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Practice Limited to Forensic Medicine & Pathology

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February 19, 2018

Paul R. D'Amato, Esq.
D'Amato Law Firm
2900 Fire Road, Suite 200
Egg Harbor Township, New Jersey 08234

Re: Death of Tiffany Valiante

Dear Mr. D'Amato:

At your request, I have reviewed the following material pertaining to the death of: Tiffany Valiante (Valiante):

- 1) Investigative Report by H. Louise Houseman, including, but not limited to:
 - a) Medical Examiner's file
 - b) Sworn Statements of Engineer and Student Engineer
 - c) Valiante's uncle, Michael Valiante 's Statement to Medical Investigator at scene
- 2) Photographs at scene of body recovery and at the morgue

History

On July 12, 2015 at 11:07 p.m., New Jersey Transit train ran over and mangled a female human body on the train tracks between Cologne Avenue and Genoa Avenue, Galloway Township, Atlantic County, NJ. The Medical Investigator arrived on scene July 13 at 12:45 a.m., according to the official Report of Investigation by Medical Examiner. An external examination of collected remains was performed by Daksha Shah, M. D., designated medical examiner on July 14, 2015, at the Shore Medical Center in Somers Point, New Jersey. Numerous photographs were taken at the scene of death and at the morgue.

Recovered remains were received in a body bag sealed with lock #0002700 with an attached tan identification tag(s) with the number 01-15-0410 and the name Valiante, Tiffany. Identification was reportedly visually established by the decedent's uncle, Michael Valiante. The medical examiner's external examination started at about 12:00 p.m. and was completed at about 12:50 p.m.

Death Scene Investigation

This apparently unnatural death was treated with the assumption that the death was a suicide. This bias negatively affected the way in which the scene was processed by all members of the team, both responding police and medical examiner's staff. A basic tenet of death scene

investigation was violated, "Treat the location as a crime scene until assessed and determined to be otherwise."¹

Duties of the Medical Examiner

It is the primary job of the medical examiner to establish the identity of any human remains whose cause of death is suspicious of being unnatural. Additional deaths coming under medical examiner jurisdiction generally also include unidentified apparently human remains, death while in police or other official custody or due to disease, that may constitute a threat to public health.

In the case of the remains described above, it is my opinion, within reasonable medical certainty the following duties were not performed:

1. Take charge of the remains at the scene of discovery²
2. Scientifically determine the identity of the female deceased
3. Determine the cause of death
4. Make a defensible determination of the manner of death

Scene Procedures

The processing and recovery of the remains was left to New Jersey Transit Police. This resulted in an incompletely documented and disorganized investigation and recovery. My analysis of the scene and morgue photographs showed the random way in which the scene was processed. The recovered fragments, including those photographed with and without numbered cards were packaged together without indication of site of recovery for examination by the medical examiner. The lack of detailed description of the collected remains further complicated the determination of the cause and manner of death. The incomplete investigation began with the lack of the medical examiner taking charge of the remains and ensuring proper documentation and recovery.

Identity of the Deceased

No scientific identification of the remains was made or attempted. Identity was assumed based upon a purported visual recognition by Valiante's uncle, Michael Valiante. Given the extreme mangling of the clearly human remains, no recognition of visible features was possible, no attempt to reconstitute the face was made. No scientific estimate of the stature of the victim was attempted, which could have been done by recovery and piecing together of the femurs, or spinal column length³ whose lengths have been scientifically correlated with stature. Since Valiante was reported to have been 6'3" on the Oakcrest High School website, quite tall for a girl, a scientifically estimated height consistent with 6'3" could have made the identification more probable. The examination report lists the weight of the remains as approximately 180 to 200 pounds." It is not stated that they were weighed. No historical weight of Valiante is noted in the medical examiner's report for comparison. No unique physical features were looked for such as metal prostheses, surgical procedures, healed fractures or unique tattoo was known or ruled in or out. A scene photograph of only a single, injured, kidney was produced; it is undetermined if the victim had two kidneys. No dental or fingerprint comparison was attempted. Although DNA specimen was preserved consisting only of some blood on the bracelet on the victim's wrist, not

¹ *Crime Scene Investigation-Guide for Law Enforcement*. Washington, D.C.: U. S. Department of Justice, 2000:11

² New Jersey Statutes annotated. N.J.S.A. § 52:17B-87.

³ Jason DR, Taylor K. Estimation of stature from the length of the cervical, thoracic and lumbar segments of the spine in American whites and blacks. *J Forensic Sci* 1995;40(1):59-62.

blood or tissue from the remains, no attempt to make positive identification by comparison with her known natural parents was attempted. All the above methods of positive identification are routinely used in aircraft crashes where mangled and visually unidentifiable remains are recovered. Since the recovered remains except for the specimen taken for DNA comparison were cremated, only DNA identification is now possible.

Cause of death

It is my opinion, within reasonable medical certainty, that the cause of death of Tiffany Valiante was undetermined. No identification or examination of the victim's heart was recorded by the medical examiner. No microscopic examination of any of the victim's organs was done to look for possible serious natural disease. No complete radiography of the recovered remains was performed. Thus, the presence of a bullet which could have caused the death was not ruled out. All other unnatural and natural causes have not been ruled out. The completely negative toxicological analysis of the liver and purported stomach contents makes death due to poisoning highly improbable. It is curious that the stomach was sufficiently identifiable to allow submission of stomach contents, yet the heart was not described to rule out heart disease or pre-mortem injury.

Manner of Death

With no cause of death known, no manner of death, natural or unnatural can be determined. The story that the victim jumped onto the tracks is suspect. The victim may have been sleeping or already dead when struck by the train. I have personally investigated a death, which turned out to be a murder by strangulation in which that victim's body was placed with her neck on a railroad track, her body below the neck outside the tracks. Petechial hemorrhages were apparent in the conjunctivae, suspicious for strangulation. Police investigation resulted in arrest and conviction.

I reserve the right to amend or supplement this report upon receipt of additional information.

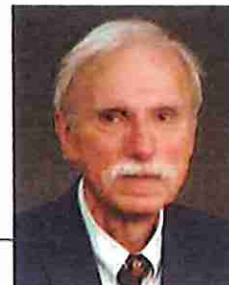
Respectfully submitted,



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Donald Richard Jason

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Special Interests: Cause and Manner of Death
Pain & Suffering in Survivorship Litigation

Education

1962-1966 M. I. T. Cambridge, MA
■ S.B., Chemistry

1966-1970 NYU College of Medicine New York, NY
■ M.D.

1974-1978 St. John's U. School Of Law Jamaica, NY
■ J.D.

Postdoctoral Training

1970-1971 U. Hosp. Of San Diego County San Diego, CA
■ Straight Pathology Internship

1971-1972 Columbia-Presbyterian Med. Cntr. New York, NY
■ Anatomic Pathology Residency

Employment Academic

1974-1977 NYU College of Medicine New York, NY
Dept. of Forensic Medicine
■ Instructor

1992-2000 WFU School Of Medicine Winston Salem, NC
Dept. of Pathology, Autopsy Service
■ Assistant Professor

2000-6/2015 WFU School Of Medicine Winston Salem, NC
Dept. of Pathology, Autopsy Service
■ Associate Professor

6/2015-7/6/2017 WFU School Of Medicine Winston-Salem, NC
Dept. of Pathology, Autopsy Service
■ Professor

7/6/2017-present WFU School Of Medicine Winston-Salem, NC
Dept. of Pathology, Autopsy Service
* Professor Emeritus

Military Service

1972-1973 US Naval Medical Center, Portsmouth, NH
Lieutenant, Medical Corps, Chief of Pathology

(Revised 01/22/18)

1973-1974 US Naval Medical Center, New London, CT
Lieutenant Commander, Medical Corps, Chief of Pathology

Professional

1974-1977 Office of Chief Medical Examiner New York, NY
* Junior Medical Examiner

1977 Office of Chief Medical Examiner New York, NY
* Associate Medical Examiner

1977-1982 Office of Chief Medical Examiner Suffolk County, NY
* Deputy Medical Examiner—Pathologist

1982-1992 Medical Examiner's Office Atlantic County, NJ
* County Medical Examiner
* Designated Forensic Pathologist

1992-present Office of Chief Medical Examiner North Carolina
* Forsyth County Medical Examiner
* Designated Forensic Pathologist

**Professional
Licensure**

1992 North Carolina #35669

**Specialty
Certification**

1976 American Board of Pathology
* Anatomic Pathology
* Forensic Pathology

Bar Admission

1979 New York

**Professional
Memberships**

National Association of Medical Examiners
* Fellow

American Academy of Forensic Sciences
* Fellow, Pathology Biology Section

American College of Legal Medicine
* Fellow

**Lectures and
Speeches**

"Analysis of medical examiner's cases by manner of death, jurisdiction of the medical examiner, and autopsy justification." 30th Annual Meeting, American Academy of Forensic Sciences, St. Louis, Missouri, February 23, 1978.

"An unusual suicide by natural gas asphyxia." 30th Annual Meeting, American Academy of Forensic Sciences, St. Louis, Missouri, February 24, 1978.

"Medical examiner's cremation approval jurisdiction." 32nd Annual Meeting, American Academy of Forensic Sciences, New Orleans, Louisiana, February 22, 1980.

"Cardiac arrest following preoperative intravenous administration of undetermined drug." 35th Annual Meeting, American Academy of Forensic Sciences, Cincinnati, Ohio, February 19, 1983.

"Casino-related deaths in Atlantic City, New Jersey: 1982-86." 40th Annual Meeting, American Academy of Forensic Sciences, Philadelphia, Pennsylvania, February 19, 1988.

"A survey of medical examiner/coroner HIV testing." Annual Meeting, National Association of Medical Examiners, Charleston, South Carolina, September 26, 1994.

"Handedness and lateralizing self-inflicted handgun wounds — determination and correlation." 47th Annual Meeting, American Academy of Forensic Sciences, Seattle, Washington, February 18, 1995.

"A national survey of autopsy cost versus forensic pathology board qualifications." 48th Annual Meeting, American Academy of Forensic Sciences, Nashville, Tennessee, February 23, 1996.

"Answering transplanter queries during medical examiner/coroner investigations." 49th Annual Meeting, American Academy of Forensic Sciences, New York, New York, February 22, 1997.

"Euthanasia and physician-aided deaths in Michigan and beyond." 37th Annual Conference on Legal Medicine, American College of Legal Medicine, Fort Lauderdale, Florida, March 6, 1997.

"The Forensic Pathology of Pain and Suffering." Proving and Improving Damages in a Death Case, Association of Trial Lawyers of America — New Jersey, Edison, NJ, December 6, 1997.

"Elder abuse: an emerging fatal circumstance." 50th Annual Meeting, American Academy of Forensic Sciences, Orlando, Florida, February 14, 1998.

"Non-abusive posterior rib fractures in infants — a post mortem radiologic-pathologic study." 51st Annual Meeting, American Academy of Forensic Sciences, Orlando, Florida, February 18, 1999.

"Medical Examiner's Jurisdiction." Western North Carolina Death Investigation Seminar, Winston-Salem, North Carolina, April 28, 1999.

"Electricity." Western North Carolina Death Investigation Seminar, Winston-Salem, North Carolina, April 28, 1999.

"Web-Based Pathology Instruction in Integrated Curriculum." GRIPE Summer Meeting 2000, Indianapolis, Indiana, June 24, 2000.

"Smallpox and the Medical Examiner/Coroner System." 56th Annual Meeting, American Academy of Forensic Sciences, Chicago, Illinois, February 20, 2003.

"Smallpox and the Medical Examiner." Western North Carolina Death Investigation Seminar, Winston-Salem, North Carolina, March 27, 2003.

"The Forensic Pathology of Pain, Suffering and Death." Doubling Down on Damages, Association of Trial Lawyers of America — New Jersey, Atlantic City, NJ, April 25, 2003.

"Fire Deaths and Drowning." Western North Carolina Death Investigation Seminar, Winston-Salem, North Carolina, April 16, 2004.

"Organ Donation After Cardiac Death and the Medical Examiner." Annual Meeting, National Association of Medical Examiners, Los Angeles, California, October 19, 2005.

"Retinal Hemorrhages in Infants and Young Children Associated with Infections." Annual Meeting, National Association of Medical Examiners, San Francisco, California, September 16, 2009.

"History of the NAME Ethics Committee." Annual Meeting, National Association of Medical Examiners, Holland America Lines MS Westerdam. August 12, 2011.

"Homicide by Unspecified Means Revisited." Annual Meeting, National Association of Medical Examiners, Holland America Lines MS Westerdam. August 12, 2011.

"Postmortem Changes." Western North Carolina Death Investigation Seminar, Winston-Salem, North Carolina, March 31, 2012.

"Death Certification" Western North Carolina Death Investigation Seminar, Winston-Salem, North Carolina, March 22, 2014.

"Finding Overlooked Facts That Prove Conscious Pain & Suffering" Boardwalk Seminar 2015, New Jersey Association for Justice, Atlantic City, New Jersey, April 29, 2015.

"Proving the Quantity and Quality of Pain and Suffering for Seconds, Minutes and Hours" Boardwalk Seminar 2015, New Jersey Association for Justice, Atlantic City, New Jersey, April 30, 2015.

Bibliography
Chapter in Book

Jason D. Broadening of existing medicolegal office education. In: Wecht CH, ed. Legal Medicine 1980. Philadelphia: W.B. Saunders, 1980:137-148.

Jason D. Chapter 35: The Autopsy in Malpractice Litigation. In: Collins KA and Hutchins GM, eds. Autopsy Performance & Reporting 2nd Edition. Northfield, IL: College of American Pathologists, 2003:335-342.

Journal Articles

Jason DR, Taff ML, Boglioli LR. Casino-related deaths in Atlantic City, New Jersey: 1982-1986. Am J Forensic Med Pathol 1990;11(2):112-123.

Jason DR. Angioedema associated with Captopril. J Forensic Sci. 1992;37(5):1418-1421.

Jason DR. The role of the medical examiner/coroner in procurement of organs and tissue for transplantation. Am J Forensic Med Pathol 1994; 15(3):192-202.

Steffee CH, Lantz PE, Flannagan LM, Thompson RL, Jason DR. Oleoresin capsicum (pepper) spray and "in-custody deaths." Am J Forensic Med Pathol 1995;16(3):185-192.

Jason DR. A national survey of postmortem human immunodeficiency virus testing by medical examiners and coroners. Am J Forensic Med Pathol 1995;16(4):325-332.

Jason DR, Taylor K. Estimation of stature from the length of the cervical, thoracic and lumbar segments of the spine in American whites and blacks. J Forensic Sci 1995;40(1):59-62.

Dorthe NJ, Blumenthal TD, Jason DR, Lantz PE. The use of next-of-kin in assessing handedness. Percept Mot Skills 1995;81:203-208.

Jason DR, Lantz PE, Preisser JS. A national survey of autopsy cost and workload. J Forensic Sci 1997;42(2):270-275.

Jason DR, Peterson, BR. Pretrial communication with defense counsel by medical examiners' pathologists. Am J Forensic Med Pathol 1997;18(2):124-128.

Tobin JR, Jason DR, Challa VR, Nelson TE, Sambuughin N. Malignant hyperthermia and apparent heat stroke. JAMA. 2001 Jul 11;286(2):168-9.

Tharp AM, Jason DR. First Time for Everything: Homicide Involving the Brenneke SuperSabot Shotgun Slug. J Forensic Sci 2007;52(2):459-461.

Tharp AM, Jason DR. Anomalous parietal suture mimicking skull fracture. Am J Forensic Med Pathol. 2009 Mar;30(1):49-51.

McCrary MC, Moore BA, Nakagawa TA, Givner LB, Jason DR, Palavecino EL, Ajizian SJ. Disseminated Mucormycosis in an Adolescent with Newly Diagnosed Diabetes Mellitus. Pediatr Infect Dis J. 2014 May 14. [Epub ahead of print]

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Lantz PE, Jason D, Davis GJ. Decreasing the organ donor shortage.
Am J Forensic Med Pathol 1995;16(3):257-259. (Letter)

Jason DR, Davis GJ. What rights do patients have regarding return of
an abortus? CAP Today 1995;9:67