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Florida Department of Law Enforcement

Guy M. Tunnell, Commissioner

*Jeb Bush, Governor
Charlie Crist, Attorney General
Tom Gallagher, Chief Financial Officer
Charles H. Bronson, Commissioner of Agriculture*

January 12, 2006

Mr. Steven Esdale
1112 Weston Road
Suite 151
Weston, Florida 33326

Dear Mr. Esdale:

In your letter of August 8, 2005, you filed a complaint against District 12 Medical Examiner Dr. Russell S. Vega and Investigator Meghann Simrak. On August 16, 2005, we informed you by letter that the Medical Examiners Commission has disciplinary jurisdiction over certain activities of the District Medical Examiners and the Associate Medical Examiners, however, it does not have disciplinary jurisdiction over the State's medico-legal investigators. On that same day we wrote a letter to Dr. Vega informing him of the substance of your complaint and asking him for copies of the entire case file on his office's investigation of the death of your father, Mr. Murray Cohen.

Since that time staff has reviewed all of the material received from the District 12 Office and has interviewed Dr. Vega several times to seek clarification and obtain more information on some of the issues. All material obtained by staff was forwarded to the Chairman of the Commission, Dr. Stephen Nelson, for his review. Dr. Nelson reviewed the material, met with staff, and also conversed with Dr. Vega on at least one occasion. The following is staff's response to your complaint which has been reviewed and endorsed by Dr. Nelson.

As you are aware, your father, Mr. Cohen, died on January 13, 2003. His death was certified as a natural death by then District 12 Associate Medical Examiner Dr. William R. Anderson. Dr. Anderson ordered investigators to conduct an external examination of your father and take samples of hair and vitreous fluid at the funeral home after his body had been embalmed as a direct result of questions you raised regarding his death. Dr. Vega became the District 12 Medical Examiner on October 14, 2003, and is relying on information documented at the time of death.

In a written response to this office, Dr. Vega acknowledged that Investigator Meghann Simrak erred in the investigator's case summary report when she recorded Corazol as one of the medications prescribed by Dr. McHugh to your father. Dr. Vega denies that it was done "deliberately and [that Inv. Simrak] purposefully made false statements." Dr. Vega will correct the records of this case to reflect that he is "aware of this error in the report and that I am in no way suggesting that Dr. McHugh prescribed Corazol to Mr. Cohen."

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In a telephone call to this office on September 30, 2004, you requested that an additional complaint be added to your original letter of August 8th. You commented that in the Report of Investigation there is another inaccuracy where your father is marked as "uncircumcised", when in fact Mr. Cohen was of the Jewish faith and (presumably) was or should have been circumcised. Dr. Vega responded to this complaint that the Polaroid pictures taken at the morgue were of the face only and were used for identification purposes. Digital photographs taken by a medical examiner staff member later at the funeral home revealed that the genitalia had been covered. Accordingly, Dr. Vega cannot have the report changed as the author has no independent recollection of that part of the external examination.

Finally, it remains Dr. Vega's professional medical opinion that an exhumation of the body of Mr. Cohen is not warranted at this time. The Medical Examiners Commission has no authority to order Dr. Vega to exhume Mr. Cohen's body. However, at the urging of the Chairman of the Medical Examiners Commission, Dr. Vega met with State Attorney of the 12th Judicial Circuit, Mr. Earl Moreland in early January of this year concerning the exhumation of Mr. Cohen's remains. In a written statement to staff, Dr. Vega reported that Mr. Moreland:

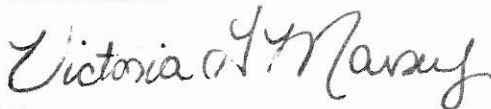
... has indicated that he does not intend to order an exhumation of the body of Mr. Cohen, nor does he foresee ordering an exhumation in the future. He also indicated that, even if an exhumation were performed and pentylentetrazole (Corazol) were identified in the exhumed body, available evidence would still be insufficient for criminal charges to be filed.

Based on the above information, staff has determined that your complaint of August 8, 2005 is *not legally sufficient*. The investigation into your allegations did not yield any indication that there have been infractions of statute or rule by Dr. Vega. As stated previously, the Medical Examiners Commission only has disciplinary authority over certain activities of current medical examiners.

If you have any questions about this response, please contact me.

Sincerely,

Guy M. Tunnell
Commissioner



Victoria G. Marsey, Bureau Chief
Bureau of Standards

VGM: jl

cc: Dr. Stephen J. Nelson, M.A., M.D., Chairman, Medical Examiners Commission
Dr. Russell S. Vega, M.D., District 12 Medical Examiner
Mr. Earl Moreland, State Attorney, 12th Judicial Circuit