

Statement of Barry Gemelli - Hospital
Admin.-Union Corr. Inst. ref. Toole
(Adam Walsh)

From: **Phil Mundy**
Investigator
State Attorney's Office
Phone 305-831-6368
Page _____
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9/24

To: RALPH RAY, JR.

After you read Mr. GEMELLI's conversation with me, and Det. SMITH's report also attached, can I have your comments.

I have not called MATTHEWS. I was under the impression that we would be sharing information.

I had called F.S.P. some time ago about reviewing the TOOLE file but we decided at that time it was not necessary. I hadn't thought about the medical charts GEMELLI refers to and perhaps there are some folks that should be interviewed.

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THIS IS A TELEPHONE CONVERSATION BETWEEN BARRY GEMELLI AND INV. PHILIP J. MUNDY OF THE BROWARD STATE ATTORNEY'S OFFICE ON SEPTEMBER 23, 1997.

THE FOLLOWING NOTATIONS WILL DISTINGUISH SPEAKERS:

BG: BARRY GEMELLI

PM: PHIL MUNDY

BG: Hello.

PM: Hello is Barry Gemelli there please?

BG: Speaking.

PM: Mr. Gemelli this is Phil Mundy, I am the investigator with the State Attorney's Office.

BG: Yes Mr. Mundy how are you doing?

PM: I'm fine thank you. I just got back from vacation and I decided I better get to you because you apparently have been waiting since around August 18th for somebody to call you.

BG: Yea as a matter of fact, Joe ...

PM: Matthews?

BG: Matthews had spoken with me on a couple of occasions. And basically he said that I probably wouldn't even hear from you.

PM: Really?

BG: Yea he said that you know he was going to talk to you when you got back.

PM: Oh I haven't heard from him yet. Cause I only got back yesterday.

BG: Ok.

PM: But know I haven't heard from him. Can you give me just a rough idea of what it is that ...

BG: You know I basically was the hospital administrator at Union Correctional Institution.

PM: Oh ok.

BG: When Ottis Toole died.

PM: Oh I see, I see.

BG: And I basically let him know that Ottis Toole did have conversations with some folks prior to his death, that I guess all along Det. Mundy that this stuff would relate to the Hollywood Police Department.

PM: Well the last thing I remember hearing about that was that Det. Smith, when Toole died which I think was around September 14th of last year?

BG: Earlier than that.

PM: Was it earlier than that?

BG: Yea I think it was June, July. I could be wrong.

PM: No I think it was September of '96.

BG: No it was before September of '96. Quite sure it was.

PM: Really?

BG: Yea.

PM: Well the thing

BG: Anyway ...

PM: At any point, after his death Det. Smith from Hollywood he told me he had gone up there I believe and interviewed a lot of people. Now I don't remember ever seeing any report from him or any statements that he took from people. Do you have any knowledge of him coming up there?

BG: No to be honest, Det. Mundy, what was kind of really strange and this is what Joe will probably fill you in on, when Ottis Toole was finally placed in the Infirmary, we were under directions and I say "we," myself, the Medical Director and the director of nurses, **we were informed under no circumstance would we discuss Ottis Toole with any member of the media, any attorney, any law enforcement officer that any information about his condition would be directed to the prison investigator which was Jeffrey Brooker and that was taken at the time.** Or would be directed to his office which was fairly unusual considering you know all of us have been doing this job for a long time and you don't know me and I don't know you. If you were to call and say "I'm John Doe from wherever" and I want to know about Ottis Toole I wouldn't give you, I mean I wouldn't give you the time of day because I don't know who you are. And we would respond like we do with every individual the same way. This was a little extraordinary type of feeling, any type of information leak so no big deal. We didn't think anything of it at the time. And I guess that's what, I saw the program here on television a couple of months ago, a month and a half ago, whatever, where John Walsh had made the comment on the program that when Ottis Toole died you know he died carrying all this information with him that nobody knows anything, he never opened up and he didn't state anything and I kind of sat here kind of like in awe, like that is not the case. And that is the reason why I called, I just kind of deliberated for awhile and said it is just really strange because **anything that took place in the infirmary was relayed on to the superintendent and to the prison investigator.** I guess we thought that they were in contact with the proper authorities from Hollywood.

PM: No apparently not.

BG: And that is what I am saying that is what was really kind of strange.

PM: See I knew that Det. Smith had spoke to Toole, I don't know when it was but it was sometime when he was sometime apparently really headed downhill health wise. And Smith had requested from somebody to be notified if it looked as if he was going to pass on and he would run up there and see if Ottis had anything to say prior to dying but as it turned out one thing led to another in the end and Smith was not notified until after Toole was dead. And then again as I say I'm under the impression that Smith had gone up and interviewed some people and I can check with him on that. Maybe he didn't interview the correct people or something I don't know.

BG: Well if he interviewed individuals, as the hospital administrator he interviewed any nursing staff then it was either done and nobody informed me of it or they may have said something to me and then it just went over the head because quite often you know we are getting served with documents from the medical staff and you know we are having the individuals go out to the investigators office and we have attorneys and stuff that come in to take depositions and depose us and things like this and so I mean it is not unusual that if somebody says so and so had to talk to a law enforcement officer or an attorney I would say well that is ok. But something like this I would have thought maybe I would have been more aware of it.

PM: Do you know in particular ^{who} Toole conversed with regarding Walsh?

BG: Yea well one of them was Joe Thornton.

PM: Who is?

BG: He was the medical director.

PM: And were there others?

BG: Well I know of a nurse that and you know this was like second hand information to me that the nurse that worked the 11:00 PM to 7:00 AM shift, and I couldn't remember who it was from back then. As a matter of fact I think I gave Joe the name of Myrtle Brown. And I couldn't remember if Myrtle Brown worked 3:00 -11:00 or 11:00 to 7:00 and she was the nursing supervisor but you know he did speak to or befriended one of the nurses, and one of the nurses befriended him.

PM: Other than Myrtle Brown you mean?

BG: Right, you know it may have been her or it may have been somebody else and then again or also the conversation was from that person relayed onto me that he had stated that he did it and before he had passed away. And of course that was no big shock to us because Joe Thornton

was a Roman Catholic, a very religious individual and Joe would do his rounds that he normally had to do and I guess that it did not surprise me when Joe made the comment that he said "well I guess it was something we all knew he did it, I guess he just needed to state it". You know something to that effect.

PM: And I take it Joe is no longer at the ...

BG: Joe left in July of '96, maybe the 1st of August, left the prison system and ^{WFW} when to I think San Antonio, Texas.

PM: Really. And Myrtle, Myrtle Brown?

BG: I have no idea. I left the department as a matter of fact I worked I moved out of there in August from Union and came to Gainesville area to the regional office and then I left the department in December of '96.

PM: Do you know if besides admitting that he had killed Adam do you know if he provided any of these people with any details of the case?

BG: You know I really don't because I mean again it was one of those, he was high profile but you know it is like the inmates up there in the infirmary, you always have the snitches you know and I always had those who would come to me and say, "Mr. Gemelli come here a minute and blah, blah, blah". And generally you know the number of years I worked with those inmates they usually have one thing in common, they all want something whether it be a cigarette, something like that and so I never really took inmates comments at heart and I just kind of let that pass so I just kind of ignored that. Exactly what he told Joe Thornton, what he told the nurse I don't know. I really don't. But I do know he discussed it with them. And whether he may have said "I did it, I just want to clear my conscious before I die", that may be the extent of it. Whether he stated how he did it, when he did it, where he did it, why, I really can't honestly say.

PM: Well I guess I will have to ask some of these people if Det. Smith didn't it just could be just that Smith didn't speak to the right people. I don't know I will have to get back with him on that. This number I have for you is that your home number sir?

BG: It is my home number.

PM: And I can usually get you between 3:00. It says here anytime after 3:00.

BG: Yea because I work for Alachua County Court System right now and I am usually at the County Jail at 5:00 in the morning and getting ready for first appearance, I am a pre-trial release counselor. And usually I get out of court and get finished with everything about 1:00 and then I am

home afterwards.

PM: Now if I had to find Mr. Thornton and Ms. Brown, do you have any suggestions?

BG: Well like I told Joe Matthews I think he attempted to try and find Joe Thornton and I told him I knew he was working with the University of Texas, he is a psychiatrist. How to get in touch with him I am really not sure.

PM: His ^{POS. FIRM} possession at the facility was what? Medical?

BG: Medical Executive Director.

PM: And he was paid by the State right?

BG: Oh yes.

PM: Obviously there has to be some kind of record up there, I guess it is Joseph Thornton right?

BG: No. Joe Thornton.

PM: Oh Joe Thornton?

BG: Joe Thornton.

PM: T-H-O-R-N-T-O-N?

BG: Yes.

PM: And the nurse is Myrtle Brown?

BG: Yep. Now as far as Myrtle is concerned, I told and I will ask you to do the same thing, I do have family who still work out there that I appreciate it if my name was left out of this, I mean completely.

PM: We can do that.

BG: You have my name if you need me fine. But I don't want to cause any ruckus especially I have a brother in uniform that still works there and I don't want them to getting on his case. But you could call personnel at Union Correctional and I guess you can find out whether she is still employed.

PM: Yea I am sure we can.

BG: That is public record.

PM: I will check with Det. Smith, again like I say it is possible he went up there and just didn't talk with the right people. And if they didn't come forward and say "hey wait a minute I spoke to Otis," we wouldn't know until somebody tells us. Because obviously I am sure Smith didn't go up there and interview the entire staff.

BG: Oh I am sure he didn't.

PM: But I remember him telling me that because, as a matter of fact I know he went up there because I told him when I found out about Toole's death and that he planned on going up there and I said when you go up there make sure you get a copy of the autopsy report and if possible get some blood from this guy because up to this point we had never taken any blood you know for any DNA use and I know he did that. So like I said I know he went up there. I will have to get back with him and you know see if he made a list of the people he interviewed. It doesn't come as a surprise that Toole would say to someone "well yea I did kill him", god knows he has confessed to it often enough. What we were really looking for is details as to primarily what he may have done with the body. That is what we are looking for because that would certainly bring a lot of closure to this thing.

BG: Ok.

PM: But I will look into this and if necessary I will go up there myself or track down Mr. Thornton or Ms. Brown and then like I say look we are back tracking and we are just talking to everybody that had contact with Ottis Toole.

BG: Sure and ...

PM: And haven't singled you out and we just found out that we missed you people. That should do it.

BG: Again you may want to try to run down Joe Matthews and Joe and I have spent, it seems like a couple of hours on a couple of phone calls together and I try to give him as much information generally about the same information that you have asked to him so ...

PM: I will give him a call because it is possible that he has contacted these people.

BG: Yea you know he was going to do everything in his power to try and find out where Joe Thornton was and I told him how to, if Myrtle Brown was not the nurse on duty and I will tell you the same thing, there is a lot of times that there are incidental moves done in medical records especially with an individual that is about to expire that something like this would be not out of the ordinary that not to be put in the records. They are called DC701's. Progress notes. That an individual's record gets transferred over to Lake Butler to the medical records holding area. But you know they are public records.

PM: Well even if they aren't we could always subpoena them.

BG: Sure and you know but there are a lot of things that I kind of filled Joe in that there

is a way to find out who the nurse was on duty the night that he expired.

PM: Now do you know from personal knowledge whether or not he was even lucid toward the end?

BG: He was, maybe up until 24 to 48 hours before he expired. Yea he was very lucid. When his kidneys and stuff shut down, yea the renal failure was really going hot and heavy. It is generally when he started to kind of drift in and out. Medication wise, a lot of our doctors don't like to use a lot of narcotics and drugs so they do what some inmates do especially going in and out of comas. But I would venture to say if my memory is correct on this by doing the mortality review on him. I would say that the last 24 hours I wouldn't say more than 2 or 3 hours he was probably lucid.

PM: Well ok, I am glad I finally got back to you. I am sorry for the delay.

BG: That is quite alright. I think your secretary called me.

PM: Yea, I was leaving the day she called and I knew I wasn't going to have time to give you call and I knew I was going to be gone for at least a week and I said well let me have her call and let him know that he isn't being ignored.

BG: No, no, that is fine and like I said I was kind of surprised when you did call because of what Joe Matthews stated I didn't expect to even hear from you.

PM: Well like I say I wasn't aware of any kind of conversation with Joe and I only got back yesterday and I finally got to almost the bottom of my desk and said ok now we can call Mr. Gemelli. Ok sir if need be I will get back with you. I will get a hold of Matthews see what he has to say and I will talk to Det. Smith and we will go from there.

BG: Ok.

PM: Thank you so much.

BG: Thank you for calling.

PM: Ok. Bye.

BG: Bye.

CONVERSATION TERMINATED

INCIDENT REPORT
POLICE DEPARTMENT - HOLLYWOOD, FLORIDA

Incident Number: 81-56073
Sgd: DB

Date: 10/07/96
Entered by: DDE33

ON 09/28/96, THIS DETECTIVE WAS INFORMED BY STEELE BENNETT FROM AMERICA'S MOST WANTED IN WASHINGTON, DC, THAT HE WAS INFORMED THAT OTTIS TOOLE HAD DIED ON 09/15/96 IN A PRISON HOSPITAL IN NORTH FLORIDA. THIS DETECTIVE IMMEDIATELY CONTACTED FLORIDA STATE PRISON AND CONFIRMED THAT HE DID IN FACT DIE AT THE NORTH FLORIDA RECEPTION CENTER HOSPITAL. THIS DETECTIVE CONTACTED SGT WALL OF THE NORTH FLORIDA RECEPTION CENTER WHO STATED THAT TOOLE WAS TRANSPORTED TO THIS FACILITY ON 08/13/96 FROM THE FLORIDA STATE PRISON AND DIED FROM NATURAL CAUSES. AN AUTOPSY PERFORMED LATER, REVEALED THAT TOOLE DIED OF CIRRHOSIS OF THE LIVER AND HEPATITIS.

ON 10/01/96, THIS DETECTIVE RESPONDED TO THE FLORIDA STATE PRISON FOR THE PURPOSE OF INTERVIEWING SGT BOB RUISE AND INMATE _____ WHO WAS PREVIOUSLY REFERRED TO IN THIS DETECTIVE'S SUPPLEMENT REPORTS. SGT RUISE PROVIDED A SWORN STATEMENT WHEREIN HE STATED HE HAD A CONVERSATION WITH TOOLE APPROXIMATELY TWO DAYS AFTER HIS TRANSFER. ACCORDING TO SGT RUISE, TOOLE INITIATED THE CONVERSATION ABOUT THE WALSH CASE AND ABOUT HIS INVOLVEMENT. SGT RUISE STATED THAT TOOLE'S SPEECH WAS SLURRED, BUT STATED THAT HE DID COMMIT THE CRIME AND THAT HE ACTED ALONE. WHEN TOOLE DID NOT SPEAK, HE WOULD NOD HIS HEAD IN THE AFFIRMATIVE WHEN REFERRING TO THIS CASE AND HIS INVOLVEMENT. SEE THE TRANSCRIPTION OF THIS STATEMENT FOR FURTHER DETAILS. THIS DETECTIVE SIFTED THROUGH PROPERTY WHICH TOOLE HAD LEFT AT THE FLORIDA STATE PRISON, NOTING NUMEROUS LETTERS AND A BIBLE NONE OF WHICH CONTAINING ANYTHING PERTAINING TO THIS CASE.

THIS DETECTIVE ATTEMPTED TO INTERVIEW _____ WHO DID NOT WISH TO MAKE ANY STATEMENTS. _____ HAD PREVIOUSLY STATED THAT HE DID HAVE ENOUGH INFORMATION TO PUT TOOLE IN THE ELECTRIC CHAIR AND REFRAINED FROM TELLING ALL. IT IS BELIEVED, HOWEVER, THAT _____ DID IN FACT TELL ALL HE KNEW DURING SUBSEQUENT INTERVIEWS WITH HIM AFTER HE DID MAKE THIS STATEMENT.

THIS DETECTIVE NEXT RESPONDED TO THE NORTH FLORIDA RECEPTION CENTER HOSPITAL AND INTERVIEWED SGT JOHN WALL OF THE INSPECTOR'S OFFICE. SGT WALL RECALLED SPEAKING WITH TOOLE APPROXIMATELY TEN DAYS PRIOR TO HIS DEATH DURING WHICH HE WAS MOSTLY INCOHERENT AND NOT ANSWERING QUESTIONS DIRECTLY.

SGT WALL ADDED THAT TOOLE KEPT ASKING HIM WHEN HE WAS GOING TO RETURN TO THE CORRECTIONAL INSTITUTE AND WAS NOT AWARE THAT HE WAS DYING.

THIS DETECTIVE NEXT SPOKE WITH PSYCHOLOGICAL COUNSELORS, JERRY BOBBICK AND EUGENE JEFFERSON. MR BOBBICK STATED THAT THE COUNSELORS ARE LIAISONS BETWEEN THE PATIENTS AND THEIR FAMILIES AND DID NOT RECALL SPEAKING WITH TOOLE. MR JEFFERSON, HOWEVER, STATED THAT HE RECALLED SPEAKING WITH TOOLE AND NOTED THAT HE WAS MOSTLY INCOHERENT AND RESPONDING TO HIM WITH ANSWERS THAT DID NOT COINCIDE WITH THE QUESTIONS.

THIS DETECTIVE NEXT INTERVIEWED RN'S, MARGARET WOOLLEY AND J DOWELL. NURSE WOOLLEY STATED THAT SHE TENDED TO TOOLE SINCE HE WAS ADMITTED UNTIL 09/01/96 AND RECALLED THAT HE NEVER MADE ANY ADMISSIONS AND ADDED THAT HE NEVER SPOKE INTELLIGENTLY OR COHERENTLY WHICH NURSE DOWELL CONCURRED WITH. THIS DETECTIVE HAD EARLIER SPOKEN BY PHONE TO A NURSE DENNIS TURNBOW WHO STATED THAT TOOLE ADMITTED TO HIM THAT HE AND HIS FRIEND "LEROY" TOOK ADAM WALSH FROM THE MALL AND KILLED HIM. WHEN ASKED, TURNBOW STATED THAT TOOLE

TOLD HIM THAT LEROY IS HIS FRIEND WHO IS ON DEATH ROW IN TEXAS. THIS INFORMATION WAS DISREGARDED FOR REASONS COVERED EARLIER IN THIS INVESTIGATION.

ON 10/01/96, THIS DETECTIVE RESPONDED TO THE ALACHUA COUNTY MEDICAL EXAMINER'S OFFICE AND TOOK CUSTODY OF THREE VIALS OF BLOOD FROM TOOLE WHICH WERE RECOVERED AT AUTOPSY. EMPLOYEE ALBERT ISAAC TURNED THESE VIALS OVER TO THIS DETECTIVE AT APPROXIMATELY 1:20PM AND THEY WERE PLACED INTO AN ICED STYROFOAM CONTAINER. THESE VIALS WERE DELIVERED TO THIS AGENCY'S EVIDENCE REFRIGERATOR ON 10/02/96 TO BE TAKEN TO THE BROWARD SHERIFF'S OFFICE LABORATORY FOR PROFILING FOR FURTHER REFERENCE.