

# **EXHIBIT “A.3”**

**THE COUNTY OF GALVESTON  
MEDICAL EXAMINER'S OFFICE**

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Deputy Medical Examiner

**OUTSIDE CONSULTATION CASE # OC-2009-001**

Date: April 14, 2009

To: Attorney James Rytting

From: Stephen Pustilnik, M.D.  
Chief Medical Examiner



RE: Review of Harris County Medical Examiner's case # 99-02, Melissa Trotter.

I have reviewed the autopsy report, microscopic slides, the National Oceanographic and Atmospheric Administration's reported temperatures for Montgomery County for the period December 7, 1998 to January 3, 1999, the detailed consultation of Robert Lloyd White, M.D., from Fort Worth, Texas, the autopsy report from Joye Carter, M.D., the autopsy photographs, and the scene photographs of the case involving Melissa Trotter.

The review of the microscopic slides demonstrates multiple tissue types in a remarkably good state of preservation. Nuclear and cytoplasmic details of the tissue and other supportive elements such as lung tissue, myocardium, adipose tissue, blood vessels, blood elements, and connective tissue are all in remarkably good shape showing little, if any, degradation of nuclear or cytoplasmic detail. Bacterial growth is evident in the tissues of the heart and lungs; however, these have not formed typical postmortem colonies. Dr. White accurately characterized these tissues in his consultation.

Review of the autopsy photographs as well as scene photographs demonstrate a remarkably well preserved body without evidence of greening, marbling, or bloating. Skin slippage is prominent and of the superficial layers. The tips of the fingers are without predation and show no mummification changes or desiccation. The tips of the toes are also well preserved and show no mummification or desiccation. The ears are without mummification or desiccation.

A photograph of the gastric contents demonstrates whole red meat (not ground meat) and scallions. A photograph of the gross appearance of the spleen demonstrates a remarkably well preserved cut edge as well as an intact capsule without evidence of liquefaction of the splenic parenchyma. The photograph of the heart demonstrates well preserved myocardium which has sharp cut margins after the postmortem examination without evidence of moderate or severe decomposition. The gross appearance of the heart is concordant with the microscopic appearance of the myocardium on the sections reviewed.

Review of the scene photographs demonstrates that the deceased in an open wooded area easily accessible by predatory creatures as well as insect infestation. Photographs at the scene as well as in the morgue prior to disrobing demonstrate one single insect larvae on the posterior surface of the thorax on the outside of the clothing. No maggot activity is identified on the partially skeletonized areas of the head and neck or exposed areas of the abdomen or hands.

The predatory activity to the head and face is something that can take place within the first several hours after death when the deceased is in an appropriate environment with free access to the remains by the local predators.

Review of the National Oceanographic and Atmospheric Administration's recorded temperatures for Montgomery County and the Conroe airport during the period of December 7, 1998 through January 3, 1999 demonstrates a wide range of maximum temperatures from 34 degrees Fahrenheit to 79 degrees Fahrenheit and a minimum temperature range of 26 degrees Fahrenheit to 49 degrees Fahrenheit. For the last 6 days prior to the discovery of the deceased the maximum temperature range was from 62 degrees to 73 degrees and the minimum temperature range was from 34 degrees to 53 degrees. These temperature ranges from December 7, 1998 to January 3, 1999 would have promoted a far more advanced state of decomposition with greening, marbling, and bloating. These post-mortem changes are absent.

In review of the consultation by Robert Lloyd White, M.D., I am in agreement that the decomposition, specifically the heart and lungs, is consistent with a death having taken place within only several days prior to discovery of the deceased if there was no prior refrigeration. Dr. White limits the outside range of this time of death to three days prior to discovery; however, since the night time temperatures for the last week extended down to the mid 30's it would not be unreasonable to extend this period of retention of normal histologic appearance of the heart tissue by one to two days. Because of the cooling of the deceased to environmental temperature and the subsequent warming during the day, the more superficial layers of the tissues of the deceased may therefore decompose at a slightly different rate than the internal organs which would retain a slightly more constant temperature; however, in the state of decomposition of the deceased, more extensive insect activity with more extensive involvement with fly eggs and maggots would be reasonably expected. These opinions are based upon the assumption that the deceased was not refrigerated prior to exposure to the environment.

In summary, without prior refrigeration the deceased was killed within reasonable certainty between five to seven days prior to her discovery. This would put the date of death on or about December 26, 1998. In addition, the absence of mummification and desiccation to the ears, as well as to the fingertips is consistent with there not having been prior prolonged refrigeration of the deceased.

