



Syracuse University

College of Law

Syracuse National Trial Competition

UNITED STATES OF AMERICA

v.

JEFF JOSEPH

FACT PATTERN

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SUMMARY OF THE CASE

Michelle Martin-Thom and Jeff Joseph met when they were freshman at Syracuse University, and have been dating ever since. In May 2021, they graduated from college, and were going to go to graduate school in the fall. As the couple had no plans for the summer, Mr. Joseph convinced his girlfriend to go bike-packing on the Empire State Trail. Bike-packing is similar to backpacking, but the people ride bikes over long distances and camp along the route. The couple planned to travel from Poughkeepsie to Albany, by way of the Hudson River Valley Trail, and from Albany to Buffalo, along the Erie Canal Trail.

On Tuesday, June 1, 2021, the couple set out on their trip, traveling approximately 25 miles each day, and camping in the evenings. On June 9, 2021, the couple arrived in Central New York and camped at Green Lakes State Park. The next morning, the couple returned to the Empire State Trail to continue on with their trip. At 10:00 AM, the Syracuse Emergency Call Center received a call from Mr. Joseph, who said he and his girlfriend were bike-packing, and she accidentally fell and hit her head. A dispatch call went out to the police and paramedics. Detective Travis was first to arrive at the scene, and found Ms. Martin-Thom, lying on the ground. Her head, neck and arms were covered in blood. Shortly after that, the paramedics arrived and transported Ms. Martin-Thom to the hospital, along with Mr. Joseph.

Deputy Travis arranged for another deputy to take a statement from Mr. Joseph at the hospital, so the detective could remain at the scene, investigate the accident, and place the items the couple left behind in the squad car for safe keeping. As the detective couldn't fit the bikes in the car, s/he used crime scene tape and a chain-lock, and secured them to a tree.

After completing the on-site investigation, the detective left the scene and went to the hospital, spoke to an ER doctor and learned that Ms. Martin-Thom was pronounced dead on arrival. The doctor advised that the cause of death was a severe blunt force trauma to the head. Due to the nature of the injury, the body was sent to the medical examiner's office for an autopsy.

Thereafter, the detective returned to the Empire State Trail to retrieve the bikes, only to learn that they were gone. Over the course of the next few days, the detective's accident investigation turned into a homicide investigation, and culminated in an APB being issued for Mr. Joseph, who hadn't been seen since June 10, 2021, the day his girlfriend died.

On the morning of June 20, 2021, Mr. Joseph appeared at the station with his attorney, who said Mr. Joseph had been found wandering aimlessly in the Montezuma National Wildlife Refuge. The attorney advised that due to his client's extreme dehydration and fatigue, Mr. Joseph was unable to answer any questions. Shortly after that, Mr. Joseph was placed under arrest and charged with two felonies, Murder in the Second Degree and Tampering with Physical Evidence. He pled not guilty to both charges, and the case is set for trial.

At trial, the prosecution is only permitted to call Deputy Travis and Dr. Bobby Benjamin as witnesses, and the Defense is only permitted to call the defendant, Jeff Joseph and Dr. Lee Lily as witnesses.

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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

<p>THE UNITED STATES OF AMERICA,</p> <p>v.</p> <p>JEFF JOSEPH,</p> <p>Defendant.</p>	<p>NUMBER: CR- 082360-2022 The Hon. Roberto Francesco</p>
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INDICTMENT

COUNT ONE: On or about June 10, 2021, in the City of Syracuse, County of Laurita, State of New York, the Defendant, Jeff Joseph, with intent to cause the death of Michelle Martin-Thom, did intentionally cause the death of such person, by causing a blunt force trauma to her head, in violation of Title 1, § 15.00 of the New York State Penal Code (Felony Murder in the Second Degree).

COUNT TWO: On or about June 10, 2021, in the City of Syracuse, County of Laurita, State of New York, the Defendant, Jeff Joseph, while believing that certain physical evidence was about to be produced or used in an official proceeding, and intending to prevent such production or use, did suppress such physical evidence by an act or concealment, alteration, or destruction, to wit, the Defendant concealed the weapon that he used to murder Michelle Martin-Thom, and removed physical evidence from the scene, in violation of Title 1, § 70.15 of the New York State Penal Code (Felony Tampering with Physical Evidence).

DATED: JULY 1, 2021

UNITED STATES DISTRICT COURT
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STIPULATIONS REGARDING EVIDENTIARY MATTERS
PROCEDURAL MATTERS

The Court hereby ORDERS, and the parties STIPULATE, to the following evidentiary and procedural matters:

1. This matter was properly and timely commenced, and the United States District Court for the Northern District of New York has jurisdiction over this action.
2. The Defendant was indicted under Title 1, § 15.00 of the NYS Penal Code (Felony Murder in the Second Degree), and Title 1, § 70.15 of the NYS Penal Code (Felony Tampering with Physical Evidence).
3. The defendant has been deemed competent to stand trial.
4. All pretrial motions regarding the 4th, 5th, and 6th amendments of the U.S. Constitution have been litigated. No objections regarding the 4th, 5th, and 6th amendments will be entertained.
5. The case will come to trial in the year of 2022. All motions for dismissal or any other remedies on speedy trial grounds have been ruled on pre-trial and denied, and cannot be renewed before or during the trial.
6. The parties have exchanged witness lists. The prosecution's witness list included the names of two witnesses, Detective Tate Travis and Dr. Bobby Benjamin. The prosecution is required to call both as witnesses at trial. The defendant's witness list included the defendant, Jeff Joseph, and Dr. Lee Lily. The defendant is required to call both as witnesses at trial. The parties may not call a witness on their opponent's witness list. The witnesses may not be recalled by either side. Because the parties are limited to two witnesses per side, for purposes of the trial, no argument may be made or entertained that a party did not call a different witness to testify, as doing so will undermine the spirit of competition. For example, a defense team may not argue that the prosecution did not meet its burden because they did not call any other witnesses to testify. This rule does not preclude a team from arguing that based on the confrontation clause, certain evidence or

testimony is not admissible due to a witness's failure to testify (subject to any other stipulations herein).

7. Any individuals who are mentioned in the facts, but not listed on the witness list, with the exception of the Defendant, are deemed unavailable to testify at trial pursuant to Rule 804 of the Federal Rules of Evidence.
8. All witnesses, who have been called to testify, may be played by any gender, however, it is stipulated that Michelle Martin-Thom is a female, and the defendant, Jeff Joseph, is a male (regardless of whether the person playing that witness is a male or female).
9. Before trial, the parties had their respective client or witnesses review their prior testimony, transcripts, statements, reports, expert reports and/or other documents, and the witnesses signed a certification, under penalty of perjury, that they have reviewed said document(s), and determined that the answers/information contained therein is truthful, accurate and complete, and that they have no other information relevant to the matters discussed.
10. All exhibits in the file are authentic pursuant to Federal Rules of Evidence Rule 901 and are originals, pursuant to Federal Rules of Evidence Rules 1001 through 1003, unless otherwise noted on the exhibit or established by the evidence.
11. All materials in the case file will be treated as originals and authentic, unless otherwise noted in the file; handwriting and signatures are authentic unless otherwise noted or contested in the case file; all documents that appear to have been sent to or received by a witness are to be considered as having been sent or received by that witness; and all witnesses must authenticate exhibits and materials with which they are familiar.
12. All prior testimony, transcripts, statements, and reports are signed and dated, and no argument may be made or entertained to the contrary unless specifically stated in the fact pattern.
13. The parties have gathered and exchanged in discovery all statements (defined as prior testimony, transcripts, statements, reports, expert reports, and/or other documents, and no argument may be made or entertained to the contrary unless specifically stated in the fact pattern.
14. All items in this fact pattern, and referred to in prior testimony, transcripts, statements, reports, and/or other documents provided, were provided to the Prosecution and the Defense, through discovery, and no objections related to the disclosure of this evidence will be made or entertained.
15. Before trial, the parties had their respective client or witnesses review their prior testimony, transcripts, statements, reports, expert reports and/or other documents, and the witnesses signed a certification, under penalty of perjury, that they have reviewed said document(s), and determined that the answers/information contained therein is truthful, accurate and complete, and that they have no other information relevant to the matters discussed.

16. All discovery requirements have been timely met and are sufficient, pursuant to the Federal Rules of Criminal Procedure (and the Federal Rules of Civil Procedure if applicable). No argument may be made or entertained to the contrary.
17. Any expert reports in the case file were timely exchanged. No argument may be made or entertained to the contrary.
18. The parties stipulate that all notice requirements under the Federal Rules of Evidence have been constructively met. For example, notice requirements under 404(b) are deemed by the Court to be met. However, this stipulation does not affect the admissibility of or objection to any other evidentiary issues pursuant to the Federal Rules of Evidence.
19. The case summary is solely meant to provide a synopsis of the case. It isn't an exhibit or a statement attributable to any witness. It may not be offered at trial and is not admissible.
20. All necessary search and arrest warrants were issued and are valid. No objection will be entertained or granted regarding search and arrest warrants.
21. No chain of custody issues exists regarding the physical evidence collected. No objection will be entertained regarding chain of custody.
22. No witness may testify about the handwriting or signatures on the certifications. No party may comment on the handwriting or signatures on the certifications.
23. The Prosecution must prosecute the defendant under both counts of the indictment, and cannot withdraw any charges.
24. The prosecution shall not seek to introduce the defendant's written statement into evidence, unless or until the defendant testifies, and only if the court so permits it to be introduced.
25. The defendant's statement may not be introduced into evidence during the prosecutions case-in-chief.
26. Prior to trial, the Court instructed Counsel as to the following housekeeping issues:
 - A. All exhibits are pre-marked by numbers and shall retain their original numbers regardless of the order they are introduced at trial.
 - B. All witnesses have been sworn before testifying at trial. Counsel should ask for a sidebar to constructively go outside the presence of the jury.
 - C. When laying the foundation to introduce exhibits, Counsel should ask permission to approach and hand the witness the exhibit.
 - D. When using prior testimony, grand jury transcripts, interrogation transcripts, depositions, statements, affidavits, affirmations, and other documents and/or

exhibits, for purposes of refreshing recollection or impeachment, Counsel is not required to have it marked for identification.

- E. Counsel may not request, nor will the Court grant, any additions, or modifications to the jury instructions.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

<p>THE UNITED STATES OF AMERICA,</p> <p>v.</p> <p>JEFF JOSEPH,</p> <p>Defendant.</p>	<p>NUMBER: CR- 082360-2022 The Hon. Roberto Francesco</p>
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STIPULATIONS REGARDING EVIDENTIARY MATTERS
SUBSTANTIVE MATTERS

The Court hereby ORDERS, and the parties STIPULATE, to the following evidentiary and substantive matters:

1. The defendant, Jeff Joseph, was born on July 1, 1999. On June 10, 2021, he was six- feet tall; weighed 180 lbs.; blood type 0 positive; and resided in Syracuse, New York.
2. Michelle Martin-Thom was born on July 10, 1999. On June 10, 2021, she was five-feet tall, and weighed 120; blood type AB negative; and resided in Poughkeepsie, New York.
3. On Thursday, June 10, 2021, at 10:00 AM, the Syracuse Emergency Call Center received a call from Mr. Joseph. The transcript of the 911 call is marked as Exhibit 9. This exhibit may be offered into evidence by either party at any time, and is admissible without objection.
4. On Thursday, June 10, 2021, at 10:30 AM, EMT Services arrived at the Empire State Trail, and transported Michelle Martin-Thom to the hospital. The EMT Report is marked as Exhibit 10. This exhibit may be offered into evidence by either party at any time, and is admissible without objection.
5. On Thursday, June 10, 2021, at 11:00 AM, Dr. Mara Grey examined her patient, Michelle Martin-Thom, and pronounced her dead on arrival. Dr. Grey issued an Emergency Room Report that is marked as Exhibit 11. This exhibit may be offered into evidence by either party at any time, and is admissible without objection.
6. On Thursday, June 10, 2021, when Dr. Grey was examining the patient, she removed Ms. Martin-Thom's clothes and placed them in an evidence bag. Later that day, that evidence bag and clothing were accidentally discarded by the janitorial staff at the hospital, through no fault of any witness or party to this action. This stipulation of fact may be offered into evidence by either party at any time, and is admissible without objection. However, the parties are not permitted to make a spoliation argument or motion regarding the clothing, nor is the defense permitted to argue that the prosecution did not meet its burden because

they did produce the clothing. However, this rule does not preclude, for example, a witness, expert or advocate from stating the fact - that the evidence bag which contained the clothing of Michelle Martin-Thom was accidentally discarded by the janitorial staff at the hospital - nor does it preclude a witness, expert or advocate from describing the condition of clothing or commenting on the significance of how the clothing appeared, if the Court permits such testimony or comment based on the Federal Rules of Evidence.

7. On Thursday, June 10, 2021, at 6:00 PM, the body of Michelle Martin-Thom was transported to the Laurita County Medical Examiner's Office and an autopsy was conducted. At approximately 8:00 PM, the Laurita County Chief Medical Examiner issued a preliminary report concerning the autopsy s/he performed on Michelle Martin-Thom. The preliminary report is marked as Exhibit 12. This exhibit may be offered into evidence by either party at any time, and is admissible without objection.
8. On Thursday, June 10, 2021, Detective Travis collected pieces of a helmet from the scene, and delivered them to the Laurita County Forensic Laboratory for analysis. The results of that analysis are contained in the report issued by the lab, dated June 16, 2021. That report is marked as Exhibit 19. This exhibit may be offered into evidence by either party at any time, and is admissible without objection.
9. On Friday, June 11, 2021, a warrant was issued to search Jeff Joseph's one-bedroom apartment in Syracuse, New York. On Saturday, June 12, 2021, Detective Travis and two crime scene technicians conducted the search.
 - A. No bicycles, bike-packing gear, camping gear, sleeping bags, tents, helmets, water bottles, backpacks or cell phones were found.
 - B. No blood was found on any surfaces in the apartment.
 - C. Fingerprint samples were collected and delivered to the Laurita County Forensics Laboratory for analysis. The results of that analysis are contained in the report issued by the lab, dated June 16, 2021, and marked as Exhibit 19.
10. On Friday, June 11, 2021, a warrant was issued to search Jeff Joseph's car, a 2015 Ford Fusion. On Saturday, June 12, 2021, Detective Travis and two crime scene technicians conducted the search.
 - A. Fingerprint samples were collected from the interior, exterior and trunk of the car, and delivered to the Laurita County Forensics Laboratory for analysis, and the results of that analysis are contained in the report issued by the lab, dated June 16, 2021, and marked as Exhibit 19.
 - B. No bicycles, bike-packing gear, camping gear, sleeping bags, tents, helmets, water bottles, backpacks or cell phones were found in the car.
 - C. Located in the trunk of the car was a toolbox, which contained a rubber mallet, bolt cutter, tape measure, level, hammer, adjustable wrench, utility knife, hand saw, and screwdriver. The tool box and tools were collected and delivered to the Laurita

County Forensics Laboratory for analysis. The results of that analysis are contained in the report issued by the lab, dated June 16, 2021, and marked as Exhibit 19.

- D. The floor of the trunk was carpeted. Samples were removed from the carpet and delivered to the Laurita County Forensics Laboratory for analysis. The results of that analysis are contained in the report issued by the lab, dated June 16, 2021, and marked as Exhibit 19.
11. On Monday, June 14, 2021, Detective Travis met with Michelle Martin-Thom's mother, Marnie Martin, and took a statement from her. That statement is marked as Exhibit 17. This exhibit may be offered into evidence by either party at any time, and is admissible without objection.
 12. On Friday, June 14, 2021, Detective Travis examined Marnie Martin's cell phone, and obtained screen shots of all texts between her and her daughter, Michelle Martin-Thom. A transcript of text messages from Mrs. Martin's cell phone has been marked as Exhibit 8, and may be offered into evidence by either party at any time, and is admissible without objection.
 13. On Monday, June 17, 2021, the Laurita County Chief Medical Examiner issued a final report concerning the autopsy s/he performed on Michelle Martin-Thom. The autopsy report is marked as Exhibit 13. This exhibit may be offered into evidence by either party at any time, and is admissible without objection.
 14. On Thursday, June 20, 2021, the defendant was arrested and charged with Felony Murder in the Second Degree and Felony Tampering with Physical Evidence. The defendant pled not guilty to both charges, and has been incarcerated since that time.
 15. On Friday, June 21, 2021, Detective Travis met with Forrest Fitzpatrick, and took a statement from him. That statement is marked as Exhibit 18. This exhibit may be offered into evidence by either party at any time, and is admissible without objection.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

<p>THE UNITED STATES OF AMERICA,</p> <p style="text-align: center;">v.</p> <p>JEFF JOSEPH,</p> <p style="text-align: center;">Defendant.</p>	<p>NUMBER: CR- 082360-2022 The Hon. Roberto Francesco</p>
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EXHIBIT LIST

EXHIBIT 1	MAP OF EMPIRE STATE TRAIL
EXHIBIT 2	DIAGRAM OF AREA NEAR MILE MARKER 174
EXHIBIT 3	PHOTOGRAPH TRAIL NEAR MILE MARKER 174 TAKEN JUNE 10, 2021
EXHIBIT 4	PHOTOGRAPH BARRIER NEAR MILE MARKER 174 TAKEN JUNE 10, 2021
EXHIBIT 5	PHOTOGRAPHS BIKES TAKEN JUNE 10, 2021
EXHIBIT 6	PHOTOGRAPH AREA UNDER MMT TAKEN JUNE 10, 2021
EXHIBIT 7	PHOTOGRAPH CRUSHED HELMET TAKEN JUNE 10, 2021
EXHIBIT 8	TRANSCRIPT OF TEXT MESSAGES MAY 30, 2021 TO JUNE 10, 2021
EXHIBIT 9	TRANSCRIPT OF 911 CALL DATED JUNE 10, 2021
EXHIBIT 10	EMT REPORT DATED JUNE 10, 2021
EXHIBIT 11	MEDICAL REPORT OF DR. MARA GREY DATED JUNE 10, 2021
EXHIBIT 12	PRELIMINARY AUTOPSY REPORT DATED JUNE 10, 2021
EXHIBIT 13	FINAL AUTOPSY REPORT DATED JUNE 17, 2021
EXHIBIT 14	COMPUTER GENERATED RENDERING OF SKULL INJURY
EXHIBIT 15	COMPUTER GENERATED RENDERING OF SKULL FRACTURE
EXHIBIT 16	COMPUTER GENERATED RENDERING OF LACERATION
EXHIBIT 17	SWORN STATEMENT OF MARNIE MARTIN DATED JUNE 14, 2021
EXHIBIT 18	SWORN STATEMENT OF FORREST FITZPATRICK DATED JUNE 21, 2021
EXHIBIT 19	LAURITA COUNTY LABORATORY REPORT DATED JUNE 23, 2021

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

THE UNITED STATES OF AMERICA, v. JEFF JOSEPH, Defendant.	NUMBER: CR- 082360-2022 The Hon. Roberto Francesco
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GRAND JURY TESTIMONY OF DETECTIVE TATE TRAVIS

1 On June 22, 2021, Detective Tate Travis appeared before the Grand Jury, at which time the
2 witness was sworn under oath and testified, as follows:
3

4 BY ASSISTANT DISTRICT ATTORNEY BOYD BERGER:
5

6 Q. Please state your name for the record, and tell us about yourself.

7 A. My name is Tate Travis. In 2010, I graduated from Syracuse University, and enlisted in the
8 United States Army, where I was an MP. After four-years, including a tour in Afghanistan,
9 I finished my enlistment and came back home here to Syracuse.

10 Q. If I'm correct, that would have been in 2014. What did you do when you got back home?

11 A. I attended the police academy, and received training in all aspects of law enforcement
12 policies and procedures, criminal procedure, evidence collection, and the penal law. Since
13 graduating from the academy, I have worked with the Laurita County Sheriff's Department.
14 I worked road patrol from 2014 to January 1, 2021, when I was promoted to detective, and
15 assigned to the Criminal Investigation Department. We handle everything from burglaries
16 to homicides.

17 Q. Did you receive any specialized training in that area?

18 A. The only specialized training I've received was in January 2021, when I attended a two-day
19 training seminar on criminal investigations, forensic evidence collection and investigative
20 techniques, and a one-day seminar which focused on homicide investigations.

21 Q. Prior to June 2021, how many homicides did you handle and how many ended up in court?

22 A. I assisted on six homicide cases, and was the lead detective on two homicide cases. Since
23 then, I assisted on seven homicide cases, and was lead detective on one case, this case,
24 but I've been the lead on at least fifty other felony cases, including burglaries, car theft or
25 assaults, and probably testified a dozen times on those types of cases.

26 Q. Do you have any other job responsibilities with the Sheriff's Department?

27 A. Three years ago, the Sheriff's Department initiated a community outreach program and I
28 volunteered to give speeches at local middle-schools and high schools. I liked doing
29 outreach so much that I came up with an idea on how to help kids in the community, and
30 make it fun and rewarding for them. We set up a summer-long training course, and taught
31 kids how to assemble and maintain bikes. At the end of the course, we would give them
32 the bike they assembled. The kids seemed to like the course, particularly when we brought

1 them to some local bike trails at the end of each week. Their favorite trail, and mine, was
2 the Empire State Trail or EST.

3 Q. What is the Empire State Trail or EST as you call it?

4 A. The Empire State Trail is 750-mile long trail system that crosses most of New York State.
5 There are three main sections. The first is called the Erie Canal Trail, which goes in an
6 east-west direction, running from Buffalo to Syracuse to Albany. The second is called the
7 Hudson Valley Trail, which goes from Albany in a southerly direction to New York City. The
8 third is called the Champlain Valley Trail, which goes from Albany in a northerly direction
9 to Rouses Point, along the Canadian border. Unlike the Appalachian Trail, which is really
10 mountainous, rugged and potentially dangerous, the EST is geared toward people who
11 want to enjoy the outside, but don't want to kill themselves in the process. Mostly I see
12 walkers, runners, and bike-riders on the EST, but sometimes I'll see some bike-packers,
13 who travel the whole route and camp along the way.

14 Q. Let's move onto the morning of June 17, 2021. Where were you around 9:30 AM?

15 A. I was at the Center of Progress Building at the New York State Fairgrounds, meeting with
16 the facilities director, Ella Robbie. I asked Ms. Robbie if we could store the unassembled
17 bikes there until the course started on June 28, and brought the unassembled bikes with
18 me, thinking she'd take them that day. Unfortunately, Ms. Robbie needed to get approval
19 from the fair director first, and would call me as soon as she spoke to her boss. The
20 meeting finished up right around 10:00 AM, and I headed to my car to leave.

21 Q. What happened when you got in your car to leave?

22 A. I heard a 911 dispatch about someone being injured from a fall while hiking on the EST,
23 at mile marker 174. While patrol deputies normally respond to bike accidents, I radioed in
24 that I'd take the call as I was nearby and knew how to get there without being blocked.

25 Q. What do you mean by that?

26 A. The NYS Park Service puts up fence-like barriers to keep vehicles off the trail, but allow
27 for bikes and pedestrian traffic. You see, each barrier has an opening that is wide enough
28 for a bike to pass through, but not so wide that an ATV or a car can drive down the trails.
29 The barriers are uniform in size and shape. They're four-feet high and eight-feet long, with
30 a four-feet wide opening. There's a ground-level ramp along the four-feet wide opening.
31 The barriers and ramps are made out of metal, and have a wood post anchoring it in place.
32 Anyway, I knew there was a barrier east of mile marker 174, so I got on the trail west of
33 there and headed east. I told dispatch to have the ambulance approach the same way.

34 Q. What did you notice about the section of the trail near mile marker 174?

35 A. The trail is about ten-feet wide, made mostly of dirt and crushed stone. On both sides of
36 the trail are trees, saplings and grasses trying to take back what's theirs. That particular
37 trail is also very secluded. I've never actually seen anyone at that spot before.

38 Q. I'd like you to tell us exactly what you saw when you approached mile marker 174.

39 A. I saw a man sitting on the ground near one of the park service barriers. A woman was lying
40 on the ground beside the man, who was holding a jacket up against the woman's head. Off
41 to the side of where they were, I saw two bikes propped up against a tree, and a couple
42 of backpacks lying on the ground, although I can't tell you exactly where they were. I just
43 remember seeing them, and then parking my car right up next to them.

44 Q. Just so we can picture this, why don't you tell us how far they were away from the barrier
45 and these bikes, and how close you parked from where they were?

46 A. I'd say they were about ten-feet away, meaning ten feet west of the barrier, and the bikes
47 were maybe five feet away from them, on the south side of the trail. As for me, I already
48 told you I was real close, maybe two feet away from them. I wanted to get as close as

1 possible in case the ambulance couldn't find us and I had to put the two of them in my car
2 to get them out of there.

3 Q. Now that I can picture the scene, why don't you tell us what you did after you parked?
4 A. I got out of the car, and as I walked up, I noticed that the woman wasn't moving. She was
5 just lying there covered in blood, at least the right side of her face and clothes were
6 covered in blood. It looked like she fell and injured her head really badly because she was
7 riding without a helmet.

8 Q. She wasn't wearing a helmet?
9 A. No.

10 Q. After seeing that, what did you do?
11 A. I immediately checked for vitals. I wasn't able to detect a pulse, and when I put my hand
12 under her nose, she wasn't breathing. At that point, there wasn't much else I could do for
13 her, so I did my best to calm the man down and then I asked him to tell me his name and
14 how this happened.

15 Q. What did he tell you?
16 A. He said his name was Jeff Joseph, and the woman was his girlfriend, Michelle. About ten
17 days ago, they started bike-packing from Poughkeepsie and made it to Green Lakes State
18 Park the night before. That morning they got back on the EST and about 30 minutes into
19 the ride, they were heading toward the barrier, and his girlfriend panicked again.

20 Q. Did he tell you what he meant when he said she panicked again?
21 A. Yes. He said that his girlfriend always got nervous going through them, so she'd walk her
22 bike over the ramp. According to Mr. Joseph, his girlfriend must have done something
23 different this time because she somehow ended up falling off her bike and hitting her head
24 on the ground. He didn't see that happen but that was his best guess.

25 Q. What did you do when you heard him say that?
26 A. I remembered seeing the bikes as I drove up, and asked Mr. Joseph how the bikes got
27 there if she fell while riding over the ramp and he said he didn't remember.

28 Q. Did you ask him anything else?
29 A. Yes. I asked him whether she was wearing her helmet and he said she was, but she never
30 strapped it on so it must have fallen off when she fell.

31 Q. Did you ask him anything else?
32 A. I started to ask him where the helmet was, but just then, the paramedics arrived, and they
33 took over fast as anything. They put her on a stretcher, wheeled her over to the
34 ambulance, and said they were taking her to the ER at Upstate. Mr. Joseph asked the
35 paramedics if he could travel with them. They said no, it was against company policy, but
36 changed their mind after Mr. Joseph said he was in need of medical attention.

37 Q. Before Mr. Joseph got in the ambulance, did you see him take anything with him?
38 A. Yes, I saw him with a couple of backpacks.

39 Q. After the ambulance left, what did you do?
40 A. I did what I was trained to do in an accident case, I followed department policies and
41 procedures and continued my investigation.

42 Q. What are those policies and procedures?
43 A. Any accident investigation includes examining the scene, taking photos, and obtaining
44 information or witness statements. Then, if I determine that the accident is just an accident,
45 I arrange to have all personal items returned to the parties, and call it a day.

46 Q. Did you do all that?

1 A. Yes and no. Due to time constraints, I couldn't do that all on my own, so I arranged for
2 Deputy Gabby Carter to take a statement from Mr. Joseph at the hospital. That way I could
3 examine the bikes, take photos and collect any items the couple left behind.

4 Q. What did you find when you examined the scene?

5 A. I looked at the two bikes that were sitting against a tree. The smaller bike was red, and the
6 larger bike was black. I didn't see any flat tires, gouges, or anything like that. They
7 appeared to be in good working order. I thought that was a bit odd because I'd seen the
8 dozens and dozens of people crash their bikes, and there's no way Ms. Martin-Thom's bike
9 would come out of a crash like that completely unscathed. I mean the bike wasn't made
10 of unbreakable steel. There would be impact damage, gouges or at least scratches. But
11 at that point in time, I just thought this was a tragic bike accident.

12 Q. What did you do after examining the bikes?

13 A. I wanted to take the bikes to the station, but my trunk was full. So I put police crime scene
14 tape around the bikes and locked them to a tree with a chain-lock from my car. That way,
15 I could pick them up after I followed up at the hospital.

16 Q. Did you do anything else?

17 A. Yes. I took some photos, and while I was doing that I found the helmet. I'm embarrassed
18 to say it was under the tire of my car. I must have driven over it when I pulled up to the
19 scene. So I backed up the car and frankly, that ended up causing more damage. The
20 helmet was in pieces, so I picked up a few of the fragments, put them in an evidence bag,
21 and put the bag in my car.

22 Q. Can you tell us anything else about the helmet?

23 A. It was blue or grey, but at that point, it was so broken up that it's hard to say anything else
24 about how it looked.

25 Q. What did you do after that?

26 A. Around 12:30 PM, I left for the hospital, and spoke to Dr. Mara Grey, who advised that Ms.
27 Martin-Thom had suffered a severe blunt force trauma to the head. She was pronounced
28 dead on arrival. Due to the nature of the injury, the body was being transported to the
29 medical examiner's office for an autopsy. I asked Dr. Mara if she could take me to see Mr.
30 Joseph, and learned that he left the hospital right after she told him that his girlfriend was
31 dead. She said he appeared to be extremely distraught. Dr. Mara also told me that Ms.
32 Martin-Thom's mother had arrived at the hospital thirty minutes ago, and after being
33 informed of her daughter's death, she went to the chapel. Her name was Marnie Martin.

34 Q. What did you do next?

35 A. I went to the chapel to speak with Ms. Martin. I told her that I was in charge of investigating
36 the accident, and offered her my condolences. Before I could say anything else, Mrs.
37 Martin said that her daughter's death wasn't an accident. That it was Mr. Joseph's fault.
38 At first, I thought Mrs. Martin was in shock and just looking for someone to blame, that is,
39 until Mrs. Martin explained that her daughter had been having problems with Mr. Joseph
40 over the past year, which was only made worse by the grueling nature of their bike-packing
41 trip. Mrs. Martin said Mr. Joseph was a morbid, mean and menacing man, and showed me
42 text messages she received from her daughter about Mr. Joseph. The texts paint a picture
43 of the couple's life which was different from what Mr. Joseph told me.

44 Q. After speaking with Mrs. Martin and examining those texts, what did you do?

45 A. I took a statement from Mrs. Martin, got screen shots of all the messages, and had them
46 transcribed so they'd be easier to read. I also contacted the cell phone provider and
47 confirmed that I had screen shots of all the texts messages that Ms. Martin-Thom

1 exchanged with her mother, between June 1, 2021, and June 10, 2021, and that Ms.
2 Martin-Thom didn't send texts to anyone else during that same time frame.

3 Q. What did you do next?

4 A. I took two crime scene technicians with me to mile marker 174 to examine the scene and
5 take the bikes into evidence. To my surprise, the bikes were gone. We examined about a
6 half-mile radius around that area to see if we could find the bikes or any evidence of where
7 they'd been taken to, but we found nothing. I wasn't able to locate any security footage or
8 witnesses as to what happened. I also put out an APB for Mr. Joseph.

9 Q. Calling your attention to Saturday, June 12, 2021, do you remember that day?

10 A. Yes. That's the day I executed a warrant to search Jeff Joseph's apartment and car. I went
11 there with two crime scene technicians. On June 16, 2021, the crime lab issued a report
12 regarding their findings.

13 Q. What else did you do in reference to this case?

14 A. On June 10, 2021, I called Dr. Bobby Benjamin. That's the ME who performed the autopsy
15 on Ms. Martin-Thom. The ME said the manner of death was undetermined, although the
16 ME changed her/his mind after I went to see her/him on June 16, 2021.

17 Q. Why did you go to see the ME?

18 A. I wanted to make sure the ME had everything s/he needed to come to a proper final
19 determination. Based on the other homicide cases I assisted with, I knew that ME's often
20 look at photos, possible weapons and other evidence, which is why I brought the ME
21 everything I had on the case. I also told the ME Mr. Joseph's story about what happened
22 and asked if he was lying about it.

23 Q. How did the ME react?

24 A. At first, the ME was angry that I was questioning the preliminary findings. But the longer
25 the ME spent listening to me and reviewing what I had, s/he appeared to be listening to
26 what I had to say and told me that s/he'd take a closer look. Eventually, the ME issued a
27 final report stating that this was a homicide. I smiled when I saw the report, thinking that
28 Mrs. Martin had it right from the very beginning. This was no accident. This was a
29 homicide. Plain and simple.

30 Q. Speaking of Mrs. Martin, where is she now?

31 A. She died of a massive heart attack two weeks after her daughter's death. She was a sweet
32 woman. I wish she could have known that we would eventually arrest her daughter's killer.

33 Q. Earlier you said you put out an APB on Mr. Joseph. Did you ever locate him?

34 A. The morning of June 20, 2021, Mr. Joseph appeared at the station with his attorney, who
35 said Mr. Joseph had been found wandering aimlessly in the Montezuma National Wildlife
36 Refuge by someone named Forrest Fitzpatrick. The attorney advised that due to his
37 client's extreme dehydration and fatigue, Mr. Joseph was unable to answer any questions.

38 Q. Shortly after that, I took a statement from Mr. Fitzpatrick.

39 Q. Detective Travis, I'd like to go through each of the documents or pieces of evidence I have
40 here with me. Showing you Exhibit 1, what is this?

41 A. It's a map of the Empire State Trail and, in case you ask, it's drawn to scale. I know that
42 because I've ridden every section of the trail at least 40 times over the past 20 years.

43 Q. What is Exhibit 2?

44 A. A diagram that I prepared of what I saw when I was at the scene on June 10, 2021. You
45 can see the trail which is in the center of the diagram, my vehicle is depicted at the top of
46 the diagram, the bikes are depicted by two circles near the side of the trail, and the oval
47 shape is where I first saw Ms. Martin-Thom and Mr. Joseph. You can also see the barrier
48 depicted at the very bottom of the diagram, showing how it crosses over the trail.

1 Q. I've handed you Exhibits 3, 4, 5, 6 and 7. What are these?
2 A. These are all photographs that I took of the items I found on June 10, 2021. Exhibit 3 is
3 photo of the trail near mile marker 174. Exhibit 4 is a photo of the barrier near mile marker
4 174. Exhibit 5 is a photo of the trail bikes. Exhibit 6 is a photo of the area under Ms. Martin-
5 Thom's head where I saw blood. There was more blood there but there was a lot of
6 scuffling around when the paramedics arrived. Exhibit 7 is a photo of the tire of my car and
7 the helmet. It's very dark, isn't it?
8 Q. What is Exhibit 8?
9 A. This is a transcript of the cell phone messages that Mrs. Martin sent and received from her
10 daughter, Michelle Martin-Thom. I did the transcribing myself and these are the exact
11 words, the exact punctuation and the exact date the texts were sent and received.
12 Q. I've handed you Exhibit 9. What is this?
13 A. A transcript of the call Mr. Joseph placed to the Emergency Call Center on June 10, 2021.
14 Q. I've handed you Exhibits 10 and 11. What are these?
15 A. Exhibit 10 is the EMT report, and Exhibit 11 is Dr. Mara Grey's ER Report.
16 Q. What are Exhibits 12 and 13?
17 A. Exhibit 12 is the preliminary autopsy report where the ME got it wrong. Exhibit 13 is the
18 final autopsy report where the ME got it right.
19 Q. How about Exhibits 17, 18 and 19?
20 A. Exhibit 17 is a statement I took from Mrs. Martin. Exhibit 18 is the statement I took from
21 Forrest Fitzpatrick. Exhibit 19 is the Laurita Forensics Lab report.
22 Q. Thank you, Detective Travis. That's all I have.

23
24 CERTIFICATION: On June 22, 2021, I, Tate Travis, certify, under penalty of perjury, that I have
25 carefully reviewed the above transcript of my grand jury testimony to determine whether the
26 answers contained are true, accurate and correct, and whether I had any additional information
27 relevant to the matters therein. I hereby certify, under penalty of perjury, that the deposition
28 testimony and transcript are true, accurate and correct, and I have no information relevant to the
29 matters discussed other than what is discussed in this transcript. Everything was covered and
30 nothing was left out.

31
32 Dated: June 22, 2021 at 10:10 am

33 Signed: Detective Tate Travis

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

THE UNITED STATES OF AMERICA, v. JEFF JOSEPH, Defendant.	NUMBER: CR- 082360-2022 The Hon. Roberto Francesco
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GRAND JURY TESTIMONY OF DR. BOBBY BENJAMIN

1 On June 22, 2021, Dr. Bobby Benjamin appeared before the Grand Jury, at which time the witness
2 was sworn under oath and testified, as follows:
3

4 BY ASSISTANT DISTRICT ATTORNEY BOYD BERGER:

5
6 Q. Please state your name and tell the jury what you do for a living.

7 A. My name is Bobby Benjamin. I am a medical doctor, forensic pathologist and the Chief
8 Medical Examiner here in Laurita County.

9 Q. What is a medical examiner and forensic pathologist?

10 A. We perform autopsies by examining the bodies of people who die suddenly, unexpectedly
11 or violently, in order to determine the cause of death and manner of death.

12 Q. What qualifications do you have that allow you to hold that position?

13 A. In 2000, I graduated from Cornell University, Summa Cum Laude, with a degree in Biology
14 and Chemistry. In 2004, I graduated from Cornell University Medical School. In 2006, I
15 completed my internship and residency in forensic pathology at Upstate Medical School.
16 Around that same time, I was board certified as a forensic pathologist, and have received
17 re-certification in that field every five years.

18 Q. Tell us about your work history.

19 A. Since 2006, I have worked for the County of Laurita as a Medical Examiner and forensic
20 pathologist, and was promoted to Chief Medical Examiner in 2016. Essentially, as Chief
21 Medical Examiner and forensic pathologist, I have some administrative responsibilities, but
22 75% of my time is spent conducting medical examinations or autopsies. Over the past 16
23 years, I've conducted about 4,000 autopsies, and sometimes I have to testify as an expert
24 in court or before the Grand Jury regarding some of the autopsies I or other medical
25 examiners have conducted. I believe I'm called to testify approximately 10 or more times
26 a year, primarily for the prosecution in criminal cases, but I have been subpoenaed to
27 testify once or twice for defense counsel.

28 Q. Earlier you said you perform autopsies by examining the body of people who have died.
29 Do you follow a standard procedure, when conducting these examinations?

30 A. Yes. Typically, it's a three step process. The first step is an external examination. The
31 second step is an internal examination. The third step is toxicology. Then, after completing
32 that process, and depending on the circumstances, I may review medical records, police

1 reports and other evidence collected during law enforcement investigations to assist me
2 in determining the cause of death and manner of death.

3 Q. You used the terms cause of death and manner of death. Is there a difference?
4 A. Yes. When I use the term cause of death, I am trying to determine the underlying physical
5 reasons for why the person died. For example, the cause of death could be blood loss due
6 to a bullet wound through the brain or the cause of death could be cardiac arrest due to
7 drowning. When I use the term manner of death, I am trying to determine how that cause
8 came about, and that's determined by the known circumstances of where and how the
9 body was found, and what was discovered through the three-step autopsy process.

10 Q. Are there different or defined classifications for the manner of death, and if so, please tell
11 us about that?
12 A. Yes, there are different classifications. In fact, it's broken down into five separate
13 classifications, which are death by natural causes, an accident, suicide, homicide, or
14 undetermined.

15 Q. When would you classify the manner of death undetermined?
16 A. When the circumstances surrounding the death, and detectable physical injuries or
17 abnormalities don't conclusively point to one of the other manners of death I discussed.

18 Q. Please tell us how you became involved in this case.
19 A. On June 10, 2021, I performed an autopsy on the deceased, Michelle Martin-Thom. The
20 deceased clothing had been removed at hospital. There was also dirt and gravel on her
21 back and the back of her shorts.

22 Q. What did you do next?
23 A. I did a visual exam and noted that her head, neck and arms were covered in what
24 appeared to be blood, which was dry. Then I performed an external exam of the outside
25 of Ms. Martin-Thom's body, looking for any visible injuries or abnormalities, and
26 documenting presence or lack of any visible injuries by recording that information in an
27 autopsy report. During my physical exam I found a six-inch laceration or deep skin tear on
28 the right side of the skull above her ear. Also visible at that location was a skull fracture
29 and bleeding under the skin.

30 Q. Let's discuss those one at a time. You said there was a deep skin tear. Tell us what else
31 you observed about that.
32 A. The skin was torn primarily in a superior undermining direction, but inferior directional skin
33 tears were also present.

34 Q. You also said there was a skull fracture. How did you make that determination?
35 A. I observed the fracture from my internal and external examination. X-rays were not
36 necessary.

37 Q. Were you able to determine if she survived the impact with the right side of her skull?
38 A. Based on my examination, she did not survive the impact to her skull.

39 Q. Did you notice any other external injuries?
40 A. None other than a little redness on her back, and I found a scar from a previous knee
41 surgery.

42 Q. After completing your external exam, what did you do next?
43 A. I performed an internal examination, which included opening up the body, examining all the
44 organs, tissue, cells and body fluids, and documenting any findings or abnormalities that
45 may have contributed to the cause or manner of death. Based on that, I determined that
46 she was a healthy individual, well-developed and muscular. She had no physical conditions
47 or abnormalities internally that would have contributed to her death.

48 Q. What did you do next?

1 A. I moved on to my third step, which is the toxicology stage. That's when I send blood, urine,
2 and other bodily fluids to the lab for testing to see if the individual ingested any drug, drink,
3 or food that contributed to the cause or manner of death. I found that there was nothing
4 in her system that appeared to cause or contribute to her death.

5 Q. After examining the toxicology report, what did you do?

6 A. I examined the ER report, and learned that the deceased was on a bike, fell and hit her
7 head. She was transported to Upstate Hospital, and was examined by Dr. Grey, who
8 determined that the deceased had suffered a severe blunt force trauma to the head, and
9 was pronounced dead on arrival. Dr. Grey opined that the patient died prior to her arrival
10 at the ER, but she was unable to determine the exact time of death. Dr. Grey also opined
11 that the deceased had likely died long before she was admitted to the hospital, and based
12 on my observations, I agree.

13 Q. Other than the ER report, did you examine any other documents at that time?

14 A. No.

15 Q. At the conclusion of the autopsy, did you form a opinion within a reasonable degree of
16 medical certainty as to the cause of death?

17 A. Yes. The cause of death was blunt force injury to her head.

18 Q. Did you form an opinion within a reasonable degree of medical certainty as to the manner
19 of death?

20 A. Yes, although my preliminary conclusion differs from my final conclusion.

21 Q. What do you mean by a preliminary conclusion?

22 A. When I completed my autopsy, I analyzed my findings and came to the conclusion that the
23 manner of death was undetermined.

24 Q. Did you issue a report documenting your preliminary conclusions?

25 A. Yes, and I advised the detective who was investigating this matter what my preliminary
26 conclusion was. I think we spoke on the date I performed the autopsy.

27 Q. Did there come a time when you reconsidered your opinion as to the manner of death?

28 A. Yes. Sometime around June 16, 2021, Detective Travis walked into my office
29 unannounced, and asked me, well actually s/he told me that I needed to take a better look
30 at Ms. Martin-Thom's injuries because, in her/his words, this was no accident, contrary to
31 what I told her/him the week before.

32 Q. How did you respond?

33 A. I'm embarrassed to say that I didn't respond well. As I recall, I asked the detective where
34 s/he went to medical school, and whether I was mistaken about the fact that I performed
35 the autopsy and not her/him. As soon as those words came out of my mouth I regretted
36 them. I could tell that the detective, while a bit arrogant, was just trying to get to the bottom
37 of things, so I followed up by asking him to calm down and tell me what was going on here.

38 Q. How did the detective respond?

39 A. S/he said and gave me some photos and other documents. If I recall correctly, I saw a
40 photo of the trail where the fall occurred and another photo of two bicycles. The detective
41 also gave me a copy of a 911 transcript, Jeff Joseph's witness statement, an EMT report,
42 and advised of fingerprint and blood test results from the crime lab.

43 Q. What happened after the detective gave those documents and information?

44 A. Once again, the detective asked me to look at the deceased's injuries to see if it was likely
45 for the head injury to be caused by being struck with a blunt object, such as a water bottle,
46 a log or like object.

47 Q. Did you agree to give it a second look?

1 A. Yes. It's not unusual for ME's to review photographs and other evidence collected during
2 law enforcement investigations to assist us in determining the cause of death and manner
3 of death. Because I didn't have all that information before, the least I could do was to
4 review it, along with my autopsy report, to see if there were any details I may have
5 overlooked during the initial autopsy. After doing that, I changed my opinion on the manner
6 of death from undetermined to homicide.

7 Q. What details are you referring to that you may have overlooked?

8 A. First of all, when I initially performed the autopsy, all I knew about the incident was that the
9 deceased fell. But I didn't know that the deceased fell on dirt and gravel, which is a
10 relatively soft surface. In my opinion, it was highly unlikely that a fall on a gravelly surface
11 would cause such a severe skull fracture.

12 Q. Was there any other new evidence that you found significant?

13 A. Well, maybe this wasn't new evidence, but there's no indication that the deceased's
14 clothing was torn, which sounds like it would happen if someone fell from a bike.

15 Q. What else did you find of significance?

16 A. As I said, the skull injury was severe, so I took a harder look at the fracture. I wanted to
17 determine if the fracture was caused by one impact to the skull, which would happen if
18 someone fell off their bike and hit the dirt, or if the fracture was caused by multiple impacts.
19 Based on what I saw during the autopsy, I determined that a single impact didn't cause the
20 skull injury. There were multiple fractures in that area of the skull.

21 Q. Anything else?

22 A. Yes. The skin showed undermining from different directions. By that I mean there was
23 force applied from multiple directions, which would not happen if she merely fell off her bike
24 and hit the dirt.

25 Q. So what are you telling us?

26 A. That based on those findings, I was absolutely certain that the deceased was hit more than
27 once in the same area, and that would not have happened had she simply fallen from her
28 bike onto a dirt surface.

29 Q. Were there any other new details that came to your attention?

30 A. Yes. Originally, I didn't have the 911 transcript and EMT record, and those documents
31 affected my determination as to her manner of death.

32 Q. Why is that?

33 A. In the EMT record, the paramedics reported that Ms. Martin-Thom was in rigor mortis when
34 they attempted to perform CPR. Rigor mortis is the stiffening of the muscles in the body
35 after death. It typically occurs with the smaller muscles first like the fingers or jaw muscles
36 before it manifests itself in the larger muscle groups. Once rigor mortis affects a muscle
37 group, those muscles become difficult to move without force. By analyzing the rigor mortis
38 status, it's possible to get an estimated time of death.

39 Q. How did Ms. Martin-Thom's status of rigor mortis affect your determination as to her
40 manner of death?

41 A. The fact that she was partially in rigor mortis around 10:30 AM when the paramedics
42 arrived, indicates that she had been deceased for at least two hours before that. By my
43 calculation then, she must have died around 8:30 AM.

44 Q. Are you certain of that?

45 A. Yes. While there are a lot of factors that may influence the timing of when rigor mortis sets
46 in, environmental factors for example, typically rigor mortis begins to set in two hours after
47 death. Since it was my understanding that Mr. Joseph said his girlfriend was alive until

1 around 10:00 AM, when she allegedly fell from the bike, the time-line doesn't make any
2 sense to me. None at all.

3 Q. I understand that you didn't have the EMT record, but you saw the deceased body on June
4 10. Why didn't you notice that she was in rigor mortis at the time of your autopsy?

5 A. I didn't conduct the complete autopsy until around 8:00 PM, and at that point, I would have
6 expected the body to have been in full rigor mortis.

7 Q. I'm no expert, but doesn't rigor mortis disappear after a while?

8 A. Yes. It disappears about 24 to 48 hours after death, and the time of this autopsy was only
9 about 11-12 hours after the death was reported.

10 Q. Based on all this newly discovered evidence, did you come to a final conclusion as to the
11 cause of death?

12 A. Yes. The cause was blunt force trauma to the head or should I say multiple blunt force
13 traumas to the skull.

14 Q. What was your final determination as to the manner of her death?

15 A. Clearly what happened to Ms. Martin-Thom was not accidental, or due to a fall from a bike.
16 This was a homicide. The manner of death was homicide.

17 Q. Dr. Benjamin, I'm showing you Exhibits 3 through 10, and Exhibit 19. What are these?

18 A. These are the photos and documents the detective gave me. Exhibits 3 through 7 are the
19 photos. Exhibit 9 is a transcript of a 911 call. Exhibit 10 is the EMT report. Exhibit 19 is the
20 lab report the detective gave me.

21 Q. What about Exhibit 11?

22 A. That is Dr. Mara Grey's ER Report. I reviewed that on June 10, 2021, the day that I
23 performed the autopsy.

24 Q. What are Exhibits 12, 13, 14 and 15?

25 A. Exhibit 12 is the preliminary autopsy report I prepared on Michelle Martin-Thom. Exhibit 13
26 is the final autopsy report I prepared. Exhibit 14 is a computer rendering I prepared
27 showing of the location of the injury to the deceased's skull. Exhibit 15 is another of my
28 computer renderings showing the approximate size and location of the skull fracture.

29 Q. Are Exhibits 14 and 15 100% accurate renderings of the skull and fracture?

30 A. I'd say they fairly and reasonably show the size and location of the injury and fracture. If
31 you wanted this to be 100% accurate you would need a photo or an x-ray, and I didn't take
32 any. What is shown on these renderings is just exactly what I saw.

33 Q. I think that's it. I have no further questions. Thank you Dr. Benjamin.

34
35 CERTIFICATION: On June 22, 2021, I, Bobby Benjamin, certify, under penalty of perjury, that I
36 have carefully reviewed the above transcript of my grand jury testimony to determine whether the
37 answers contained are true, accurate and correct, and whether I had any additional information
38 relevant to the matters therein. I hereby certify, under penalty of perjury, that the deposition
39 testimony and transcript are true, accurate and correct, and I have no information relevant to the
40 matters discussed other than what is discussed in this transcript. Everything was covered and
41 nothing was left out.

42
43 Dated: June 22, 2021

44 Signed: Bobby Benjamin, MF

VOLUNTARY STATEMENT OF JEFF JOSEPH

1 I, Jeff Joseph, am giving this voluntary and sworn statement to Deputy Travis of the Laurita County
2 Sheriff's Department. I am giving this statement on June 10, 2021, at 11:00 AM, in Conference
3 Room 3, at Upstate Hospital, in Syracuse New York. I was advised of my Constitutional rights and
4 I hereby waive them of my own free will and choice.
5

6 My name is Jeff Joseph. I live at 4964 Elgin Circle, in Syracuse, New York.
7

8 In the fall of 2017, Michelle Martin-Thom and I were freshman at Syracuse University. We met our
9 first semester at one of the socials they have, and we've been dating ever since. Michelle's the
10 prettiest girl I've ever seen, She's also sassy, sophisticated and smart as hell. She had a 4.0 GPA,
11 while I struggled to keep my GPA above 3.0.
12

13 I think it was sophomore year that we moved in together, but she moved back home to
14 Poughkeepsie after graduating this May because that's right near Vassar, where she got accepted
15 into the History PhD program. On the other hand, I was awaiting acceptance to whatever grad
16 program would take me. Hopefully I'll get accepted at Marist in Poughkeepsie, but it looks more
17 like Syracuse, which is why I kept our apartment here.
18

19 Because we had no plans for the summer, and neither of us had jobs, I talked to Michelle about
20 going on bike-packing on the Empire State Trail. My plan was to travel from Poughkeepsie to
21 Albany, by way of the Hudson River Valley Trail, and from Albany to Buffalo, along the Erie Canal
22 Trail. We could visit State Parks and National Historic Sites along the way, and camp at night
23 under the starlight. I guess roughing it in the wilderness wasn't romantic enough for Michelle. She
24 preferred being chauffeured around in a BMW to peddling a bike, and sleeping at luxury hotels to
25 a mosquito infested tent. I get it but, as I told Michelle, struggling through it together would help
26 mend our relationship. After a lot of begging, pleading, and my promising her a few spa days along
27 the way, Michelle finally agreed.
28

29 On June 1, 2021, we set out on our trip and Michelle really seemed to love it. I had high hopes of
30 making it to Buffalo in ten days at the most. Unfortunately, doing 20-25 miles a day was Michelle's
31 max. There were a lot of historical sights on the trail, and Michelle always wanted to stop there,
32 and the fact it rained everyday didn't help. She was annoyed as hell, and her being annoyed got
33 me annoyed I'm sorry to say.
34

35 After about a week, Michelle said she felt like a drown rat, and how much she needed a warm
36 shower, clean sheets, and lots of pampering. Unfortunately, a hotel was not an option. Let's just
37 say my pockets were empty, my credit cards were acting up, and my bank account was flatlining.
38 Needless to say, Michelle wasn't a happy camper, but I did my best to keep her spirits up and kept
39 on reminding her that I loved her. That seemed to work.
40

41 In fact, she seemed to be enjoying the trip again, until we were just a short distance away from
42 Syracuse. That's when I had a near mutiny on my hands. It was all because we had to spend the
43 night at Green Lakes State Park instead of my apartment. We had to because going to my place
44 wasn't an option. I couldn't risk seeing my landlord, who'd been hounding me non-stop to pay the
45 rent. To say that didn't go over too well would be an understatement.
46

1 Thankfully, we found a camp site at Green Lakes State Park. They had these great facilities, and
2 I was able to make everything extra special for Michelle that night. I arranged for us to get
3 showers. Then I washed the crap out of our clothes and sleeping bags, cleaned the tent within an
4 inch of its life, and that made life much more bearable. I know that made Michele happy and
5 frankly, it made me happy too because I'm a clean freak myself and don't love that we were living
6 like dirt bags, as Michelle called us. I know that sounds kind of paradoxical, given the fact I love
7 being out there roughing it, but it's true. I like a hot shower, a shave and a clean bed just like
8 everyone else. In any case, Green Lakes turned everything around for us.

9
10 I guess that brings me to the next morning. The weather was really nice for a change, and I figured
11 we could make up for lost time if we got an early start. So I got us up earlier than usual, and
12 headed back to the EST. The trail was dried out, which helped a lot speed-wise. We were making
13 time for a change. I think it only took us a half-hour to make it to where the trail passes by the
14 State Fair Grounds and that's good time.

15
16 But then we hit a snag. Up ahead, we saw one of those stupid metal barriers that the stupid Park
17 Service puts up to keep the stupid ATV riders off the trails, and those barriers were a problem for
18 Michelle. She had this weird mania about those things. Something that happened when she was
19 a kid. Maybe her knee or something. I don't know for sure, but every time she had to go through
20 one of those barriers, she got crazy nervous. Instead of speeding through the barrier like I did,
21 she'd walk her bike over the ramp, and once she got over the ramp, she'd still be panicking and
22 it would take her forever and a day to get back going. It was a real time suck, but being that
23 sensitive guy I am, I always tried to calm her down and get her back on track.

24
25 Anyway, on June 10, when I saw the barrier up ahead, I knew Michelle would get freaked out of
26 her mind. So I told her I'd go over the ramp first, thinking that would make her feel more
27 comfortable about heading over the ramp. It kind of worked because Michelle didn't walk her bike
28 over the ramp this time. She stayed on her bike. Unfortunately, she didn't speed up over the ramp
29 like I did. She slowed down, and what I saw next was unbelievable. As she rode over the ramp,
30 she fell off her bike, and landed smack on her head. It made a dent in the dirt, and somehow
31 caused her helmet to come off. The girl was always forgetting to latch it.

32
33 At first I thought she must be stunned, and how pissed she was going to be because I made her
34 ride over the ramp and she got hurt, which is exactly what she always thought would happen. But
35 then I realized that she wasn't stunned. She wasn't moving and there was blood. She was really
36 hurt. So I immediately called for an ambulance, and told them to hurry. Then I moved the bikes
37 out of the way so the paramedics could get to us without any obstacles.

38
39 Maybe five minutes later, I saw a vehicle pulling up. Not an ambulance but a police car. This
40 detective got out and waited there for the paramedics to show up. I don't remember much about
41 that, other than the fact the detective was there.

42
43 Eventually the paramedics showed up. They put Michelle in the ambulance, and when I tried to
44 get in with her, they refused to take me with them for some inane reason. But I wasn't going to let
45 that stop me. After all, Michelle was the love of my life, and I didn't want her to be alone with these
46 freaks. So I came up with a story about not being able to breathe. That way they'd have to take
47 me with them. Thankfully, it worked, although I wish I had said something else was wrong with me

1 because the paramedics kept on trying to give me oxygen the whole way to the ER, when I didn't
2 need it.
3

4 After we got to the hospital, Michelle was wheeled away down this corridor, and I was left alone
5 in the waiting room, until Deputy Carter asked me to give her a statement, which is what I am
6 doing now. I have to say that it's hard sitting here and doing this, but I know the deputy has a job
7 to do and so does that detective. I guess s/he's collecting the rest of our stuff, or locking it up
8 there, and that the detective will probably released it to me and Michelle's mom in a few days. The
9 deputy said that's police procedure or something like that.
10

11 That's all I have but want to make sure that after I finish this, I'm going to be able to get one of the
12 ER doctors to let me see Michelle. I want to see her. I need to see her. She's the love of my life
13 and I can't live without her. This is the worst day of my life. This is making me sick.
14

15 CERTIFICATION: On June 10, 2021, I, Jeff Joseph, certify, under penalty of perjury, that I have
16 carefully reviewed the above statement to determine whether the answers contained are true,
17 accurate and correct, and whether I had any additional information relevant to the matters therein.
18 I hereby certify, under penalty of perjury, that the deposition testimony and transcript are true,
19 accurate and correct, and I have no information relevant to the matters discussed other than what
20 is discussed in this transcript. Everything was covered and nothing was left out.
21

22 Dated: June 10, 2021

23
24 Signed: Jeff Joseph

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

THE UNITED STATES OF AMERICA, v. JEFF JOSEPH, Defendant.	NUMBER: CR- 082360-2022 The Hon. Roberto Francesco
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GRAND JURY TESTIMONY OF DR. LEE LILY

On June 23, 2021, Dr. Lee Lily appeared before the Grand Jury, at which time the witness was sworn under oath and testified, as follows:

BY ASSISTANT DISTRICT ATTORNEY BERGER BOYD:

Q. Please state your name and tell the jury what you do for a living.

A. My name is Lee Lily. I am a medical doctor and have been licensed to practice medicine in the State of New York for almost 30 years. From 1998 to 2018, I was with the New York County Medical Examiner's Office in Brooklyn. In fact, for the last ten years there I was the Chief Medical Examiner and Forensic Pathologist.

Q. What were your job duties as Chief Medical Examiner and Pathologist?

A. I oversaw the office, and performed autopsies along with the other medical examiners.

Q. What is an autopsy?

A. When people die suddenly or unexpectedly or violently, their bodies are transported to our office. Then we examine the bodies to determine the cause or death and manner of death.

Q. Tell us about what you did leading up to your work at the ME's office.

A. Certainly. In 1990, I graduated from Columbia with a degree in biology, chemistry and forensics. In 1994, I graduated from Harvard Medical School. In 1996, I completed a two year internship and residency in forensic pathology from Johns Hopkins.

Q. Are you board certified?

A. Yes. I have been a board certified forensic pathologist since 1998, and have been re-certified every five years.

Q. Are you a member of any professional associations?

A. Yes. I am a member and on the board of various professional organizations, including the American Academy of Forensic Scientists and the National Association of Medical Examiners.

Q. Are you published in the field of forensic science?

A. Yes. Over the years, I have published at least a dozen articles in the New England Journal of Medicine on the etiology and epidemiology of blunt force trauma, manifestations of blunt force trauma, and the reliability of measuring undermining, among other topics.

Q. You said you worked at the Medical Examiner's Office in Brooklyn. Tell us about that.

1 A. In 1996, I began working there as a medical examiner and forensic pathologist, and in
2 2008, I was promoted to Chief Medical Examiner. It was an honor but, as I am sure you
3 can imagine, it's a daunting amount of work. I was overseeing over two dozen medical
4 examiners and pathologists, and we handle well over 6,000 autopsies each year.

5 Q. How much of your work was administrative as opposed to performing autopsies?
6 A. It was equally divided equally between the two.
7 Q. How many autopsies have you performed over the years?
8 A. I've conducted about 7,000 autopsies, and in my capacity as an ME or Chief ME with that
9 office, I testified about 100 times as an expert regarding some of the autopsies. All of those
10 were for the prosecution, but recently I have testified almost exclusively for the defense
11 through my consulting service.

12 Q. Your consulting service?
13 A. When I hit 20 years with the County, I retired with a full pension, and opened up a private
14 consulting firm with my close friend and partner in crime, Todd Bean. I'm just kidding about
15 the partner in crime comment because we don't just handle criminal cases, we also handle
16 civil cases. The name of the company is Lily Bean Forensic Consulting, LLP. For the most
17 part, we do consultation work for criminal and civil defense attorneys.

18 Q. What do you charge for your consultation services?
19 A. My consultation fee is a standard \$5,000 to examine the case, and if the case goes to trial,
20 \$500.00 per hour for testifying. I'm not sure how many cases Lily Bean has consulted on
21 but it's been very lucrative.

22 Q. Explain what you do when reviewing a case your being asked to consult on.
23 A. I examine the autopsy report, photographs, diagrams, EMT reports, medical records,
24 statements, and the list goes on. After examining the records, I analyze that information
25 and come to my conclusion.

26 Q. How are you involved in this case?
27 A. I was retained by your firm to look into the death of Michelle Martin-Thom, and to give my
28 opinion on the cause and manner of her death.

29 Q. What did you review?
30 A. All the standard documents and information. Photographs, EMT report, medical records,
31 the 911 call, three statements and some computer generated renderings. I also reviewed
32 the autopsy report and the revised report. I have to say that in my years and years of doing
33 this, I have seldom seen anyone issue two conflicting autopsy reports.

34 Q. What did you find of significance based on your review of those documents and
35 information?
36 A. My review of the photographs and autopsy report show that Ms. Martin-Thom suffered from
37 a severe head laceration or tear in the skin just above her right ear. The injury caused her
38 skull to fracture. There was also a massive amount of bleeding from her head. This type
39 of injury is referred to as blunt force trauma.

40 Q. Did you form an opinion within a reasonable degree of medical certainty as to the cause
41 and manner of death?
42 A. Yes. I agree with Dr. Benjamin that the cause of death was blunt force injury to her head.
43 However, I disagree with her assessment as to the manner of death.

44 Q. What is your opinion?
45 A. It's my opinion that the manner of death was accidental. Specifically, that the blunt force
46 trauma resulted from her falling from her bike and hitting the ground.

47 Q. What was the basis for your opinion?
48 A. The circumstances surrounding her death along with the nature of her head injury.

- 1 Q. You said she suffered from blunt force trauma. Explain how you got from that point to your
2 conclusion that her death was accidental.
- 3 A. Blunt force trauma to the head can be the result of the moving head striking a non-movable
4 surface, such as a fall from a bike, or it can be the result of a moving object striking the
5 non-moving head, as Dr. Benjamin is claiming. In order to determine which, we have to
6 look at the injury itself, the laceration or torn skin, to see what direction the force came
7 from.
- 8 Q. Why is that?
- 9 A. If the force came from one direction that would indicate one blow to the head from falling
10 from a bike. If it came from multiple directions, that could mean multiple hits to the head
11 as Dr. Benjamin claims.
- 12 Q. How do you go about determining if it came from one direction or not?
- 13 A. You have to look at the edges of the wound. You see, when the skin is impacted it either
14 absorbs the impact or if the force is too great, it tears the skin from the surrounding skin
15 or the skull. This phenomenon is referred to as undermining. How the tear occurs in the
16 skin and where the skin separates from the skull can indicate the direction of the force that
17 caused the injury.
- 18 Q. What did you find in that regard?
- 19 A. Based on what's found in the autopsy, the laceration on her skull shows superior
20 undermining and that is significant because it's proof that the impact came from one
21 direction, as opposed to her being hit multiple times as Dr. Benjamin claims.
- 22 Q. Why do you say that?
- 23 A. Superior undermining is caused when force is applied from below the laceration and moves
24 upward, as opposed to inferior undermining which would indicate force being applied from
25 above and moving down from the lacerated area. In this case, superior undermining would
26 support my opinion, and inferior undermining would support Dr. Benjamin.
- 27 Q. Was there evidence in the record to indicate that it was superior versus inferior
28 undermining?
- 29 A. Yes. Dr. Benjamin's autopsy document does not indicate the presence of inferior
30 undermining. Therefore, it is my determination that the force that caused the laceration to
31 Ms. Martin-Thom's skull only came from one direction. The force came from below and
32 moved upward. This is consistent with her head striking the ground below. Then, when the
33 right side of her head just above her right ear struck the ground, force from the impact
34 moved in an upward direction and resulted in the superior undermining in the lacerated
35 skin. Simply put, no other directional evidence is present, meaning her skull was struck
36 from one direction.
- 37 Q. Showing you Exhibit 16 what is this?
- 38 A. It's a computer generated image I created to represent the superior undermining as
39 described in the autopsy report. The skin ripped upward away from the force of impact.
- 40 Q. What about the multiple fractures? How can you explain that?
- 41 A. Underneath the lacerated skin, Ms. Martin-Thom suffered from multiple skull fractures, and
42 Dr. Benjamin believes that these multiple fractures are the result of multiple points of
43 impact. While that may be possible, it's more likely that there was one localized area of
44 impact and the resulting fracture became what is known as a comminuted fracture.
- 45 Q. What is a comminuted fracture?
- 46 A. That type of fracture results from a forceful impact that causes the bone to break or splinter
47 into multiple fragments, which is what happened here.
- 48 Q. So one impact caused the bone to splinter into multiple fractures?

- 1 A. Yes, and it is my opinion that her injury was caused by a single forceful impact.
- 2 Q. There's one last area that I'd like to cover and that's the time of death, and the state of
- 3 rigor mortis Ms. Martin-Thom was in when paramedics arrived. Let's start out with you
- 4 telling us what rigor mortis is?
- 5 A. Rigor mortis happens when the muscles of the body become stiff and difficult to move. It
- 6 typically develops slowly in individuals, however, rigor mortis cannot be timed with precision
- 7 as every individual's body and the circumstances surrounding their death vary significantly.
- 8 From my experience, rigor mortis, on average, becomes appreciable after one hour and
- 9 begins in the smaller muscle groups first before developing in the larger muscle groups
- 10 such as the arms and legs. There are many factors that can affect the timing of rigor mortis
- 11 including the temperature of the environment and the physical activity of the decedent prior
- 12 to death.
- 13 Q. Which means what in the context of this case?
- 14 A. Given the lack of information and evidence, it is impossible to determine an exact time of
- 15 death based on the presence of rigor mortis. For example, we have no records to indicate
- 16 the temperature outside or exactly how long she was engaged in physical activity, if that
- 17 was mostly in the sun as opposed to shaded areas. We just don't know.
- 18 Q. Dr. Benjamin mentioned the fact that the EMT report indicates that the paramedic
- 19 struggled to open Ms. Martin-Thom's jaw. Does that provide enough information to make
- 20 a determination as to the state of rigor mortis Ms. Martin-Thom was in?
- 21 A. It's some information but there was no indication that Ms. Martin-Thom's body was
- 22 experiencing the full effects of rigor at the time. For example, the paramedic was able to
- 23 move Ms. Martin-Thom's arm without resistance so a tourniquet or IV could be established.
- 24 Since there was no definitive indication that Ms. Martin-Thom's body was undergoing the
- 25 effects of rigor mortis, it is my opinion that it is possible that Ms. Martin-Thom had died only
- 26 shortly before the paramedics arrived.
- 27 Q. Dr. Lily, based on your experience and review of this case, tell us your ultimate conclusion.
- 28 A. It is my professional opinion to a reasonable degree of scientific certainty that Ms. Martin-
- 29 Thom's death was caused by a single blunt force injury to her head as a result from a fall
- 30 to the ground. The manner of her death was an accident. I declare under penalty of perjury
- 31 that the foregoing is true and correct to the best of my knowledge.

32

33 CERTIFICATION: On June 23, 2021, I, Lee Lily, certify, under penalty of perjury, that I have

34 carefully reviewed the above transcript of my grand jury testimony to determine whether the

35 answers contained are true, accurate and correct, and whether I had any additional information

36 relevant to the matters therein. I hereby certify, under penalty of perjury, that the deposition

37 testimony and transcript are true, accurate and correct, and I have no information relevant to the

38 matters discussed other than what is discussed in this transcript. Everything was covered and

39 nothing was left out.

40

41 Dated: June 23, 2021

42 Signed: Lee Lily, MD

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

<p>THE UNITED STATES OF AMERICA,</p> <p>v.</p> <p>JEFF JOSEPH,</p> <p>Defendant.</p>	<p>NUMBER: CR- 082360-2022 The Hon. Roberto Francesco</p>
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JURY INSTRUCTIONS

INTRODUCTORY INSTRUCTION. Members of the jury, I shall now instruct you on the law that you must follow in reaching your verdict. It is your duty as jurors to decide the issues, and only those issues, that I submit for determination by your verdict. In reaching your verdict, you should consider and weigh the evidence, decide the disputed issues of fact, and apply the law on which I shall instruct you to the facts as you find them, from the evidence.

CREDIBILITY OF WITNESSES. You are the sole and exclusive judges of the believability of the witnesses and the weight to be given the testimony of each witness. In determining the believability of a witness, you may consider any matter that has a tendency reasonably to prove or disprove truthfulness of the testimony of the witness, including but not limited to the following. the demeanor and manner of the witness while testifying; the character and quality of that testimony; the frankness or lack of frankness of the witness; a statement previously made by the witness that is consistent with or inconsistent with the testimony of the witness; the existence or nonexistence of any fact testified to by the witness; the attitude of the witness toward this action or toward the giving of testimony and the conviction of a crime; the intelligence of the witness; the extent of the opportunity or ability of the witness to see or hear or otherwise become aware of any matter about which the witness testified; the ability of the witness to remember or to communicate any matter about which the witness testified; the existence or nonexistence of a bias, motive or interest the in the outcome of the case; and the reasonableness of the testimony of the witness, considered in light of all the evidence in the case and in light of your own experience and common sense.

WITNESS WILFULLY FALSE. A witness, who is willfully false in one material part of his or her testimony, is to be distrusted in others. You may reject the whole testimony of a witness who willfully has testified falsely as to a material point, unless, from all the evidence, you believe the probability of truth favors his or her testimony in other particulars.

WEIGHING CONFLICTING TESTIMONY. You are not required to decide any issue based solely on the number of witnesses that have testified on the opposing sides. The testimony of one witness worthy of belief is sufficient to prove any fact. This does not mean that you are free to disregard the testimony of any witness merely from caprice or prejudice, or from a desire to favor either side. It does mean that you must not decide anything by simply counting the number of

witnesses who have testified on the opposing sides. The final test is not the relative number of witnesses, but the convincing force of the evidence.

DISCREPANCIES IN TESTIMONY. Discrepancies in the testimony of a witness or between the testimony of one witness and that of other witnesses, if there were any, do not necessarily mean that any witness should be discredited. Failure of recollection is common. Innocent mis-recollection is not uncommon. Two persons witnessing an incident, or a transaction, often will see or hear it differently. You should consider whether a discrepancy pertains to an important matter or only to something trivial.

EVIDENTIARY EVALUATION. The evidence in this case consists of the sworn testimony of the witnesses, all exhibits received into evidence, and all facts that may be admitted or agreed to by the parties. In determining the facts, you may draw reasonable inferences from the evidence. You may make deductions and reach conclusions which reason and common sense lead you to draw from the facts shown by the evidence in this case, but you should not speculate on any matters outside the evidence. There are two types of evidence from which you may properly find the truth as to the facts of a case. One is direct evidence and the other is circumstantial evidence. The law makes no distinction between direct and circumstantial evidence in terms of its weight or importance. Either type may be enough to establish guilty beyond a reasonable doubt, depending on the facts as you find them to be.

DIRECT AND CIRCUMSTANTIAL EVIDENCE. Direct evidence is evidence of a fact based upon a witness' personal knowledge, observation, or perception of that fact. A defendant's guilt of a charged crime may be proven by direct evidence if, standing alone, such evidence satisfies you beyond a reasonable doubt of the defendant's guilt. Circumstantial evidence is evidence of a fact from which a person may reasonably infer the existence or non-existence of another fact. A person's guilt of a charged crime may be proven by circumstantial evidence if that evidence, while not directly establishing guilt, gives rise to an inference of guilt beyond a reasonable doubt. Because circumstantial evidence requires the drawing of inferences, you must first decide, from all the evidence presented, what facts have been proven beyond a reasonable doubt. After doing so, you must then determine what facts, if any, can be drawn from those facts. Before you may draw an inference of guilt, however, that inference must be the only one that can fairly and reasonably be drawn from those facts. Such inference must also be consistent with the proven facts and, as noted above, must flow reasonably, naturally, and logically from them. On the other hand, if there is a reasonable hypothesis from the proven facts that is consistent with the defendant's innocence, then you must find the defendant not guilty. Conversely, if the only reasonable inference you find is that the defendant is guilty of a charged crime, and that inference is established beyond a reasonable doubt, then you must find the defendant guilty of that crime.

PRESUMPTION OF INNOCENCE. Throughout the trial, the defendant is presumed innocent. Therefore, you must find the defendant not guilty unless upon the evidence presented, you conclude that the prosecution has proven the defendant guilty beyond a reasonable doubt. In determining whether the prosecution has met their burden of proof, you may consider all the evidence presented, whether by the prosecution or the defendant. In doing so, however, remember that even though the defendant presented evidence, the burden of proving the defendant's guilt beyond a reasonable doubt always remains with the prosecution. Every defendant charged with a crime is presumed innocent until proven guilty beyond a reasonable

doubt. The burden of proof is on the prosecution to prove the existence of all the elements necessary to constitute the crime charged beyond a reasonable doubt.

APPLICABLE LAW: COUNT ONE. TITLE 1, § 15.00 OF THE NEW YORK STATE PENAL CODE (FELONY MURDER IN THE SECOND DEGREE). Under our law, a person is guilty of Murder in the Second Degree when, with intent to cause the death of another person, he or she causes the death of such person. In order for you to find the defendant guilty of this crime, the prosecution is required to prove, from all the evidence in the case, beyond a reasonable doubt, that on or about June 10, 2021, in the City of Syracuse, County of Laurita, State of New York, the defendant, Jeff Joseph, with intent to cause the death of Michelle Martin-Thom, did intentionally cause the death of such person, by causing a blunt force trauma to her head. The following terms used in that definition have a special meaning: **INTENT** means a conscious objective or purpose. Thus, a person acts with intent to cause serious injury or the death of another when that person's conscious objective or purpose is to cause serious injury or the death of another.

APPLICABLE LAW: COUNT TWO. TITLE 1, § 70.15 OF THE NEW YORK STATE PENAL CODE (FELONY TAMPERING WITH PHYSICAL EVIDENCE). Under our law, a person is guilty of Felony Tampering with Physical Evidence when, believing that certain physical evidence is about to be produced or used in an official proceeding or a prospective official proceeding, and intending to prevent such production or use, he or she suppresses it by any act of concealment, alteration or destruction, or by employing force, intimidation or deception against any person. In order for you to find the defendant guilty of this crime, the prosecution is required to prove each of the following three elements: (1) that on or about June 10, 2021, in the City of Syracuse, County of Laurita, State of New York, the defendant, Jeff Joseph, suppressed physical evidence by any act of concealment, alteration or destruction, or by employing force, intimidation or deception against any person; (2) that the defendant did so believing that such physical evidence was about to be produced or used in an official proceeding [or a prospective official proceeding]; and (3) that the defendant did so intending to prevent such production or use. The following terms used in that definition have a special meaning: **OFFICIAL PROCEEDING** means any action or proceeding conducted by or before a legally constituted judicial, legislative, administrative or other governmental agency or official, in which evidence may properly be received. **PHYSICAL EVIDENCE** means any article, object, document, record or other thing of physical substance which is or is about to be produced or used as evidence in an official proceeding. **INTENT**: Intent means conscious objective or purpose. Thus, a person is intending to prevent the production or use of physical evidence in an official proceeding or a prospective official proceeding when his or her conscious objective or purpose is to do so.

BURDEN OF PROOF FOR THE PROSECUTION. The Defendant does not have a burden of proof in this case. Only the Prosecution has the burden of proof. When I tell you that a party must prove something, I mean the party must persuade you, by evidence presented in court, that he or she is trying to prove is more likely to be true than not. This is sometimes referred to as “the burden of proof.” After weighing all the evidence, if you cannot decide whether a party has satisfied the burden of proof, you must conclude that the party did not prove that fact. You should consider all the evidence that applies to that fact, no matter which party produced that evidence. In criminal trials, the prosecution must prove facts showing that the defendant is guilty beyond a reasonable doubt.

REASONABLE DOUBT. Reasonable doubt means a doubt based upon reason and common sense which arises from a fair and rational consideration of all of the evidence, or the lack of evidence, in the case. It is a doubt which is not a vague, speculative, or imaginary doubt, but such a doubt as would cause reasonable people to hesitate to act in matters of importance to themselves. If you find, from the evidence, that every element has been proven beyond a reasonable doubt, you will find the defendant guilty. If you find the prosecution have proven beyond a reasonable doubt each of those elements, you must find the defendant guilty of this crime. If you find the People have not proven beyond a reasonable doubt any one or more of those elements, you must find the defendant not guilty of this crime.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

THE UNITED STATES OF AMERICA, v. JEFF JOSEPH, Defendant.	NUMBER: CR- 082360-2022 The Hon. Roberto Francesco
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JURY VERDICT

COUNT ONE. On the first count of MURDER IN THE SECOND DEGREE, we, the jury, find the defendant, Jeff Joseph:

_____ GUILTY

_____ NOT GUILTY

CHECK ONLY ONE OF THE TWO RESPONSES ABOVE AND THEN MOVE TO COUNT TWO.

COUNT TWO. On the second count, TAMPERING WITH PHYSICAL EVIDENCE, we, the jury, find the defendant, Jeff Joseph:

_____ GUILTY

_____ NOT GUILTY

CHECK ONLY ONE OF THE TWO RESPONSES AND THEN REPORT YOUR VERDICT TO THE COURT.