



United States
CONSUMER PRODUCT SAFETY COMMISSION
Washington, D.C. 20207

CPSA 6 (b)(1) Cleared
12/18/98
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Products Identified
Excepted Co. *Barney*
Firms Notified,
Comments Processed.

MEMORANDUM

DATE: December 17, 1998

TO : Barbara Jacobson
Directorate for Epidemiology and Health Sciences

Through: Sadye E. Dunn, Secretary *S. Dunn*

FROM : Martha Kosh
Records and Reference Asst.
Office of the Secretary

SUBJECT: Notice of Proposed Rulemaking for Multi-Purpose
Lighters

ATTACHED ARE COMMENTS ON THE CC99-1

<u>COMMENT</u>	<u>DATE</u>	<u>SIGNED BY</u>	<u>AFFILIATION</u>
CC99-1-1	10/08/98	Carla B. Horn Esquire	Joseph P. Moschetta and Associates 28 W. Cherry Ave. Washington, PA 15301
CC99-1-2	10/09/98	Noel Zeller Chairman	Zelco Industries Inc 65 Haven Avenue C.S. 4445 Mt. Vernon, NY 10553
CC99-1-2a	10/12/98	Noel Zeller	Address same as Above
CC99-1-3	11/11/98	Thomas Moran President	SNC Group, L.L.C. 1035 Godfrey SW Grand Rapids, MI 49503
CC99-1-4	11/18/98	Don Cooke Attorney	1019 Waterwood Pkwy Suite B Edmond, OK 73034

Notice of Proposed Rulemaking for Multi-Purpose Lighters

<u>COMMENT</u>	<u>DATE</u>	<u>SIGNED BY</u>	<u>AFFILIATION</u>
CC99-1-5	11/30/98	M. McLoughlin Customer Relations Mgr.	Swedish Match (Importer of Cricket Lighters) 2951 Flowers Rd, S. Oxford Building, Suite 200 Atlanta. GA 30341
CC99-1-6	12/4/98	Michael Forys Senior Vice Administration	Scripto-Tokai Corp. P.O. Box 5555 Fontana, CA 92332
CC99-1-7	12/11/98	Michael Schuler President & CEO	Zippo Mfg Co. 33 Barbour Street Bradford, PA 16701
CC99-1-8	12/14/98	Gerald Cavallo Managing Director	Milford Consulting 80 Ocean Ave. Milford, CT 06460
CC99-1-9	12/14/98	Joel Alpert President	American Academy of Pediatrics 601 13th St, NW Suite 400-N Washington, DC 20005
CC99-1-10	12/14/98	David Baker General Counsel	Lighter Association, Inc. 1920 N Street, NW Suite 800 Washington, DC 20036
CC99-1-11	12/17/98	Thomas Kelleher Sr. Vice President Administration General Counsel & Secretary	Bic Corporation 500 BIC Drive Milford, Ct 06460

CC-99-1-1

CPSA 6 (b)(1) Cleared
10/13/98
No Mfrs/PrvtLblrs or
Products Identified
Firms Notified
Comments Processed

Joseph P. Moschetta and Associates

ATTORNEYS-AT-LAW
PROCTORS IN ADMIRALTY
COURT SQUARE BUILDING
28 W. CHERRY AVENUE

WASHINGTON, PENNSYLVANIA 15301

October 8, 1998

JOSEPH P. MOSCHETTA *

CARLA BROWN HORN **

STEPHEN P. MOSCHETTA

Consumer Product Safety Commission,
Office of the Secretary
Washington, DC 20207-0001

AREA CODE 724
TELEPHONE 225-3060
FAX 225-7311

* ADMITTED IN PENNSYLVANIA
AND WEST VIRGINIA

** ADMITTED IN PENNSYLVANIA
AND DELAWARE

Re: NPR for Multi-Purpose Lighters

Dear Sir or Madam:

In response to your request for written comments in connection with multi-purpose lighters, please be advised that we represent the estate of Connor Lisovich, a child who was burned to death as a result of Scripto-Tokai's Aim 'n Flame lighter. For your information, enclosed please find:

1. Autopsy performed by Cyril H. Wecht, M.D., J.D. on March 18, 1998
2. Coroner's Inquest into Death of Connor L. Lisovich

If you have any questions, please feel free to contact me. Thank you for your attention to this matter.

Very truly yours,

JOSEPH P. MOSCHETTA AND ASSOCIATES

By: Carla Brown Horn
Carla Brown Horn, Esquire

CBH/bpc
Enclosures

cc: Barbara Jacobson, Project Manager

G:\CLIENTS\0189\GEN\JPM0237

CYRIL H. WECHT AND PATHOLOGY ASSOCIATES, INC.

CYRIL H. WECHT, M.D., J.D., PRESIDENT

DEPARTMENT OF PATHOLOGY
ST. FRANCIS CENTRAL HOSPITAL
1200 CENTRE AVENUE
PITTSBURGH, PENNSYLVANIA 15219
412 281-9090
FAX 412 261-3650

CONNOR L. LISOVICH

MARCH 18, 1998

FINAL PATHOLOGICAL DIAGNOSES:

Acute carbon monoxide poisoning (32%).
Thermal injuries - second and third degree (100%).

Acute cerebral edema.

Acute pulmonary edema.

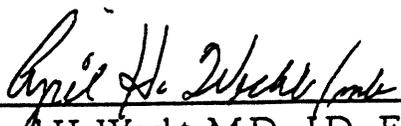
OPINION:

This autopsy illustrates an instance of death in a four year old white male child due to acute carbon monoxide poisoning and extensive thermal injuries. These injuries occurred in a fire at a private home, which the child was visiting.

No natural disease processes are noted.

There is no evidence of recent blunt force trauma, or penetrating or perforating injuries.

The manner of death is accidental.



Cyril H. Wecht, M.D., J.D., Forensic Pathologist

dlb

The autopsy is performed on Wednesday, March 18, 1998, at 12:00 Noon, at St. Francis Central Hospital, pursuant to the request and authorization of the Honorable Phillip E. Reilly, M.D., Coroner, County of Fayette.

Cyril H. Wecht, M.D., J.D., Forensic Pathologist, Prosector.

In attendance from the commencement of the autopsy is Pennsylvania State Trooper Roger C. Burkhart.

Photographs of the body are taken by Trooper Burkhart.

EXTERNAL EXAMINATION:

The body is that of a well-developed, well-nourished, white male child, looking approximately the stated age of four years, measuring 3 feet 6 1/2 inches in length, and weighing approximately 65 pounds.

The body is extensively charred, but otherwise intact.

The body has not been embalmed.

The body is covered with tattered, burned fragments of several articles of the following clothing:

- 1) Portions of a black, long-sleeved, sweatshirt.
- 2) Blue jeans.

EXTERNAL EXAMINATION:

"Continued"

3) White jockey shorts with a green, red, blue and yellow design and blue striping.

4) White athletic socks.

No shoes are present.

The body shows the following evidence of recent thermal injuries:

1) Most of the scalp with overlying hair has been burned away. Only a small portion of the scalp with some attached, badly singed hair remains on the right side of the head, extending from the frontal to the posterior temporal areas.

2) Second and third degree burns are noted over the entire body. The burns are most severe on the face, right arm, lateral aspect of the left arm, lateral aspect of the left thigh, and the back. In these areas, the skin is severely charred with a blackish discoloration. In most of these areas, the overlying epidermis is destroyed, and there are focal disruptions in the contiguity of the skin and soft tissues. This is most noticeable in the proximal half of the right forearm.

3) In other areas, there is extensive skin slippage and sloughing with

EXTERNAL EXAMINATION:

"Continued"

exposed areas of dark red, thermal injuries.

4) There is one area of apparent fracture involving the right wrist as a result of the thermal injuries. The soft tissues of the right forearm are extensively destroyed on the lateral aspect, extending from the region above the elbow onto the right hand and fingers. There is marked flexion deformity of the right wrist as a result of the thermal effect.

5) The left wrist and hand are held in the position of flexion-
contracture, although the soft tissues are not destroyed to the extent that has been described on the right forearm. There is a large area of soft tissue avulsion and destruction, extending from the upper aspect of the left biceps down to the lower half of the left forearm on the posterolateral margin.

REMAINDER OF EXTERNAL EXAMINATION:

The calvarium is intact on palpation. The orbital soft tissues cannot be definitively examined because of the thermal degradation. The nasal septum appears to be intact. The tongue protrudes from the mouth, clenched tightly between the teeth. There are no injuries other than the thermal injuries noted on the face.

REMAINDER OF EXTERNAL EXAMINATION:

"Continued"

The neck is unremarkable and shows no increased mobility on manipulation.

The bony thorax is intact on palpation.

The abdomen is flat and slightly firm.

The penis has been circumcised, and the testes are palpable within the scrotal sac.

Rigor mortis is fixed. Livor mortis cannot be definitively evaluated because of the thermal injuries and discoloration.

There is no evidence of recent blunt force trauma, or penetrating or perforating injuries.

INTERNAL EXAMINATION:**HEAD:**

The scalp is reflected in modified fashion, and the calvarium is removed. There is no epidural hemorrhage. The dura mater is intact, and when reflected, coagulated, granular, dark red blood is noted throughout the subdural regions. This is a result of thermal coagulation and not antemortem trauma.

INTERNAL EXAMINATION:

"Continued"

HEAD:

The brain weighs 1240 grams. It is bilaterally symmetrical with widening and flattening of the gyri and corresponding narrowing of the sulci. There is bilateral tentorial notching and uncal herniation. No contusions, hemorrhages or exudate are seen on the external surface.

Serial coronal sections of the brain reveal no intracerebral or interventricular hemorrhages. The ventricles are not dilated, and the cerebrospinal fluid is clear. There are no areas of infarction, encephalomalacia, tumor, abscess or vascular malformation. The cerebellum, pons, medulla and upper cervical cord show no hemorrhages or other abnormalities.

The cerebral arteries at the base of the skull are patent and pliable.

The pituitary gland is unremarkable.

The basilar skull shows no fractures or hemorrhages.

The atlanto-occipital junction is intact, and the odontoid process shows no fractures or dislocations.

THORAX AND ABDOMEN:

The usual "Y"-shaped thoracoabdominal incision is made, revealing

INTERNAL EXAMINATION:

"Continued"

THORAX AND ABDOMEN:

an intact sternum and rib cage. When the sternum is reflected, the lungs are found to be fairly billowy and for the most part fill the pleural cavities. There is no free fluid, hemorrhage, exudate or adhesions in either thoracic cavity, or in the pericardial or abdominal cavities. The pulmonary artery is opened in situ, and no emboli are seen. The great vessels entering and leaving the heart are traced out, and no abnormalities are noted. The loops of bowel are not dilated or obstructed. All the organs have normal anatomic positions and relationships.

At this time, representative samples of blood and bile are obtained for toxicological analyses. No urine is present in the urinary bladder.

In addition, swabs are made onto clean cotton swatches from the tracheobronchial tree and the external skin. These will be retained for physico-chemical analyses, if deemed necessary.

A portion of the heart and one rib will also be retained for future DNA analyses, if necessary.

LUNGS:

The right lung weighs 180 grams; the left lung weighs 170 grams. The

INTERNAL EXAMINATION:

"Continued"

LUNGS:

external surfaces are smooth and intact. The lungs are crepitant throughout. They have a light pinkish-red to pale reddish-tan color. There are no areas of infarction, consolidation, tumor or abscess. Cut sections show no purulent exudate when the parenchyma is compressed. The surfaces are slightly wet, but not particularly frothy.

The tracheobronchial tree is lined by thick, black, tenacious soot, which extends into the secondary and tertiary bronchioles.

The pulmonary arteries have no thromboemboli.

NECK:

The strap muscles and soft tissues show no hemorrhages or other injuries. The hyoid bone and cartilaginous structures are intact.

The epiglottic and laryngeal areas are unoccluded and show no aspirated food, exudate or foreign bodies. Black soot material is seen in the laryngeal and epiglottic regions on the mucosal surface.

HEART:

The heart weighs 58 grams. It is intact. The myocardial wall is unremarkable. The endocardial surface shows no increased sclerosis, mural

INTERNAL EXAMINATION:

"Continued"

HEART:

thrombi or vegetative growths. The trabeculae carneae and papillary muscles are intact. The chordae tendineae and valves are unremarkable, and the circumferential valve measurements are within normal limits.

The coronary arteries are patent and pliable with no atheromatous plaques, obstructions or anatomical abnormalities. The greatest thickness of the right ventricular wall is 0.2 cm., and that of the left ventricular wall, 0.8 cm.

AORTA:

The aorta is intact with a smooth, glistening, elastic intima.

The bifurcation of the iliacs is patent. The branches from the thoracic and abdominal segments are intact and unoccluded.

The vena cavae are intact and have no thrombi.

SPLEEN:

The spleen weighs 65 grams. It is intact with a slightly firm consistency and a homogeneous, dull reddish-purple appearance.

BONE MARROW:

Unremarkable.

INTERNAL EXAMINATION:

"Continued"

LYMPH NODES:

Unremarkable.

GASTROINTESTINAL TRACT:

The gastrointestinal tract is intact throughout with no obstructions, hemorrhages, tumors or ulcers.

The stomach contains approximately 55 cc. of partially digested food.

No pills or capsules are seen.

The large bowel contains a small amount of semi-solid, light tan, fecal material.

LIVER:

The liver weighs 510 grams. The external surface is smooth. It has a moderately firm consistency and a homogeneous, reddish-brown color. On cut sections, there is no gross evidence of fatty change or cirrhosis.

GALLBLADDER:

The gallbladder is intact. It contains approximately 5 cc. of viscous, greenish-orange bile. There are no calculi or extra-hepatic biliary obstructions.

INTERNAL EXAMINATION:

"Continued"

PANCREAS:

The pancreas weighs 20 grams. It is intact with a slightly firm consistency, a lobulated pattern and a pinkish-tan color. There is no hemorrhage or necrosis. The ducts are not dilated or obstructed.

KIDNEYS:

The right kidney weighs 30 grams; the left kidney weighs 32 grams. The capsules strip with relative ease, revealing smooth, intact, pale reddish-brown, external surfaces with no contusions, hemorrhages or exudate. Cut sections show normal cortico-medullary architectures with no dilatation of the pelves or calyces. The renal papillae have no hemorrhages or necrosis. The uretero-pelvic junctions are unobstructed and have no exudate.

The ureters are intact with no strictures or calculi.

URINARY BLADDER:

The urinary bladder is intact and collapsed. It contains no urine. The mucosal surface is unremarkable.

PROSTATE:

Normal male child.

INTERNAL EXAMINATION:

"Continued"

TESTES:

Normal male child.

ADRENALS:

Each adrenal weighs approximately 2 grams. No hemorrhages or tumors are seen on cut sections.

THYROID:

The thyroid gland weighs 6 grams. It has a slightly firm consistency and a homogeneous, reddish-brown color. No nodules, cysts, hemorrhages or tumors are seen on cut sections.

THYMUS:

The thymus gland weighs 25 grams. It has a soft to slightly firm consistency with a pale pinkish-tan color. No hemorrhages or other abnormalities are seen on cut sections.

MUSCULOSKELETAL SYSTEM:

The muscles and soft tissues have a slightly more pinkish-red coloration than is normally seen. The bony and cartilaginous structures show no fractures, dislocations or other abnormalities (except for those noted externally).

MICROSCOPIC EXAMINATION:

The microscopic examination is consistent with the gross autopsy observations. The histological findings are reflected in the final pathological diagnoses.

INQUEST INTO :
DEATH OF : INQUEST NO. 4099
CONNOR LEE LISOVICH :

An Inquest was held into the death of Connor Lee
Lisovich on July 29, 1998, in the Juror Lounge,
Lower Level, Courthouse, Uniontown, Pennsylvania.

Michelle L. Chapman
Transcriptionist
Fayette County Coroner's Office
61 East Main Street
Uniontown, PA 15401
(724) 430-1270

A P P E A R A N C E S

Trooper John Marshall..... PA State Police
Trooper William Large..... PA State Police,
Fire Marshal
Rose Bernardo..... Witness
James M. Eley..... Deputy Coroner
Chief James Lawson..... Belle Vernon Police
Chief Richard Saxberg..... Belle Vernon V.F.D.
Thomas O'Barto..... N. Belle Vernon
Police Dept.
Herman J. Bigi, Esquire..... Counsel for
Lisovich Family
Joseph P. Moschetta, Esquire..... Counsel for
Lisovich Family

BY DR. REILLY:

This is the return of the Coroner's Jurors on this afternoon of Wednesday, the 29th of July 1998, for the consideration of their, of the final tragic case for todays review.

This is an Inquest into the death of Connor Lee Lisovich, aged 4 years, of 413 Bluff Street, Belle Vernon, PA 15012. Who came to his death on March 17, 1998 at 4:30 P.M. in Belle Vernon Boro, from injuries he sustained when he was entrapped in a burning house fire at 709 Grant Street, Belle Vernon, PA 15012, on March 17, 1998 at approximately 4:20 P.M..

The medical cause of death assigned was asphyxiation, that's a lack of critical oxygen supply to the brain and other vital organs, asphyxiation due to carbon monoxide poisoning and cyanide gases.

The pronouncement of death was made at the scene on March 17, 1998, at 4:30 P.M. by James M. Eley, Deputy Coroner.

The next of kin notified was Christine Lisovich, mother of the deceased, of the same address.

The investigation was conducted by Trooper

Marshall of the Pennsylvania State Police.

Trooper Marshall? Is he here?

TROOPER MARSHALL: Yes.

DR. REILLY: Yes, do you want to come up here Trooper?

And our Fire Marshal in this case, with the Pennsylvania State Police, with special expertise in analysis of fires and fire deaths, Trooper Large.

Incorporated into this chart, is the dictation of what I was able to learn, the background. In addition, the trip sheet of our Deputy.

A full autopsy report is included. A toxicology report is included in these documents. That reveals a carbon monoxide level of 32% (thirty-two). With a smaller child with a heart rate and higher metabolic rate, we've already said, told you earlier in the day, that certain death at 50% (fifty) or above. 40% (forty) often times death is compromised and in to 30's (thirties). So if there are special conditions, such as a prior illness, lung disease and then the elderly. But the carbon monoxide was 32% (thirty-two), and certainly starts to get sick at

20% (twenty). As you reach 30 (thirty), you become paralyzed, you can't help yourself. And, thereafter death may ensue.

The cyanide level and the source of the cyanide, is usually believed from the burning of various mixtures of plastics in certain paint products. It is believed to be lethal if the level in the blood stream reaches 2.4 to 5.0. The cyanide measurement in the deceased was greater than 5.0.

So, we have 2 (two) nervous system depressants working together, that either one of the them, in the dangerous to lethal levels.

Photos were taken at the scene by Roger Victor.

Subpoenas have been sent, Rose Bernardo. Is Rose here?

ROSE BERNARDO: Yes.

DR. REILLY: Thank you Rose for coming in this tragic review that we have for you.

Mr. Eley?

MR. ELEY: Yes.

DR. REILLY: Thanks for coming, and your help.

Chief James Lawson of the Belle Vernon Boro

Police Department?

CHIEF LAWSON: Yes.

DR. REILLY: Chief Richard Saxberg of the Belle Vernon Volunteer Fire Department?

CHIEF SAXBERG: Yes.

DR. REILLY: Thomas O'Barto, Officer of the North Belle Vernon Police?

OFFICER O'BARTO: Here.

DR. REILLY: And, thank you. The family has been informed. Is there Counsel for the family?

ATTY. BIGI: Dr. Reilly, I'm Herman Bigi, along with Joseph P. Moschetta, representing the family.

DR. REILLY: O.K., thank you for coming to assist the family. If it seems appropriate to you, what we would like to do is march through and hear what each witness is able to contribute, then offer them to the Jurors for questioning, and to expand or illuminate any questions they have. Then offer you, for the family, to ask any appropriate questions of each of those witnesses as we march through. Then, at the conclusion, if there are certain aspects that you think should be, that the Jurors should take into special consideration, we would invite you to do that also.

With that, I would like all of our, our Troopers, Rose, James Eley, Chief Lawson, Chief Saxberg and Thomas O'Barto all to stand and take the oath please.

OATH: You all do solemnly swear by the Almighty God, that the evidence you give in this case is the truth, the whole truth, and nothing but the truth, and so you shall answer to God on the last great day?

ALL ANSWER: I do.

DR. REILLY: And thank you all for helping us review this tragedy. With that, I will move directly first to Trooper Marshall. In any manner you feel comfortable, explain your participation in the investigation to our Jurors.

TROOPER MARSHALL: A little background, I'm Trooper Marshall. I've been a Trooper since January, 1990. I'm a criminal investigator and an alternate Fire Marshal for the Pennsylvania State Police. Sitting next to me is one of the Fire Marshals I had assisting on me with this fire.

These next 5 (five) pictures are gonna show each side of the residence, located on Grant Street. If you look up right here, these first 2 (two), this is the front of the residence, and by

the photographs, you can surmise to which side the residence is on this street. This last photograph here, with the Fireman standing outside this window, this is the window where the young boy was in. As you can tell, this window here and this window here (showing photographs), shows no fire venting out of these windows. This window, you can see the fire venting.

DR. REILLY: Is that side or back? The window you're showing us?

TROOPER MARSHALL: This is the side window, on, I believe, Bluff Street.

Myself and Trooper Large were dispatched via the Fire Department to this residence for a fatality. And, upon arrival of myself and Trooper Large, conducted an external exam of this house, which you are observing now in these photographs, we surmised that window on Bluff Street there, where it shows the fire venting, could have been one of the possible rooms that the fire originated in.

At this point, we conducted several interviews, before even going into the interior, we conducted several interviews of the Chief, the Sergeant here wasn't on scene, he was

transported to the hospital. First initial interviews showed that the Chief of Belle Vernon and the Sergeant attempted to rescue this young boy from the residence. Interviews showed, that they got as far as the kitchen. The heavy smoke and extreme heat had to back them out of the kitchen.

Upon other interviews of neighbors, again it showed the possible fire coming out that side window.

Myself and Trooper Large then conducted an interior check of the residence.

DR. REILLY: May I interrupt a moment?

A. Yes.

Q. Since, you set the stage for, the fire is discovered, and people were alert. Some people came out of the building and said that there was someone else left? Is that how we learned that someone was still inside?

A. Correct. To take it a step further before the photographs, upon doing the interviews of the surrounding personnel outside and fire department, it was known to myself and Trooper Large that Christine Lisovich, her older son Kevin Lisovich, who is 9 (nine) years old, the youngest son

Connor and a Rose Bernardo were in the house at the time of the fire. It also came to our attention that upon Christine being alerted to the fire by Connor, Christine made several attempts to rescue her son within this bedroom. Kevin, the oldest son of 9 (nine), attempted to douse the fire with a couple glasses of water. Rose and both Christina, alerted Kevin to call 911, which he did. At that point, the fire was consuming this bedroom, right where that window is. Kevin and Rose exited the residence, along with Christine. Christine went to the side of that street, which is Bluff Street, and broke the bottom of that window. Due to the fact that when she tried to rescue her son, she noted that her son was right below this window.

Christine and her 2 (two) sons were in this house. It wasn't their residence. It was a neighbors residence where Christine was helping the gentleman clean his house. I believe she did that for employment.

Upon Christine, trying to rescue her son, she observed, and probably has known this house via cleaning it, that her son was below this window. And upon Christine exiting this residence, she

went to this window and broke the window out, tried to call her son to the window.

These next photographs, what the Fire Marshal's do when we go into the interior, we go from the least damaged to the extreme damaged. This photograph here, right here on this wall, is the front door of the residence. You can tell, it has some smoke damage to it. The next photograph is just a wider picture of the dining room, through the living room into the dining room. The third photograph is just the reverse of the dining room. The fourth is coming down the hallway from the dining room, you go past the bathroom, which will go into the kitchen. This kitchen, right here where that you can see the grass, this is where the Sergeant and the Chief attempted to rescue. Unfortunately, as you can tell with the appliances and things on the counter, the intense heat that was coming off of the ceiling.

This next photograph is also the kitchen, and you can also tell how short of the distance of demarcation line is, where the smoke comes down the wall. Once that smoke comes down the wall, that's heated smoke. And actually the heat is burning the paneling. This is one of the rear

bedrooms, this last photograph, which also tells it just sustained heat and smoke damage.

In this first photograph....

Q. In the kitchen, the kitchen picture with all those appliances, that's heat rolling down from the ceiling and just melting everything?

A. Correct.

In those first photographs that you observed, you observed that this is a one-story residence on Bluff Street and had a one car garage with a basement. Myself and Trooper Large checked the basement. There was no fire damage in the basement whatsoever. Only water damage from the Fireman doing the extinguishment of the fire.

The breaker box was checked, and there was approximately 5 (five) breakers that had blown during the fire.

Q. And that's kind of expected?

A. Correct.

Q. You had mentioned the breaking of the window, a key window, it is the window where the little one was lying?

A. Right.

Q. Was that broken by the mom from the outside in to try to get to him, or from the inside?

A. From the outside in.

Q. So she is outside trying to get it, assuming that he might be right there?

A. Correct.

Q. Now, we know that now mom, mom may have some familiarity with the house because of cleaning tasks, but do we know if this is a, that the children are a stranger to the floor plan or where they were? Do we know if it was like the first time they were ever there?

A. You would have to ask the mother

DR. REILLY: So it could be that they, they weren't there before, to play or otherwise. Just that they might not know their way around once smoke starts to accumulate.

You clarified for this, and my initial notes, that the, and it may or may not be accurate, but the initial, early reports that I had, that an off-duty police officer with the North Belle Vernon Police Department, had tried several times to enter the house, named Tom O'Barto, and he was taken from the scene by ambulance and had to be treated for smoke inhalation? Does that sound so?

TROOPER MARSHALL: Right. The Sergeant is here.

Q. So that Tom, and of course the mom and the first responders, is it true, wouldn't have had oxygen supply equipment or thermal outer wear..

A. Correct

Q. I mean, or anyone who tries anything is trying it on their own without equipment? Knowing there is someone inside.

A. Correct.

DR. REILLY: So what they tried to do, has it's own built-in significant hazards. If they can tolerate the heat, and then they have to be able to somehow make it in and out and not breathe any fumes.

TROOPER MARSHALL: Upon the Sergeant and the Chief entering the kitchen, upon them going one step into the door, they are immediately down to their knees. It's that hot and that thick of smoke.

Q. And they don't have the specialized equipment for recovery right?

A. Correct, correct.

It's that extremely hot, that intensive smoke. The smoke is so thick you can't see your hand in front of your face. The heated gas that's coming down towards the floor is just a billion

times over, sucking up all the oxygen that it can, as it heads towards the floor.

Q. So at the minimum, they'd need individualized oxygen support system, correct?

A. Correct.

Q. I mean their own oxygen supply, and they would also need some kind of highly specialized thermal protective gear.

A. Right.

Upon myself and Trooper Large conducting those, those areas that you see there that are not damaged by the fire, we searched those areas. One thing in the Fire Marshal field, we try to eliminate everything that is in the house that could cause the fire. And you can tell in all those rooms right there, there is no fire damage. So we can, we eliminated those rooms. That left us with 2 (two) rooms left. A bedroom with a bunk bed, and another bedroom that had a double size bed.

Upon this time, myself and Trooper Large and the Chief interviewed Christine and discovered that Connor was in a rear bedroom, where the double bed was. At the time of Christine cleaning the house, Christine and Mrs. Bernardo and Connor

were at the residence. O.K., Kevin who was 9 (nine) was in school. At approximately 3 o'clock, Christine and Connor went and picked up Kevin and came back to the residence.

One of the important factors in this fire was on a kitchen table a couple days previous to this fire, one of the individuals who lived in this residence, lit candles with one of those big butane lighters, that you would use for your gas grill. Mrs. Bernardo advised myself that on the day of the fire, she didn't observe that butane lighter on the kitchen table or on the kitchen counters.

Upon Christine picking up her son Kevin and coming back to the residence and finishing up her tasks at the residence, at first Connor was in the living room with Kevin playing video games.

Upon time lapsing, Connor went back into this bedroom and was in the rear on this Bluff Street side with the butane lighter. With Christine being interviewed, she advised these officers that when she first heard Connor calling out, when she first went into the bedroom, there was 2 (two) distinctive fires on the bed.

This is a photograph of that rear bedroom.

As you are looking at it, this is the hallway door, right here. This is the end of the beds. Your heads up here and your feet are coming down. This is the end of the beds. As she appeared in the doorway, there were 2 (two) distinctive fires, here and here (showing photographs). Of course the bed was made, with a comforter, another blanket. Possibly right here on the end of each bed, with the butane lighter, Connor lit the bedding on fire.

Upon examination and removal of the bed, removal of all the debris, on the floor here, we saw that the bottom of this bed was severely burned. The kneeling of the mattress, which means that the intense heat, right occurred here, compresses the springs of the mattress. Right around here too, is there is a rug. The rug was completely burned in both of these areas.

On further interview of Christine, as she appeared at the doorway, in anybody's experience of you seeing fire, a couple seconds, that room is filled with smoke and fire. As she appeared there, after she heard Connor cry for help, she appeared there and the fire was intense, right there at the bed. I believe, when Connor was in

that room, that she was trying to tell Connor to come to her and Connor was saying that he was scared.

This next picture is a stand for a computer stand. The photograph doesn't show it, because we removed it and the chair outside, right here, that was blocking this little, I'll call it a little alley way between the bed and the actual structure, there was a chair. I believe Connor saw the chair and he thought he was trapped and he stayed right there. But, they were right here, there was a chair blocking this little alley way for him to escape.

Q. And the fire is on the bed itself, he can't..

A. The fire is on both ends of the bed with the chair in the middle. The chair in the middle blocking.

JUROR: The little room, the mother couldn't get into him?

TROOPER MARSHALL: Mother couldn't get in, and I believe that Connor saw the chair and thought that he couldn't get out.

JUROR: Is the window right here?

TROOPER MARSHALL: The window's, yes. The window's right here.

This next photograph, this next photograph you can see, you can see right here, these braces, you can see right here the brace, right here where my pen is, is the window. This is the window, and right here is where Connor way laying. Here is the ends of the beds.

JUROR: And the door to get out is where?

TROOPER MARSHALL: The door to get out is this way.

JUROR: That way?

TROOPER MARSHALL: It's that way. The window is right here, and the door is approximately 5 (five) feet from the end of this bed.

JUROR: This is the window that was broke to try to get him out of.

TROOPER MARSHALL: This is the window that was broke by Christine.

These next 2 (two) photographs are just the camera angle going around the room. Like I said earlier, one of the things the Fire Marshals try to do is eliminate all causes that could cause the fire. These next photographs show the electrical outlets in the room. And, as you can tell, they're burnt, but if the fire started from one of these outlets, there would be a different pattern

on the wood. So once we eliminated all of these, we continued with the investigation.

DR. REILLY: Do either of you recall if the way the window was set in the wall that this 4 (four) year old or any other 4 (four) year old could climb out that window, or is that a little high? You know, would you need to know to have a step stool or chair to get out? If you were conscious?

TROOPER LARGE: It was a double-hung window, I don't know if Connor could get it up or not.

DR. REILLY: I'm wondering about the height? You know, he's just a little 4 (four) year old, could he even get out if he tried?

TROOPER LARGE: I don't think.

DR. REILLY: O.K. So that just to, if he's still alert and conscious, he would have a difficult time getting out the window, whether it was broken from the inside or the outside.

JUROR: And petrified. A 4 (four) year old would be terrified.

DR. REILLY: And terrified.

TROOPER MARSHALL: This last photograph that I am going to show you, is the rear, rear bedroom again. You can see this chair was left prior to

us removing it to the outside, you can see how big the chair is. Wooden chair for the computer. If you look over here, on the right side of this thing, you'll see this demarcation. It is actual frame work from one room to the other. Right in this area where you see that it is clean, right here, is where Trooper Large recovered the butane lighter. And I'll just walk this around, or I'll just leave it right here. If you please, try to not handle this. This is the butane lighter that was recovered in that room.

DR. REILLY: Any possibility of obtaining an exact duplicate of that butane lighter? It's not something ancient that's off the market or anything?

TROOPER MARSHALL: Yes.

DR. REILLY: The next question is, if you can, do they have any child-proof device on them?

TROOPER MARSHALL: My investigation, as I have went store-to-store, there a dozens of companies that make those lighters. Some with safety devices as a trigger, some with safety devices as a button.

DR. REILLY: Alright.

TROOPER MARSHALL: They vary.

DR. REILLY: But are you saying that all have a safety device or some have nothing?

TROOPER MARSHALL: Some have nothing, some have safety devices that vary from a trigger to a button to a lock.

DR. REILLY: Because, you know, the Coroner's Jurors can make a recommendation, that if this is one that has a nothing, there are reports that we can file with the Federal Safety, for unsafe products. It would be far easier to put a safety device on them, than to ask everyone who buys one, to buy a \$500 safe and lock it in the safe at night before they go to bed, and take it out of the safe every day when they're going to use it.

It would be a little bit simpler, I would think, to put a, if other companies have found a way to put a safety catch or gadget.

I would might impose on you, as a follow-up, if you can get to us a duplicate of one, and we can photograph it and send it on with the report. I don't think, I don't think the Jurors would object to pursuing that avenue. Unless, it's not obtainable or off the market or could never find one like it. But, it takes on added importance if other companies have thought to put safety devices

on it.

What does it take to make this one work? What do you have to do? One squeeze, double squeeze or a hard squeeze?

TROOPER MARSHALL: That one was just a squeeze of the button.

JUROR: With no safety?

TROOPER MARSHALL: That I can't attest to.

DR. REILLY: That's why we're going to try to get a duplicate. That's why we'll try to get an exact duplicate. You may have to, to be sure we have an exact duplicate, we'll have to maybe get the help of the person who originally, the original owner who or purchaser of it.

TROOPER LARGE: Correct.

DR. REILLY: If we can get that duplicate.

TROOPER MARSHALL: Send that item away to a certified lab and have them take it apart.

DR. REILLY: Along with it's match. And, if that's so, then in which we ought, at a minimum, generate an alert, because if there are alot of those out there, there are certainly alot of little children out there.

I didn't mean to interrupt your presentation, but since you presented that.

TROOPER MARSHALL: No problem at all.

In all investigations dealing with fatalities, the Fire Marshal Division, once we were called to the scene and went into the room where Connor was, we removed debris from above Connor's body and below Connor's body, and sent that debris to the Greensburg Regional Lab to have tested. Also, some articles of clothing that he was wearing were also sent to the lab. One of the reasons that we do that is, to cover all the bases. Not, of course not every fire is accidental, some are homicide. So we sent those articles of debris to the Lab for analysis for accelerants. And the lab came back with, there was no accelerants in or around his body or anywhere in that house that would cause this fire.

DR. REILLY: And that is an extremely important step. They have to be, because it can't be checked at a much later date. You can't come back to those articles of clothing and all that are retrieved and that would be immensely important if there were something spilled on him in the way of kerosene, gasoline, lighter fluid, whatever.

JUROR: It didn't burn hot enough that it

burnt that residue away, did it?

DR. REILLY: Well, Trooper Marshall will explain, I think that they have, the technique is there to take whatever they have and test it for the presence of whatever residue. That would have to be fresh kerosene they find or something like that.

TROOPER MARSHALL: No, because, if you have a chair or table, say this is a chair or table, o.k., and this is the rug. And you pour an accelerant on this rug and just like electricity, water goes where the easiest, it will flow. And once it flows into the rug, and you start this room on fire and this falls, everything under this is going to be protected. The fire is not gonna burn this because it's protected by the object. In the same case here, as Connor lay on the floor, everything under him was protected by his body. So, once Connor was removed from the scene, this area we're showing to be protected, upon protection, there was no odors of nothing. And then the lab confirmed that. No odors, no accelerants.

JUROR: In other words, then it didn't get hot enough to really consume everything?

DR. REILLY: Yeah, it didn't consume everything. He didn't just send ashes, he sent some protected portions. Then you say, why are you looking at that? And the answer is, they have a solemn duty to imagine the worst possible scenario and work back from that. So it's not that they're, that cold hearted approach is the same duty that the Coroner's Office has.

O.K., additional questions of Trooper Marshall, who is Associate Fire Marshal?

Then, Trooper Large, is there anything that you can add?

TROOPER LARGE: No.

DR. REILLY: You participated and confirmed all of this?

TROOPER LARGE: Right.

DR. REILLY: And you think that it's reasonable to pursue this device to whatever end we can come up with, if the Jurors so endorse that as a legitimate project?

TROOPER LARGE: Yes.

DR. REILLY: Any other questions of the Jurors of our Investigating Officers?

Counsel, do you have specific questions that, having heard the presentation up to this point,

that you want him to expand on?

ATTY BIGI: Yes. Trooper Marshall, how close to Connor was that lighter? It was a Scripto Aim-N-Flame Lighter, Manufactured by Scripto and purchased at WalMart and relative to that investigation? So that's, it was that lighter.

A. How far?

Q. How close was that lighter to Connor's body when you found the lighter?

A. Rough estimate, from here to the wall.

Q. And what would that be by way of feet?

A. 8 (eight) to 10 (ten) feet.

Q. And you have ruled out any other causes but this lighter that you have for us?

A. Correct.

ATTY. MOSCHETTA: I have a question. So the point of origin of the fire is the butane lighter?

A. That was the cause. The point of origin is the bottom of the beds.

Q. The cause of the fire was the butane lighter, the point of origin of the fire were the 2 (two) places on the bed, correct?

A. Yes.

Q. On one of those butane lighters that squirted out, would it squirt out in maybe 1 (one) or 2

(two) places on the bed?

A. You know when you pull the trigger, it probably comes out about that high. And with the bedding, I mean it's just like a big match there. I mean, I can only do any type, I can only do assumptions right now. That's all I can, you know, guess with what Connor was doing. He was kneeling down by the bed and he's playing with that lighter, and he lights it here, and he's still got to light it here, and he is actually going to trap himself in.

Q. And when that happened he threw it?

A. He threw or maybe he dropped it. If he drops it and goes over by the window, because he thinks he might be getting out of the window. As the firemen come in, this room is fully engulfed. And we have how many PSI coming out of a hose?

TROOPER LARGE: In other words, could have been hit with hose line too.

TROOPER MARSHALL: Or could have been hit with the hose line as their pulling their hose, hoses around or could have been hit by the pull or one of the streams of water.

One thing that must be pointed out, that second room where the bunk beds were, o.k.. As

Christine goes through the doorway where Connor was, that room is filling up with smoke and fire. As the fire is rolling up over the ceiling, it's coming down through that little hallway now, it's filling up this room now where the bunk beds were. O.k., filling up that room now with heated smoke and vapors. O.k.? The fire is looking for oxygen, as much as it can get. When Christine goes out and breaks that window, it flashes over. That bunk bed room flashed over, and those, the photographs show, everything in that room was evenly burnt. So everything in that room was heated to the point where it caught fire like that (clicking fingers).

Q. When she broke the window, that brought the oxygen in?

A. Oxygen, brought just more oxygen in. I mean Christine didn't know that, she was trying to save her son, but, that's what it did.

Q. Where did her son wind up at?

A. Right where that window was.

Q. By the window?

A. Yes.

Q. So apparently, he was trying to get away?

A. Yes.

DR. REILLY: For clarification counsel, you mentioned like a stream, this doesn't shoot a stream of fuel off? There is apparently a sparker right at the end, and then ignites, it shoots a blade of flame out, but doesn't shoot a stream of raw fuels, that then ignites where it hits. Like if you were to take a cigarette, a can of cigarette lighter fuel, squirt it, we did silly things when we were little, but anyhow, you squirt that stream out and that's not a stream of fuel. There is a torch-like flame on the end of that.

The question I would like answered, do we know if a, this one or almost all of them, with the release of pressure, then it's an instant shut-off or will it stay lit?

TROOPER LARGE: As far as I know, yes.

DR. REILLY: We think that most of those, they at least do that. When you let go, you don't have a continual 2 (two), 3 (three) or 4 (four) inch flame. And, I wouldn't, it would be interesting to see too, if that is adjustable. That you can make the length of your flame out to a point where you could, you know, melt paint off metal. But, I would suspect, and we'll have to look into that. Does it have an adjustable flame.

You know like cigarette lighters have, adjustable flames. That would be a concern too.

JUROR: Since they know what kind it is, was there a safety device on this at all?

DR. REILLY: Counsel tracked down, so far what we believe, is a duplicate, and it's a Scripto brand. On the record we'll need to show that.

JUROR: Is there some kind of safety device on this or not?

ATTY. BIGI: There is an "OFF and ON" switch, but you can pull the flame on with it when it's on "OFF". But there is no child resistant lock on that lighter. I can enlarge, do you want me to enlarge a copy of all of this and send it to you and get the valuable information that Mr. Moschetta and I have discovered through investigation?

DR. REILLY: Yes, certainly. Any other questions of our officers?

Is your schedule so tight, can you stay a while, while we march through some of our other witnesses?

TROOPER MARSHALL: Yes.

TROOPER LARGE: Yeah.

DR. REILLY: O.K. if you can.

Rose Bernardo who is present. Rose can you come up to the table?

MRS. BERNARDO: Yes.

DR. REILLY: Tell us, having heard the recounting and, can you tell us what your view and what you can recall of the tragedy?

MRS. BERNARDO: Well, it's pretty much the same. I got to the house, Christine and Connor were at the house when I got there. The house that burned, belonged to my brother.

DR. REILLY: Alright.

MRS. BERNARDO: I took care of his bills and his checking account. When I got there about a quarter of one, Christine and Connor were already there. In fact, I had my key ready to let myself in, and I saw her car and I just thought to myself, "Oh, Chris is here". I didn't know she was going to be there that day. So, I just went in, and I took, I checked by brother-in-laws mail and I, I bought him a roll of stamps the day before. And I took, put that away, and there was a little t.v. in the kitchen. So, while I was looking through his mail, I got myself a cup of coffee and I sat there for a while.

And Chris and Connor, she was going about what she was doing and Connor was there. And, they left. Chris left with Connor about ten till three, five till three, some where around there, to go pick up Kevin, the older boy, at school.

They got back about, it was about 25 (twenty-five) after, 20 (twenty) - 25 (twenty-five) after 3 (three). And we sat there, and I was setting there gabbing with her, and she was sitting across the table from me writing a note to the lady that she was doing, that lived there. Roger's daughter. And, I'm watching the t.v. and she's writing her note, because she was going to have to leave, and to let her know she was coming back the next day to finish.

And we heard, the, a first yell. And it sounded, the t.v. was on in the kitchen, and it sounded muffled. And Chris said something to the effect, "Oh geez, they're at it again". She thought the boys were fighting. So then, then we heard a second scream. And she ran to the door, she ran toward the bedroom where, because we could tell that's where it was coming from, and she came running back out all panicky. She said that the, I don't remember now whether she said, "the bed's

on fire" or "the bedroom's on fire". So, just that little bit of time that she ran out, and I ran back in and followed her to the bedroom doorway, the whole room by then was engulfed in flames.

DR. REILLY: In seconds, almost?

A. Just that quickly. The whole room was engulfed. So she said, "What do I do? what do I do?", and that's when I did, just like Trooper Marshall said, I said "We have to dial 911". Her, her older boy dialed 911, and they asked what the address was, and the poor little kid didn't know the address. So, Chris got on the phone and gave the address. And then it, it dawned on me that my car was in the driveway. Which was not right directly below the room that was on fire, but it was right next to it. And I thought "Oh my goodness, I have to get my car out of here". Because, I knew the fire companies, both Belle Vernon Fire Companies were a very short distance away, and I knew they'd be there very shortly.

Q. And that turned out to be so? They were?

A. Oh yeah. They were there very quickly. So I grabbed, the first time I went to the doorway, the whole room was in flames, and I didn't see the

little boy. She kept saying "there he is". I didn't see him. I think he was already down, because I heard no more after that.

Well, when I ran back in the second time, the room was, it was all black smoke. The second time. My, and my coat happened to be hanging on the, the post of the bunk beds that Trooper Marshall was talking about. So I grabbed my coat and my purse, which was on the kitchen table, and I gotta get my car out of here, it will be in the way of the fire companies and the firemen.

So, I backed my car out. As I was backing my car out, is when Chris broke the window. I heard the glass breaking. At that time, I just went right up around the alley and came down, parked my car up the street, and that only took a matter of maybe 3 (three), not even, maybe 3 (three), 4 (four) minutes. By the time I jumped out of my car and went running down the street, the flames and black smoke were billowing out the, the kitchen door. Just that quick.

Q. The kitchen door, right?

A. Yeah. That's how fast.

Q. And there was good response time on the part of the fire companies?

A. Oh yeah. They were there. By the time I drove around the block, got out of my car, started to walk down, I could hear the fire trucks coming.

DR. REILLY: Questions of this witness who was there?

JUROR: Before you moved your car and everything out, wouldn't finding the little boy be more important than that?

A. There was no way. The whole room was engulfed in flames.

DR. REILLY: You couldn't go in, right?

Q. We couldn't go in. Oh heavens no. The whole room was burning. The whole room was on fire. The whole room was burning.

JUROR: How much time, you think, elapsed from the time that you first heard that first scream..

A. Whenever we heard the second one?

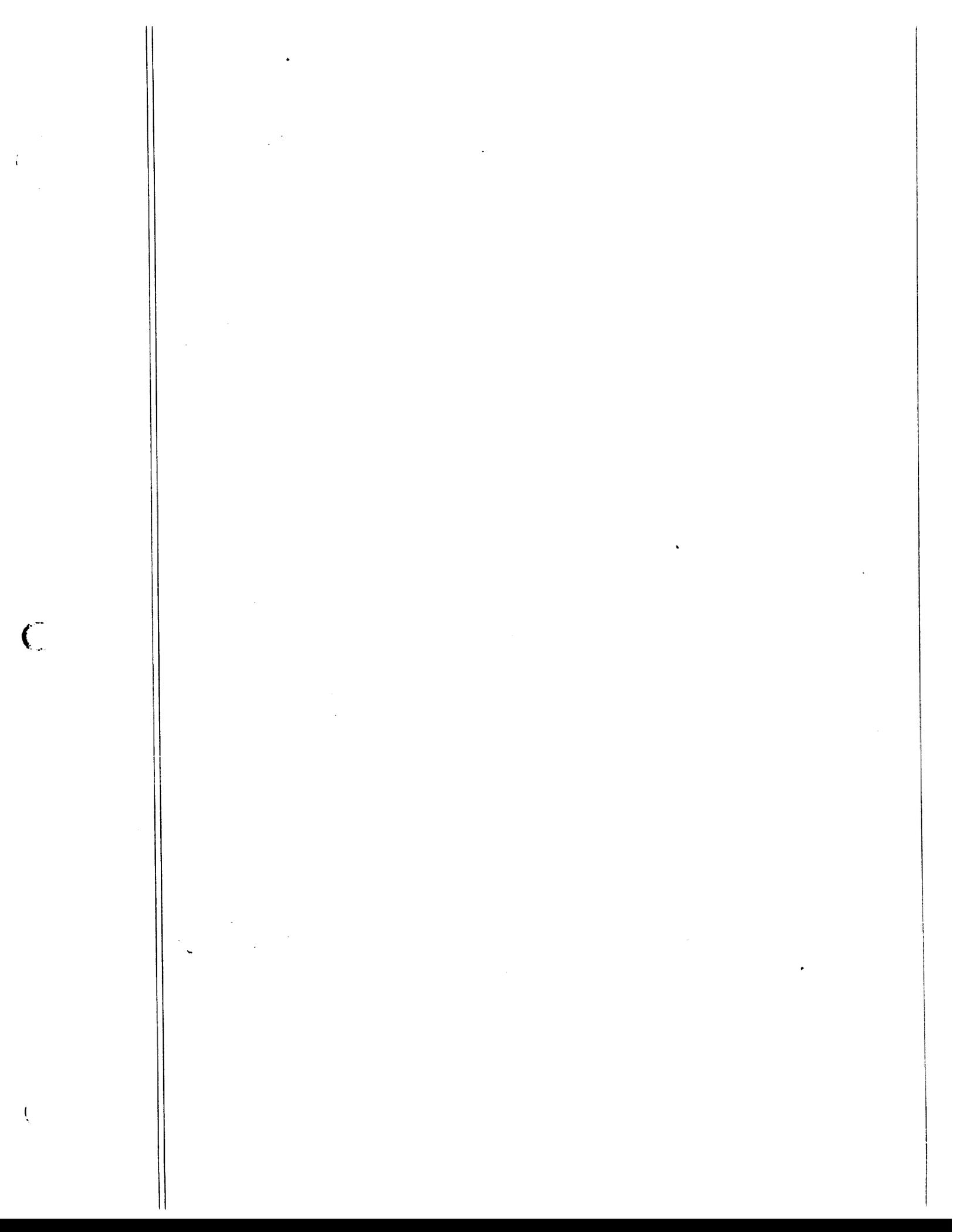
JUROR: No, no, no. Nope.

JUROR: Till she went down the hall to see the room?

DR. REILLY: Well, let him, let him frame the question that he wants.

JUROR: O.K. You heard that first scream.

MRS. BERNARDO: Yeah.



Q. And I have children and I know, you know sometimes, you know I'll say, "boy, you know" whatever, and I'll kind of ignore it. How much time elapsed between that first scream and then the next time you heard that muffled scream?

A. Well, I can't say. I mean, maybe...

Q. Because, I know a fire can spread in an instance. Literally seconds, to get out of control.

A. Maybe, oh God, I don't know. It seemed like a very, it's not a very long time.

Q. A minute?

A. Maybe a minute.

JUROR: O.k.. Alright.

DR. REILLY: It just gives him an idea. Any other questions of the Jurors? Counsel?

ATTY. BIGI: Yes. Mrs. Bernardo, had you been in that room before?

A. Oh yes.

Q. When Chris was there with the children?

A. Yeah. Maybe, maybe 1 (one) or 2 (two) times. You know, I never counted.

Q. Did you ever, did you ever see laying around, it looks like a gun, it's red?

A. Oh yeah.

Q. You saw that?

A. Yeah, it was on the table the day before. I did see it the day before.

Q. Can you describe to the Coroner and Jury what that instrument looked like?

A. It was so, maybe about that long. And I, I think, I'm not real sure, I think it was a red handle. I'm not real sure.

Q. Now, do you know who owned that house?

A. My brother-in-law owned the house. His name is Roger Bridges.

Q. O.K. Who lived there with Roger Bridges?

A. His daughter, and son-in-law and their 2 (two) children.

Q. He owns the house?

A. Yeah.

Q. And what are their names, Bombara?

A. Yeah.

Q. And they rented from him, is that it?

A. They were living with him.

Q. Did any of those 3 (three) tell you that they had purchased that, when they had purchased it, and where they had purchased it?

A. I don't, I, I heard..

Q. What did you hear?

A. I heard, I had seen it before. It was on the kitchen table the day before. On Monday, which was the 16th. I'm pretty sure she said she bought it up at WalMart.

Q. This happened on the 17th of March?

A. Yes it did. It happened on St. Patrick's Day.

Q. About what time did you first see this fire?

A. Did I see the fire?

Q. What did, what time did this fire start? Do you have any idea?

A. It wasn't until they got back about 3:30. I don't know if it was..

ATTY. BIGI: Speak up and tell it to the Jury.

A. I don't know if it was close to 4 (four) o'clock or somewhere around there.

DR. REILLY: Sometime after school left out and they came back?

A. They came back. They got back to the house about, oh it might have been about 20 (twenty) after 3 (three).

DR. REILLY: So, between 3:20 and 4:00?

A. Yeah, yes. See I wasn't paying real close attention to them, because I had the t.v. on and I was watching my soap opera. The t.v. didn't, and

this is when this all took place.

JUROR: What did these people use it for?
What did they use it for in the house?

A. She was using it for lighting candles, I
guess.

JUROR: I know we always had a trailer, and I
used to have one in the trailer. And, I would
light it, just like a little stove, you know.
Just to light a type of oven or a stove in a
trailer. I don't know what you'd use it in a
house for. I never had one in my house.

JUROR: How old were the children that lived
there? Are they grown children?

A. Ah, I think the older boy, the children living
there, I think the one was, is 11 (eleven), and
the other one would be 8 (eight).

DR. REILLY: 11 (eleven) and 8 (eight)?

JUROR: 11 (eleven) and 8 (eight), and they
lived there.

MRS. BERNARDO: I think that's their ages.

DR. REILLY: That's their permanent
residence. Regular residence, and they're 11
(eleven) and 8 (eight)?

A. Yeah.

JUROR: Well type of a thing you don't leave

around children.

MRS. BERNARDO: Oh, I know that.

JUROR: I mean, you never should leave that around children.

MRS. BERNARDO: I understand that. I don't smoke, and I don't have any kind of lighters or anything in my house.

JUROR: Where was the older boy?

MRS. BERNARDO: What's that?

Q. The older boy, that she picked up at school?

A. The older boy, Connor's brother? How old was he?

Q. No, where was he?

A. When the fire started?

Q. Yes.

A. He was in the living room. He was in the front of the house.

DR. REILLY: He was the one sent to call 911?

A. He came running out when he heard his mother yelling, you know. She was really screaming.

Well he came running down, and when Chris said,

"what do I do? What do I do?", I said "we have to dial 911". The little boy grabbed the phone which was on the wall, right as you're starting down the hallway to the living room, and he dialed 911.

When the asked what the address was, the little boy didn't, he didn't know the address. So, he handed Chris, he handed the phone to his mother, and she gave them the address.

ATTY. BIGI: When the mother first went down the hall, you know when the child first hollered,...

MRS. BERNARDO: I mean, she had to run through the bedroom that had the bunk beds, and then, you had to go through there to get to the bedroom where little Connor was.

ATTY. BIGI: There was no way she could grab the child right then?

A. I don't know. I wasn't there. I mean, when she came running back out, when she initially ran to the bedroom and ran back out and yelled, that. I can't remember if she said "the bed's on fire" or "the bedroom's on fire". Well, in that short amount of time, when I jumped up and ran to the doorway, the whole, the whole bedroom was engulfed in flames. The whole bedroom.

JUROR: How long do you think it took you, from the time she was in that bedroom, she came back to get you, and you went back in? How, what amount of time? Just a few seconds?

A. There was maybe 10 (ten), 15 (fifteen) seconds.

JUROR: O.K.

MRS. BERNARDO: I mean, with that room it was so, everything was so close, it was just like, just as I heard him describing the bedroom, it was the bed, there was a chair, and then the desk that the computer was on. And everything was just so close, that it just went from one thing, I'm sure. Because, in that short amount of time, which couldn't have been very long, the whole room was engulfed in flames.

JUROR: Kevin was never in there that he could have helped do this?

A. He, I didn't, I, when she came in from school, when she brought them back. When she back, I saw the older boy run around. I was sitting at the kitchen table closest to the kitchen door. He came running around, he literally, he was running, he came running in, he said "Hi Rosie", he came running around me, ran down the hall to the living room. He probably had fully intended to go down there and start, he was friends with the little boy that lived there. And he started to, I guess he was down there doing that.

DR. REILLY: Any other questions of this witness? We want to thank you.

James M. Eley, Jr., Deputy Coroner? Can you add, from your perspective of what you were able to?

MR. ELEY: As Trooper Marshall testified, I was notified that the body was recovered. I was on scene with the Mutual Aide Assistant of another fire department at the time of the fire, I was already there. And, once the firemen did come out and say that they did discover the body, I went in and secured the scene for the Coroner's Office, and notified the 911 center that we would need the Fire Marshal and also need the Field Investigator from the Coroner's Office. And, at that time, everybody, except 2 (two) firemen exited the room to keep the scene secured until the proper agencies did arrive.

DR. REILLY: So you kept that secure until our Fire Marshal's came and Roger came?

A. Yes.

DR. REILLY: O.K.. Any questions of the Deputy Coroner? And what they did described to you, adhere to as an accurate representation of that scene?

A. Yes.

Q. And the setting?

A. Yes.

Q. In your opinion, did you notice that window?
Could a 4 (four) year old, could if he was still
alert and conscious, could a 4 (four) year old get
out that window on his own?

A. I, I couldn't tell you.

Q. It's hard, just a wild guess?

A. I don't know.

DR. REILLY: I was just wondering whether it
was a high window, low window or whether he had,
if there was a chance to get out on his own. Too
hard to say?

A. Yeah.

DR. REILLY: Questions of our Jurors of our
Deputy Coroner? Counsel any questions?

ATTY. BIGI: No.

DR. REILLY: O.K., thanks Mr. Eley for
helping us.

Chief James Lawson of the Belle Vernon Boro
Police Department. Have a seat. Thank you for
coming Chief. Having heard this recounting of
this tragedy, can you add, from your perspective,
what you are able to recall?

CHIEF LAWSON: What I recall is, receiving a dispatch from Fayette County 911. At approximately 1545. We have 3 (three) streets in Belle Vernon, Grand...

Q. Which would be 3:45, that's 1545 military time, 3:45 P.M., and that is your call came. So, 911 would have had to have that, their call from the residence within a minute or two or something like that?

A. Yes, exactly.

DR. REILLY: Alright. Proceed.

CHIEF LAWSON: So, we have 3 (three) streets in Belle Vernon, Grant, Grand or Graham. So, you know, there is always a confusion, which street. Grant, Grand or Graham. So, it came in as Grand Street. 709 Grand. Of course, we don't have a 709 Grand. So I asked them again, and they Grand Street again. So, at that time, I activated my lights and siren and moved to the fire station to get a correct address. They didn't know either. They heard Grand Street too. So, I got on the phone and I called Fayette County by phone. They said Grant Street. So.

Q. So, now it's changed to Grant? It's changed to

the correct one?

A. Right. The correct street. So, I in turn immediately went to that address. As I crossed Spears Street off of Grant Street, I could see the smoke from the residence. And I thought, "Geez, this isn't Grant Street". It was coming like from the side. So as I got down to Grant Street, I was met by a female there by the name of Karen O'Neil. She informed me that there was someone still in the residence.

So, I made a right onto Bluff Street, I was met by Miss Lisovich. She was running out in the street with a phone in her hand. So. I parked the car and she ran up to me, and she grabbed onto my shirt, and she said, "my baby's still in there Jim". She told me to please hurry.

I got to the door. Well, when I arrived on the scene, and I did turn onto Bluff Street, and to my immediate left, I could see flame, there was flames shooting 3 (three) to 4 (four) feet, coming out of the window. It was just a big red-orange flame coming out of the window. So, after I did, did park the car, Miss Lisovich came to me. I did go to the door of the house, to the rear of the house. There was a black and brown smoke just

billowing out her door. And so, I took a deep breath, and I tried to enter. I went in as far as I could, and I had to, I had to exit.

Q. Heat?

A. Yes. Heat and smoke.

So, I took another deep breath and I tried it again. I couldn't make it. The second time I departed the house, I ran over to the side again to ask Miss Lisovich, I said, "where is he, where is he at"? And she pointed to the house right, you know, to the bedroom window. She said, "right there where the fire is". I thought, "Oh boy". So, I went back I was going to take a deep breath and try it again, when I heard somebody to my right call me. They said, "Jim wait". I looked to my right, and it was Sergeant. O'Barto.

Q. Tom O'Barto?

A. Right. From the North Belle Vernon Police Department. He was hopping the fence, he got to me and threw his keys down and he tried. He said, "I'm going to try it". He tried and he came back out. The second time he back out, he said, "I'm going to try it, I'm going to try to crawl on my stomach". He said, "Grab hold of my ankles in case I can't make it, and pull me out". So we

went in, it was, I mean it was totally black. We couldn't see anything. I was holding on to his ankles, and I heard him say, "I have something Jimmy, pull me out". So he started squirming backwards, I grabbed his ankles and pulled him out. Once I hit the fresh air, I couldn't see, I was totally blind. I couldn't see. And, I rubbed my eyes and I looked, and he threw something on the ground and I heard a thud. I looked down and it was a dog. So.

Q. And he was overcome wasn't he?

A. Yeah. He was overcome by that point. He wanted to make another attempt, but by that time, the fire department and the firemen had arrived.

Q. And, in your opinion, the response time of the fire team was appropriate?

A. Right, they were right there. After we tried the second attempt, they were there already.

Q. But, something that we don't know about is, you have a language problem with the name calling, caller right?

A. Right. We have 3 (three) streets with "Gr"..

Q. Is 911 going to work on that for you?

A. I believe.

Q. They probably, I mean they're being so good as

to get every side road in the county labeled, so we'll know, the rescue team knows where to go, correct?

A. Right. Even though with that language, it was only just a couple of minutes, you know.

DR. REILLY: Well yes. It may not have changed this case, but you don't want, wouldn't want to run into a similar situation riding around on your 3 (three) streets until you figure out which one they really meant. Even if it meant, 911 probably has the authority to make those changes to help you out in that respect.

CHIEF LAWSON: Yes.

DR. REILLY: Questions of this witness by the Jurors? Counsel?

ATTY. BIGI: No.

DR. REILLY: Thank you for arranging to help us out.

Chief Richard Saxberg of the Belle Vernon Fire Department? Please have a seat. Having been here through the recounting of the tragedy, can you add, through your perspective as a volunteer fire department, your participation in the rescue and fire fighting, etc..

CHIEF SAXBERG: I arrived on the scene at

approximately 8 (eight) minutes after the fire. I left work, it started when I was at work. I assumed command of the fire. When I got there, they told me they tried numerous attempts to get in to find the child. I instructed a group of 5 (five) members to go in through the front door again to try it. And again, they had a group of people come in through the kitchen door. At that time is when they found the body and contacted the Fire Marshal.

Q. You arrived within 8 (eight) minutes, do we know that the 911 call went to the police at approximately 3:45, correct?

A. Correct.

Q. We know that. So, you get a call and you're there by 4:00, within minutes?

A. We were there within minutes. I was, when the call, when the call was initially dispatched to the fire department, I had left work and that took me 8 (eight) minutes to get there.

Q. O.k., so you're there within 8 (eight) minutes. Were there attempts of rescue first before attempt at dousing the fire with water equipment and all?

A. Yes, yes. There were attempts to go in and