

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 05/11/2001 15:50

Fauquier County Sheriff's Office

OCA: 2001001152

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Case Status: *Suspended* Offense: *MURDER AND NONNEGLIGENT*
Case Mng Status: *Suspended - No Leads To Follow-up* Occured: *03/19/2001*
Investigator: *JUNGER, E. P. (964)* Date / Time: *05/10/2001 11:33:03, Thursday*
Supervisor: *BUTLER, O. W. (9715)* Supervisor Review Date / Time: *NOT REVIEWED*
Contact: Reference: *Investigative Progress*

VICTIM: Mary Providence Marocchi DOB: 02-11-16
Sunrise Assisted Living Center SSN: [REDACTED]
194 E. Lee Street
Warrenton, VA 20186
Phone: [REDACTED]

SUSPECT: Gerald J. Wood W/M; DOB: 10-07-47
Loudoun Hospital SSN: [REDACTED]
Behavioral Medicine Unit
224 Cornwell Street
Leesburg, VA
Phone: [REDACTED]

NATURE OF CASE: Homicide

On the 23rd of March 2001 this detective had an opportunity to speak with Ms. Helen Iwanik, the daughter and power of attorney for Mary Marocchi. Ms. Iwanik wished to know the status of the case and what process the case would be going through. Ms. Iwanik advised this detective that she is a paralegal and her husband is an attorney, as well, and would be acting as family spokesman. Ms. Iwanik expressed concern that her father, John Marocchi, is very upset about the incident and wanted to know how this situation could be avoided in the future. Ms. Iwanik stated she had spoken to staff members at Sunrise Assisted Living Center and was told by them that they were not aware of any violent behavioral history on the part of Mr. Wood prior to this incident.

Ms. Iwanik advised this detective that her mother suffered from an as yet undiagnosed neurologic ailment that left her weak and a paraplegic. Ms. Iwanik stated her mother did not suffer from dementia and was alert and well oriented. Ms. Iwanik stated that Ms. Marocchi would not have disciplined Mr. Wood, nor would she have been able to intervene during his attack on other residents. Ms. Iwanik stated her mother did not know Mr. Wood, nor had any prior difficulties with him. Ms. Iwanik advised this detective she held a power of attorney for both her mother and father and that she would sign a Medical Records Release form for this detective to obtain copies of treatment records for her mother while at Fauquier Hospital.

This detective then encountered significant and numerous difficulties in dealing with Fauquier Hospital in getting the medical records concerning treatment of Mrs. Marocchi through the power of attorney by Ms. Iwanik, the reasons of which will not be wasted on this supplement. On the 4th of April 2001 this detective finally was able to received a signed permission form of Mr. John Marocchi, the husband of the victim. With this, copies of the medical treatment forms for Mary Marocchi were finally received from Fauquier Hospital and are included in this case file.

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During several conversations with staff members at the Sunrise Assisted Living Center this detective became curious of whether or not Mr. Wood had a pre-existing assaultive or aggressive behavioral history prior to arriving at the Sunrise Assisted Living Center. It also struck this detective as curious as what was the original reason and the "uncharacteristic outburst" that required Mr. Wood to be treated at Loudoun in the first place. This detective then made inquiries to the Sunrise Assisted Living Center personnel and subsequently learned from Ms. Melody Snow-Brown that Mr. Wood was maintained at the Manor House in Charlottesville, VA from September of 1999 until his admission to Pinebrook in February of 2001. Ms. Snow-Brown advised this detective she had made phone calls to Manor House after this attack on Mrs. Marocchi and subsequently learned that Mr. Wood had assaulted other residents at that facility while he was at Manor House.

Armed with this information, this detective made contact with the Adult Protective Services Section of the Department of Social Services for Albermarle County. After making contact with that agency, this detective had the opportunity to speak to a Ms. Trisha Alveshere, who is an intake officer with the Adult Protective Services. This detective spoke briefly with Ms. Alveshere and subsequently learned that these reported incidences of Mr. Wood assaulting residents at Manor House had never been reported to the Adult Protective Services for Albermarle County. This detective had been advised by Ms. Snow-Brown that Mr. Wood had reportedly broken the wrist and hand of a female resident at Manor House. Discussions with Ms. Alveshere showed that she was unaware of any such complaints whatsoever. In fact, a review of her computer records showed Mr. Wood was only listed in their computer tracking system for a placement order, which originally brought him to the Manor House. Ms. Alveshere told this detective that she would follow-up further on this particular situation and advise me what information she could determine.

This detective continued the investigation on the background of this incident and learned that Ms. Nancy Reeves was the responsible person through the Department of Adult Protective Services in the Department of Social Services of Fauquier County who first received the call of the attack on Mrs. Marocchi on the 21st of March 2001 at approximately 4:50 in the afternoon. This report was made to their office by Ms. Brenda Whitmer, who is a licensed practical nurse at the Sunrise Assisted Living Center. It is noted again that Ms. Reeves did not receive a call from this facility until the 21st of March, when the attack took place on the 19th of March, two (2) days prior to it being called in.

On the 29th of March 2001 this detective was again contacted by Ms. Alveshere of the Albermarle County Adult Protective Services Division and given more background information concerning Mr. Wood and his residency at Manor House. It was learned that Mr. Wood attacked a resident by the name of Patricia Talbott and that he had in fact broken her hand. The circumstances of the event were as follows: Mr. Wood and Ms. Talbott were seated next to each other in the TV lounge at the Manor House in Charlottesville. Ms. Talbott, an Alzheimer's patient, was reportedly muttering and cursing to herself. Apparently this cursing on behalf of Ms. Talbott somehow offended Mr. Wood, who immediately reached over, grabbed the left arm of Ms. Talbott and twisted it violently sideways. At this point a nursing assistant came between the incident and separated Ms. Talbott and Mr. Wood and took Ms. Talbott to a location on the other side of the room. Apparently a few minutes later Ms. Talbott continued to mutter and curse to herself, at which point Mr. Wood got up from his chair, crossed the room, again grabbed Ms. Talbott by the arm, twisted it up and behind her, while he repeatedly struck her in the head and face with his clenched fist. This subsequently caused a fracturing of Ms. Talbott's arm, and at which point Mr. Wood was then removed from the TV lounge. This particular attack occurred on the 1st of February 2001. No report of this incident was made to Adult Protective Services or to the Albermarle County

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Police Department.

A review of the nursing notes that would later be sent to this detective by Ms. Alveshere shows that Ms. Talbott was subsequently treated on the 2nd of February for the fracture with a sling and splint support and subsequently given medication and treated with a cast. Mr. Wood was not removed from the facility and on the 9th of February 2001 was found barging out of the front door of the Manor House into the pavilion area. According to Ms. Alveshere Mr. Wood was extremely agitated. When some of the nursing staff attempted to stop him, he assaulted them, telling them "don't touch me" and other aggressive action such as that. When staff members attempted to stop him from leaving and asking him where he was going, he told them, "I'm leaving this place" and then he continued to walk out in a brisk fashion. Apparently one of the certified nursing assistants attempted to stop Mr. Wood, at which point he became agitated, scratching the nurse, squeezed her hand tightly, and used profanity at the other nurse while forcing her out of the way. Mr. Wood apparently explained to the nurses that he was going to "get himself a beer" and he was refusing to return to the facility, despite their best efforts. According to Ms. Alveshere two (2) nursing assistants, as well as a physician from the facility, continued to follow Mr. Wood out of the facility and out into the street where he refused to stop despite their attempts to draw him back into the facility and ultimately walk down the street away from the home. Law enforcement officers were subsequently contacted and ultimately Mr. Wood had to be returned via police cruiser with his legs in shackles because he was kicking and thrashing and attempting to assault the officers. Mr. Wood apparently kept telling the officers that he wanted a drink and that's the reason why he was leaving and that's why he was upset and wouldn't come back. Subsequently, Mr. Wood was again returned to Manor House. After changes in his medication he was kept. It should be noted that during this incident, Mr. Wood was subsequently taken to Region 10, part of the UVA Hospital, and then after being examined by staff there, he was returned to the facility later that evening after he was given a beer by Manor House staff. Mr. Wood was not removed from Manor House at that point.

On the 22nd of February 2001 Mr. Wood apparently was involved in another circumstance in which a staff member was walking down the hallway towards the dining room and heard two (2) residents yelling at someone saying "stop, stop, don't do that". As the staff member turned the corner she saw a resident by the name of Marvin Adams laying on the floor and Mr. Wood standing across from him. Mr. Adams apparently attempted to get up off the floor and approached Mr. Wood, in which case Mr. Wood pushed Mr. Adams back down to the floor. Mr. Wood began picking up three (3) drinking glasses from the table and began throwing them at Mr. Adams; they hit the wall and shattered around him. At this point the staff member then called two (2) other staff members and the three (3) of them subsequently entered the room and took control of Mr. Wood. Later that evening Mr. Steven Wood, the brother of Gerald Wood, was contacted and advised of all the circumstances. Apparently Manor House employees felt that Mr. Wood had become too difficult to deal with and they would need to transfer him from their facility. Apparently Steven Wood advised Manor House he would not be able to handle his brother up in Massachusetts at this time and had asked if they could find another place to house him. It should be noted that a review of the nursing notes concerning this incident states that Adult Protective Services would be contacted by Manor House personnel but this communication never took place. Subsequently, Mr. Wood was then sent to Culpeper Hospital via Pinebrook and there his medication was stabilized, which ultimately led to his subsequent transfer to Sunrise Assisted Living Center when Manor House refused to take him back after these three incidents.

On the 30th of March 2001 this detective was contacted by Ms. Alveshere and advised that she would be faxing to me

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copies of the nursing notes and incident reports from Manor House concerning this particular incident. Ms. Alveshere also advised this detective that she was making a police report of the assault on Patricia Talbott to the Albermarle County Police Department and that I could anticipate follow-up calls from their office.

On the 3rd of April 2001 this detective was able to receive a photocopy of the initial police report filed with Albermarle County Police Department and that's titled under case number 2001-2813 of the Albermarle County Police Department. It should be noted that on the 5th of April 2001 this detective was contacted by Det. Wilkins of the Albermarle County Police Department, who had received this case and was following it up as a malicious wounding. This detective then went into length with Det. Wilkins concerning our case and the circumstances involved with it and also concerning Mr. Wood's medical history and his current housing in the Behavioral Medicine Unit at Loudoun Hospital. Det. Wilkins advised this detective that his agency would be interested in prosecuting Mr. Wood for malicious wounding of Patricia Talbott but he would wait to see how our case progressed further in terms of taking him into custody.

On the 2nd of April 2001 this detective requested and received a search warrant authorizing the receipt of all medical records pertaining to Mr. Wood while he was hospitalized at the Loudoun Behavioral Medicine Unit at Loudoun Hospital. The Behavioral Medicine Unit, it should be noted, is located at a different location than Loudoun Hospital. It is located at 224 Cornwell Street in Leesburg, VA.

On the 3rd of April 2001 after communicating with medical staff at that facility this detective would need copies of the medical records, this detective, along with Det. Hartman of the Warrenton Town Police Department, responded to the Behavioral Medicine Unit of Loudoun Hospital and received copies of all of the medical and nursing records of Mr. Gerald Wood, which is subsequently contained within this case file.

During the following weeks after this new information concerning Mr. Wood's medical history and prior assaulted behaviors were received, several communications took place between Capt. Fred Pfeiff, this detective, and Mr. Jonathan Lynn of the Commonwealth's Attorney Office to determine what course of action would be necessary in terms of taking Mr. Wood into custody or somehow arranging for him to be in a safe environment pending arrest either on warrant, indictment, or other circumstances such as that. These communications also involved Mr. Paul Regan of the Clinical Services Division of Rappahannock-Rapidan Community Services Board to try to determine what forms of temporary detention orders and emergency detention orders would be appropriate. While this was taking place, Mr. Woody Turner, the legal counsel for the Loudoun Hospital's Behavioral Medicine Unit, had made contact with Steven Wood to discuss what might be a reasonable alternative in dealing with his brother. Mr. Steven Wood and Mr. Turner were able to agree that given the circumstances of Mr. Wood's aggressive behaviors and also the potential for legal involvement within our County and others, Mr. Wood seemed agreeable to the notion that a temporary detention order would be appropriate and his brother should be involuntarily detained in either Western State or Central State Hospital. Mr. Turner brokered several of these ideas to Mr. Wood and ultimately the two of them agreed on a involuntary TDO of Mr. Wood to Western State or Central State Hospitals with several different caveats. Unfortunately one of the caveats included that he would not be under police arrest or control. These agreements were supposedly discussed without this agencies interactions; but other than that part, the rest of it seemed to be of an agreement between Mr. Wood, the facility and Mr. Turner.

During that time frame attempts were made by staff members at the Loudoun Behavior Medicine Unit to try and have

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Mr. Wood subsequently TDO'd to Western State; but in interactions with Mr. Regan through our County, it was felt that Mr. Wood did not fit or meet the necessary criteria for a civil TDO. It was therefore felt that a forensic TDO would be more appropriate. A forensic TDO could not be activated until Mr. Wood was subsequently charged. Some of the concerns expressed by Capt. Pfeiff and Mr. Lynn included that if we took custody of Mr. Wood under a warrant, brought him to our County, brought him before a Judge and through mental health and then transferred him to Western State, we were under the distinctive risk of Mr. Wood being found not mentally ill and subsequently returned to our custody and therefore housed in our jail. This decision was exceptionally unagreeable to this agency as we do not have the manpower or facilities to take care of someone with Mr. Wood's unique medical issues. Conversations with other colleagues showed that under the DSM 4 manual, dementia secondary to Huntington's Chorea, is not considered a mental illness and therefore there was a significant possibility that Mr. Wood would end up coming back to our jail within forty-eight (48) hours after his receipt down there and then we would be putting him at significant risk, housing him in a facility that's not geared for his treatment and care. Based on those issues, Mr. Lynn, myself and Capt. Pfeiff felt that a forensic TDO with us placing charges would not be appropriate and would actually put Mr. Wood at a greater risk. It was then decided by Mr. Lynn that this office would bring charges against Mr. Wood for Murder in the form of an indictment to the Grand Jury, which will meet on the 29th of May of this year.

On the 25th of April 2001 this detective was contacted by Ms. Kathy Stewart of the Fauquier Family Guidance Services who is a colleague in clinician working with Paul Regan. Ms. Stewart advised this detective that there was growing concerns at Loudoun Behavioral Medicine Unit that Mr. Wood was becoming clearly more agitated and aggressive over time. It appeared that Mr. Wood would frequently begin showing aggressive signs of behaviors and that at times was taking actions that seemed to be completely inappropriate. Examples given were: he would come out to the nursing station naked from the waist down, asking for a ruler to measure his penis because he wanted to see if it had grown overnight. Other situations showed that he would curse at two (2) ladies who were watching a video and he became very angry and agitated toward them and causing them a great deal of concern. Apparently the reason for this aggressive response in him was never identified and it wasn't known what he became unhappy about.

These coupled with other indications began causing great concern to the Loudoun Behavioral Medicine staff they felt Mr. Wood had a great potential for becoming violent again and harming one of their residents as well. Part of the concern was that their facility is primarily meant for dealing with geriatric patients and not someone of Mr. Wood's strength or condition. This ultimately culminated in an event in which a female resident at Loudoun Behavioral Medicine Unit was assaulted by Mr. Wood on the 23rd or 24th of April 2001. The exact date of the incident is not known until medical records can be received for verification.

It was subsequently learned that this female, who is an eighty (80) year old resident of the facility, had been forcibly knocked to the ground by Mr. Wood for no apparent reason and fortunately she had not been seriously injured during the attack. Based on this most recent aggressive attack on the part of Mr. Wood, coupled with his other activities prior to this incident at Loudoun Behavioral Medicine Unit and his histories of assaults and attacks at Sunrise and Manor House, the staff members at the Loudoun Behavioral Medicine Unit contacted their local Adult Protective Services and Department of Social Services to arrange for Mr. Wood to be evaluated for TDO based on his new and violent behavior.

On the 4th of May 2001 this detective was advised by Capt. Pfeiff that he had been given information from the Loudoun

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Behavioral Medicine Unit that Mr. Wood was to be transported to Western State Hospital immediately after a hearing had been held before a Special Justice, committing him to Western State Hospital involuntarily. Capt. Pfeiff was able to receive a facsimile copy of the admission paperwork and commitment orders signed by this Special Justice, with legal counsel present, stating that Mr. Wood is mentally ill and that he does present an imminent danger to himself and/or others and is not able to care for himself. Based on this, the Special Justice under the medical proviso of Dr. Howard Glick, certified Mr. Wood to Western State Hospital on the 4th of May 2001. This detective arranged with Deputy John Anderson of the Transportation Division of the Fauquier County Sheriff's Office to respond to the Behavioral Medicine Unit to take custody of Mr. Wood and transport him to Western State.

Upon arriving at Loudoun Behavior Medicine Unit this detective was finally able to speak with Mr. Wood and advised him of his being taken to Western State under the temporary detention order. This detective and Deputy Anderson approached Mr. Wood; after identifying ourselves and for our purpose of being there, we asked Mr. Wood if he needed to use the bathroom facilities or anything such as that before we left the building. Mr. Wood immediately was able to get up out of the chair, walk across the large nursing station to the bathroom on the other side of the room, unaided and unassisted. Mr. Wood was also able to use the facilities by himself and then returned, completely unaided, back to our location. His gait while somewhat loping in style with a slight dragging of the left foot, was actually very quick and very capable, without need of assistance of any kind. Mr. Wood understood the reason for his being taken into our custody and after being placed in leg shackles and a belly chain, as per standard transportation procedure, was wheeled down to the waiting cruiser in a wheel chair. As we approached the cruiser with the wheel chair, Mr. Wood bounded out of the wheel chair, immediately moving quickly towards the open door of this detectives unmarked cruiser. It took myself and Deputy Anderson, and our efforts to seize Mr. Wood from his forward movement into the vehicle and slowly place him inside, where he seemed to be more than content to move without our help and climb in by himself.

After we took custody of Mr. Wood, his personal belongings and medical records that were made for transfer to Loudoun Hospital, this detective sat in the back seat with Mr. Wood, while Deputy Anderson drove this detective's unmarked cruiser. We proceeded a short distance away from the hospital and then under the shade of tree in the parking lot, this detective immediately advised Mr. Wood of his Miranda rights using the Fauquier County Sheriff's Office Warning and Consent form. The detective had certain concerns about what he had previously been told about Mr. Wood's potential mental status, but was surprised to discover that as Mr. Wood was being described each of Miranda rights, he was clearly able to describe his understanding of each of the rights. At the very end when asked to read the Consent to Speak paragraph, he was able to clearly and easily read the three (3) sentences that make up that particular statement. Mr. Wood then went on to sign the Warning and Consent form and then was able to describe to this detective how he had four (4) years of college, which subsequently led to his receiving a Bachelor's degree in Business Management. Mr. Wood clearly could read and write English and was able to respond by questions posed by this detective without difficulty whatsoever. He was also able to discuss questions in more than a yes and no format and had no difficulties and agreed to speak to us about this case. It was noted that Mr. Wood had been given five (5) mg's of Valium by mouth approximately ½ hour before our arrival, but it appeared to have no effects Mr. Woods' ability to think, speak, or otherwise have cognitive function during the interview.

During our subsequent talking with Mr. Wood, this detective asked a series of questions concerning his treatment at Sunrise Assisted Living Center, as well as his being brought to Loudoun Hospital and so forth. It should be noted that

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when this detective asked Mr. Wood various questions, he would turn, look this detective in the eye and answer the questions very clearly. Mr. Wood did have chorea movement but it didn't interfere with his ability to communicate with me during the interview. On occasion Mr. Wood would refuse to answer certain questions by just remaining silent; if I moved on to other questions, he would then continue to answer those questions as well. Several topics were discussed, including his siblings, i.e., his brother, his family in Massachusetts, his prior employment with the phone company for twenty-five (25) years, his being a heavy equipment mechanic for the National Guard and information about his estranged wife who lives in Staunton, VA. All during these conversations Mr. Wood was able to give a great deal of information to this detective about these circumstances, clearly, concisely, and very easily understood.

As this detective began to discuss the circumstances of the Sunrise Assisted Living Center, Mr. Wood did state that he remembered the Sunrise Assisted Living Center, remembered being there, and remembered coming to Loudoun Hospital. When this detective asked why he was brought to Loudoun Hospital Mr. Wood looked at this detective, gave him a sly grin (my definition), and said "I have bad hearing in one ear". When this detective asked questions about whether or not Mr. Wood had become angry at Mr. Zigiri for spitting on the floor, Mr. Wood stopped, turned to this detective and then said, "you have the facts as they are". This detective then asked Mr. Wood what that meant and Mr. Wood said, "the facts stand for themselves." When this detective specifically asked Mr. Wood questions concerning whether he had turned Mr. Zigiri over in his wheelchair or other things such as that, he would stop, look this detective in the eye and say, "I don't remember", as if to not answer. It was the impression of this detective during this conversation that Mr. Wood did in fact remember, but just was refusing to answer the question in that respect. While Mr. Wood continued to say that he couldn't remember, when this detective asked circumstances about that day, i.e., "did anybody attack you that day? did anybody spit on you? did anybody yell at you? did anybody throw anything at you?" and all these other circumstances, Mr. Wood was able to state empirically "no" to each of those circumstances. Yet when this detective would then return and ask questions about his involvement in anything, he would just simply say "I don't remember." When Mr. Wood was asked about comments he made to Idella Marshall, who he clearly remembered during our interview, about him being mad at Mr. Zigiri for spitting and that he would make him stop, Mr. Wood again made the comment "you have the facts". It became apparent to this detective that Mr. Wood was not going to answer specific questions concerning his involvement in the assault on Mrs. Marocchi and other patients at the facility, but clearly remembered the incidences and remembered everything around them, except those particular events. Mr. Wood ultimately gave this detective a taped statement where much of that same information was again retained on tape.

At this point, this detective, along with Deputy Anderson, brought Mr. Wood to the Sheriff's Office in Warrenton, where Mr. Wood was subsequently moved to a caged vehicle and subsequently transported to Western State Hospital with his personal belongings and medical records by Deputy Anderson. This detective then returned and briefed Capt. Pfeiff on the circumstances of the taped statement given by Mr. Wood and it was felt that the rest of this case would be put together and then prepared for the Grand Jury.

SYNOPSIS OF WITNESS STATEMENTS

Melody Corbin Snow-Brown

Executive Director of Sunrise Assisted Living Center

Ms. Snow-Brown was interviewed by this detective on the 22nd of March 2001 and learned the following information:

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Mrs. Marocchi was a level 4 care patient; she required daily treatment in terms of dressing, feeding, assistance with restrooms, was not able to walk without assistance on her own, and pretty much needed around the clock nursing care. Ms. Snow-Brown stated Mrs. Marocchi was alert and oriented but she was slow due to the cerebral edema and had decreased motor skills because of her various medical history's. According to Ms. Snow-Brown, Mrs. Marocchi would require long term care and physical therapy but she was slowly responding to the care and could occasionally walk with a walker but would tire quite frequently. Otherwise, she was alert and oriented and able to speak at length with various individuals of the nursing staff. As previously mentioned, Mrs. Marocchi was a registered nurse herself, and as such, was able to freely converse with the nursing staff about memory's of her days working as a nurse in the United States Navy.

Ms. Snow-Brown also stated Mr. Gerald Wood had come to their facility on the 3rd of March 2001 after he would move there from Pinebrook Hospital with Huntington's disease. According to Ms. Snow-Brown Mr. Wood was in Virginia because he was in process of getting a divorce from his wife and he would be going back to a specialized unit in Massachusetts that deals with Huntington's Chorea once he completed his cure here. Ms. Snow-Brown stated Mr. Wood needed assistance with walking for balance and he was on a puree diet because of his dysphasia, but otherwise could take care of himself in all other forms of daily life care. As previously mentioned within this supplement, Ms. Snow-Brown stated Mr. Wood came to Pinebrook on the 22nd of February 2001, stayed there until the 3rd of March 2001 and then ultimately transferred to Sunrise. At the time of the interview Ms. Snow-Brown stated that all she was aware of was that Mr. Wood had an uncharacteristic outburst and was subsequently sent there once his medications were adjusted appropriately. Dr. David examined Mr. Wood at Sunrise (Dr. David is the house physician for Sunrise Assisted Living Center) and evaluated his medications accordingly. Ms. Snow-Brown stated that Mr. Wood had one episode of vomiting during his time there, but sometimes he would also become very upset and also sometimes apologetic. On the average, his mood and affect was very good and relaxed; "a very gentle man" were the words frequently used to describe him, that he was very soft spoken.

Of interest Ms. Snow-Brown told this detective that staff members were warned not to condescend to Mr. Wood because he was mentally alert and aware of the surroundings, despite his Huntington's disease. Ms. Snow-Brown went on to state much of the information previously contained in this case file concerning the individuals who were in the TV room at the time of the alleged incident. Ms. Snow-Brown stated she was downstairs when she heard what she believed were three (3) distinct thuds on the floor and that much of the information she had was second hand to her from various staff personnel (which will be later discussed in their individual supplements).

What was interesting was that this detective spoke with Ms. Snow-Brown concerning the frequency of accidents and injuries to residents. Ms. Snow-Brown stated that in the last month six (6) patients had a fall of one type or another. Four (4) of them fell out of bed, two (2) out of them out of the chair but usually they slide out of the chair and land on their behinds. The chairs that are utilized at the Sunrise Assisted Living Center are wingback style chairs that make the resident have to seat backwards and therefore not likely to fall forward out of the chair striking their head. Ms. Snow-Brown also stated that there was never a history of any chain reaction type circumstances where more than one patient would fall out of a chair at a time. Ms. Snow-Brown stated that Mrs. Marocchi normally was in a wheelchair but was moved to a wingback chair whenever she was in the TV lounge and that she was alert and oriented at the time and place, as previously mentioned. Ms. Snow-Brown stated that Mr. Wood during his stay there, was alert and oriented at

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time and place but that he frequently would need more time during his meals because of the dysphasia and that he would not interact with the other residents at the facility. Ms. Snow-Brown stated he would occasionally go on van rides and occasional walks from the facility but for the most part kept to himself.

Ms. Snow-Brown did describe an incident in which another resident at the facility by the name of Franklin Woodward, a sixty (60) year old black male, became good friends with Gerald Wood and that Franklin, who was bisexual, would frequently want Mr. Wood to be his "boyfriend". Gerry would make comments that he wanted Franklin to stay away from him. Mr. Franklin was removed from the facility recently for other reasons and he was not involved in this circumstance that occurred on the 19th of March.

Kimberly Evelyn Burney

Ms. Burney was interviewed on the 28th of March 2001 by Det. James Hartman of the Warrenton Town Police Department. Ms. Burney was a member of the Warrenton Volunteer Rescue Squad and was one of the first responders who treated Mrs. Marocchi for her injuries on the 19th of March. A review of Ms. Burney's taped statement essentially describes what she believed to be a hematoma over her eye, a skin tear on the left arm, and also what appeared to be a deformity of the left upper arm and shoulder. She stated that her foot appeared to be at a strange angle and they believed there might've been some type of a hip fracture on the left side, as well. Ms. Burney stated that Mrs. Marocchi was conscious during this incident and did speak about her pain, but she made no statements to her concerning who was involved in the incident, who assaulted her, or anything such as that. Other than the treatment and care of her transportation to Fauquier Hospital, Ms. Burney had nothing to add as to what she was aware of in terms of the injuries to Ms. Marocchi. She found her laying in the middle of the floor, a distance away from any of the chairs and none of the chairs were turned over.

Idella Livinia Marshall

On the 22nd of March 2001 Ms. Marshall was interviewed by this detective at the Sunrise Assisted Living Center. During the interview Ms. Marshall was able to describe to this detective the fact that she worked with Huntington's patients for some years in New Jersey prior to her coming to the Sunrise Assisted Living Center. Ms. Marshall could give a significant amount of background information on both Mrs. Marocchi and Mr. Wood concerning their care, treatment, personalities, and so forth. In particular she describes that on the day of the incident she remembered hearing a staff person (who she didn't identify in her statement) come down and say "Idella, I need you to come upstairs because Gerald Wood has gone off." These were the actual terms used by the staff member. Ms. Marshall describes how she goes upstairs to the second floor and that when she comes into the room she sees Mrs. Marocchi laying in the middle of the floor, face down in the center of the room. Ms. Marshall also was aware of the fact that Mrs. Marocchi was not near any specific chairs or anything such as that and there wasn't any furniture around here. She also knew that no furniture appeared to have been turned over or otherwise moved from its normal position.

Ms. Marshall also described how other residents were also found laying on the floor, one of which who we believe to be Ms. Delany, having appeared to have slid out of a chair and laying on her buttocks. Ms. Marshall also describes how after she saw Mrs. Marocchi and Ms. Delany she looked in the far corner and saw the bottom of wheelchair because it was laying on its side. Ms. Marshall then stated that the patient Selim Zigiri, was in the wheelchair, still strapped inside and didn't appear to have any other kinds of injuries. Ms. Marshall stated that once she was able to identify that Mr.

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Zigiri, while still strapped in the wheelchair and uninjured, had not been harmed and was in the process of being turned over by other staff members, she then went to assist Mrs. Marocchi. Ms. Marshall goes on in her statement to state she recognized the injury to her eye, and also the deformity of what appears to be her shoulder and a skin tear on her wrist. She also had a look of fright in her eyes; "she appeared to be terrified", in her words. Ms. Marshall also stated Mrs. Marocchi was somewhat slow to react to verbal commands from Ms. Marshall, and again that the arm appeared to be in an unnatural position, as if twisted behind her shoulder. On occasion while she was speaking to Mrs. Marocchi, Mrs. Marocchi would squeeze her hand, which gave her the impression that Mrs. Marocchi was aware of her presence but other than that, no statements were ever made by Mrs. Marocchi to Ms. Marshall as to what had happened.

She then goes on to state how Brenda Whitmer, the LPN on staff, continued in the treatment process and initial triage of the residents within the TV room. At some point she then helped EMS personnel arriving at the scene with further care of patients. Ms. Marshall then went on to state that she saw Mr. Wood sitting in a chair and had been described as appearing to be very blasé, as if "like nothing had happened". She took Mr. Wood downstairs to the administrative offices and in speaking to him downstairs about what had happened, Ms. Marshall stated in her taped interview that Mr. Wood acknowledged turning Mr. Zigiri over in the wheelchair. In her statement Ms. Marshall comments, "do you know what happened about him?" and he would say, "he kept spitting" and he wanted him to stop spitting, so he said he went over and was going to make him stop spitting. That is essentially what Ms. Marshall said was the statement made by Mr. Wood concerning this incident. Ultimately Mr. Wood was subsequently transported to Loudoun Mental Health for stabilization and follow-up treatment. Ms. Marshall also made other statements concerning Mr. Woods general health and conditions, his ability to move, and that sort of thing.

Judith Gayle Brown

On the 23rd of March 2001 this detective had the opportunity to speak to Ms. Judith Gayle Brown, a housekeeper at the Sunrise Assisted Living Center. Ms. Brown advised this detective that she had been working the day the incident occurred and on top of her housecleaning duties, she also does some simply nursing care to the residents while she's at the facility. She stated that during that day she could hear a commotion, and when she entered the room she saw various residents laying on the floor. One of the residents that she immediately recognized was Mary Marocchi, who was laying on the floor, face down. Chrissy Delany was also laying on the floor and Mr. Zigiri was turned over in his wheelchair. Ms. Brown would go on to say that nobody in the room was moving at all, no one was speaking, everybody seemed to be stunned and in a silent condition like they were all shocked into silence. Ms. Brown said this was particularly unusual for all the residents there and it gave it a very unreal feeling to the events that were unfolding.

Ms. Brown was able to recognize Ms. Sue Elliott as the nurse who was giving the initial interventions with Mr. Wood and that when she came into the room, she could see Mr. Wood, who appeared to be extremely agitated, sitting down in a chair at the direction of Ms. Elliott. Ms. Brown is able to give some very clear descriptions as to the locations and appearances of the residents as they were on the floor; review the taped statement to receive better information concerning that.

Ms. Brown was also able to point out that when she saw Mr. Wood she said in her statement "he was breathing really hard and that his adrenaline was really pumping. He hadn't calmed down yet and he appeared to be extremely agitated and very angry." At this point Ms. Brown stated she sat in the chair next to Mr. Wood and began to calm him down,

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rubbing his back and rubbing his arms to try to get him to relax. At this point Idella Marshall comes to Ms. Brown and asks Gerry to come with her downstairs.

After Gerry is taken downstairs Ms. Brown speaks to a patient by the name Gladys Sidewell and Ms. Brown notes that Ms. Sidewell appears to be very nervous. She then turns to Gladys and said, "Gladys, what happened?" At this point Ms. Sidewell makes a statement to Ms. Brown that Gerry "picked her up and threw her down". With that statement Ms. Brown makes this sweeping gesture with her hands that appears like "picking `em up and throwing `em down"; that accompanied what Ms. Sidewell was saying while she made that particular statement to Ms. Brown. There would come at a point later where this detective would attempt to speak to Ms. Sidewell about this event and she would be unable to recollect for me.

Prince Louis Marshall

On the 26th of March 2001 this detective spoke with Mr. Marshall concerning his knowledge and information of the events that occurred on the 19th of March 2001. Mr. Marshall stated he was walking the floor during the incident; when he saw the commotion, he came into the room and saw Brenda Whitmer in the room sitting next to Ms. Marocchi, taking care of her injuries while she was laying on the floor. Mr. Marshall also stated that Sue Elliott was pacing in the hallway and stated to him that "Gerry went off". He stated that Ms. Elliott looked very scared and upset. Mr. Marshall then went in and assisted getting Ms. Delany and Mr. Zigiri up off the floor, putting them back in their respective chairs and locations.

Mr. Marshall went on to acknowledge he saw no injuries on either Ms. Delany or Mr. Zigiri but did see what appeared to be injuries to Mrs. Marocchi's eye and wrist. Mr. Marshall also stated that he saw Gerry seated in the room; by the time he saw him he appeared to be calmed and relaxed. He stayed in the room and helped EMS personnel treat Mrs. Marocchi and carry her to the ambulance. Mr. Marshall stated that Mrs. Marocchi made no statements to him at any time concerning the incident or how her injuries were received. Mr. Marshall also saw Idella Marshall take Gerry downstairs for their subsequent discussion.

Brenda Kaylor Whitmer

On the 26th of March 2001 this detective spoke with Ms. Whitmer concerning her knowledge of this incident at Sunrise Assisted Living Center. Ms. Whitmer went on to state that she is a licensed practical nurse and has been working in this profession for approximately twenty-one (21) years. She stated she had spoken to Mr. Wood on numerous occasions during his stay there and she found him to be able to speak and understand directions well. She had no specific difficulties with him during his stay.

During the day in question Ms. Whitmer was able to advise the following information: Ms. Whitmer stated she was in the office working on some paperwork in the computer system when one of the staff members came downstairs and said that she needed help in the living room because three (3) residents were on the floor. Ms. Whitmer believed that the staff member that came downstairs was Helen Thomas, one of the nursing assistants. Ms. Whitmer stated that when she came upstairs the first person she saw was Chrissy Delany, laying on the floor going into the door by the main hallway. The next person she noticed was Mrs. Marocchi, laying in the middle of the floor and Mr. Zigiri laying on the floor in the left corner at the far end of the room. She also acknowledge Mr. Zigiri's wheelchair being flipped over with him strapped

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inside the chair and that his head was leaning against the leg of the sofa. Ms. Whitmer also was able to recognize Mr. Wood, who was sitting in a chair off to the right, on the right hand side of the room as you come in the main hallway. He appeared to be in a calm state. Ms. Whitmer was able to discuss at length her physical assessment of Mrs. Marocchi concerning her injuries; but she also stated at no time did Mrs. Marocchi make any statement as to what happened or how her injuries had occurred.

Darren Lee Stevens

On the 27th of March 2001 this detective had the opportunity to speak to Mr. Darren Lee Stevens, who is a Captain with the Fauquier County Office of Emergency Services. Mr. Stevens was one of the EMS personnel who responded to the original callout of injuries at the Sunrise Assisted Living Center. He, Ms. Burney, and Mr. David Bush were responsible for the care of Mrs. Marocchi.

Mr. Stevens went on to describe his initial evaluation of the scene, specifically his observation of Mrs. Marocchi laying in the floor with apparent injuries over her eye and to her shoulder and wrist. Mr. Stevens is a former deputy sheriff with this agency and was also able to give some detailed information concerning the room. Mr. Stevens was able to recall that all of the furniture in the room was in its normal position, at least in terms that it was upright; nothing was toppled over, all the chairs and couches appeared to be filled with residents watching television, and nothing appeared to be out of place or in an unordinary position. This had raised some concern in Mr. Stevens' mind because Mrs. Marocchi is laying in the middle of the floor and nowhere near the chairs themselves.

It was also noted that no staff members brought to the attention of Mr. Stevens any other residents had been injured during this incident and they were only aware of Mrs. Marocchi being injured. Mr. Stevens stated he gave limited direct intervention with Mrs. Marocchi's care and that the bulk of it was with Ms. Burney and with Mr. Bush.

David Matthew Bush

On the 27th of March 2001 this detective had the opportunity to speak to Mr. Bush, who is a firefighter and paramedic with the Fauquier County Office of Emergency Services. Mr. Bush was one of the original EMS personnel responding to the scene to take care of Mrs. Marocchi. When he arrived, he saw what appeared to be an elderly female laying on the floor with her head towards the door. There was what he believed to be a nurse or some kind of worker at her head; she was laying on her back with what appeared to be a laceration to the left front temple of the head and also a bandage on her left forearm. Mr. Bush stated Mrs. Marocchi appeared to be only alert to painful stimuli and that during the entire time he was treating her, she made no comments or statements as to what was responsible for her injuries or how she had become injured.

Mr. Bush also would state on questioning that he saw no furniture tipped over, chairs out of place or anything such as that. He believed there was quite some distance between the nearest chairs and that she appeared to be laying in the middle of the floor and not near any of the furniture.

Susan Elaine Elliott

On the 27th of March 2001 this detective spoke with Ms. Susan Elliott, a certified nursing assistant and medical technologist with Sunrise Assisted Living Center. Ms. Elliott stated essentially much of the same information as

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previously given concerning Mr. Wood and Mrs. Marocchi and their general medical conditions and levels of care. During the day in question Ms. Elliott stated she was down the hallway around the corner, when she heard what appeared to be a series of thuds on the floor. Believing that some patients had fallen, she began to quickly move to the TV room, where she would later describe encountering a woman by the name of Ruth Zeh, who was a visitor to one of the residents at the facility. Ms. Elliott described how she quickly went into the TV room and actually had to jump over the top of Ms. Chrissy Delany, who was laying on the floor immediately next to the door. Ms. Elliott stated that the minute she cleared the door, in her words "it looked like a war zone". The most immediate thing that caught her attention was the fact that Mr. Wood was standing with his back to her and that in his arms was a resident he was holding over the top of his head. This resident was recognized as Regina Hall by Ms. Elliott and she saw Mr. Wood have Ms. Hall completely lifted off the ground and over his head. In fact, Ms. Elliott stated Mr. Wood was actually looking up into Ms. Hall's face as he held her over his head and that it was immediately apparent to her he was going to throw her through the window that leads into the sunroom. At this point Ms. Elliott quickly yelled to Mr. Wood to put Regina down, in which case he responded and did so.

At this point Ms. Elliott took Mr. Wood and asked him to sit down because he appeared to be limping badly and was in her words "wore out and breathing heavily". Ms. Elliott describes how at this point she was joined by Judy Brown and how Judy Brown sat down with Mr. Wood to calm him down. Ms. Elliott then goes on to discuss much of the same findings in the room as were seen by other residents (for more specific information, please refer to that statement). It should be noted that while this statement was being taken, this detective asked Ms. Elliott to recreate what she saw in the room, utilizing a mannequin that this office uses for crime scene reconstruction. Ms. Elliott then took the mannequin and held it in such a way as she saw Mr. Wood holding Ms. Hall, and this detective subsequently photographed it using Polaroid exposures to document the positioning of Mr. Wood and Ms. Hall in his arms, over his head.

Ms. Elliott went on to describe that as she began assessing Selim Zigiri, Chrissy Delany, and Mary Marocchi, other staff members began to arrive and help take care of their individual needs. Ms. Elliott also made the same comment that was made by Judy Brown in that everybody in the room appeared to be very frightened; in her words, she referenced the "deer in the headlight" phrase, in that everybody seemed startled and afraid and not moving as to what they must've just witnessed. Ms. Elliott went on to state that when she saw Ms. Whitmer was taking care of Mary and that she had gotten Chrissy Delany back into the chair, and that Selim Zigiri was taken care of, Ms. Elliott said she needed to go back out into the hallway to get some fresh air because she couldn't believe what she'd seen happen and she was shocked and afraid.

It should be also noted that when Ms. Elliott came into the room and saw Mr. Wood holding Ms. Hall over his head and she yelled at him to put Regina back down, when Mr. Wood did so he quickly turned and faced her with a look of extreme anger and rage; in her words, "he looked like an angry bear". Ms. Elliott would describe to this detective how she actually had to step back a couple of paces because she believed Mr. Wood was going to come after her next.

Ruth Roach Zeh

On the 29th of March 2001 this detective had the opportunity to interview Ms. Zeh concerning her knowledge of the incidents and events that occurred at the Sunrise Assisted Living Center on the 19th of March 2001. It should be noted that this detective is not aware of the presence of Ms. Zeh as a witness in this case until Ms. Zeh contacted this detective

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some days later, after the incident appeared in the local newspaper concerning the death of Mrs. Marocchi. Ms. Zeh advised this detective she was seated out in the main hallway with her mother, who is a resident at the facility, during this event.

According to Ms. Zeh she was seated in a chair that is diagonally across the door leading into the TV room, and as such has a clear view into the room itself. Ms. Zeh stated that while she was sitting in the hallway, she saw a gentleman, who would be later recognized as Mr. Wood, walk across the room by himself without assistance or aid, to the right-hand corner of her view, across the room to the left-hand corner out of her view. Ms. Zeh then stated she heard one of the patients in the room by the name of Mary Pearson, make some strange agitated sounds that she wasn't quite sure if she could describe. She said they sounded somewhat hurried and frightened, but she also made the comment, it almost sounded like she was being tickled. They were very unusual sounds and Ms. Pearson does not speak; normally she only makes these muttering noises, but she appeared to be excited or agitated or something such as that. This is occurring out of her field of vision, so she only has the sounds to listen to. Ms. Zeh then goes on to describe that right after hearing these noises, she then hears a series of thuds that she immediately recognizes as individuals hitting the floor, falling and striking the floor. Ms. Zeh then immediately sees Mr. Wood come back into her field of view, coming from the left side of her field of view to the right, apparently angry and agitated and all of a sudden reaching for a resident who is later identified as Regina Hall, who is seated in a chair on the far side of the room.

It became apparent to Ms. Zeh that Mr. Wood was grabbing a hold of Ms. Hall and that Ms. Hall was cowering away from him as he reached for her. At this point Ms. Zeh felt Mr. Wood had harmed some of the other residents and was about to harm Ms. Hall. At this point she left her chair and ran down the hallway to get assistance. As Ms. Zeh came around the far corner of the hallway, she encountered Sue Elliott and commented to her that she needed help in the room. Ms. Zeh would go on to tell this detective that when she saw Ms. Elliott, she said, "Sue, there's a man pushing people down in the TV room." Then she stated Ms. Elliott ran past her, back into the TV room. It should be noted that Ms. Zeh is able to describe the fact that as she ran past the TV room to look for staff members, she saw three (3) individuals laying on the floor in the TV room before she encountered Ms. Elliott and at the same time sees Mr. Wood reaching for who we believe is Regina Hall.

Ms. Zeh then goes on to state that Sue Elliott is running down the hall in front of her and as she turns to the door, she actually sees Ms. Elliott jump over Chrissy Delany, who is laying on the floor, and then yells the words "oh my god, Gerry, no". As Ms. Zeh comes into the room behind Ms. Elliott she sees Ms. Elliott standing behind Gerry, with her arms around Mr. Wood, as if to be holding him back. She then turns to Ms. Zeh and says "get some help", at which point Ms. Zeh states in her words, hollering "help, we need some help in here." She's then able to describe how staff members come and start giving assistance to the various people within the room.

Ms. Zeh's statement also describes the location of the various individuals that she sees laying in the room and their various positions, as previously mentioned by other staff members. What's interesting to note is that in Ms. Zeh's statement she's able to see Mr. Wood freely walk back and forth around the room, and that she also does not see anybody go into the room prior to this incident. When she enters the room she doesn't see anybody else of any stature or significance in the room who might have been able to assist in the assaults of the residents.

CASE SUPPLEMENTAL REPORT
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Helen Mae Thomas

On the 30th of March 2001 this detective had the opportunity to speak to Helen Mae Thomas, who is a certified nursing assistant at the Sunrise Assisted Living Center. Ms. Thomas is one of the staff workers who routinely takes care of Mr. Wood during his stay at the Sunrise Assisted Living Center. Ms. Thomas basically describes Mr. Wood as a calm and quiet individual, needing minimal care, other than the fact he will sometimes need assistance in walking for balance and that his eating has to be supervised because of his risk with choking. Ms. Thomas would describe how she essentially would leave Mr. Wood's clothing out for him; he could dress himself, bathe himself, and take care of most of his daily life needs. Essentially the only extra care he truly needed was to have food pureed so that he wouldn't choke. Ms. Thomas was able to describe that Mr. Wood mood and affect that morning and day prior to this incident were not unusual and essentially consistent with his normal appearances during his stay at Sunrise.

Ms. Thomas would describe how she would get Mr. Wood prepared for the morning and for his breakfast, and then essentially she wouldn't have to give him much care after that for the remainder of the day. She described how after having taken care of Mr. Wood and getting him situated after the morning, she continued taking care of patients throughout that morning. As she was walking downstairs from the upper rooms and as she came down from the top of the stairs, she encountered Sue Elliott who was yelling for help. Ms. Thomas was also able to describe how as she comes downstairs at the sound of Ms. Elliott's voice yelling for help, that she sees Mrs. Marocchi laying on the floor, also remembers Chrissy Delany laying on the floor and is quickly joined by other staff. In fact, Ms. Thomas is able to describe how she immediately runs downstairs and summons aid from the staff members downstairs, which comes in the form of Idella Marshall and Brenda Whitmer.


Ms. Thomas also assisted in the triage and care of the residents who had been injured by Mr. Wood and she also describes how Mr. Wood appears to be very calm after this incident, as if in her words "nothing had happened". That is essentially the main components of Ms. Thomas' statement.

Based on all the foregoing information contained within this case, including supplements and other records acquired from various sources, this detective will forward this case to the Commonwealth's Attorney Office with a request for an indictment on the charge of Murder against Mr. Gerald Wood in the death of Mrs. Mary Marocchi.

Case status will be inactive pending review for the Grand Jury which will meet on May 29th, 2001.

CASE STATUS: Inactive.

OFFICER'S SIGNATURE/DATE

 5/14/2001

REVIEWING OFFICER'S SIGNATURE/DATE

Paul H. Cooper 5/14/01