

2021-2022 Competition Case



PRESENTS THE

North Carolina

Advocates for Justice

High School Mock Trial Competition



2021 – 2022
North Carolina Advocates for Justice
High School Mock Trial Competition

State of Utopia

v.

Donna O’Grady

The North Carolina Mock Trial Program gratefully thanks NCMTTP Case Committee members Brad Bannon, Ashle Page, and Michael Whyte for generously sharing their time to review and edit this original case co-written by NCMTTP Executive Director Liz Avery-Jones and NCMTTP President Rebecca Britton. All names used in this mock trial case are fictitious. Any similarity to an actual event or person is strictly coincidental.

State of Utopia
v.
Donna O’Grady

AVAILABLE WITNESSES

Prosecution

Dr. Morgan Mansur
Tracy O’Grady
Scout Sullivan

Defense

Dr. Ariel Sante
Cameron Kravits
Charlie Turner

CASE DOCUMENTS

1. Stipulations
2. Indictment
3. Jury Instructions
4. Utopia Penal Code
5. Applicable Case Law
6. Affidavits and Exhibits

AFFIDAVITS

Prosecution

1. Dr. Morgan Mansur, victim’s cardiologist
2. Tracy O’Grady, victim’s youngest child
3. Scout Sullivan, SBI agent

Defense

4. Dr. Ariel Sante, victim’s psychiatrist
5. Cameron Kravits, victim’s neighbor
6. Charlie Turner, Defendant’s co-worker

EXHIBITS

1. April 9, 2021 | Autopsy Report for Decedent Dan O’Grady
2. April 2, 2021 | AutoWorld receipt
3. Death threat found at O’Grady home
4. Dr. Morgan Mansur’s Curriculum Vitae
5. May 29, 2021 SBI report summary | Submitted by Scout Sullivan
6. Police Report | January 2021 | Assault at O’Grady home
7. Psychiatric talk therapy notes | from the office of Dr. Ariel Sante
8. Photo of Decedent’s Prozac medication with mailing label affixed to it

Brief Case Summary

Donna O'Grady and her two siblings grew up poor near Townsville in rural James County, Utopia. Their father, an abusive alcoholic and unfaithful husband, abandoned the family when Donna was fifteen. He moved out of state and was never heard of again. Life as a single parent, witnessed by her children, was extremely hard on Donna's mother.

Donna, who has worked for 30 years at the Penney's Department store, married young and had three children. Today, she is 60 years old and stands accused of poisoning and killing her spouse Dan O'Grady, 65, with ethylene-glycol-based antifreeze.

While Dan suffered from a heart condition and mild depression throughout his adult life, he was otherwise in good health before falling ill at home on April 7, 2021. He died a day later at the Wellness Memorial Hospital in Townsville.

Investigators found a threatening note on a bedside table in the couple's bedroom, addressed to Dan O'Grady, citing a poker reference. The O'Grady's neighbor Jim Plonger was previously arrested for an assault outside the O'Grady home in January 2021 over a dispute about a poker game. Jim went on a vacation to Cozumel, Mexico, the day that Dan was rushed to the hospital and never returned from a diving excursion there; he is presumed dead.

The witnesses for the prosecution include Dr. Morgan Mansur, a Wellness Memorial Hospital cardiologist who treated and ordered toxicology screen testing for Dan O'Grady; Tracy O'Grady, Donna's youngest child, now estranged; and Scout Sullivan, an SBI field agent. The witnesses for the defense include Dr. Ariel Sante, a psychiatrist who has treated Dan for depression for years; Cameron Kravits, a neighbor who lives across the street from the O'Grady home and witnessed the January 2021 altercation between Jim Plonger and Dan O'Grady, and Charlie Turner, Donna's long-time co-worker at Penney's.

Exhibits include Dan O'Grady's autopsy report produced on April 9, 2021, a receipt for AutoWorld's Antifreeze, purchased with cash at AutoWorld on April 2, 2021; a death threat note found in the O'Grady home; a CV for Dr. Morgan Mansur; the May 29, 2021 SBI investigative report summary written by agent Scout Sullivan; a police report detailing the January 2021 assault; Dr. Ariel Sante's talk therapy notes; and a photo of Dan O'Grady's Prozac medicine bottle and mailing label.

Stipulations

1. All exhibits included in the case materials are authentic and accurate. No objections to the authenticity of exhibits will be honored. All exhibits, if offered with sufficient foundation, shall be admitted.

2. The parties stipulate that Dan O'Grady's Prozac bottle (mailed to decedent on March 4) was tainted with trace amounts of ethylene glycol. The parties further stipulate that Donna O'Grady's fingerprints were recovered from the outside packaging of the Prozac bottle mailed to the O'Grady home on March 4, and that both Donna O'Grady's and Dan O'Grady's fingerprints were recovered from the Prozac bottle. SBI Agent Scout Sullivan may testify about these lab results without the need for additional testimony or authentication.

3. All signatures on witness affidavits and other documents are authentic. If asked, a witness must acknowledge signing the document(s) and must attest to the content of the documents(s) and the date(s) indicated therein. The witness affidavits are deemed to be given under oath or affirmation.

4. For the purposes of this case, ethylene glycol has no flavor and is widely known to be fatal if consumed.

5. To prove first degree murder by means of poison in the state of Utopia, the prosecution does not have to prove that the defendant intended to kill the victim – only that the defendant intentionally administered the poison.

6. The defendant has decided not to testify at the trial.

7. The defendant's character and the victim's character have been placed at issue in this trial. Therefore, evidence that is otherwise admissible shall not be excluded based solely on the objection that character has not been raised and placed at issue in the trial.

8. Efforts have been made by various law enforcement agencies in Mexico and the United States to locate Mr. Jim Plonger, neighbor to decedent Dan O'Grady and defendant Donna O'Grady; Mr. Jim Plonger has been deemed 'missing and unavailable' by those agencies.

9. A pre-trial hearing was held. At that hearing, the Prosecution objected to the use of Dr. Sante's testimony pursuant to Rule 501 of Federal Rules of Evidence. The Defense argued for the admissibility of Dr. Sante's testimony pursuant to Utopia Statute 8-53.3. After hearing from both sides, the Court ruled that Dr. Sante's testimony, which includes communications between a psychiatrist and patient, is necessary to a proper administration of justice and shall be admitted.

State of Utopia

Circuit Court

**CRIMINAL ACTION
DOCKET NO. CR-08-2021**

JAMES COUNTY

STATE OF UTOPIA

V.

DONNA O'GRADY

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**INDICTMENT FOR VIOLATION
OF U.P.C. Sec 206.12
FIRST DEGREE MURDER
BY MEANS OF POISON**

THE GRAND JURY DOES HEREBY CHARGE:

The jurors for the State upon their oath present that, on or about April 2, 2021, to on or about April 7, 2021, in the county named above, the defendant named above intentionally did cause a poisonous substance to enter Dan O'Grady's body which killed him in violation of U.P.C. Sec. 206.12.

A TRUE BILL OF INDICTMENT

Samantha Smith

Foreperson of the Grand Jury, James County, Utopia

June 15, 2021

Date

Jury Instructions

At the conclusion of a jury trial, the judge instructs the jury how to apply the law to the evidence. Hypothetically, if the judge in your mock trial case were to provide instructions to the jury, they would look something like the following.

[Please note: These instructions may NOT be tendered to the mock trial jury or used as an exhibit during the competition, but students should use these concepts and definitions in preparing and trying their case to the jury.]

PRELIMINARY INSTRUCTIONS

I. Role of the Jury

Now that you have been sworn, and before the presentation of evidence, I have the following preliminary instructions for your guidance as jurors in this case.

You and only you will be the judges of the facts. You will have to decide what happened. My role is to be the judge of the law. I will make legal decisions during the trial, and I will explain to you the legal principles that must guide you in your decisions.

Neither sympathy nor prejudice should influence your verdict. You are to apply the law as stated in these instructions to the facts as you find them and in this way decide the case.

II. Evidence

The evidence from which you are to find the facts consists of the following:

1. The testimony of the witnesses;
2. Documents and other items received as exhibits; and
3. Any facts that are stipulated—that is, formally agreed to by the parties.

The following things are not evidence:

1. Statements, arguments, and questions of the lawyers for the parties in this case;
2. Objections by lawyers;
3. Any testimony I tell you to disregard; and
4. Anything you may see or hear about this case outside the courtroom.

You must make your decision based only on the evidence presented in court. Do not let rumors, suspicions, or anything seen or heard outside of court influence your decision in any way.

You should use your common sense in weighing the evidence. Consider it in light of your everyday experience with people and events, and give it whatever weight you believe it deserves.

Certain rules control what can be received into evidence. When a lawyer asks a question or offers an exhibit into evidence, and a lawyer on the other side thinks that it is not permitted by the rules of evidence, that lawyer may object. An objection simply means that the lawyer is requesting that I make a decision on a particular rule of evidence. Objections to questions are not evidence. You should not be influenced by the objection or by my ruling on it. If the objection is sustained, ignore the question. If the objection is overruled, treat the answer like any other.

A. Direct and Circumstantial Evidence

Evidence may either be direct or circumstantial. Direct evidence is direct proof of a fact, such as testimony by a witness about what that witness personally saw, heard, or did. Circumstantial evidence is proof of one or more facts from which you could find or infer another fact. You should consider both kinds of evidence. The law makes no distinction between the weight to be given to either direct or circumstantial evidence. You may decide the case solely based on circumstantial evidence.

B. Credibility

In deciding the facts, you must determine what testimony you believe and what testimony you do not believe. You are the sole judges of the credibility, or believability, of the witnesses. You may believe all, some, or none of a witness's testimony. In deciding which testimony to believe, you should use the same tests of truthfulness as in your everyday lives, including the following factors:

1. The ability of the witness to see, hear, or know the things the witness testifies to;
2. The quality of the witness's understanding and memory;
3. The witness's manner and behavior while testifying;
4. The witness's interest in the outcome of the case or any motive, bias, or prejudice;
5. Whether the witness is contradicted by anything the witness said or wrote before trial or by other evidence; and
6. How reasonable the witness's testimony is when considered in the light of other evidence.

Inconsistencies or discrepancies within a witness's testimony or between the testimonies of different witnesses may or may not cause you to disbelieve a witness's testimony. Two or more persons witnessing an event may simply see or hear it differently. Mistaken recollection, like a

person's failure to recall, is a common human experience. In weighing the effect of an inconsistency, you should also consider whether it was about a matter of importance or an insignificant detail. You should also consider whether the inconsistency was innocent or intentional.

The weight of the evidence to prove a fact does not necessarily depend on the number of witnesses who testified or the quantity of evidence that was presented. More important is how believable the witnesses were, and how much weight you think their testimony deserves.

You will now hear opening statements by the parties and the presentation of evidence. At the conclusion of the evidence, I will instruct you on the law that you are to apply to the facts.

POST-TRIAL INSTRUCTIONS

I. Duty of Jury; Apply the Law

Members of the jury, you have seen and heard all the evidence and the arguments of the lawyers. It is your duty to find the facts and to render a verdict reflecting the truth. You should consider all the evidence, the arguments, contentions and positions urged by the attorneys, and any other contention that arises from the evidence. All twelve of you must agree to your verdict.

My role now is to explain to you the legal principles that must guide you in your decisions. You must not substitute or follow your own notion or opinion about what the law is or ought to be. You must apply the law that I give to you, whether you agree with it or not.

II. Presumption of Innocence; Reasonable Doubt; Burden of Proof

The defendant, Donna O'Grady, pleaded not guilty to the offense charged. The fact that the defendant has been indicted is no evidence of guilt. The defendant is presumed to be innocent. The presumption of innocence means that Donna O'Grady has no burden or obligation to present any evidence at all, to testify on her own behalf, or to prove that she is not guilty.

The entire burden or obligation of proof is on the government to prove that Donna O'Grady is guilty. This burden stays with the government throughout the trial. In order for you to find Donna O'Grady guilty of the offense charged, the government must prove each and every element of the offense charged beyond a reasonable doubt.

Proof beyond a reasonable doubt does not mean proof beyond all possible doubt or to a mathematical certainty. A reasonable doubt is a fair doubt based on reason, logic, common sense, or

experience. It may arise from the evidence, or from the lack of evidence, or from the nature of the evidence. Proof beyond a reasonable doubt is proof that fully satisfies or entirely convinces you of the defendant's guilt.

If, having now heard all the evidence, you are convinced that the government proved each and every element of a charged offense beyond a reasonable doubt, you should return a verdict of guilty for that offense. However, if you have a reasonable doubt about one or more of the elements of the offense charged, then you must return a verdict of not guilty of that offense.

III. First Degree Murder By Means of Poison (Based upon U.P.C. §§ 206.12)

The defendant has been charged with the offense of murder in the first degree by means of poison. The state has chosen not to pursue the lesser-included charge of involuntary manslaughter. Under the law and the evidence in this case, it is your duty to return one of the following verdicts:

- 1) guilty of first-degree murder by means of poison, or
- 2) not guilty.

For you to find the defendant guilty of first-degree murder by means of poison, the state must prove two things beyond a reasonable doubt:

First, that the defendant intentionally caused a substance known to the defendant to be poison to be placed into or to enter the body of the victim.

Poison is a substance which is likely to cause death (by a chemical reaction) when placed into or caused to enter the body of a human being.

Intent is a mental attitude which is seldom provable by direct evidence. It must ordinarily be proved by circumstances from which it may be inferred. You arrive at the intent of a person by such just and reasonable deductions from the circumstances proven as a reasonably prudent person would ordinarily draw therefrom.

And **Second**, the State must prove that the poisoning was a proximate cause of the victim's death. A proximate cause is a real cause, a cause without which the victim's death would not have occurred.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant intentionally administered a substance known to the defendant to be poison to the victim, thereby proximately causing the victim's death, it would be your duty to return a verdict of guilty of first degree murder by means of poison.

If you do not so find or have a reasonable doubt as to one or more of these things, you will not return a verdict of guilty of first degree murder by means of poison, but will return a verdict of not guilty.

You may now retire to the jury room to deliberate.

UTOPIA PENAL CODE

(Selected Provisions)

PART I. GENERAL PROVISIONS

Article 2. General Principles of Liability

SECTION 2.01. General Requirements of Culpability for first degree murder

(2) *Kinds of Culpability Defined.*

- (a) *Purposefully.* A person acts purposefully with respect to a material element of an offense when, if the element involves the nature of his conduct or a result thereof, it is his conscious objective to engage in conduct of that nature or to cause such a result.
- (b) *Knowingly.* A person acts knowingly with respect to a material element of an offense when, if the element involves the nature of his conduct or is the result thereof, he is aware that his conduct is of that nature or that it is practically certain that his conduct will cause such a result.
- (c) *Premeditation (Homicide).* Omitted.
- (d) *Deliberation (Homicide).* Omitted.
- (e) *Malice (Homicide).* Omitted.
- (f) *Recklessly.* Omitted.
- (g) *Negligently.* Omitted.

PART II. DEFINITION OF SPECIFIC CRIMES OFFENSES INVOLVING DANGER TO THE PERSON

Article 2. Principals and Accessories Omitted.

Article 6. Criminal Homicide

SECTION 6.2. Murder in the first degree defined

A murder which shall be perpetrated by means of poison shall be deemed to be murder in the first degree.

PART III. PRIVILEGE

SECTION 8-53.3. Communications between psychiatrist, psychologist or licensed mental health professional and client or patient

Without consent of the patient, no person, duly authorized as a psychiatrist, psychologist or licensed mental health professional, nor any of his or her employees or associates, shall be allowed or required to disclose any information which he or she may have acquired in the practice of psychology/psychiatry and which information was necessary to enable him or her to practice psychology/psychiatry. Any resident or presiding judge in the district in which the action is pending may compel or allow disclosure, either at the trial or prior thereto, if in his or her opinion disclosure is necessary to a proper administration of justice. If the case is in district court the judge shall be a district court judge, and if the case is in superior court the judge shall be a superior court judge.

Notwithstanding the provisions of this section, the mental health care professional-client or patient privilege shall not be grounds for failure to report suspected child abuse or neglect to the appropriate county department of social services, or for failure to report a disabled adult suspected to be in need of protective services to the appropriate county department of social services.

Applicable Case Law

Widenhouse v. State, Utopia Supreme Court, 1921

In a criminal case, the burden of proof is beyond a reasonable doubt with respect to each and every element of the offense(s) alleged. This burden is solely on the State and never shifts to the defendant.

State v. Dunheen, Utopia Supreme Court, 1944

The Supreme Court held that when a murder is perpetrated by poison, the law presumes premeditation and deliberation.

Britton v. Manger, Utopia Supreme Court, 1976

In all trials, finders of fact may rely on both direct and circumstantial evidence. Direct evidence is testimony by a witness about what the witness personally did, saw, or heard. Circumstantial evidence is indirect evidence from which the fact finder may infer that another fact is true. Neither type of evidence should be given categorically more weight than the other.

Blocker v. State, Utopia Supreme Court, 1981

The State's burden of proof beyond a reasonable doubt applies to each and every element of the crime charged, although not to each individual evidentiary or incidental fact. Where, however, the State relies in whole or in part on circumstantial evidence to prove an element of the crime, although each link in the chain of evidence need not be proven beyond a reasonable doubt, the cumulative impact of the evidence must convince the finder of fact beyond a reasonable doubt that the element has been proven.

Parker v. Mahoney, Utopia Supreme Court, 1984

The fact finder must determine the credibility of each witness's testimony. A fact finder, whether jury or judge, may choose to credit all, some, or none of a witness's testimony. At all times the finder of fact may consider the witness's interest in the outcome of the case.

State v. Johnson, Utopia Supreme Court, 1986

The Supreme Court held that to prove first degree murder by means of poison the prosecution does not have to prove that the defendant acted with premeditation and deliberation, or that the defendant intended to kill the victim – only that the defendant intentionally administered the poison.

State v. Nichols, Utopia Supreme Court, 1997

The Utopia Supreme Court rejected the position of other jurisdictions that “beyond a reasonable doubt” should not be further defined and approved the following pattern language for jury instructions:

The term “reasonable doubt” means a doubt based upon reason and common sense. It is a doubt for which a reason can be given, arising from a fair and rational consideration of the evidence or lack thereof. It means such a doubt as would cause a person of ordinary prudence to pause or hesitate when called upon to act in the most important affairs of life. It is not a doubt based on mere speculation or one which arises out of sympathy or a fear to return a verdict of guilty.

State v. Smith, Utopia Supreme Court, 2000

The Utopia Supreme Court held that a separate showing of malice is not required to convict for first-degree murder by poison.

State v. Koeltzow, Utopia Supreme Court, 2013

Because the defendant in a criminal case has an absolute right, under the Fifth Amendment to the United States Constitution, not to testify at trial, the State may not argue to the jury that the defendant's decision not to testify is evidence of guilt. Likewise, the trial judge may not comment on the defendant's decision not to testify, except, upon request of the defendant, to instruct the jury that the defendant has the right not to testify, and the defendant's decision not to testify should not be considered by the jury as evidence of guilt.

1 **AFFIDAVIT OF MORGAN MANSUR, M.D.**

2 After being duly sworn upon oath, Dr. Morgan Mansur, hereby deposes and states as follows:

3 My name is Dr. Morgan Mansur and I am 55 years old. I have practiced medicine at
4 Wellness Memorial Hospital in Townsville for just over 25 years. I received two undergraduate
5 degrees - in Genetics and Biology - from North Carolina State University (NCSU) in Raleigh,
6 North Carolina, in 1987. I have always pushed myself in everything I do: for example, I began
7 medical school the month after graduating from NCSU. I received my medical degree from
8 Stanford University School of Medicine in Stanford, California, in 1991, followed by a two-year
9 residency in internal medicine at Stanford and a three-year cardiovascular fellowship at the
10 Cleveland Clinic in Cleveland, Ohio. I initially had great interest in clinical toxicology and
11 enrolled in a Medical Toxicology fellowship. I soon realized, however, that cardiovascular
12 medicine was what I truly was meant to do. Upon completion of my residency and fellowship, I
13 started work at Wellness Memorial Hospital in 1996. I am proud to say that I am board certified
14 in Internal Medicine and Cardiovascular Disease.

15 Since 1996 I have worked tirelessly with our team at Wellness Memorial to build our
16 cardiovascular care program. I brought a lot of new ideas and innovations to Wellness Memorial
17 from the phenomenal fellowship program offered at the Cleveland Clinic. With the success of
18 the cardiovascular program and many of the innovations I was credited for, which included
19 recruiting a top-notch group of surgeons to join the team, I was promoted to head up the
20 Cardiovascular Medicine department at the hospital in 2000. Not long after, our department
21 received the President's Circle Center of Distinction Award in recognition of our outstanding
22 clinical and operational results! That was a good week, but results are important *all* the time in
23 this line of work.

24 I'm here today to talk about my former patient, Dan O'Grady. I had been monitoring Dan
25 for mild coronary artery disease since he experienced a mild bout of chest pressure after washing
26 a car that his wife had finished restoring. He went to the Emergency Department and checked out
27 okay, but they instructed him to schedule a full workup with the cardiology department
28 considering this event and his family history of heart disease. I saw Dan and found that he had
29 some mild coronary artery disease which could be treated quite conservatively. Dan responded
30 well to my non-invasive treatment plan. Less salt, lose some weight, and quit smoking, I said. I
31 also placed him on a statin medication called Lovastatin to lower his triglycerides and

32 cholesterol, and some Lisinopril to get his blood pressure down a bit. Dan followed all of my
33 recommendations, took his medications, and was stable and doing pretty well — at least until
34 April 7.

35 Dan arrived at our Hospital’s emergency department on April 7, after falling at home and
36 complaining of headache, slurred speech, nausea, and vomiting. As his cardiologist, I was
37 immediately called in and took over his care from the ER. Based on Dan’s presentation of central
38 nervous system depression, we believed that Dan was suffering from a stroke. Normally, we
39 consider several differential diagnoses in this process, but the symptoms seemed clear. I
40 immediately ordered a tissue plasminogen activator, or tPA, which is also known as a “clot
41 busting” drug, which improves the chances of recovering from a stroke if given within 3-4 hours
42 of onset of a stroke. Although it was unclear how many hours Dan had been having these
43 symptoms, I wasn’t taking any chances. I ordered labs, called in a neurologist to consult, and
44 ordered a CT scan of Dan’s head. Strangely, the scan didn’t present any abnormalities, which
45 stumped us. Despite our efforts to stabilize Dan, his symptoms seemed to worsen. His labs came
46 back showing (and he began to exhibit clear signs of) metabolic acidosis, kidney failure, cardiac
47 failure, and pulmonary edema. He also began to have seizures. With this chain of events, I
48 started to think Dan had consumed a toxin of some kind. My colleagues agreed. I also conferred
49 with the family: Dan’s adult child Tracy O’Grady mentioned to me that Dan’s symptoms had
50 appeared to worsen each time he took his Prozac meds earlier that week; wife Donna O’Grady
51 kept insisting she didn’t notice that trend at all.

52 I ordered toxicity screening tests in the early morning hours of April 8 and was shocked
53 when Dan’s blood results showed small traces of ethylene glycol. Ethylene glycol is found in
54 antifreeze, de-icing solvents, as well as some carpet and fabric cleaners. The body metabolizes
55 this particular poison relatively fast, but we were able to detect the trace amounts using gas
56 chromatography with flame ionization which can measure ethylene glycol in the blood. I was
57 tremendously frustrated that we did not have more information sooner. Early and accurate
58 detection in poisoned patients is SO important because patients need to start antidotal treatment
59 early. The best and most effective treatment for ethylene glycol poisoning is Fomepizole, which,
60 if administered quickly enough, can prevent serious harm.

61 I deeply regret that I was not able to give Dan antidotal treatment in time; he succumbed
62 to cardiac failure during the afternoon of April 8, after spending the night at the hospital in great

63 distress: suffering from significant tachycardia (a heart rate of over 150 beats per minute),
64 tubular necrosis with hematuria (kidney failure) and pulmonary edema. My opinion, and that of
65 my colleagues, is that Dan did not ingest this poison in one event but rather in multiple
66 administrations over a period of time. This type of exposure can be fatal. In hindsight, while the
67 toxicity level was not significant in his blood work due to the fact that the poison metabolizes in
68 the body so quickly, the damage wrought on Dan's system was significant. This was my first
69 time treating a patient suffering from ethylene glycol poisoning; things like this don't often
70 happen in our small town.

71 I know you will want to know about my censure in 2010. Yes, I admit and recognize that
72 back then I committed an ethics violation related to some financial practices at the
73 Cardiovascular Medicine department. To keep receiving accolades and recognition as
74 department head, I was trying to be efficient and cut some corners on the mountains of
75 paperwork we need to do each month. I'm not proud of this lapse of judgment and learned my
76 lesson back in 2010. I have received no demerits or citations since.

77 Of the available exhibits I am familiar with the following and only the following: Exhibit
78 1, Dan O'Grady's autopsy, which was provided to me by the Coroner's office; Exhibit 4, my
79 curriculum vitae; Exhibit 7, some notes on Dan O'Grady from my colleague Dr. Ariel Sante's
80 file, which had been shared with me via our Hospital's web portal; and Dan O'Grady's Prozac
81 medicine bottle, which was well documented in his patient portal.

82 I hereby attest to having read the above statement and swear or affirm it to be my own. I
83 also swear or affirm to the truthfulness of its content. Before giving this statement, I was told it
84 should contain everything I knew that may be relevant to my testimony and I followed those
85 instructions. I also understand that I can and must update this affidavit if anything new occurs to
86 me until the moment before opening statements begin in this case.

87

88 Dated: August 10, 2021

89 Elaine Jackson
90 Elaine Jackson, Notary Public

Dr. M. Mansur
Name

1 **AFFIDAVIT OF TRACY O’GRADY**

2 After being duly sworn upon oath, Tracy O’Grady hereby deposes and states as follows:

3 My name is Tracy O’Grady and I was born on July 18, 1981. I don’t want to be here, but
4 I am talking with you in honor of my father: someone needs to tell the truth for him. He was
5 blind to my mother’s faults for all these years. My mother looks so innocent – always
6 volunteering at church and giving to strangers. She loves to bake pies for friends and stops by to
7 help sick neighbors recover. But things at home are different. My mother can be harsh and cruel
8 with her words – calling my dad, siblings and me names and yelling over anything and
9 everything. Dad would ask us to forgive her after her rages, saying that she had had a rotten
10 childhood. My dad was the only one who seemed to try to make the marriage work!

11 I dreamt of escaping my home life throughout my childhood. In fact, I wanted to go to
12 Hollywood immediately after high school to begin my movie career. My mother always fought
13 me on this, so we often argued. I left home the day I turned 18. But, because I promised my dad,
14 each year I would come back for both Easter and Christmas. So, that is why I arrived at my
15 parents’ home on April 1, 2021, the day before Good Friday. My sister and brother have very
16 busy careers and don’t often get much time at Easter off work. I stayed at home longer than I
17 expected to; I stayed through and after the time of my dad’s death.

18 My mother only has one passion that I know of: fixing up cars. There’s always an old
19 clunker in the shed out back. She spends a lot of money buying parts and shining up used cars
20 she buys through an online auction. This was the only skill that her dad taught her and she is
21 determined to keep it up. My Dad would even wash and wax them for her when she got them
22 finished and ready to sell. When I got home, Mom was working on one of her old cars. She
23 would bore me to tears with talk about the stupid cars she worked on. This one had given her a
24 bunch of trouble with overheating and, around April 2, she figured out that there was a small
25 leak in the radiator, which she fixed. She was pestering Dad to go out and wash and wax the car
26 for her so she could get it listed on eBay and Facebook Marketplace.

27 Dad looked great when I got home, but he started to look sick around April 4 and just got
28 sicker over the following days. Dad had been on some medications for depression and anxiety
29 over the years and was also being followed by a cardiologist for some mild heart issues. But Dad
30 was always pretty healthy and active. In hindsight, it was like every time Dad took his regular

31 meds that week, he'd get a little worse. I mentioned this to Dr. Mansur when we finally got to
32 speak at the hospital.

33 When I first arrived home for Easter, it was rough. Mom was really angry at Dad and was
34 harsher with him than I remember her ever being. She believed (as she usually did off-and-on
35 over the years and it was never true) that my Dad was having an affair. My mother did tell me
36 that the main reason she was mad *this* time was because she knew there had been texts with a
37 lady from the neighborhood poker group for a while and - right about the time I got home - she
38 had discovered yet another text message on dad's phone from this lady which read "Have a great
39 holiday hon!" Seems innocent to me. However, my mom accused him of cheating on her. She
40 looked angry enough to kill all weekend. I could tell she didn't have any doubt she was right
41 about her suspicions. But, I know that dad was a good man – nothing like my grandfather.

42 My mother spent a lot of time in the shed finishing up that old clunker from the time I got
43 there – as Dad became sick and got sicker. I wanted to take Dad to see a doctor on April 5. Dad
44 kept saying he was okay and Mom also wouldn't hear of it. She said he was just being dramatic
45 because she was mad at him. When Dad got so sick that he was falling, started having slurred
46 speech and vomiting during the morning of April 7, I actually yelled at Mom – why aren't you
47 taking him to the hospital? She said she thought he was fine and we could wait a little longer.
48 After a few hours of seeing my Dad this way, I had enough and called an ambulance. Mom was
49 not happy at all that I did this. When I told Dr. Mansur about Dad getting sicker each time he
50 took his meds, Mom just kept saying he was fine and she did not see that at all.

51 Of the available exhibits I am familiar with the following and only the following: Exhibit
52 2, a receipt from AutoWorld, which I found lying on the ground near the row of trash bins that
53 stand together in our neighborhood; and Exhibit 8, dad's Prozac medicine bottle which I had
54 seen at the house; I saw Agent Sullivan take pictures of his meds.

55 I hereby attest to having read the above statement and swear or affirm it to be my own. I
56 also swear or affirm to the truthfulness of its content. Before giving this statement, I was told it
57 should contain everything I knew that may be relevant to my testimony and I followed those
58 instructions. I also understand that I can and must update this affidavit if anything new occurs to
59 me until the moment before opening statements begin in this case. Dated: Aug 15, 2021

60 Kramer Wilson
61 Kramer Wilson, Notary Public

Tracy O'Grady
Name

1 **AFFIDAVIT OF SCOUT SULLIVAN**

2 After being duly sworn upon oath, Scout Sullivan hereby deposes and states as follows:
3

4 My name is Scout Sullivan and I have worked at the SBI field office in Townsville for
5 27 years except for a brief period in 2001 when I was suspended without pay. I received my
6 Bachelor’s Degree in Criminal Justice from Main College in 1993 and then completed my Basic
7 Law Enforcement Training, Firearms training, Agent Academy and In-Service Training with the
8 SBI.

9 Why was I briefly suspended? Really it was more of a required formality based on
10 technical issues that resulted in misunderstandings that have since been resolved. I was accused
11 of withholding evidence in two separate criminal cases. These accusations were
12 misunderstandings – oversights, really – nothing intentional. I did get my job back after the
13 suspension, because I am good at what I do!

14 In investigating this case, I researched and studied ethylene glycol and its effects on the
15 body so I would better understand the issues and have a better appreciation for how it may have
16 been used to poison Dan O’Grady. Once I had a solid understanding of the toxin, I focused on
17 finding out the circumstances behind how it entered Dan’s system. I conducted interviews, ran
18 fingerprint testing within the O’Grady residence, and searched the home. When I interviewed the
19 victim’s youngest child, Tracy O’Grady, Tracy mentioned how it seemed (to Tracy) that after
20 Dan would take his daily medications, he just seemed to get worse. Tracy also mentioned that
21 Donna O’Grady suspected her husband of cheating on her. Tracy said, “Mother always suspected
22 this off-and-on over the years but there was nothing to it; this time, however, my mother was
23 irate and it had to do with some texts dad was receiving” from a female in the neighborhood.
24 Donna O’Grady never identified who that female was.

25 The O’Grady family lived in a simple home with two bedrooms. The home was modest.
26 It is located in a subdivision and the mailboxes for the subdivision are set up at a central location
27 near the O’Grady residence. There is a fairly large shed in the backyard of the home where there
28 were a couple of junky old cars parked outside and one car inside the shed that looked like it had
29 been restored. When I checked the inside of the home, I went to the master bedroom and
30 bathroom area looking for Dan’s medications. In the medicine cabinet in the bathroom, I found
31 Dan’s medications, which included Prozac oral solution as well as some Lovastatin, Lisinopril,

32 and baby aspirin. When I looked around the bedroom, I saw some papers in the drawer of Dan's
33 bedside table.

34 One paper in particular was taken into evidence: a threatening note. The note had a skull
35 and crossbones symbol on it. No doubt the person who created it was definitely trying to
36 intimidate Dan O'Grady. I asked Tracy about the note; Tracy had never seen it.

37 Given Tracy's statement that when Dan took his medications he seemed to feel worse, I
38 decided to test the liquid inside Dan O'Grady's Prozac bottle, as well as his other medications.
39 The results came in: All other medications had not been altered, but the Prozac medication tested
40 positive for ethylene glycol. Now, the big question was *who* had tampered with the bottle and
41 how did the medication become tainted? It had recently arrived through the mail so I had the lab
42 run a fingerprint analysis on both the packaging material and the actual bottle. Dan's fingerprints
43 were only found on the bottle, but Donna O'Grady's prints were found on both the packaging
44 and the bottle. No other prints were found in this analysis.

45 I called the victim's wife, Donna O'Grady, into our offices for questioning. She did not
46 seem as upset as you would expect for someone who just lost her husband. She was trying to
47 charm me a great deal. She told me about the pressures of her life – her estranged youngest child
48 and that she found out her husband was having an affair – all in the attempt to gain sympathy and
49 pity from me, I think. As I mentioned in my case report, she denied ever touching Dan's Prozac
50 bottle.

51 We did find a receipt for antifreeze from AutoWorld near the neighborhood garbage bins
52 near the home. To learn more, I visited the downtown store to interview the clerk. The clerk,
53 Carly Smith, had no recollection of the April 2 sale even though the time-stamp indicates it was
54 one of the last sales before the store closed on Easter. Unfortunately, the store's CCTV camera
55 had not been working since early-March and no one had bothered to fix it, so that was a dead-
56 end for me.

57 Of the available exhibits I am familiar with the following and only the following: Exhibit
58 2, Exhibit 3, Exhibit 5, and Exhibit 6 and Exhibit 8. I asked Townsville Police for the January
59 2021 police report to add it to my own report.

60 I hereby attest to having read the above statement and swear or affirm it to be my own. I
61 also swear or affirm to the truthfulness of its content. Before giving this statement, I was told it
62 should contain everything I knew that may be relevant to my testimony and I followed those

63 instructions. I also understand that I can and must update this affidavit if anything new occurs to
64 me until the moment before opening statements begin in this case.

65

S. Sullivan

66

Name

67 Dated: August 14, 2021

68

69 *George David*

70 George David, Notary Public

1 **AFFIDAVIT OF ARIEL SANTE**

2 After being duly sworn upon oath, Ariel Sante, M.D., hereby deposes and states as follows:

3 My name is Dr. Ariel Sante and I am 78 years old. Many moons ago I received my M.D.
4 from Wake Forest School of Medicine in Winston Salem and completed my residency in
5 psychiatry at Brown University in Providence, Rhode Island. Right now, I have my own small
6 psychiatric practice near downtown, although I only see a few patients in semi-retirement. For
7 several decades, throughout the 1980s and 1990s, I worked as a forensic psychiatrist with the
8 FBI. I won awards for my criminal profiling work, including the University of Virginia’s
9 Thomas Jefferson Award for academic excellence. I helped the famous criminal profiler John
10 Edward Douglas write several chapters of his Crime Classification Manual (CCM)! By the late
11 90s, I was burned out, however. I left the FBI and set up my own practice in the quaint little
12 community of Townsville, which I have enjoyed a great deal.

13 I have treated Dan O’Grady since he was 43 years old. He was an Army Veteran and had
14 some PTSD related to combat situations during deployments. He was partly disabled from
15 military service, but for about the first 10 years I knew and treated him, he worked for the postal
16 service. Ultimately, he had to stop working, but between his disability and years with the postal
17 service, he had a decent retirement and managed okay with Donna’s income as well. Dan told me
18 once that he carried a substantial life insurance policy to make sure that if anything happened to
19 him Donna would be okay. Overall, Dan had come a long way in his PTSD recovery, but he did
20 suffer from depression and anxiety and we met weekly for talk therapy. It is well known that talk
21 therapy combined with medication is the most effective way to treat depression and anxiety, so I
22 also prescribed Prozac to him for many years; first in pill form, but later, when he began having
23 difficulties swallowing the pills, I began to prescribe Prozac in liquid form (4 ml/day). Some
24 people just don’t like to swallow pills. To keep costs down, I facilitate delivery of his medication
25 via an online pharmacy that uses the U.S. Postal Service. The combination of talk therapy and
26 medication worked very well for Dan.

27 I have a duty to not break patient confidentiality even after a patient’s death. However, I
28 am speaking to you today for two reasons: (1) I knew Dan O’Grady well and know what a
29 loving relationship he had with his wife. I owe it to Dan to share what I know. I believe he would
30 be appalled to know of what his wife is being accused of; and (2) I am beyond retirement age, so

31 I am not threatened by any possible censure or repercussions. That's the good part of getting to
32 my age: less worried about others' opinions of you!

33 Anyway, yes, Dan loved and was loved by his wife. You can see this in my notes – In
34 fact, I worried that Dan was too dependent on Donna for his self-worth. I kept telling him that
35 your romantic partner should not be your only concern – diversify your life with friends and
36 hobbies for healthier returns, I would tell him. He and Donna hosted some parties in their home
37 over various holidays and really seemed to enjoy that. Dan also joined up with some neighbors
38 for a weekly poker game. These things seemed to help, although Dan did mention that Donna,
39 although dedicated and sweet, was the jealous type and was always concerned about his
40 interactions with other women, even when there was nothing to it. He attributed it to her
41 upbringing and her father abandoning the family when she was young. Dan's other stressor at
42 home was his youngest child, Tracy. Tracy was like oil and water with Donna and there was
43 constant friction there. When Tracy moved out of the family home, life became much less
44 stressful in the household; Dan often expressed increased stress when Tracy came home for the
45 holidays. Finally, while the weekly neighborhood poker games were a good activity for Dan, and
46 he actually became a pretty good poker player, he dreaded interactions with one neighbor – a guy
47 by the name of Jim Plonger – who he described as a real hothead.

48 While the social activities and the “empty nest” helped Dan improve emotionally, Dan's
49 depression and anxiety became markedly worse after January 6, 2021. This is when he had a
50 fight with the hot-headed neighbor Jim Plonger. The fight was over a debt that Jim felt he was
51 owed – from when both men would play together at a weekly poker game night. Dan denied any
52 money was owed and would not pay up, which infuriated Jim. Dan was afraid of Jim, but didn't
53 seem to do much to proactively resolve the situation, despite my urging him to do so. I had to
54 increase Dan's Prozac dose in order to compensate for this stress and its impact on his depression
55 and anxiety.

56 At one point, about one month after the altercation on January 6 2021, Dan showed me a
57 death threat he had just received that was left in the front door of his house. He believed it was
58 from Jim Plonger because the note referenced owing money. I didn't take the note too seriously
59 at the time. That is, until Dan died and, as I understand, it turned out to be from poisoning! Now,
60 I wish I had taken the note seriously, because when I spoke with Donna at Dan's calling hours,
61 she mentioned the note and said that Jim Plonger is nowhere to be found. A neighbor also spoke

62 to me at calling hours; I think the last name was Kravitz: I learned that Kravitz saw Plonger
63 tinkering around the community mailboxes near the O’Grady home prior to his disappearance.
64 This particularly concerns me since Dan’s medication that I prescribed for him came by mail and
65 I now understand it was that very medication that had been tampered with! This disappearance of
66 Jim Plonger is very classic behavior from a criminal. A small percentage of criminals want to
67 hang around the scene of the crime to see how things play out, but most get as far away from the
68 scene as possible. Seems to me that is just what Plonger did, once he knew the poison got to Dan.

69 Of the available exhibits I am familiar with the following and only the following: Exhibit
70 3, a death threat that Dan received; Exhibit 7, my notes from talk therapy sessions with Dan; and
71 Exhibit 8, the Prozac bottle I prescribed to him.

72 I hereby attest to having read the above statement and swear or affirm it to be my own. I
73 also swear or affirm to the truthfulness of its content. Before giving this statement, I was told it
74 should contain everything I knew that may be relevant to my testimony and I followed those
75 instructions. I also understand that I can and must update this affidavit if anything new occurs to
76 me until the moment before opening statements begin in this case.

77 Ariel Sante, M.D.

Name

78 Dated: Aug 30, 20201

79 Newman Stiller

80 Newman Stiller, Notary Public

1 **AFFIDAVIT OF CAMERON KRAVITS**

2 After being duly sworn upon oath, Cameron Kravits hereby deposes and states as follows:

3 My name is Cameron Kravits and I have lived across the street from the O’Grady family
4 since 1997 when I moved to Townsville after retiring from 25 years in the Army, where I worked
5 as an MP (Military Police) serving at military installations around the country from Starke,
6 Florida to Anchorage, Alaska, and from Monmouth, New Jersey to Barstow, California. I was
7 ready for a little peace and quiet and moved to Townsville to “smell the roses” so to speak. After
8 a year or so of retirement, I really needed something to do and began working for a small PI firm
9 in Townsville that did a lot of surveillance for spouses who suspected their other half of
10 cheating. I wasn’t a licensed PI, mind you, but if I do say so myself, I had good instincts and a
11 good eye for surveillance in a stake out. I did that for about 10 years for some extra retirement
12 income and after a lot of late nights, bad coffee and a few tussles with folks not happy about
13 being watched, I decided to fully retire and, instead of smelling the roses, I started growing
14 orchids. I also took up a little poker and began playing in a weekly game night in the
15 neighborhood. Playing poker I learned a lot about the kinds of goings-on in the neighborhood. I
16 also have seen a lot from my front porch.

17 Aside from Donna O’Grady having a very odd affinity for fixing up old clunkers in her
18 spare time, especially if she was irritated by her husband and kids, she was regular like clock-
19 work heading out and coming home from her job at Penney’s Department Store. While some
20 women like to work in their garden for therapy, Donna worked on old cars for her therapy. I
21 knew this because usually when she went out there it was after I heard some yelling from their
22 house – couldn’t tell who was fighting: Donna and Tracy or Dan and Tracy or Donna and Dan.
23 After Tracy left for a career in Hollywood, there was less yelling over there and Donna didn’t go
24 out to the shed as much, but she still did. Anyway, as I said, after any yelling, she would march
25 out to the shed in her coveralls, pull open the door and start working on an old clunker. Don’t get
26 me wrong, I went to holiday parties over there several times and Donna was a very gracious host
27 and Dan doted over her. He never said a bad word about Donna in the neighborhood poker
28 games and believe me, there was a lot of talk going on at those games. Everyone has arguments,
29 however, and I am sure Donna and Dan were no different. In fact, I think Tracy’s return for the
30 Easter holiday caused some tension; I remember some yelling on either April 3 or 4, don’t
31 remember when.

32 Dan O'Grady was a nice enough fella. Good poker player. People liked him – I also think
33 the ladies liked him, too. I never saw anything to suggest he was anything but faithful to Donna,
34 although I know she noticed the attention he would get from the ladies in the neighborhood when
35 they hosted holiday parties. She would get that irritated look and Dan would laugh, kiss her on
36 the cheek, and tell her it was nothing. Dan and I are both Army vets although he didn't serve as
37 long as I did. He got out after a couple of tours in the Middle East. He told me he saw a shrink
38 about some of his PTSD and depression related to his service. I admired him taking that step to
39 take care of himself and his family. I think he had some real struggles. Overall, Dan was a solid
40 guy.

41 Jim Plonger, on the other hand, was a bad guy with a bad temper. He was also an Army
42 vet but had a pretty substantial anger management problem which is why I suspect he didn't last
43 long in the Army. He must have gotten that morbid tattoo of a skull on his arm while he was in
44 the Army. He always wore sleeveless shirts to show it off. I asked him about the skull tattoo
45 one time and he told me it was none of my business, along with a few choice words. He worked
46 for a while with a carpet cleaning company in Townsville until he was fired after he punched a
47 customer that complained about one of his carpet cleaning jobs to his boss. He was married for a
48 while, but got divorced. I'm sure it was his temper. His now ex-wife hired ABC Investigations
49 to do a little surveillance on him a couple of years ago and boy did I hear some stories from the
50 PIs about his explosive personality. I stayed out of that surveillance operation, him being a
51 neighbor and all. I was also concerned about my own well-being and peace in the neighborhood
52 considering what I had heard from the PIs about him. He would sometimes join our weekly
53 poker game and was such a hot-head. On the evening of January 2, we had a game and Jim was
54 there. He got fixated on Dan pulling a flush over his straight. Jim accused Dan of cheating and
55 insisted Dan pay him back the money he lost. Dan refused. It got heated and the game broke up.
56 Jim was irate and angry and told Dan he would regret it.

57 I remember the events of the morning of January 6, 2021 very well. I was sitting on my
58 front porch – that's where I hang my award-winning orchids and I was enjoying their beauty. I
59 heard some yelling and was expecting to see Donna go to the shed. Instead, when I looked up, I
60 could see Jim Plonger charging toward Dan who was on his front steps in his own front yard.
61 Jim was obviously still angry about the poker game and yelled "you won't get away with this."
62 He moved towards Dan and pushed Dan in the chest. Dan seemed to be in shock but yelled back.

63 “I owe you nothing, sore loser.” Jim lunged at Dan and pushed harder and Dan fell back and hit
64 his head on the stair railing on the way down. Not long after that cops showed up and took Jim
65 downtown.

66 It is strange, now that I think of it, all our neighborhood mailboxes – much like the
67 garbage bins – are lined up near the O’Grady home. Donna usually picked up the mail for the
68 O’Grady household when she got home from work. After the kids were out on their own, there
69 were a lot less packages and junk that Donna appeared to be getting by mail. Every few months I
70 noticed she would get a package out of the box that looked similar to the packaging my
71 medications came in. That package would come around the same time my medications came
72 through the mail so I’m pretty sure that is what it was. I recall Donna picking that kind of
73 package sometime during the second week of March, the same time mine came. Actually, around
74 then, I don’t remember exactly if it was before or after Donna got that package, I saw Jim at the
75 mailboxes opening mailboxes that weren’t his! I yelled out to him that he better mind his own
76 mail. He looked surprised, told me to mind my own business, along with a few choice words.

77 Jim Plonger, since his divorce, was a loner and, as I said, had a bad temper. I think
78 getting arrested after the assault on Dan made him realize he needed to get some time away.
79 Early in April 2021 we were at the trash cans at around the same time. As I put my bags in the
80 cans, he mentioned to me that he was going alone to Mexico for some diving and R&R. I asked
81 him if that was okay considering he was out on bail. He, as usual, told me to mind my own
82 business...with a few really choice words added in. I wished him a good trip. I saw him putting
83 trash into the curbside bin around 1:00 pm on April 7, the day he left for Mexico. It was odd he
84 didn’t even ask about or notice the ambulance that was over at the O’Grady place at this time. I
85 was watching it when I noticed him at the trash cans. I haven’t seen or heard from him since and
86 his house looks abandoned. I am not familiar with any of the exhibits in this case. I hereby attest
87 to having read the above statement and swear or affirm it to be my own. I also swear or affirm to
88 the truthfulness of its content. Before giving this statement, I was told it should contain
89 everything I knew that may be relevant to my testimony and I followed those instructions. I also
90 understand that I can and must update this affidavit if anything new occurs to me until the
91 moment before opening statements begin in this case.

92 Dated: August 13, 2021

C. Kravitz

Name

93
94 Frank Ford

Frank Ford, Notary Public

1 **AFFIDAVIT OF CHARLIE TURNER**

2 After being duly sworn upon oath, Charlie Turner hereby deposes and states as follows:

3 My name is Charlie Turner and I worked with Donna O’Grady at the Penney’s
4 Department Store for over 15 years. Penney’s is located in the outskirts of town, about a 15
5 minute drive to downtown. Donna has been nothing but the kindest, most generous, and helpful
6 colleague and friend. She is such a good person.

7 Donna and I worked in the same department and often worked the same shifts. We talked
8 a lot when things were slow – especially once the Pandemic hit. She had a hard upbringing – she
9 told me a little about her alcoholic father – and the fact that he left and abandoned the family
10 when she was only 15 and how she watched her mother struggle to raise the family on her own.
11 Donna married young and had 3 children. The older two seemed to be pretty normal kids and a
12 few years back were gone and on their own and living their lives. The youngest, Tracy, was the
13 problem child. Donna tried so hard to keep that kid on track. Tracy came by the store one time
14 when Donna was working and just had a lot of, well, attitude. Tracy was so hard on Donna and
15 seemed disrespectful.

16 Sadly, Donna also confided in me that she suspected her husband Dan of cheating on her
17 over the years, but she never showed any anger or malice about it. She wanted a stable home for
18 her kids. When the last one, problem-child Tracy, turned 18 and moved out, Donna expressed
19 her relief that she had raised her family and they were now out on their own and it was just she
20 and Dan. It was always stressful for Donna when Tracy would come home to visit. I can’t begin
21 to imagine how stressful it must be for her with her problem child now pointing the finger at her.
22 Unbelievable. Donna is just simply a kind person, through and through! In fact, I remember one
23 time she took double shifts for me so that I could take care of my sick child. I also know she
24 bakes – I have had some of her famous pies that she brought to work. She also visits sick
25 neighbors and volunteers at her church.

26 One neat thing about Donna is that she had a thing for fixing up old cars! I don’t know
27 many women who are into that, but she is. She would occasionally tell me about some clunker
28 she would buy at auction and have it towed back to her place so she could work on it, fix it up
29 and then sell it. She was working on one this Spring. I remember she was so frustrated that she
30 couldn’t find the cause of it overheating. She had replaced the water pump and a broken fan and
31 had checked the thermostat. I don’t know a lot about cars, but asked her about the radiator and

32 she laughed and said “of course silly.” That apparently was the first thing she checked, but it
33 seemed fine! It was still a mystery the last shift we worked together.

34 Donna did mention her husband’s long-standing problems with depression, but also said
35 that his symptoms seemed to be well under control with medication. She mentioned some heart
36 issue, too, although I don’t think it was serious. I have never met Dan, but didn’t like him much
37 based on my conversations with Donna and knowing how hurt she was every time he cheated on
38 her. She said she never had solid proof, but she knew. I was so mad for her! Poor sweet Donna. I
39 also remember back in January Donna being upset about some hot-headed neighbor attacking
40 Dan in their front yard. It was something about a poker game. Donna said she heard yelling and
41 when she came out of the shed to see what on earth was going on, this crazy neighbor had
42 pushed Dan over and he had hit his head. She called the police. She was horrified that this nut
43 case tried to hurt Dan. To make things worse, she also mentioned that there was a strange and
44 threatening note left on their doorstep a few weeks later and she thought it was from this crazy
45 neighbor. The last time I saw Donna before today was April 2, the Friday before Easter: On that
46 day, she stopped by at Penney’s to give me a chocolate pie for my family’s Easter meal. She
47 stopped by at 4 p.m., but said she had other errands to run and couldn’t stay but 5 minutes. She
48 mentioned she had just found why that old clunker she was working on was overheating - a small
49 leak in that radiator! We had a good laugh about that.

50 I am not familiar with any exhibits in this case.

51 I hereby attest to having read the above statement and swear or affirm it to be my own. I
52 also swear or affirm to the truthfulness of its content. Before giving this statement, I was told it
53 should contain everything I knew that may be relevant to my testimony and I followed those
54 instructions. I also understand that I can and must update this affidavit if anything new occurs to
55 me until the moment before opening statements begin in this case.

56

57 Dated: August 15, 2021

Charlie Turner

58

Name

59 Cosmo Knight

60 Cosmo Knight, Notary Public

WELLNESS MEMORIAL HOSPITAL
Townsville, Utopia
AUTOPSY REPORT - FINAL
Pathologist: Kay Scarpetta, M.D.
Autopsy: ETC202002-55G | Date: 4/9/2021

DECEDENT: DAN O'GRADY
SEX: M RACE: Caucasian
OCCUPATION: Retired

Medical Record No: 7633308971009

Date of birth: 3/14/56
Date of death: 4/8/21
Time of death: 3:42pm

Autopsy authorized by: Dr. Mansur of Townsville, Utopia

Identified by: toe tag and wrist band
Rigor: yes
Livor: purple
Age: 65
Sex: Male
Length: 182.8 cm
Weight: 83.9 kg
Eyes: Hazel
Hair: Brown

EXTERNAL EXAMINATION:

The body is that of a normally developed male who appears to be the stated age of 65 years. The body habitus is average. There are no signs of trauma. The head circumference is 65 cm. The head is normal in size and shape. Hair distribution is receding and the texture is fine. Scalp hair is brown with some grey. Face is edematous. The eyes are closed. The ears are unremarkable. The nose is normal. The mouth contains teeth in good repair. The neck is normal. The skin is not icteric. There is generalized dependent edema. Intravenous access lines are found at the left wrist, bilateral antecubital and bilateral femoral regions. The chest circumference is 140 cm. There is mild gynecomastia. The abdominal circumference is 106 cm. The back is straight. The external genitalia are that of a normal male. The extremities are normal.

INTERNAL EXAMINATION:

HEAD--CENTRAL NERVOUS SYSTEM: The brain weighs 1,403 grams with moderate brain edema.

SKELETAL SYSTEM: no abnormalities seen.

RESPIRATORY SYSTEM--THROAT STRUCTURES: The oral cavity shows no lesions. Petechial hemorrhaging is present in the mucosa of the lips and the interior of the mouth. Otherwise, the mucosa is intact and there are no injuries to the lips, teeth or gums.

There is no obstruction of the airway. The mucosa of the epiglottis, glottis, piriform sinuses, trachea and major bronchi are anatomic. No injuries are seen and there are no mucosal lesions.

The lungs weigh: right, 1085 grams; left 1015 grams. The lungs were edematous with diffuse alveolar hemorrhage.

CARDIOVASCULAR SYSTEM: The heart weighs 500 grams, and has a slightly enlarged size and configuration. Mild to moderate evidence of atherosclerosis is present.

GASTROINTESTINAL SYSTEM: The mucosa and wall of the esophagus are intact and gray-pink, without lesions or injuries. The gastric mucosa is intact and pink without injury. Approximately 125 ml of partially digested semisolid food is found in the stomach. The mucosa of the duodenum, jejunum, ileum, colon and rectum are intact.

URINARY SYSTEM: The kidneys weigh: left, 370 grams; right, 355 grams. The kidneys are anatomic in size, shape and location. The kidneys were biopsied and submitted for analysis.

TOXICOLOGY: Sample of right pleural blood and bile are submitted for toxicologic analysis. Stomach contents are saved.

SEROLOGY: A sample of right pleural blood is submitted in the EDTA tube. Routine toxicologic studies were ordered.

PATHOLOGICAL DIAGNOSES:

1. Toxicology

- a. Histologic examination of the kidneys reveals significant calcium oxalate crystal deposition
- b. Ethylene glycol distributed evenly throughout body tissues with a volume of distribution of 0.5–0.8 L/kg
- c. Fluoxetine (Prozac) detected in basic drug screen by GC–MS using a liquid–liquid extraction for blood. (Blood concentrations of 10 mg/L Fluoxetine)
- d. Lovastatin, Lisinopril also detected in blood stream

2. Brain

- a. mild cerebral edema

3. Heart

- a. early signs of heart congestion and mild to moderate heart enlargement
- c. calcium oxalate crystal deposition in myocardium

4. Respiratory System

- a. respiratory failure with metabolic acidosis

CAUSE OF DEATH: Multi-system organ failure due to Ethylene Glycol poisoning

***** RECEIPT*****AUTOWORLD*****		
Terminal #1	4-2-2021	4:31 PM

1 x AutoWorld Antifz 1 gal.		\$8.60
1 x candy bar Yum		\$1.05

TOTAL AMOUNT		\$9.65
<div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: 60%;">Cash – Paid in full THANK YOU</div>		

DAN - your days are numbered.

one of these days, I'll call your bluff.

you owe me.



Morgan Mansur, M.D. | Board-certified Cardiologist

135 Ashe Drive, Townsville, Utopia 20291 | 940-333-5423 | mmansur@wellnessmemorial.com

Skills

Invasive Cardiologist
Cardiac CT
Dedicated to excellence
Good clinical judgment

Work History

Head, Cardiology Department, Wellness Memorial Hospital, Townsville | 2000

Doctor, Cardiology Department, Wellness Memorial Hospital, Townsville | 1996

Education

M.D: Medicine
Stanford School of Medicine, Stanford, CA | 1991

Bachelor of Science: Biology & Bachelor of Science: Genetics
North Carolina State University, Raleigh, NC | 1987
Graduated Magna Cum Laude

Internship/Residency

Internal Medicine Residency, Stanford School of Medicine, Stanford, CA | 1993
Cardiovascular Fellowship, Cleveland Clinic | 1996

Accomplishments

Under my leadership, the Cardiology Department at Wellness Memorial Hospital was awarded the President's Circle Center of Distinction Award in 2001

Certifications

Board certified in Internal Medicine
Board certified in Cardiovascular Disease

Research

Amgen study 2015
List of studies from 2000-2015 available upon request

**SBI FIELD OFFICE (TOWNSVILLE)
INVESTIGATIVE SUMMARY
May 29, 2021**

*Prepared by Scout Sullivan, Agent
Basic Law Enforcement, Firearms, Agent and In-Service Training with SBI*

Overview

This report outlines the findings of the investigation into the death of Dan O’Grady.

Rationale and Methods

Per standard industry protocols, I focused my efforts on interviewing relevant parties, setting up fingerprint dustings of the victim’s home and conducting testing of the medications in Dan O’Grady’s possession at the time of his death.

I also reviewed the following documents to assist in my analysis:

1. Police report regarding January 2021 assault incident outside the O’Grady home
2. CCVT Video from AutoWorld – NA / footage from month before victim’s death not available

Findings and Analysis

Search of victim’s home

Dan O’Grady’s medications, including Prozac, Lovastatin, Lisonopril, and baby aspirin, were found in his bathroom’s medicine cabinet. A threatening note was found in a drawer of the victim’s bedside table.

Testing of Prozac liquid medication

The protocols followed by the SBI in determining contents of the medicine bottle are in line with the standards established by the FBI. Following the same standard protocols, the SBI field office in Townsville found Dan O’Grady’s Prozac bottle (mailed to decedent on March 4) to be tainted and had trace amounts of ethylene glycol.

Analysis: With the possibility of lab error quite small, the contents of the Prozac bottle was likely contaminated with ethylene glycol prior to consumption.

Testing of Lovastatin, Lisonopril, and baby aspirin medications

The protocols followed by the SBI in determining contents of these medications are in line with the standards established by the FBI.

Analysis: The SBI field office in Townsville found that these medications were not, and had not been, tainted.

Fingerprint analysis of Prozac packaging and bottle

We employed dusting to make fingerprints on the victim's Prozac medication (both packaging and bottle) visible: the fine powder sticks to the oil in the fingerprint. Once the fingerprint becomes visible, we lifted it from the surface with clear tape and transferred it to another surface to take into the laboratory to analyze further. Donna O'Grady's fingerprints were found on the outside packaging and on the bottle of liquid Prozac. Dan O'Grady's fingerprints were only found on the bottle. No other fingerprints were found.

Analysis: Donna O'Grady handled the medication.

Interviews

I conducted interviews of 1) Donna O'Grady 2) Tracy O'Grady and 3) the AutoWorld store clerk as part of my investigation.

Donna O'Grady was calm and friendly during our interview. She acted like a long-lost friend, confiding in me about her marital problems. When asked, she denied ever touching Dan's Prozac medication.

Tracy O'Grady mentioned it seemed (to Tracy) that during the last few days of his life, Dan O'Grady was feeling ill and that he would get worse whenever he took his Prozac medication. I did hear from Tracy O'Grady that Tracy's mother regularly accused/suspected Dan O'Grady of cheating on her and was irate about this over Tracy's Easter break.

Conclusions

Donna O'Grady did not tell the truth when she said she had not handled Dan O'Grady's Prozac medication.

Oath

I understand I have a duty to update this report if I receive any additional relevant information or reach any additional conclusions prior to trial. I understand that I also have a duty to be truthful and complete in this report, and I have upheld that obligation.

ATTACHMENT: Police Report (Exhibit 6)

TOWNSVILLE POLICE REPORT

Case No: 205-333	Date: January 9, 2021
Reporting Officer: Randy Riff	Prepared by: Randy Riff

Section 1: Incident Information
<p>Town of Townsville, James County, Utopia</p> <p>Incident Date: <u>1/6/2021</u> Day of Week: <u>Wednesday</u> Time: <u>10:00 hours</u></p> <p>Incident Type: <u>domestic disturbance</u> Street Name or Location: <u>201 Main Street</u></p> <p>Statement(s) Made (brief): neighbor 1 stated that homeowner 1 was verbally abusive to him. Homeowner 1 stated that neighbor 1 entered his yard without permission and struck him without cause.</p>
Section 2: Assessment
<p>After questioning both of them, Sgt Riff identified the neighbor Jim Plonger as the aggressor; he had crossed into the victim's property uninvited. Jim Plonger had also pushed the victim over causing a nasty cut to his head from the stair railing located near the front steps of the victim's home.</p>
Section 3: Action / Resolution
<p>Actions Taken: Jim Plonger was arrested for assault and taken into custody. Summary: Case is admin closed.</p>

The Office of Dr. Ariel Sante

Dr. Ariel Sante
123 Roger Street
Townsville, Utopia 20291

Date: January 6, 2021

Client: D. O'Grady

Patient Overview:

Army Veteran w/ PTSD. Former postal service employee until went on full disability, now retired.
Hobby: playing poker. Suffers from some anxiety and depression.

Meeting Notes:

client is agitated today – after morning fight with neighbor.

his focus turned to his wife and how this situation would impact her and her comfort;

he ignores his own feelings on this event. Spoke to him about boundaries and self-care.

Packaged and distributed by Am Health

Prozac
10 mg/5ml 450 ml oral solution

Generic for: NDC 60687-244-40
Fluoxetine oral solution USP 10 mg per 5 ml

Dosage: 10 mg/day. See package insert

Mfg by: Corporation
Indianapolis, IN 462
Mfg Lot: 0357N696
Discard after: 11/2

USPS FIRST-CLASS
March 4 2021
Mailed from ZIP
.....
SHIPPED TO:
Dan O'Grady
201 Main Street
Townsville 20291

Caution: Federal law prohibits transfer of this drug to any person other than the patient for whom it was prescribed. May cause drowsiness or dizziness. Alcohol may intensify this effect. Use care when operating dangerous machinery.



RX ONLY - KEEP OUT OF REACH OF CHILDREN

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