

**DR. ANNA POU'S RESPONSE TO THE ATTORNEY GENERAL'S
SELECTIVE RELEASE OF RECORDS AND EXPERT REPORTS**

**I. THE ATTORNEY GENERAL'S FACTUAL THEORY
IN ACCORDANCE WITH THE EXECUTIVE SUMMARY**

- a. The Attorney General's "summary" admits that another doctor had triage the patients on the 7th floor the night before and all nine patients were category 3 – the most critical and classified as the "very sick."
- b. A second doctor also evaluated these nine patients the night before and orally prescribed "morphine" and an anxiety medication "as needed."
- c. Lifecare personnel statements attributing certain alleged comments by Dr. Pou (e.g. lethal injection or prior conduct) were mistaken or misunderstood and taken out of context given the chaos and confusion. (One of the above doctors even prescribed anxiety medication for the Lifecare staff).
- d. It is also possible that Lifecare's cooperation with the Attorney General is in an effort to deflect attention from Lifecare's failed evacuation plan involving:
 - 1. The transfer of 19 acute care patients (5 of whom are among the nine patients) from a low lying St. Bernard Parish Hospital to the 7th floor of Memorial instead of evacuation to a Northern Louisiana location.
 - 2. An ill advised decision to crowd over 50 acute care patients on the 7th floor of Memorial Hospital without a medical director.
- e. The factual summary suggesting that Dr. Pou at 5'2 in height overrode the will of Lifecare personnel in an effort to give the lethal injections is defied by the fact that the Lifecare pharmacy provided the Morphine and Versed for the patients in question.

II. THE ATTORNEY GENERAL'S FIVE EXPERT REPORTS

- a. For over two years the defense attempted to obtain the forensic information and data from the Attorney General and was denied such information. The Attorney General released the expert report at the press conference.
- b. The defense experts will contradict the Attorney General and his experts in regard to the following:
 1. That Morphine and Versed when mixed together become a "lethal cocktail" guaranteed to kill." (Attorney General's press conference)
 2. Dr. William George a pharmacologist, and toxicologist who served on the faculty at the Tulane University School of Medicine for more than 35 years as Director of Toxicology and Course Director opined:

"There is a clear consensus in the scientific literature that blood levels of Morphine are greatly increased in post-mortern specimens with the passage of time. In the case of these patients, who had been dead for many days, not only would drug redistribution have occurred but body decomposition would also have occurred."

. . . "No blood specimens available for toxicological analysis." . . . "Post mortern drug distribution changes would have resulted, rendering the quantitative measurement of Morphine essentially useless with respect to its identification as a likely cause of death." (Emphasis added)

3. The Attorney General's experts referenced lack of consent forms and medical orders in the hospital records. Dr. Stephen Miles, a Professor of Medicine at the University of Minnesota Medical School, and an experienced Program Director with the American Refugee Committee opined:

“None of the Attorney General's experts seem to be familiar with how the dynamics of a collapsed hospital changes record keeping.”

III. THE APPEARANCE OF WITNESSES AT THE GRAND JURY

- a. It is improper to discuss the evidence which is presented or not presented to the Grand Jury and the criminal District Judge overseeing the case has warned against future comments which might violate the Grand Jury secrecy.
- b. Normally, the prosecutors do not call their experts to testify at the Grand Jury and instead use summaries through other witnesses.
- c. Based upon the Supreme Court pleadings regarding immunity grants, it appears that the eye witnesses (nurses) appeared and therefore the Grand Jury apparently had the factual evidence.
- d. Experts for the defense and the prosecution are extensions of the respective theories in the case, and any jury would ultimately rely on the factual “eye witnesses” to resolve the case. Here, the Grand Jury has apparently done so.

E. CIVIL SUITS

- a. Only 3 patients have sued Dr. Pou and the two nurses, Mr. Nelson's mother is not among those three patients.

F. CONCLUSION

- a. The Attorney General's refusal to recognize the Grand Jury verdict and his effort to retry the case in the media through the selective release of documents and utilization of these experts is merely a

form of character assassination without cross-examination. The Attorney General should accept the decision of the citizens of New Orleans who heard the evidence. It appears that his actions are in an effort to justify his prior arrest of Dr. Pou before the upcoming election in October 2007.

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