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SARASOTA COUNTY SHERIFF'S OFFICE
INVESTIGATIVE REPORT

VICTIM: Murray B. Cohen
W/M 09/14/30
4919 Commonwealth Dr.
Sarasota, FL.
(941) 349-1212
Deceased

CASE #: 03-3611

OFFENSE: Death
STATUS: Supplement

DATE TYPED: 03/04/04

PERIOD COVERED UNDER INVESTIGATION: 07/08/03 to date

Det.: C. Hallisey #747
Tad
Copy to:

Supv.: Sgt. P. Richard #488

SYNOPSIS

On January 13th, 2003 Murray B. Cohen (decedent) died at his home in Sarasota. The decedent's wife, Maria was at home at the time and reported his death. Pursuant to a 911 call made by Maria, the Sarasota Sheriff's Office and the Sarasota Paramedics were dispatched to the home. Attempts to resuscitate the decedent were unsuccessful, and under the supervision of Dr. Colgate (Sarasota Memorial ER), the decedent was pronounced dead by paramedics at his home.

Det. D. Scott and Forensics Sgt. S. Sullivan were summoned to the scene. According to Det. Scott's report the decedent was taking an afternoon nap (1630) with Maria when the phone rang. Maria answered the phone and the caller asked for the decedent. Maria called for the decedent to come to the telephone. When the decedent did not respond, Maria went to check on him only to find him unresponsive. Maria hung up with the caller and called 911.

According to Maria, the decedent was reported to have extensive cardiac history; however, he was not under the care of a local doctor. Thus the decedent fell under the jurisdiction of the Medical Examiner. Through standard protocol the District Medical Examiners' Office was notified and arranged transportation of the decedent to the morgue.

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After consultation with the decedent's physician, the Medical Examiners' Office utilized a sign out procedure, which did not entail an autopsy, and declared the decedent died of natural causes. The decedent's body was then transported to the funeral home.

On January 16, 2003, Det. Scott notified the Medical Examiners' Office and expressed concerns he received from family members, over the cause death. With this information, the Medical Examiners' Office went to the funeral home and pulled head hairs and vitreous fluid from the decedent. The vitreous fluid was analyzed and found only to contain chemicals related to embalming, no other substances were identified through the toxicology screen. (The pulled head hair was later examined and returned with elements commonly found in human head hair.)

The information provided at this time to the Medical Examiners' Office was not sufficient to change the manner of death from natural and the cause of death from Probable Acute Myocardial Infarction due to Atherosclerotic Cardiovascular disease.

According to Det. Scott, over the following weeks and months, he received numerous telephone calls from the decedent's son, Steven Esdale. Det. Scott explained Esdale had made multiple accusations regarding his father's death and the potential that Maria Cohen was somehow involved with his demise. Esdale suspected that his father was either poisoned or that Maria Cohen had left him to die during a natural heart attack. According to Det. Scott's report there was no evidence or witnesses identified to substantiate Mr. Esdale's claim. Det. Scott provided Mr. Esdale with a copy of the 911 telephone call and photographs taken at the scene by Forensics Services. Det. Scott's report concluded the decedent's death was natural and the report was exceptionally cleared. Refer to Det. Scott's report for additional details.

INVESTIGATION

07/08/03

I was asked to reevaluate this case to determine if there was evidence to support Mr. Esdale's claims.

This case was assigned to me by Sgt. Richard and Maj. Gooding. According to information learned from them Mr. Esdale, he had apparently spoke to a stockbroker who telephoned the decedent on or about the time of his death. According to Esdale, this stockbroker claimed he overheard a domestic dispute in the background during his telephone call. Maj. Gooding and Sgt. Richard asked that I investigate this information to determine is relevancy.

07/11/03

I called and left a message for Maria Cohen (941) 349-1212.

07/14/03

After several attempts to contact Maria Cohen, I received a telephone call back from her. Mrs. Cohen said she felt as though she was being harassed, but she was willing to cooperate. Mrs. Cohen explained her attorney retained by her for the probate case, was David Band (366-6660). She asked that I called him before I spoke to her directly about this case. I called Band's office and left a message. On July 15, 2003, I received a telephone call from Ken Door, who was representing Maria Cohen along with David Band. Mr. Door asked that I not contact his client at this time. He said he would need to speak with Mr. Band before any other information was to be given.

07/16/03

I received a call from Steve Esdale. He explained the decedent was buried in New Jersey, and he wanted the body exhumed for an autopsy. Esdale expressed several possibilities suggesting his father was murdered and Maria Cohen was responsible. He explained two weeks after the decedent's death Maria Cohen removed \$200,000 from a Wachovia account, which the decedent maintained. Esdale explained he found a signature card that he believed was forged that gave Maria Cohen access to bank accounts of the decedent, thus supporting his accusation. I asked Esdale to provide proof the documents were forged, he indicated he would.

Esdale continued by explaining his theory by reporting Maria Cohen was educated as a nurse and has a law enforcement background from Bolivia. Because of this, Esdale believed Cohen was knowledgeable about poisons and she would have been able to poison the decedent without detection. Esdale asserted that Maria would have poisoned her husband to take money from accounts that were jointly held by the decedent and he.

07/17/03

I received a telephone call from Steve Esdale (Steven J. Esdale, W/M, 06/11/59, 1363 Springside Dr. Weston, FL.). He provided Maria's maiden name as Maria A. Amorio Fernandez. Maria had a life insurance policy through American General out of Springfield IL on the decedent. Esdale told me the decedent had no serious medical condition as was purported to law enforcement by Maria. Esdale made a request to have the 911 call tape enhanced.

I left a message for Steve Beninati, the decedent's stockbroker who telephoned the Cohen residence on the day of the incident, to call me.

I called and left a message for Dr. Colgate.

07/21/03

I received a call from Esdale, who reported Maria intended to kill his father in Bolivia, while they were there vacationing. Esdale explained Roda Gudman, a friend of the decedent, told him the decedent returned from Bolivia ill. Also, Esdale believed his father died 2-3 minutes prior to the SCFD Paramedics arrived.

Esdale also asserted Maria's friend Ronnie Rose was somehow involved in a conspiracy to kill his father. Esdale was unable to support this accusation with evidence.

Esdale said he was able to determine the decedent and Maria placed Maria as a signor on the decedent's bank account on 03/01/02. On 12/20/03, Esdale reported Maria was added to the account as a joint owner while in Bolivia. Esdale believed this second document, which was reportedly mailed to the bank from Bolivia, was forged.

07/23/03

I called Steve Beninati again and left another message with his secretary.

07/23/03 1338 hours

Mr. Beninati returned my telephone call and explained he had a pre-scheduled telephone call with the decedent on the date of the incident. He believed that his assistant made the appointment, which was set for 1700 hours on 01/13/03. Mr. Beninati explained when he telephoned the house a Latino woman answered the telephone. Beninati said he could remember distinctly when the calls were made or what was said during each call. He did say when he called a Latino woman who was sobbing. He explained he heard what appeared to be screaming and then the phone hung up. Beninati explained he called back after several minutes, believing he had dialed the wrong number. Upon the second telephone call the same woman answered the phone and told him the decedent was unable to come to the phone. He said he heard the same screaming, which was unintelligible but he characterized it as a domestic dispute. Beninati was unable to verify what time exactly the telephone call was made.

I spoke to Esdale over the phone. I asked Esdale why he had a different name than his father. Esdale said he changed his name for business reasons due to anti-Semitism.

Esdale called back later to accuse Det. Scott of tampering with the 911 audio tape. I informed Esdale I would not discuss this accusation with him, and that he needed to direct his complaint to proper authority.

Esdale called back irate because I question his suspicion of Det. Scott. Esdale insinuated that the entire Sheriff's Office and Medical Examiner's Office were engaged in a conspiracy to cover-up his father's murder. Esdale said he knows how law enforcement "circles the wagons" and "no stinking cop will stop him." Esdale continued, "If you don't do your job, I will come after you."

07/25/03

I received a telephone call from Atty. David Band. He explained his client would be willing to answer my questions only if they were prepared and submitted in advance to his office. I told Mr. Band that I was not inclined to engage in an interview in this format.

I reviewed the telephone records for the decedent's home for the day of his death. According to Verizon phone records, two telephone calls of note came to the decedent's home on January 13th, 2003; one at 1734 hours and 23 seconds, the other at 1745 and 43 seconds from telephone number 212-643-5700. This is the telephone number for Steve Beninati.

When comparing these calls to the Sheriff's Office Dispatch record, the 911 call placed by Maria Cohen was received at 1737 hours, which appears to fall between the two phone calls made by Beninati. I believed this information would help corroborate Beninati's and would refute Maria's reporting of the event. Subsequently, I called Verizon in an attempt to identify how accurate the phone log was and the time reported on phone records and specifically if their time stamp coincided with the time stamp of the Sheriff's Office 911 system. I telephone 915-949-0362 and spoke to Chris who explained the phone records and logs are frequently off by several minutes when comparing one system to another. Therefore, since the 911 call was made at 1737 hours, and the phone records indicate a phone call was placed to the home at 1734 hours, the times are not separated with enough distinction to determine if the 911 call was made before or after Beninati called the house. The second phone call at 1745 hours, in my opinion was sufficiently later than 1737 hours, and likely came in after Maria placed the 911 phone call. (911 calls do not show up on phone records) Since Beninati was unable to distinguish the disturbances he overheard and that both phone calls sounded the same to him, I cannot independently establish Beninati's suspicion

that he overheard a domestic disturbance versus a woman who, once awakened by a phone call found her husband deceased.

07/28/03

I spoke with Meghann Simrak of the ME office. She explained Dr. Anderson was advised of the concerns the family had regarding the cause of the decedent's death but declined to do an autopsy. Meghann reported the decedent's doctor, Dr. McHugh, was not surprised of the decedent's death due to his pre-existing medical condition.

07/29/03

I spoke with Mr. Esdale and he recognized that the telephone calls of Beninati did not clearly establish a domestic dispute was occurring at the time the decedent died. Mr. Esdale concurred the second phone call Beninati placed to the home did occur after the paramedics had arrived.

Mr. Esdale explained the majority of the decedent's estate was willed to his son, Ryan Esdale (the decedent's grandson). Esdale expressed concerns Maria Cohen was removing money from the estate, which is relegated for his son. Mr. Esdale said Maria had submitted to a deposition regarding the pending civil litigation and he would mail me a copy of the deposition.

08/11/03

I reviewed the video deposition of Maria Cohen brought to the Sheriff's Office by Steve Esdale. The video was dated 07/26/03 at 1019 hours. The video was of poor audio quality and I was unable to discern much of what was being said. I was able to determine that Maria stated that she lived at Commonwealth drive since February of 2002 and that her mother is visiting with her now. She worked for the Superior Court of New Jersey until August of 2002 as an investigator. On July 14th, 2001 she became engaged to the decedent but she later corrected that date.

08/13/03

I called Bill Weaver of the Sarasota County Fire Department (346-2949). Weaver was the paramedic who responded to the Cohen home, he was not available.

I called the Florida Department of Law Enforcement seeking audiotape enhancement capabilities. I spoke to Mike Epstein (1-888-548-6818) who said FDLE did not have enhancement capability and that I should call Hillsborough County S.O. as they might.

08/18/03

Esdale called leaving a message inquiring about the audiotape and head hairs.

08/19/03

Esdale left a message complaining that he has fundamental problems with me as the detective on this case. He stated that "I better change my theories because he is tired of the cover up". I discussed Mr. Esdale's attitude with my supervisor, Sgt. Richard, who explained that I should only have contact with Esdale's attorney, Mr. Rakusin. I spoke to our audio/visual technician, Sgt. Bob Graham, who explained that I should contact Craig Cloversatle (HCSO) at 813-247-8711 regarding a possibility of enhancing the 911 tape.

I spoke with Attorney Steve Rakusin, who explained Maria had testified during the deposition that she was napping with the decedent when the phone rang. According to Rakusin Maria went to answer the phone in the kitchen. She went back in to the bedroom to wake up the decedent and tell him the phone was for him. Maria said she found the decedent not breathing at this time.

Mr. Rakusin also reported Maria claims to be a former law enforcement officer from Bolivia and worked as a nurse in New York. Mr. Rakusin believed Maria would have had training and should have known how to perform CPR. I explained to Mr. Rakusin the copy of the deposition that I received was of very poor quality. He indicated he would send a second video with a transcript. I discussed the potential for exhuming the victim and I explained that a burden of proof at this point for exhumation had not been met and I suggested he pursue civil litigation for exhumation, he explained he was.

I contacted the Hillsborough County Sheriff's Office and spoke with Det. Joe Antinori at 813-247-0598. He explained they had a system they called P-CAP which is an audio enhancing system. He explained that he would be willing to enhance the audiotape for me but was busy right now and suggested that I contact him in a couple of weeks.

08/25/03

I received a second video deposition which was dated 08/06/03. The video was edited and I only received a portion of this deposition.

According to Maria, the decedent and she were lying in bed when she awoke to the phone ringing. She got up to answer the phone in the kitchen, Maria did not recall who was on the phone, but the person asked for her husband.

Maria said she looked at the clock which read 1738 hours. Maria reported that her husband did not respond when she called for him so she called at him more sharply a second time, and called again in a louder voice and then louder again, the decedent did not respond. Maria said she went to shake him and wake him up, then felt that he was lifeless.

Maria said decedent was lying slightly on his side with his right hand holding onto the bed frame. Maria said she thought she heard him breath but the room was dark. She said his head appeared purple. Maria said she went back to the phone and the person who called was still on the phone. Maria said she hung up with this person and then called 911. She said the person called back and she explained not to call that there was an emergency.

Also contained in her deposition Maria discussed funeral arrangements she made through Toale Brothers. Maria said gentleman named Dick Reilly [sic] handled the funeral arrangements. Maria said the funeral home had instructed her that the decedent should be embalmed because of the delayed funeral and since he was to be transported to New Jersey.

According to Maria the decedent had claimed Esdale hurt him because he would not call him or would not allow him to call or see his grandson Ryan. She said Esdale would only call the decedent to ask for money, and if he did not get any he would become enraged.

Maria also stated that during one conversation she overheard the decedent agitated and yelling at Esdale. She said she picked up the other phone in the house and heard Esdale demanding money from the decedent. She said that Esdale demanded the inheritance now or the decedent would never be able to see the grandson again. Maria said when the decedent refused, Esdale told the decedent to "go fuck yourself" and hung up the phone. She said the decedent began to cry and told her Esdale owed him over \$30,000. Maria said this conversation occurred in October of 2001. According to Maria the decedent had asked her to manage Ryan Esdale's inheritance if he should die. Refer to deposition for further details.

09/08/03

I met with Myron Nichols at Toale Brothers. Mr. Nichols explained it would have been their recommendation to Maria Cohen to have the decedent embalmed prior to transport. I spoke to Toale Brothers because Esdale had previously made an accusation that Maria sought embalming of the decedent, against Jewish faith, in order to cover up potential evidence that would be corrupted during an embalming process. This evidence would have consisted of a chemical poisoning. Mr. Nichols said Orthodox

Jews are against embalming but he understood the decedent was not Orthodox. Nichols said he has a Jewish employee who handles Jewish faith deaths, and she knew the decedent personally, and knew he did not practice the Orthodox persuasion. Nichols said I could get more information from David Robby, who was the funeral director that handled the decedent's funeral arrangements.

09/10/03

I met with Paramedic Bill Weaver at the fire station on Siesta Key. He recalled the run to the Commonwealth Drive home but he did not recall having seen or any obvious signs of death as indicated in this report. He explained the patient's down time was unknown.

I called David Robby. He recalled the conversation with Maria about funeral arrangements and he said Maria did not encourage embalming of the decedent as suggested by Esdale. Mr. Robby explained Maria deferred to Toale Brothers as to what is the normal protocol for preparing a body for shipment out of state. Mr. Robby explained this protocol is to embalm.

10/17/03

I received a faxed report from the Medical Examiner's Office. The head hair analysis was complete and identified only chemical substances common to human head hair.

10/29/03

Mr. Esdale was told this case was finished and that I had found no evidence to support a request for exhumation of the decedent for autopsy. Mr. Esdale became extremely angry with me and stated "all you guys can take your guns and stick them up your asses and pull the trigger". I instructed Esdale never to call me again.

12/02/03

I received a fax from David Winterhalter of the District Medical Examiner's Office. The fax was a report from GaideCom who enhanced and transcribed the 911 call regarding this case for Esdale. I reviewed the report and noted GaideCom identified a third voice on the recording. This would contradict Maria Cohen's statement of events. Using the transcript as a reference, I reviewed the 911 call and I was able to identify a third-male voice state, "I should beat you up." This statement can be heard during a pause while the 911 operator is giving instructions to Maria on CPR.

This third male voice has a distinctive quality sounding more consistent with originating from the 911 operator's side of the conversation, rather than the Maria's side of the phone. I called and left several messages for Susan Gaide of GaideCom.

I played this tape for Ann Pingel, manager of the Communications Center. Pingel said the third voice sounds like a communications person who must have been standing near the 911 call taker when the statement was made. She said this is a common occurrence as she makes a majority of the 911 call copy requests, and she often hears other communications personnel talking in the background on these recordings.

12/04/03

I spoke to Susan Gaide. She said their company uses state of the art enhancement software to clean-up poor recordings and offer transcription of these recordings. She said during the enhancement they identified this third voice and the attempted to isolate the voice to determine what was being said. Susan said much of what was said was not discernable for transcription. She said other statements were discerned using personal judgement, and some statements for easily discernable. GaideCom was not court tested as of this date.

I discussed this finding with my supervisors and I felt this information was significant, however, I felt the results should be verified and received consent to submit the 911 tape to the FBI for analysis.

I called the FBI and spoke to Greg Major at 703-632-6237. Major explained how the tape was to be packaged and where it was to be sent.

At the request of the FBI, I identified the 911 communication center recording system and submitted a letter with the tape to the FBI Engineering and Research Facility. My letter requested an analysis of the tape to identify how many parties could be identified and what side of the conversation they occur.

- I received a response from the FBI. They were unable to identify a third party on the 911 tape. I resubmitted the tape with the GaideCom results. I asked FBI to determine how many voices were on the tape and what side of the phone conversation the voices emanate.

01/26/04

Pursuant to multiple telephone calls from Mr. Esdale I telephoned Mr. Silverman at 973-467-3404. Mr. Silverman explained he is the decedent's first cousin and also a stockbroker who manages one of the decedent's accounts. Esdale asked me to contact

Mr. Silverman because he understood Silverman to have overheard or received information from Maria Cohen that the decedent was sitting at the dining room table when Maria had gave him a drink. The decedent was said to slump over after the drink.

Mr. Silverman stated this was not in fact the case, that he did not have any direct conversations with Maria Cohen. He said it was his perception or impression that the decedent was awake when he succumbed to his death but did not know under what circumstances. Mr. Silverman went on to explain the decedent had expressed never being happier since marrying Maria and he explained the decedent's relationship with Esdale was not good.

Mr. Silverman explained the decedent complained about Esdale frequently, because he regularly asked him for money. Silverman said the decedent expressed he did not trust Esdale. Silverman further explained the decedent had reportedly wanted the estate split between Maria and his grandson Ryan. Mr. Silverman understood Maria only received the account he managed and the other accounts went to Ryan.

01/26/03

I attempted to contact Tracy, a neighbor of the decedent. According to Esdale Tracy saw the decedent outside on the day of his death at 1700 hours. Mr. Esdale explained that if this information was true that it would directly contradict Maria's statement that she and the decedent were in bed at 1630 taking a nap prior to his death.

02/04/04

I received the enhanced tape from the FBI. The FBI did not offer an opinion as to whether or not there were more than two voices. I reviewed the tape and could not distinguish any discernable third party voice other than the voice I previously mentioned. The transcription and enhanced tapes were submitted into evidence.

02/26/04

I spoke to Tracy, the decedent's neighbor, via the telephone. She was out of town. She explained that she did see the decedent sometime between 1645 and 1700 hours near the mailbox while she was leaving to go to a class.

This information was not conclusive, and it does not directly contradict Maria Cohen's statement that the decedent and she went to bed at 1630.

CONCLUSION

Based on this investigation, Maria Cohen's statement to law enforcement cannot be refuted, and Esdale's allegations have not been supported by this investigation. After a thorough review of this case by the Sheriff's Office and the Medical Examiner's Office, Murray Cohen's death is regarded as natural. This investigation is now concluded and should remain exceptionally cleared.