

State's Attorneys Appellate Prosecutor



Molly Young Death Investigation

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October 31, 2014

INTRODUCTION

On August 19, 2013, Circuit Judge William G. Schwartz appointed the Office of the State's Attorneys Appellate Prosecutor (hereinafter, "OSAAP") to review the circumstances surrounding the March 24, 2012 death of Molly Marie Young (hereinafter, "Molly"). Specifically, OSAAP was tasked with determining, in accordance with the duties of a public prosecutor, whether sufficient evidence exists to seek an indictment.¹

The result of OSAAP's investigation is that it will not be seeking an indictment at this time. The case, however, will remain open. This, of course, is a trying time for Molly's family and friends. OSAAP is sensitive to that difficulty, and, as prosecutors, our hearts go out to them. This was a thorough, lengthy investigation, and for good reason: it was, and is, important.

As part of OSAAP's investigation, the Director ordered (1) an independent review of the evidence in this case, which included additional scientific analysis of certain pieces of evidence, and (2) further investigation, including, *inter alia*, witness interviews. The directive: "No stone left unturned."

As part of its independent review, OSAAP addressed multiple theories to determine whether those theories had merit and, if so, whether reliance on those theories furthered the ends of

¹ See *Supreme Court of Illinois Rules of Professional Conduct*, Rule 3.8 ("The duty of a public prosecutor is to seek justice, not merely to convict"); Comment 1 to Rule 3.8 ("A prosecutor has the responsibility of a minister of justice and not simply that of an advocate. This responsibility carries with it specific obligations to see that the defendant is accorded procedural justice and that guilt is decided upon the basis of sufficient evidence"); Rule 3.8 cites *People v. Cochran*, 313 Ill. 508, 526 (1924) (holding that prosecutors have a duty to safeguard the constitutional rights of all citizens). See also *The National District Attorneys Association's National Prosecutions Standards*, Rule 1-1.1, The Prosecutor's Primary Responsibilities ("The prosecutor is an independent administrator of justice. The primary responsibility of a prosecutor is to seek justice, which can only be achieved by the representation and presentation of the truth. This responsibility includes, but is not limited to, ensuring that the guilty are held accountable, that the innocent are protected from unwarranted harm, and that the rights of all participants, particularly victims of crime, are respected").

justice in this case. The following is a summary of each of those theories and OSAAP's conclusions as to their independent merit. As part of this report, OSAAP has included an initial "Background" section as an introduction to the case, outlining the events of March 22, 2012, through March 24, 2012.

BACKGROUND

Sometime before 2:00 a.m. on March 23, 2012, Molly's friend, Charles Cullen Stout, dropped Molly off at the home Molly shared with her grandmother after accompanying her to a concert. Around 2:30 a.m., Molly began a series of text-message exchanges with her ex-boyfriend, Richard Lee "Richie" Minton, Jr. (hereinafter, Minton), indicating that she did not "want to live anymore." Minton responded that "nothing[']s gonna happen to [her]" and encouraged her not to "talk that way."²

At approximately 6:00 p.m. that same day, Minton sent Molly a text message asking her whether she was "ok." Around 9:00 p.m., Molly responded that she must have passed out before she could "od." About that same time, Minton arrived at the apartment shared by Chelsea Housden and Elizabeth Sullivan with a bottle of *Jägermeister*. By 10:00 p.m., Molly was texting Minton complaining that she was "throw[ing] everything up." Molly indicated disappointment as follows, "Wish it had worked." Minton responded that he did not want her to do that and that he "still love[d] her." (Molly's grandmother indicated that Molly was sick and throwing up, and that she thought Molly had the stomach flu.)

² According to case reports, Molly (1) had been concerned for approximately a year about surgery she had undergone to remove cancer and (2) had been prescribed medication on March 9, 2012, related to an abortion.

Molly then indicated that she wished she had a gun because “that would make it much easier.” Minton again tried to discourage Molly, texting, “please stop[,] I love you.” Shortly thereafter, Molly sent the following text message to Minton, “I just wish my mom would leave so I could find one of my grandpa[']s guns.” Minton responded, “[M]olly[,] please stop” and “[D]on’t do anything to hurt yourself.” At 10:15 p.m., Molly sent the following text message to Minton, “I tried to kill myself last night.” Minton did not respond, and two minutes later, Molly wrote, “Goodbye [R]ichie.” Beginning at 12:45 that morning (March 23, 2012), Molly had used her personal computer to *Google*-search, “Suicide” at least 25 times. Shortly after sending the 10:15 p.m. text to Minton later that same day, Molly also twice searched the phrase, “[H]ow to get a gun in [I]llinois.”

Shortly after midnight on March 24, 2012—between one-and-a-half and two hours later—Minton, Housden, and Sullivan left the apartment to go to Cali’s bar in Carbondale, Illinois, where the group met up with Chloe Benedict, Michael Pace, and Justin Taylor-Vessel. Minton was drinking what some in the group described as a “pitcher” of *Jack Daniel’s* and *Coke*.

Around 2:00 a.m., the group left Cali’s bar and returned to Housden’s and Sullivan’s apartment. (Minton drove.) While at the apartment, Minton began sending text messages to Benedict—who was also at the apartment—trying to get her to go back to his apartment and sleep with him. Benedict repeatedly declined Minton’s invitations in a series of five text messages sent between 2:23 a.m. and 2:28 a.m. Shortly thereafter, Minton, Benedict, Pace, and Taylor-Vessel left the apartment to take Minton home. Benedict, concerned that Minton was too drunk to drive, drove Minton in his vehicle, while Pace and Taylor-Vessel followed in Benedict’s vehicle.

Meanwhile (around 2:30 a.m.), Wesley Romack, Minton's roommate, who had been at work on the overnight shift at *Panera Bread Company*, sent a text message to Molly to check on her.

Molly responded that she was not doing well. Romack assured Molly that whatever it was, it was not worth a suicide attempt and that things would get better.

Minton, Benedict, Pace, and Taylor-Vessel arrived at Minton's apartment. Contradictory reports show that Pace may have gone inside to use the restroom. The group then left Minton alone in his apartment. At 2:54 a.m., Minton called Molly. Seven minutes later, Minton called Benedict. After that call, Minton again called Molly. Twenty-five minutes later, at 3:28 a.m., Minton sent a text message to Molly asking for "he[l]p." Molly thereafter left her house to drive to Minton's apartment, and approximately 18 minutes later placed three "missed" calls in quick succession to Minton, 3:47 a.m., 3:48 a.m., and 3:49 a.m. (Perhaps close to or outside of Minton's apartment to let him know that she had arrived.)³ Five minutes later, at 3:54 a.m., Molly sent the following text message to Romack (who was still at work): "I'm over her[e] now taking care of [R]ichie because he called me saying [']help['] [M]olly over and over." Two minutes later, Molly added, "He's so drunk he can't walk."

At 4:40 a.m., approximately 45 minutes later, Molly sent the following text message to Romack: "He was texting [Benedict] saying he needed her and asking her to sleep with him. I think I'm gonna shoot myself in the head, I'm really[,] really sorry if you come home [to that]."⁴

³ It is unclear how Molly gained entry to the apartment.

⁴ Romack told investigators that his cellular telephone battery had run down while he was at work and that he had to charge it once he returned home so that he could use it. As such, he did not receive some later texts until after he returned to the apartment he shared with Minton.

Romack arrived home at approximately 5:45 a.m. Having looked in on Minton, Romack sent the following text message to Molly (who was already deceased): “He’s asleep now. I just got home.” After playing some video games and guitar in his bedroom, Romack went to bed.

At approximately 9:00 a.m., Minton woke Romack and told him to call 9-1-1 because Molly was dead and he could not find his cellular telephone.⁵ Minton initially indicated to the 9-1-1 operator that he thought that Molly had over-dosed and was bleeding from her nose, but shortly thereafter he called the Carbondale Police Department’s non-emergency number to say that Molly had apparently shot herself.

Police and paramedics arrived shortly thereafter and found Molly deceased next to Minton’s bed, Minton’s .45 caliber handgun partially exposed under the left side of her body, and Minton sitting in the living room of his apartment. Paramedics quickly determined that Molly had died of a single gunshot wound to the head. (Molly’s time of death was approximately 5:00 a.m.) Minton claimed that he had attempted to resuscitate Molly. Carbondale Police allowed Minton to change clothes, took control of Minton’s pajama-pants—with blood stains on the lower right leg—secured the scene, and escorted Minton and Romack to the Carbondale police station.⁶ Due to Minton’s employment as a Carbondale Police Department dispatcher, the Carbondale Police Chief requested the Illinois State Police be assigned to process the scene and investigate the circumstances surrounding Molly’s death.

⁵ In a follow-up interview conducted after OSAAP’s appointment, Romack indicated that Minton’s cellular telephone was on the bathroom vanity when Romack returned to the apartment from work.

⁶ At least one police report revealed that Minton had washed his hands before police arrived.

Dr. Raj Nanduri's March 25, 2012 autopsy report indicated the manner of death as follows:

"The manner of death is classifiable as suicide." Following a January 2013 Coroner's Inquest, a coroner's jury determined that (1) the cause of Molly's death was "gunshot wound to the head" but that (2) the manner of death was "undetermined due to lack of evidence."

In August 2013, following a thorough review of the evidence, Jackson County State's Attorney, Michael C. Carr, found that the evidence was insufficient to charge the case as a homicide. As part of his written report, State's Attorney Carr emphasized that the case would, and should, remain open, and that the following evidence, among other information, influenced his decision not to proceed with charges:

1. A verbatim reading of a suicide note, written in Miss Young's handwriting, with individual notes to various family members and friends. This note, found by the police on the floor in Miss Young's room at her grandmother's house the day Miss Young died, also had a section addressed to [Minton];
2. A verbatim reading of a comprehensive journal found in Miss Young's bedroom with entries describing a long history of not wanting to live, not feeling loved and wanting to end her life;
3. The disclosure of evidence found on Miss Young's computer, also located at her grandmother's residence, showing that multiple websites had been visited the day before her death related to suicide;
4. Numerous text messages from Miss Young's phone, also read into the record at the Coroner's inquest, explaining, days before her death, an unsuccessful attempt to overdose and her disappointment that her attempt to take her life was unsuccessful[;]
5. Numerous text messages from Miss Young's phone on the night of her death expressing her desire to kill herself and a text message on her phone explaining why she was taking her life.

As previously stated, Circuit Judge Schwartz appointed this office to review the circumstances surrounding Molly's death. This appointment was made at the request of State's Attorney Carr.

Having outlined the background of this case, as well as the procedural history, we turn to our review of several potential theories that this office analyzed—among others—to determine whether those theories had merit and, if so, whether reliance on those theories to pursue an indictment furthered the ends of justice in this case. This office has included analyses of some of these theories to assist the Circuit Court, the family, and the public in better understanding the evidence and how the decision was reached not to seek an indictment at this time.⁷

I. .45 Caliber Firearm (Finger Prints)

The evidence does not support the claim that Minton “wiped the gun down” to eliminate prints. As a practical matter, Minton would have little incentive to “wipe down” the firearm, given that because he owned the firearm, his fingerprints on the firearm would not be unusual. Indeed, wiping down the firearm would bring unnecessary attention to that piece of evidence. Fingerprint evidence merely shows that an individual held a particular firearm at some point in time.⁸ In this case, the fact that Minton held the firearm at some point in time is uncontested.

As for the science, the July 31, 2012 Illinois State Police Lab report revealed “no latent impressions suitable for comparison.” This finding indicates not that the prints had been “wiped away,” but that no impressions were found on the firearm that were suitable for comparison to known fingermarks—that is, no impressions from the firearm were sufficient to compare to Minton’s fingerprint record.⁹ This finding is not unusual, given that retrieving prints

⁷ The list of theories outlined in this report is non-exhaustive. OSAAP thoroughly reviewed this case and scrutinized the evidence in accord with its duties as a prosecuting authority.

⁸ Factors Affecting the Recovery of Latent Prints on Firearms, *Journal of Forensic Identification*, March/April 1997, Barnum & Klasey ATF.

⁹ See *Modern Scientific Evidence*, 2012-2013 Ed., Volume 4, §33:22, pp. 408.

suitable for comparison from handguns is often problematic, particularly when, as here, the firearm has uneven surfaces like serrated stocks and grips.¹⁰

II. DNA Under Molly's Fingernails (Scratches on Minton's back)

The evidence is inconclusive as it relates to the claim that Molly inflicted the scratches on Minton's back. The September 28, 2012 Illinois State Police Lab test of Molly's fingernail clippings (from *both* hands) revealed DNA from three males, one of which, with approximately 95% certainty, was Minton. The important question, however, is whether the amount of DNA extracted from Molly's fingernails was more than would have expected from a casual contact or touch. For example, such DNA can come from using the same hand towel or touching something that someone else had touched.

The fact that Minton has scratches on his right side, middle back, that are not inconsistent with being scratched by Molly, certainly could support the theory that she scratched Minton during an altercation. However, the lack of any other plausible evidence of an altercation¹¹ (police reports indicate that Minton claimed that he may have received the scratches when attempting to resuscitate Molly)¹² and the fact that the scratches could have been inflicted by Molly innocently—for example, by inadvertently scratching him when she rolled him into bed (if

¹⁰ Factors Affecting the Recovery of Latent Prints on Firearms, *Journal of Forensic Identification*, March/April 1997, Barnum & Klasey ATF (also noting that processing prints from handguns with finishes that, as here, are not chrome, smooth nickel, or stainless steel is particularly problematic).

¹¹ Dr. Raj Nanduri's report indicated that "fingernails were intact and no injuries detected", adding "there was no blood present."

¹² See Sgt Dunning's report that indicates that when shown the scratches, Richie "said something to the effect of 'it must have come from Molly when I was cleaning the blood out of her mouth to give her CPR' "; but see Sgt Williams' report that indicates that as to the same statement, "[Richie] began speaking in a low voice that was hard to understand. He made a comment about wiping blood from [Molly's] mouth; and then said that he was walking through the house with no shirt on, and must have scratched himself."

intoxicated, a 190-pound Minton would have been a lot for the 115 –pound Molly to handle)—renders proving, even circumstantially, that Molly and Minton had an altercation that led to the scratches a difficult proposition.

III. The Gunshot

In light of probability that the sound of the gunshot in this case was suppressed, we cannot rule out the possibility, however improbable, that Minton—who the evidence shows was likely intoxicated—(1) could have slept through the noise from the shot, or (2) heard the noise but under the circumstances not recognized it as being a gunshot.

Initially, we note the obvious: the investigation revealed that the firearm made noise when it was fired.¹³ However, the amount of noise a firearm makes depends primarily on the type of firearm. The traditional noise from a firearm is caused, in pertinent part, by the rapid expansion of gasses that push the bullet through the barrel. When the gas is released from the muzzle of the firearm, it creates the sound commonly referred to as the “bang.”¹⁴ As a firearm is discharged when pressed against a soft-tissue surface, it can substantially muffle the sound emitted because the gas that causes the “bang” continues into the closed surface. Here, the evidence shows that Molly’s wound was a “contact wound,” given the powder marks and tearing at the point of entry where the retreating gas broke the skin.¹⁵

¹³ Also of note: No other resident of the apartment complex reported hearing a shot fired.

¹⁴ See *An Introduction to Forensic Gunshot Acoustics*, Beck, Nakasone, Marr, *Acoust. Soc. Am.* 129, 1748-1759 (2011) (wherein FBI forensic scientists explain what causes the “bang” and noting that a separate “crack” can sometimes be heard from a distance, which is caused by the long-distance shockwaves).

¹⁵ <http://www.bmsu.ac.ir/UserFiles/Gunshot%20Wounds%20%20Practical%20Aspects%20of%20Firearms,%20Ballistics,%20and%20Forensic%20Techniques.pdf>

IV. GSR (PGSR) (No Gunshot Residue)

The investigation is inconclusive as to the GSR (PGSR). The fact that the GSR test performed on Minton indicated that he likely did not fire the gun does not implicate or exonerate Minton in this case. The GSR tests revealed that neither Minton nor Molly had a sufficient amount of GSR on their hands to conclude that either one fired a gun. (GSR was, however, deposited on virtually everything in the room, including Molly's shirt sleeve.)

As Dr. Mary Wong's September 14, 2012 Illinois State Police Lab (GSR) report acknowledges, "[T]he subjects may not have discharged the firearm. If they did discharge the firearm, then the particles were removed by activity, were not deposited, or were not detected by the procedure." In other words, the lack of GSR on Molly's hands is not conclusive evidence to show that the lack of GSR on Minton's hands proves she did not fire the gun and that he did.¹⁶ GSR could be absent from Molly's hands for a number of reasons, including, but not limited to, the possibility that the particles were removed by activity postmortem.

V. Minton's Text to Molly for "He[l]p"¹⁷

The investigation shows that it is unlikely that Minton called and texted Molly for "He[l]p" in order to lure her to his apartment so that he could kill her. The evidence reveals that at 3:02

¹⁶ *The Current Status of GSR Examinations*, FBI Law Enforcement Bulletin, May 2011, Trimpe ("In a GSR case, the submitting agency, attorneys, judge, and jury all want to know if the suspect fired a gun. Unfortunately, the presence or absence of GSR on a person's hands cannot answer that question. Rather, as the accepted practice, all positive gunshot residue reports include a qualifier, such as 'The presence of primer residue on a person's hand is consistent with that person having discharged a firearm, having been in the vicinity of a firearm when it was discharged, or having handled an item with primer residue on it.' Conversely, negative GSR reports often contain a qualifying statement, such as 'The absence of gunshot residue on a person's hands does not eliminate that individual from having discharged a firearm'").

¹⁷ The text extracted from Minton's cellular telephone indicated "He p." OSAAP has added the "[l]" for readability, indicating a text for help.

a.m. on March 24, 2012, Minton placed a call from his cellular telephone to Molly's cellular telephone. The evidence does not reveal the content of that conversation. Twenty-six minutes later, however, at 3:28 a.m., Minton sent a text from his cellular telephone to Molly's cellular telephone that read, "He[l]p." Nineteen minutes later,¹⁸ beginning at 3:47 a.m., Molly placed three calls to Minton from her cellular telephone in quick successive, one at 3:47 a.m., one at 3:48 a.m., and one at 3:49 a.m. Minton did not answer any of these calls. Five minutes later, at 3:54 a.m., Molly sent the following text message to Romack: "I'm over here now taking care of [R]ichie because he called me saying help [M]olly over and over."¹⁹ At 3:56 a.m. Molly sent Minton's roommate another text message that read, "he's so drunk he can't walk." The cargo shorts that Minton was wearing that night support that proposition in so much as they reveal evidence of vomit.²⁰

While not conclusive, this evidence, along with other witness statements as to Minton's intoxicated state that night, demonstrates that Minton's requests for help from Molly were likely designed to convince her to drive to his apartment in the early morning hours to assist him. It is not improbable that Minton had become ill from the excessive amount of alcohol he had consumed and needed help to get himself cleaned up and into bed.

¹⁸ The drive time between the home Molly shared with her grandmother and Richie's apartment was approximately 5 miles (9 minutes). See <http://www.mapquest.com/>

¹⁹ As previously discussed, it is unclear how Molly gained entry to Minton's apartment.

²⁰ The Illinois State Police report from September 20, 2012, indicated that "Yellowish-brown vomit-like stains were observed on the lower inner thigh area of both the front and rear sides" of Minton's shorts.

VI. Left-Hand versus Right-Hand

The investigation shows that Molly certainly could have shot herself using her left hand.

Although statistically, most individuals who shoot themselves do so using their dominant hand, that is not always the case.²¹

The crime scene reveals evidence that Molly could have shot herself using her left hand. First, the firearm was recovered from the left side of Molly's body. Additionally, Molly's cellular telephone and a bottle of pills were found next to Molly's right ankle, indicating that she may have been holding those items in her right hand while she had the firearm in her left hand shortly before shooting herself. In short, while not conclusive, it is certainly possible that Molly could have shot herself using her left hand. The evidence is therefore inconclusive as to how, or with what *hand or hands*, the shooter held the firearm.

VII. Blood on Minton's Pajama-Pants

The investigation shows that the blood found on Minton's pajama-pants does not tend to implicate or exclude Minton as the shooter. As part of a September 20, 2012 Illinois State Police Crime Scene Report (Blood Stain Pattern Analysis), CSI Sergeant DeWayne Morris made the following scientific observation as to Minton's pajama-pants: "At least (50) individual drops varying in size *** were located along the front side of the right pants leg." These drops were found approximately 2 feet above the ankle and extended from the inseam approximately 5

²¹ See <http://www.ncbi.nlm.nih.gov/pubmed/22083074> (noting that most cases studied involved the right temple as the site of entrance gunshot wound (about 67%), followed by the mouth (16%), forehead (7%), left temple (6%), submental (2%), and parietal region (1%). The left temple, right temple, and forehead were the sites of the gunshot entrance wounds, which were the best predictors of the handedness of the deceased).

inches. The “mechanism of deposition,” however, was “undetermined.” In other words, the scientist could not determine whether the blood was “spattered”—indicating that Minton may have fired the shot—or whether it was “transferred”—indicating that the blood was transferred when Minton moved Molly’s body trying to resuscitate her.²² The examiner also found at least 50 similar drops on the “rear side of the right pants leg.” The result of that observation was the same: The “mechanism of deposition,” again, “undetermined.”

Accordingly, OSAAP can conclusively report that Minton’s pajama-pants had blood on the right pant leg, front and back, approximately 2 feet above the ankle. However, what OSAAP cannot conclude with reasonable certainty is how that blood came to rest on Minton’s right pant leg.

VIII. Trajectory of the Bullet

The investigation and review show that the trajectory of the bullet does not exclude Minton as the shooter. Dr. Raj Nanduri’s March 25, 2012 autopsy report reveals a contact wound to Molly’s left frontal scalp. The bullet entered approximately 2 inches above Molly’s ear and approximately 2 inches from her midline, traveling toward the rear of her skull at a “slightly downwards” angle. The bullet struck the rear inner surface of Molly’s skull (the endocranium) and ricocheted into the top of her brain.

In short, the trajectory of the bullet was linear, front to back, and downward, rather than lateral—that is, one that runs side to side. Lateral trajectories are more common to suicides

²² See http://www.fbi.gov/about-us/lab/forensic-science-communications/fsc/april2009/standards/2009_04_standards01.htm/ (defining, among other terms, blood “spatter” and blood “transfer”).

than downward, linear, front-to-back trajectories.²³ Accordingly, the evidence shows that, while not conclusive, the trajectory of the bullet does not exclude Minton as the shooter. This is not to say, however, that Molly could not have fired the bullet in a downward, linear, front-to-back trajectory, merely that it is uncommon to suicides involving a handgun. Thus, this evidence is ultimately inconclusive as to who fired the shot that killed Molly.

IX. Minton's State of Intoxication

The investigation and review suggests that Minton was likely intoxicated the night Molly died. Although the results of Minton's blood-alcohol test show that if he was intoxicated, the alcohol had dissipated, the blood-draw for that test was not conducted until 7:10 p.m. on March 24, 2012 (approximately 14 hours after Molly's time of death). Thus, the blood test is not helpful to an analysis of the state of Minton's intoxication at the time Molly died.²⁴ Nevertheless, the evidence available—namely, (1) statements from witnesses who saw Minton drinking *Jägermeister* and a "pitcher" of what appeared to be *Jack Daniel's* and *Coke* into the early morning of March 24, 2012, (2) witnesses who observed that Minton's ability to walk was impaired, (3) the fact that Benedict had to drive him to his apartment, and (4) the vomit

²³ <http://www.ncbi.nlm.nih.gov/pubmed/12376836> ("The typical entrance wound sites in suicides were the temple (36%), mouth (20%), forehead (11%) and left chest (15%) but uncommon entrance wound sites such as the eye, ear, and back of the neck and head were also encountered. In suicidal gunshots to the right temple (n=107), only 6% of the bullet paths were directed downwards and only 4% were directed from back-to-front. In gunshots to the left chest (n=130), bullet paths running right-to-left or parallel occurred frequently in suicides (75%) and infrequently in homicide victims (19%). From 61 suicides who fired the gun inside their mouth, only 1 pointed the gun downwards. Consequently, some bullet path directions cannot be considered indicative of suicide: downwards and back-to-front in gunshots to the temple, left-to-right in gunshots to the left chest and downwards in mouth shots. The isolated autopsy findings can only be indicative of suicide or homicide but the combined analysis of several findings can be associated with a high probability").

²⁴ *Alcohol Toxicology for Prosecutors*, pp 16, National District Attorneys Association, 2003 ("The average rate of elimination (combining metabolism, excretion and evaporation) is between 0.015 to 0.018% per hour. Expressed in terms of common alcohol measurement units this is 0.015 - 0.018 g/100 mL or g/210 L per hour").

observed on the shorts that Minton had worn on March 23 and 24, 2012—suggests that Minton was intoxicated at the time of Molly's death.

Given the totality of the evidence, Minton was likely intoxicated at the time of Molly's death. Our conclusion in this regard, however, does not foreclose the possibility that Minton fired the shot that killed Molly. Instead, this conclusion merely renders improbable the theory that Minton is lying about being intoxicated.

X. Potential Witnesses

As part of this investigation, Special Agent Aaron Cooper from the Illinois State Police followed-up on several potential additional witnesses. As part of the investigation, Special Agent Cooper re-interviewed several witnesses as a follow-up to the Carbondale Police Department's March 24, 2012 canvass of the apartment complex. Special Agent Cooper's follow-up produced not a single person who would say that he or she observed any suspicious activity near or at the apartment prior to 9:00 a.m. the morning of Molly's death. Accordingly, the interviews of potential witnesses do not weigh in favor of or against proceeding with a prosecution.

XI. Molly's Cellular Telephone

This investigation also analyzed whether Molly's cellular telephone was compromised so that certain messages were deleted or added by someone potentially covering for Minton. A review of the evidence reveals that Molly's cellular telephone was recovered at the scene, partially

under her leg. The evidence further shows that the cellular telephone was immediately taken into police custody and no one had an opportunity to compromise Molly's telephone.²⁵

Underlying the allegations regarding Molly's cellular telephone is that the Carbondale Police Department mishandled the investigation and engaged in an effort to protect the Minton family. At 9:44 a.m. on March 24, 2012, the Carbondale Police Chief requested that the Illinois State Police assume responsibility in conducting the investigation into Molly's death. Illinois State Police Lt. Stan Diggs was assigned to take control of the scene at 10:33 a.m. As with any investigation, certain aspects of the initial investigation may have fallen short of the ideal. However, not a shred of credible evidence exists that the Carbondale Police Department or the Illinois State Police engaged in an effort to protect Minton or any member of his family by ignoring or manipulating evidence.

XII. Molly's Computer & the Concert with Stout

This investigation also considered the potential discrepancy between the time Stout (who had attended a concert with Molly late into the evening on March 22, 2012) reported that he dropped Molly off at her grandmother's house (Stout's statement to investigators indicated that it was "approximately 2:00 a.m.") and the internet searches for "suicide" that began at approximately 12:45 a.m. on March 23, 2012,²⁶ that were recovered following a forensic examination of Molly's computer. The results were that (1) there was no indication that the

²⁵ Molly's cellular telephone and Minton's cellular telephone were searched on March 27, 2012, by FBI Special agent Ron Bratcher using a Cellebrite Universal Forensic Extraction Device.

²⁶ The last search for "how to get a gun in Illinois" was made at approximately 10:30 p.m. on March 23, 2012.

computer had been improperly manipulated or tampered with in any way²⁷ and (2) Molly engaged in a lengthy *Facebook* exchange with Breyton Ridgely (her former boyfriend who was no longer residing in Illinois) after returning from the concert with Stout on March 23, 2012.²⁸ As part of that *Facebook* exchange, Molly indicated that she had been out with Stout and that she (1) had “been suicidal for weeks,” and that she “didn’t have any fun at all” at the concert because of issues with Minton and “stuff about [her] life.”

While not conclusive, this evidence strongly suggests that Stout dropped Molly off at her grandmother’s home by 12:30 a.m. on March 23, 2012.

XIII. The 9-1-1 Call

This investigation also focused on the CAD Operations Report that indicated that the “Caller Location” of the 9-1-1 call from Minton was “1940 W. Sycamore Street – NW Sector.” That location was approximately one mile from Minton’s apartment, near a *Denny’s Restaurant*.²⁹ That “location,” however, was not the location from which the cellular telephone call was made; rather, according to the 9-1-1 dispatch sergeant, Sergeant Stacey Stark, when, as here, 9-1-1 calls come in from a cellular telephone, the system lists the address of the cellular tower

²⁷ The laptop computer was taken into evidence and marked in chain of custody shortly after Molly’s room was searched.

²⁸ Illinois State Police investigators confirmed the *Facebook* exchange, and its content, in an April 4, 2012 interview with Ridgely.

²⁹ Larry Young, Molly’s father, posited that he had been told by an unnamed private investigator two days after Molly’s death that Minton, Romack, the Minton family, and Minton’s lawyer met at *Denny’s* before Minton called 9-1-1. Larry allegedly reported that to Lt. Stan Diggs of the Illinois State Police. This investigation requested surveillance video from *Denny’s* and surrounding businesses in and near the Murdale Shopping Center: no surveillance was available. Moreover, the investigation revealed that Lt. Diggs had no recollection that anyone had ever reported to him anything about the allegations regarding *Denny’s* or witnesses who saw Minton there before calling 9-1-1.

through which the call is being routed—*not the location from which the call is actually made*—as the address of the call.

This investigation also considered the fact that Minton first reported to 9-1-1 dispatch that Molly had overdosed but shortly thereafter called back on a non-emergency line to report that she had apparently shot herself. The result of a review of the 9-1-1 call is that this does not tend to implicate Minton. It is very unlikely that Minton would report that Molly had overdosed when he knew that police would discover she had succumbed to a gunshot wound to the head when they arrived. Any discrepancy in the report of the manner of death would only tend to implicate him. Instead, the evidence shows that Minton likely woke up, saw Molly lying in the floor with blood on her face—knowing that she had attempted to kill herself the night before by overdosing on medication—and assumed that she had tried to overdose on medication again. When Minton returned to perform CPR, he discovered the extent of her wounds and, at that point, called the non-emergency number to report that she had shot herself.

CONCLUSION

Although this was a tragic end to a young lady's life, there is simply insufficient evidence at this time to charge anyone as accountable for a murder. This remains an open case. This allows anyone to still come forward with information that would advance the theory of a homicide rather than a suicide. The reality of a criminal prosecution is that once an indictment is issued, the prosecutor must be armed with the same evidence he or she would need to meet the

burden of proof of beyond a reasonable doubt. Such a threshold cannot be met under the facts of this case at this time.



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