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July 3, 2008

The Honorable Charlie Crist  
The Capitol  
400 S. Monroe Street  
Tallahassee, FL 32399-0001

Re: Death of Murray B. Cohen

Dear Governor Crist:

It is with great respect that I write you in connection with the above-captioned matter. You may recall that I am counsel for Mark Lunsford. We are grateful for all efforts you have made on behalf of violent crime victims both as Attorney General and as Governor for the State of Florida.

I write you in connection with a very different and serious matter. Candidly, I am writing you as a means of last resort. I represent Steven Esdale, who is the natural son of Murray B. Cohen (hereinafter "Murray Cohen"). We believe Murray Cohen was murdered at the hands of his wife of three weeks, Maria A. Amurrio, a/k/a Maria A. Cohen (hereinafter "Maria Cohen"). Although the matter was initially "investigated" by the Sarasota Sheriff's Office, and a "review" was later done by FDLE, based on my observations, and the observations of numerous legal experts, law enforcement officials, former prosecutors, medical and technical experts, the investigations conducted by the Sarasota Sheriff's Office and FDLE were fatally flawed, resulting in an absolute lack of justice for the Cohen and Esdale families.

Over the past four years, my client has spent an incredible amount of time and all of his life savings in an effort to achieve justice. Much of his efforts have been in an attempt for exhumation of his father's body. Frankly, at this juncture, we believe that the only way that the deceased will have justice and the family closure is through your office's demand for the appointment of a special prosecutor and an order of immediate exhumation of the body of Murray Cohen. Please know that exhumation has been rigorously contested by Maria Cohen, both through the Courts of Florida and the Courts of the State of New Jersey, where Murray Cohen is buried. Mrs. Cohen has spent tens and possibly hundreds of thousands of dollars in legal fees contesting the exhumation, which in and of itself speaks volumes as to her culpability. In connection with our exhumation request, please know that Dr. Michael Baden, the leading forensic pathologist in the world, has reviewed the case, has serious concerns, and has offered to do an autopsy, for free. I myself am representing Steve Esdale, pro bono. In fact, most of the experts who have reviewed the case have worked and performed services without charge, because they, as I, feel that it is the right thing to do.

I will provide you with a brief outline of the case herein below, and will also provide you with the details of some of the evidence that is in our possession. I ask for an immediate meeting with your staff, or you personally, or with the Attorney General, to demonstrate our evidence, which is irrefutable. Moreover, it is also my duty to advise you of serious irregularities arising out of the Sarasota Sheriff's Office (hereinafter "SSO").

### **Factual Background**

Murray Cohen was a resident of Sarasota, Florida. He was a Jewish American senior citizen. He was an average looking older man, and a millionaire. He had a son, Steven Esdale, and a grandson, Ryan Esdale. The Esdales are the natural decedents of Murray Cohen, and their names were changed years ago only because of antisemitism that they had experienced earlier in life while living in New Jersey. It is this same antisemitism that they fear may play a role in this terribly mishandled murder case.

In December 2002, Murray, then age 71, was dating Maria Cohen, who was an attractive 47 year old Bolivian national, living and working as a probation officer in Sarasota, Florida. Maria was also previously a narcotic's officer in Bolivia. In late December 2002, the couple traveled to LaPaz, Bolivia, where they were allegedly married on December 24, 2002. Murray developed a minor illness while in Bolivia and remained ill with headaches and stomach problems upon his return to Sarasota and until the date of his death on January 13, 2003. We believe that Murray was ill, and eventually died, as a result of being poisoned by Maria Cohen. Indeed, evidence of a rare exotic poison was inventoried by police at the scene of the crime, but not recognized as a poison by the police or medical examiner until discovered and investigated by my client, two and a half years after the death.

### **Date of Death**

January 13, 2003 began as an ordinary day. Murray Cohen spent much of the day in his yard, gardening. On this date, Murray's neighbor, Traci Weeks, observed him checking his mail at 5:15 p.m. She is certain of the time. At 5:34 p.m., Mr. Steven Beninati, Murray's investment advisor, phoned Murray's residence for a pre-scheduled appointment. This has been confirmed through phone records, and Mr. Beninati's sworn testimony. Mr. Beninati advises that at this time, Maria Cohen answered the phone, crying. He also heard "a male voice screaming in the background." Mr. Beninati considered this to be a domestic dispute, and ultimately the phone call was disconnected. Mr. Beninati tried again approximately 11 minutes after the first call, at 5:45 p.m., also confirmed through phone records. This time, Maria again picked up the phone and was "sobbing" and stated that "Murray could not get to the phone." She then abruptly ended the call. During the second call, Mr. Beninati "heard the same male voice, hysterical, screaming in the background."

At 5:58 p.m., Maria Cohen finally placed a call to 911. This was 24 minutes AFTER Mr. Beninati's first call to the residence, where he heard Murray Cohen screaming in the background. Mr. Beninati has told me that he knew Murray Cohen for years, and he believes that he was a witness to murder.

The 911 call lasted approximately six (6) minutes. While my client was never permitted to obtain a digital copy of the 911 call from the original SSO hard drive, the original second generation copy of the 911 call that he received from the SSO has been reviewed by several of the most prominent forensic audio experts in the country, including Arlo West, Paul Ginsberg, and Susan Gaide. Per the experts, Murray Cohen can be heard in the background of the 911 tape making numerous statements, including "I asked you to call me an ambulance" "You said you were going to get me an ambulance" "You are not going to kill me." Likewise, Maria Cohen is overhead on the tape saying "give up" "give it up" "too late." During the call Maria Cohen was coached on CPR by the 911 operator, despite her extensive education and training in nursing and first aid. Even with Murray Cohen's statements overheard in the background, Maria continued to tell the 911 operator that her husband was non-responsive and "totally gone." I have attached a transcribed copy of the 911 tape to this letter as Exhibit "A."

On the date of death, the Medical Examiner's Office, under the supervision of Dr. William Anderson, contacted Maria Cohen regarding the scope of their involvement. Maria Cohen directed Dr. Anderson not to perform an autopsy and directed that the body be delivered to Toale Brothers Funeral Home to be embalmed. This was specifically against Murray Cohen's wishes, and religion. Under the Jewish faith, embalming should never occur. Notwithstanding, the body was transported for embalming before any forensic testing was completed. Without an autopsy, Dr. Anderson then opined that the cause of death was probable acute myocardial infarction due to atherosclerotic cardiovascular disease based on "natural appearing circumstances and a medical history provided by Maria Cohen and Murray Cohen's New Jersey physician, Dr. William McCue." Unfortunately, however, Dr. McCue had two patients by the name of "Murray Cohen", and provided Dr. Anderson with the medical records from the wrong Murray Cohen. As such, Dr. Anderson's opinion, at the time, that there were normal appearing circumstances was 1) based on a history provided by Maria Cohen and 2) a review of the records from the wrong Murray Cohen. Although Murray Cohen did have "some" heart disease, it was well controlled with medication, and he was well enough to use Viagra for erectile dysfunction, prescribed shortly before his death. Dr. Anderson now realizes he made a serious mistake, and insists that an autopsy should be performed. See attached Exhibit "B" (Affidavit of Dr. Anderson). Unfortunately, Dr. Anderson is no longer the medical examiner in Sarasota, and has no current authority to order exhumation. The successor medical examiner has refused to order exhumation.

After Murray was declared dead, SSO compiled an inventory of the medications located in the Cohen residence on January 13, 2003. This report was not released until sixteen (16) weeks after Murray's death. Included in the medication inventory list was a vial of Corazol solution. See attached Exhibit "B2" (Medication Inventory). At the time, the medication was not recognized as problematic by police, or the medical examiner. In fact, neither had ever even heard of it. It was not until 2 ½ years after Murray's death that Steve Esdale reviewed the reports, noticed the Corazol, and discovered that it is, in fact, a poison, banned by the United States Federal Drug Administration (FDA) since 1998. One of the only places in the world where it can be purchased is Bolivia, which was the site of Murray's wedding several weeks earlier. Corazol is a convulsive agent that would be fatal if used by a person with heart disease, which Murray had. More telling, Corazol gives off an alcohol like odor. While Murray Cohen never drank alcohol, the medical examiner and officer at the scene smelled alcohol on him. The reason exhumation must be achieved immediately is so that testing can be accomplished for Corazol within the body of Murray Cohen. As referenced above, in light of this discovery, Dr. Anderson, who

initially decided not to do an autopsy at the time of death, now insists that an autopsy is absolutely necessary to determine the cause of death.

Also telling are telephone records which reveal that seventeen (17) minutes after Murray Cohen was pronounced dead, Maria Cohen called Wachovia Bank and inquired as to the contents of Murray Cohen's bank accounts. The estate of Murray Cohen was estimated to be worth 1.3 million dollars, back in 2003, at the time of his death. Her actions are inconsistent with a person who should have been a grieving widow.

### **Maria Cohen's Version of Events**

At the funeral, Maria Cohen told Murray's New Jersey family that on the date of death, she and Murray were working in the yard, and when Murray felt tired, she told him to go in the house, sit in a chair and watch TV, while she fetched him a cup of coffee. When she returned, she advised that she found him dead in the chair. Irene Petras, Murray Cohen's cousin, will confirm this discussion. See attached Exhibit "C" (Affidavit of Ms. Petras).

In contrast, Maria Cohen told a much different version of events to the police, and in her sworn deposition testimony. She has testified that on January 13, 2003, she and Murray Cohen went down for a nap at 4:30 p.m. Just before 6:00 p.m., the phone rang and woke her up. She went to the kitchen to answer the phone. The call was for her husband (Mr. Beninati), so she went back into the bedroom to wake him. She says that he was unresponsive. She turned on the light and found him purple, dead. Her testimony is that she then called 911 and attempted CPR. This is the official and publicly accepted version of events, as accepted by the SSO. See attached Exhibit "D" (SSO Police Report).

Incredibly, the hard evidence totally contradicts her sworn testimony. She claims Murray went to bed at 4:30 p.m., never woke up, and she found him dead just before 6:00 p.m. However, we know he was seen at his mailbox at 5:15 p.m. and that he was heard by Steve Beninati at 5:34 and 5:45 p.m.. Obviously, Murray Cohen was not asleep as claimed by Maria Cohen, beginning at 4:30 p.m. Obviously, Maria Cohen was not asleep until just before 6:00 p.m., as she claims. We have witnesses that see and/or hear Murray Cohen at 5:15, 5:34 and 5:45 p.m. Mr. Beninati actually speaks to Maria Cohen at 5:34 p.m. and 5:45 p.m., so she could not have been asleep during these times. Clearly, Maria Cohen lied to the police, and lied under oath in deposition, regarding the events and circumstances preceding the death of Murray Cohen. See attached Exhibit "E" (Affidavit of Traci Weeks) and Exhibit "F" (Affidavit of Steve Beninati).

### **Testimony of Detective Gary Ferguson**

I would ask that you consider the opinion of a highly decorated SSO veteran, Gary Ferguson. Detective Ferguson was employed by SSO from 1971 through 1998. In 2006, he was asked to review the case by an "unnamed" former SSO deputy. On his own accord, he investigated the death, and has opined that the investigation by SSO contained numerous omissions and errors. He opines that "a complete autopsy will provide the missing trace evidence and should serve to reopen this case for what I believe it to be, a cold blooded premeditated murder done for money and greed." I have attached his report for your review. See attached Exhibit "G" (Affidavit of Gary Ferguson).

**Sarasota Sheriff's Office Shenanigans and Irregularities**

**911 Tape**

The 911 tape has been the subject of substantial debate. Although my client has a copy of the 911 call, he has never been provided with a digital copy of the original master. This issue has been widely reported on by the press, both locally and nationally. When the Sarasota Herald asked for a copy of the tape, the SSO provided them with a poor quality copy. After initially reviewing what we now know to be a poor copy, their expert, Paul Ginsberg, opined that he heard nothing on the tape. However, when Mr. Ginsberg learned that he received a poor quality copy, he demanded that the SSO send him a clean copy from the original, which was ultimately accomplished. Mr. Ginsberg then confirmed that Murray Cohen, in fact, could be heard on the tape, in the background, when he was supposed to be dead. The Herald then published a new report about the true details of the 911 call, as heard by their own retained expert, who heard Murray Cohen ask "you had said you were going to get me an ambulance" and "didn't you call for an ambulance?" He also heard Maria Cohen proclaim "give up!" See attached Exhibit "H" (Affidavit of Paul Ginsberg).

Later, SSO was asked to send a clean copy of the 911 tape to FBI, who reviewed the tape, and concluded that they could not hear the details as alleged. Given the clear and consistent opinions from all of our experts, including an expert retained and paid for by the Sarasota Tribune, we believe that the FBI was also presented with a poor quality tape, which would have been impossible to translate.

Even more concerning are the facts surrounding the recent destruction by the SSO of the original 911 recording and computer hard drive. For years, the SSO had attempted to destroy the hard drive containing the original 911 call. For years, my client's lawyer, Mark Lord, successfully prevented the destruction of the hard drive, by court order. Last year, my client hired William Tidwell, a certified systems network engineer, who was THE primary engineer with the Sarasota County 911 center at the time of Murray Cohen's death, and at the time the 911 call was made. After receiving an order from the probate court, Mr. Tidwell was permitted to review the SSO 911 hard drive, and spent 24 hours over two days, reviewing the hard drive. Incredibly, he discovered that all calls made on January 13, 2003 were intentionally deleted, yet all other calls for every other day in January 2003 were intact. See attached Exhibit "I" (Affidavit of William Tidwell). After Mr. Tidwell's report, my client retained an analyst in Jacksonville who specializes in deep data recovery, and asked permission to reinspect the hard drive. However, immediately thereafter, and before the expert could conduct deep recovery inspection, counsel for the SSO conducted an ex-parte hearing with the probate judge and received permission to destroy the hard drive. This was granted, without notice to my client or his lawyer. By the time either my client or Mr. Lord learned of the order granting destruction, it was too late. See attached Exhibit "J" (Letter from Mark Lord). The hard drive had been destroyed. Regardless, we still have the original second generation copy, which provides sufficient evidence to support that Murray Cohen was alive at the time that the 911 call was made.

**False Time Line by SSO**

Incredibly, after the media began to report these irregularities, the SSO, under the leadership of Sheriff William Balkwell, created a fabricated, false, and intentionally deceptive time line document

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regarding the immediate events surrounding the death of Murray Cohen. I cannot comprehend why the SSO would go to such lengths to create such a document, of which I am in possession. It is as if they created this document to serve as some kind of alibi for Maria Cohen. The document, much like most of their documents in connection with this case, contains wholly false information. It is intentionally deceptive, and I believe its purpose is to mislead the public.

To demonstrate, the SSO's false time line document describes the Beninati call at 5:34 p.m., and places Maria Cohen's call to 911 and emergency dispatch at 5:38 p.m., allegedly four minutes after the Beninati call. It indicates that the ambulance arrived at the scene at 5:42 p.m. and that the 911 call was terminated at 5:43 p.m. It shows the second call from Beninati at 5:45 p.m. and later the pronouncement of death at 6:05 p.m. See attached Exhibit "K" (SSA false time line). This time line is wholly bogus.

The truthful time line, as confirmed by official records and documents, cannot be contested. Beninati calls the residence at 5:34 p.m. and again at 5:45 p.m. **The 911 call was not made until 5:58 p.m. The ambulance was not dispatched until 5:58 p.m. and did not arrive at the scene until 6:04 p.m.** See attached Exhibit "L" (Official documents verifying timing).

#### Witness Intimidation

Additionally, both Traci Weeks (the neighbor who saw Murray Cohen at 5:15 p.m.) and Steve Beninati (the financial advisor who called at 5:34 p.m. and 5:45 p.m.) will swear that they were encouraged and/or intimidated by the SSO to modify their statements as to the timing of these events.

Again, I can see no purpose in the above referenced inappropriate actions by the SSO, other than to hide the truth of the facts surrounding the death of Murray Cohen and/or to protect Maria Cohen. Despite these attempted shenanigans, it is absolutely clear that both Beninati's calls were made well before 911 was ever called.

#### Conclusion

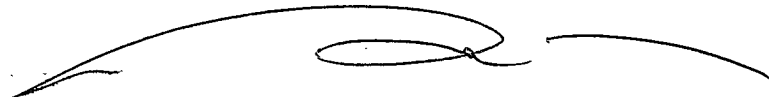
Governor, if there were another way to accomplish justice, I would pursue it. Candidly, I only recently began representing the Esdale family. Previously, they attempted recourse through a very hostile and adversarial probate court, without success, although those matters are pending appeal. I would implore you to appreciate that the reports created by FDLE and the SSO are so littered with falsehoods and flat out lies that they cannot be relied upon in connection with an investigation by your office. I know this to be true, as I have read the false statements, and I have spoken with the witnesses that they have purportedly interviewed.

Additionally, it is important to appreciate the obvious conflict of interest of Mr. Earl Moreland, the 12<sup>th</sup> Judicial Circuit State Attorney, who is responsible for prosecuting crimes in Sarasota. This conflict was brought about by his own words. Indeed, he has stated that he does not intend to order an exhumation of the body of Mr. Cohen, nor does he foresee ordering an exhumation in the future. He also indicated that even if an exhumation were performed and (Corazol) were identified in the exhumed body, available evidence would still be insufficient for criminal charges to be filed.

Incredibly, it is clear that even the discovery of a lethal dose of Corazol within the body of Murray Cohen would be meaningless to the 12<sup>th</sup> Circuit State Attorney. Certainly, if evidence including death by poison, a 911 tape recording the murder, a witness testifying that he heard the murder, multiple inconsistent alibis by the accused, and a million dollar inheritance are not enough to convince Mr. Moreland that charges should be filed in this case, then Murray Cohen could never achieve justice in the 12<sup>th</sup> Circuit.

The rule of law should apply to all Floridians and certainly to foreign nationals who commit murder in our State. While I am disturbed and disgusted at the behavior of the SSO, I am primarily interested in achieving justice for the murder of Murray Cohen. As such, I would request either a gubernatorial order of exhumation, the appointment of a special prosecutor, an investigation by your top people, and/or a meeting with me, Steve Esdale, and our team of experts, to discuss where we go from here.

Respectfully,

A handwritten signature in black ink, consisting of a long, sweeping horizontal line that curves upwards at the ends, with a smaller, more intricate loop in the center.

Mark H. Gelman

MHG/lcf  
cc: Steve Esdale