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July 29, 2015

Governor Rick Scott
The Capitol
400 S. Monroe St.
Tallahassee, FL 32399-0001

RE: Investigation into the Death of Michelle O'Connell

Dear Governor Scott:

Pursuant to Executive Order number 14-270 dated September 30, 2014, this office accepted the duties of the Honorable R.J Larizza, State Attorney of the Seventh Judicial Circuit, as to all matters involving the death of Michelle O'Connell. My assignment followed a similar assignment of the Honorable Brad King, State Attorney of the Fifth Judicial Circuit, which was completed on or about the 12th day of March, 2012. I was informed of claims that newly discovered evidence might be in existence, which could potentially have altered the outcome of the prior inquiry.

Pursuant to that authority, I assigned Investigator Patrick Schneider, with instructions to fully familiarize himself with the efforts of the Fifth Circuit's investigation. He was then instructed to fully investigate the new evidence which was asserted as a basis for reopening the matter and to fully investigate any other new evidence brought to his attention or which he might find through his own efforts. The attached seventy page report is the end result of those efforts.

In evaluating this case I begin with the knowledge that while there are those who may disagree with the conclusions of the Fifth Circuit's evaluation of this case, no one has asserted any colorable claim that the investigation was anything other than thorough and unbiased. While Investigator Schneider was instructed to fully familiarize himself with the prior investigation, there were no grounds to "begin from scratch". He was, however, instructed to note any errors or omissions he might find in the efforts of the Fifth Circuit, for my consideration. Having studied his very thorough examination of the prior investigative efforts, by the Fifth Circuit, and having read the memo of March 12, 2012, explaining their reasoning, I can find no fault in either. I agree with their ultimate conclusion that while some of the evidence might be suggestive of homicide most of the evidence they examined was equally suggestive of suicide and that ultimately the facts taken as a whole are insufficient to meet the standard of probable cause to believe that Ms. O'Connell died at the hands of another.

It is of course possible that newly discovered evidence might tip the scale so far in favor of the conclusion that her death was a homicide, that the standard of probable cause could be reached. I therefore set about examining the newly discovered evidence to determine if it was of

such weight. Much of the new evidence discussed in Investigator Schneider's report suffers from the same ambiguity as the evidence previously examined. To the unbiased eye it is subject to multiple interpretations and reasonable hypotheses. There is nothing discovered which adds any significant strength to the argument that this was a homicide. Some previously undiscovered history of unusual behavior by Ms. O'Connell and suggestions of mental or emotional instability contained in past statements by family members, were found. These revelations, if anything, tip the scales in favor of the conclusions previously reached by three forensic pathologists that Ms. O'Connell's death was a suicide.

Having assessed all of the evidenced adduced in the investigations of this case, I reach the inescapable conclusion that whatever suspicions remain as to the manner of death of Michelle O'Connell the evidence does not rise to the level of probable cause that a homicide occurred.

As always it is my pleasure to serve in this capacity whenever called upon.

Respectfully,



Jeffrey Ashton
State Attorney-9th Judicial Circuit

Enclosures