

MEMO
PERSONAL AND CONFIDENTIAL

From: Pete Richards
General Counsel and Homeland Security Advisor
Congressman Charles W. Dent (PA-15)

To: Representative Ginny Brown-Waite

CC: Representative Charles W. Dent

Date: November 1, 2007

Subj: Constituent service on behalf of Shirley Sanservino, mother of decedent Raymond Marc Zachry (Sanservino contact numbers: (352) 637-3126 (home); (352) 586-2684

Dear Representative Brown-Waite:

At the Tuesday Group PAC meeting last night you approached my boss, Congressman Dent, and asked if we could look into the circumstances surrounding the death of Raymond Marc Zachry in Souderton, PA, and the reasons why the Montgomery County (PA) Coroner's Office would not release the autopsy and toxicology reports to your constituent Shirley Sanservino.

I spoke at length today with the Montgomery County District Attorney's Office and the Montgomery County Coroner's Office. My conversation with Assistant Coroner Victoria Furth (610 278 3057) was especially enlightening. She was the one who issued the preliminary findings on the decedent (in PA, coroners are not usually forensic pathologists; the coroner will usually do a preliminary pronouncement and then pass the case to a forensic pathologist {in this case, Dr. Jonathan Briskin} for a detailed autopsy).

In this case the decedent was found lying beside his truck. He had previously been observed waxing the truck. There was some bruising around the eye, the nose, and the back of the head, but these were consistent, in Ms. Furth's opinion, with a fall, as opposed to blunt-force trauma. In addition, the toxicology screen, where they test for the presence of seven commonly-abused drugs, came back negative. Full autopsy and histology reports have not yet been completed, so cause of death at this time is unknown.

As far as refusing to release the report to Ms. Sanservino, Ms. Furth explained that situation as follows: The Montgomery County Coroner's Office does not normally release autopsy reports directly to family members. As a former prosecutor, I can understand this, because the report often contains technical and occasionally gruesome

details that can sometimes be misunderstood. Even in the "cleanest" of these reports, there are details therein which are hard on the psyches of surviving family members.

The office will release these reports to counsel for the family upon request. The normal charge for this is \$200, and Ms. Sanservino did enclose the requisite fee. However, since it was Ms. Sanservino who asked directly, and she was not going through a lawyer, the Coroner's office decided it would not release to her but to a family doctor. As the documentation you provided to me notes, the report will be released to a Dr. Nelson Mathews. Unfortunately, Dr. Mathews was the *decedent's* physician, not Ms. Sanservino's, and I don't believe he is authorized to waive the doctor patient privilege and share that information directly with Ms. Sanservino.

After all of that, Ms. Furth suggested an alternative way to proceed here, a way that I think will work out for everyone:

Ms. Furth will call Ms. Sanservino directly. She will tell Ms. Sanservino to have *her (Ms. Sanservino's) family doctor* send to the Coroner's office a *new* letter requesting the toxicology, autopsy, and histology reports. The Montgomery County Coroner's Office will then send those reports to the family doctor free of charge when those reports are completed in full. There is no need for her to pay \$200.

In addition, Ms. Furth will also run a "poison panel" in order to determine if any common poisons (such as arsenic) can be detected from the remains in order to help ease any familial concerns surrounding cause of death.

I hope that this information helps.

Sincerely,



Pete Richards