face up) in the water. [redacted] said there was approximately 7" of water in the bath tub at the time.

[redacted] immediately grabbed [redacted] and ran towards the front door. [redacted] said she was frantic at the time. [redacted] began to give respiration to [redacted]. [redacted] said that on her first respiration to [redacted] regurgitated. [redacted] continued to give respiration to [redacted]. [redacted] said someone had called "911" to report the emergency. [redacted] ran to the front of [redacted]. [redacted] placed [redacted] onto the grass located in the front yard. [redacted] placed [redacted] in a supine position on the grass.

[redacted] continued to administer respirations until Sergeant Bob Elkin arrived on scene to assist. Sergeant Elkin was approximately three to four blocks away when he heard the call from his hand held radio. Sergeant Elkin administered C.P.R. until the Fire Department arrived on scene. El Monte Fire engine #21 and Medevac squad #31 arrived on scene to assist. I had Officer Wills enter the house and take three photographs of the bath room area where Nicole was recovered by [redacted].

Officer Wills took three photographs of the bathroom and the bath tub. Officer Wills informed me that there was no water inside the bath tub when he took the photos. Officer Wills informed me that there was no plug for the drain in the bath tub. Officer Wills later gave me the photos. I then gave the photos to Detective Leonard who retained them.

There were three additional children inside the house. Those children were [redacted]. They appeared to be in good health and in no danger. The house appeared clean and well kept.

I transported [redacted] to the Greater El Monte hospital. [redacted] was being treated by Doctor [redacted] at the Greater El Monte hospital. [redacted] was in the emergency room. [redacted] was pronounced dead at 1204 hours on the above date. Doctor [redacted] said that there did not appear to be any unusual circumstances, other than drowning, that contributed to [redacted]'s death.

I contacted Deputy Smith at the L.A. County Coroner's office. They informed me that they would respond to the Greater El Monte hospital to retrieve [redacted] for investigation.

[redacted] informed me that [redacted] had been taken to the doctor's office on 06-28-95. [redacted] apparently had a cold, and was treated for it by Doctor [redacted]. [redacted] does not recall the name of the clinic where [redacted] was taken.

I completed a Child Abuse Investigation Report (11169 Form).

Detective Leonard contacted the Department of Children Services.

I completed a field death report and attached it to this report. For further information regarding the investigation, refer to Detective Leonard's supplemental report.

OFFICER K. FERRIN #467
06-29-95 2140 HOURS

EL MONTE POLICE DEPARTMENT
KF/ga gal

EXHIBIT 4, Pg. 4 970709CCC 3260.

07-02-95 -1- [redacted]

SUPPLEMENTAL NARRATIVE

C: 273(a) PC (Child Neglect) Coroner's [redacted]

V: [redacted] (Victim)
T/N: [redacted]
(Deceased)
Social Security [redacted]

S: [redacted] (mother) (Not Arrested)
Latin/female, 5-5, 155, brown, brown
11-27-67
Social Security [redacted]
California D.L. [redacted]
Home Residence: [redacted] El Monte, 91731
Home Phone [redacted]
Unemployed

W: 01 - [redacted] (nmn)
Female/Hispanic
04-27-77
Social Security [redacted]
No Driver's License
Home Residence: [redacted] El Monte, 91731
Home Phone: [redacted]
Student enrolled in the Rosemead Adult School
Business Phone: [redacted]

W: 02 - [redacted] (Home owner)
Male/Hispanic
02-20-40
Social Security [redacted]
California D.L. [redacted]
Home Residence: [redacted] El Monte, 91731
Home Phone: [redacted]
Retired

W: 03 - [redacted] (Father)
Male/Hispanic
11-21-66
Social Security [redacted]
No California driver's license
Home Residence: [redacted] El Monte, 91731
Home Phone: [redacted]
Works for California Coach as an auto body mechanic
Business Phone: [redacted]

W: 04 - [redacted] (nmn)
Female/Hispanic
03-29-50
Social Security [redacted]
California D.L. [redacted]
Home Residence: [redacted] 91731

EXHIBIT 4, Pg. 5

970709CCC3260

[redacted]

Home Phone: (818) 452-9060

ADDITIONAL CHILDREN PRESENT:

Children of [redacted]

1. [redacted]
Female/Hispanic 11-13-91
Social Security [redacted]

2. [redacted]
Female/Hispanic
10-12-86
Social Security [redacted]

3. [redacted]
Female/Hispanic
11-05-85
Social Security [redacted]

Children of [redacted]

1. [redacted]
Male/Hispanic
05-31-94
Social Security [redacted]

2. [redacted]
Female/Hispanic
07-08-93
Social Security [redacted]

Children of [redacted]

1. [redacted]
Male/Hispanic
07-17-89
Social Security [redacted]

2. [redacted]
Female/Hispanic
[redacted]
Social Security [redacted]

EVIDENCE OBTAINED:

1. One (1) blue plastic bath tub safety seat with green, red and yellow in the front and white suction cups on the bottom of it, refer [redacted]

2. Several Polaroid photographs depicting the residence of [redacted] including the living, kitchen and bathroom areas, the bath tub when it was first observed by the

originating officers.

3. An 11169 PC form, completed and forwarded to the Department of Children Services regarding the incident. (Refer #BS92517 and #BS92518). The Department of Social Service reference #911901.

On Thursday, 06-29-95, at approximately 1120 hours, El Monte Police officers had received a radio call to respond to [redacted] in El Monte regarding a possible drowned victim. The officers responded and handled the initial investigation. The child was subsequently transported to the local hospital and pronounced deceased by physician Doctor [redacted], M.D., on 06-29-95 at 1204 hours. Notification to the family had been made at the hospital by the doctor and social worker Jack [redacted] (DOB: 02-08-65).

I later was informed of the incident at approximately 1300 hours and responded with Detective T. Snook #397 to [redacted] to contact the family. Upon arriving at the location we were contacted by [redacted], who told me that he is the grandfather of the deceased. He said that he is the owner of the residence and I asked if I could come inside and speak with him regarding the incident. He invited us into his residence.

Quickly I learned that [redacted] felt comfortable speaking Spanish in lieu of English so I requested that a Spanish speaking officer respond. Officer Batres, R. #463 responded and translated for me. Not knowing if [redacted] knew the condition of the deceased Officer Batres notified him that his granddaughter had passed away. He related that he had received a telephone call from the family to come home by his wife and that his granddaughter [redacted] had almost died and was in the hospital. He immediately came home, however, found no other family members at home. I asked him if I could walk through the residence and look into the bathroom as I was told that his granddaughter possibly had died as a result of drowning in the bath tub. He led me through the residence.

I noted that the residence was some what orderly, however, it appeared in the bedrooms that there were several individuals residing in each bedroom. I observed articles of clothing belonging both to adults and children in each of the bedrooms and when inquired who resided within this residence [redacted] said that [redacted] and [redacted] were trying to save a little money as they were purchasing a house which was in escrow and they were staying in one of the bedrooms with their four children. He said in another bedroom another family member [redacted] resided with her two small children. He said that he and his wife also live there and they have a son [redacted].

I asked [redacted] if he knew where the plug to the drain of the bath tub was as I did not see one in the bathroom and he said that he has purchased several recently because they keep disappearing. He does not know where they keep going and is not quite certain what the most recent plug looked like, other than it was round and possibly clear. He said that most of the time the family just plugs the plug up with a wash cloth or some other article so that they can bathe the kids or themselves.

I walked through each of the rooms and took several Polaroid photographs of each room. I tool Polaroid photographs of the bathroom, including the bath tub and observed the blue plastic safety seat sitting towards the back of the bath tub about mid section. I tried to lift it from the tub and found that the suction cups on the bottom of the safety seat were intact and holding it to the tub. I did have a hard time lifting it from the bottom of the tub. I observed a couple of small plate toys; such as like teething rings or small infant toys in the bath tub and a wash cloth which later turned out to be a small child's outfit. I did not locate any plugs for the tub and I noticed that the tub was not designed with a switch for a plug by the faucet. A stopper type plug needed to be used which I could not locate. I observed the bath tub to be wet to the touch and a little bit of traces of water along the bottom of the tub. The objects inside of the tub were in fact wet.

In the various bedrooms I did note that the beds were not made, however, the bedding was clean, there were alot of clothing that were clean and piled and it did appear that the living arrangement seemed to be somewhat temporary. I did not observe any other obvious signs of neglect within the residence.

[redacted] said that the family members had all responded down to Greater Community hospital and he mentioned that he to would like to go when we concluded our investigation at the residence. I informed him that I had concluded the investigation at the residence, however, I would like to take with me the blue plastic bath tub safety seat which was in the bathroom. I explained to him that I would be placing it into evidence at the El Monte Police Department and that at a later time if it was not needed it could be released back to the family. He told me that I was free to take the item. I confiscated the item and later marked tagged and placed it into evidence at the El Monte Police Department.

I along with Detective Snook responded to Greater Community hospital in South El Monte and spoke with Social Worker [redacted]. He told me that the family had previously been at the [redacted] hospital, however, they had all left. The deceased child [redacted] was in a locked secured room with in the hospital. He escorted me to this room.

I observed the deceased [redacted] to be lying on a bed covered by a blanket. Her head was facing in a southerly

direction and her feet in a northerly direction and her arms were extended along her sides. I observed post mortem lividity along her back, lower arms and lower legs. I observed medical tubing emitting from her mouth and nasal cavities and another tub, which had been inserted into her left leg. These were apparently used to try to resuscitate the child by the medical personnel at the hospital.

The coroner representative J. CRONIN #1515 arrived and transported the deceased to the L.A. Coroner's office.

On Thursday, 06-29-95, at 1650 hours, I spoke with [redacted] in an interview room at the El Monte Police Department. She told me that she was present at the [redacted] residence, where she resides with [redacted] and the other family members, when [redacted] was left in the bath tub. She related the following.

"We were all, [redacted] (sister-in-law), [redacted] and [redacted] kids), [redacted] (my sister), [redacted] (my brother) and [redacted] in [redacted]'s room (middle room) talking about what we wanted to get at the market. The kids were playing and [redacted] was asleep in my room (the room by the middle bathroom). [redacted] went number 2 in her diaper and needed changing and I went to the kitchen with all of the kids and we made the shopping list. [redacted] and [redacted] went into the bathroom and I didn't see her, but I heard water running so figured she was bathing [redacted] cause she had dirtied her diaper."

"While [redacted] was in the bathroom I was talking with her about the list from the kitchen. At the end of our conversation she leaned out of the bathroom door and said, 'that's it' (regarding to that's all we needed from the store). The water was running in the bath tub as she recalls."

I asked [redacted] if [redacted] was crying or anything or if she even heard [redacted] and she said, "No," she did not hear [redacted] crying but she did hear [redacted] playing with [redacted] and [redacted] baby talking back to her.

[redacted] then went outside with all of the kids and [redacted] and [redacted] were still in the bathroom.

"[redacted] and [redacted] were going to take off on their bikes but I told them to wait for [redacted] cause [redacted] bike tire was flat and I was looking for a bike for her to ride. I turned on the air compressor pump to pump up the tire and it was very loud and I did fix her tire and gave the kids the list and sent them off to the market."

"[redacted] and [redacted] were riding together on a big wheel and [redacted] was riding on another big wheel and they wanted to go but I told them that they couldn't. [redacted] and [redacted] started following the older children on the sidewalk on the north side of [redacted] towards [redacted]. They were riding towards [redacted]'s market.

I yelled for them to get in the house. [redacted] always tries to follow her big sisters and doesn't listen".

"[redacted] walked out of the back door fast and out from the north/east back door of the residence as I was yelling for [redacted] to come back. We both walked towards the front yard together and I said, '[redacted] get your butt in the house' and she said, 'no' and I told [redacted] to deal with her [redacted] was on the sidewalk almost in front of the neighbor's house going towards [redacted]".

"[redacted] told [redacted], 'get in the, the baby,' and turned and ran real fast through the front door of the house. I didn't understand what she was saying as she kept yelling as she ran into the house. I was paying attention to [redacted] and [redacted] at the time and I went and got [redacted] and [redacted] and I heard [redacted] yelling real loud, 'aah, aah'. [redacted] was running into the livingroom as I walked into the house and she was carrying the baby [redacted] across her arms, facing up. [redacted] kept yelling, [redacted] help me, help me, anybody help me.' I ran into my room and dialed '911'".

[redacted] said she recalled that the baby [redacted] was wet and she thought that she had drowned. When she came out from the bedroom after dialing 911 she saw that the baby was not moving, coughing or crying. [redacted] was trying to give [redacted] C.P.R. by laying [redacted] on the couch on her back and pushing on [redacted]'s chest. [redacted] tried to give [redacted] mouth to mouth.

[redacted] said that it felt like a long time til the ambulance came and [redacted] kept saying, "Help me, help me." [redacted] told me to go scream for help outside so I did. I took [redacted] and [redacted] in another room when the paramedics arrived and I later went to the hospital".

I asked [redacted] about the bath tub if there was a stopper to plug the water with and she said, "No," they put a rag there. I asked her what kind of a rag was used and she said, "A baby T-shirt or toilet paper." I asked her where the plug was and she said that she did not know. "Everyone plugs the drain with a rag or something."

I asked [redacted] has she ever seen [redacted] leave [redacted] or the other kids alone in the bath tub and she replied, "No, usually the older kids will take baths together and Lisa is always with them and after she washes the baby she will take the baby out and leave the other children in the bath tub."

I asked [redacted] how [redacted] disciplines the children when they are naughty and she said that [redacted] never abuses them and if anyone ever yells at the kids [redacted] gets very upset. She said that [redacted] never strikes or disciplines [redacted] and the other children she does not let them do things and makes them clean or do chores when they are bad.

EXHIBIT 4, Pg. 10

970709CCC3260 [redacted]

07-02-95

I asked [redacted] if she had children and she said, "Yes, two, [redacted] and [redacted]." She said that they were in the lobby. I asked her how she disciplines the children when they were bad and she said that she send them to their room or has them do things around the house when they do not mind. I asked her if I could examine them so that there was no allegation of them being abused and she told me that she would bring them into the interview room, which she did.

With her permission and in her presence [redacted] removed [redacted] clothing. He had a diaper on and as she removed the diaper she told me that he had a hernia since he was born and that the doctor told her that it was a minor hernia and that most kids with minor hernia's will out grow them, however, if the hernia sometimes grows to the size of a tennis ball then they would have to be operated on. She has gone to three separate doctors regarding this hernia as she was very concerned. The last doctor, Doctor [redacted], M.D., at [redacted] y, El Monte, 91732, had just examined both of the kids about a week ago for eye infections. I did not observe any signs of abuse on [redacted]

[redacted] undressed [redacted] and I did not observe any signs of abuse on her person.

I asked [redacted] if she had any questions for me, however, she did not and the interview was terminated.

On Thursday, 06-29-95, at 1830 hours, I spoke with [redacted] in an interview room with in the El Monte Police department. Prior to speaking with her I told her why I wanted to speak with her regarding the incident involving her child and that she was no obligation to speak with me regarding the incident and she was free to leave at any time. She chose to speak with me regarding the incident and related the following.

"I just remember being in the rooms talking with all of them about the food that we were going to buy from the store when the baby ([redacted]) went pooped. I put her in the tub after taking her diaper off. Just me and [redacted] were in the bathroom. [redacted] and the other kids were still talking about going to the store. [redacted] had been sick recently (she had gotten an eye infection from the other kids and had been seen by Doctor [redacted] in Monterey Park). I was not going to completely bathe her, but just her lower half because she had pooped in her diaper. I turned on the water and sat her in front of it and she was playing with the water."

I asked [redacted] if she put [redacted] in the round blue ring in the tub and she said that she cannot remember if she put her in it or not. I asked her if the water was hot or cold and she replied that it was warm.

I asked [redacted] if the tub had been plugged or if the water was free to flow from the tub and she said that she was not sure if it was plugged or not but that no plug is used because the plug is lost and they have to use rags or wash rags or something to block the water from leaving.

I asked her if the water was running and she said, "Yeah."

I asked [redacted] to tell me what had occurred next and she related the following.

"I was getting the soap and towels from the drawers in the bathroom while [redacted] was sitting up playing with the running water. She sits up now and I was sort of watching her as I was getting the things from the drawers. I was talking with her as she played in the water. I don't know if I had plugged it up cause I was just going to clean her. I heard someone yelling, 'get [redacted] get [redacted]' and [redacted] has a tendency of going out in the street so I walked out of the back door, cause I thought they were just outside of the back door which is near the bathroom on the driveway side (located in the north/east corner of the house). I didn't see them there so I ran out in front and saw the older kids were riding down the street and they were yelling, 'get [redacted] as [redacted] was following them. I saw [redacted] on the sidewalk on the north side of [redacted] riding in front of the neighbor's house towards [redacted]. I started to get her but then remembered my baby [redacted] and yelled at [redacted] to get [redacted]. I ran into the house through the front door and I ran into the bathroom and saw [redacted] floating in the water. The water didn't cover her face and I didn't remember if she was floating or on the bottom. She was face up towards the front of the tub by the faucet. The blue ring was behind her and her lips were blue."

I asked [redacted] if she was making any sounds. [redacted] said, "I pulled her out of the water and carried her across my arms, face up and started blowing into her mouth and water came out. She made a weird sound (like gasping). I called [redacted] to help and tried to push on her chest while on the sofa. I then went outside with her and yelled for help and someone came with a badge and helped her. Her eyes started turning purple and the paramedics arrived."

I asked [redacted] how long with [redacted] in the tub by herself and she replied, "I think it had to be five minutes cause she didn't make it. It wasn't very long, I can't remember it just hit me, my baby and that's when I ran in. I can't tell you how long. It wasn't longer than five minutes."

I asked Lisa if the water was running when she found [redacted] and she said, "I don't know, I don't know who turned it off. I just grabbed my baby by the arm."

I asked [redacted] how deep the water was when she found [redacted] and she replied, "I don't know cause I pulled her up by her arm."

I asked [redacted] if the water was over the blue ring and she replied, "I don't know, the only thing I could think of was getting my baby [redacted] and getting help."

I asked [redacted] if [redacted] was at the crawling stage and she said, "Yeah."

I asked Lisa when she gave [redacted] baths before would she get out of the blue ring and [redacted] replied, "Yeah, she slides out and climbs out. She even climbed out of the walker."

I asked [redacted] if the kids took baths with each other and she replied, "Yeah, the older kids take baths and the baby [redacted] sits in the blue seat with them and I'm always there. I'll bathe her and shampoo her hair and then I'll take her out while the others stays in."

I asked [redacted] how she disciplined her children and she replied, "It depends on which one. [redacted] has tantrums so I put her in a room by herself (like a time out) and she comes out by herself when she is through throwing a tantrum and it works. [redacted] and [redacted] they are made to clean and do chores because they don't like to do that. Sometimes I spank them on their bottoms on top of their clothing with an open hand but they laugh at me so most of the time I make them clean and do chores because they don't like it."

I asked [redacted] if she spanked [redacted] and she said, "Once in a while on the butt with an open hand over her clothing when she is bad."

I asked [redacted] if she disciplined Nicole or spanked her and she said, "No, I have never done nothing to [redacted]."

I asked [redacted], "Have you ever used anything; a shoe, a paddle or a stick on the children?" and she replied, "No, I only threaten the older two once with a shoe if they didn't do what it was I wanted them to but I've never struck any of them."

The children were in the police lobby and I asked [redacted] (with her permission) if I could examine the children and she told me that I could. The three children; [redacted], [redacted] and [redacted] came into the interview room with myself and [redacted] With [redacted] consent and presence [redacted] was examined after [redacted] disrobed her and I saw no signs of abuse. [redacted] and [redacted] were older and I examined only their arms and legs and did not see any signs of abuse.

I interviewed [redacted] and [redacted] aside from [redacted] after examining them and asked them separately when they are bad how are they disciplined at home. Both girls told me that when they

are bad sometimes their mom spanks them but they laugh at her and most of the time they are made to do chores and clean things around the house. They both told me that they are never hit with any type of an object. I found no signs of abuse on these three children.

I asked [redacted] if she had any questions for me and she questioned what would happen and I explained to her that the reports would be completed after everyone was spoken to and the coroner would forward his report along with my report to the District Attorney's office for review. She had no further questions. The interview was terminated.

On Thursday, 06-29-95, at 1930 hours, I spoke with [redacted] in an interview room with in the El Monte Police department. I asked him what had occurred to his knowledge and he replied that he was at work when he received a call over the loud speaker for his name that he had a personal call and they don't usually give them personal calls but he went anyway. [redacted] was on the phone yelling, "my baby drowned, my baby [redacted] drowned." "I couldn't understand her, she kept yelling, screaming and crying. I asked where the baby was and she said, 'outside,' or something so I figured she was at the house so I got in my car and left. I went to the house and [redacted] told me that she went to Methodist hospital so I asked her how she was and she did not know so I went to Methodist hospital and my mom arrived at the same time and both of us were told that everyone was at Greater Community hospital. We went to Greater Community hospital and the social worker there told me that my baby [redacted] drowned."

I asked [redacted] if he had seen [redacted] bathe [redacted] in the past and he said that she puts [redacted] in the seat and bathes her, always in the bathroom and brings her back in a towel and is real good with her. "She is always with [redacted]." I asked him how she disciplines the other children and he said that she spanks them on the butt and sends them to the room and tells them that they can't watch the Power Rangers and has them clean and do chores.

I asked him if he has ever seen [redacted] abuse any of the children and he said, "No, he has not."

I asked [redacted] if he had any questions for me and he to wanted to know what would happen. I explained to him that I would be completing the investigation along with the coroner and the information would be forwarded to the District Attorney for review. I also informed him that the Department of Children Services would probably be contacting their residence, checking in on the family and possibly referring them to some counseling or other type of parenting programs trying to assist the family. I explained to him that his wife [redacted] was very distraught and did mention that she usually slept with the baby at night and did not know what she was going to do in the morning because the baby would not be there and you were going to have to go to work. I told him she mentioned this as she was starting to walk out of

the interview room. I asked him if he possibly could make arrangements with his work to be with her in the morning or have another family member with her and he said that he had already talked to his boss and other friends and would stay and comfort her. He said that he talked to a father (priest) at the hospital and that he know's that the family is going to have a hard time. I informed him that if he had any questions or if I could be of some assistance to give me a call. The interview was terminated.

The Los Angeles County Homicide department was contacted regarding the incident and I was advised that unless the coroner found some suspicious cause of death that they would not be assisting in this investigation.

On Friday, 06-30-95, at 2015 hours, I spoke with [redacted] in an interview room within the El Monte Police department.

Prior to speaking with her I learned that she spoke primarily Spanish so Cadet Ponce, Jay #86 translated for me. I explained to her why I wished to speak with her and asked her if she had seen [redacted] bathe the children before. She replied, "Yes," she has seen [redacted] bathe them and they are always together. I asked her if she has ever seen [redacted] being left in the tub or alone and she said, "No, [redacted] is always with her."

She was asked if there was a plug for the bath tub and she said, "No, it's lost." I asked what they used to stop up the water and she replied, "a wash cloth or a piece of cloth to stop the water."

I asked her how Lisa disciplines the kids when they are bad and she said that she doesn't let them use the television or leave with friends. I asked her if [redacted] ever spanks them and she said, "No, I've never seen her."

[redacted] said that [redacted] and their children have only been there, living with them for about a month because they are saving some money because they are buying a house and it is in escrow and they don't have the kitchen or other appliances right now."

I asked [redacted] if she had any other children and she said, "Yes, I have two. I have [redacted] and [redacted]"

I asked [redacted] if I could look at the children so that I could rule out any type of abuse allegation. She told me that I could. They were brought from the lobby into the interview room and I first examined [redacted] in an interview room in the presence, with the permission of [redacted]. [redacted] had [redacted] pull up his shirt and pull down his pants and underwear and I did not see any physical signs of abuse on him.

[redacted] came into the interview room and due to her age I examined her arms and her legs, not seeing any signs of abuse on her.

EXHIBIT 4, Pg.15

970709CCC3260

[redacted]

I asked [redacted] that when she is bad what happens to her at home and she said, "Sometimes they spank me when I am bad." I asked her, "Who?" and she said, "her mom and dad." I asked her how they spank her and she said, "with their hand on my butt." I opened my hand and said, "Is their hand open like this?" and then I closed my hand into a fist and said, "or like this" and she said, "open." I asked her if it was over the clothing and she said, "Yes, it was on top of her clothes when she got spanked."

I did not find any signs of abuse on [redacted] or [redacted]

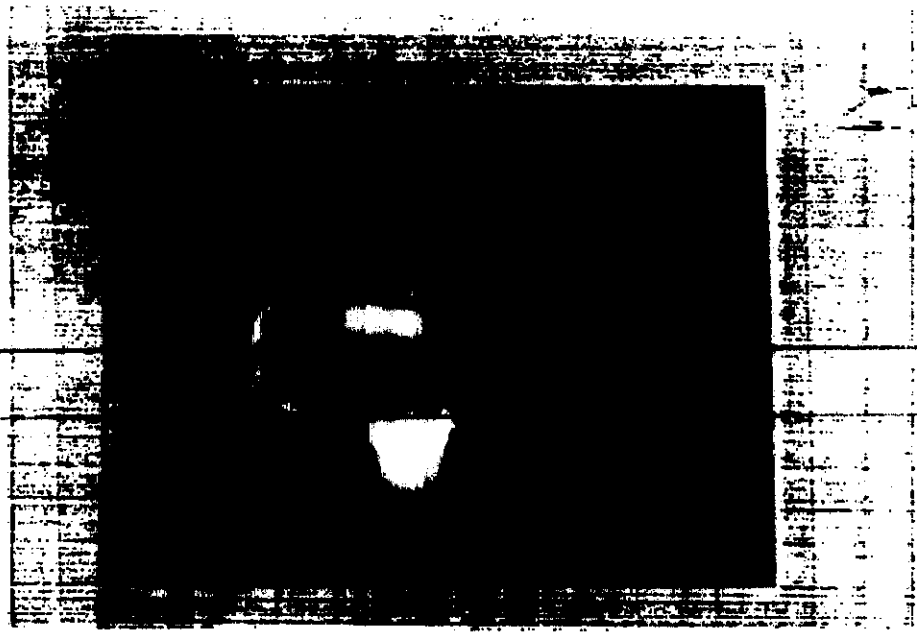
During my investigation I found that the minor children residing at th[redacted] address all appeared to be healthy and did not show any signs of physical abuse. I could not substantiate whether or not [redacted] had been placed in the blue safety bath ring or not, however, she was left in the bath tub by herself according to [redacted] mother). The water had been let out of the tub and I could not substantiate the height of the water or the degree of temperature of the water that had been in the tub when [redacted] was with in the bath tub.

I will be obtaining the records from the Greater El Monte Community hospital, the Coroner's report and submitting them along with this report to the District Attorney for review.

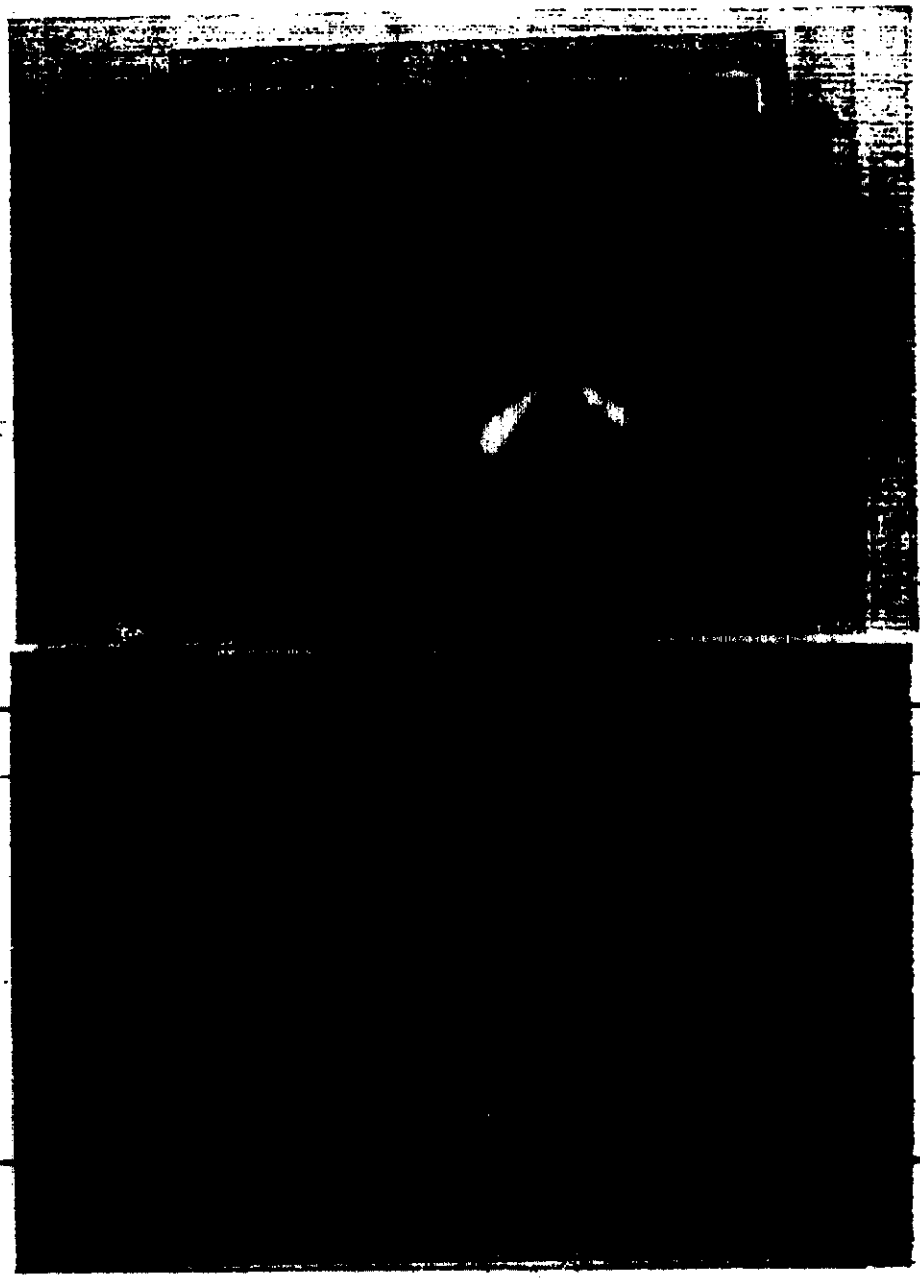
DETECTIVE M. J. LEONARD 0364
DETECTIVE BUREAU
07-03-95 0020 HOURS
MJL/ga gal

EXHIBIT 5, Pg. 1 970909CCC3260

NOTE: Photographs 1 to 3 are Polaroid photographs taken by Police Department.



Photograph 1: Front view of bath seat.



Photograph 2: The arm rest states "WARNING PREVENT DROWNING NEVER LEAVE CHILD UNATTENDED".

Photograph 3: The bath seat has 4 suction cups.