

**This Full Page Ad is Published in Response to New Evidence that Casts Serious Doubt on the Conviction of Sandra Murphy following a Highly Publicized 'Binion Murder Trial' in 2000. Her Conviction was Secured by Poisoning a Jury with a Series of Blatantly False and Misleading Statements Leaked to the News Media Almost Daily, Followed by the Manipulation of Witnesses and False Evidence Presented at Trial to Secure a Wrongful Conviction**



# Four Years is Too Long for Justice to Be Done and Innocence Declared

On June 27<sup>th</sup>, 2003 one year elapsed since the hearing of Oral Arguments by the Nevada Supreme Court on Sandra Murphy's Appeal against conviction, and on June 25<sup>th</sup> 2003, Sandy commenced her fifth year of incarceration in the Nevada Penal System for the alleged crime of murder of Lonnie Ted Binion based on false circumstantial evidence. Absolutely no forensic evidence such as, for example, DNA, finger prints, blood splatter, etc. was presented to the jury that would support a murder conviction as none simply existed. Like thousands of experienced users before him, Ted Binion a heroin addict simply overdosed on his own drugs: from heroin delivered to him the night before by his "supplier" a well known drug dealer; and from Xanax prescribed the day before by his physician without even a courtesy examination of his patient.

Despite lengthy trial testimony by the prosecution supporting a charge of death by drug overdose, the Deputy District Attorney, **David Wall** abandoned this theory and conceded during oral argument before the Nevada Supreme Court that the state had not proved and did not [now] believe that Ted Binion could have died as a result of poisoning, stating "Well, it was our position and our belief all along that Mr. Binion was suffocated." The state relied instead only

on the theory that Mr. Binion was 'Burked', that is suffocated, based on an exclusionary theory of prosecution witness Dr. Baden. In light of this admission, why did the state waste taxpayers' money and confuse the jury with mainly irrelevant drug testimony when the state believed otherwise "all along"?

**D**ramatic new forensic evidence by way of high resolution digital photographs of marks to Ted Binion's body tell a different story and evidence not presented at the time of trial by way of a deputy coroner-investigator's report strongly suggest that Ted Binion may have been alive in the afternoon, after Sandy Murphy left the house, and that he did not die at 9:00 AM as falsely asserted by the prosecution during trial but could have died as late as 3:00 PM.



**Dr. Michael Baden** who is not qualified as a dermatologist, testified at the time of trial that the marks to Ted Binion's chest were caused by a shirt "button" resulting from pressure, in an attempt to suffocate him by 'burking.' This testimony was clearly erroneous. Now the world's leading dermatopathologist **Dr. Martin Mihm** of Harvard Medical School has examined new digitally enhanced photographs of the chest and confirmed after careful examination that the marks were not caused by trauma and that the "button" marks appear to be clearly inflammatory lesions of the skin surrounded by pus marks, probably some form of dermatitis. Dr. Mihm remarked: "I can't believe that someone is actually in prison based on a conclusion that this is a wound from a button." **Dr. Morris Westfried**, a leading New York dermatologist and an expert witness in medical malpractice went further and stated that, these lesions ...



"I can't believe that someone is actually in prison based on a conclusion that this is a wound from a button" – Dr. Mihm

... do have multiple features found in basil cell carcinoma (skin cancer) with no evidence of trauma. **Dr. Cryil Wecht**, arguably the leading forensic pathologist in the United States today reviewed the latest high power blow up photographs and stated that they were strongly suggestive of a dermatological condition consistent with an inflammatory skin lesion as opposed to a traumatically induced abrasion (i.e. forceful rubbing of the skin by a shirt button immediately prior to Ted Binion's death, as alleged by the prosecution). Dr. Wecht further stated in his capacity as an anatomic, clinical and forensic pathologist, that he considers Dr. Martin Mihm to be the foremost specialist in this sub-specialty field of pathology in the United States, and for that matter, in the entire world and placed great weight on his interpretation and diagnosis of Ted Binion's condition

Dr. Baden also testified that although he was not a tool expert the marks to Binion's wrists were the result of handcuff type restraints; this despite a detailed report from the state's own tool expert, **Dr. Morton**, who stated that the wrist marks were not caused by handcuffs. The high resolution photographs now reveal that abrasions (scratch marks) to the RIGHT wrist are inconsistent with handcuffs; are the result of a repetitive injury, occurring days apart, and are in various states of healing – SIMPLY PUT, DEAD MEN DON'T HEAL. Further, Dr. Baden testified that marks found around Ted Binion mouth were evidence of suffocation despite expert testimony that the inside of Mr. Binion's mouth was totally unremarkable. Expert testimony based on the new high resolution photographs now indicates that Ted Binion had superficial ulcers on the lower lip, telangiectasia on the chin from sun exposure and probable rosacea around the upper lips – with no evidence of trauma present. Ted Binion suffered from dermatitis and was denied access to the US military because of it – he was also being treated by a skin specialist in Las Vegas close to the time of his death.

Multiple Postmortem Examination Drawings that accompanied the autopsy conducted by **Clark County Medical Examiner, Lary Sims**, the day following Ted Binion's death, now confirm that no marks were indicated on Binion LEFT wrist which completely undermines the prosecution's restraint theory. Dr. Sims' autopsy report dated September 18, 1998 states the manner of death as "Undetermined" based on a drug overdose. However six months later in March 1999 Dr. Sims changed the manner of death to "Homicide" based on purely non-medical evidence provided to him by disgraced former homicide detective, now private investigator, Tom Dillard. Remarkably, Dr. Sims did not change the date on his "revised" autopsy findings in March 1999 and contemporaneously signed September 18, 1998 as the date of the revised report. Two autopsy reports of September 18, 1998 now exist, each with a different manner of death listed.



As for private investigator, **Tom Dillard**, (an Agent of the State and close friend of the District Attorney) the Las Vegas public should be reminded of his malicious prosecution of Howard Haupt on murder charges and Dillard's desperate attempts to influence Judge Steven Huffaker from directing the jury to acquit Haupt. A jury in a related Federal Civil Rights action in which Tom Dillard was a defendant awarded Haupt \$1 million [CV-90-00121-PMP]. As District Attorney, Dave Roger accompanied Dillard out of state into California and into Montana while he [Dillard] investigated the Binion case without a license in these states, can any evidence gathered by this man and selectively handed over to the state, be trusted?

As for **District Attorney, David Roger** - recall how he improperly acquired a video taken by Sandy Murphy's attorney at the Palomino home on September 18, 1998 and argued that she was seen in the video removing "the" glass that allegedly contained a lethal cocktail of heroin and Xanax that was allegedly forced down Binion's throat. A preeminent toxicologist and forensic scientist, **Dr. Jack Snyder**, who is board certified in anatomic, clinical and chemical aspects of pathology, medical toxicology and toxicological chemistry, has offered a sworn statement confirming there is no scientific basis whatsoever to support any claim that Xanax and heroin could be mixed together in a glass to produce any kind of [lethal] cocktail. Further examination of the video and police photographs taken on September 17<sup>th</sup> by a former Supervisory Special Agent with the **FBI** and an Instructor in Crime Scene Management and Forensic Science who testified at Senate and Congressional hearings regarding the WACO situation, now confirms that there were no glasses in the kitchen on September 17<sup>th</sup>; that there is no evidence that Sandy Murphy attempted to conceal any incriminating evidence and the alleged missing wine glass was recovered by the police on Jan 14, 1999 and proved negative for the presence of toxins.



**Kurt Gratzner**, the prosecution's star witness, whose credibility, District Attorneys, David Roger and **David Wall** vouched for publicly at a City of Hope fund raiser, reveals that his trial testimony was manipulated to conceal evidence of Sandy Murphy's innocence; that he was directed to stay away from the Defense at all times to deny the Defense the right to even speak with him; that he was directed not to mention any exculpatory information about Sandy Murphy's innocence and her lack of knowledge of any involvement in the demise of Ted Binion; and that he was booked by Roger and Dillard into various Las Vegas hotels under



FALSE names to prevent the Defense from making contact with him. When Mr. Gratzner tired of the prosecution's game he was promised \$10,000 to "cooperate" with the state or there would be consequences – he would be stripped of his immunity from prosecution and be charged as a coconspirator for murder. Kurt Gratzner ultimately received \$20,000 as a reward from the Binion Estate along with other prosecution witnesses **Deana Perry**, **Jeannine Pierce** and **Bobbi Frazer** who each received \$20,000 as a reward for their testimony; **Mary Montoya Gascoigne**, received \$10,000; and **Tom Loveday** and **Christopher Hendrick** each received \$5,000. More importantly the office of the District Attorney recommended the amounts to be awarded to each witness.

Most telling is Deputy Coroner, **Rod Heriford's** report dated September 17<sup>th</sup> 1998, which identifies a lesion on Ted Binion's chest as a "healing" mark – the same mark that prosecutors and Dr. Baden wrongly identified as a trauma wound caused by burking. Remarkably, the Deputy Coroner's report goes on to note that rigor mortis had set in the jaw, a clear indication that death only occurred after Sandy Murphy had left the house for a lunch appointment and supports the strong possibility that Ted Binion died in mid afternoon. The investigator's report went on to declare Ted Binion deceased at 5:00 PM on September 17<sup>th</sup>. Yet despite the availability of more accurate evidence of the time of death from the onset of rigor mortis, the state chose to ignore the Deputy Coroner's report. Instead, Dr. Sims, who never examined the body until September 18<sup>th</sup> (18 hours after Mr. Binion deceased) relied upon the less accurate livor mortis standard to estimate the time of death as early as 9:00 AM the day before.



And what about **Barbara Brown**? Her cellular phone records were concealed from the Defense before trial reveal that she telephoned and connected twice with the Palomino Lane home after Sandy Murphy left for her lunch appointment on September 17<sup>th</sup>. Whom did she speak with at the house that afternoon; was Ted Binion alive and did she visit him later that afternoon? Why did the prosecution deny the defense access to this critical information before trial?

Meanwhile, Sandy Murphy remains incarcerated, confident that justice will eventually be done and her innocence declared