

**STATEMENT AS PREPARED
OHIO ATTORNEY GENERAL MIKE DEWINE
BCI & GRAND JURY INVESTIGATION
REGARDING THE DEATH OF JACOB LIMBERIOS
FREMONT, OH
NOVEMBER 20, 2013**

INTRODUCTION

Good Morning.

Let me begin by first extending my sympathy to the family of Jacob Limberios. My thoughts and prayers have been with you and remain with you.

On March 2, 2012, a shooting occurred at 110 County Road 294 in Clyde, OH. That shooting resulted in the death of 19 year-old Castalia, OH, resident Jacob Limberios.

The Sandusky County Sheriff's Office conducted an investigation following the shooting and closed the case on April 11, 2012.

On June 4, 2012, the Sandusky County Prosecutor's Office opened an investigation. They closed the case on July 24, 2012.

On November 6, 2012, the Sandusky County Sheriff's Office reopened the case. At this time, the Sheriff's Office requested assistance from BCI limited to DNA and firearm laboratory testing, polygraph examinations, and a written statement analysis. The last investigation report from the Sheriff's Office is dated May 23, 2013.

On May 28, 2013, Visiting Judge Dale A. Crawford of the Sandusky County Court of Common Pleas appointed the Ohio Attorney General's Office as special prosecutors in this matter.

On June 19, 2013, the Attorney General's Office Special Prosecutions Unit requested the assistance of the Attorney General's Office Bureau of Criminal Investigation (BCI) to assist in conducting a criminal investigation to help determine the facts and circumstances surrounding Jacob Limberios' death.

Our special prosecutors made the decision to present the findings of BCI's criminal investigation to a special Grand Jury, comprised of citizens from Sandusky County. I cannot talk about what happened in the Grand Jury nor what witnesses said in the Grand Jury. As you know, the proceedings in Grand Jury are closed. What I can talk about -- and what I now will talk about -- is what my office found in our investigation into this case.

PROCESS

Let me begin by introducing some key members of our investigation and prosecution teams, who were very involved in this case:

- Mark Kollar, BCI Special Agent Supervisor;
- Dennis Sweet, BCI Special Agent-In-Charge of Northern Ohio Operations;
- Andy Chappell, BCI Forensic Scientist;
- Matt Donahue, Section Chief for the Attorney General's Special Prosecutions Section.

Members of BCI's Major Crimes Division, Northeast Special Investigations Unit (SIU) primarily conducted the current investigation. Eight SIU agents participated in some portion of this investigation, along with additional support from BCI's Cyber Crimes Unit, including computer forensic specialists; the Criminal Intelligence Unit; the Polygraph Unit; the Crime Scene Unit; and the Laboratory. BCI lab personnel involved included seven forensic scientists -- one from latent prints, one from firearms, one from forensic biology, and four from DNA. In all, at least 33 BCI personnel, including administrative support, worked on this investigation.

We utilized a forensic audio/video analyst from the Ohio Organized Crime Investigations Commission. And, we retained two independent forensic pathologist experts to review case information and render opinions.

The first portion of our investigation included a review of existing investigative materials from previous investigations. BCI investigators obtained and reviewed the following documents:

- The investigative case file, including recordings and photographs, that the Sandusky County Sheriff's Office compiled for both its investigations;
- The special prosecution file from attorney Dean Henry, who preceded the Attorney General's Office as special prosecutor in this case;
- Autopsy reports from the Lucas County Coroner's Office and Dr. Cyril Wecht, who performed an autopsy at the request of the Limberios family;
- Reports, recordings, and photographs from M&M Investigations, a private investigator that the Limberios family retained;
- Exhibits from attorney Daniel McGookey, who represents the Limberios family;
- The investigative case file from the Erie County Sheriff's Office;
- BCI laboratory reports from the investigation that the Sandusky County Sheriff's Office conducted after they reopened the case;

- Polygraph reports from BCI and other polygraphists that the Limberios family retained; and
- Various news media and social media reports and postings.

Over the course of our investigation, BCI agents interviewed 59 individuals, some of whom had never been interviewed in any previous investigation.¹ Our agents interviewed some of the 59 individuals multiple times for a total of 83 interviews. These interviews included all witnesses present during the shooting, family and friends who had spoken to Jacob Limberios leading up to the shooting, investigators for Sandusky County, and expert witnesses who reviewed various aspects of this case.

BCI investigators gathered evidence in addition to the evidence gathered in the initial investigation. A total of 35 items of potential evidence were submitted to the BCI lab, including items that Sandusky County submitted prior to BCI's investigative involvement. BCI investigators resubmitted one of those items for some more testing and also submitted 16 additional pieces of potential evidence. The BCI lab conducted numerous forensic tests in the areas of forensic biology, DNA, firearms, latent prints, and impression evidence.² Also, BCI obtained a search warrant to review the original incident scene to search for evidence and perform forensic analysis.

BCI agents reviewed many specific pieces of evidence, including, but not limited to:

- Existing physical evidence from previous investigations;
- Jacob Limberios' cellular phone, associated phone records, and the previous forensic analysis of his phone;
- Social media, specifically to identify additional witnesses or investigative leads and to inventory evidence or statements existing in the public domain;
- Autopsy reports and autopsy photographs;
- Statements in the original case file;

¹ Based upon documentation in the Sandusky County Sheriff's Office file, the following did not appear to have been interviewed prior to BCI's investigation: Cullen Keegan, Michael Limberios Jr., John Swartz, Brock Kimmet, Luke Eddy, Christopher VanScoy, David Hughes, Eric Hughes, Brett Ransom, Bob Ransom, Kirk Hunker, Peter Jackson, Earl Townsend Jr., Adam Klepper, Justin Smith, Pamela Hughes, James Everett, Keri Lakner, Kyle Lakner, Blake Bishop, Montana Day, Duane Lakner, Cody Lakner, Eric Meyer, Colleen Lakner, John Contreras, Brian Bowers, Scott Hughes, Codey Dauch, Todd McCune, Cody Koenig, Christine Wiedle, and Marcus Stacy.

² Impression evidence, in this case, amounted to an examination of dents in the flooring where the gun may have dropped after the bullet was fired that killed Jacob Limberios. Using a similar gun, BCI investigators attempted to determine the height from which the gun would have been dropped, based upon impressions left on the floor. However, BCI was unable to positively say that any of the dents on the floor in this particular incident were the result of the gun being dropped.

- Photographs from the scene;
- Jacob Limberios' medical and psychological records;
- Polygraphs from the previous investigation.

BCI agents provided new analyses in addition to those provided in the previous investigation, including but not limited to:

- Development of a death scene map;
- Shooting reconstruction and laser trajectory analysis;
- Consultation with external forensic pathology experts;
- Construction of an incident timeline;
- Construction of charts establishing links and relationships between Jacob Limberios and witnesses;
- Additional polygraph examinations;
- Firearm testing, including drop/impact testing and trigger pull testing; and
- Additional DNA testing that included developing standards for known witnesses.³

INVESTIGATION LIMITATIONS

The Ohio Attorney General's Office took over this case 15 months after Jacob Limberios died. Because of the elapsed time, our special prosecutors and BCI investigators treated the case very much like a "cold case." Cold cases pose unique challenges. In such cases, investigators are unable to gather evidence from a scene immediately after an incident has occurred. Witness recollections of events wane as time passes, and evidence that was gathered can be compromised by the passage of time and the normal course of events.

This case is no exception. Much of the evidence, as it existed immediately after Jacob Limberios died, was simply not available to BCI investigators 15 months later. The passage of this amount of time substantially limited BCI's investigation in a number of ways.

First, the scene had been altered by previous examinations. For example, law enforcement and private investigators manipulated a hole in the ceiling made by the bullet, and it was subsequently repaired. This limited BCI investigators' ability to conduct an infallible trajectory

³ BCI investigators obtained known DNA standards from Evan Neidler, a witness in the case, and Kayleigh Bowers, Jacob Limberios' girlfriend. BCI gathered this DNA information so it could be compared against DNA evidence in the case.

analysis of the bullet which killed Jacob Limberios. Another example is bloodstain pattern analysis. BCI investigators could not conduct a proper analysis because the scene had been cleaned prior to BCI's investigation, and insufficient photographs had been taken to document the bloodstains as they existed after the shooting. Additionally, floors had been cleaned past the point where chemical applications, such as luminol, could be used to develop bloodstain patterns for analysis.

Second, some evidence from the scene was not retained after previous investigations. This includes, but is not limited to:

- The clothing Jacob Limberios wore the night he died. The funeral home discarded it.
- The clothing witnesses wore the night Jacob Limberios died, which may have contained bloodstain patterns. This clothing was never collected as evidence, nor did initial investigators take photographs of witnesses or their clothing that night.
- Furniture from the scene. It was discarded prior to BCI's investigation.
- Pieces of evidence, including things like Jacob Limberios' phone, that were returned to the family after the initial investigation. By returning evidence to the family, that effectively ended the chain of custody.⁴
- Jacob Limberios' cellular phone. His phone could not be fully analyzed due both to previous analysis and to the fact it was used substantially after his death.⁵
- The lack of an incident scene log, documenting who entered the scene and when. Initial investigators did not create such a log to account for who was entered the scene during processing, thereby potentially limiting possible witnesses.

Third, by the time BCI began its investigation, it was impossible for the forensic experts BCI retained to thoroughly examine Jacob Limberios' body. The following limited our forensic experts' analysis:

- The lack of an initial autopsy shortly after the shooting, including the lack of any toxicology testing;

⁴ This evidence included the following: a Bud Light box labeled "On Floor," containing 17 empty bottles and four full bottles; a Bud Light box labeled "In Fridge," containing 20 full bottles; an iPhone belonging to Jacob Limberios; an empty box labeled "Federal" .357 Magnum 158 grain lead semi-wadcutter; three packs of Camel cigarettes; a Zippo lighter; a wallet belonging to Jacob Limberios; brass knuckles, a black s/t knife; a Bic lighter; and a black butterfly knife.

⁵ Information stored on Jacob Limberios' phone could have been changed during previous analysis, and it was changed during subsequent use. This not only limited what information BCI analysts could pull from the phone, but it drew into question the credibility of the information on the phone, as investigators could not definitely determine that information on the phone had not been previously altered.

- The preparation of Jacob Limberios' body by the funeral home, where his body was washed, embalmed, and received hair trimming -- all of which limited the evidence and forensic information that could be obtained by later examinations.
- The lack of sufficient documentation of the first autopsy of Jacob Limberios. The Limberios family retained forensic expert Dr. Cyril Wecht to conduct this autopsy. For it to be substantially useful to future investigations, a sufficient number of photographs would need to have been taken for review by future forensic experts. Dr. Wecht reportedly did not take photographs.⁶ BCI investigators, however, interviewed an employee of the funeral home present in the room during the autopsy who reported seeing photographs being taken. If such photographs exist, BCI investigators never received them.

Fourth, techniques that BCI investigators normally employ in a death investigation could not be used because of things done prior to BCI's investigation in this case. For example, BCI investigators were unable to covertly record conversations between witnesses because private investigators for the Limberios family previously attempted this, and the witnesses subsequently learned of the attempt. Additionally, public allegations of a previous illegal wiretap existed. This illegal wiretap was apparently done by lay persons without a court order and without the knowledge or involvement of law enforcement or the private investigators. Because of both issues, BCI investigators felt it would be fruitless to attempt any wiretaps.

Last, external factors that did not exist at the time of Jacob Limberios' death, but developed since then, produced a chilling effect on witnesses providing information to investigators. For example, by the time BCI began its investigation, the Limberios family had initiated civil litigation against several witnesses. Other chilling effects that occurred over the course of the investigation include the following:

- Some witnesses stated that they were reluctant to cooperate with BCI's investigation because of regional and national media exposure;
- Some witnesses refused to cooperate at all, citing media exposure and the civil litigation;
- Some witnesses, who initially cooperated, stopped cooperating, citing media exposure and the civil litigation; and
- Some witnesses would not cooperate without legal representation, due to the civil litigation.

This is not to say that civil litigation should or should not have been filed, nor is this to say that the media should not have reported on this case. However, as in any high-profile case, it is very important to note the limitations that these external factors placed on BCI investigators. Further,

⁶ Dr. Wecht did take three photos of a bone he removed from Jacob Limberios' body subsequent to conducting the autopsy.

it should be noted that while the chilling effect impacted BCI's investigation, it did not impact the Grand Jury inquiry.

CONFLICTING EXPERTS

Before BCI could complete its investigation, several expert analysts expressed publically their disagreement with each other on the case. One of the areas of disagreement was over autopsy analysis. Our investigation reviewed the opinions of five separate forensic experts. Those experts include:

- Dr. John Wukie, Sandusky County Coroner.
- Dr. Cyril Wecht, former Allegheny County, PA, Coroner and Medical Examiner. The Limberios family retained him, and he performed the first autopsy.
- Dr. Cynthia Beisser, Lucas County Coroner. She performed a second autopsy at the request of the former special prosecutor in the case.
- Julie Saul, a forensic anthropologist, who assisted Dr. Beisser in her report.
- Dr. Kevin Whaley, Assistant Chief Medical Examiner in Richmond, VA. He reviewed limited investigative information for the Limberios family.

Further, my office retained two additional expert forensic scientists:

- Dr. Michael Baden, former Chief Medical Examiner for the City of New York;
- Dr. Vincent Di Maio, former Chief Medical Examiner of San Antonio, TX.⁷

The fact that so many experts weighed in shows just how much the evidence is open to interpretation and that the evidence in this case initially did not point to any clear conclusions. BCI's investigators were left to review each expert's opinions and analyses and use each to help our prosecutors understand what may have occurred. Not every expert had the same opinion in this case, and that fact has been widely reported. Our investigators had to balance the conflicting opinions based on the totality of the information and evidence gathered.

In addition to the autopsies, another area of disagreement was over polygraph analysis. In discussing the use of polygraph examinations, I must note that the polygraph is intended to be used only as an investigative tool -- to be considered along with all other relevant data and case facts. It is not intended to be the sole determining factor in a case. Rather, it is intended to inform subsequent investigative decision-making.

⁷ Dr. Di Maio is a nationally renowned expert on gunshot wounds. He has written four books including one titled, Gunshot Wounds: Practical Aspects of Firearms, Ballistics, and Forensic Techniques. He is also the editor of *Journal of Forensic Medicine and Pathology*.

The polygraph examination records physical changes in measured bodily functions during controlled questioning. While stress caused by intentional deception can account for these changes, it has never been determined -- to any degree of scientific certainty -- that in all cases such changes are the result of intentional deception. In the same way, it has never been proven -- to any degree of scientific certainty -- that individuals who do not exhibit such physical changes during questioning are always being truthful. It is for these reasons that polygraphs are not admissible in court unless stipulated by both sides.

With specific regard to this case, a debate has occurred in the media regarding the results of the polygraph examinations of the three witnesses present when Jacob Limberios died. Multiple experts have closely examined and widely scrutinized these results. However, over the course of our investigation, BCI special agents obtained new and significant evidence which corroborated witness statements. Because this new evidence is so strong, as I will explain in the course of my statement, the polygraph examinations administered by BCI and the *Dr. Phil* show did not play a role in the investigative findings in this case.

NARRATIVE

I now will summarize the pertinent facts that BCI gathered regarding the events leading up to the evening of March 2, 2012, and our investigation which took place thereafter. For purposes of this narrative, I will now refer to Jacob Limberios as "Jake," which is how he was known to family and friends.

At the time of his death, Jake was a 19 year-old man residing with his parents, Michael and Shannon Limberios. His girlfriend was Kayleigh Bowers. Jake and Kayleigh had a daughter together named Ella. By all accounts, Jake was a loving son and father. He had no known previous criminal history.

Jake's parents indicated that he had a history of some psychological issues and was under the care of a psychiatrist, having been prescribed medication for depression and sleeping difficulties. He was also reportedly prescribed another medication -- a prescription which he would not fill or take. It is unknown what this medication was, or its purpose.

Despite multiple requests, BCI investigators have not received the medical records from Jake's psychiatrist. Of the records which were obtained from his family physician and from the Windsor-Laurelwood Hospital, there was no indication that Jake ever exhibited suicidal or homicidal tendencies. No one known to have been in contact with Jake on the date of his death reported any unusual behavior, depression, or discussion of suicide. No suicide note was located nor were references to suicide in text messages on his phone.

According to Kayleigh, Jake had recently been terminated from his employment at Best Buy after providing unauthorized merchandise discounts to friends. However, while he was not happy about losing his job, Kayleigh said that he was considering returning to college for additional career training. She also said that Jake was not depressed over the loss of income and that he enjoyed having the additional free time to spend with his daughter and friends.

Jake's parents said that he enjoyed collecting and using firearms and other weapons, as well as buying, selling, and trading guns. There was no indication of him having enemies or of fearing for his safety. Instead, all who knew him well said that Jake was fascinated by and enjoyed weapons as a hobby.

On February 2, 2012, John Swartz, a Limberios family friend, purchased a .357 magnum revolver from Everett's Gun Shop in Castalia, OH. According to Mr. Swartz, Jake was present with him during the purchase of this gun. According to the transaction receipt, Mr. Swartz paid \$362.04 for the gun (including tax), along with \$24.45 (including tax) for corresponding ammunition. Text messages on Jake's phone suggest that Swartz purchased the gun on Jake's behalf, and Jake came to be in possession of this gun -- the gun that, ultimately, was involved in his death.⁸

Two of Jake's friends, Brady Gasser and Christopher VanScoy, were going to be back in the area from college in early March 2012. Jake wanted to have a small get-together with them upon their return. As underage use of alcohol was likely to occur, Jake's father did not wish the party to be held at his house. Arrangements were made to hold the party at 110 County Road 294, in Clyde, OH. This was the residence of Keri Lakner, who is Kayleigh Bowers' mother. Kayleigh and Keri were working the night of the party. The only resident of that home present was Brittany Bowers -- Keri's daughter and Kayleigh's sister.

The party was to occur in the evening hours of March 2, 2012. The following were expected to attend: Jake Limberios, Brittany Bowers, William Lewis⁹, Evan Neidler,¹⁰ Brady Gasser, Christopher VanScoy. Brady and Christopher did not arrive at the residence until after they were informed of the incident resulting in Jake's death. Jake had not met Evan nor William prior to this day.¹¹

Before the party began, Evan, William, and Brittany first gathered at Teri's Tavern in Bay View, OH. They then traveled in a van that William drove to Brittany's residence before leaving to pick up Jake from his home. Jake entered the van, carrying an open and partially full case of Bud Light bottles. The four then traveled to Castalia Market, a convenience store and gas station at 507 North Washington Street in Castalia. Evan remained in the van, while the other three went into the convenience store, where William purchased vodka, Bloody Mary mix, cigarettes, *Combos* snacks, and another case of Bud Light bottles. From there, the four traveled to Brittany's residence, where they began to drink their alcohol.

Shortly after arriving at Brittany's home, the group talked about the .357 revolver that Jake brought with him. Each person took turns handling the weapon. Jake showed William a video of Jake shooting the gun two days prior. William had never fired such a weapon, and so, according to Brittany, Evan, and William, Jake asked them if they wanted to go outside and fire the gun. They did. They fired five shots outside, with everyone firing at least once and one

⁸ There are conflicting statements regarding how Jacob Limberios ultimately obtained the gun. BCI investigators gathered evidence that suggests John Swartz bought the gun for Jake, since Jake was not old enough to purchase it himself. However, Mr. Swartz denies this and claims he sold it to Jake's father, who denies this.

⁹ William Lewis was Brittany Bowers' boyfriend at the time.

¹⁰ Evan Neidler was a friend of Brittany Bowers.

¹¹ Brittany Bowers, Evan Neidler, and William Lewis all confirmed this.

person twice. No one wished to shoot the final round because they were cold on that early March evening.

Back inside the home, Jake removed the empty casings from the gun, leaving one live cartridge. They kept some of the casings as souvenirs of the occasion, while the remaining casings were discarded.

At approximately 9:14 p.m., Jake received a telephone call from Christopher VanScoy. This call lasted two minutes, 31 seconds. He then received a call from Brady Gasser at approximately 9:27 p.m. This call lasted two minutes and 56 seconds. These conversations were in regard to Jake and/or the others meeting and then picking up Christopher and Brady. According to both Christopher and Brady, Jake's demeanor at this time was one of excitement at seeing his friends. They said he exhibited no signs of depression or suicidal tendencies during either phone call.

According to Brittany, immediately prior to the incident and after returning inside from the group firing the gun, the involved weapon had been placed on an ottoman after others looked at it once again. She said that she had made a Bloody Mary in the kitchen and then returned to the living room, sat on the couch, and took a sip of the drink.

Meanwhile, Jake spoke on the phone to Brady. After completing the call, Jake said that it was time to go get Brady and Christopher. According to Brittany, within a minute of that occurring, Jake picked up the gun from the ottoman. While Jake was pacing on the living room floor, the gun discharged.¹²

Brittany said that Jake's knees buckled forward, and he came straight down, falling backwards onto his back with his legs extending in front of him, toward the couch where she was sitting. She saw blood and wasn't immediately sure if he was dead.

According to Brittany, it looked like Jake was scratching an itch on his head with the muzzle of the gun, but she didn't have time to register it in her head. She said that he was moving the entire time prior to the gun's discharge and that no one was seated on the ottoman at the time of the shot. She told investigators that she was absolutely positive that Jake was holding the gun when it fired.

According to William, he placed the gun on the ottoman after he and the others took turns looking at it again after they came back inside from shooting the gun. William said that while he was handling the gun, before placing it on the ottoman, Jake warned him to be careful with it, as there was still a cartridge in the chamber. William said that as soon as he heard Jake's warning, he put the gun down on the ottoman.

Though he was not positive, William said he thought that Jake was still on his cell phone when he picked up the gun from the ottoman. William stated further that he did not see the actual discharge of the gun, nor did he see the bullet enter Jake's head. He believed that he, Evan, and

¹² Brittany could not recall if Jake picked up the gun prior to making the statement about picking up Brady and Christopher, or just after.

Brittany were all in the room and saw events either immediately prior to or immediately after the gun discharging.

According to Evan, he did not recall anyone -- except Jake -- handle the weapon after they returned inside from shooting the gun. He did recall that at one point, the weapon was sitting on the ottoman, but he could not recall specifically if the firearm was in or out of its holster.

Evan said that shortly before the gun discharged, the group began watching the television program "Jersey Shore," and during this time, he thought Jake was trying to contact Brady and Christopher. According to Evan, while Jake was still attempting to contact Brady and Christopher on his phone, Jake had the weapon in his right hand. Evan said that Jake was pointing the gun around carelessly. Evan could not recall when Jake picked up the weapon from the ottoman or removed it from inside his pants belt.

Evan told investigators that he was not paying attention to Jake's actions until he realized he was messing around with the gun, at which time Evan said that he told Jake "not to f*** around like that." According to Evan, at this time, Jake had the weapon pointed up and was tapping the right side of his head with it, as if he were scratching an itch.

Evan went on to say that within a few seconds of telling Jake to stop, he heard the weapon discharge. He said that Jake was possibly facing toward him and the couch at this time. Evan was not certain how Jake was holding his head or the gun at the time of the discharge, as his attention had returned to the television program. Evan said that he did not recall observing the weapon's muzzle flash, but did hear the weapon discharge.

Evan observed Jake's knees buckle and then his body straighten and fall backward on his back onto the floor, face-up. Evan recalled the sound of the firearm hitting the floor, but did not recall seeing where it landed. He said that after the gun fired, Brittany and William ran from the living room area into the kitchen area. Evan followed.

At approximately 9:33 p.m., a call was placed to the Sandusky County Sheriff's Office reporting that Jake had shot himself in the head.¹³ EMS and Sheriff's Office personnel responded to the scene, where Jake ultimately died.

Immediately following Jake's death, no one other than Sandusky County Sheriff deputies or emergency medical technicians examined Jake's body -- and of those who did examine his body, they relayed their observations to Sandusky County Coroner Dr. John Wukie over the telephone.

No autopsy was conducted.

Dr. Wukie signed Jacob Limberios' death certificate on March 23, 2012 -- 21 days after Jake's death. He cited the cause of death as "gunshot wound to head" and the manner of death as "suicide."

¹³ All three witnesses spoke to the 9-1-1 operator at some point during the call.

The description on the death certificate for how the injury occurred states that the “deceased shot self in head -- may not have realized gun was loaded.” Post-mortem preparations and embalming started in the early morning hours following the shooting that previous night. Based upon subsequent autopsies, Dr. Wukie is of the medical opinion that the entrance wound was on the right side of Jake’s head, with the exit on the left side.

On September 25, 2012, Jake’s body was exhumed so Dr. Wecht could conduct an autopsy. Dr. Wecht did not have access to all of the investigative materials in the case. The only documents he had were those provided by Limberois family attorney Daniel McGooky, who was not in possession of all the investigative documents. In addition, Dr. Wecht did not speak with any of the investigators regarding the circumstances surrounding the incident or other evidence obtained.

Dr. Wecht issued a report that states, in part:

- “Mr. Limberios died as a result of a gunshot wound of the head, which entered in the left posterior superior temporal region and exited in the right mid-anterior region.”
- “The trajectory was from left to right, in a slightly downward direction, and from back to front.”
- “Examination of the exposed scalp surrounding the entrance wound revealed no evidence of stippling or gun powder residue. This shot would have been fired beyond a distance of 24 inches. It is not possible to determine the exact distance beyond this range.”
- “Based upon the above stated pathological findings, investigative information pertaining to the circumstances of this event, and correlated with the anatomic locations of the entrance and exit wounds and the trajectory of the bullet, I find it extremely difficult to envision a scenario in which Jacob Limberios could have shot himself either accidentally or with suicidal intent. Accordingly, it is my professional opinion, based upon a reasonable degree of medical certainty, that the manner of death in this case should be considered as homicide.”

Of all the forensic pathologists to subsequently analyze the cause of Jake’s death, Dr. Wecht was the only one to assert that the entrance wound was on the left side of Jake’s head. During an interview with a BCI investigator, Dr. Wecht said that he did not have a need to fight the battle regarding which side was the entrance wound and which side was the exit wound. He stated that experts disagree all of the time and that “...I’m not going to, uh, protest or so on if they want to talk which is entrance and which is exit.”

It appeared that Dr. Wecht did not wish to completely defend his position regarding the entrance/exit wound, stating that the bottom line is whether or not Jake could have shot himself. Dr. Wecht said that if he were wrong regarding which side was the entrance, that it was possible that Limberios family attorney Mr. McGookey had “subconsciously influenced” him by telling him that the entrance was on the left, based upon EMS reports and law enforcement officials.

During this interview, Dr. Wecht further acknowledged that Jake's hair would have absorbed or blocked-out some of the gun powder from the shot, but not totally in a contact or near contact wound. Dr. Wecht did not take photographs of his autopsy to document his findings, which in retrospect, he said that he probably should have done so.

On May 1, 2013, Jake's body was exhumed for a second time, with a second autopsy conducted beginning May 2, 2013. Dr. Cynthia Beisser conducted this autopsy. Additionally, forensic anthropologist Julie Saul examined Jake's skull.

Dr. Beisser states in her report:

“In my opinion, the direction of fire is RIGHT TO LEFT [Dr. Beisser's capitalization]. By measurements, the track is right to left, downward, and backward.... [And], in my opinion, the range of fire cannot be determined, due to alteration of the wounds by the funeral director and Dr. Wecht and due to post mortem changes.”

Regarding the manner of Jake's death, Dr. Beisser states:

“The manner of death...has to do with the circumstances surrounding the death. It is not determined at the autopsy table, but by investigation of the scene and putting together all of the available information concerning the death. In this case, you must put the autopsy findings together, with the scene investigation and ancillary laboratory studies. However, the autopsy findings are not inconsistent with the original ruling of suicide.”

After examination of the skull, forensic anthropologist Julie Saul concludes in the summary portion of her report:

“Through and through gunshot wound to head.

Entrance: Right side, anterior and superior to right external ear (high on right "temple").

Exit: Left side, low, posterior to left external ear.

Direction of fire: Right to left, superior to inferior, anterior to posterior.”

Dr. Kevin Whaley extended an offer to the Limberios family to review the case and render an opinion. As with Dr. Wecht, Mr. McGookey provided Dr. Whaley with the limited investigative information he had on the case. Dr. Whaley did not have autopsy photographs or access to physical evidence or conversations with investigators regarding the facts and circumstances of the case. Dr. Whaley issued the following opinion:

“It is my opinion that the direction of injury is right-to-left, slightly front-to-back, and slightly downward. Based on the autopsy protocols, anthropological assessment, investigative information, and scene photographs, it is my opinion that it is highly unlikely that Mr. Limberios injured himself. It is my professional opinion, within a reasonable degree of medical certainty, that the manner of death in this case should be

homicide. As the definition of homicide is the ‘death of one caused by the action or inaction of another,’ my opinion should not be taken to infer the intent of the perpetrator.”

BCI investigators and the Attorney General’s special prosecutors retained Dr. Michael Baden to review the case information and render his expert opinion. Dr. Baden had unlimited access to all case information he felt would be relevant to his review, including investigative reports, lab results, autopsy and scene photographs, prior autopsy information, physical evidence, discussions with investigators, etc. As a result of his review, Dr. Baden concludes the following in regard to this case:

“It is my opinion, to a reasonable degree of medical certainty, based on all of the materials that I have reviewed, that:

1. Natural decomposition changes six and 14 months after death and changes during funeral preparation procedures (such as cleaning and washing of the body, embalming, sewing of wounds and stuffing cotton padding and wax directly into the perforations) removed external evidence of the gunshot discharge and produced artifacts that created difficulties identifying which perforation was the entrance wound; However, the beveling of the bones and the gunshot residues identifiable under the microscope demonstrate that the gun was close to the right side of Jacob’s head at the moment of discharge;
2. Jacob’s blood and hair on the muzzle of the gun also show that it was near to the head when discharged;¹⁴
3. Suicide is the intentional taking of one’s life; There is no evidence that Jacob intentionally discharged the gun;
4. There is no evidence that another person shot him homicidally; and
5. The manner and classification of Jacob’s self-inflicted, but unintended discharge of the gun is Accident.”

Dr. Vincent Di Maio is a nationally renowned expert on gunshot wounds to the human body. Unbeknownst to Dr. Baden until last week, our BCI investigators and special prosecutors retained Dr. Di Maio to review the case information and render his expert opinion, with an emphasis on the directionality and distance determination of the gunshot wound. Like Dr. Baden, Dr. Di Maio had unlimited access to all case information he felt would be relevant to his review, including investigative reports, lab results, scene and autopsy photographs, prior autopsy information, physical evidence, discussions with investigators, etc. However, Dr. Di Maio was not provided any documentation or information regarding Dr. Baden’s analysis.

As a result of his review, Dr. Di Maio concludes, in part, the following:

¹⁴ The hair found on the gun was not suitable for DNA testing, as there no follicles were attached.

“The two main questions in this case needing to be answered are: (1) the location of the entrance wound and (2) the range at which the individual was shot. Based upon the aforementioned material, and especially the photographs of the skull in regard to the nature of the beveling, it is my opinion that, without any doubt, the entrance wound was on the right side of the head in the right temporal region with the exit wound on the left side behind the left ear.

The combination of decomposition, cleaning of the wound by the funeral director, insertion of cotton and wax-like material into the entrance by the funeral director, manipulation of the wound by Dr. Wecht, and no adequate photographic documentation of the entrance, makes determination of the range at which the wound was incurred fairly difficult. In spite of this, it is my opinion that the wound on the right is contact. A distant or intermediate range wound in the right temporal area would be round to oval, punched out, and approximately nine millimeters in diameter. Instead, the wound as described by Dr. Wecht, before he cut it, is 36 millimeters by three to four millimeters.

Contact wounds of the head with a revolver of this caliber are fairly large and irregular. They are virtually always larger than the exit. This is due to the gas from consumption of the gunpowder tearing the skin. The gross absence of powder and soot at the right entrance is explainable by the decomposition and extensive manipulation of the wound by the funeral director. The black material seen microscopically by Dr. Beisser is most likely residue of burnt powder, though as pointed out by Dr. Beisser, one cannot be absolutely sure. It should also be noted that hair was adherent to the muzzle end of the revolver. If this hair turns out to be from Mr. Limberios, this would be confirmatory evidence of a contact wound.

In conclusion, it is my opinion that Jacob Limberios died of a self-inflicted gunshot wound of the right side of the head. There is no evidence that anyone else shot him.”

Prior to BCI conducting its investigation of the incident, the Sandusky County Sheriff’s Office submitted the involved firearm, casings, and bullet to the BCI lab for analysis. BCI analysts determined that the six submitted Federal .357 caliber cartridge casings were fired from the submitted firearm -- an HWM (EAA) Model EA/R .357 Magnum caliber double action revolver, serial #1082346. The submitted bullet had corresponding general rifling characteristics as a test-fired bullet from the aforementioned firearm, but an identification or elimination could not be made due to lack of sufficient individual characteristics.

In the present investigation, investigators resubmitted the involved firearm to the BCI lab with requests for specific additional testing, including trigger pull, drop testing, and impact testing. As a result of this submission, BCI analysts reported the following:

- The trigger pull on the firearm is twelve pounds in double action and four pounds in single action, which means with the hammer locked back or cocked, the amount of force needed to fire the gun is reduced tremendously, increasing the possibility for an accidental discharge.

- The firearm was found to be equipped with a hammer block/rebound safety. This safety is designed to prevent the hammer from striking the firing pin unless the trigger is pulled and held completely rear-ward. Analysts tested this safety mechanism via impact testing and drop testing in both the single action and double action firing modes. The hammer block/rebound safety mechanism failed to function as designed in three of the ten impact tests conducted in the single action firing mode. This was a significant finding not previously uncovered in previous investigations.
- Examination of the revolver showed that the cylinder frequently jams and fails to rotate when the hammer is pulled to place the revolver into single action mode. When this jam occurs, it is necessary to partially pull the trigger in order to free the movement.

What these three revelations mean, simply put, is that 30% of the time, the gun used in the death of Jacob Limberios can fire without the trigger ever being pulled.¹⁵

On Jake's cellular telephone, investigators recovered two pertinent videos that Kayleigh confirmed were recorded on February 29, 2012 -- two days prior to Jake's death. The videos depict Jake and Kayleigh firing a revolver. Kayleigh said that the weapon they fired in these videos was the same gun involved in Jake's death. Further, she stated that the location of the videos was in the rear of the Limberios residence.

The holster for the gun appears to be tucked into the front of Jake's waistband. Kayleigh told investigators that they were firing the weapon off into the distance, without a specific target or backstop. In the video of Jake firing the gun, BCI investigators observed that Jake used his right hand to hold the gun, firing one shot using both hands and two shots using only his right hand. They also observed that Jake allows his finger to remain on the trigger at all times. Further, his thumb remained on the hammer, even while pointed at the ground, with Jake cocking the gun into single-action mode while raising it to point down-range.

The muzzle blast from the second shot in the series of three shots is observable on the video, with no discernable "flame" on the other two shots. Kayleigh confirmed that Jake's hair thickness and length was substantially similar in the video as it was on the night of his death two days later.

The significance of these videos is threefold:

- Jake's hair is of a significant length to affect forensic analysis;
- Jake is consistently handling this weapon in an unsafe manner and was wearing neither eye nor ear protection; and
- The muscle memory Jake is using in shooting the gun leaves the hammer in the position where it can fire without the trigger being pulled.

¹⁵ Dr. Baden, in his autopsy report, also stated that "Jacob's revolver was defective and could unintentionally discharge without fully pulling the trigger."

CONCLUSION

The single most significant new revelation about this case that BCI investigators discovered involves the malfunctioning hammer block safety on the firearm that killed Jake Limberios. BCI agents requested additional, specific lab testing by BCI's Firearms Section -- testing that had not been requested during previous investigations. This additional testing found that 30% of the time in lab tests, the gun fired without the trigger being touched or pulled. If Jake were holding the gun, as all three witnesses report, and the hammer was never locked back into single action, it is conceivable that the spring-loaded hammer could have been pulled only partially back and released, and the weapon could have fired -- without the trigger being touched and contrary to the intended safety design of the gun.

Dr. Wukie, Dr. Whaley, Dr. Baden, Dr. Beisser, Dr. Di Maio, and forensic anthropologist Julie Saul all state that the entrance wound was on the right side of Jacob's head, which is consistent with the witness statements and with Jake being right handed. Drs. Wecht and Whaley were the only forensic pathologists to opine that the manner of death should be ruled homicide. However, neither of those doctors had all of the investigative material and evidence at their disposal at the time they rendered an opinion. Furthermore, Dr. Whaley indicated that his opinion was preliminary, while Dr. Wecht told our investigators that he was not going to "protest" which was the entrance wound and which was the exit wound.

Our BCI Crime Scene Unit performed a shooting reconstruction and laser trajectory analysis, which offered scientifically significant findings. The bullet direction and path were consistent with the statements that witnesses provided. Based on BCI's analysis, none of the seating positions of the witnesses appear to be within the trajectory line, even with a 10 degree margin of error to either side. It is highly improbable that a person seated in one of these locations could have fired the weapon unless stretched-out into an unnatural position.

To account for the bullet entering the ceiling, Jake would have likely needed to have his head tilted to the side, toward the muzzle of the gun, regardless of which side the bullet entered. If Jake was taking a reactionary, defensive posture because someone else was pointing the gun at him, generally speaking, his head would have been angled away from the gun, not toward it. However, if Jake were scratching his head with the muzzle of the gun, as two of the witnesses stated in various interviews, he likely would be tilting his head down, toward the muzzle, aligning with the trajectory, the positioning, the path of the bullet through his head, the witness statements, the physical evidence, and the majority of forensic pathology reports.

The location where the gun rested after it was fired was not inconsistent with a self-inflicted injury, though the location does not prove that the wound was self-inflicted. There was no evidence noted that would indicate the gun was moved or manipulated subsequent to its initial resting place after the shot was fired, though this cannot be ruled-out. Bloodstains, touch DNA, and a hair remained on the weapon, tending to indicate that the weapon was not cleaned prior to investigators arriving at the scene.

BCI's investigation did not uncover any credible evidence that anyone other than Jacob Limberios, Brittany Bowers, William Lewis, and Evan Neidler were present at the time of the shooting. Discrepancies in the statements of the three persons known to be present were noted, although they remained consistent in their assertion that Jake was holding the gun when it discharged. Our investigators discovered no incontrovertible evidence to refute this, and they discovered no evidence of intent to harm Jake, nor any evidence that Jake intended to harm himself. They did find that the involved weapon has a malfunctioning hammer block safety, in addition to other mechanical problems, which conceivably could have resulted in the weapon firing without the trigger being pulled. Further, they discovered that Jake had no past history of animosities with or against anyone, and until the night of the shooting, he had never even met witnesses Evan Neidler and William Lewis.

I want to thank the Grand Jury for the many days and hours they spent evaluating the evidence and listening to witness testimony. They have done a great service to the community.

The Grand Jury has concluded its work this morning. A few moments ago, they filed their conclusions with the Court.

They heard from 55 witnesses over ten days. They had 286 marked exhibits. And, they had full and complete access to the State's investigatory file.

They found no probable cause to charge any person with a crime. They found the death of Jacob Limberios to be an accident that was self-inflicted and that he did not intend to kill himself.

What happened on March 2, 2012, was a horrible tragedy. However, we believe that Jacob Limberios did not intend to kill himself.

We are convinced -- and agree with the Grand Jury's conclusion.

Jacob Limberios did not purposely shoot himself. He did not commit suicide.

Jacob Limberios died in a horrible and tragic accident.

I will now take your questions.